



Board of Adjustment

Members:

Gregory Parks
Marva Lucas-Moore
Linda Amos
Robert Davis
Vickie Mullins

Alternates:

Kenneth Turner
Gary Silverman
Brenez Orozco
Jovan Bowser
Donald Brooks

AGENDA
April 18, 2024
6:00 PM

A meeting of the Cumberland County Board of Adjustment is to be held on Thursday, April 18, 2024, at 6:00 p.m. in Hearing Room #3 of the Historic Courthouse at 130 Gillespie Street, Fayetteville, North Carolina. The agenda is as follows:

1. INVOCATION & PLEDGE OF ALLEGIANCE
2. ROLL CALL
3. SWEAR IN STAFF
4. ADJUSTMENTS TO THE AGENDA
5. APPROVAL OF THE MARCH 21, 2024 MINUTES
6. ABSTENTIONS BY BOARD MEMBERS/BOARD MEMBER DISCLOSURES (SITE VISITS AND/OR PERSONAL AFFILIATIONS)
7. PUBLIC HEARING DEFERRALS/WITHDRAWALS
8. POLICY STATEMENT REGARDING APPEAL PROCESS
9. PUBLIC HEARING(S):

A. BOA-2024-0004: Consideration of a Special Use Permit to allow a telecommunication monopole in an A1 Agricultural District on 3.67 +/- acres, located at 7131 Cedar Creek Road; submitted by Max Casey (Agent) on behalf of the State of North Carolina (Owner).

B. BOA-2024-0005: Consideration of a Special Use Permit to allow a convenience container and recycling center in a RR Rural Residential District on 24.16 acres, located 140 feet south of the intersection of Parkton Road and Brisson Road; submitted by Smith Gardner, Inc. (Agent) on behalf of NC Department of Transportation (Owner).

10. DISCUSSION/UPDATE(S):
11. ADJOURNMENT

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Board of Adjustment

MINUTES
March 21, 2024
6:00 PM

Regular Members

Gregory Parks-Chair
Linda Amos, Vice-Chair
Robert Davis
Marva Lucas-Moore
Vickie Mullins

Absent Members

Linda Amos, Vice-Chair
Robert Davis
Jovan Bowser-Alt
Kenneth Turner-Alt
Gary Silverman- Alt
Breneo Orozco-Alt

Staff/Others Present

David Moon
Timothy Doersam

Amanda Ozanich
Robert Hasty (Asst County Attorney)

Alternate Members

Breneo Orozco-Alt
Donald Brooks-Alt
Jovan Bowser-Alt
Kenneth Turner-Alt
Gary Silverman- Alt

Present Members:

Gregory Parks-Chair
Vickie Mullins
Marva Lucas-Moore
Donald Brooks

Chair Parks called the meeting to order at 6:00 p.m. in Public Hearing Room #3 of the Historic Courthouse.

1. INVOCATION & PLEDGE OF ALLEGIANCE

Donald Brooks read the invocation. Pledge said by all.

Pledge Recited by all.

Chair Parks stated the procedural matters are to turn off all cell phones or to place them on silent. Please speak clear. Please do not repeat what the last speaker spoke. The Chair requested to limit time per speaker to 5 minutes. If any Board member wishes to speak, please ask to be recognized by the Chair.

2. ROLL CALL

David Moon called the roll. Mr. Moon made note of the absence of Linda Amos, Robert Davis, Kenneth Turner, Gary Silverman, Breneo Orozco, and Jovan Bowser. Mr. Moon stated we do have a quorum.

3. SWEAR IN OF STAFF

Chair Parks swore in staff Timothy Doersam and David Moon.

4. ADJUSTMENTS TO THE AGENDA

There were none.

5. APPROVAL OF THE OCTOBER 19, 2023, MINUTES

Vickie Mullins made a motion to approve the minutes from the October 19, 2023, meeting as written, seconded by Mr. Donald Brooks. All are in favor.



6. ABSTENTIONS BY BOARD MEMBERS/BOARD MEMBER DISCLOSURES (SITE VISITS AND/OR PERSONAL AFFILIATIONS)

There were none.

7. PUBLIC HEARING DEFERRALS/WITHDRAWALS

There were none.

8. POLICY STATEMENT REGARDING APPEAL PROCESS:

Mr. Moon read the policy statement.

9. PUBLIC HEARING(S)

Chair Parks read:

BOA-2024-0002: Consideration of a Special Use Permit to allow a telecommunications monopole in an A1 Agricultural District on 261.39 +/- acres, located at 3142 County Line Road; submitted by Ryan Woods (applicant) on behalf of Grays Creek Properties, LLC (owner).

David Moon: Thank you, chair. I am David Moon, Deputy Director of planning and inspections. I'll provide the introduction while Tim Doersam, planner with planning and inspections, will provide the presentation.

The case before you is a special use permit for a communication tower for Duke Energy Progress. They will be the sole user. It will not be a common communication tower with multiple antennas for communication companies. It will fully serve the purpose of communications with Duke. They can coordinate the operations of the transmission center and I believe the solar panel station. The applicant can provide more details.

This slide is located on the southwest corner of the county, in the vicinity of Rufus Road and County Line Rd.

This is a special use. As a special use which are those uses for which a permit is required for the proposed activities, which are essentially compatible with other uses or activities permitted in a zoning district, but which presents unique challenges or possess unique characteristics or qualities that require comprehensive review at a public hearing by the county Board of Adjustment and which may be allowed only after the findings of fact and the imposition of reasonable conditions. 00:07:55

This next slide is from the zoning ordinance for the county. This shows that a communication tower is a special use under the A1 agricultural zoning category.

The board this evening will make its decision based on 4 special use criteria from the zoning ordinance. These four criteria are: the use will not materially endanger the public health or safety if located according to the plan submitted and proposed; The use meets all required conditions and specifications; the use will maintain or enhance the value of adjoining or abutting properties, or that the use is a public necessity; and 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 Land Use Plan, either comprehensive or a detailed area plan. 00:09:09



Board of Adjustment

The Board of Adjustment has the authority to approve, deny or approve with conditions. Your actions this evening is final. If the applicant or adjacent property owners affected wish to appeal. Then that appeal goes to the County Superior Court. With that, I'll turn the mic over to Tim Dorson. He'll provide the key information about the special use application. Thank you.

Timothy Doersam:

Good evening, ladies and gentlemen, Board. My name is Timothy Dorson. I am a planner I with the current planning office, with the planning and inspection department. The subject property, it is located on a total of about 261, give or take, acres of land. The special use permit, as described, is going to affect only approximately 1.21 acres. Here we kind of see the surrounding areas. To the north of the subject property, we have several residential subdivisions that are located across County Line Rd.. Of the actual site, to the north, is more rural agricultural farm use along with some single family residential. To the east, we have predominantly wooded lands. To the South is more wooded lands with the extension of the solar farm that reaches across seaplane County line and to the West, we have the majority of the solar farm that is located on the property site.

(presentation slide descriptions)

This is a close up of the actual subject site that the tower will be housed on, which is an existing utility substation that Duke Energy is owning and operating. It will be located within the existing channeling fence as well.

Here we see the surrounding and fencing zoning of the area. It is predominantly A1 agricultural. We do have some scatterings of R40 residential and a pocket of R20 residential to the west.

From soils, the property does have hydric soils with some hybrid inclusion soils to the top right portion of it. It is located in the Greys Creek Water District, but there are no water lines and there are no sewer lines located along the county Line Rd. and the applicant is not proposing any well or septic, as they are not foreseeing that it is a necessity for the tower operation.

We have a picture looking at the property itself at one of the security gates that Duke Energy has and operates for the sake of keeping people away from their apparatuses.

This is a western view from down county line Rd., this is looking across it to one of the Jefferson Landing subdivision properties that is across the street from County Line Rd.

This is looking across it, to one of the Jefferson Landing subdivision properties that is across the street from County Line Rd. And here is the eastern view looking down county line roads.

This is sheet one of the actual site plans, you get an idea of the surrounding wooded areas that are to the east and towards the north of the subject site. That would house the tower and then again to the South and to the West is the Solar Farm and all these solar panels are used for it.

For the key conditions that we have for the special use permit, the 1st is that they're only one tower constructed and in operation at any given time. Within the special use permit area. The tower may be replaced by a new tower with any special use permit area, but once that tower is completed and in operation, the old tower must be removed within 90 days.

There are no third-party Co locations allowed on the new monopole.

Any additional antenna that would be put onto the monopole would be solely used by duke.

The existing 8-foot-high chain link fencing that is around the existing substation. That is found to be sufficient to satisfy Section 927, subsection E of the county zoning Ordinance.

No additional vegetation buffers shall be required because the site is sufficiently screened because of the existing wooded areas to the east and to the north property lines and the Special use permits expirations date will be two years from the date of approval.



Chair Parks:

Can I ask a question? Once they get the special use permit, do they have to come back in 2 years to get another special use permit?

David Moon:

The as long as they proceed with the use approved within the special use, within those two years, then they have what is called vested rights. If they should not install that tower, then there's the risk that it expires. Should it expire and they would like to put a Monopoly on the site and then they would have to request a special use permit again.

Timothy Doersam:

And as Mr. Moon has said, you have the ability to: approve, deny or approve with conditions, the Special use permit that is being heard tonight. That concludes my presentation. Thank you for your time.

David Moon:

Chair, the staff has reviewed the special use site plan and found it to be consistent with the county's zoning ordinance. The proposed tower is a maximum height of 120 feet, so they will be limited to the height. That is identified within the proposed special use permit.

Chair Parks:

You all basically have done the improvement yourself. We just need to say...

David Moon:

The role is to determine that this use within the A1 zoning district at this location, meets those 4 criteria. You're also approving the subdivision, or rather the special use permit and the conditions of approval. There is 27 conditions in there that the applicant must meet. To install, to operate, and to remove the structure.

Chair Parks:

Do we have anybody who's going to talk?

David Moon

Well, if you have any questions of the staff the board can ask those now. If not, then chair you can close the staff discussion and open the public hearing.

Chair Parks

No.

Donald Brooks:

It's 261 acres. Is it possible in the future this could be rezoned for residential areas and if so? Just have a buffer needs to be around in order for it to be rezoned a residential area?

David Moon:

For the applicant can address that to some extent, but currently the property is used as a solar farm. The applicant is Duke and there's a separate property owner and he's most liking leasing the property to Duke, as well as to the solar panel operators, but ultimately yes, it could, A property owner can request to rezone a property, but that rezoning has to be approved by the board of County commissioner at a hearing.

Donald Brooks:



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So on the 261 acres, it is a solar farm, is there right now?

David Moon:

Yes. OK. Can we go back to the air photo. As you can see, the solar farm is not only within north of the county line, but it extends South over the county line into Bladen County. The 261 acres only covers the solar farm within Cumberland County. There is More acreage within Bladen County.

Chair Parks:

Is Mr. Woods here? Or somebody speaking for him?

Amy Crout:

Yes, I have a presentation if you like.

David Moon:

Yeah, you've closed the staff discussion and you're opening up for the public hearing, yeah.

Chair Parks:

I am. Please state your name your address please.

Amy Crout:

My name is Amy Kraut. I'm an attorney at Smith Anderson, 150 Fayetteville St. Ste. 2300, in Raleigh. I'm here on behalf of Duke Energy to do a Presentation and talk to you a little bit about and we have notebooks to pass out tonight.

Chair Parks:

I'm sorry I didn't swear you in.

Do you swear to tell the truth, the whole truth and nothing but the truth so help you god?

Amy Crout: I do

Amy Crout

All right, Miss Tucker is just passing around notebooks with the application materials and an impact study that was conducted for the property. And we asked that the notebook, my presentation and the staff presentation. All go on record for this case.

So first we always just like to start by thanking the county and staff for the work they've done to get us this far, we work very closely with them on this application, and we appreciate the opportunity with the county on Duke projects and we're working with them. You might recognize me. I was here on 2 of the previous duke projects.

One of the first things I kind of like to do with these cambium poles is explain what it is and how it serves to you, because it's not what you typically think of when you think of a wireless communication tower. We think wireless communication tower, we think 2300 feet tower with guidewires attached and lots. The barrier antennas on the top. This is not at all what this is. You can see a rendering of what the typical 120 foot cambium pole looks like on the screen. It's 120 foot above ground, 20 foot underground with an attached wireless network device at the top and it's. Place within an existing Duke Energy substation for Duke Energies Communication Network. It remotely monitors the substation and securely transmitted data to and from other substations. That's why the 120 feet is important. It operates within a line of sight from other cambium poles.



So, because it's needed to securely transmit data. We do not allow any third parties, so any of those cell phone carriers, they're not allowed to Co locate on our pole and it's the reason why Duke doesn't Co locate on any, you know, traditional wireless communication towers.

Chair Parks:

So can I ask you a question, you say transmit data. So, no electricity?

Amy Crout:

No, not electricity.

Chair Parks:

So, it has nothing to do with the solar panels?

Amy Crout:

So, the Cambion pole monitors the activity on a substation. The substation is already existing and that handles all the electricity it taps into the solar farm and the transmission line distribution towers already on the property. This is just to monitor the kind of ins and outs of how the substation is functioning.

Chair Parks:

So instead of y'all checking it with manual people y'all just get it transmitted, the information, through the poles, I guess.

Amy Crout:

Yeah. So, the reason that this is, we used to have communications provider that are no longer providing services to Duke Energy, so we need to update our system and these upgrades are necessary to ensure that that substation operates efficiency and meets all customer needs. It's also a part of Dukes, commitment to smart technology improvements this monopole helps support a smarter grid and more reliable and efficient operations and as part of those communication functions it serves during the following major storms. It allows duke to communicate important messages to their employees during the power restoration process. So overall, it's really benefiting the public health and safety. It supports the energy grid for the surrounding area and is really a public necessity in this case because our communications provider is no longer serving.

Donald Brooks:

The line of sight, I understand that type of communication. What is the line of sight communicating with?

Amy Crout: our other cambion poles and substations.

Donald Brooks:

So, you're actually that the communication people against go across private property. The site, I mean the line of site.

Amy Crout: it is a Wi-Fi event.

Donald Brooks:

Right. But if someone wanted to hear something there that you see, not 120 feet from the sound breaker number. Because they will block your line of sight.



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Amy Crout:

I don't believe... We have Aaron Cook here with Duke Energy. He could answer that question better for you in terms of how those that communication specifically works in functions. I'm happy to bring him up at the end.

Amy Crout:

With my presentation to answer that brief, because really this this is just a special use permit application that affects You know 1.21 acres to.

Donald Brooks:

From the best of the construction, but the transmission is not restricted to that 1.2 acres, it's going Across somewhere else. To some other pole that it is communicating with.

Amy Crout:

Yes.

Donald Brooks:

So, it is beyond the communications beyond the 1.2 acres.

Amy Crout:

It communicates with other parties beyond, correct? Yeah.

Amy Crout:

Looking at the location and the aerial map of this property, you know, I think staff did a did a really good job of explaining. This is a very small part of a very large parcel owned by Greys Creek properties that's being leased as a solar farm and that's a long-standing recorded lease. So that's between Greys Creek properties and the Solar Farm. Duke is a not a part of that lease. However, Duke does have an easement over that small blue highlighted area for the substation, and the substation was built in part to serve the Solar farm. You can see there are taps. Our substation from the solar farm.

What's important is, as you mentioned, that highlighted blue area is the only area that this special use permit affects. It does not affect the entire 261 Parcel. So, while it was never our intent to do so, you couldn't build this on the previous special use permit. It wouldn't allow you to build a monopole anywhere except for a finite use existing substation. So very limited in scope. Being located on such a large parcel and within the existing substation means the use doesn't materially endanger the public health and safety. Neither would it impact the Value abutting properties and is in harmony with the general areas and existing substations around the bio solar farm.

Again, the staff went over this the site plan and full design. I'm just going to cover it in a little bit in more detail to the extent it helps the entire construction plans. In that notebook that you have again, the blue area kind of highlights, you know Dukes, part of the substation and where that monopole would be located. The specific location and for the monopole will be that where that Red Star is. You can see it set back more than 350 feet from all property lines and 350 feet is the closest one. Our next one is 408 feet and then 600 feet, so it's really insulated within the property. Again, it's going to be 120 feet above ground, 20 feet below ground, and this monopole design is really chosen because it's the least intrusive and most aesthetic option. It won't be painted, it'll be constructed of galvanized steel, which conforms aesthetically to the other equipment and distribution. Powers that are already within the existing substation on the site there are transmission or distribution lines already across the solar farm. One cutting through the middle and one cutting across the corner.



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Because it's going into an existing site, there are already adequate utilities, access roads, equipment storage. We're not proposing any of that. No other changes or infrastructure truly just building this monopole to monitor communications.

The substation is already fenced and gated, and as noted is only accessed for routine maintenance which is approximately once a month that was already occurring. So, there will be no additional traffic impact to the site. Going over, you know the wireless communication towers ordinance, you know, I think as staff mentioned this use is unique and doesn't always perfectly fit in the traditional concept of what you think the wireless communication tower is. So what Dukes application is, it went through each of section 927's requirements related to our communication towers and set forth how we met those and then the couple that didn't quite fit with our use, we asked for some special use conditions initially those were special use conditions 1621 and 22 and you can find those on exhibit I of the special use permit that's in staff's staff report. To walk through those originally, we submitted the Sup for the entire property. Staff asked us and we had no issue with just limiting it to Dukes existing substation. That's the intent. So that's the only area that this will apply to. 00:29:18

Next, the wireless communication hours or next technically requires a 10-foot fence around. Told here we're already putting it in an existing substation. There's already fencing around the substation, and it is an 8-foot fence with barbed wire. This is Duke standard fencing that they use around all substations for security purposes.

