

Members:

George Quigley, Chairman
Ed Donaldson, Vice-Chair
Horace Humphrey
Melree Hubbard Tart
Joseph Dykes



Alternates:

Martin J. Locklear
Randy Newsome
William Lockett Tally
Carrie Tyson-Autry

Cumberland County Board of Adjustment

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

MINUTES
JULY 21, 2011
7:00 P.M.

Members Present

George Quigley, Chair
Ed Donaldson
Horace Humphrey
Joseph Dykes

Absent Members

Melree Hubbard Tart (excused)

Staff/Others Present

Pier Varner
Melodie Robinson
Joey Lewis

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

1. ROLL CALL

Mrs. Varner called the roll and stated a quorum was present.

2. Chair Quigley swore in the staff.

3. ADJUSTMENTS TO THE AGENDA

There were none.

4. APPROVAL OF THE JUNE 16, 2011 MINUTES

A motion was made by Mr. Humphrey and seconded by Mr. Donaldson to approve the minutes as submitted. The motion passed unanimously.

5. ABSTENTIONS BY BOARD MEMBERS

There were none.

6. PUBLIC HEARING DEFERRALS – August 18, 2011

P10-16-C and P11-03-C

CHAIR QUIGLEY: I'll accept a motion to defer Cases P10-16-C and P11-03-C until the August 18, 2011 meeting.

Mr. Humphrey made a motion and it was seconded by Mr. Donaldson to defer both cases until the August 18, 2011 meeting. The motion was unanimous.

7. BOARD MEMBER DISCLOSURES

There were none.

8. POLICY STATEMENTS REGARDING APPEAL PROCESS

There were no individuals in the audience or witnesses signed in to read the appeal process to.

9. PUBLIC HEARING(S)

Opened Public Hearing

- **P05-16-C:** REVOCATION OF A SPECIAL USE PERMIT OF A DAY CARE FACILITY, IN AN RR RURAL RESIDENTIAL DISTRICT ON 1.00+/- ACRES, LOCATED AT 4761 DRAUGHON ROAD (SR 1830); RONALD L. AND HILDA MOORE (OWNERS)

CHAIR QUIGLEY: We do not have any witnesses in the audience tonight regarding this case.

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

MRS. VARNER: Mr. Chairman, Case P06-16-C was a Special Use Permit for a day care approved on September 15, 2005 with conditions. At the present time, this use is inactive and tonight the staff is requesting the revocation of this Special Use Permit because the owner does not have the day care in service and plans to establish a group home in the future. I have a site profile in the package and I can read it if the Board would like more information.

CHAIR QUIGLEY: Does anyone need more information about this site?

MRS. VARNER: Mr. Joey Lewis is the Code Enforcement Officer and he is here to respond to any questions the Board may have. He is the one who spoke to the owner of the property and the manager of the day care.

CHAIR QUIGLEY: What is the basis for the revocation?

MR. LEWIS: She wanted to operate a group home, but she can't do both.

CHAIR QUIGLEY: The Special Use Permit was for a children's day care and the subject property is now being used as a group home?

MR. LEWIS: Not at this time. She has just now taken out the permit to do this.

MRS. VARNER: The Special Use Permit needs to be revoked in order for her to operate the group home. She is aware of this.

MR. LEWIS: She is completely aware of this.

Public Hearing Closed

CHAIR QUIGLEY: Are there any questions for Mr. Lewis or Mrs. Varner?

CHAIR QUIGLEY: So, we can expect to see a request for a Special Use Permit for a group home or is that permitted in this area without a variance?

MR. LEWIS: Yes, a group home is a permitted use.

MRS. VARNER: Mr. Quigley, I would like to state for the record that on July 7, 2011, a certified letter was sent to 4761 Draughon Road, Fayetteville, NC 28312, the tax record address of the property owner. It was received by Amy Boatwright on July 13, 2011, at the owner's home. The receipt is available for your review. The property owner was notified in person by Mr. Lewis, by telephone when I spoke to her and by certified mail. She has agreed to the revocation.

CHAIR QUIGLEY: She made no indication to object to the action of the revocation?

MRS. VARNER: No sir.

CHAIR QUIGLEY: I'll ask for a motion to approve the revocation of the Special Use Permit previously issued on September 15, 2005.

MR. DONALDSON: I motion to approve the revocation.

MR. HUMPHREY: I second the motion.

CHAIR QUIGLEY: It has been properly moved and seconded to approve the revocation of the Special Use Permit for Case P05-16-C. All in favor signify by saying aye.

<u>IN FAVOR</u>		<u>OPPOSED</u>
QUIGLEY	YES	None
DYKES	YES	
DONALDSON	YES	
HUMPHREY	YES	

10. DISCUSSION

FY 2010-2011 Annual Report

MRS. VARNER: This annual report is in the Board of Adjustment by-laws. It is a report of all the cases. A copy is provided to the Board of Adjustment, the Planning Board and the Board of Commissioners.

11. UPDATES(S)

There were none

12. ADJOURNMENT

There being no further business, a motion to adjourn was made by Mr. Donaldson and seconded by Mr. Dykes. The meeting adjourned at 7:15 pm.

P10-16-C
SITE PROFILE

P10-16-C: CONSIDERATION OF A SPECIAL USE PERMIT TO ALLOW A 195 FOOT TOWER IN AN R6A RESIDENTIAL DISTRICT ON 83.37+/- ACRES, LOCATED AT 1388 LILLINGTON HIGHWAY (NC HWY 210); SUBMITTED BY DONNA LANGLEY BROWN ET AL (OWNER) AND THOMAS H. JOHNSON, JR., NEXSEN PRUET, PLLC ON BEHALF OF AMERICAN TOWERS, INC.

Site Information:

Frontage & Location: 960'+/- on Lillington Highway (NC Hwy 210)

Depth: 2,360'+/-

Jurisdiction: Cumberland County

Adjacent Property: Yes, 1 tract on the northeast side and 3 tracts on the southwest side of subject property

Current Use: Residential and woodlands

Initial Zoning: R6A – January 7, 1977 (Area 11)

Nonconformities: None

Zoning Violation(s): Listed on the attached “Ordinance Related Conditions”

Surrounding Zoning: North: M1, C(P), C3 & R5A (Spring Lake), CD, C1(P), RR, R10, R7.5 & R6A; East: R10; South: R6A (Spring Lake & County) C(P), C1, R10, R5A (Spring Lake), C3 & R6; West: C3, R10 & M1(P)/CUD (to allow a mini-warehousing)/(Spring Lake & County), M(P), C(P), C1(P), R10, R7.5 & R6

Surrounding Land Use: Vacant commercial, 3-religious worship activities, tower, variety, mini-warehousing, motor vehicle repair and wrecking yard, residential (including multiple family, 2-manufactured home parks & manufactured homes), military reservation, and woodlands

Spring Lake Land Use Plan: Low density, residential and light commercial area

Special Flood Hazard Area (SFHA): None

Soil Limitations: None

School Capacity/Enrolled: Lillian Black Elementary: 265/186; Spring Lake Middle: 700/409; Pine Forest High: 1,750/1,525

Water/Sewer Availability: Well/Septic

Subdivision/Site Plan: See attached “Ordinance Related Conditions”, particular attention should be paid to Conditions No 1, 2, 3 22, 23, 27 & 34

Average Daily Traffic Count (2006): 16,000 on Lillington Highway (NC HWY 210)

Municipal Influence Area: Town of Spring Lake

RLUAC: Identifies subject property as “Critically Important” to conserve on the 2008/2009 Joint Land Use Study Map.

POPE US Army Field & US Fish & Wildlife: Have been informed of this Special Use Permit request

Highway Plan: This portion of Bragg Blvd is identified as an existing Boulevard that does not need improvements. It is part of the NC Strategic Highway Corridors network. The corridor is not included in the Transportation Improvement Program

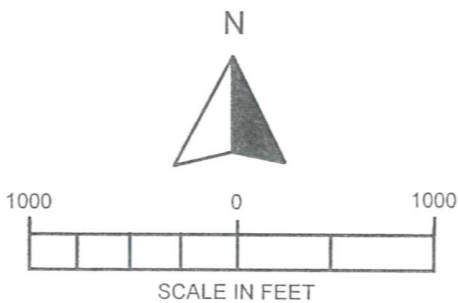
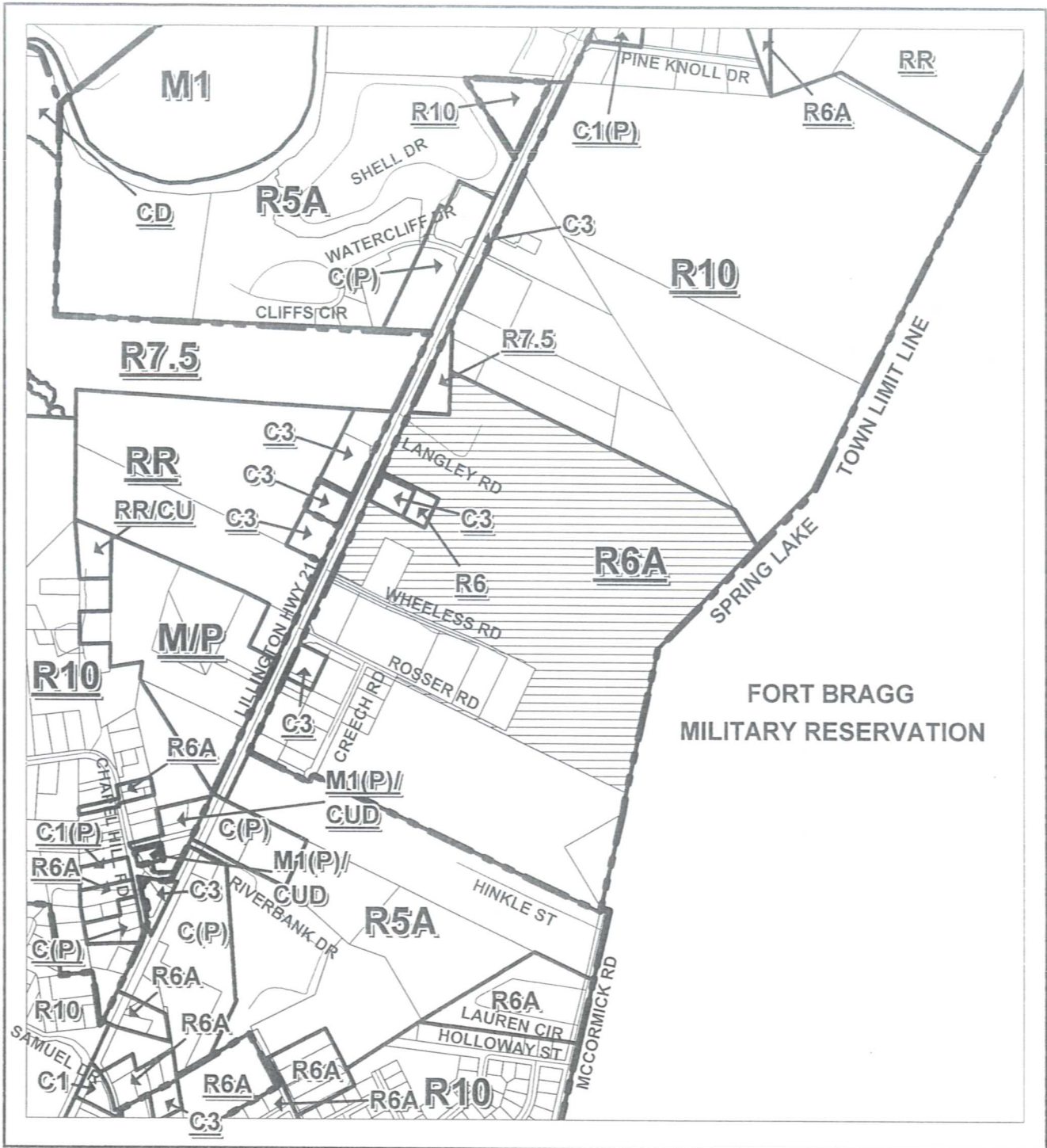
County Zoning Ordinance Reference: Section 927, Towers

