

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

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

DATE: OCTOBER 7, 2009

MEMO TO: CUMBERLAND COUNTY BOARD OF ADJUSTMENT

FROM: CUMBERLAND COUNTY PLANNING & INSPECTIONS DEPARTMENT

SUBJECT: TENTATIVE AGENDA

A meeting of the Cumberland County Board of Adjustment will be Thursday, October 15, 2009 at 7:00 p.m. in Hearing Room #3 of the Historic Courthouse at 130 Gillespie Street. The Tentative Agenda is as follows:

1. ROLL CALL
2. APPROVAL OF THE SEPTEMBER 17, 2009 MINUTES
3. ABSTENTIONS BY BOARD MEMBERS
4. PUBLIC HEARING DEFERRALS
5. BOARD MEMBER DISCLOSURE
6. POLICY STATEMENTS REGARDING APPEAL PROCESS READ
7. PUBLIC HEARING(S)
 - **P09-08-C:** CONSIDERATION OF A REQUEST FOR THE MODIFICATION OF AN APPROVED SPECIAL USE PERMIT (NÉE SPECIFIED CONDITIONAL USE) FOR A DAY CARE FACILITY IN A R10 RESIDENTIAL DISTRICT ON 0.63+/- ACRES, LOCATED AT 4820 CAMDEN ROAD, SUBMITTED AND OWNED BY WILLIAM AND ANGELA WRIGHT.
8. DISCUSSION
9. ADJOURNMENT



Members:

George Quigley, Chair
Oscar L. Davis, III, Vice-Chair
Steve Parsons
Melree Hubbard Tart
Joseph Dykes
John Swanson

Alternates:

Martin J. Locklear
Horace Humphrey
Carrie Tyson-Autry
William Lockett Tally

Cumberland County Board of Adjustment

130 Gillespie Street
Fayetteville, NC 28301
(910) 678-7603

MINUTES
SEPTEMBER 17, 2009
7:00 P.M.

Members Present

George Quigley, Chair
John Swanson, Vice-Chair
Steve Parsons
Horace Humphrey
Martin Locklear

Absent Members

Joseph Dykes
Melree Hubbard Tart
Oscar L. Davis, III

Staff/Others Present

Patricia Speicher
Pier Varner
Angela Perrier
Laverne Howard

Chair Quigley called the meeting to order at 7:00 p.m. in Public Hearing Room # 3 of the Historic Courthouse.

1. Ms. Speicher swore in Mr. Swanson as a permanent regular board member.
2. ROLL CALL

Mrs. Varner called the roll and a quorum was present. Mr. Dykes, Mrs. Tart, and Mr. Davis all excused.

3. APPROVAL OF THE AUGUST 20, 2009 MINUTES

Mr. Humphrey asked that a correction be made to show that he should not have been listed as absent on the minutes.

A motion was made by Mr. Locklear and seconded by Vice-Chair Swanson approving the minutes with the correction that all alternate members be removed from the absent members list. The motion passed unanimously.

4. ABSTENTIONS BY BOARD MEMBERS

There were no abstentions by Board Members

5. PUBLIC HEARING DEFERRALS

There were no deferrals.

6. BOARD MEMBER DISCLOSURE

There were no Board Member disclosures

7. POLICY STATEMENTS REGARDING APPEAL PROCESS READ

Mrs. Varner read the Board's policy regarding the appeal process to the audience.

8. BOARD HEARING(S)

Opened Public Hearing

- **P09-07-C:** CONSIDERATION OF A SPECIAL USE PERMIT TO ALLOW A DAY CARE FACILITY IN A R10 RESIDENTIAL DISTRICT ON 5.90+/- ACRES, LOCATED AT 1620 LILLINGTON HWY (NC HWY 210), SUBMITTED BY DEBORAH CORAM ON BEHALF OF AND OWNED BY UNITED PENTECOSTAL CHURCH OF SPRING LAKE.

Mrs. Varner presented the zoning, land use and photos of the site to the Board.

MRS. VARNER: Noted that the subject property had an additional lot; Lot #2 is adjacent to the religious worship facility and the family life center and belongs to John Sticht. (Showed location of house)

CHAIR QUIGLEY: Is that house occupied by a family?

MRS. VARNER: Yes it is being rented right now. John Sticht has passed away and his daughter is the new owner, Patricia Sticht.

MS. SPEICHER: For the record, this information was told to Mrs. Varner by a third party, it's nothing we have verified or documented.

CHAIR QUIGLEY: So we don't know who has title to the property.

MS. SPEICHER: That is what she was told, but we did not do a title search.

MR. SWANSON: Is Lot #2 included in the 5.90 acres?

MRS. VARNER: No sir.

MR. SWANSON: What is the size of Lot #2?

MRS. VARNER: Lot #2 is 0.39 acres.

MR. LOCLEAR: The house on Lot #2, have there been any phone calls or objections from those property owners?

MRS. VARNER: No sir.

MR. LOCKLEAR: Is that house associated in any way with the church or the other facility?

MRS. VARNER: Not that I know of.

MR. LOCKLEAR: Right now the church and the family life center is functioning on a regular septic tank and does not have public sewer, is that the case?

MRS. VARNER: * Yes, they have a septic system, and by the Health Department comments the applicant will probably be required to have an inspection. Because they are adding in a total of 75 children plus 11 employees.

MR. LOCKLEAR: Is there public sewer available?

MRS. VARNER: Not that I know.

MS. SPEICHER: Yes there is public sewer available, however, Cumberland County does not require new connections unless new structure or new utilities are being proposed, but in this case the buildings are existing.

MR. LOCLEAR: If you look at the lower half of the parking area on the site plan, there is a driveway on top, but when I pulled this up today and was looking at it there is another driveway that sits in front of that family life center. Is there any reason why that wasn't shown? I see the 20' easement that runs back to the house, but I think the actual driveway sits in front of that family life center and then directly in front of the family life center there are some parking spaces there, that I don't know how you would get to them unless you drove through the other parking spaces because there's no drive aisle to get to them, are those parking spaces?

MS. SPEICHER: Mr. Locklear the religious worship facility has an easement with the Lot #2 property owners for crossing and using the existing driveway.

MR. LOCKLEAR: Is this the official site plan?

MRS. VARNER: Yes sir.

MS. SPEICHER: Regarding the driveways, Department of Transportation (DOT) requires a new driveway permit, which is condition #14 on the ordinance related conditions sheet.

MR. LOCKLEAR: I still think you need to amend your site plan because right there you have a driveway, that's not your driveway right there, that's where the easement is but your driveway is right there (indicating on site plan).

MR. SWANSON: In the request it says "facility in a R10 Residential district", but I'm looking at the Zoning Ordinance for Cumberland County and I'm specifically looking at the table of contents, I don't see an R10 zoning.