Condition 17. This is kind of already part of the code, but we also ran these proposed conditions again by the property owner, obviously and the solar farms attorney. And there is a question about what would happen if you knew the pole would be abandoned or seized operations. Would we remove it? So, we propose this condition, we'll remove it per the code in 90 days, if it ever ceases to be used.

Next, is a condition that we actually worked with staff on. It just allows the pole to be relocated in the substation if needed with administrative approval. Condition 21. I talked about this. The pole is only used for Dukes internal purposes, so no third-party Co locations would be allowed on the monopole. There are some significant security and safety issues here. One we're securely transmitting and collecting data using this pole. But also, their safety and security concerns anytime and outside third party enters the substation. You know we really try to avoid that at all costs due to those concerns.

Finally, condition 22. Again, this monopole is located in an existing substation, all of that infrastructure is already there. The solar farm is already there, the substation is already there. We're just adding this pole, so we're asking that the existing vegetation that buffers the substation and the solar farm is sufficient because any additional landscaping really compromises security into the site. You know we want to be able always able to see within our substations. That's not just for the safety of Duke employees, but also local law enforcement always kind of line of sight into the substation is important to us and quite frankly, landscaping around pitching around Substation encourages animals to get in the substation and so not great for that. 00:31:59

So overall this request meets the four standards required by the ordinance. The location of the monopole and an existing substation will materially endanger the public health or safety. We actually think it benefits the public health and safety because it supports more reliable and efficient operations as staff Noted they found that the special use site plan is consistent with the county zoning code and meets those requirements. Aside from being a public necessity, which is one of the requirements under the code, the dual requirement of that is also, you know that it won't have any. It will maintain property values of adjoining properties. We had an impact study conducted that found that real estate values aren't impacted. By either the use or proximity of an existing monopole communications tower, such that properties in close proximity to the monopole should maintain their value and we have Allan Hair, here who will get up and can talk a little bit more about that impact study if you would like.



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Otherwise, the location and character of the pole is in harmony with the area and conforms to the county plans. It will aid in the existing substations functionality and should increase efficiency and reliability in the area. It doesn't inhibit any future land development plans for the area, and it overall supports economic development, safety and Quality of life as electricity is used from all forms of land use. The Cambion pole it really supports Dukes commitment to provide customers with reliable, affordable, and increasingly clean energy, and Cumberland County and throughout Duke service area. And we ask that you approve this request and are happy to answer any questions and bring Al Hair to go through that entire report. 00:34:08

David Moon:

Miss Crout, do you have any other speakers with your party?

Amy Crout:

No other speakers that would likely need to speak. I would ask just that that impact study being included in the record for the purposes of this meeting.

David Moon:

Is it in that packet that was distributed?

Amy Crout:

It was in the packet that's distributed, and I do think it might be helpful if Mr. Hair just came up, introduced himself and gave just a two second summary of that.

Chair Parks:

Mr. Hair, I need swear you in please. Do you swear to tell the truth the whole truth and nothing but so help you God?

Allen Hair:

I do.

Chair Parks

You state your name and address.

Allen Hair

My name is Marcus Allen Hair II and I live at 5114 Cedar Creek Rd. Fayetteville, NC. And I am a general certified real estate appraiser in the state of North Carolina, a licensed real estate broker in state North Carolina, a license irrigation contractor, the state of North Carolina, a licensed landscape contractor and a lead paint remediation for people who need lead paint remediation. I did an impact study on this particular monopole and what I did was I found properties that sold in close proximity to these monopoles, and then I found other comparable that sold further away. The theory being that if there's any influence from the monopole towers, the influence would mitigate as you got further away from the town, and I was not able to find any sort of information On the monopole. To the real estate values, the first data set that I had was Beaver Creek South, which is off of Bingham and the church, all the church on Bingham, has 150-foot monopole and Beaver Creek South in that in that data set. I had three comparables and the comparable with sold adjoining the tower side. All the comparable are very consistent. They were all built in 1991. They all have the same room count. They were all three bedrooms, 2 bath. They all had a garage and the Comparable adjoining the tower site, sold for just slightly more than the other comparable, but it was at the upper end of the range. I wouldn't say there would be any statistical variation or deviation. It's not significant enough to say that you know the towers has a positive influence on it. The second study that I did was in, it's called the Roxanna Williams subdivision is it's kind of like where Drake Park is and the Lafayette village, the intersection



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of Ireland Drive and record rd. So, the tower there is right where there used to be, like a golden grouse steakhouse and cardiology clinic. Now they're going down walleyes purchased the site. The tower is right behind that. It's 180-foot monopole tower. And I had sales all in that subdivision and found no difference. That was all neutral, all the comparable. All the comparable had generally the same price per square foot, so at the same price, but, then I had a commercial sale. It was the towers located on Rayford Road, right where the old Christ United Church used to be. It's now Chipotle and a panda. Express the Panda Express site sold. It's 130 feet from that 181-foot monopole tower. And then I had the Panera Bread sale commercial sites and there was virtually no difference in those sales either. So, my conclusion is that the presence of these towers, while you may have a preconceived notion that they have a damaging effect on real estate values, they really don't have any impact on the markets, not the markets not currently recognizing these towers and they've just been pretty ubiquitous and in our modern times that we just kind of ignore them. I'll take any questions anybody may ask.

Chair Parks: any questions? None

David Moon:

Chair that concludes the speakers. No one has signed to speak in opposition to the special use permit.

Robert Hasty:

Chair do you accept the report as part of the record?

Chair Parks: yes

David Moon:

Chair if the board chooses to vote in favor of the application. Then I suggest that in your motion for each of the four criteria, you base it on the applicant's response. The special use permit conditions and the special use site plan.

Marva Lucas-Moore

I'll make the motion that we incorporate exhibit J the special use criteria with four special requirements we accept as written.

Chair Parks:

The motion has been made. Do we have any discussions on that motion?

Robert Hasty: that is also to approve the special use permit?

Marva Lucas-Moore:

Yes, and to approve the special use permit and site plan. Thank you.

Chair Parks: All in favor. Unanimous vote in favor to approve.

Marva Lucas-Moore Motioned to Approve with conditions.

Donald Brooks Second

All are in Favor

10. Discussion Update (s): none

11. Adjournment: Motion to adjourn made by Vickie Mullins. Chair Parks Adjourned at 18:41

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PLANNING & INSPECTIONS

PLANNING STAFF REPORT
SPECIAL USE CASE # BOA-2024-0004
 Board of Adjustment Meeting:
April 18, 2024

Jurisdiction: County-Unincorporated

REQUEST **Special Use – Tower in an A1 District**

Applicant requests the BOA grant a Special Use Permit for replacing the existing 250' telecommunications tower with a new 380' telecommunications tower using updated technology at a location illustrated on Exhibit "A". The proposed site is owned by the State of North Carolina and is located on an approximately 3.67 +/- acre size parcel. The property is located on the east side of Cedar Creek Road and north of Mack Simmons Road.

The proposed 380' tower is to be operated by the North Carolina State Highway Patrol under the VIPER division. VIPER has stated that all Public Safety agencies and Federal agencies would be allowed on the tower and to use the tower house.

- Exhibits**
- A. Site Location/Zoning
 - B. Use Matrix, Sec. 403, Zoning Code
 - C. Section 901, Individual Uses
 - D. Section 927 Towers
 - E. Special Use Site Plan
 - F. Existing and Adjacent Uses
 - G. Soil and Utilities
 - H. Southeast Cumberland Land Use Plan
 - I. Special Use Permit Conditions
 - J. Sec. 1606 Applicant Response
- Attachment: mailing list.

A Tower within an A1 zoning district must obtain a Special Use approval from the Board of Adjustment, per Section 403, County Zoning Code, as shown in Exhibit "B" (attached). A Tower in an A1 zoning district must comply with the development standards and requirements set forth in Section 901 and 927 of the Zoning Code, including submittal of a site plan. Refer to Exhibit "C" and "D" (attached) for the development standards and requirements set forth in Section 901 & 927. The applicant's proposed special use site plan appears in Exhibit "E" (attached).

A communication tower within an A1 zoning district must obtain a Special Use approval from the Board of Adjustment, per Section 403, County Zoning Code, as shown in Exhibit "B" (attached). A communication tower falls under the Use Matrix category of "Tower". A communication tower in an A1 zoning district must comply with the development standards and requirements set forth in Section 927 of the Zoning Code, including submittal of a site plan. Refer to Exhibit "C" (attached) for the development standards and requirements set forth in Section 927.

The applicant's proposed special use site plan appears in Exhibit "E" (attached). For any tower located within an A1 zoning district, the height of a tower is not restricted but the special setback standards for a tower apply. (Section 927.C.1)

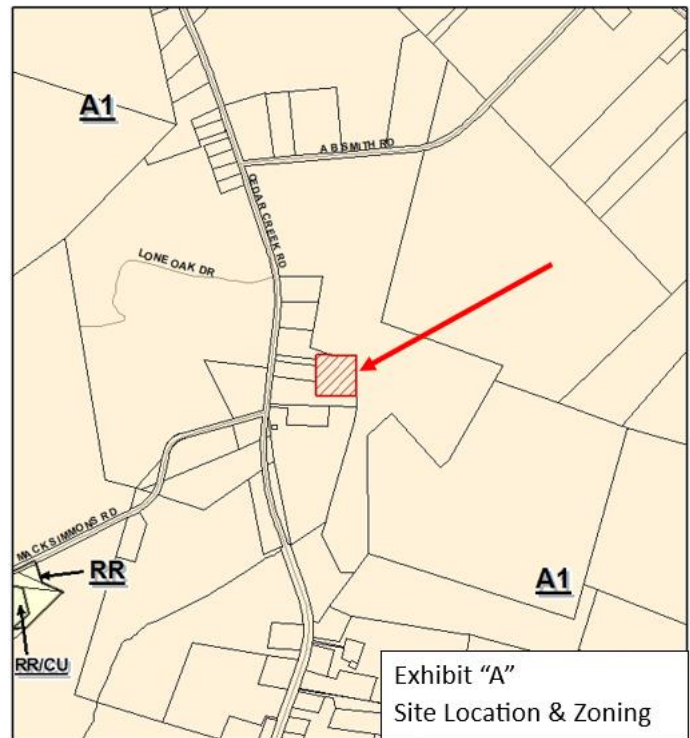


Exhibit "A"
 Site Location & Zoning

PROPERTY INFORMATION

OWNER/APPLICANT: State of North Carolina, Owner; Max Casey, Agent; North Carolina State Highway Patrol, Applicant.

ADDRESS/LOCATION: Located at 7131 Cedar Creek Road Fayetteville NC, 28312.

REID: 0482014995000

SIZE: 3.67 +/- acres.

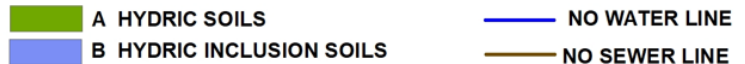
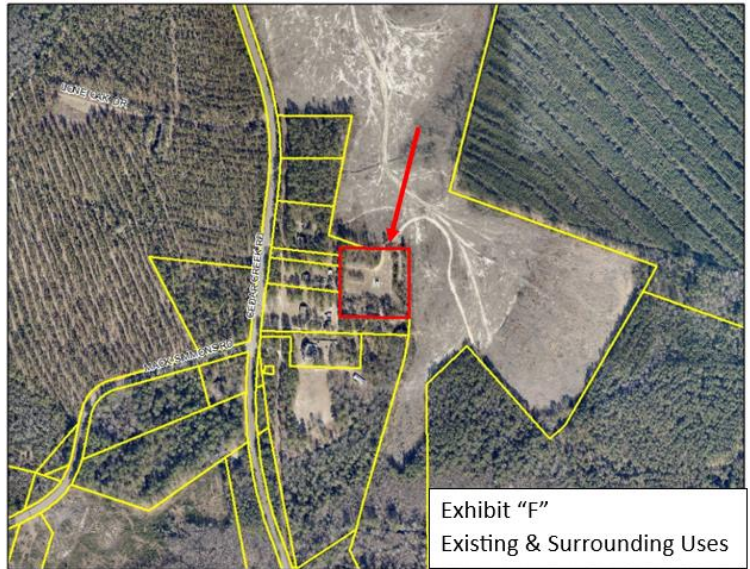
ROAD FRONTAGE: The subject property does not have direct road frontage to Cedar Creek Road, but it has easement 2618/809 on the parcel with PIN 0482-20-2019 providing a 60' wide access easement to the Cedar Creek Road.

EXISTING LAND USE: The property has a pre-existing 250' telecommunications tower located on it, as shown in Exhibit "E" (site plan) and "F" (existing use and surrounding uses.)

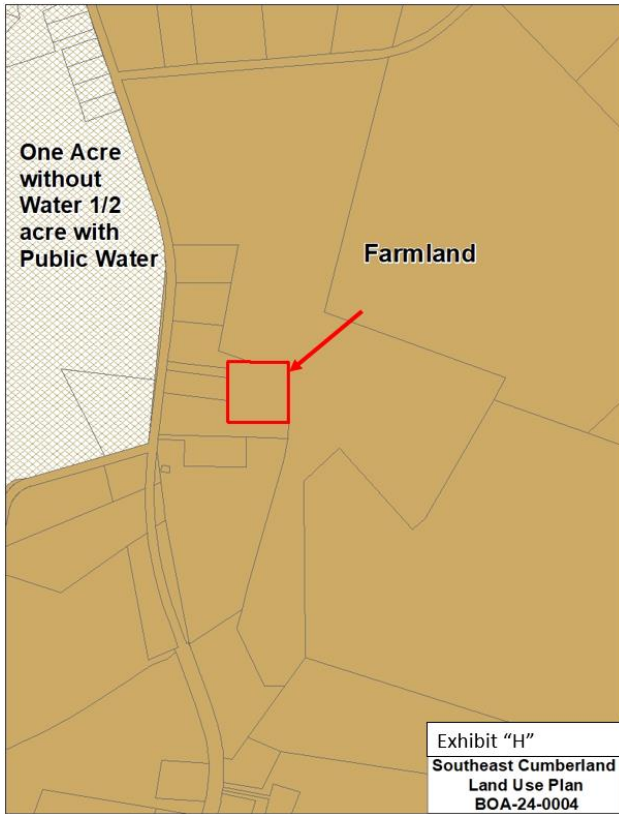
SURROUNDING LAND USE: Uses in the surrounding area and adjacent properties comprise wooded lands and single-family residences. Surrounding uses are shown on Exhibit "F".

OTHER SITE CHARACTERISTICS: The property is not located within a 100-Year Flood Zone nor situated within a watershed. There are hydric soils on the property, as shown on Exhibit "G".

MINIMUM YARD SETBACKS: The Tower would meet the required setbacks for the A1 zoning district.



COMPREHENSIVE PLANS:



This property is located in the Southeast Cumberland Land Use Plan 2016. The future land use classification of the property is Farmland. Associated Zoning districts for this classification is A1, A1A. The Comprehensive Planning Section has no other comments.

OVERLAY DISTRICTS: None

IMPACTS ON LOCAL INFRASTRUCTURE

TRAFFIC: The subject property, Cedar Creek Road is located outside of FAMPO boundaries. Mid-Carolina RPO did not provide any comment on this facility at this time.

UTILITIES: Public water and sewer services are not available. Exhibit "G" provides information on utilities available to the subject property.

ECONOMIC DEVELOPMENT: The staff from the Fayetteville Economic Development Commission have not identified any concerns and are supportive of this action.

EMERGENCY SERVICES: Cumberland County Fire Marshal's office has reviewed the request and has no comments at this time.

SPECIAL DISTRICTS: The subject property is not located within five miles of Fort Liberty Military base and is not located within or near the Fayetteville Regional Airport Overlay District.

APPLICABLE CODES

Use and development of the subject site must occur consistent with Section 927 of the Zoning Code, Case No. BOA-2024-0004 Site Plan (Exhibit "E"), and Special Use Conditions (Exhibit "I")

FINDINGS OF FACT

The proposed Special Use Permit is provided in Exhibit "E".

Pursuant to Section 1606.C. Special Use Permits, Consideration of Application, the Board of Adjustment must establish a finding of fact for the following criteria to approve the special use:

1. The use will not materially endanger the public health or safety if located according to the plan submitted and recommended.
2. The use meets all required conditions and specifications.
3. The use will maintain or enhance the value of adjoining or abutting properties, or that the use is a public necessity; and

4. 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 the Cumberland County's most recent Comprehensive Land Use Plan.

Applicant's response to each of these criteria are provided within Exhibit "J".

Staff finds the Special Use Site Plan to be consistent with the Zoning Code.

MOTION

The BOA is requested to take action/motion based on the findings of fact, as supported by the Special Use Site Plan (Exhibit "E") and Special Use Conditions (Exhibit "I"). Any motion to approve the special use includes approval of the Special Use Permit conditions and the Special Use Site Plan.