Notes:

1. Contents of the application:
 - a. Proposed tower height/type: 195' Monopole on a 83.37 acre lease area
 - b. 30' access for tower site
 - c. No outside storage at the tower site
 - d. No employees on site, tower will be monitored and maintained monthly
 - e. Licensed appraiser's affidavit stating use will not be detrimental to property values
 - f. Licensed engineer's statement signed and sealed, stating tower will be structurally sound
 - g. American Tower affidavit certifying tower will meet Federal, State and local laws including FCC and FAA
2. All documentation required by the ordinance is attached to the application, contained within the case file, and is available for review upon request.

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.

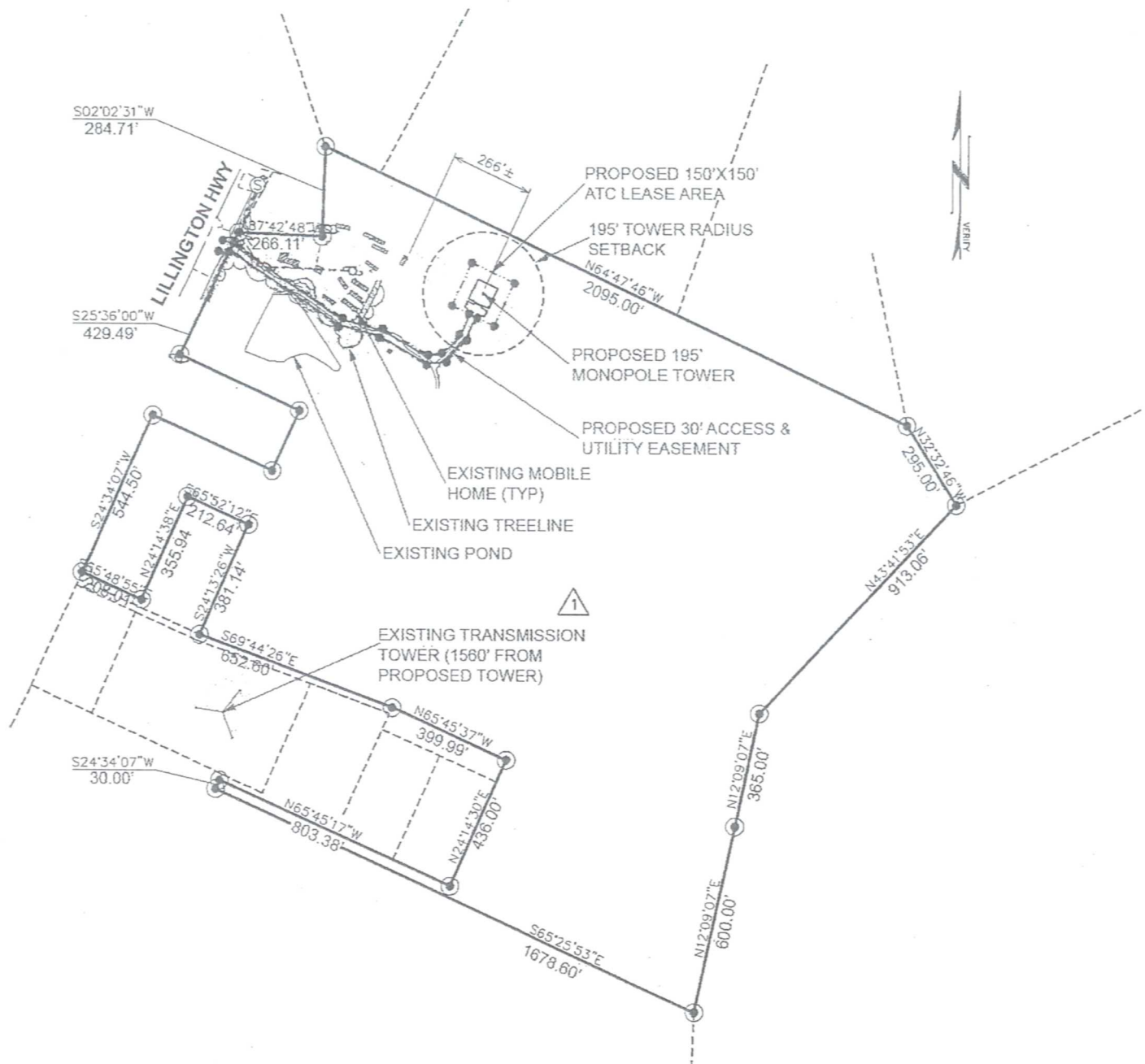


BOARD OF ADJUSTMENTS SPECIAL USE PERMIT

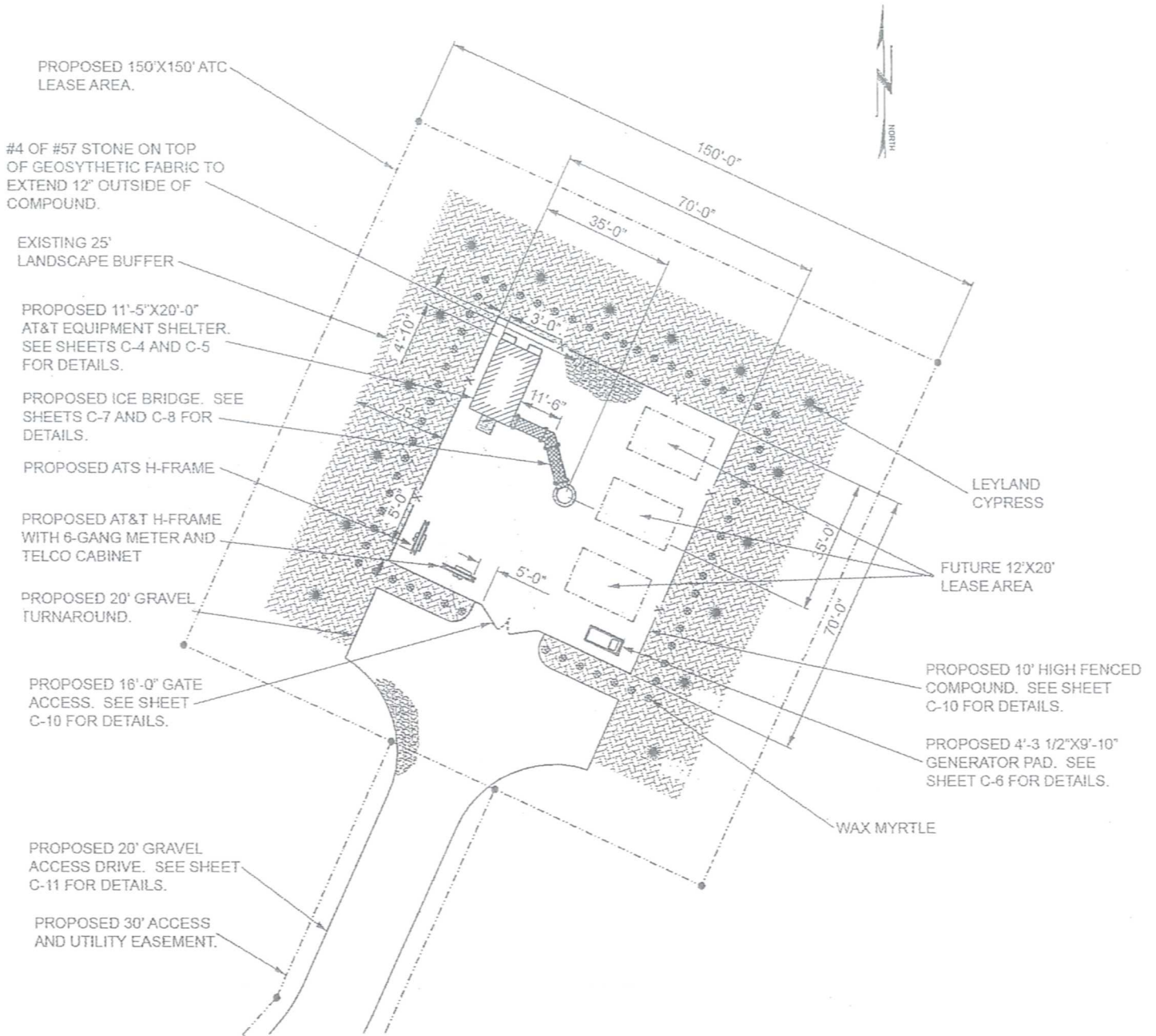
ACREAGE: 83.37 AC.+/-		HEARING NO: P10-16-C	
ORDINANCE: COUNTY		HEARING DATE	ACTION
GOVERNING BOARD			

PIN: 0512-23-8250

WL



BOARD OF ADJUSTMENTS
SPECIAL USE PERMIT
 REQUEST: TO ALLOW A 195 FOOT TOWER IN AN
R6A RESIDENTIAL DISTRICT
 CASE: P10-16-C ACREAGE: 83.37AC +/-
 ZONED: R6A SCALE: NTS
 *SCALED DETAILED SITE PLAN IN FILE AVAILABLE UPON REQUEST



P10-16-C

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

BOARD OF ADJUSTMENT

LOCATION OF PROPERTY: 1388 Lillington Highway, Spring Lake, NC 28390
OWNER: Donna Langley Brown et als
ADDRESS: 1011 Rosser Road, Spring Lake, NC ZIP CODE: 28390
TELEPHONE: HOME 910-497-6823 WORK _____
AGENT: Nexsen Pruet, PLLC/Thomas H. Johnson, Jr.
ADDRESS: PO Box 30188, Raleigh, NC 27622
TELEPHONE: HOME 910-616-3100 WORK 919-786-2764

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

- A. Parcel Identification Number (PIN #) of subject property: 0512-23-8250
(also known as Tax ID Number or Property Tax ID)
- B. Acreage: 83.37+/- acres Frontage: 1,173.99 feet Depth: 2,360+/- feet
- C. Water Provider: N/A
- D. Septage Provider: N/A
- E. Deed Book 6484, Page(s) 302, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
- F. Existing use of property: Vacant Rural Residential
- 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.) _____

Wireless Telecommunications Tower as shown on the attached Zoning
Drawings prepared by Tower Engineering Professionals.