MS. PERRIER: It's changed to R7.5

MR. SWANSON: So all the requirements regarding nonconforming zoning violations would be not in regard to R10 zoning but it would be in regard to R7.5 zoning.

MRS. VARNER: Yes sir.

MS. SPEICHER: On page 33 of your ordinance section 309 subsection d, you will see where R10 Residential was made a corresponding district to R7.5.

MR. LOCKLEAR: Are there any buffer requirements for the parking area in your ordinance?

MRS. VARNER: Yes sir. We have a buffer requirement, section 1102.G and it is mentioned in the conditions that the applicant has to show a buffer. Any non-residential use must put a buffer when abutting a residential zoning district.

MS. SPEICHER: We do not in Cumberland County require buffering around parking lots like Harnett County does. When buffers are required, Code Enforcement will not issue final permits until buffers are in place.

MR. LOCKLEAR: Do you know where the right-of-way is along Hwy 210, does it come all the way into that parking lot? Could you buffer the front part of that parking lot?

MR. PARSONS: We don't buffer parking lots, we buffer residential properties.

MR. LOCKLEAR: I realize that, but you can buffer parking lots for aesthetics. You may not care about aesthetics, but that's why you buffer. I'm sorry I'll change buffer to streetscape, does that sound better for you?

MR. PARSONS: I think we are a little out of scope here.

MS. SPEICHER: Mr. Locklear, if you're talking in regard to landscaping, landscaping standards only apply when the structures were pre-existing to the landscaping standards being adopted, the new standard only applies to any new construction, which is why we do not have or show any landscaping on a site plan because the ordinance doesn't require it.

CHAIR QUIGLEY: Monica Matthewson please come to the podium. (Swore in Ms. Matthewson)

CHAIR QUIGLEY: Are you located (live) anywhere in proximity to the property?

MS. MATTHEWSON: I am approximately 2 miles away.

CHAIR QUIGLEY: What is your statement in support of this Special Use Permit?

MS. MATTHEWSON: First I would like to note that the parking is proposed, it is not paved its still grass. We do not use it as parking right now. That's probably why there was some confusion with that. That is something we plan on doing in the future, once we grow. I really don't have much to say unless there are questions regarding the facility.

MR. LOCKLEAR: You've got a drop off area proposed, I read the ordinance today and a drop off area is required, you don't have a drop off area for the family life center for the kids and so I'm thinking the cars staging and going into the parking lot would be all the kids transferred down to the other drop off area or would you propose to put a drop off area in front of the family life center also?

MS. MATTHEWSON: Actually, all of the kids will be dropped off at the same drop off area and escorted by the supervising teachers to the family life center.

MR. LOCKLEAR: How are you going to handle the traffic coming in? Right now this place is used as a church, which is probably used Wednesday and Sunday. We will start going Monday through Friday and so the people that live in this house will start seeing at the very least 75 cars at the max on a daily basis come in at 8:00 am maybe leave again at 5:00 pm. How do you anticipate staging that traffic? I realize they will have to get DOT permits and DOT may require turning lanes and all those fun things, but once they get onto the property how exactly will you facilitate that traffic at that point?

MS. MATTHEWSON: We will probably ask and require that most parking take place down towards the actual church and not the family life center for that reason. We don't want that much traffic up there because of the children.

MR. LOCKLEAR: Would you object to creating a one way traffic situation where you come in one side and egress out the other side? Maybe add some signage to make that happen.

MS. MATTHEWSON: I would not object. That would probably make our job a lot easier.

MR. LOCKLEAR: I see a lot of daycares and that tends to be the biggest question. The other thing I noticed is that on your parking lot area, this is real typical for schools and daycares, creating a barrier between where you are actually dropping the kids off and your actual building, wheel stops, some people refer to them as the concrete blocks that you have out there, I know you have some on the church side, but you have very few if any on the family center side. Would you have any problem if we required you to get a few of those to put in place?

MS. MATTHEWSON: If there's no parking near the family life center would that be required?

MR. LOCKLEAR: Even if you didn't have what you said is really not parking, you would have your first row of parking, and I don't think you really have anything there. Let's just say grandma comes and drops off the kids throws it in reverse and blows through and runs over four or five of them. That's why you would need them there. Would you have any objection to having a few more?

MS. MATTHEWSON: I don't see where that would be an issue, how many more are you talking about?

MR. LOCKLEAR: Just however many parking spaces you have that along the building. It wouldn't be that many.

MS. MATTHEWSON: That shouldn't be a problem.

MR. LOCKLEAR: Are you guys going to hook onto public sewer or are you going to try and keep the septic tank that you have in place, or do you know.

MS. MATTHEWSON: I'm not sure, I would assume that we are going try and keep what we have in place.

MRS. VARNER: The loading and unloading spaces are part of the pre-zoning building permits, and we are putting that on the conditions that they need to go through a revised site plan and

show their spaces, loading and unloading. No handicap space can be used for loading and unloading.

MR. SWANSON: Do you have any information, pro or con, if the proposed Special Use Permit that you are requesting will have any impact on the subject property or adjoining properties? Will it make property values go up will it make it go down?

MS. MATTHEWSON: I don't think it will really change anything, as far as lot #2 we are currently in the process of trying to purchase that. That will make our property go up, but other than that I don't see where it will effect anything across the street, because we really aren't adding anything to what we already have.

MR. SWANSON: This may not be a fair question, but do you know if the church consulted any real estate professionals who have expertise in rendering those types of opinions.

MS. MATTHEWSON: As far as the values, no.

MR. SWANSON: To the best of your knowledge, what is the closest daycare to this one?

MS. MATTHEWSON: To the best of my knowledge, the closest one is probably about 3 miles down, towards Spring Lake, on the opposite side of the road.

MR. SWANSON: Can you just kind of generally describe the property to the north, south, and across the street.

MS. MATTHEWSON: To the right of the building, I guess that would be the north, is just woods, natural habitat. Across the street there is a newly built apartment complex, and to the left side more natural habitat and I believe a house or two, but there is a barrier there and behind is also natural habitat.

MR. SWANSON: Maybe an unfair question, but are any of the residents in the apartments across the street, are they members of the church as far as you know?

MS. MATTHEWSON: No sir.

MR. PARSONS: What times of day do you anticipate having the bulk of your traffic?

MS. MATTHEWSON: The bulk of my traffic will probably be from 5:30 – 6:30 in the morning and in the afternoon from 5:00 – 6:00.

MR. PARSONS: Do you anticipate any problems with traffic from Lillington Highway at that time of day?

MS. MATTHEWSON: With the new complex, I'm not sure, I know this is a military community and I'm sure that there will be a lot of people going to work. I really don't think so because I do this almost every day and it's a pretty good flow out there, it's not that crowded and our parking lot is a pretty good size.

MR. LOCKLEAR: Have you had an opportunity to talk to DOT yet?