Attachments:
Notification Mailing List

EXHIBIT "B" USE MATRIX

LAND USES		ZONING CLASSIFICATIONS																					
		CD	A1	ALA	R40	R40A	R30	R30A	RR	R20	R20A	R15	R7.5	R6	R6A	R5	R5A	O&M(P)	C1(P)	C2(P)	C(P)	M1(P)	M(P)
SAWMILL AND/OR PLANNING OPERATION (Sec. 916)		P	P																			P	P
SCHOOL, business and commercial for nurses or other medically oriented professions, trade, vocational & fine arts																		P	P	P	P	P	P
SCHOOLS, public, private, elementary or secondary (Sec. 916)			P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P					
SECOND-HAND, PAWN AND FLEA MARKET (Sec. 923)																						P	
SEPTAGE DISPOSAL SITE			P																			P	P
SEXUALLY ORIENTED BUSINESSES (Sec. 924)																						S	P
SHEET METAL FABRICATION																							P
SOLAR FARM			P																				P
SOLID WASTE DISPOSAL FAC. (Sec. 925)			S	S																			S
SPECIAL INFORMATION SIGNS (Sec. 1304 D)			S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
STORAGE-FLAMMABLE																							P
STORAGE-OPEN																							P
STORAGE-WAREHOUSE																							P
SWIMMING POOLS, incidental to a principal use, (Sec. 1002C)			P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
TAILORING (Dressmaking)																							P
TAXICAB STAND OPERATION																							P
TELEPHONE SWITCHING/BOOSTER STATION			P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
THEATER PRODUCTIONS, indoor, which show only films previously submitted to & rated by the Motion Picture Association of America & not including theaters regulated by Section 924																				P	P		
THEATER PRODUCTIONS, outdoor (Sec. 926), which show only films previously submitted to & rated by the Motion Picture Association of America & not including theaters regulated by Section 924			S	S																	S	P	
TIRE RECAPPING																							P
TOBACCO AND HEMP RETAIL (Sec. 926.1)																							P
TOWER (Sec. 927)			S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P
TRADES CONTRACTOR ACTIVITIES, with or without outside storage of equipment or supplies																							P
TRAILER RENTALS, including terminal activities, hauling and/or storage, incidental to same, but excluding mini-warehousing as defined herein																							P



EXHIBIT "C"
SECTION 901, INDIVIDUAL USES

SECTION 901. DEVELOPMENT STANDARDS FOR INDIVIDUAL USES.

The development standards of this article are additional to other requirements in this ordinance. If there is a conflict with another section of this ordinance or any other Federal, State or local regulation, the most restrictive requirement shall apply. These development standards are use-specific and apply as minimum development standards for the use regardless of the type of approval or permit otherwise required by this ordinance. All non-residential uses listed within this article require site plan review and approval in accordance with Article XIV unless this article specifically requires approval of a Special Use Permit or Conditional Zoning District. Those uses requiring approval as a Special Use Permit (Section 1606) or a Conditional Zoning District (Article V) shall also be subject to these standards and any additional standards or conditions required by the approval.

(Amd. 11-20-06; 04-18-11)

In addition to the specific criteria listed for each use, the following are to be considered as minimum criteria for every non-residential use:

A. All parking and loading areas shall comply with the minimum provisions established in Article XII, Off-Street Parking and Loading;

B. All lighting shall be directed internally and shall comply with Section 1102.M;

C. Noise generated by any use shall not substantially or detrimentally affect the ability of surrounding property owners to reasonably enjoy the use of their properties and shall not contradict those standards of Chapter 9.5, Cumberland County Code, Article II, entitled: "Noise" (Noise Ordinance);

D. When any non-residential use is adjacent to residentially zoned properties, a screening buffer shall be provided in accordance with Section 1102.G of this ordinance;
(Amd. 01-19-10; Amd. 06-18-12)

E. Unless otherwise specified within these individual sections, all signage shall be in compliance with Article XIII, Sign Regulations, for the specific district in which the subject property is located;

F. All new non-residential development shall comply with the landscaping provisions of Section 1102.N; and

G. Compliance with all Federal, State, and local regulations, including the County Subdivision Ordinance, is mandatory.

EXHIBIT "D"
SECTION 927, ZONING CODE

SECTION 927. TOWERS.

A. A communication tower and associated equipment totally concealed within a building or structure so as to be architecturally indiscernible shall not be regulated as a tower under this section.

B. The applicant, owner, or developer of a tower that is to be at least 75 feet in height shall submit a site plan with the application for permits to authorize construction or erection of the tower. The site plan shall include:

1. Identity of the proposed or intended user(s) of the tower.
2. The certification of a registered engineer that the tower has the structural integrity and/or capacity to support or to accommodate more than one use or user.
3. The statement and supporting information and documentation by the applicant, owner, or developer that no structures or facilities suitable for collocation are available within the coverage area.
4. The statement of the owner indicating the intent and willingness to permit shared use of the tower and the potential for or limitations on the number of other users that the proposed tower can accommodate.
5. Elements and design that meet all requirements of this ordinance and the County Subdivision Ordinance.

C. Setbacks as prescribed below are intended for the assurance of public safety and protection of the property rights of adjacent property owners and shall not be less than the minimum required and shall not be varied by the Board of Adjustment:

1. Residential/Agricultural Zones. Towers in any residential or agricultural district shall be set back from all adjacent property lines and/or lease lines a distance not less than the height of the tower. The distance shall be measured from the base of the tower.
2. Commercial/Industrial Zones. Any tower shall be set back from property and/or lease lines a minimum of 50 feet or one foot of setback for each two feet of tower height, whichever is greater.

D. Structures located near towers shall not encroach upon the setbacks of the towers, unless such towers are of monopole design and construction, in which case buildings and structures may be located within the setback distances.

E. A chain link fence at least ten feet in height and located at least ten feet from the base of the tower shall enclose the tower base.

F. A buffer area at least 25 feet wide shall surround the tower compound. The buffer shall shield the compound area from the entire tract. No structures, including guyed

wires or anchors, may be constructed or located within the buffer. The buffer area shall be planted with evergreen trees that will attain a minimum height of 25 feet within four years and be spaced no greater than 20 feet apart. The inner fringe of the buffer area shall be planted with an evergreen hedge that shall have an initial height of at least three feet and an expected attainment of six feet in height within four years of planting. The hedge shall constitute a complete shield or visual blockage. If the Coordinator determines that a natural buffer already exists on site that substantially complies with the purpose and intent of this performance standard to an equal or greater degree, such an alternative natural buffer shall be considered adequate. If an alternative natural buffer is used, the user shall be responsible to ensure that the buffer remains compliant for as long as the tower remains. If a buffer is altered to an extent where it no longer serves to shield or obscure the compound from view, the applicant or tower user(s) shall install buffers as required by this section.

G. The applicant, owner or developer shall certify that the proposed tower will be constructed and operated in accordance with all applicable Federal, State and local laws and ordinances, including but not limited to all Federal Communication Commission (FCC) and Federal Aviation Administration (FAA) rules and guidelines.

H. Prior to the issuance of a building permit for a tower, the applicant, owner or developer shall submit 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.

I. *Repealed.*

J. The tower's height shall not exceed 450 feet. When a tower is located on a building or structure, the combined height of the building or structure and the tower shall not exceed 450 feet, except in the A1 Agricultural District. The height of a tower located in the A1 Agricultural District shall not be restricted. However, a tower located in the A1 Agricultural District must meet all applicable setbacks.

K. The exterior appearance of any building or structure associated with a tower and located in a residential zone shall maintain a residential architectural quality including, without limitation, a pitched roof and frame or brick veneer construction.

L. No building or structure associated with a tower and located in a residential zone may be used as a work site for any worker. However, periodic maintenance, inspection and renovation of the facility shall be permitted.

M. Each applicant, owner or developer shall demonstrate that the use will not be detrimental or injurious to the property values of the surrounding neighborhood. In

zoning districts where the tower is a use by right, the applicant, owner or developer may satisfy the requirement by submitting a statement signed by a licensed appraiser or real estate broker which expresses an opinion that the use will not be detrimental or injurious to the property values of the surrounding neighborhood.

N. *Repealed.*

O. To protect the public from unnecessary exposure to electromagnetic radiation, the applicant, developer, owner or operator of the tower shall document that the power density levels do not exceed federally approved levels or American National Standards Institute (ANSI) standards, whichever is stricter.

P. If lighting is required by the FAA, it shall meet or exceed the FAA standards. To the extent allowed by FAA regulations and standards, strobes shall not be used for nighttime lighting. To the extent permitted by Federal statutes, regulations and standards, the lights shall be oriented so as not to project directly onto surrounding residential property. Prior to issuance of a building permit, the applicant, developer or owner shall submit documentation from the FAA that the proposed lighting is the minimum lighting required by the FAA.

Q. A tower not used for a period of at least six months shall be determined to be abandoned and shall be removed. The owner of the tower shall remove any abandoned, unused or structurally unsound tower within 90 days of receiving notice requiring removal. The Coordinator may establish a shorter period of time for the removal of a tower that is structurally unsound.

R. The owner or operator of a tower shall submit a statement signed and sealed by a licensed engineer that the tower will be structurally sound.





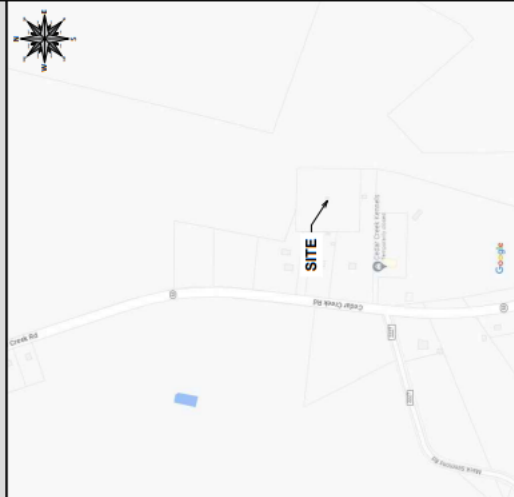

S. If the Coordinator determines a tower is not structurally sound, the owner or operator of the tower shall, within 60 days or a shorter time period if required by the Coordinator, complete repairs to restore the structural soundness of the tower.

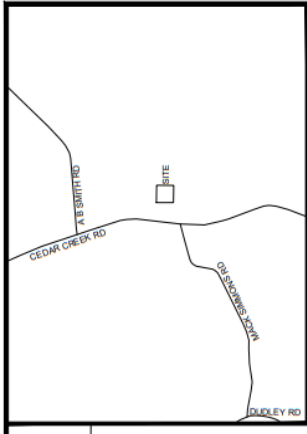
T. The owner, applicant, or developer shall camouflage the tower so that it blends into the surrounding area. Methods of camouflage include paint, architectural design or structure, and other means.

U. No outside storage on the site of the tower shall be permitted.

V. All tower sites shall comply with the provisions of the County Subdivision Ordinance. (*Amd. 02-19-08; Amd. 01-19-10*)

EXHIBIT "E" SPECIAL USE SITE PLAN

<p>PREPARED BY:</p>  <p>3327 WELLINGTON COURT FAYETTEVILLE, NC 28315 919.782.2710 www.ets-plc.com</p> <p>PREPARED FOR:</p> 	<p>SITE NAME: CEDAR CREEK</p> <p>SCO PROJECT NUMBER: 24-27756-01A</p> <p>SITE NUMBER: HP-1044</p> <p>OWNER: 7109 CEDAR CREEK ROAD FAYETTEVILLE, NC 28312 LATITUDE/LONGITUDE: 34.909141°, -78.731622°</p> <p>SEAL:  FRM # P-1018 03/06/2024</p>	<p>DATE</p> <p>0 01/23/2024 CONSTRUCTION</p> <p>1 03/06/2024 CONSTRUCTION</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p>	<p>DETAILS</p> <p>0 01/23/2024 CONSTRUCTION</p> <p>1 03/06/2024 CONSTRUCTION</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p>	<p>DRAWN BY: HM</p> <p>CHECKED BY: AS</p>	<p>SHEET TITLE:</p> <p style="text-align: center;">TITLE PAGE</p> <p>SHEET # T-1 CURRENT REV.# 1 ETS # 2312137</p>																																																																													
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VICINITY MAP (NOT TO SCALE)

REVISIONS:
 REVISION 1 - 10/10/2023 UPDATED PARCEL IDENTIFICATION NUMBER

SURVEY DATA:

HORIZONTAL DATUM - BASED UPON THE NORTH CAROLINA STATE PLANE COORDINATE SYSTEM NAD83. COORDINATE SYSTEM BY GPS OBSERVATIONS AND OBSERVATIONS OF SELECTED STATIONS IN THE NATIONAL OPERATIONAL VERTICAL CONTROL NETWORK. OPERATING REFERENCE STATION (NCS CORS) NETWORK. VERTICAL DATUM - NAVD 88

SURVEY NOTES:

1. ALL DISTANCES SHOWN, UNLESS OTHERWISE NOTED, ARE IN GRID AND IN TERMS OF THE U.S. SURVEY FOOT.
2. PLANIMETRIC FEATURES SHOWN HEREON ARE BASED UPON A FIELD SURVEY PERFORMED BY SAUL LC FOR ETS, PLLC, AND WILL NOT BE GUARANTEED TO ACCURATELY REPRESENT OCCURRENCES OR NATURAL OCCURRENCES BEYOND SEPTEMBER 19TH, 2023.
3. A TRIMBLE R10 WAS USED TO OBTAIN THE LINEAR AND ANGULAR MEASUREMENTS USED IN THE PREPARATION OF THIS PLAN.

CERTIFICATION:

THIS PLAN WAS NOT PREPARED FOR RECORDING IN ACCORDANCE WITH GS 170A-170C, WHICH REQUIRE THE SURVEY TO BE A TOPOGRAPHIC SURVEY ONLY AND IS NOT INTENDED TO BE A BOUNDARY SURVEY OF THE PROPERTY SHOWN HEREON.

I, JOEL F. ALVARADO, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL GPS SURVEY MADE UNDER MY SUPERVISION AND THE FOLLOWING INFORMATION WAS USED TO PERFORM THE SURVEY:
 CLASS OF SURVEY: B
 DATE OF SURVEY: JUNE 20TH 2022
 TYPE OF GPS FIELD PROCEDURE: WGS RTK
 PUBLISHED/FIXED-CONTROL USE: NCEC CORS ARP
 GEOD MODEL: 16
 SCALE FACTOR: 1.0001096380
 UNITS: US SURVEY FEET

JOEL F. ALVARADO,
 NORTH CAROLINA PROFESSIONAL LAND SURVEYOR
 LICENSE NUMBER L-5433
 www.ncpsurveyors.com/ncps
 (919) 304-3940

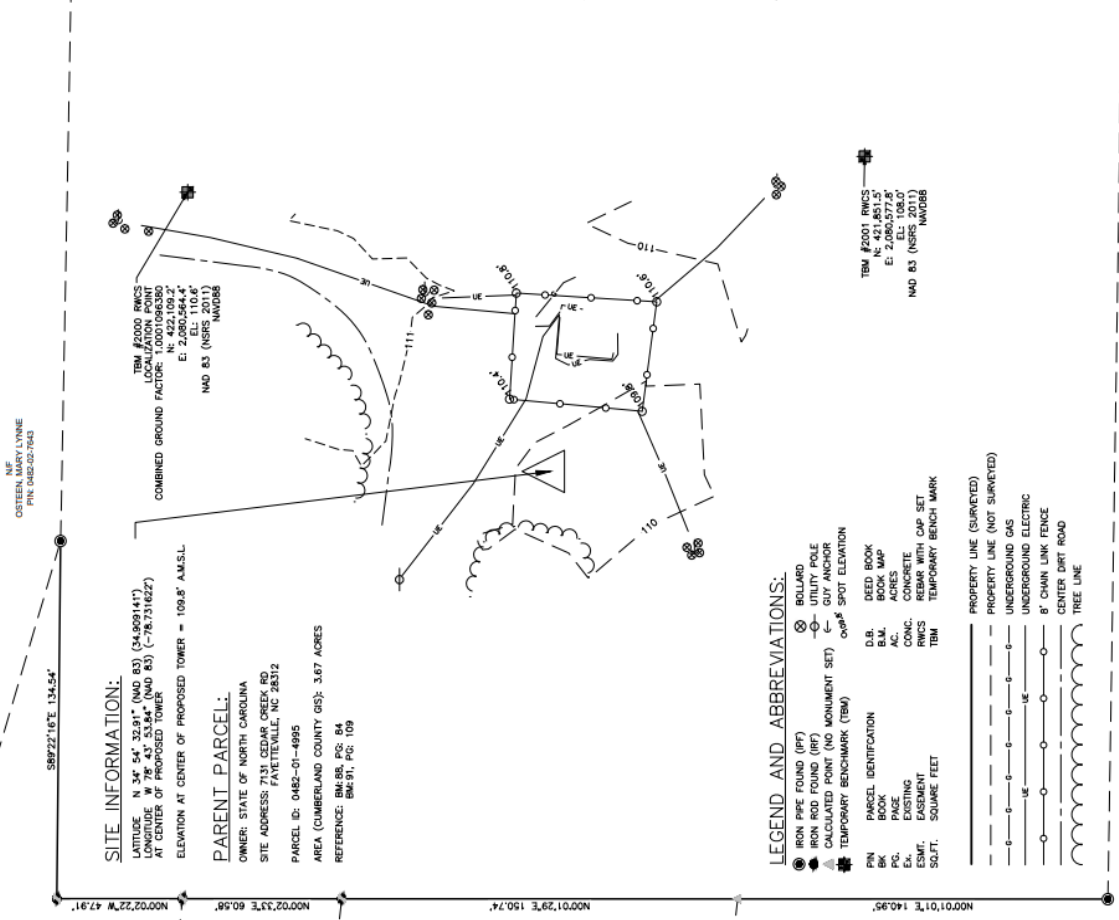


SHEET 1
 OF 1

TOPOGRAPHIC SURVEY
ETS - CEDAR CREEK RD
 CEDAR CREEK TOWNSHIP
 CUMBERLAND COUNTY
 STATE OF NORTH CAROLINA

PROJECT:	ETS - CEDAR CREEK RD
JOB NUMBER:	1031982731
DATE:	10/10/2023
SCALE:	1"=50'
SURVEYOR:	JFA
DRAWING:	ETS-CEDAR CREEK RD
TRACT ID:	0482-01-4895
PARTY/DRAWN BY:	MSW
FIELDBOOKS:	4281-37