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) 
 PRINTED NAME OF OWNER(S) American Towers, Inc. & AT&T by Thomas H. Johnson, Jr., Atty

DATE 10/11/2010

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

Appointment of Agent

The undersigned Donna Langley Brown, William Langley, Donna Jane Langley Riley, John Langley, and David K. Langley ("Owners") do hereby appoint Nexsen Pruet, PLLC as Owners' exclusive agent for the purpose of petitioning Cumberland County for a special use permit applicable to the property identified as PIN: 0512-23-8250 in Spring Lake, NC 28390 for the location of a wireless telecommunications tower as described in the attached application for special use permit, including the following:

1. To submit the proper applications and the required supplemental materials.
2. To appear at public meetings to give representation and commitments on behalf of the Owners.
3. To act on the Owners' behalf without limitation with regard to any and all things directly or indirectly connected with or arising out of the application for special use permit.

This agency agreement shall continue in effect until written notice of revocation by the Owners is delivered to Cumberland County.

This the 20th day of September, 2010.

Agent's Name, Address & Telephone

Signature of Owner(s)

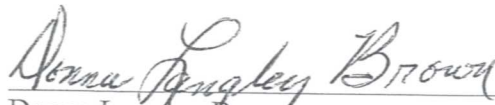
Nexsen Pruet, PLLC

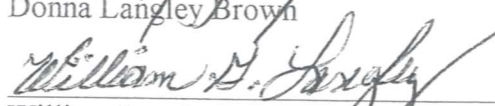
201 Shannon Oaks Circle, Suite 100

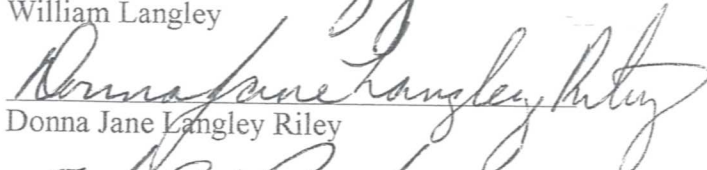
Cary, NC 27511

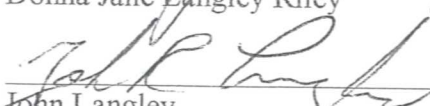
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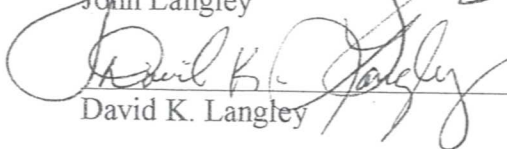
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Donna Langley Brown


William Langley


Donna Jane Langley Riley


John Langley


David K. Langley

NEXSEN | PRUET

Thomas H. Johnson, Jr.
Special Counsel
Admitted in NC

October 11, 2010

VIA UPS

Pier Varner
Cumberland County Planning and Inspections Department
130 Gillespie Street
Fayetteville, NC 28301

Re: American Towers, Inc. and AT&T
Langley Road, ATC Site No. 274633, AT&T Site No. 141-224
1388 Lillington Highway, Spring Lake, NC 28390

Dear Ms. Varner:

I represent American Towers, Inc. and AT&T ("American Tower") in connection with the enclosed Application for a Special Use Permit for a telecommunications tower on 1388 Lillington Highway, Spring Lake, NC 28390. The owner of the property is Donna Langley Brown et als.. We are in the process of circulating the Ground Lease which authorizes us to proceed with this application. There are numerous property owners, some of whom live out of state. The Ground Lease is with the last owner for execution. As soon as we receive the Ground Lease, we will forward a fully executed copy to you.

I am also enclosing the signed Application along with a check for \$200 for the necessary fee, a copy of the recorded deed, a copy of the site plan/construction drawings and all supporting materials. We request that this matter be placed on the agenda for the November 18, 2010, meeting of the Board of Adjustment.

The tower will be a monopole tower 195 feet in height on a 83.37 acre site. The buildable area will be 150 feet by 150 feet in size approximately 810 feet from the Highway 210 (Lillington Highway). The site is in a wooded area which will be cleared only as necessary to construct the tower site. The site is zoned R-6A. The Cumberland County Zoning Ordinance (the "Ordinance") allows towers as a special use in the R-6A District. The tower will be setback the height of the tower from any structures.

P.O. Box 30188 T 919.786.2764
Raleigh, NC 27622 F 919.890.4553

www.nexsenpruet.com E TJohnson@nexsenpruet.com
Nexsen Pruet, PLLC

Attorneys and Counselors at Law

The site plan as required under Section 927 of the Ordinance is included in the enclosed construction drawings. The construction drawings include all that is required under the Ordinance.

Enclosed is a certification by Graham Andres, a North Carolina professional engineer, that the tower will be designed to have the structural integrity and/or capacity to support or accommodate more than one user and the tower as designed will be structurally sound. The drawings show one proposed user, AT&T, and space for up to three (3) additional users (Sheet C-3).

As required by Section 927B.3., a statement is enclosed with a map of the search area for the proposed tower showing that there are no existing towers, buildings or other useable structures suitable for collocation within the coverage area.

A statement by American Tower, the tower owner, is enclosed indicating its intent and willingness to permit shared use of the tower, and, as stated earlier, the construction drawings show space for up to three (3) users in addition to the initial user. American Tower also includes in its statement that it commitment to comply with all federal, state and local ordinances, including all Federal Communication Commission (FCC) and Federal Aviation Administration (FAA) rules and guidelines.

The tower as proposed will be setback the height of the tower from all property lines and no structures are located within the tower setback. As required by Section 927E., the tower base is enclosed in a chain link fence ten feet in height and the fence is a minimum of ten feet from the base of the tower. The landscape buffer required in subsection F. is detailed on Sheet L-1. The only exterior structure will be an equipment shelter that will be built to resemble structures in residential areas. There will be no building or structure on the site that may be used as a work site for any worker. Only periodic maintenance, inspection and renovation of the facility will occur on the tower site.

As required by Section 927M., enclosed is a report prepared by Graham Herring, a licensed real estate broker. Mr. Herring states his opinion that the use will not be detrimental or injurious to the property values of the surrounding neighborhood. Mr. Herring supports his opinion based upon his experience with other tower sites in similar situations.

In compliance with Section 927O., enclosed is a report from AT&T that shows that its power density levels will be much less than both the federally approved and ANSI levels. The lighting on the site will be in compliance with FAA standards and the requirements of Section 927P. There will be no outside storage on the site.

Pier Varner
October 11, 2010
Page 3

Through compliance with the Ordinance provisions above, the site will not materially endanger the public health or safety. The power density levels are much lower than federal and ANSI standards. The tower is designed and setback from existing structures such that if it were to fail, the public will not be harmed. The tower will benefit public safety by providing better wireless coverage in the area. Many depend on their wireless devices to call public safety officials in the event of an emergency. In fact, wireless phones are often used in the home instead of traditional landline phones. This use as proposed meets all of the conditions and specifications of the Ordinance.

The statement of Graham Herring demonstrates that the site will maintain the value of the adjoining or abutting properties. Wireless service is many times considered a public necessity because it is often the sole access that citizens have to emergency services.

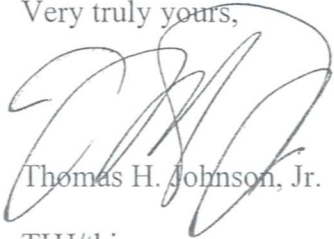
The location and character of the use, if developed according to the plan as submitted and recommended, will be in harmony with the area in which it is to be located and is in general conformity with Cumberland County's most recent Comprehensive Land Use Plan. The proposed tower will meet the infrastructure needs of this area of the County and will provide much needed access to emergency services, both of which are supported in the 2030 Growth Vision Plan. By virtue of this proposed tower site meeting the requirements of Section 927 for residential areas, the site is in conformity with the Comprehensive Land Use Plan as implemented by the Ordinance.

The fact that the Ordinance allows towers that comply with Section 927 in residential areas and the report of Graham Herring support the conclusion that the proposed tower is in harmony with the purpose and intent of the Ordinance and will not be injurious to the neighborhood or the general welfare. The use is permitted by special use and will not change the district boundaries.

If you have any questions or need any additional information, please do not hesitate to contact me.

Pier Varner
October 11, 2010
Page 4

Very truly yours,

A handwritten signature in black ink, appearing to be 'THJ', written over a horizontal line.

Thomas H. Johnson, Jr.

THJ/thj
Enclosures

cc: Jason Groseclose

Special Use Permit – Board of Adjustment

DRAFT

Ordinance Related Conditions

Pre- Permit Related:

1. Prior to the final inspection of the tower, all violations as noted on the following *Notice of Violations* and *Complaint and Notice of Hearing*, attached to this conditional approval and incorporated by reference, must be remedied and the property brought into compliance with the County Code and ordinances:
 - a. Notice of Violations, dated July 15, 2011, File #JV6543-2011;
 - b. Complaint and Notice of Hearing Before the Housing Inspector, dated July 15, 2011, Case #: MH 6541-2011; and
 - c. Notice of Violations, dated July 15, 2011, Case #ZN6538-2011.

Note: According to the US Postal Service the above referenced notices were “delivered” on July 21, 2011.

2. Prior to application for any permits, the executed and properly recorded consent agreement, as approved by the County Attorney’s office, between the landowner(s) and the lessee addressing the clean up and resolution of the violations, noted in Condition No. 1 and as stipulated to by the parties, must be provided to the Code Enforcement Coordinator. A draft copy of which is attached to this conditional approval and incorporated by reference.
3. The developer or property owner is required to contact the US Fish and Wildlife Service (USFWS) to discuss this proposed development prior to any clear cutting and/or commencement of construction and the developer is encouraged to protect the red-cockaded woodpecker in the construction phase of this project. Documentation from the USFWS that the developer has ensured all necessary and possible protective measures will be and have been taken must be provided to Code Enforcement at the time of permit application.