MS. MATTHEWSON: No.

MR. LOCKLEAR: So you don't know what they are going to require?

MS. MATTHEWSON: No, not yet. But we are willing to do what we have to do to meet the requirements.

CHAIR QUIGLEY: Called Mr. Wilkes to come forward. Mr. Wilkes declined to speak.

MRS. VARNER: The DOT's comments were that the developer needs a driveway permit and that turn lanes may be required.

Public Hearing closed

MR. SWANSON: Asked to see the residential zoning map. Was there any discussion with the Town of Spring Lake in terms of this request?

MRS. VARNER: Yes sir, we sent a courtesy copy to the Planning Director, Mr. Tom Spinks, and the comments were "no objections to the case".

MR. PARSONS: Is there sufficient existing parking to meet the requirement for both the church and the daycare presently?

MRS. VARNER: According to my knowledge, if they remove the existing house they can provide more spaces on that side, actually right now they have 94 parking spaces that they are showing on the site plan. They have a lot of parking spaces.

MR. PARSONS: Thirty-three are required for the church.

MRS. VARNER: Yes, according to the seating capacity for the religious worship facility which is 166.

MR. PARSONS: So the site plan is adequate for both the church, for the number of people in the daycare and the employees.

MRS. VARNER: Yes sir, since these non-residential uses are going to be working in different hours, it wouldn't be a problem with the parking spaces.

MR. SWANSON: This may be an unfair question, but do you know who provides responses in case of fires? Is it the Town of Spring Lake?

MRS. VARNER: I do not have that information, but I can provide that later.

MS. SPEICHER: We sent a request to the County Fire Marshall and it came back with no comments.

MR. SWANSON: Had there been an issue with safety, with the Fire Marshall would have made some kind of comment on his return correspondence back to the staff.

MS. SPEICHER: In many cases they do.

MR. SWANSON: So, no comment means no issues concerning safety and stuff like that.

MR. PARSONS: We may have covered this before, but has there been any expressions by letter or telephone of concerns.

MRS. VARNER: No sir, I have not received any phone calls.

MR. LOCKLEAR: When this case leaves here, it goes for a full site plan review I assume.

MS. SPEICHER: No sir, this is it as far as the Board of Adjustment for a Special Use Permit. Then it goes to Inspections for a full plan review. We do have a full detailed site plan on file.

MR. LOCKLEAR: To me the parking is shown up around the building, whether it's built or not, it's inaccurate.

MS. SPEICHER: Some things on the site plan are proposed such as the parking and the buffer is existing. They couldn't put the structure there until the site plan was approved.

MR. LOCKLEAR: I understand the process and how it works, I just have concern with the driveway access being I the wrong spot and parking shown next to the building that's not really there.

MR. PARSONS: I guess we're just a little bit beyond, the process is to see if we have a problem with the four case facts, with the approval of this use which is guaranteed, and a permitted use, we have to address the four case facts that are in your book.

MR. LOCKLEAR: I'm aware of how it works and the process.

MR. PARSONS: Perfect, and we may levy additional requirements that will then be part of the amended site plan. But they don't really need to get into the weed level until we get through this wicket, because we may say they can't do it.

MR. LOCKLEAR: That's completely fine, but she just said that they didn't review any more site plan after this one right here.

MR. PARSONS: All we're doing is approving the special use.

MR. LOCKLEAR: I'm fine with it, and I understand how the Board of Adjustment works and the use and what we're required to do tonight. You're not only looking at the use, but potential safety issues that this project could bring to the citizens and whoever uses it.

MR. PARSONS: Absolutely, case fact #4.

MR. LOCKLEAR: Exactly, you might want to when you look at that have an accurate site plan to depict how you're going to get in, ingress and egress the property. That's what I was getting at.

MR. QUIGLEY: That's covered in the site related requirements for this project.

A motion was made by Mr. Swanson, seconded by Mr. Humphrey that the use will not materially endanger the public health and safety if located according to the preliminary plan as submitted in its recommended subject to any modifications required by County, State, or Local agencies. We've had no information to the contrary. The use meets all required conditions and specifications that's currently contained in the zoning ordinance, and have had no testimony to the contrary. Based on the testimony provided the use will maintain or enhance the value of adjoining or abutting properties, giving that across the street is an apartment complex, and to the north and south are undeveloped parcels. The location and character of the use if developed according to the preliminary plan as submitted and recommended will be in harmony with the area in which it is to be located and in general conformity with Cumberland County's most recent Land Use Policies Plan.

MR. QUIGLEY: Is there any discussion on the things that we want to include in this?

MR. PARSONS: We need to reference the numbers below the case facts.

MR. QUIGLEY: You'll notice that the applicant will complete the developments strictly in accordance with the application and site plan submitted to and approved by this board. A copy of which is filed in the Cumberland County Planning & Inspections office. The applicant / property owner as the responsible party for the information contained within the site plan including but not limited to the property boundaries, easement locations, and right-of-way boundaries. The applicant / property owner to insure compliance with all other federal, state and local regulations included but not limited to the North Carolina building code.

MR. PARSONS: Also, recommend they comply with pre permit related and site related conditions that have been identified.

MR. LOCKLEAR: I would add that you require wheel stops along the front of any buildings that do not have wheel stops there in the parking areas, require there be a one way ingress and egress that may save you from having to do a turning lane with DOT. And add signage either on the pavement or above to show that it's a one way enter and exit situation. The last thing that I would ask is that you add a drop off area in front of the family life center for the kids. That way there are two drop off areas, one for each facility.

MS. SPEICHER: The ordinance does not require the daycare to have two drop off areas; we would need to have the applicant's agreement.

MR. PARSONS: The only question I have is about enforceability. How will you enforce that?

MS. SPEICHER: We cannot enforce the driveways DOT does.

MR. LOCKLEAR: DOT will not shut both of their driveways down; they are going to ask that they have two, ingress and egress.

MR. SWANSON: If the purpose of the one way is to prevent the turnout, DOT still requires the turnout, then the one way is not necessary.

MR. LOCKLEAR: That's fine, just remove the one way, remove the signage, and remove the drop off and just add the wheel stops.

MR. SWANSON: How many stops are you envisioning?

MR. LOCKLEAR: However many it takes for the parking spaces that do not have them in front of structures.

MR. HUMPHREY: Did I hear you say that there were probably about six or seven spaces that did not have.

MS. MATTHEWSON: There are about four or five. That is something I am willing to do.

MR. SWANSON: I would say that wheel stops be required provided they do not impede handicap access.

Quigley: Yes

Swanson: Yes

Parsons: Yes

Humphrey: Yes

Locklear: Yes

The motion was approved unanimously subject to the conditions that were mentioned.

8. DISCUSSION

Ms. Speicher advised the Board that Mr. Swanson was made an official member of the Board.