2641-116 Summer Blvd.
 Raleigh, NC 27616
 Ofc: 919.878.7466
 email: info@sam.biz



SITE INFORMATION:

LOCALIZATION POINT
 COMBINED GROUND FACTOR: N: 422,109.2'
 E: 2,080,564.4'
 NAD 83 (NAD83)
 NAVD83

PARENT PARCEL:

OWNER: STATE OF NORTH CAROLINA
 SITE ADDRESS: 7131 CEDAR CREEK RD
 FAIRTEVILLE, NC 28312
 PARCEL ID: 0482-01-4895
 AREA (CUMBERLAND COUNTY GS): 3.67 ACRES
 REFERENCE: BM 86, PG: 84
 (86-91, PG: 109)

LEGEND AND ABBREVIATIONS:

- IRON PIPE FOUND (IPF)
- BOLLARD
- UTILITY POLE
- UTILITY ANCHOR
- CALCULATED POINT (NO MONUMENT SET)
- TEMPORARY BENCHMARK (TBM)
- SPOT ELEVATION
- DEED BOOK
- BOOK MAP
- CONC
- CONC
- CONC
- REBAR WITH CAP SET
- TEMPORARY BENCH MARK
- SQ.FT. SQUARE FEET
- PROPERTY LINE (SURVEYED)
- PROPERTY LINE (NOT SURVEYED)
- UNDERGROUND GAS
- UNDERGROUND ELECTRIC
- 8' CHAIN LINK FENCE
- CENTER DIRT ROAD
- TREE LINE

NF
 SMITH, MARYANLIFE ESTATE
 PIN: 0482-01-0236

N87°16'42\"/>
 (1\"/>

N87°16'42\"/>
 (1\"/>

N87°16'42\"/>
 (1\"/>

NF
 MELVIN, ANGELA T
 MELVIN, ANGELA T
 PIN: 0482-01-1849

NF
 TEW, FRANCES RIBS
 TEW, FRANCES RIBS
 PIN: 0482-01-1759

NF
 GREEN, MARYLYNNE
 PIN: 0482-01-1645



PREPARED BY:

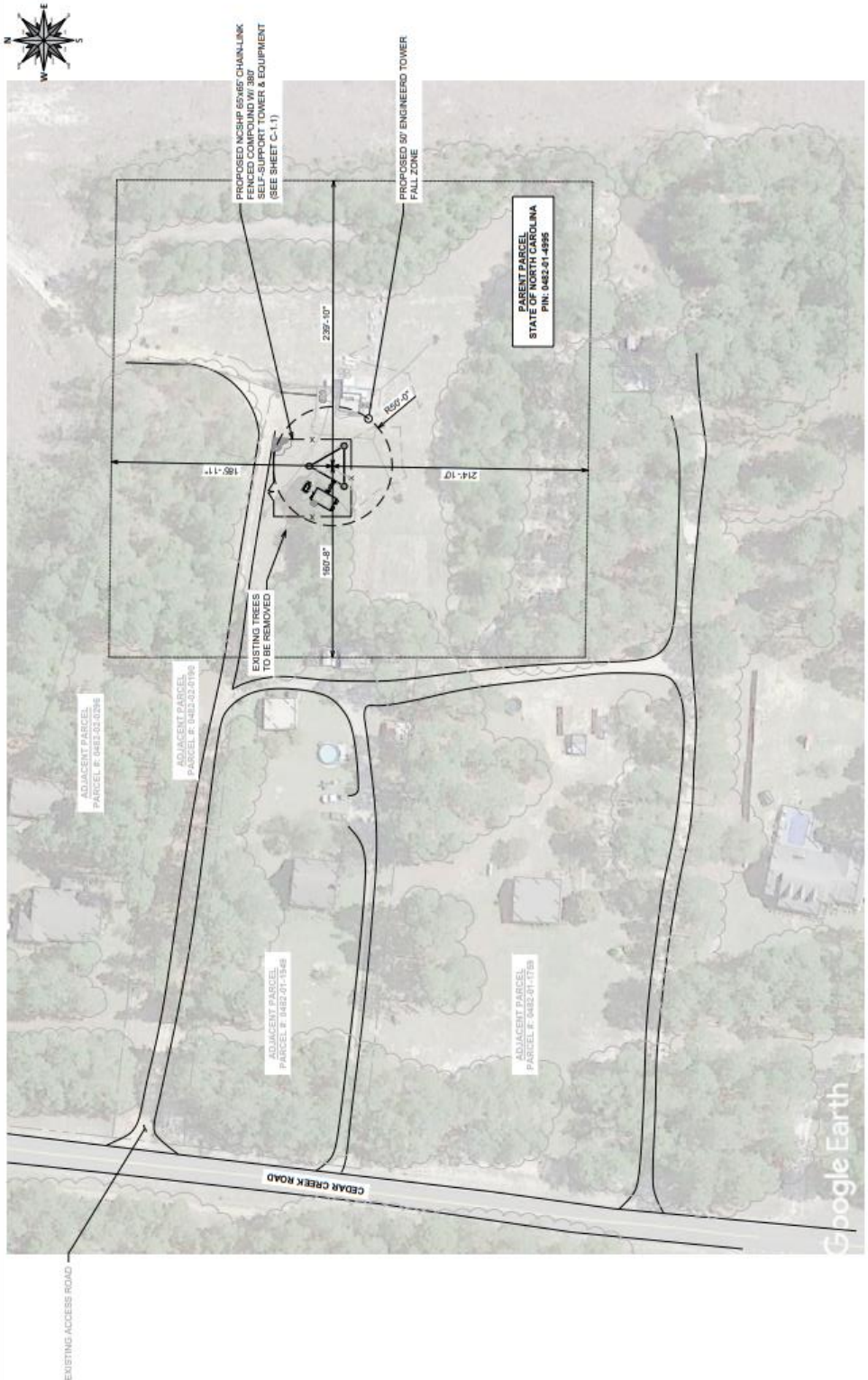
 3227 WELLINGTON COURT
 RALEIGH, NC 27615
 919-782-2710
 www.ets-plc.com

PREPARED FOR:


SITE NAME:
CEDAR CREEK
 SCO PROJECT NUMBER:
24-27756-01A
 SITE NUMBER:
 NP-1044
 SITE ADDRESS:
 7109 CEDAR CREEK ROAD
 FAYETTEVILLE, NC 28312
 LATITUDE/LONGITUDE:
 34.891417, -78.131622
 SEAL:


REV	DATE	DETAILS
0	01/23/2024	CONSTRUCTION
1	03/05/2024	CONSTRUCTION
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		

DRAWN BY: HM
 CHECKED BY: AS
 SHEET TITLE:
OVERALL SITE PLAN
 SHEET # **C-1.0**
 CURRENT REV # 1
 ETS # 23121357



NOTES

- SITE PLAN BASED ON SURVEY COMPLETED BY EAM ON 07/15/2022.
- ALL INFORMATION SHOWN ON THIS PLAN IS FOR REFERENCE ONLY. CONTRACTOR TO VERIFY THAT ALL EXISTING INFORMATION IS AS INDICATED ON THE SITE PLAN, AND NOTIFY THE CONSTRUCTION MANAGER OF ANY DISCREPANCIES. ALL PERTINENT ITEMS AND DIMENSIONS SHALL BE VERIFIED BY THE CONTRACTOR. ENGINEERED TOWER SOLUTIONS, PLLC IS NOT LIABLE AND DOES NOT ASSUME RESPONSIBILITY FOR THIS CONTENT.

TOWER SETBACKS

PROPERTY BOUNDARY LINE	DISTANCE
NORTH	185'-11" ±
EAST	239'-10" ±
SOUTH	214'-10" ±
WEST	160'-8" ±

OVERALL SITE PLAN
 1"=300'-0"

TOWER MANUFACTURER: TBD
 MODEL No. TBD

PREPARED BY:



**ENGINEERED
TOWER
SOLUTIONS**

3227 WELLINGTON COURT
 RALEIGH, NC 27815
 919-782-2710
 www.ets-plc.com

PREPARED FOR:



SITE NAME:
CEDAR CREEK

SCO PROJECT NUMBER:
24-27756-01A

HP-1044

SITE ADDRESS:
 7109 CEDAR CREEK ROAD
 FAYETTEVILLE, NC 28112
 LATITUDE/LONGITUDE:
 34.891417, -79.131622

SEAL: 03/06/2024



03/06/2024

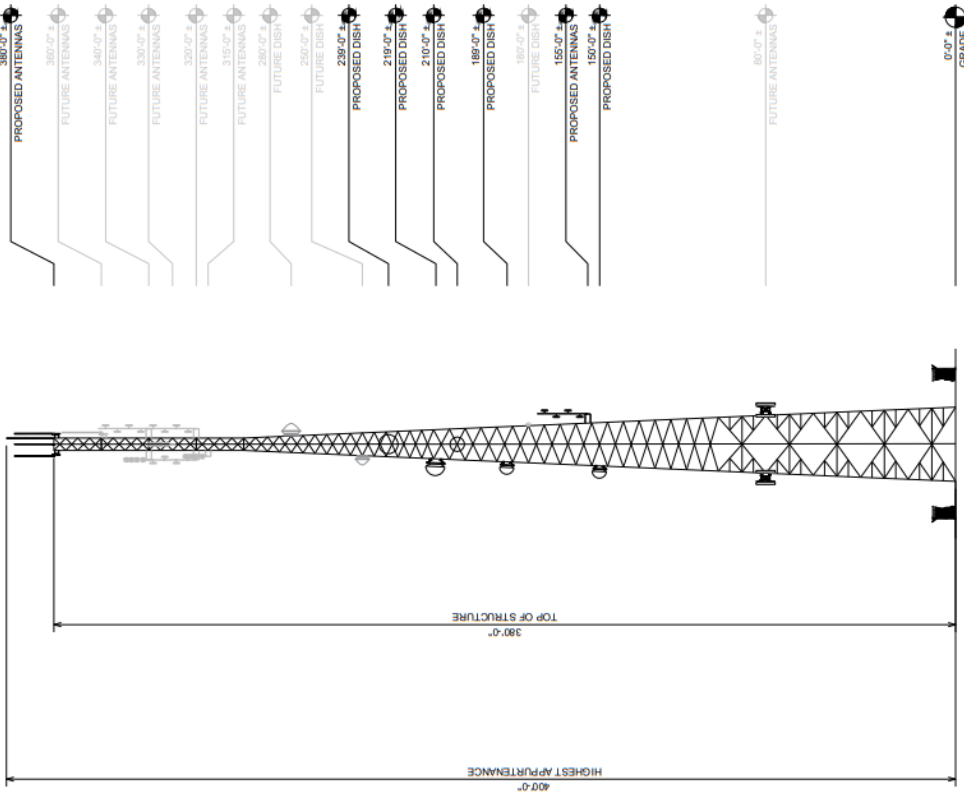
REV	DATE	DETAILS
0	01/23/2024	CONSTRUCTION
1	03/06/2024	CONSTRUCTION
2		
3		
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9		
10		
11		
12		
13		
14		

DRAWN BY: HM CHECKED BY: AS

SHEET TITLE:

TOWER ELEVATION

SHEET # **C-2** CURRENT REV # 1
 ETS # 23171357



TOWER ELEVATION
 1" = 50'

EXHIBIT "I" Special Use Permit Conditions
EXHIBIT "I"
SPECIAL USE PERMIT BOA-2024-0004

Special Use Permit Conditions

Special Use Permit- Board of Adjustment
(Communication Tower Special Use Permit and Site Plan)
Ordinance Related Conditions

BOA-2024-0004: Consideration of a Special Use Permit to replace an existing 250' telecommunication tower with a new 380' telecommunication tower in an A1 Agricultural District on a 3.67 +/- acres parcel, located at 7131 Cedar Creek Road owned by the State of North Carolina, Submitted by Max Casey (Applicant) on behalf of the North Carolina State Highway Patrol/State of North Carolina (Owner).

The Special Use Permit requested is approved subject to the contents of the application, site plan appearing in Exhibit "A" and the following conditions:

Applicability: This Special Use Permit shall only apply to a 3.67 acre parcel at REID#:0482014995000 (as shown in the record of the Cumberland County Register of Deeds as of March 28, 2024) on which the North Carolina State Highway Patrol operates an existing 250' telecommunications tower as such area is shown on the attached Special Use Site Plan (Exhibit "A").

Pre-Permit:

1. Prior to any construction activity, applicant shall submit a site plan providing the following information to the Current Planning section for review, demonstrating compliance with the requirements and information required herein in this Special Use Permit.

Permit-Related:

1. The owner/developer(s) of these lots must obtain detailed instruction on provisions of the County Zoning Code and permits required to place any structure within this development from the County Code Enforcement Section, at the Historic Courthouse at 130 Gillespie Street, Fayetteville, N.C. For additional information, the developer should contact the Code Enforcement Section. (Chpt. 4, County Code & Sec. 107, County Zoning Ord.)
2. 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 Department of Energy, Minerals and Land Resources, NC Department of Environmental Quality (DEMLR NCDEQ). If one acre or more of land is to be disturbed, a copy of the State's *Post-Construction Permit* must be provided to County Code Enforcement prior to the issuance of the Certificate of Occupancy. (Note: If any retention/detention basins are required for state approval of this plan, three copies of a revised plan (and \$25/\$50 revision fee) must be submitted and approved by Planning & Inspections.) (Sec. 2306.D, County Subdivision Ord. & 2006-246, NC Session Law)
3. The proposed tower is approved only as the height depicted on sheet C-2 (Exhibit "A") at a maximum height of 380 feet with twenty feet tall (20') additional antennae attached. Tower height will be measured from finished grade.
4. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application. [Sec. 4-8(b)(2), County Code]

5. Prior to issuance of a building permit for the tower, the applicant/owner or developer must submit to the Code Enforcement Sections, 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 structure standards applicable to a communication tower (Section 927. H, Towers, County Zoning Ordinance.)
6. Prior to issuance of the building permit for the tower, the owner/operator of the tower shall submit a signed and sealed engineer's statement that the tower is structurally sound. If the Coordinator determines a tower is not structurally sound, the owner or operator of the tower shall, within 60 days or a shorter time period if required by the coordinator, complete repairs to restore the structural soundness of the tower.
7. A signed and sealed statement by the engineer of record shall be provided to the County that the proposed telecommunication tower is designed to collapse entirely within the perimeter of the project area, as delineated on the site plan provided in Exhibit "A".
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. (Sec. 107.B, County Zoning Ord.; & Secs. 2005 & 2007 County Subdivision Ord.)
9. A driveway from Cedar Creek Road to the tower site shall be maintained to allow access by emergency vehicles, and an overhead clearance of 14 feet shall be maintained over the driveway.
10. Proposed access drive for the subject tower site shall comply with NC State Building Code: Fire Prevention Code, Section D102 Required Access "D102.1 Access and loading. *Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an approved fire apparatus access road with an asphalt, concrete or other approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds*".

Site-Related:

11. Development and use of the project site shall occur consistent with the Special Use Permit site plan (Exhibit "A"). All uses, dimensions, setbacks and other related provisions of the County Subdivision and Development Ordinance, and County Zoning Ordinance for the A1 zoning district for a communication tower must be complied with, as applicable.
12. 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.) (Art. XIII, County Zoning Ord.)
13. For any new development, an adequate drainage system must be installed by the developer in accordance with the NC Department of Environmental Quality (NCDEQ) *Manual on Best Management Practices* and all drainage ways must be kept clean and free of debris. (Section 2307.A, County Subdivision Ord.)
14. In the event a stormwater utility structure is required by the NC Department of Environmental Quality (NCDEQ), the owner/developer must secure the stormwater 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. (Sec. 1102.O, County Zoning Ord.)