Permit-Related:

4. 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.
5. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
6. 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.
7. 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.
8. Prior to issuance of a building permit for the tower, the applicant/owner or developer must submit to Code Enforcement, drawings sealed by a licensed engineer and a certification letter from the licensed engineer who prepared the plans that the tower will meet all applicable Federal, State and local building codes and structural standards.

9. 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.
10. If the proposed lease area for the proposed cell tower is to be recorded as lease lot and split out for tax or other purposes, the developer must submit to the Planning and Inspections Department a subdivision review to subdivide the lease lot prior to application for any permits.
11. The minimum acceptable road frontage for subdivision purposes in this area is 35' in width; if the lot is to be split out for tax or other purposes, in order to get a permit, the area shown as an "ingress/egress easement" must be made a part of the lot and must be a minimum of 35' in width. (Note: This condition applies only if the tower lease area is to be recorded as a lease lot.)
12. Because the subject property is located within the Accident Potential Zone (APZ) of the military base and in the event the tower is greater than 200 feet in height from sea level, the developer will be required to provide a FCC Form 7460-1 to Code Enforcement at the time of permit application. This form must be acknowledged by the FCC that the structure is not a hazard or obstruction to air traffic.

Site-Related:

13. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Zoning Ordinances for the R6A zoning district must be complied with, as applicable.
14. This conditional approval is not approval of any freestanding signs. If a freestanding sign is desired, re-submittal of the site plan is required prior to application for any freestanding sign permits. 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.)
15. "LILLINGTON HWY" must be labeled as "NC HWY 210 (Lillington Hwy)" on all future plans.
16. 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)
17. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision Ordinance)
18. In the event a stormwater utility structure is required by the NC Department of Environment and Natural Resources (NCDENR), the owner/developer must secure the structure with a four foot high fence with a lockable gate, and is required to maintain the detention/retention basin, keeping it clear of debris and taking measures for the prevention of insect and rodent infestation.
19. The developer must obtain a driveway permit from the NC Department of Transportation (NCDOT). A copy of the approved driveway permit must be provided to Code Enforcement at the time of application for building/zoning permits.
20. Turn lanes may be required by the NC Department of Transportation (NCDOT).
21. 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. If lighting for the tower is required by the FAA, it shall meet or exceed the FAA standards.
22. A chain link fence a least ten feet in height and located at least ten feet from the base of the tower shall enclose the tower base.
23. An evergreen buffer area at least 25 feet wide is required to surround the tower compound and must shield the compound area from the entire tract. No structures, including guyed wires or anchors, may be constructed within the buffer. The buffer area shall be planted in accordance with Section 927.F, County Zoning Ordinance.

24. The owner/developer is responsible and liable for maintenance and upkeep of this site, all structures, and appurtenances, to include ensuring that the site is kept free of litter and debris, all grass areas mowed, all buffers and shrubbery kept trim and maintained, so that the site remains in a constant state of being aesthetically and environmentally pleasing.
25. In the event the tower is not used for a period of six months, the tower shall be considered abandoned and must be removed. The owner of the tower is required to remove any abandoned, unused or structurally unsound tower within 90 days of receiving notice requiring removal. The Code Enforcement Coordinator may establish a shorter period of time for removal in the event the tower is determined to be structurally unsound.

Other Relevant Conditions:

26. The applicant is advised to consult an expert on wetlands before proceeding with any development.
27. The Regional Land Use Advisory Commission (RLUAC) has serious concerns with the clear-cutting of a 150'x150' site for the proposed tower in the northwestern corner of the subject property. RLUAC strongly urges the property owner and developer to coordinate this request with both the US Fish and Wildlife Service and Fort Bragg prior to any clear cutting and/or commencement of construction of the tower and related facilities.
28. The minimum acceptable road frontage for subdivision purposes in this area is 35' in width; if the lot is to be split out for tax or other purposes, in order to get a permit, the area shown as an "ingress/egress easement" must be made a part of the lot and must be a minimum of 35' in width. (Note: This condition applies only if the tower lease area is to be recorded as a lease lot.)
29. An internal street system will most likely be required by the NC Department of Transportation (NCDOT) to serve any divisions of the subject property.
30. 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.
31. For any future division of the subject property, fire hydrants will be required to be installed along any proposed or existing streets and drives; 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)
32. For any water or sewer utility needs on the subject property, connection to public water and sewer is required, the Town of Spring Lake must approve water and sewer plans prior to application for any permits. A copy of the town'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)
33. This conditional approval is not to be construed as all encompassing of the applicable rules, regulations, etc. which must be complied with for any development. Other regulations, such as building, environmental, health and so forth, may govern the specific development. The developer is the responsible party to ensure full compliance with all applicable Federal, State, and local regulations.
34. **The property owner is the responsible party to ensure that once the above noted violations are resolved and cleared, the property remains in a continued and constant state of compliance with the local ordinances and the owner does not permit or allow violations to re-occur. In the event of future non-compliance, permits issued for the subject property will be considered for revocation and in addition, all other avenues of enforcement likely to be pursued.**

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):

Subdivision/Site Plan/Plat	Ed Byrne	678-7609
Code Enforcement (Permits):	Ken Sykes	321-6654
County Health Department:	Daniel Ortiz	433-3680
Ground Water Issues:	Matt Rooney	678-7625
Town of Spring Lake:	Paul Hoover (Public Utilities)	436-0241*

	Rhonda Webb (Town Clerk)	678-7682
County Public Utilities:		
Corp of Engineers (wetlands):	Crystal C. Amschler	(910) 251-4170
NCDENR (E&S):	Sally Castle	433-3300
Location Services:		
Site-Specific Address:	Ron Gonzales	678-7616
Street Naming/Signs:	Diane Shelton	678-7665
Tax Parcel Numbers:		678-7549
NCDOT (driveways/curb-cuts):	Gary Burton	486-1496
NCDOT (subdivision roads):	David Plummer	486-1496
N.C. Division of Water Quality:	Mike Randall	(919) 733-5083 ext. 545
US Fish & Wildlife Service	Susan Ladd Miller	695-3323

*This is the main telephone number for the Town of Spring Lake; once connected, the caller will be directed to the various departments.

Attachments:

1. Notice of Violations, dated July 15, 2011, File #JV6543-2011;
2. Complaint and Notice of Hearing Before the Housing Inspector, dated July 15, 2011, Case #: MH 6541-2011; and
3. Notice of Violations, dated July 15, 2011, Case #ZN6538-2011.

cc: Paul Hoover, Town of Spring Lake

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Ken Sykes,
Inspections Coordinator

Carol M. Post
Planning and Inspections
Office Support



Kim Reeves,
Inspector
Angela Perrier,
Inspector
George Hatcher,
Inspector
Joey Lewis,
Inspector
Joan Fenley,
Inspector

COUNTY of CUMBERLAND

Planning & Inspections Department

NOTICE OF VIOLATIONS

July 15, 2011

Donna Langley Brown & Parties Of Interest
1011 Rosser Street
Spring Lake, NC 28390

File #JV 6543-2011

Dear Ms. Brown:

On 7/14/2011, I visited the premises at 1388 Lillington Highway, Spring Lake, NC, and it appears that one or more vehicles at this location may violate the Cumberland County Code, Chapter 9, Article III, Abandoned, Nuisance, and Junked Motor Vehicle Code. The enclosed inspection report indicates the specific violations noted during this visit. My investigation indicates that you are the owner of the vehicle(s) or the property on which they are located.

If you feel the violations indicated on the inspection report are in error, please contact me immediately so that a re-inspection may be scheduled. If, however, the vehicle(s) do not comply with the Ordinance as indicated on the report, the vehicle(s) must be brought into compliance or removed within **thirty (30) days** from receipt of this letter. You are responsible for scheduling a re-inspection prior to this compliance date. Someone should be available to start and move the vehicle(s) during this inspection. You may contact me to determine if you may be eligible for any additional time.

It is a violation of the above referenced ordinance for an owner to store vehicles with the indicated violations on their premises for more than thirty (30) days. A violation is punishable as a Class 3 Misdemeanor and subjects the violator to a civil penalty of \$100.00 per violation, per day, for each day's continuing violation. A copy of the ordinance is available at the Inspection Department.

If you have any questions or wish to schedule an inspection, you may contact me at (910) 321-6647.

Sincerely,

George Hatcher
Code Enforcement Officer

GH/cmp

Enclosure: Report of Inspection (may be on the reverse side)

COUNTY OF CUMBERLAND
PLANNING AND INSPECTION DEPARTMENT

ARTICLE III, ABANDONED, NUISANCE & JUNKED MOTOR VEHICLE
REPORT OF INSPECTIONS

PROPERTY OWNER: Donna Langley Brown
MAILING ADDRESS: 1011 Rosser Street, Spring Lake, NC 28390
VEHICLE OWNER:
PROPERTY LOCATION: 1388 Lillington Highway, Spring Lake, NC AREA:
DATE OF INSPECTION: 7/14/2011 PIN: 0512-23-8250 CASE #: JV 6543-2011

(B) SECTION 9-42(b) ABANDONED VEHICLE

(C) SECTION 9-42(c) NUISANCE VEHICLE

- 1) Breeding ground
- 2) Weed/vegetation growth over 12"
- 3) Pools/ponds of water collected
- 4) Concentration of gasoline, oil, or other explosive material
- 5) Areas of confinement which cannot be operated from inside(trunks, hoods)
- 6) Danger of falling or turning over
- 7) Collection of garbage, food waste, animal waste, or other rotten material
- 8) Sharp edges of metal/glass
- 9) Other health/safety hazard

(D) SECTION 9-42(d) JUNK VEHICLE

- 1) Partially dismantled or wrecked
- 2) Cannot be self-propelled as intended
- 3) Over five (5) years old and appears to be worth less than \$100.00
- 4) No current license plate displayed

Number of Vehicles: 8

Vehicle #1

VIN #: JT2ST87N8L0013902 **Make:** Toyota **Violations:** D2 D4
Description: Red Celica GT, license plate VNK 5425, expired 10/07, inspection sticker expired 1/08

Vehicle #2

VIN #: 1G8ZG5592PZ120924 **Make:** Saturn **Violations:** D2 D4
Description: White Saturn, no license plate, inspection sticker expired 2/06

Vehicle #3

VIN #: Unknown **Make:** Volvo **Violations:** D2 D4
Description: Blue 740 Turbo, license plate NTL 7627, expired 1/03