9. ADJOURNMENT

There being no further business, the meeting adjourned at 7:51 p.m.

P09-08-C
SITE PROFILE

P09-08-C: CONSIDERATION OF A REQUEST FOR THE MODIFICATION OF AN APPROVED SPECIAL USE PERMIT (NÉE SPECIFIED CONDITIONAL USE) FOR A DAY CARE FACILITY IN A R10 RESIDENTIAL DISTRICT ON 0.63+/- ACRES, LOCATED AT 4820 CAMDEN ROAD, SUBMITTED AND OWNED BY WILLIAM AND ANGELA WRIGHT.

Site Information:

Frontage & Location: 254.70'+/- on Camden Road

Depth: 132.5'+/-

Jurisdiction: Cumberland County

Adjacent Property: No

Current Use: Day care facility

Initial Zoning: R10 – November 17, 1975 (Area 4)

Nonconformities: Yes, existing freestanding sign does not meet front setback of five feet from property line

Zoning Violation(s): None

Surrounding Zoning: North: RR, R10 & R6A; South: MXD/CUD & R10; West: C(P) & R5A; East: O&I(P), RR, R10 & R6

Surrounding Land Use: Residential, farmland and woodlands

2030 Growth Vision Plan: Urban Area

Special Flood Hazard Area (SFHA): None

Soil Limitations: None

Water/Sewer Availability: Aqua America, Inc /Septic (new permit required)

School Capacity/Enrolled: Cumberland Mills Elementary: 525/642; Ireland Drive Middle (6): 340/334; Douglas Byrd Middle (7-8): 600/688; Douglas Byrd High: 1280/1321

Subdivision/Site Plan: “Ordinance Related Conditions” attached, particular attention to Condition No. 1 & 23

Average Daily Traffic Count (2006): 13,000 on Camden Road (SR 1003)

Municipal Influence Area: Town of Hope Mills

Highway Plan: This case has no impact on the current Highway Plan or Transportation Improvement Program

Cumberland County Zoning Ordinance Reference: Section 906 Day Care Facility

Notes:

1. Specified Conditional Use Permit for Day Care Facility, Case No. P01-07-C approved on 03/15/2001:

Day Care Facility:

- a. Children: 60 (birth to 12 years)
- b. Employees: 5
- c. Off-street parking: 17
- d. Hours: 5:00 am - 6:00 pm, Monday to Friday

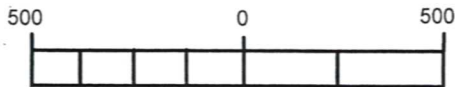
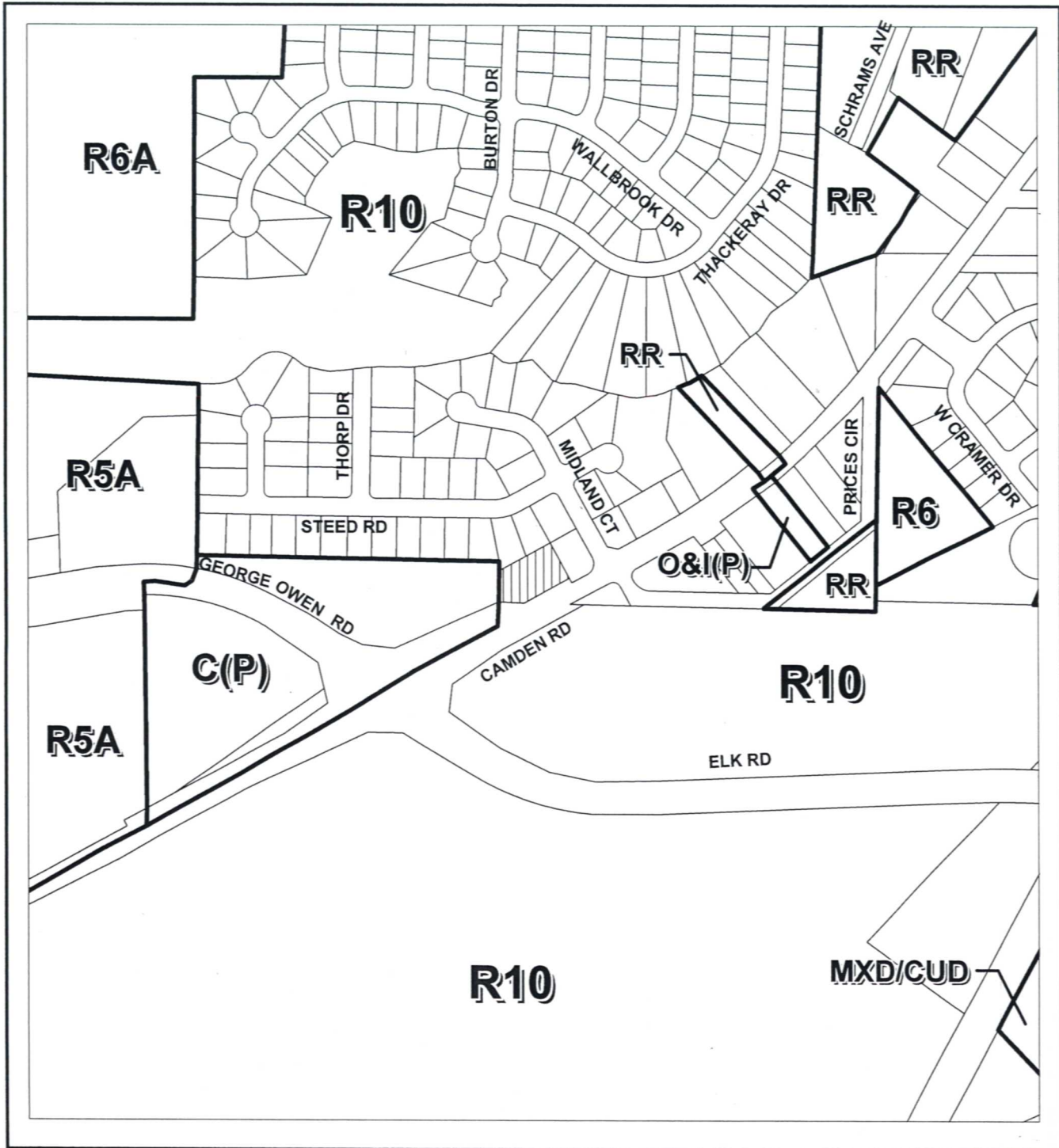
2. Proposed modification request for approved Special Use Permit for Day Care Facility:

Day Care Facility:

- a. Children: 110 (50 children will be in the before/after school program)
- b. Employees: 9 teachers
- c. Off-street parking: 11
- d. Hours: 5:00 am - 6:00 pm, Monday-Friday

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.