15. 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.
16. In the event the tower is not used for a period of six consecutive months (180 days), the tower shall be considered abandoned and must be removed at the owner's expense. The owner of the tower is required to remove any abandoned, unused or structurally unsound tower within 90 days of receiving notice from the County requiring removal. The Code Enforcement Manager may establish a shorter period of time for removal in the event the tower is determined to be structurally unsound (Section 927.Q. Towers, County Zoning Ordinance).
17. Removal of the pre-existing communication tower must occur within six months from the date that the new tower becomes operational.
18. The owner/developer is responsible and liable for maintenance and upkeep of this site, all structures, and appurtenances, to include ensuring that the site and landscape areas are 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. (Sec. 1403, County Zoning Ord.)
19. If lighting is required by the FAA, it shall meet or exceed the FAA standards. To the extent allowed by FAA regulations and standards, strobes shall not be used for nighttime lighting. To the extent permitted by Federal statutes, regulations and standards, the lights shall be oriented so as not to project directly onto surrounding residential property. Prior to issuance of a building permit, the applicant, developer or owner shall submit documentation from the FAA that the proposed lighting is the minimum lighting required by the FAA.
20. The tower will serve as communication purposes for law enforcement and emergency response agencies. Any additional antennae or equipment proposed to be placed on the tower for commercial telecommunication purposes, shall require an amendment to this Special Use Permit, which must be approved by the County Board of Adjustment.
21. Driveway Permit required. Change of use of subject properties and/or construction of any new connection or alteration of any existing connection shall require an approved Driveway Permit from NCDOT.

Failure to secure required permits prior to construction or change in property usage may result in the removal of the driveway or street connections at the property owner's/developer's expense.

In the event that a structure (house) is built by a contractor for commercial gain and/or if property changes ownership from existing owner to builder, an approved Driveway Permit must be secured.

For additional information contact the Division 6 / District 2 office.

Expiration Date.

This special use expires two years from the date the County Board of Adjustment approves the Special Permit No. BOA-2024-0004. The Board of Adjustment may approve an extension of this special use permit for up to two years if a written request for an extension is submitted at least thirty days prior to the expiration date.

Advisories:

- 22. Any revision or addition to this plan necessitates re-submission for review and approval by the Planning & Inspections Department prior to the commencement of the change.
- 23. 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.
- 24. The developer's subsequent application for permits upon receipt of these conditions of approval constitutes the developer's understanding and acceptance of the conditions of approval for this development.
- 25. 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.

Other Relevant Conditions:

- 26. This conditional approval is contingent upon continued compliance with the County's Subdivision and Development Ordinance and Zoning Ordinance, and the conditions set forth in the Special Use Permit. Development of the property must comply with all applicable local, state and federal laws and ordinances.

Issued by:

David B. Moon, AICP, CZO

Date

The above Special Use Conditions are accepted by the North Carolina State Highway Patrol, at the April 18, 2024 BOA hearing, as documented by the official hearing minutes for that date.

**EXHIBIT "A" OF
SPECIAL USE PERMIT BOA-2024-0004
SPECIAL USE SITE PLAN**

(Same as Exhibit "A" of the Staff Report)

“EXHIBIT J”
APPLICANT’S RESPONSE TO SPECIAL USE CRITERIA AND APPLICATION
(Section 1606.C. Special Use Permits)

1. The use will not materially endanger the public health or safety if located according to the plan submitted and recommended; **This location will not endanger the public health or safety in its proposed locatin.**
2. The use meets all required conditions and specifications; **I believe this is a yes. Not 100% sure on what this is asking.**
3. The use will maintain or enhance the value of adjoining or abutting properties, or that the use is a public necessity; **The use is for Public Safety communications**
4. 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 the Cumberland County’s most recent Comprehensive Land Use Plan. **This is in harmony with the current use of the land. This will actually allow the natural growth to come back in the majority of the lot since there will be no guy wire paths to maintain.**

ATTACHMENT: NOTIFICATION LIST & PUBLIC HEARING LEGAL NOTICE

STATE OF NORTH CAROLINA
116 W JONES ST
RALEIGH, NC 27603

COLE, DOROTHY G TRUSTEE
208 WOODCREST RD
FAYETTEVILLE, NC 28305

TEW, MITCHELL L;TEW, FRANCES IRIS
7201 CEDAR CREEK RD
FAYETTEVILLE, NC 28312

MELVIN, HAROLD JR;MELVIN, ANGELA T
7171 CEDAR CREEK RD
FAYETTEVILLE, NC 28312

SMITH, MARY ANN LIFE ESTATE
7109 CEDAR CREEK RD
FAYETTEVILLE, NC 28312

<p style="text-align: center; margin: 0;">ORDER DETAILS</p> <p>Order Number: LWLM0079523 Order Status: Submitted Classification: Public Notices Package: General Package Total payment: 158.10 Payment Type: Account Billed User ID: L0012804 External User ID: 744350</p> <hr/> <p style="text-align: center; margin: 0;">ACCOUNT INFORMATION</p> <p>Cumb Co Joint Planning,Laverne Howard 130 Gillespie ST ATTN: LAVERNE HOWARD Fayetteville, NC 28301-5669 910-678-7600 lhoward@cumberlandcountync.gov Cumb Co Joint Planning,Laverne Contract ID:</p> <hr/> <p style="text-align: center; margin: 0;">TRANSACTION REPORT</p> <p>Date: March 26, 2024 12:24:45 PM EDT Amount: 158.10</p> <hr/> <p style="text-align: center; margin: 0;">ADDITIONAL OPTIONS</p> <p>1 Affidavit</p> <hr/> <p style="text-align: center; margin: 0;">SCHEDULE FOR AD NUMBER LWLM00795230</p> <p>April 5, 2024 Fayetteville Observer April 12, 2024 Fayetteville Observer</p>	<p style="text-align: center; margin: 0; font-size: small;">PREVIEW FOR AD NUMBER LWLM00795230</p> <div style="text-align: center; border: 1px solid black; padding: 10px; margin: 10px 0;"> <p>PUBLIC HEARING NOTICE</p> <p>The Cumberland County Board of Adjustment will meet at 6:00 p.m. on Thursday, April 18, 2024, at the Old Court House Building, 130 Gillespie Street, Fayetteville, NC to hear the following:</p> <p>BOA-2024-0004: Consideration of a Special Use Permit to allow a telecommunication monopole in an A1 Ag. Dist. on 3.67 +/- acs, at 7131 Cedar Creek Rd; Max Casey (Agent) State of North Carolina (Owner).</p> <p>BOA-2024-0005: Consideration of a Special Use Permit to allow a convenience container and recycling center in a RR Rural Res. Dist. on 24.16 acs, 140 feet south of Parkton Rd and Brisson Rd; Smith Gardner, Inc. (Agent) NC Department of Transportation (Owner). Publication Dates L00000000</p> </div> <p style="text-align: right; font-size: x-small; margin-top: 10px;"> Preview Your Ad Activate Windows Go to Settings to activate </p>
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ATTACHMENT: APPLICATION



County of Cumberland
BOARD OF ADJUSTMENT

CASE #: _____

CUMBERLAND COUNTY BOA
MEETING DATE: _____

DATE APPLICATION
SUBMITTED: _____

RECEIPT #: _____

RECEIVED BY: _____

**APPLICATION FOR
SPECIAL USE PERMIT**

The Cumberland County Board of Adjustment meetings are held on the third Thursday of each month in the Historic Courthouse, 130 Gillespie Street - Hearing Room 3. The Planning and Inspections Department will advertise the public hearing and a notice will be mailed or delivered to surrounding residents or property owners that may be affected by the proposed Special Use Permit request.

The Board of Adjustment is a quasi-judicial review board and all persons wishing to appear before this Board should be prepared to give sworn testimony on relevant facts. Applicants for Special Use Permits are encouraged to read Section 1606 "Special Use Permits" of the Zoning Ordinance to ensure the technical requirements of the Ordinance are met before submission to the Board of Adjustment (see next page).

The following items are to be submitted with the complete application:

1. A copy of the recorded deed and/or plat,
2. If a portion of an existing tract, an accurate written legal description of only the area to be considered;
3. A copy of a detailed site plan drawn to engineering scale, showing the location of all buildings, yard dimensions, driveways, fencing, lighting parking areas, landscaping, and all other pertinent data to the case; and
4. Cash or check payable to "Cumberland County" in the amount of \$ _____ (see attached Fee Schedule)

NOTE: Any revisions, inaccuracies or errors to the application or site plan may cause the case to be delayed and will be scheduled for the next available Board of Adjustment meeting according to the board's meeting schedule. Also, the application fee is nonrefundable.

The Planning and Inspections Staff is available for advice on completing this application; however, they are not available for completion of the application or preparation of the site plan.

**EXCERPT FROM
THE CUMBERLAND COUNTY ZONING ORDINANCE**

Section 1606 SPECIAL USE PERMIT (portion of)

B. Procedure. Special Use Permit shall be granted by the Board of Adjustment as permitted for only those uses enumerated in Section 403, Use Matrix, as Special Uses. Uses specified as a Special Use in Section 403 shall be permitted only upon the issuance of a Special Use Permit by the Board of Adjustment.

The owner or owners of all property included in the petition for a Special Use Permit shall submit a complete application and three copies of a site plan (drawn in accordance with the specifications listed in Section 1402) to the Planning and Inspections Staff. The Staff will schedule the application to be heard by the Board of Adjustment in accordance with the adopted time schedule. The Planning and Inspections Staff shall also notify the Commanders of Fort Bragg, and Pope U.S. Army Field of any application affecting the use of property located within a five miles or less of the perimeter boundary of said bases in accordance with the N.C. Gen. Stat §153A-323.

Developers are encouraged to discuss their Special use plans with the Planning and Inspections Staff before submission. The Staff shall assist the developer upon request by reviewing Special use plans to insure that the technical requirements of this Ordinance are met before submission to the Board of Adjustment.

All applications and site plans shall provide information indicating compliance with the development standards for individual uses as listed in Article IX of this Ordinance, as applicable, and the height and area regulations for the zoning district in which they are located, unless the provisions for the Special Use provide to the contrary.

C. Consideration of Application. The Board of Adjustment shall consider the application, site plan and any other evidence presented in accordance with this Article and may grant or deny the Special Use Permit requested. On granting a Special Use Permit, the Board shall find that:

1. The use will not materially endanger the public health or safety if located according to the plan submitted and recommended;
2. The use meets all required conditions and specifications;
3. The use will maintain or enhance the value of adjoining or abutting properties, or that the use is a public necessity; and
4. 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 the Cumberland County's most recent Comprehensive Land Use Plan.

Any special use permit granted becomes null and void if not exercised within the time specified in such approvals, or if no date is specified within one calendar year from the date of such approval.

BOARD OF ADJUSTMENT

LOCATION OF PROPERTY: 7131 Cedar Creek Road 3.67 ACS JESSUP LD

OWNER: State of North Carolina

ADDRESS: 116 W Jones Street, Raleigh, NC ZIP CODE: 27603

TELEPHONE: HOME _____ WORK _____

AGENT: Max Casey

ADDRESS: 3318 Garner Road, Raleigh, NC 27610

TELEPHONE: HOME _____ WORK (984) 349-6912

E-MAIL: max.casey@ncshp.gov

**APPLICATION FOR A SPECIAL USE PERMIT
As required by the Zoning Ordinance**

A. Parcel Identification Number (PIN #) of subject property: 0482-01-4995
(also known as Tax ID Number or Property Tax ID)

B. Acreage: 3.67 Frontage: 400 Depth: 400

C. Water Provider: N/A

D. Septage Provider: N/A

E. Deed Book 2618, Page(s) 809-811, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).

F. Existing use of property: EXEMPTION DESC GX-GOV/STAT/LOCAL-EX
Existing telecommunications facility

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.) No change to existing usage. Scope is to replace existing telecommunications infrastructure (compound, tower, shelter, generator and propane tanks) with new telecommunications infrastructure (compound, tower, shelter, generator and propane tank) to preserve the existing coverage objectives for the telecommunications facility and provide long term solution to improve upon coverage objectives in Cumberland County

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

State of North Carolina

NAME OF OWNER(S) (PRINT OR TYPE)

116 W Jones Street, Raleigh, NC, 27603

ADDRESS OF OWNER(S)

E-MAIL

HOME TELEPHONE #

WORK TELEPHONE #

Max Casey

NAME OF AGENT, ATTORNEY, APPLICANT (PRINT OR TYPE)

3318 Garner Road, Raleigh, NC 27610

ADDRESS OF AGENT, ATTORNEY, APPLICANT

max.casey@ncshp.gov

E-MAIL

HOME TELEPHONE #

(984) 349-6912

WORK TELEPHONE #

SIGNATURE OF OWNER(S)


SIGNATURE OF AGENT, ATTORNEY
OR APPLICANT

SIGNATURE OF OWNER(S)

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

STATEMENT OF ACKNOWLEDGMENT

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 argument 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 thereof.**
- 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 acknowledgment 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) MAX L. CASEY

DATE 14 Mar 2024

Purposely Left Blank

REQUEST Special Use – Convenience Container and Recycling Facility in an RR District

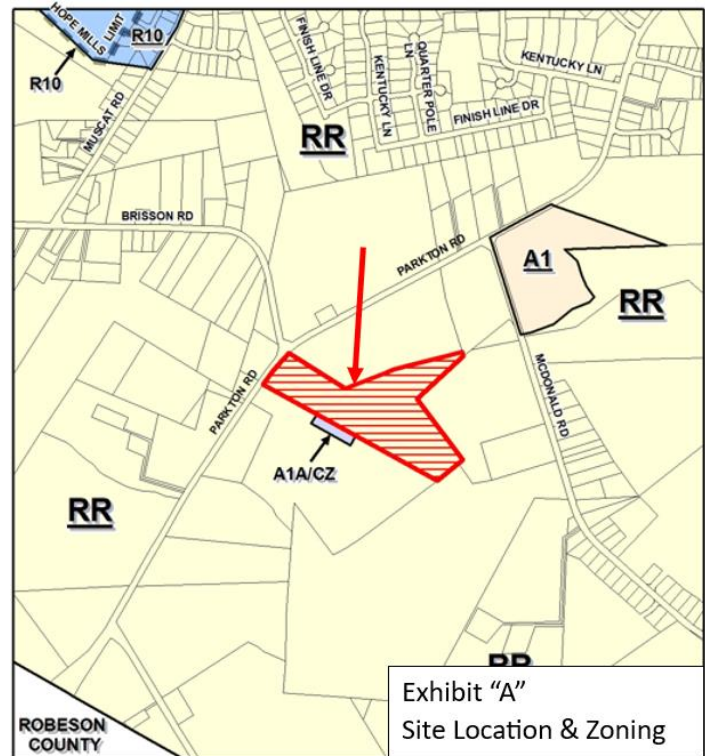
Applicant requests the BOA grant a Special Use Permit for constructing a Convenience Center and Recycling Facility at a location illustrated on Exhibit "A". The proposed project, called the "Parkton Solid Waste Convenience Center and Recycling Facility" would be located on approximately 24.16 +/- acre size parcel owned by the North Carolina Department of Transportation being leased to Cumberland County Solid Waste Management. This property is located near the intersection of Brisson Rd and Parkton Rd.

A Convenience Container and Recycling Facility within an RR residential zoning district must obtain a Special Use approval from the Board of Adjustment, per Section 403, County Zoning Code, as shown in Exhibit "B" (attached). A Convenience Container and Recycling Facility in an RR zoning district must comply with the development standards and requirements set forth in Section 901 and 905.1 of the Zoning Code, including submittal of a site plan. Refer to Exhibit "C" and "D" (attached) for the development standards and requirements set forth in Section 901 and 905.1. The applicant's proposed special use site plan appears in Exhibit "E" (attached).

A Convenience Container and Recycling Facility within an RR residential zoning district must obtain a Special Use approval from the Board of Adjustment, per Section 403, County Zoning Code, as shown in Exhibit "B" (attached). The proposal falls under the Use Matrix category of "Convenience Container and Recycling Facility". The use must comply with the development standards and requirements set forth in Section 905.1 of the Zoning Code, including submittal of a site plan.

The applicant's proposed special use site plan appears in Exhibit "E" (attached).

- Exhibits**
- A. Site Location/Zoning
 - B. Use Matrix, Sec. 403, Zoning Code
 - C. Section 901, Individual Uses
 - D. Section 927 Towers
 - E. Special Use Site Plan
 - F. Existing and Adjacent Uses
 - G. Soil and Utilities
 - H. Southwest Cumberland Land Use Plan
 - I. Special Use Permit Conditions
 - J. Sec. 1606 Applicant Response
- Attachment: mailing list.



PROJECT INFORMATION

Proposed use of the 24.16 +/- site is for a convenience container and recycling facility that will be operated by the Cumberland County Solid Waste Department. The container and recycling facility will occupy approximately 5.6 +/- acres along Parkton Road while the remainder of the developable acres outside of wetlands will be used for storage areas associated with the Solid Waste Department operations. Layout of the container and recycling facility is illustrated in the Special Use Site Plan appearing in Exhibit "E".

PROPERTY INFORMATION

OWNER/APPLICANT: North Carolina Department of Transportation, Current Owner; Stacey Smith and Amanda Bader, Agent; Cumberland County Solid Waste Management, Applicant.

ADDRESS/LOCATION: Located south of the intersection of Brisson Rd and Parkton Rd.

REID: 0402999824000

SIZE: 24.16 +/- acres.