Vehicle #4

VIN #: Unknown **Make:** Massey Ferguson **Violations:** D2 D4
Description: Yellow MF70, flat tires, being used as a dumpster

Vehicle #5

VIN #: YV1AX4949C470219 **Make:** Volvo **Violations:** D2 D4
Description: White Volvo, license plate CGJ 237 (Hawaii), inspection sticker expired 10/06, full of storage

Vehicle #6

VIN #: - - - - 1792

Make: Ford

Violations: D2 D4

Description: White van, no license plate, rusted out body, full of storage,, flat tires

Vehicle #7

VIN #: JT4RN55ROL0067069

Make: Toyota

Violations: D2 D4

Description: Blue pick up truck, inspection sticker expired 7/08, full of storage

Vehicle #8

VIN #: 1F1KA72AXHB705088

Make: Subaru

Violations: D2 D4

Description: Red Subaru, inspection sticker expired 4/01, flat tires, full of storage

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Ken Sykes,
Inspections Coordinator

Carol M. Post
Planning and Inspections
Office Support



COUNTY of CUMBERLAND

Planning & Inspections Department

Kim Reeves,
Inspector
Angela Perrier,
Inspector
George Hatcher,
Inspector
Joey Lewis,
Inspector
Joan Fenley,
Inspector

COMPLAINT AND NOTICE OF HEARING BEFORE THE HOUSING INSPECTOR

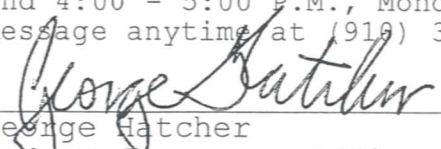
DATE: 7/15/11

CASE #: MH 6541-2011

TO: Donna Langley Brown & Parties of Interest
1011 Rosser Street
Spring Lake, NC 28390

- I. On 7/14/2011, the property located at 1388 Lillington Highway, Spring Lake, NC, was inspected for compliance with Cumberland County Article IV, Minimum Housing Code.
- II. You are hereby notified that the dwelling located at the place designated above appears to be substandard as defined by Cumberland County Code, Article IV, Minimum Housing Code. The enclosed Report of Inspection indicates the items which appear to violate this Code.
- III. A hearing has been scheduled before the Hearing Officer at the Department of Inspection, Room 101, Old County Courthouse, 130 Gillespie Street, Fayetteville, NC on 8/11/2011 at 9:15:00 AM for the purpose of finding facts as to whether or not the condition of such dwelling falls within the scope of the above mentioned Code. At the Hearing, you shall be entitled to file answer to the Complaint and to be heard in person or by counsel upon all factual or legal questions relating to this matter.
- IV. The Findings of Fact and Order will be mailed to you following the hearing specifying the corrective action to be taken and the date by which the corrections must be completed. Failure to comply with the Order is punishable as a Class 3 Misdemeanor and subjects the owner or party of interest to a civil penalty of fifty dollars (\$50.00) per day for each and every day the violation(s) exist.
- V. You are further notified that you have the right to file a request for an appeal to the Cumberland County Housing Board of Appeals. The appeal procedures will be provided with the Order.

If you have any questions contact the undersigned between 8:00 - 9:00 A.M. and 4:00 - 5:00 P.M., Monday through Friday, or you may leave a voice mail message anytime at (910) 321-6647.


George Hatcher
Code Enforcement Officer

Enclosure: Report of Inspection (may be on reverse side)

COUNTY OF CUMBERLAND
INSPECTION DEPARTMENT

REPORT OF
MINIMUM HOUSING INSPECTIONS

DATE OF INSPECTION: 7/14/2011

CASE #: MH 6541-2011

PROPERTY LOCATION: **1388 Lillington Highway, Spring Lake, NC**

ZONING CLASSIFICATION:

OWNER/AGENT: Donna Langley Brown & Parties of Interest

ADDRESS: 1011 Rosser Street, Spring Lake, NC 28390

OCCUPANT: vacant PARCEL ID NO.: 0512-23-8250 VIN NO.: AREA:

BUILDING USE	TYPE CONSTRUCTION	NUMBER STORIES
<input checked="" type="checkbox"/> ONE FAMILY	<input checked="" type="checkbox"/> FRAME	<input checked="" type="checkbox"/> ONE STORY
<input type="checkbox"/> APARTMENT COMPLEX	<input type="checkbox"/> BRICK VENEER	<input type="checkbox"/> TWO STORY
<input type="checkbox"/> DUPLEX	<input type="checkbox"/> BLOCK	<input type="checkbox"/> THREE STORY
<input type="checkbox"/> OTHER _____	<input type="checkbox"/> MANUFACTURED HOME	

APPRAISED TAX VALUE (STRUCTURE: _____) DATE OF APPRAISAL: _____
DOES DAMAGE OR DETERIORATION OF STRUCTURE EXCEED 50% OF ITS PHYSICAL VALUE? YES NO
DOES STRUCTURE CONFORM WITH ZONING REGULATIONS? YES NO

ITEMS LISTED BELOW ARE TO BE CORRECTED:

1. Main electrical supply line conduit needs securing to building.
2. Repair vinyl siding that is damaged.
3. Repair rotten, deteriorated framing and siding on accessory building.
4. Two dilapidated single-wide mobile homes that are unfit for human habitation and being used for storage, which is not an approved use.

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Ken Sykes,
Inspections Coordinator

Carol M. Post
Planning and Inspections
Office Support



Kim Reeves,
Inspector
Angela Perrier,
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George Hatcher,
Inspector
Joey Lewis,
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Joan Fenley,
Inspector

COUNTY of CUMBERLAND

Planning & Inspections Department

NOTICE OF VIOLATIONS

July 15, 2011

TO: Donna Langley Brown & Parties of Interest
1011 Rosser Street
Spring Lake, NC 28390

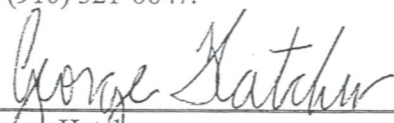
CASE #ZN 6538-2011

You are hereby issued a Notice of Violation of the Cumberland County Code, Appendix A, Zoning.

1. Nature of Violation(s): 1) You are using/permitting the use of land that you own for the storage of vehicles and an accumulation of over 200 square feet of open storage of miscellaneous materials on a lot zoned R6A, which by definition in the Cumberland County Zoning Ordinance, is a junk yard/salvage yard. Specifically: auto parts, furniture, appliances, filing cabinets, crates, barrels, shelving, boxes, tools, batteries, tires, etc. 2) Two dilapidated single wide mobile homes placed on lot and being used for storage, which is not an approved use..
2. Code Reference: Zoning Ordinance, Cumberland County, North Carolina, 1) Article IX, Individual Uses, Section 915, Motor Vehicle Wrecking Yards and Junk Yards, and Article XVII, Legal Provisions, Section 1703, Violations. 2) Article I, Administrative Provisions, Section 107(A), Zoning Permits Required, and Article XVII, Legal Provisions, Section 1703, Violations
3. Action to Correct Violations(s): 1) Either remove the unlicensed, unregistered, inoperable vehicles and outside storage, or store the items inside an approved building, or consolidate the items into an area that does not exceed 200 square feet. You may also apply to have the property rezoned to a zoning classification which allows junk yards. 2) Obtain the required demolition permit and remove the single wide mobile homes from the property..
4. Property Location: On or about 1388 Lillington Highway, Spring Lake, NC. Being that property as listed under Cumberland County, NC Tax Parcel Number 0512-23-8250.
5. Property Owner: Donna Langley Brown Inspection Date: 6/29/2011

You are hereby advised that the above listed violation is a Class 3 Misdemeanor, under the provisions of North Carolina General Statute 14-4, and must be corrected within thirty (30) days of receipt of this notification. Failure to correct this violation will subject you to a civil penalty of \$500 dollars per day (each day being a separate violation) and prosecution for a misdemeanor violation in Environmental Court. Also be advised of your right to appeal this decision in accordance with Article XVII., Section 17.03(E), Appeal, Zoning Ordinance, Cumberland County, North Carolina.

If you have any questions, please contact the undersigned at (910) 321-6647.



George Hatcher
Code Enforcement Officer

P11-03-C
SITE PROFILE

P11-03-C: CONSIDERATION OF A SPECIAL USE PERMIT TO ALLOW A DAY CARE FACILITY IN AN RR RURAL RESIDENTIAL DISTRICT ON 4.63+/- ACRES, LOCATED AT 6501, 6505 & 6509 CAMDEN ROAD (SR 1003), SUBMITTED BY LEWIS WILSON ON BEHALF OF NEW LIFE BAPTIST CHURCH OF FAYETTEVILLE (OWNER) AND CYNTHIA WILSON.

Site Information:

Frontage & Location: 310' +/- on Camden Rd (SR 1003), 680' +/- on Applegate Rd

Depth: 630' +/-

Jurisdiction: Cumberland County

Adjacent Property: No

Current Use: Religious worship facility, family life center, teen building, 2-church offices, storage, and day care facility

Initial Zoning: RR – February 3, 1977 (Area 7)

Nonconformities: Existing life center structure does not meet the side setback for the RR current zoning-structure built 5/30/02

Zoning Violation(s): None

Surrounding Zoning: North: C1(P), C(P), RR, RR/CU (to allow a firewood cutting, storage & sales operation) & R10; West: RR; East: C(P)/CUD (mini-ware house, retail office space, 2nd floor is a dwelling, & car wash), C1(P), C(P), R6 & R6A; South: RR, R10 & R6 (Hope Mills)

Surrounding Land Use: 2-Religious worship, convenience retail w/ gasoline sales, strip mall, residential (including multi-family and manufactured homes), mini-warehousing, and woodlands

2030 Growth Strategy Map: Urban area

Special Flood Hazard Area (SFHA): None

Soil Limitations: None

Water/Sewer Availability: PWC/Sewer

School Capacity/Enrolled: Stoney Point Elementary: 900/684; John Griffin Middle: 1340/1256; Jack Britt High: 1870/1834

Subdivision/Site Plan: See attached “Ordinance Related Conditions” particular attention should be paid to Condition No. 1

Average Daily Traffic Count (2006): 17,000 on Camden Rd (SR 1003) and 11,000 on Rockfish Rd (SR 1112)

Highway Plan: Camden Road is identified in the Highway Plan as a major thoroughfare. This proposal calls for a multi-lane facility (U-3422) with a right-of-way of 110 feet. Road improvements are included in the 2009-2015 MTIP