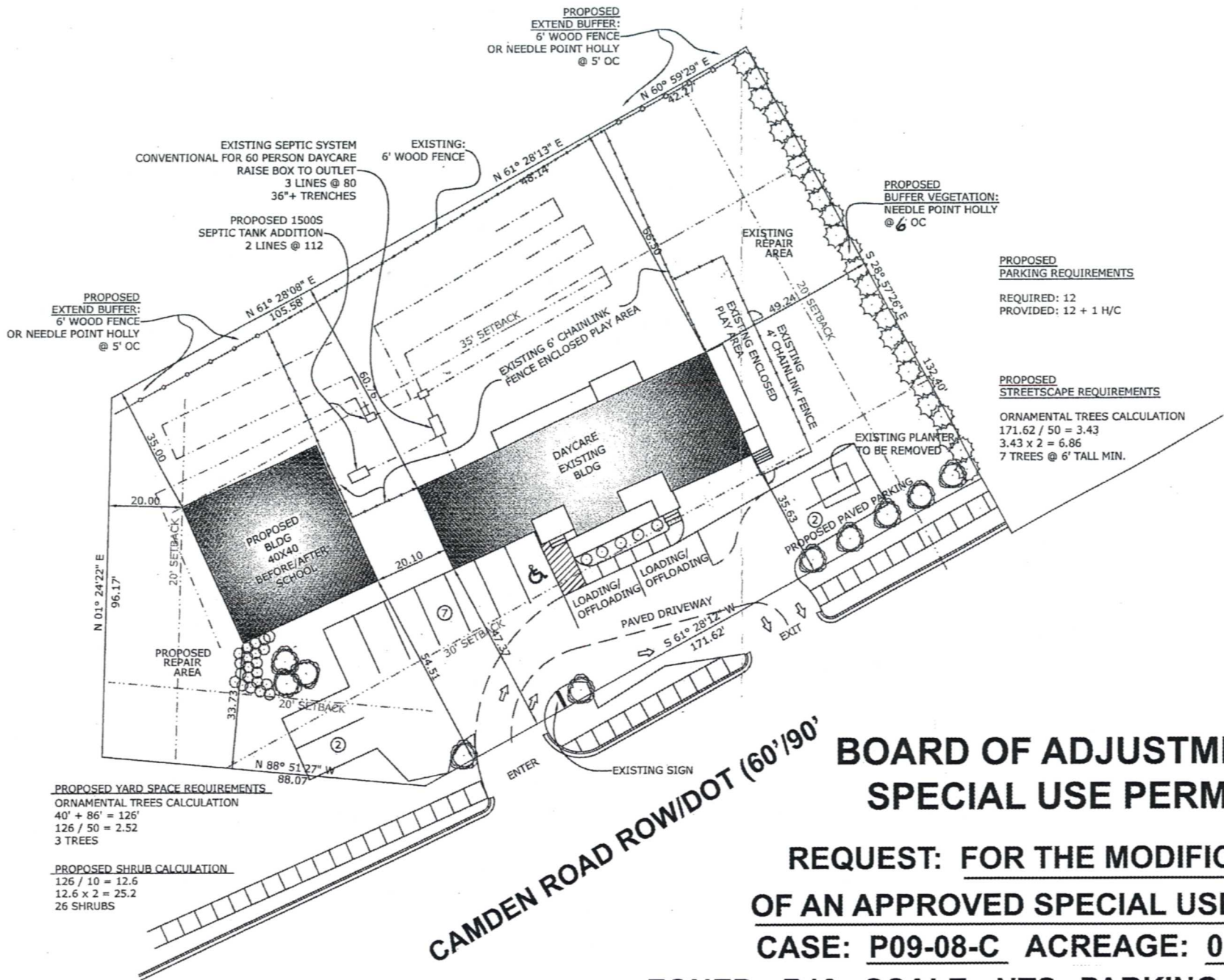
SCALE IN FEET

BOARD OF ADJUSTMENT MODIFICATION OF SPECIAL USE PERMIT

ACREAGE: 0.63 AC.+/-	HEARING NO: P09-08-C	
ORDINANCE: COUNTY	HEARING DATE	ACTION
GOVERNING BOARD		

PIN: 0415-52-7093

AF



PROPOSED YARD SPACE REQUIREMENTS
 ORNAMENTAL TREES CALCULATION
 $40' + 86' = 126'$
 $126 / 50 = 2.52$
 3 TREES

PROPOSED SHRUB CALCULATION
 $126 / 10 = 12.6$
 $12.6 \times 2 = 25.2$
 26 SHRUBS

PROPOSED PARKING REQUIREMENTS

REQUIRED: 12
 PROVIDED: 12 + 1 H/C

PROPOSED STREETSCAPE REQUIREMENTS

ORNAMENTAL TREES CALCULATION
 $171.62 / 50 = 3.43$
 $3.43 \times 2 = 6.86$
 7 TREES @ 6' TALL MIN.

CAMDEN ROAD ROW/DOT (60'/90')

**BOARD OF ADJUSTMENT
 SPECIAL USE PERMIT**

**REQUEST: FOR THE MODIFICATION
 OF AN APPROVED SPECIAL USE PERMIT**

CASE: P09-08-C ACREAGE: 0.63 AC +/-

ZONED: R10 SCALE: NTS PARKING: AS SHOWN

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

Board of Adjustment Special Use Permit

DRAFT

Ordinance Related Conditions

Pre-Permit Related:

1. A recombination plat (also known as a “No Approval Required” or “NAR”) recombining the subject property and the lot identified by PIN: 0415-52-9130 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. [Note: The previously platted lots (Lots 5 & 6, Plat Bk. 42, pg. 70) have been changed by deed only and a plat must be recorded reflecting current configuration of these lots prior to issuance of any permits.]

Permit-Related:

2. 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.
3. The County Health Department must approve sewer plans prior to application for any permits. Site and soil evaluations must be conducted on the property by the County Environmental Health Department prior to application for permits. A copy of the Health Department approval must be provided to Code Enforcement at the time of application for any building/zoning permits. (Note: All Health Department requirements must be met prior to issuance of final permits.) (Section 2306 A, Water and Sewer, County Subdivision Ordinance)
4. Connection to public (community) water is required, the Aqua Water Company must approve water plans for the new construction prior to application for any permits. A copy of the Aqua Water Company’s approval must be provided to Code Enforcement at the time of application for building/zoning permits. (Section 2306 A.1, Public Water and Sewer Systems County Subdivision Ordinance)
5. New development where the developer will disturb or intends to disturb more than one acre of land is subject to the Post-Construction Stormwater Management Permitting Program (Phase II Stormwater Management Requirements) administered by the Division of Water Quality, North Carolina Department of Environment and Natural Resources. If one acre or more of land is to be disturbed, prior to the issuance of any building/zoning permits for this site, a copy of the State’s *Post-Construction Permit* must be provided to County Code Enforcement.
6. For any new development where the developer disturbs or intends to disturb more than one acre of land, the developer must provide the Code Enforcement Section with an approved NC Department of Environment and Natural Resources (NCDENR) sedimentation and erosion control plan (S&E) prior to any application for permits. (Note: If any retention/detention basins are required for state approval of this plan, then three copies of a revised plan must be submitted and approved by Planning & Inspections prior to application for any building/zoning permits.) A copy of the NCDENR approval must be provided to Code Enforcement at the time of application for any building/zoning permits.
7. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
8. Landscaping must be provided in accordance with Section 1102 N, Landscaping, County Zoning Ordinance and/as shown on the site plan. The following are the minimum standards for the required landscaping of this site:
 - a. Three large shade trees or seven small ornamental trees within the front yard setback area; and

- b. One small ornamental tree and eight shrubs are required in the building yard area.