ROAD FRONTAGE: The subject property road frontage along Park Road is 400 +/- linear feet.

EXISTING LAND USE: The property is currently vacant as shown in Exhibit "F" (existing use and surrounding uses.)

SURROUNDING LAND USE: Uses in the surrounding area and adjacent properties are comprised predominantly of wooded lands and farmland. Some single-family residences are found along Parkton Road. Surrounding uses are shown on Exhibit "F".

OTHER SITE CHARACTERISTICS: The property is not located within a 100-Year Flood Zone nor situated within a watershed. There are hydric soils on the property, as shown on Exhibit "G".

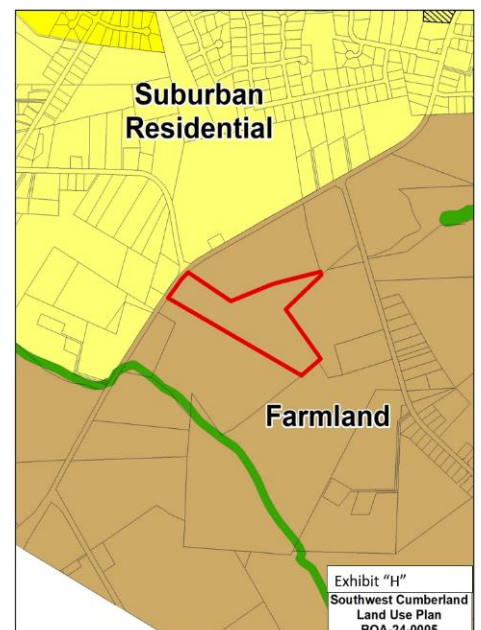
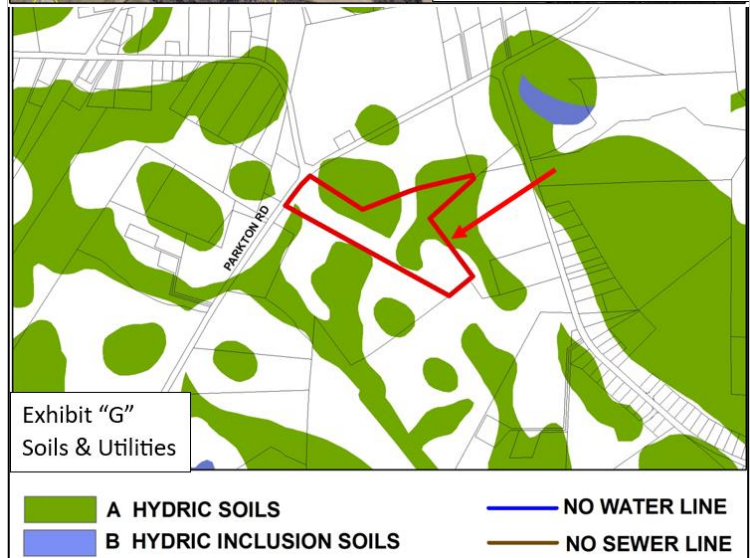
MINIMUM YARD SETBACKS:

The Convenience Container and Recycling Facility would meet the required setbacks for the RR zoning district.

COMPREHENSIVE PLAN:

This property is located in the Southwest Cumberland Land Use Plan 2013, as shown in Exhibit "H". The future land use classification of the property is Farmland. Associated Zoning districts for this classification is A1, A1A, R40, R40A.

OVERLAY DISTRICTS: None



IMPACTS ON LOCAL INFRASTRUCTURE

TRAFFIC: The subject property sits at the intersection of Parkton Road and Brisson Road.

Parkton Road is identified as a minor arterial in the Metropolitan Transportation Plan. There are no roadway construction improvement projects planned and the subject property will have no significant impact on the Transportation Improvement Program. In addition, Parkton Road has a 2021 AADT of 1,200 and a road capacity of 14,200. Due to lack of data and the small scale, the new zoning request does not demand a trip generation. The new development should not generate enough traffic to significantly impact Parkton Road. Let me know if you have any questions.

Brisson Road is identified as a local road in the Metropolitan Transportation Plan. There are no roadway construction improvement projects planned and the subject property will have no significant impact on the Transportation Improvement Program. In addition, Brisson Road has a 2021 AADT of 3,000 and no road capacity data available. Due to lack of data and the small scale, the new zoning request does not demand a trip generation. The new development should not generate enough traffic to significantly impact Brisson Road.

UTILITIES: Public water and sewer services are not available. Exhibit "G" provides information on utilities available to the subject property and demonstrates that water and sewer lines are not near the site.

ECONOMIC DEVELOPMENT: The staff from the Fayetteville Economic Development Commission has reviewed the request and has no issue with the proposal.

EMERGENCY SERVICES: Cumberland County Fire Marshal's office has reviewed the request and has no comments at this time.

SPECIAL DISTRICTS: The subject property is not located within five miles of Fort Liberty Military base and is not located within or near the Fayetteville Regional Airport Overlay District.

APPLICABLE CODES

Use and development of the subject site must occur consistent with Section 905.1 of the Zoning Code, Case No. BOA-2024-0005 Site Plan (Exhibit "E"), and Special Use Conditions (Exhibit "I").

FINDINGS OF FACT

The proposed Special Use Permit is provided in Exhibit "E".

Pursuant to Section 1606.C. Special Use Permits, Consideration of Application, the Board of Adjustment must establish a finding of fact for the following criteria to approve the special use:

1. The use will not materially endanger the public health or safety if located according to the plan submitted and recommended.
2. The use meets all required conditions and specifications.
3. The use will maintain or enhance the value of adjoining or abutting properties, or that the use is a public necessity; and
4. 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 the Cumberland County's most recent Comprehensive Land Use Plan.

Applicant's response to each of these criteria are provided within Exhibit "J".

Staff finds the Special Use Site Plan to be consistent with the County Zoning Code.

MOTION

The BOA is requested to take action/motion based on the findings of fact, as supported by the Special Use Site Plan (Exhibit "E") and Special Use Conditions (Exhibit "I"). Any motion to approve the special use includes approval of the Special Use Permit conditions and the Special Use Site Plan.

Attachments:

Notification Mailing List;

Special Use Application

EXHIBIT "C"
SECTION 901, INDIVIDUAL USES

SECTION 901. DEVELOPMENT STANDARDS FOR INDIVIDUAL USES.

The development standards of this article are additional to other requirements in this ordinance. If there is a conflict with another section of this ordinance or any other Federal, State or local regulation, the most restrictive requirement shall apply. These development standards are use-specific and apply as minimum development standards for the use regardless of the type of approval or permit otherwise required by this ordinance. All non-residential uses listed within this article require site plan review and approval in accordance with Article XIV unless this article specifically requires approval of a Special Use Permit or Conditional Zoning District. Those uses requiring approval as a Special Use Permit (Section 1606) or a Conditional Zoning District (Article V) shall also be subject to these standards and any additional standards or conditions required by the approval.

(Amd. 11-20-06; 04-18-11)

In addition to the specific criteria listed for each use, the following are to be considered as minimum criteria for every non-residential use:

A. All parking and loading areas shall comply with the minimum provisions established in Article XII, Off-Street Parking and Loading;

B. All lighting shall be directed internally and shall comply with Section 1102.M;

C. Noise generated by any use shall not substantially or detrimentally affect the ability of surrounding property owners to reasonably enjoy the use of their properties and shall not contradict those standards of Chapter 9.5, Cumberland County Code, Article II, entitled: "Noise" (Noise Ordinance);

D. When any non-residential use is adjacent to residentially zoned properties, a screening buffer shall be provided in accordance with Section 1102.G of this ordinance;
(Amd. 01-19-10; Amd. 06-18-12)

E. Unless otherwise specified within these individual sections, all signage shall be in compliance with Article XIII, Sign Regulations, for the specific district in which the subject property is located;

F. All new non-residential development shall comply with the landscaping provisions of Section 1102.N; and

G. Compliance with all Federal, State, and local regulations, including the County Subdivision Ordinance, is mandatory.

EXHIBIT "D"
SECTION 905.1, ZONING CODE

SECTION 905.1 CONVENIENCE CONTAINER AND RECYCLING FACILITY

A. Material shall not be stored outside of appropriate waste containers, and all such containers shall be located on a solid impervious surface such as concrete pads.

B. All structures on the site shall comply with the dimensional requirements for the zoning district in which the facility is to be located.

C. The site shall be maintained to prevent odors, rodents and any other nuisances.

D. The site shall have direct access to a paved public street.

E. Access roads leading to any part of the operation shall be constructed in such a manner as to not impede traffic on any public or private street and shall be paved or constructed with gravel or crushed stone surface and maintained in a dust-free manner.

F. All environmental health rules and regulations, including Federal and State laws, shall be complied with.

G. Site obscuring buffers shall be provided in accordance with the provisions of Section 1102.G and are not included in the exemptions under Section 1102.G.2

(Amd. 03-17-09)

EXHIBIT "E"
SPECIAL USE SITE PLAN

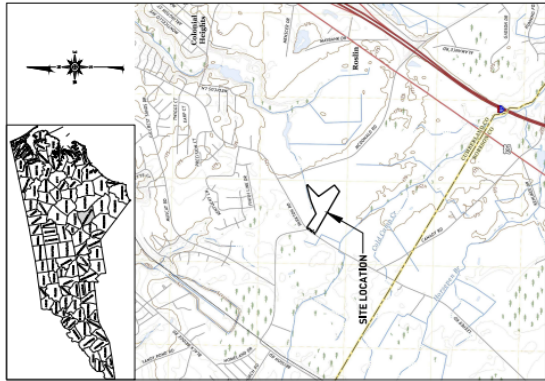


CUMBERLAND COUNTY, NORTH CAROLINA
CUMBERLAND COUNTY SOLID WASTE MANAGEMENT

PARKTON SOLID WASTE CONVENIENCE CENTER & RECYCLING FACILITY

PERMIT DRAWINGS

MARCH 2024



SHEET NO.	DRAWING NO.	DRAWING TITLE	REVISION NO.
1	-	TITLE - COVER SHEET	△
2	S1	EXISTING CONDITIONS	△
3	S2	SPECIAL USE SITE PLAN	△
4	S3	CONVENIENCE CENTER PLAN	△
5	D1	DETAILS	△

DEVELOPMENT NAME: PARKTON SOLID WASTE CONVENIENCE CENTER
 OWNER: CUMBERLAND COUNTY, NORTH CAROLINA
 ZONING: RUC, 24.14 ACRES
 PROPOSED BUILDING SQUARE FOOTAGE: 340 SF
 NUMBER OF OFF-STREET PARKING SPACES: 3
 PROPOSED USE: CONVENIENCE CENTER AND RECYCLING FACILITY
 DESCRIPTION: A COUNTY-OWNED, LEASED OR -OPERATED SITE SERVING THE SURROUNDING COMMUNITY FOR THE TEMPORARY COLLECTION, STORAGE AND TRANSFERENCE OF SOLID WASTE, WASTE AND RECYCLABLES.

FOR SPECIAL USE PERMIT
BOA - 2024-005

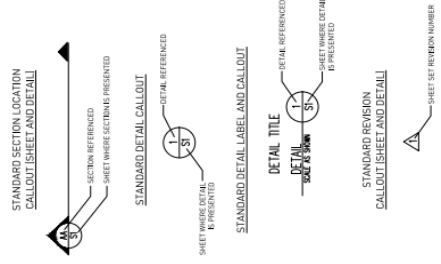
N.C.L. NO. F-020 ENGINEERING
 S.C. CO. NO. 02148

SMITH+GARDNER

1440 Ralston Avenue, Raleigh, NC 27603 | 919.288.0577
 1538 Richards St., Columbus, SC 29201



REV.	DATE	DESCRIPTION
1	03/22/24	PERMIT PRELIMINARY

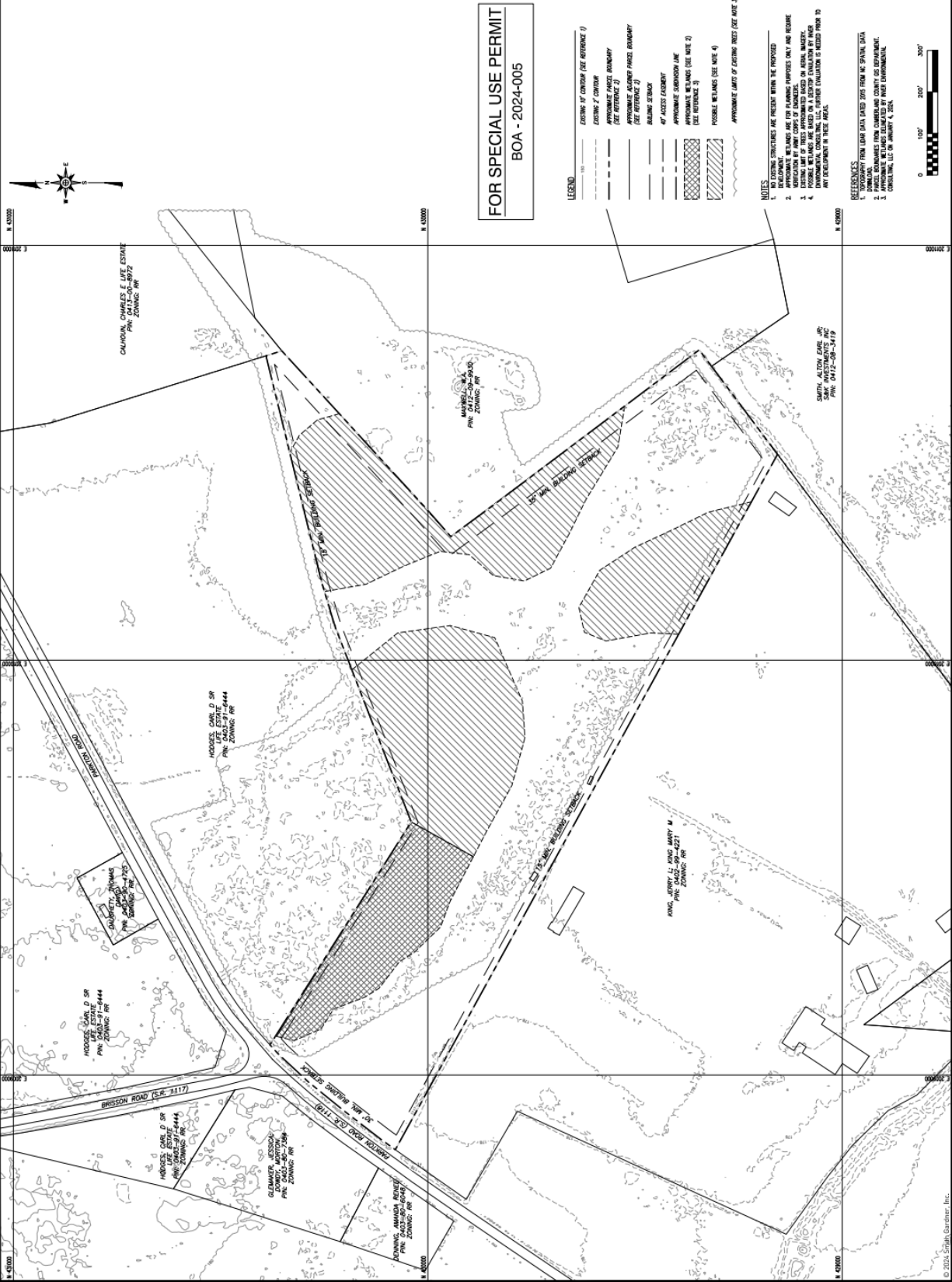


NO.	DATE	DESCRIPTION
1	01/15/24	ISSUED FOR PERMITS
2	01/15/24	REVISED PER COMMENTS
3	01/15/24	REVISED PER COMMENTS
4	01/15/24	REVISED PER COMMENTS
5	01/15/24	REVISED PER COMMENTS
6	01/15/24	REVISED PER COMMENTS
7	01/15/24	REVISED PER COMMENTS
8	01/15/24	REVISED PER COMMENTS
9	01/15/24	REVISED PER COMMENTS
10	01/15/24	REVISED PER COMMENTS

PARKTON SOLID WASTE CONVENIENCE CENTER & RECYCLING FACILITY

EXISTING CONDITIONS

NO.	DATE	DESCRIPTION
1	01/15/24	ISSUED FOR PERMITS
2	01/15/24	REVISED PER COMMENTS
3	01/15/24	REVISED PER COMMENTS
4	01/15/24	REVISED PER COMMENTS
5	01/15/24	REVISED PER COMMENTS
6	01/15/24	REVISED PER COMMENTS
7	01/15/24	REVISED PER COMMENTS
8	01/15/24	REVISED PER COMMENTS
9	01/15/24	REVISED PER COMMENTS
10	01/15/24	REVISED PER COMMENTS

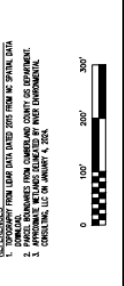


FOR SPECIAL USE PERMIT
BOA - 2024-005

- LEGEND**
- EXISTING LOT CENTER (SEE REFERENCE 1)
 - EXISTING LOT CORNER (SEE REFERENCE 2)
 - APPROXIMATE PARCEL BOUNDARY (SEE REFERENCE 3)
 - APPROXIMATE ADJACENT PARCEL BOUNDARY (SEE REFERENCE 4)
 - EXISTING STRUCTURE (SEE REFERENCE 5)
 - APPROXIMATE STRUCTURE LINE (SEE REFERENCE 6)
 - APPROXIMATE FACILITY (SEE REFERENCE 7)
 - APPROXIMATE LAYOUT OF EXISTING ROADS (SEE NOTE 8)

NOTES

- EXISTING STRUCTURES ARE SHOWN WITHIN THE PROPOSED DEVELOPMENT.
- EXISTING LOT CORNERS ARE SHOWN WITHIN THE PROPOSED DEVELOPMENT.
- EXISTING LOT CENTER IS SHOWN WITHIN THE PROPOSED DEVELOPMENT.
- APPROXIMATE ADJACENT PARCEL BOUNDARY IS SHOWN WITHIN THE PROPOSED DEVELOPMENT.
- EXISTING STRUCTURE LINE IS SHOWN WITHIN THE PROPOSED DEVELOPMENT.
- APPROXIMATE FACILITY IS SHOWN WITHIN THE PROPOSED DEVELOPMENT.
- APPROXIMATE LAYOUT OF EXISTING ROADS IS SHOWN WITHIN THE PROPOSED DEVELOPMENT.
- EXISTING ROAD DATA IS FROM THE YEAR 2005 FROM THE SPATIAL DATA CENTER.
- APPROXIMATE PARCEL BOUNDARY IS SHOWN WITHIN THE PROPOSED DEVELOPMENT.
- APPROXIMATE ADJACENT PARCEL BOUNDARY IS SHOWN WITHIN THE PROPOSED DEVELOPMENT.
- CONSULTING, LLC ON JANUARY 4, 2024.