Military Influence Area: Town of Hope Mills

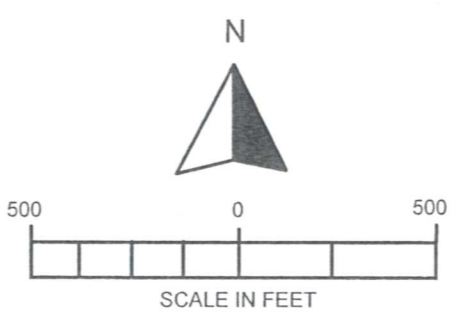
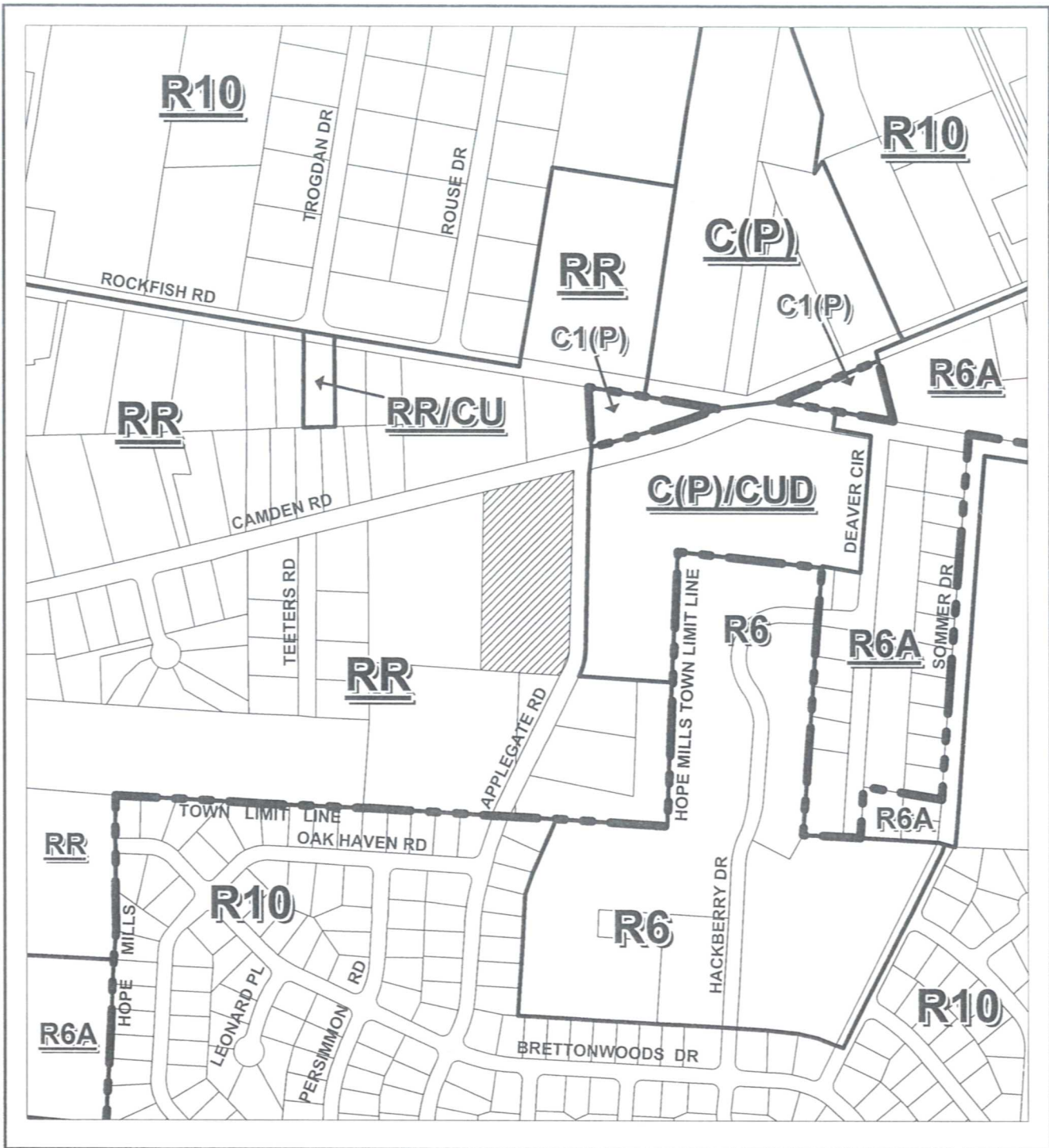
County Zoning Ordinance Reference: Section 906, Day Care Facility

Notes:

- Contents of the application:
 - a. Current children: 94 Proposed to add: 34 children - (total of 128 children)
 - b. Current day care employees: 13 teachers, 2 directors, a cook, and a custodian - (total of 17)
 - c. Proposed placement of 128 Children/13 teachers/4 employees for day care at existing structures:
 - Day Care Center: Proposed 31 children/5 teachers/2 directors/a cook/ a custodian
 - Administrative building: 67 children/6 teachers within the proposed 9 rooms for day care use
 - Family Life Center: 30 children/ 2 teachers at proposed building usage of 24'x 80' (1920 sq ft),
 - d. Required day care parking: 19 off-street parking spaces
 - e. Days & hours of operation: Monday - Friday 6:30 am to 6:00 pm
 - f. There is an existing outside play area and sign for the daycare facility

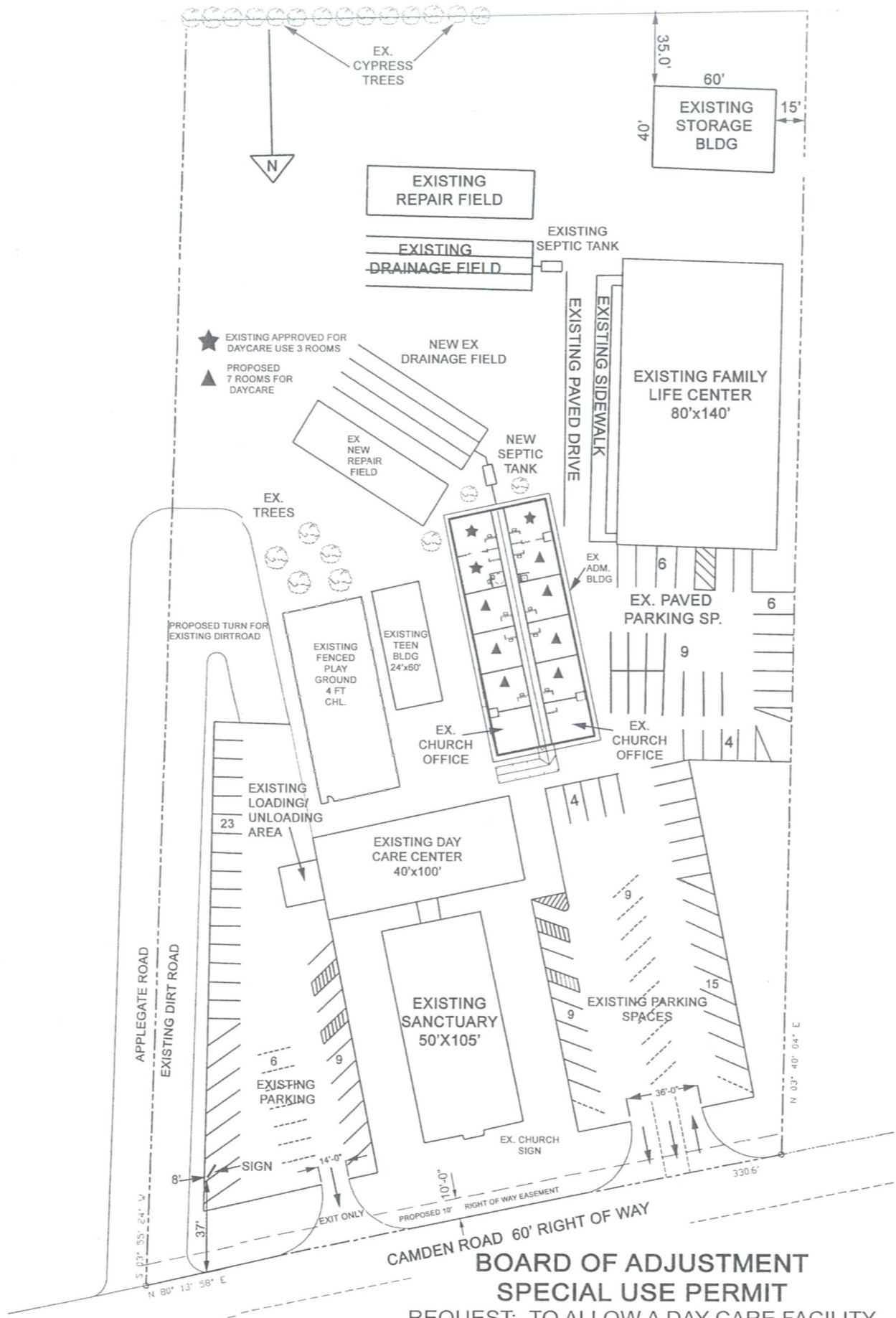
First Class and Record Owners' Mailed Notice Certification

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.



BOARD OF ADJUSTMENT SPECIAL USE PERMIT

ACREAGE: 4.63 AC.+/-		HEARING NO: P11-03-C	
ORDINANCE: COUNTY		HEARING DATE	ACTION
GOVERNING BOARD			



- ★ EXISTING APPROVED FOR DAYCARE USE 3 ROOMS
- ▲ PROPOSED 7 ROOMS FOR DAYCARE

BOARD OF ADJUSTMENT
SPECIAL USE PERMIT
 REQUEST: TO ALLOW A DAY CARE FACILITY
 CASE: P11-03-C ACREAGE: 4.63 AC +/-
 ZONED: RR SCALE: NTS
 PARKING SPACES: 100

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

BOARD OF ADJUSTMENT

LOCATION OF PROPERTY: 6501, 6505, 6509 Camder Rd. Fay., N.C.