In addition:

- a. Required plant materials shall be maintained by the property owner, including replacing dead or unhealthy trees and shrubs; and
 - b. All yard and planting areas shall be maintained in a neat, orderly, and presentable manner and kept free of weeds and debris.
9. This conditional approval is not approval of the location of the freestanding sign. The developer must provide proof to Code Enforcement that the existing freestanding sign was properly permitted and in place at the current location prior to the widening of the right-of-way of SR 1003 (Camden Road). If the sign was not properly permitted, the existing sign must be relocated so that the setback standards of the ordinance are met and five copies of a revised site plan indicating proper sign location must be submitted for staff review and approval prior to application for the final building inspection. Attached signage for this development must 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.)
10. The building final inspection cannot be accomplished until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans.

Site-Related:

11. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Zoning Ordinances for the R7.5 zoning district must be complied with, as applicable.
12. For any new development, an adequate drainage system must be installed by the developer in accordance with the NC Department of Environment and Natural Resources' (NCDENR) *Manual on Best Management Practices* and all drainage ways must be kept clean and free of debris. (Section 2306 D, County Subdivision Ordinance)
13. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision Ordinance)
14. If driveways are changed or added, the developer must obtain a driveway permit from the NC Department of Transportation (NCDOT). If required, a copy of the approved driveway permit must be provided to Code Enforcement at the time of application for building/zoning permits.
15. Turn lanes may be required by the NC Department of Transportation (NCDOT).
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. A solid buffer must be provided and maintained along the side and rear property lines where this tract/site abuts residentially zoned properties in accordance with the provisions of Section 1102 G, Buffer Requirements, County Zoning Ordinance. (Note: Chain link fencing cannot be used to satisfy the buffer requirement.)
18. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.
19. All required off-street parking spaces shall be a minimum of 9' x 20'; a minimum of two spaces plus one space for each employee off-street parking spaces are required for the day care facilities.
20. A minimum of two off-street loading unloading spaces(s) with sufficient paved areas for access shall be provided.
21. All notes and calculations as shown on the site plan are to be considered as a part of this conditional approval.

22. Noise levels shall not exceed 60 dB(A) between the hours of 10:00 pm and 7:00 am. In any event, the noise level, regardless of the time of day, shall not become a nuisance to neighboring properties and strict compliance with the County's Noise Ordinance is required.

Plat-Related:

23. Prior to submission for final plat approval a fire hydrant must be installed along SR 1003 (Camden Road); hydrants must be located no further than 1,000 feet apart and at a maximum of 500 feet from any lot. (Section 2306 B, Fire hydrants, County Subdivision Ordinance)
24. Both lots must be platted and drawn with solid property lines, lot identifiers, bearing & distances, and the acreage reflected on the recombination plat. (Note: The current NCDOT right-of-way must be shown as it currently has been changed.)
25. The remaining portion of the existing 20 foot utility easement as shown on Plat Bk. 42, Pg 79 must be reflected on the recombination plat.
26. "Camden Road" be labeled as "SR 1003 (Camden Road)" on the recombination plat.
27. Any/All easements must be reflected on the recombination 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.
28. The notarized signature(s) of all current tax record owner(s) and notary certifications appear on the NAR recombination plat when submitted for final approval. (Section 2503 D, Certificate of Ownership and Dedication, County Subdivision Ordinance)
29. The developer is reminded that the improvements must be in place or that final plat approval will only be granted in accordance with Section 2502 B, C, or D, Final Plat – Guarantees of Improvements, Subdivision Ordinance. (Note: Once the improvements are in place, the developer is responsible for contacting Jeff Barnhill to schedule an inspection of the improvements.)

Plat-Required Statements:

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

"The individual lots in this development do not have public sewer services available, and no lots have been approved by the Health Department for on-site sewer services at the date of this recording."

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

"Nonconforming structures have not been created by this recombination."

Advisories:

32. The applicant is advised to consult an expert on wetlands before proceeding with any development.
33. The owner/developer is responsible for ensuring easements which may exist on the subject property are accounted for, not encumbered and that no part of this development is violating the rights of the easement holder.

Other Relevant Conditions:

34. 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 sewer services are not available as of the date of the recording of this deed. On-site sewer disposal systems must be approved by the County Health Department."

If you need clarification of any conditions, please contact Ed Byrne at 910-678-7609 or Patti Speicher at 910-678-7605; otherwise, contact the appropriate agency at the contact numbers below.

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

Improvements Inspections:	Jeff Barnhill	678-7765
Subdivision/Site Plan/Plat	Ed Byrne	678-7609
Code Enforcement (Permits):	Ken Sykes	321-6654
County Health Department:	Danny Soles	433-3685
Aqua Water Company	Sharon McDaniel	467-7854
Corp of Engineers (wetlands):	Ronnie Smith	(910) 251-4829
NCDENR (E&S):	Sally McKinney	433-3300
E911 Site-Specific Address:	Ron Gonzales	678-7616
Tax Parcel Numbers:		678-7549
NCDOT (driveways/curb-cuts):	Gary Burton	486-1496
N.C. Division of Water Quality:	Mike Randall	(919) 733-5083 ext. 545

cc: Mike Bailey, Town of Hope Mills

BOARD OF ADJUSTMENT

LOCATION OF PROPERTY: 4820 Camden Rd
OWNER: William + Angela Wright
ADDRESS: 2805 Meadowmont Ln Fay, N.C. ZIP CODE: 28306
TELEPHONE: HOME (910) 423-7701 WORK (910) 322-4953
AGENT: _____
ADDRESS: _____
TELEPHONE: HOME _____ WORK _____

**APPLICATION FOR A SPECIFIED/SPECIAL/CONDITIONAL USE PERMIT
As required by the Zoning Ordinance or Code**

- A. Parcel Identification Number (PIN #) of subject property: 0415-52-7093
(also known as Tax ID Number or Property Tax ID)
- B. Acreage: .63 Frontage: 171 ft Depth: 132 ft
- C. Water Provider: AQUA WATER
- D. Septage Provider: Septic
- E. Deed Book 5332 PG, Page(s) 0683, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
- F. Existing use of property: ChildCare Center

G. It is proposed that the property will be put to the following use: (Describe proposed use/activity in detail including hours of operation, number of employees, signage, parking, landscaping, etc.) ChildCare Center that will operate 6:00 AM 6:00 PM
We will have 3 employees I have 1 sign
I have 12 parking spaces We plan to
have 50 kids enrolled at the proposed
building.