PROJECT: PARKTON SOLID WASTE CONVENIENCE CENTER
 OWNER: NC DEPARTMENT OF TRANSPORTATION
 ADDRESS: WILSON RD, RALEIGH, NC 27605
 PHONE: 919 3860700
 ENGINEER: SMITH+GARDNER, INC.
 ADDRESS: 4101 PINEWOOD DR, RALEIGH, NC 27603
 PHONE: 919 8809777

DATE: 05/20/2024
 PROJECT NO: 24-0000

DESIGNED BY: []
 DRAWN BY: []
 CHECKED BY: []
 IN CHARGE: []

BRISSON ROAD (S.C. 1177)
 2400 RD
 2400 RD

0+000 0+050 0+100 0+150 0+200 0+250 0+300 0+350 0+400 0+450 0+500 0+550 0+600 0+650 0+700 0+750 0+800 0+850 0+900 0+950 1+000

PROPERTY USE TABLE (SEE NOTE 6)	APPROXIMATE AREA (SF)
USE	
LANDSCAPE	51,700
PARKING	540
STORAGE	140
STORM	33,600
TOTAL (SF)	86,980
TOTAL (AC)	24.2

FOR SPECIAL USE PERMIT
 BOA - 2024-005

DATE: 05/20/2024

PROJECT NO: 24-0000

DATE: 05/20/2024

PROJECT: PARKTON SOLID WASTE CONVENIENCE CENTER
 OWNER: NC DEPARTMENT OF TRANSPORTATION
 ADDRESS: WILSON RD, RALEIGH, NC 27605
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 ADDRESS: 4101 PINEWOOD DR, RALEIGH, NC 27603
 PHONE: 919 8809777

DATE: 05/20/2024
 PROJECT NO: 24-0000

DESIGNED BY: []
 DRAWN BY: []
 CHECKED BY: []
 IN CHARGE: []



PROJECT NO: 24-0000
 DATE: 05/20/2024

PROJECT: PARKTON SOLID WASTE CONVENIENCE CENTER
 OWNER: NC DEPARTMENT OF TRANSPORTATION
 ADDRESS: WILSON RD, RALEIGH, NC 27605
 PHONE: 919 3860700
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 ADDRESS: 4101 PINEWOOD DR, RALEIGH, NC 27603
 PHONE: 919 8809777

DATE: 05/20/2024
 PROJECT NO: 24-0000

DESIGNED BY: []
 DRAWN BY: []
 CHECKED BY: []
 IN CHARGE: []

PROPERTY USE TABLE (SEE NOTE 6)

USE	APPROXIMATE AREA (SF)
LANDSCAPE	51,700
PARKING	540
STORAGE	140
STORM	33,600
TOTAL (SF)	86,980
TOTAL (AC)	24.2

SYMBOL	DESCRIPTION
(Solid line)	EXISTING LOT BOUNDARY (SEE REFERENCE 1)
(Dashed line)	PROPOSED LOT BOUNDARY (SEE REFERENCE 2)
(Dotted line)	PROPOSED CONCRETE BOUNDARY (SEE REFERENCE 3)
(Dash-dot line)	APPROXIMATE ALUMINUM FINISH BOUNDARY (SEE REFERENCE 4)
(Dashed line with 'X' pattern)	EXISTING CONCRETE (SEE REFERENCE 5)
(Dashed line with 'X' pattern)	PROPOSED CONCRETE
(Green hatched)	VEGETATIVE BUFFER
(Grey hatched)	ASPHALT SURFACING
(Diagonal hatched)	PARKING SURFACING (SEE NOTE 5)
(Diagonal hatched)	POSSIBLE METALWASTES (SEE NOTE 11)

NOTES:

- 1. SEE CITY AND COUNTY ZONING ORDINANCES FOR THE FOLLOWING SPECIAL WASTES:
 - A. SOLID WASTE
 - B. LIQUID WASTE
 - C. HAZARDOUS WASTE
 - D. OTHER WASTES (E.G. WASTE OIL, USED MOTOR OIL, USED GREASE)
 - E. OTHER WASTES (E.G. USED REFRIGERANT, USED AIR CONDITIONER COOLANTS)
- 2. WASTES MUST BE STORED IN APPROVED CONTAINERS (E.G. TUMBLERS, DRUMS, DRUMS, TANKS, TANKERS, TANKERS, TANKERS, TANKERS)
- 3. A VEGETATIVE BUFFER SHALL BE A MINIMUM OF THREE FEET IN HEIGHT AT ALL TIMES.
- 4. A SOLID WASTE DISPOSAL CONTAINER SHALL HAVE A MINIMUM HEIGHT OF 20 FEET.
- 5. ALL WASTE DISPOSAL CONTAINERS SHALL BE LOCATED WITHIN ANY FENCE AND THE FENCE SHALL BE LOCATED WITHIN THE CURB LINE.
- 6. ALL WASTE DISPOSAL CONTAINERS SHALL BE LOCATED WITHIN THE CURB LINE.
- 7. ALL WASTE DISPOSAL CONTAINERS SHALL BE LOCATED WITHIN THE CURB LINE.
- 8. ALL WASTE DISPOSAL CONTAINERS SHALL BE LOCATED WITHIN THE CURB LINE.
- 9. ALL WASTE DISPOSAL CONTAINERS SHALL BE LOCATED WITHIN THE CURB LINE.
- 10. ALL WASTE DISPOSAL CONTAINERS SHALL BE LOCATED WITHIN THE CURB LINE.
- 11. ALL WASTE DISPOSAL CONTAINERS SHALL BE LOCATED WITHIN THE CURB LINE.

FOR SPECIAL USE PERMIT
 BOA - 2024-005

DATE: 05/20/2024

PROJECT NO: 24-0000

DATE: 05/20/2024

PROJECT: PARKTON SOLID WASTE CONVENIENCE CENTER
 OWNER: NC DEPARTMENT OF TRANSPORTATION
 ADDRESS: WILSON RD, RALEIGH, NC 27605
 PHONE: 919 3860700
 ENGINEER: SMITH+GARDNER, INC.
 ADDRESS: 4101 PINEWOOD DR, RALEIGH, NC 27603
 PHONE: 919 8809777

DATE: 05/20/2024
 PROJECT NO: 24-0000

DESIGNED BY: []
 DRAWN BY: []
 CHECKED BY: []
 IN CHARGE: []

REFERENCES:

- CITY OF WILSON SOLID WASTE PERMITTING REGULATIONS
- CITY OF WILSON SOLID WASTE PERMITTING REGULATIONS
- CITY OF WILSON SOLID WASTE PERMITTING REGULATIONS
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- CITY OF WILSON SOLID WASTE PERMITTING REGULATIONS

SMITH+GARDNER, INC.
 4101 PINEWOOD DRIVE
 RALEIGH, NC 27603
 919 880 9777

DATE: 05/20/2024
 PROJECT NO: 24-0000

CUMBERLAND COUNTY ENGINEERS

SMITH+GARDNER ENGINEERS

1100 W. HARRIS ST., SUITE 200
 RALEIGH, NC 27603

STATE OF NORTH CAROLINA
 CIVIL ENGINEER
 NO. 24000
 EXPIRES 02/29/2025

PROJECT TITLE: PARKTON SOLID WASTE CONVENIENCE CENTER 8 RECYCLING FACILITY

SPECIAL USE SITE PLAN

DATE	DESIGNED BY	DATE
05/20/2024	[]	05/20/2024
05/20/2024	[]	05/20/2024
05/20/2024	[]	05/20/2024

3 82

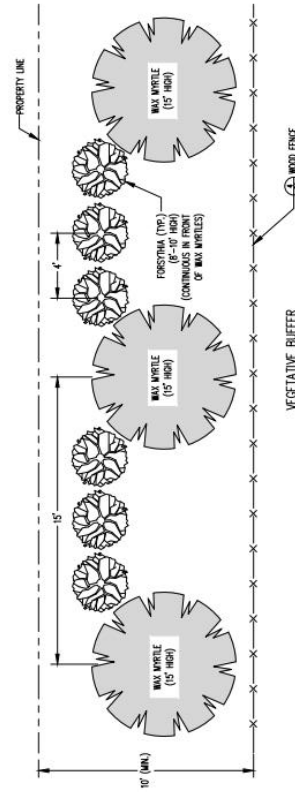
DATE: 05/20/2024
 PROJECT NO: 24-0000

FOR SPECIAL USE PERMIT
BOA - 2024-005

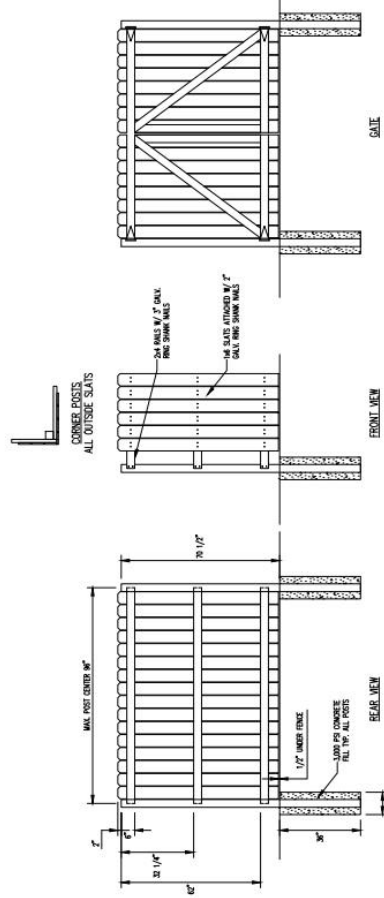


- NOTES:**
1. GEOTEXTILE BASE COURSE SHALL MEET THE FOLLOWING REQUIREMENTS: IN MOST SECTIONS SHALL BE PLACED AND COMPACTED IN A 4" MAX THICK (IN-PLACED) SECTION AND SHALL BE 15" WIDE (SEE NOTE 2).
 2. AGGREGATE SHALL BE PLACED AND COMPACTED IN A 4" MAX THICK (IN-PLACED) SECTION AND SHALL BE 15" WIDE (SEE NOTE 2).
 3. GEOTEXTILE SHALL HAVE A MINIMUM 50% TENSILE STRENGTH OF 300 LBS. AND A JOINT OF AT LEAST 100 LBS. TENSILE STRENGTH PER JOINT.

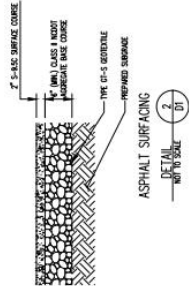
AGGREGATE SURFACING
DETAIL 1
1/8" = 1'-0"



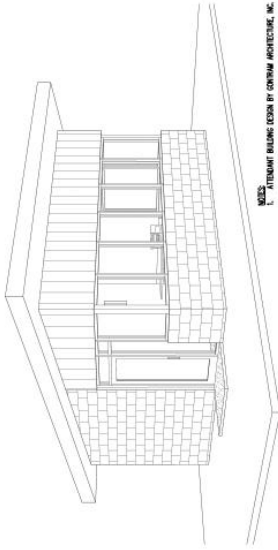
VEGETATIVE BUFFER
DETAIL 2
1/8" = 1'-0"



SOLID FENCE
DETAIL 4
1/8" = 1'-0"



ASPHALT SURFACING
DETAIL 3
1/8" = 1'-0"



ATTENDANT BUILDING
DETAIL 5
1/8" = 1'-0"

NOT FOR CONSTRUCTION - FOR PRELIMINARY REVIEW ONLY

NO.	DATE	DESCRIPTION	BY	CHKD BY
1	03/20/24	FOR PERMIT	RG	

EXHIBIT "I"
SPECIAL USE PERMIT BOA-2024-0005

Special Use Permit Conditions

Special Use Permit- Board of Adjustment
(Convenience Container and Recycling Facility Special Use Permit and Site Plan)
Ordinance Related Conditions

BOA-2024-0005: Consideration of a Special Use Permit to construct a Convenience Container and Recycling Facility in an RR Residential District on a 24.16 +/- acre parcel owned by the North Carolina Department of Transportation, located near the intersection of Brisson Rd and Parkton Rd with REID#: 0402999824000. Submitted by Stacey Smith(agent) on behalf of the Cumberland County Solid Waste Management Department (applicant).

The Special Use Permit requested is approved subject to the contents of the application, site plan appearing in Exhibit "A" and the following conditions:

Applicability: This Special Use Permit shall only apply to a 24.16 +/- acre parcel at REID#: 0402999824000 (as shown in the record of the Cumberland County Register of Deeds as of April 2, 2024) on which the North Carolina Department of Transportation owns as shown on the of the attached Special Use Site Plan (Exhibit "A"). Allowed uses for the site shall be those described within the Special Use Site Plan (Sheet No. 3) for both regular operations of the County Solid Waste disposal program and times of emergencies declared by the Board of County Commissioners or the State of North Carolina. Other allowed uses include temporary storage of construction materials, dead trees and vegetation and related debris, storm debris,

Pre-Permit:

Applicant shall submit a site plan and landscape plan to the Current Planning Section prior to any construction activity, including clearing and grading, demonstrating compliance with the requirements and information required herein in this. No activity on the site shall occur until a final site plan has been approved by the Current Planning Section.

Permit-Related:

1. The owner/developer(s) of these lots must obtain detailed instruction on provisions of the County Zoning Code and permits required to place any structure within this development from the County Code Enforcement Section, at the Historic Courthouse at 130 Gillespie Street, Fayetteville, N.C. For additional information, the developer should contact the Code Enforcement Section. (Chpt. 4, County Code & Sec. 107, County Zoning Ord.)
2. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application. [Sec. 4-8(b)(2), County Code].
3. 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. (Sec. 107.B, County Zoning Ord.; & Secs. 2005 & 2007 County Subdivision Ord.)

Site-Related:

1. Use and development of the site shall occur consistent with the Special Use Permit and the Special Use Site Plan provided in Exhibit "A" and shall be in conformance with the zoning and subdivision ordinances adopted by Cumberland County. If any inconsistency or conflict occurs between this

Special Use Permit and County Zoning or Subdivision Ordinances, the Special Use Permit shall supersede.

2. Buildings, accessory buildings, containers, storage materials, and debris shall comply with the following minimum setback standards:

Front (along Parkton Rd.) --	30 feet
Side yard --	15 feet
Rear yard --	35 feet

3. Maximum height of any building, accessory building, storage containers, or storage debris piles shall be thirty (30') feet as measured from grade.
4. Location of the convenience container center and recycling facility shall be limited to the area generally highlighted in black on Sheet No. 3 of the Special Use Site Plan and limited to no more than 5.6 acres. Material within this area shall not be stored outside of appropriate waste containers, and all such containers shall be located on a solid impervious surface such as concrete pads. All areas shown on the Special Use Site Plan as "temporary storage" (i.e., outside the convenience container center) shall only be used for the temporary outdoor storage of vegetative and tree debris as well as temporary outdoor storage of debris created from declared emergencies.
5. Erosion and sediment controls shall be installed as required by the regulations of the State of North Carolina and/or the County (Cumberland), as are from time to time amended. In compliance with or addition to any state or local law requirements, each owner shall be required to provide adequate drainage facilities, including on-site controls which shall be at least sufficient to accommodate the estimated change in rate of stormwater runoff for the ten-year storm resulting from the placement of buildings and parking areas, and shall be discharged in a manner consistent with commonly accepted engineering practices.
6. Plans and specifications for the installation, and alteration, and illumination of all outdoor signs shall be consistent with the County Zoning Ordinance and sign permits must be obtained from the County Department of Planning & Inspections.
7. Any connections of drains and sewers to public sewers shall be made in accordance with local and state regulations.
8. All secondary telephone and electrical service lines shall be underground between the primary lines and structures or buildings erected on any site developed within the Center.
9. The 5.6+/- acre area of the site that occupies the convenience container and recycling facility is subject to the requirements of section 905.1 of the County Zoning Ordinance, Convenience Container and Recycling Facility.
10. Within the 5.6 +/- acre convenience container and recycling facility area, debris shall not be stored outside of appropriate waste containers, and all such containers shall be located on a solid impervious surface such as concrete pads.
11. All structures on the site shall comply with the dimensional requirements for the zoning district in which the facility is to be located as demonstrated on the site plan.
12. The site shall be maintained to prevent odors, rodents, and any other nuisances.
13. The site shall have direct access to a paved public street as demonstrated on the special use site plan.