OWNER: New Life Baptist Church - Pastor Lewis Wilson

ADDRESS: 6501 Camder Rd Fay ZIP CODE: 28306

TELEPHONE: HOME (910) 424-4580 WORK 910 424-4580

AGENT: Cynthia Wilson

ADDRESS: 2444 Lull Water Dr Fay NC 28306

TELEPHONE: HOME 910 486 4545 WORK 910 424-4580
cell: 910 964 6820

APPLICATION FOR A SPECIAL USE PERMIT

As required by the Zoning Ordinance

A. Parcel Identification Number (PIN #) of subject property: 0404-36-4141
(also known as Tax ID Number or Property Tax ID)

B. Acreage: 4.63 Frontage: 331 Depth: 625

C. Water Provider: PWC

D. Septage Provider: sewer

E. Deed Book 7211, Page(s) 0398, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).

F. Existing use of property: Church; Daycare; Preschool

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.)
Daycare currently operates in the Daycare Center, Div of Child Development licensed for 128 children. Current enrollment is 94. Proposing to expand existing daycare in the admin building (9 classrooms) and at Family Life Center proposing to use a (24'x80') space for before/after schoolers for daycare. Days & hours of operation: M-F 6:30am - 6:00pm; Current Teachers = 13 (10 f+t; 3 p-t), other ^{Daycare} employees = 2 Directors, 1 Custodian & 1 Cook. Proposed additional children = 34. (94 + 34 = 128)

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) _____

Pastor: Lewis E. Wilson on behalf of:
PRINTED NAME OF OWNER(S) New Life Baptist Church

DATE 4/13/11

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

If approved 121 children by Cumb. County:

Proposed placement of children, teachers & employees

1- Ex. Daycare center = 31 children, 5 teachers, 1 cook
; 2 Directors

2- Admin Building (proposed) = 67 children, 6 teachers
↳ Currently 2 church offices ; 2 employees

3- Family Life Center (proposed) = 30 children, 2 teachers

• Current parking spaces = 116

• The church services are Sundays: 9:30 - 12 noon &
6:30 - 8 p.m.

Wednesdays: 7:00 - 8:30 p.m.
Bible Study

• One additional PASTOR'S office in existing sanctuary

TOTAL DAYCARE EMPLOYEES = 17

TOTAL Church EMPLOYEES = 3

Cynthia Wilson
6/14/11

NewLife Baptist
Daycare & Preschool
#26001406

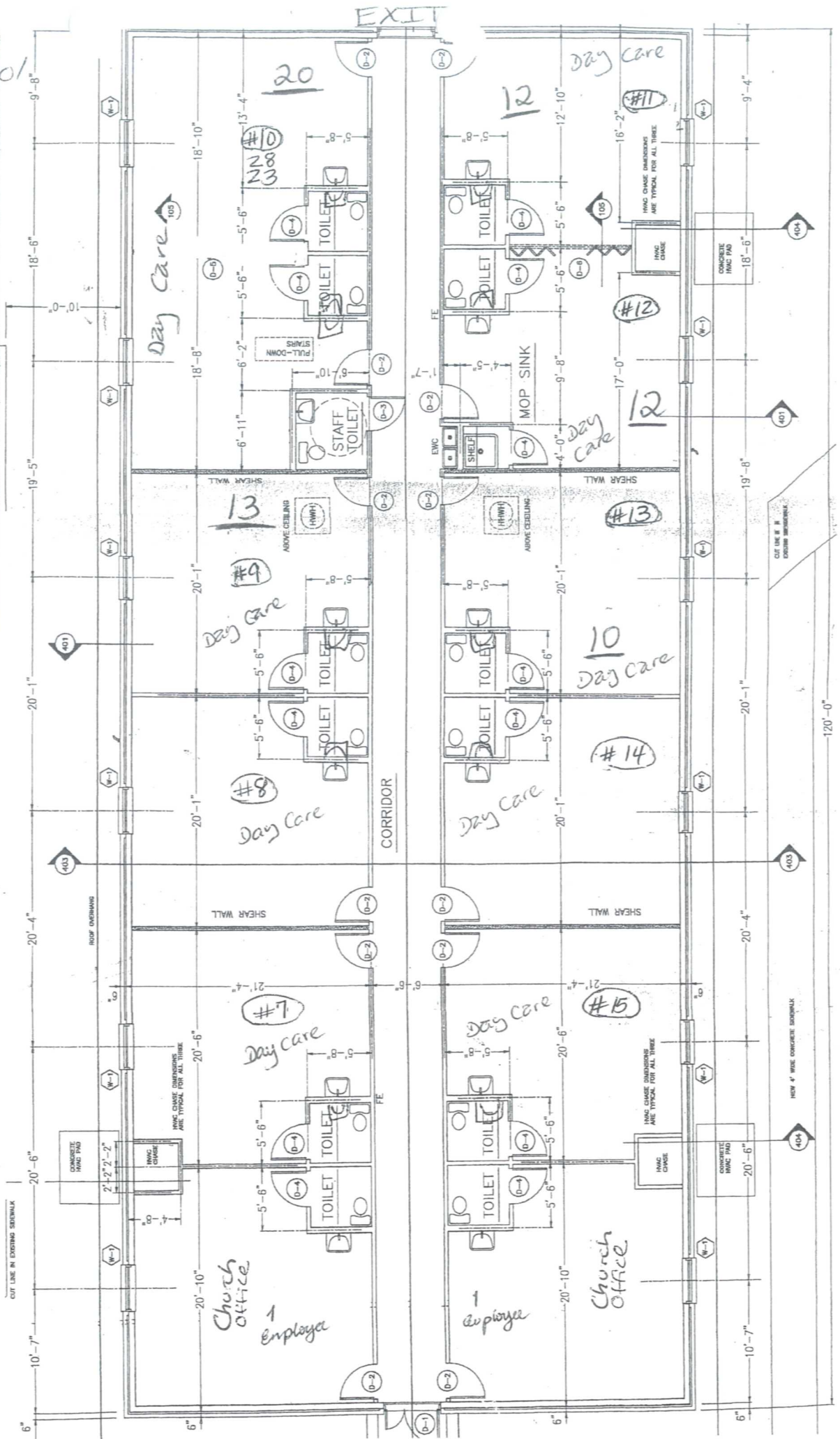
Blg #2

Capacity this blg =
152

Total Capacity =

Capacity @ 25 sq.ft.

- # 7 = 16
- # 8 = 16
- # 9 = 16
- # 10 = 28
- # 11 = 14
- # 12 = 14
- # 13 = 16
- # 14 = 16
- # 15 = 16



Special Use Permit – Board of Adjustment

DRAFT

Ordinance Related Conditions

Pre-Permit Related:

1. Prior to application for any permits and/or prior to commencement of the day care facility expansion, the developer must provide five copies of a revised site plan to the Land Use Codes Section for staff review and approval. This revised plan must include the layout of the off-street parking as it currently exists on-site and confirm the correct location of all existing structures, including signage.

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 water is required, the Public Works Commission (PWC) must approve water plans prior to application for any permits. A copy of the PWC 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)

Note: Due to an existing agreement between the PWC and the Town of Hope Mills, an annexation petition most likely will be required prior to the PWC's review of any utility plans.

5. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
6. 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.
7. 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.
8. 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:

9. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Zoning Ordinances for the RR zoning district must be complied with, as applicable.

10. All corner lots and lots fronting more than one street must provide front yard setbacks from each street.
11. This conditional approval is not approval of any new freestanding signs. If a new freestanding sign is desired, re-submittal of the site plan is required prior to application for any freestanding sign permits. 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.)
12. "Camden Road" must be labeled as "SR 1003 (Camden Road)" on all future plans.
13. Reservation of 25 feet of right-of way along SR 1003 (Camden Road) is required and the metes and bounds for the reservation must be 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. (Section 2302 F, Planned Public Right-of-Way, County Subdivision Ordinance)
14. Prior to building final inspection, a concrete sidewalk must be constructed along SR 1003 (Camden Road). (Section 2305, Sidewalks, County Subdivision Ordinance)
15. 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)
16. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision Ordinance)
17. 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.
18. Turn lanes may be required by the NC Department of Transportation (NCDOT).
19. 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.
20. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.
21. All required off-street parking spaces shall be a minimum of 9' x 20'; a minimum of 19 off-street parking spaces are required for the day care facility. (Note: The day care facility can use the existing church off-street parking as long as the religious worship services will not be going on at the same time as the day care operation.)
22. A minimum of two off-street loading spaces must be provided for the daycare facility as shown on the site plan.
23. 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.

Advisories:

24. The applicant is advised to consult an expert on wetlands before proceeding with any development.
25. This conditional approval is not approval of any new building construction. The day care facility expansion is to be within the existing structure as indicated on the site plan.
26. Under the Highway Plan, project (U-322) calls for SR 1003 (Camden Road) to become a multi-lane facility with a right-of-way of 110 feet. The future 25 feet of right-of-way reservation will mean that the existing church building along SR 1003 (Camden Road), if it is ever destroyed or damaged by more than 50%, any replacement structure would have to meet the setbacks from future ultimate right-of-way line.)

27. The subject property is located within the Town of Hope Mills Municipal Influence Area (MIA). Hope Mills has tree preservation provisions in their ordinance; therefore, the developer is strongly encouraged to refrain from removing any existing trees on this property.
28. 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:

29. The play area must be secured with a minimum four foot high fence that includes a lockable gate.
30. This conditional approval is contingent upon continued compliance with the County’s Subdivision and Zoning Ordinances.

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:	Daniel Ortiz	433-3680
PWC:	Heidi Maly	223-4737
Town of Hope Mills:		424-4555*
Asst. Town Manager/Town Clerk:	Melissa Adams	
Chief Building Inspector:	Mike Bailey	
County Public Utilities:		678-7682
Corp of Engineers (wetlands):	Crystal C. Amschler	(910) 251-4170
NCDENR (E&S):	Sally Castle	433-3300
Location Services:		
Site-Specific Address:	Ron Gonzales	678-7616
Tax Parcel Numbers:		678-7549
NCDOT (driveways/curb-cuts):	Gary Burton	486-1496
Transportation Planning:	Bobby McCormick	678 7632
N.C. Division of Water Quality:	Mike Randall	(919) 733-5083 ext. 545

*This is the main telephone number for the Town of Hope Mills; once connected, the caller will be directed to the various departments.

P11-05-C
SITE PROFILE

P11-05-C: CONSIDERATION OF A SPECIAL USE PERMIT TO ALLOW A KENNEL OPERATION IN A R40A RESIDENTIAL DISTRICT ON 3.00+/- ACRES, LOCATED AT 111 BERRYPATCH COURT, SUBMITTED BY JAMES H. BERRY (OWNER) AND JULIO HERNANDEZ.