DayCare Existing 60 children with 6 teachers
operating 1 shift 5 AM - 6 PM Per Applicant authorization correct it 10/6/09
(previous approved 5 teachers)
Proposed Before + After school 50 children with 3 teachers
operating 1 shift 6:00 AM - 7:30 AM and 2:00 PM - 6:00 PM

STATEMENT OF ACKNOWLEDGEMENT

Regarding appearance before the Board of Adjustment, the undersigned owner(s), agents, or their assigns, by virtue of their signature(s) to this application, hereby acknowledge the following:

- That although appearance before the Board is not required, it is strongly encouraged;
- The Board will hear any and all arguments for and against this matter before them and such relevant facts will be given under sworn testimony;
- At the public hearing the Board has the authority to issue a final approval or denial decision on this request, or defer the request for additional information to be provided;
- If the petitioner or the representative of this application does not appear personally before the Board, whether there is opposition or not, the Board has full authority to consider the case and defer, approve, or deny the case.
- If the Board's action is to deny the matter before them, the course of appeal to their decision will be that of Cumberland County Superior Court. (Affected parties of the Board's decision have 30 days from proper notification which to serve notice of appeal).

Signed acknowledgement that the Planning and Inspections Staff has explained the application process and procedures regarding this request and the public hearing procedure stated above.

SIGNATURE OF OWNER(S)

Angela Wright

PRINTED NAME OF OWNER(S)

Angela Wright

DATE

8-10-09

Only expressly authorized agents or assigns may sign this acknowledgement in lieu of the tax record owners' signatures.

The undersigned understands that the official zoning map, as originally adopted and subsequently amended, is presumed to be appropriate to the property involved and that the burden of proof for a zoning amendment (change) rests with the petitioner.

The undersigned hereby acknowledge that the Planning and Inspections Staff has conferred with the petitioner or assigns, and the application as submitted is accurate and correct.

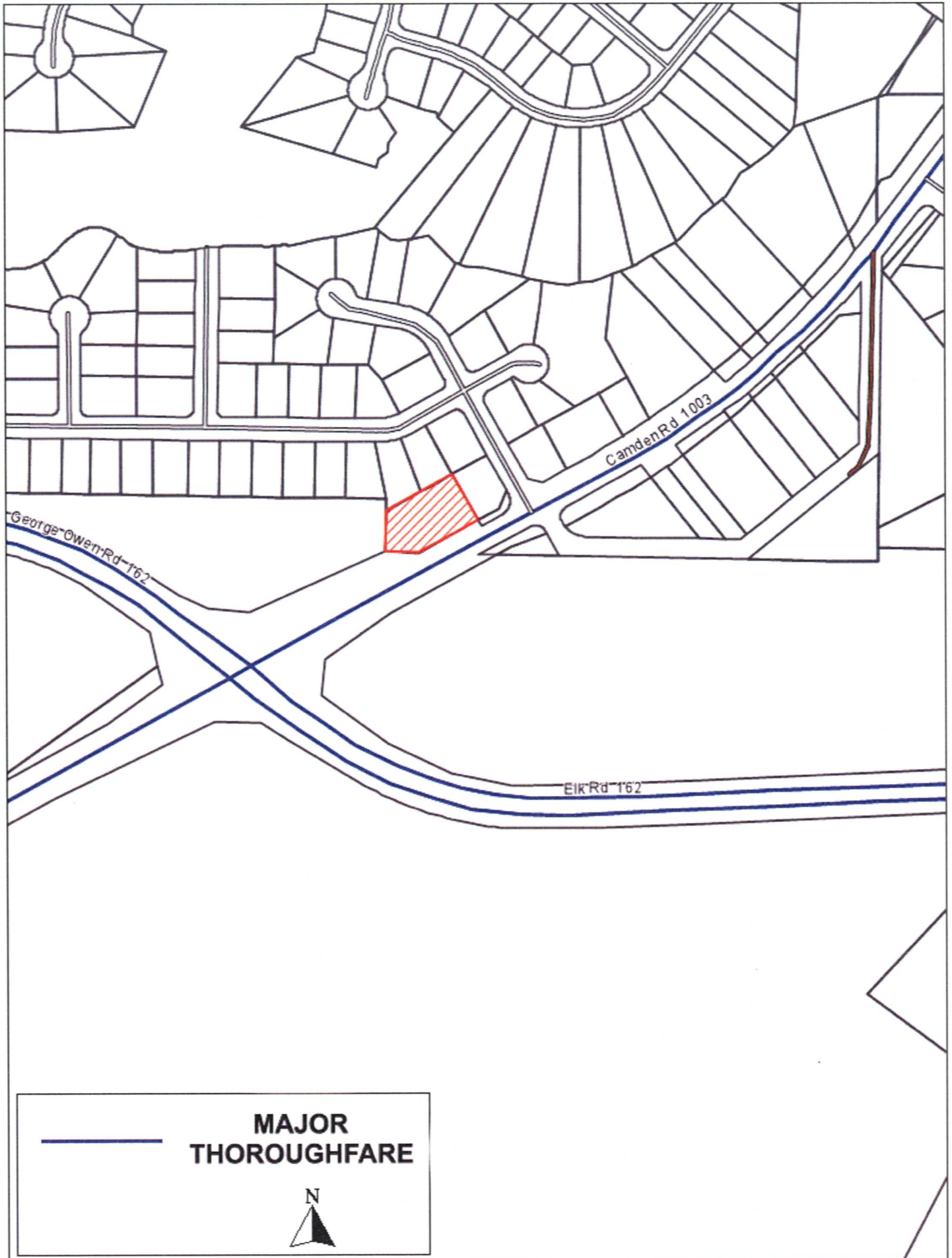
Angela Wright
NAME OF OWNERS (PRINT OR TYPE)
4820 Camden Rd Fayetteville, N.C. 28306
ADDRESS OF OWNER(S)
(910) 423-7701 HOME TELEPHONE # (910) 322-4953 WORK TELEPHONE #

Angela Wright
NAME OF AGENT, ATTORNEY, APPLICANT (PRINT OR TYPE)
4820 Camden Rd Fay, N.C. 28306
ADDRESS OF AGENT, ATTORNEY, APPLICANT
(910) 423-7701 HOME TELEPHONE # (910) 322-4953 WORK TELEPHONE #

Angela Wright SIGNATURE OF OWNER(S)
Angela Wright SIGNATURE OF AGENT, ATTORNEY OR APPLICANT
William Wright SIGNATURE OF OWNER(S)

The contents of this application, upon submission, becomes "public record."