14. Access roads leading to any part of the operation shall be constructed in such a manner as to not impede traffic on any public or private street and shall be paved or constructed with gravel or crushed stone surface and maintained in a dust-free manner and meets State Fire Code requirements.
15. All environmental health rules and regulations, including Federal and State laws, shall be complied with.
16. Site obscuring buffers shall be provided and maintained in accordance with the provisions of Section 1102.G and are not included in the exemptions under Section 1102.G.2. All perimeter vegetative buffers, landscaping, and screen fencing shall be installed and all plantings in place prior to operation of the Convenience Container and Recycling Center.
17. All lighting installed shall comply with all provisions of Section 1102.M., of the County Zoning Ordinance.
18. Prior to permit application, the developer must provide to the Code Enforcement Section documentation of NC Department of Environmental Quality (NCDEQ) approval of the Sedimentation and Erosion control plan for this project. NCDEQ requires a Sedimentation and Erosion control plan be submitted and approved 30 days prior to land disturbing activities if said land disturbing activity will exceed one acre.

If a plan is not required, per 15ANCAC 04B.0105 "Person conducting land disturbing activity shall take all reasonable measures to protect public and private property from damage cause by such activities." Sedimentation and erosion control measures will need to be installed to protect adjacent properties. [Sec. 4-8(b)(6), County Code; originally under County jurisdiction relinquished to NCDEQ around 2000]

19. For any new development, an adequate drainage system must be installed by the developer in accordance with the NC Department of Environmental Quality (NCDEQ) Manual on Best Management Practices and all drainage ways must be kept clean and free of debris. (Section 2307.A, County Subdivision Ord.)
20. In the event a stormwater utility structure is required by the NC Department of Environmental Quality (NCDEQ), 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. (Sec. 1102.O, County Zoning Ord.)
21. 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 Department of Energy, Minerals and Land Resources, NC Department of Environmental Quality (DEMLR NCDEQ). If one acre or more of land is to be disturbed, a copy of the State's *Post-Construction Permit* must be provided to County Code Enforcement prior to the issuance of the Certificate of Occupancy.
22. Wetlands shall be protected pursuant to NC Department of Environmental Quality (NCDEQ) standards, and no wetlands shall be encroached or filled unless otherwise authorized by the NCDEQ.
23. **Driveway Permit required.**

Site plan should depict the proposed geometrics for the proposed ingress and egress driveways.

Change of use of subject properties and/or construction of any new connection or alteration of any existing connection shall require an approved Driveway Permit.

Failure to secure required permits prior to construction or change in property usage may result in the removal of the driveway or street connections at the property owner's/developer's expense.

In the event that a structure (house) is built by a contractor for commercial gain and/or if property changes ownership from existing owner to builder, an approved Driveway Permit must be secured.

For additional information contact the Division 6 / District 2 office.

24. If any right-of-way dedication is required by NCDOT, a recorded plat referenced above shall identify any such right-of-way dedication and sight distance easements. (Sec. 2402, County Subdivision Ord.)
25. NC Department of Environmental Health applications for permits for septic and well shall be obtained.
26. That site and soil evaluations be conducted on the property by the County Environmental Health Department. Note: All Health Department requirements shall be met prior to issuance of final permits. Environmental Health septic permit shall be written before the lots can be approved to support residences/buildings. Note- application for permit does not ensure that a permit can be written.
27. The County Health Department must approve water plans if not connected to central water system. Property not served by public water system is required to be large enough and of such physical character to comply with the Health Department's minimum standards. A copy of the Health Department approval must be provided to Code Enforcement. (Note: All Health Department requirements must be met prior to issuance of final permits.) (Sec. 2306A, County Subdivision Ord. & Sec. 1101.E, County Zoning Ord.)

Authorization for wastewater system construction required before other permits to be issued. The County Health Department must approve sewer plans. Lots not served by public sewer systems are required to be large enough and of such physical character to comply with the Health Department's minimum standards. Site and soil evaluations must be conducted on the property by the County Environmental Health Department. A copy of the Health Department approval must be provided to Code Enforcement. (Note: All Health Department requirements must be met prior to issuance of final permits.) (NCGS § 130A-338 & Sec. 2306 A, County Subdivision Ord. & Sec. 1101.E, County Zoning Ord.)

28. Ensure all applicable fire department access requirements are met in accordance with Section 503 of the 2018 NC Fire Code. Submit building plans to scale for any new construction and/or building renovation.

Expiration Date.

This special use expires two years from the date the County Board of Adjustment approves the Special Permit No. BOA-2024-0005 if no activity proceeds in good faith to commence the special use. The Board of Adjustment may approve an extension of this special use permit for up to two years if a written request for an extension is submitted at least thirty days prior to the expiration date.

Advisories:

29. Any revision or addition to this plan necessitates re-submission for review and approval. Depending on the substantiality, such requested revisions or additions may require either Board of Adjustment approval or the Planning & Inspections Department administrative approval prior to the commencement of the change.

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. The developer's subsequent application for permits upon receipt of these conditions of approval constitutes the developer's understanding and acceptance of the conditions of approval for this development.
32. 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.

Other Relevant Conditions:

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 specific development. The developer is the responsible party to ensure full compliance with all applicable Federal, State, and local regulations.

Issued by:

David B. Moon, AICP, CZO
Deputy Director, Dept. of Planning and Inspections

Date

The above Special Use Conditions are accepted by the Cumberland County Solid Waste Management, at the April 18, 2024 BOA hearing, as documented by the official hearing minutes for that date.

**EXHIBIT "A" OF
SPECIAL USE PERMIT BOA-2024-0005
SPECIAL USE SITE PLAN**

(Same as Exhibit "E" of the Staff Report)

“EXHIBIT J”
APPLICANT’S RESPONSE TO SPECIAL USE CRITERIA AND APPLICATION
(Section 1606.C. Special Use Permits)

Special Use Findings

We offer findings of the information presented herein demonstrate:

- A. The use will not materially endanger the public health or safety if located according to the plan submitted;*

The Facility is designed and will be operated to not materially endanger the public health or safety. Fencing will be used to prevent unauthorized site access outside of operating hours. During operating hours, a site attendant is present to assist customers in proper disposal of waste items. Waste will be removed from the Facility and disposed of at a permitted disposal location once containers are filled to minimize the potential of disease or environmental impacts.

- B. The use meets all required conditions and specifications;*

A Site Plan by Smith Gardner Inc. has been prepared to demonstrate compliance with buffers, setbacks, and other restrictions as required.

- C. The use will maintain or enhance the value of adjoining or abutting properties, or that the use is a public necessity;*

A value appraisal has been prepared by Kirkland Land Appraisers (Kirkland) that evaluated the proposed land use and potential impacts to surrounding properties. Kirkland reviewed several existing convenience centers, and any impacts to land values of adjoining property. It was determined the proposed use is in harmony with the surrounding area and will not have a negative impact on the adjoining property values, see Exhibit 5. Additionally, the proposed facility provides a needed service to Cumberland County residents in the surrounding area by providing them proper disposal options.

- D. 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 the Cumberland County’s most recent Comprehensive Land Use Plan.*

The facility will:

- **operate Monday through Saturday with varying hours ranging from between 7 am to 6 pm;**
- **be screened from view through existing/proposed vegetation and fencing, as required, and will not become a visual eyesore;**
- **experience minimal noise due to facility size and should be generally consistent with surrounding farm operations;**
- **comply with the Cumberland County development ordinances and will be protective of health and the environment.**

ATTACHMENT: NOTIFICATION LIST & PUBLIC HEARING LEGAL NOTICE

N C DEPT OF TRANSPORTATION
1546 MAIL SERVICE CTR
RALEIGH, NC 27699

HODGES, CARL D SR LIFE ESTATE
4904 BARBEE RD
DURHAM, NC 27713

MAXWELL, W. A.
PO BOX 53903
FAYETTEVILLE, NC 28305

GLEMAKER, JESSICA;DOWDY, MORTON
6185 TABOR CHURCH RD
FAYETTEVILLE, NC 28312

SMITH, ALTON EARL JR;S & K
INVESTMENTS INC
6745 FIRE DEPARTMENT RD
HOPE MILLS, NC 28348

NOEL, LAUREN J
5620 MCDONALD RD
PARKTON, NC 28371

KING, JERRY L;KING, MARY M
6651 PARKTON RD
PARKTON, NC 28371

KING, JERRY L;KING, MARY M
6651 PARKTON RD
PARKTON, NC 28371

CALHOUN, CHARLES E LIFE ESTATE
866 SANDY BEND ROAD
ROCKY POINT, NC 28457

DENNING, AMANDA RENEE
1500 HWY 15 LOT 21
MYRTLE BEACH, SC 29527

ORDER DETAILS	
Order Number:	LWLM0079523
Order Status:	Submitted
Classification:	Public Notices
Package:	General Package
Total payment:	158.10
Payment Type:	Account Billed
User ID:	L0012804
External User ID:	744350
ACCOUNT INFORMATION	
Cumb Co Joint Planning,Laverne Howard 130 Gillespie ST ATTN: LAVERNE HOWARD Fayetteville, NC 28301-5669 910-678-7600 lhoward@cumberlandcountync.gov Cumb Co Joint Planning,Laverne Contract ID:	
TRANSACTION REPORT	
Date	March 26, 2024 12:24:45 PM EDT
Amount:	158.10
ADDITIONAL OPTIONS	
1 Affidavit	
SCHEDULE FOR AD NUMBER LWLM00795230	
April 5, 2024 Fayetteville Observer April 12, 2024 Fayetteville Observer	

PREVIEW FOR AD NUMBER LWLM00795230	
PUBLIC HEARING NOTICE	
The Cumberland County Board of Adjustment will meet at 6:00 p.m. on Thursday, April 18, 2024, at the Old Court House Building, 130 Gillespie Street, Fayetteville, NC to hear the following:	
BOA-2024-0004:	Consideration of a Special Use Permit to allow a telecommunication monopole in an A1 Ag. Dist. on 3.67 +/- acs, at 7131 Cedar Creek Rd; Max Casey (Agent) State of North Carolina (Owner).
BOA-2024-0005:	Consideration of a Special Use Permit to allow a convenience container and recycling center in a RR Rural Res. Dist. on 24.16 acs, 140 feet south of Parkton Rd and Brisson Rd; Smith Gardner, Inc. (Agent) NC Department of Transportation (Owner).
Publication Dates L00000000	
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ATTACHMENT: APPLICATION



County of Cumberland
BOARD OF ADJUSTMENT

CASE #: _____

CUMBERLAND COUNTY BOA
MEETING DATE: _____

DATE APPLICATION
SUBMITTED: _____

RECEIPT #: _____

RECEIVED BY: _____

**APPLICATION FOR
SPECIAL USE PERMIT**

The Cumberland County Board of Adjustment meetings are held on the third Thursday of each month in the Historic Courthouse, 130 Gillespie Street - Hearing Room 3. The Planning and Inspections Department will advertise the public hearing and a notice will be mailed or delivered to surrounding residents or property owners that may be affected by the proposed Special Use Permit request.

The Board of Adjustment is a quasi-judicial review board and all persons wishing to appear before this Board should be prepared to give sworn testimony on relevant facts. Applicants for Special Use Permits are encouraged to read Section 1606 "Special Use Permits" of the Zoning Ordinance to ensure the technical requirements of the Ordinance are met before submission to the Board of Adjustment (see next page).

The following items are to be submitted with the complete application:

1. **A copy of the recorded deed and/or plat,**
2. **If a portion of an existing tract, an accurate written legal description of only the area to be considered;**
3. **A copy of a detailed site plan drawn to engineering scale, showing the location of all buildings, yard dimensions, driveways, fencing, lighting parking areas, landscaping, and all other pertinent data to the case; and**
4. **Cash or check payable to "Cumberland County" in the amount of \$ _____ (see attached Fee Schedule)**

NOTE: Any revisions, inaccuracies or errors to the application or site plan may cause the case to be delayed and will be scheduled for the next available Board of Adjustment meeting according to the board's meeting schedule. Also, the application fee is nonrefundable.

The Planning and Inspections Staff is available for advice on completing this application; however, they are not available for completion of the application or preparation of the site plan.

EXCERPT FROM THE CUMBERLAND COUNTY ZONING ORDINANCE

Section 1606 SPECIAL USE PERMIT (portion of)

B. Procedure. Special Use Permit shall be granted by the Board of Adjustment as permitted for only those uses enumerated in Section 403, Use Matrix, as Special Uses. Uses specified as a Special Use in Section 403 shall be permitted only upon the issuance of a Special Use Permit by the Board of Adjustment.

The owner or owners of all property included in the petition for a Special Use Permit shall submit a complete application and three copies of a site plan (drawn in accordance with the specifications listed in Section 1402) to the Planning and Inspections Staff. The Staff will schedule the application to be heard by the Board of Adjustment in accordance with the adopted time schedule. The Planning and Inspections Staff shall also notify the Commanders of Fort Bragg, and Pope U.S. Army Field of any application affecting the use of property located within a five miles or less of the perimeter boundary of said bases in accordance with the N.C. Gen. Stat §153A-323.

Developers are encouraged to discuss their Special use plans with the Planning and Inspections Staff before submission. The Staff shall assist the developer upon request by reviewing Special use plans to insure that the technical requirements of this Ordinance are met before submission to the Board of Adjustment.

All applications and site plans shall provide information indicating compliance with the development standards for individual uses as listed in Article IX of this Ordinance, as applicable, and the height and area regulations for the zoning district in which they are located, unless the provisions for the Special Use provide to the contrary.

C. Consideration of Application. The Board of Adjustment shall consider the application, site plan and any other evidence presented in accordance with this Article and may grant or deny the Special Use Permit requested. On granting a Special Use Permit, the Board shall find that:

1. The use will not materially endanger the public health or safety if located according to the plan submitted and recommended;
2. The use meets all required conditions and specifications;
3. The use will maintain or enhance the value of adjoining or abutting properties, or that the use is a public necessity; and
4. 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 the Cumberland County's most recent Comprehensive Land Use Plan.

Any special use permit granted becomes null and void if not exercised within the time specified in such approvals, or if no date is specified within one calendar year from the date of such approval.

BOARD OF ADJUSTMENT

LOCATION OF PROPERTY: Intersection of Parkton Road and Brisson Road
OWNER: North Carolina Department of Transportation
ADDRESS: 1546 Mail Service Center, Raleigh, NC ZIP CODE: 27699
TELEPHONE: HOME N/A WORK (910) 364-0605
AGENT: Stacey A Smith, P.E.
ADDRESS: 14 N. Boylan Ave, Raleigh, NC 27603
TELEPHONE: HOME N/A WORK (919) 828-0577
E-MAIL: Stacey@smithgardnerinc.com

**APPLICATION FOR A SPECIAL USE PERMIT
As required by the Zoning Ordinance**

- A. Parcel Identification Number (PIN #) of subject property: 0402999824
(also known as Tax ID Number or Property Tax ID)
- B. Acreage: 24.16 Frontage: 400 Depth: 1,910
- C. Water Provider: Well
- D. Septage Provider: Septic
- E. Deed Book 4901, Page(s) 125, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
- F. Existing use of property: Vacant
- 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.)
Cumberland County Solid Waste Department intends to construct a convenience container and recycling facility, further discussion is provided in the attached statement of intent.

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

North Carolina Department of Transportation

NAME OF OWNER(S) (PRINT OR TYPE)

558 Gillespie Street, Fayetteville, NC 28301

ADDRESS OF OWNER(S)

wljernigan@ncdot.gov

E-MAIL

HOME TELEPHONE #

910-364-0600

WORK TELEPHONE #

Amanda L. Bader

Cumberland County Solid Waste

NAME OF AGENT, ATTORNEY, APPLICANT (PRINT OR TYPE)

General Manager of Natural Resources

ADDRESS OF AGENT, ATTORNEY, APPLICANT

abader@cumberlandcountync.gov

E-MAIL

910-438-4041

HOME TELEPHONE #

WORK TELEPHONE #

*for
w/lu jernigan*

SIGNATURE OF OWNER(S)

DocuSigned by:
A Bader

SIGNATURE OF AGENT, ATTORNEY OR APPLICANT

SIGNATURE OF OWNER(S)

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

STATEMENT OF ACKNOWLEDGMENT

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 argument 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 thereof.**
- 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 acknowledgment 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) MR HINES FOR W. LEE JENNYAN

PRINTED NAME OF OWNER(S) Lee P. Hines, Jr. FOR W. LEE JENNYAN

DATE 03.15.2024