Site Information:

Frontage & Location: 60.00'+/- on Berrypatch Court

Depth: 490'+/-

Jurisdiction: Cumberland County

Adjacent Property: Yes, 2 tracts on the east side and 2 tracts on the south side of subject property

Current Use: Residential

Initial Zoning: R40A - December 17, 2001 (Area 15)

Zoning Violation(s): None

Surrounding Zoning: North: A1 & PND/CU; East: C3, A1, R40A & R6A; South: A1, R40A & RR ; West: A1 & RR

Surrounding Land Use: Storage open, trades contractor, residential (including a manufactured home park and manufactured homes) and woodlands

North Central Cumberland Plan: Low density residential

Special Flood Hazard Area (SFHA): None

Water/Sewer Availability: Town of Linden/Septic

Soil Limitations: Yes, hydric soils: TR-Torhunta and Lynn Haven soils

School Capacity/Enrolled: Raleigh Road Elementary (K-1): 220/244; Long Hill Elementary (2-5): 460/485; Pine Forest Middle: 820/953; Pine Forest High: 1,750/1,525

Subdivision/Site Plan: See attached "Ordinance Related Conditions"; particular attention should be paid to Conditions No. 2 & 18

Average Daily Traffic Count (2006): 7,500 on SR US401 (Ramsey 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

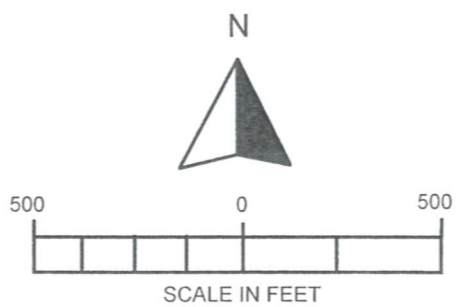
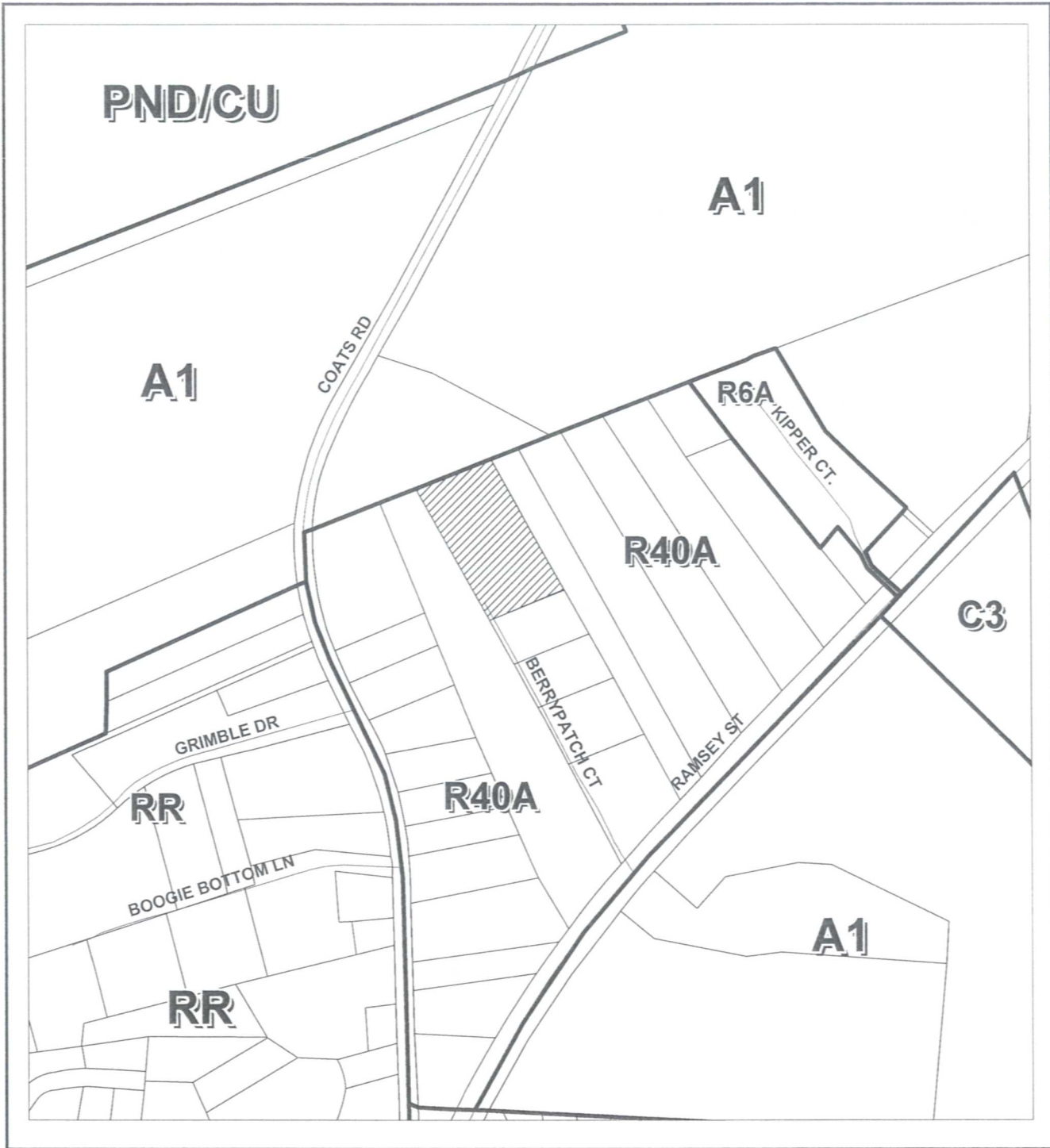
County Zoning Ordinance Reference: Section 912, Kennel Operation

Notes:

1. Contents of the application:
 - a. Use activity: dog day care, dog training & extended animal overnight stay (1-2 weeks)
 - b. Employees: 1 full time / 1 part time
 - c. Number of dogs proposed: 50 dogs
 - d. Proposed kennel dimensions: 20' x 40' (800 sq ft) enclosed with a 6' welded wire kennel panels
 - e. Shelter for each dog will be enclosed on three sides, roofed, with a solid floor
 - f. Pen area is inside kennel 20' x 40' (800' sq ft)
 - g. Hours of operation: Mon-Saturday 8:00 am to 12:00 pm & 4:00 pm to 5:30 pm
 - h. Buffer: proposed existing natural buffer along the sides and rear yard
 - i. No signage

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.



BOARD OF ADJUSTMENT SPECIAL USE PERMIT

ACREAGE: 3.00 AC.+/-		HEARING NO: P11-05-C	
ORDINANCE: COUNTY		HEARING DATE	ACTION
GOVERNING BOARD			

BOARD OF ADJUSTMENT

LOCATION OF PROPERTY: 111 Berry Patch CT
OWNER: James Barry
ADDRESS: 8859 Ramsey ST ZIP CODE: 28356
TELEPHONE: HOME call 494-2700 WORK _____
AGENT: Julio Hernandez
ADDRESS: 111 Berry Patch CT
TELEPHONE: HOME 336-480-8379 WORK 910-829-1444

APPLICATION FOR A SPECIAL USE PERMIT

As required by the Zoning Ordinance

- A. Parcel Identification Number (PIN #) of subject property: 0544-80-7574
(also known as Tax ID Number or Property Tax ID)
- B. Acreage: 3.00 Frontage: 60' Depth: 492
- C. Water Provider: Town of Linden
- D. Septage Provider: Septic
- E. Deed Book 7426, Page(s) 506, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
- F. Existing use of property: Residential
- 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.)
Kennel operations to include use for personal dogs and for use to board dogs.
Hours of operation are tentatively M-Sat 8A.M. til 12p.m. then 4p.m. til 5:30 p.m.
Employees: 2 (myself (agent) & 1 more) IH
No Signage
Parking will consist of 2 parking spaces if needed.
50 Dog Kennel (Fifty dog Kennel)

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 approve, deny, or defer the request for additional information to be provided;
- If the petitioner or their representative for this application does not appear personally before the Board, whether there is opposition or not, the Board has full authority to consider the case.
- If the Board's decision is to deny the matter before them, the aggrieved party shall file a "Notice to Intent to Appeal" with the Planning & Inspections Staff on the next business day following the meeting in which the Board's decision was made final, or the next business day following receipt of the written copy there of.
- Any petition for review by Superior Court shall be file with the Clerk of Superior Court within 30 days after the decision of the Board is made final.

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)

James H. Leroy

PRINTED NAME OF OWNER(S)

JAMES H. LEROY

DATE

7/13/2011

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

Special Use Permit – Board of Adjustment

DRAFT

Ordinance Related Conditions

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. 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)

The developer must provide to County Environmental Health a detailed solid waste disposal plan for review and approval and an approved solid waste disposal plan must be provided to Code Enforcement at the time of permit application.

3. For any new construction requiring water, connection to public water is required, the Town of Linden must approve water plans prior to application for any permits. A copy of the Town's approval must be provided to Code Enforcement at the time of application for building/zoning permits. (Note: The developer is strongly encouraged to contact the Town of Linden prior to drafting design plans and commencement of any development on this site, especially regarding the location of sidewalks in relation to the existing and/or proposed Town water lines.) (Section 2306 A.1, Public Water and Sewer Systems, County Subdivision Ordinance)
4. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
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. 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:

- Four 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.

8. 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:

9. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Zoning Ordinances for the R40A zoning district must be complied with, as applicable.
10. This conditional approval is not approval of any freestanding signs. If a freestanding sign is desired, re-submittal of the site plan is required prior to application for any freestanding sign permits. 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.)
11. 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)
12. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision Ordinance)
13. In the event a stormwater utility structure is required by the NC Department of Environment and Natural Resources (NCDENR), the owner/developer must secure the structure with a four foot high fence with a lockable gate, and is required to maintain the detention/retention basin, keeping it clear of debris and taking measures for the prevention of insect and rodent infestation.
14. 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.
15. A solid buffer must be provided and maintained along the side and rear property lines 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.)
16. The owner/developer is responsible and liable for maintenance and upkeep of this site, all structures, and appurtenances, to include ensuring that the site is kept free of litter and debris, all grass areas mowed, all buffers and shrubbery kept trim and maintained, so that the site remains in a constant state of being aesthetically and environmentally pleasing.
17. 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.
18. The shelters, whether individual dog houses or one large area, must be fully enclosed on three sides, roofed, and solid floor.

Advisories:

19. The applicant is advised to consult an expert on wetlands before proceeding with any development.
20. 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.
21. This conditional approval is not to be construed as all encompassing of the applicable rules, regulations, etc. which must be complied with for any development. Other regulations, such as building, environmental, health and so forth, may govern the specific development. The developer is the responsible party to ensure full compliance with all applicable Federal, State, and local regulations.

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):

Subdivision/Site Plan/Plat	Ed Byrne	678-7609
Code Enforcement (Permits):	Ken Sykes	321-6654
County Engineer's Office:	Wayne Dudley	678-7636
County Health Department:	Daniel Ortiz	433-3680
Town of Linden:	Ruby Hedges (Town Clerk)	980-0119
County Public Utilities:		678-7682
Corp of Engineers (wetlands):	Crystal C. Amschler	(910) 251-4170
NCDENR (E&S):	Sally Castle	433-3300
Location Services:		
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