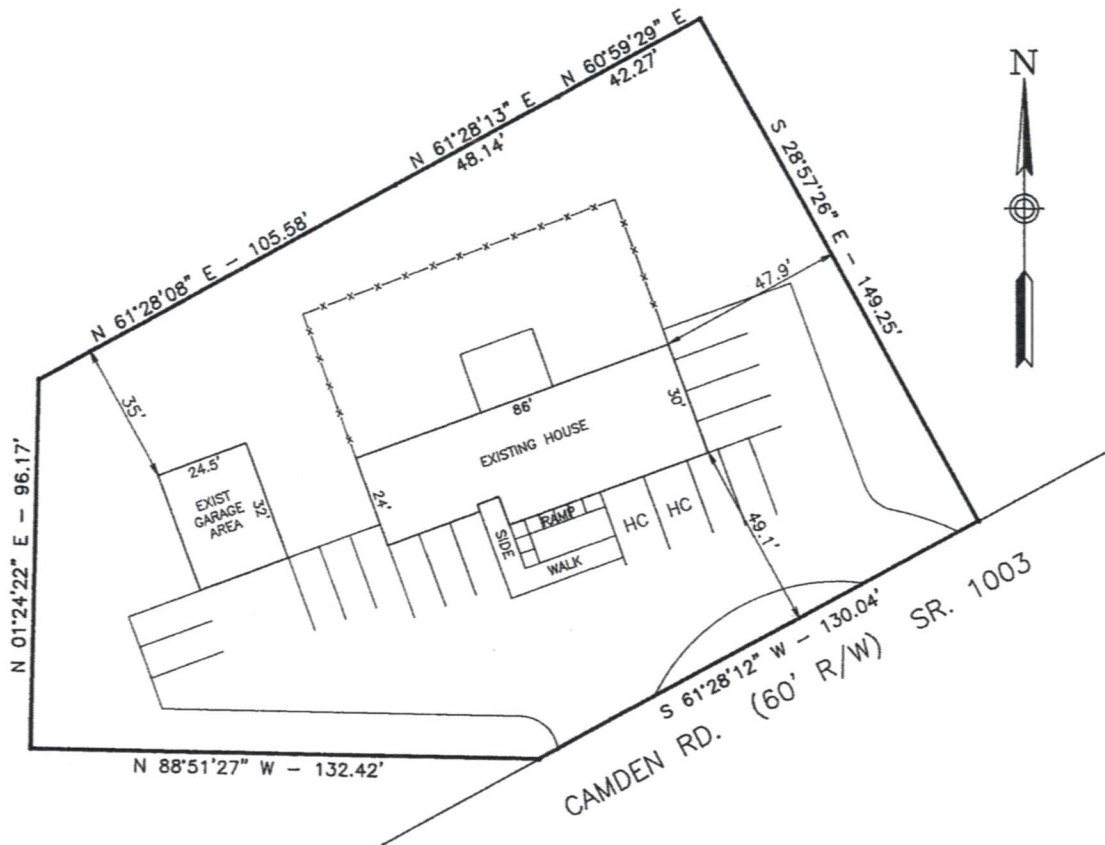
The above existing property 4820 Camden Road was approved for a Child Care Center. I plan to use the proposed building for a School-age program. I have operated at 4820 Camden Road Kidz Kastle Child Care Center for 6 years. I will operate from 6:00 AM - 6:00 PM. I will have 3 employees. We will accept kids before school hours, take the children off to school and we will pick the kids up from school to stay at the proposed building until parents pick them up by 6:00 PM.



MAJOR
THOROUGHFARE



ORIGINAL SITE PLAN APPROVED



SPECIFIED CONDITIONAL USE PERMIT

REQUEST: TO ALLOW FOR A DAY CARE FACILITY
CASE NO.: P01-07-C ACREAGE: 0.73 AC.±
ZONE: R10 PARKING: 17 SPACES SHOWN
SCALE: 1" = 40'



CUMBERLAND COUNTY BOARD OF ADJUSTMENT

Catherine Traylor, Chair

130 Gillespie Street
Fayetteville, NC 28301
(910) 678-7600

Doug Stephens, Vice-Chair

April 3, 2001

Previously Approved conditions

MEMO TO: KEN SYKES, DIRECTOR
CUMBERLAND COUNTY INSPECTION DEPARTMENT

FROM: THOMAS J. LLOYD, SECRETARY
CUMBERLAND COUNTY BOARD OF ADJUSTMENT

SUBJECT: **P01-07-C:** APPLICATION BY ANGELA WRIGHT FOR A SPECIFIED
CONDITIONAL USE PERMIT TO ALLOW A DAY CARE CENTER,
IN A R10 RESIDENTIAL DISTRICT, LOCATED AT 4820 CAMDEN
ROAD, CONTAINING .73 ACRES, THE PROPERTY OF ANGELA
WRIGHT.

The Cumberland County Board of Adjustment met on March 15, 2001 and voted unanimously to approve the Specified Conditional Use Permit subject to the following conditions:

1. The applicant shall fully comply with all the specific requirements stated in the Ordinance for the proposed use.
2. That all state, local and federal regulations be complied with at all times.
3. That all Health Department regulations be complied with and specifically the septic tank regulations.
4. That NCDOT be consulted on the egress and ingress to the property.
5. That the parking on the site plan be redesigned to incorporate the widening of Camden Road.

Cc: Angela Wright
5023 Starbeam Drive
Fayetteville, NC 28306

JEANNETTE M. COUNCIL
Chairman

BILLY R. KING
Vice Chairman

J. BREEDEN BLACKWELL
KENNETH S. EDGE
MARSHALL FAIRCLOTH
JIMMY KEEFE
EDWARD G. MELVIN



MARIE COLGAN
Clerk to the Board

CANDICE WHITE
Deputy Clerk

BOARD OF COMMISSIONERS

5th Floor, New Courthouse • P.O. Box 1829 • Fayetteville, North Carolina 28302-1829
(910) 678-7771 • Fax: (910) 678-7770

Discussion Item

BOA - FYI

October 6, 2009

Randy A. Newsome
232 Croydon Avenue
Fayetteville, NC 28311

Dear Mr. Newsome:

On October 5, 2009, the Board of Commissioners approved your appointment to serve an unexpired term as an alternate member on the Board of Adjustment. This term will expire on January 31, 2010. Upon completion of this term, you will be eligible to serve two additional three-year terms.

Please indicate if you will accept this appointment by calling me at 678-7772 as soon as possible. I look forward to hearing from you soon.

Sincerely,

Candice H. White
Deputy Clerk

pc: Tom Lloyd, Planning and Inspections Department

Celebrating Our Past... Embracing Our Future