



Board of Adjustment

Members:

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

Alternates:

Kenneth Turner
Gary Silverman
Brenée Orozco
Jovan Bowser
Donald Brooks

TENTATIVE AGENDA
JUNE 20, 2024
6:00 PM

A meeting of the Cumberland County Board of Adjustment is to be held on Thursday, June 20, 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 MAY 16, 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-2024-0008:** Consideration of a Special Use Permit to allow a telecommunication tower in an A1 Agricultural District on a portion of a 14.91 +/- acres, located at 5226 Austin West Road; submitted by Sydney Poe (Agent) on behalf of Billie Jo and Franklin Monroe (Owners).
 - B. **BOA-2024-0009:** Consideration of an amendment to Special Use Permit P18-05-C to expand an existing Recreational Vehicle Park and Campground in an A1 Agricultural District on 10.69 +/- acres, located at 7288 Lane Road; submitted by Kerry Pope (Owner).
10. OTHER BUSINESS:
 - A. BOA Chair and Vice-Chair nominations and action
 - B. BOA Member Recommendations



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11. DISCUSSION/UPDATE(S):

12. ADJOURNMENT

TENTATIVE

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Board of Adjustment

MINUTES
16 May 2024
6:00 PM

Members Present

Gregory Parks-Chair
Linda Amos, Vice-Chair
Marva Lucas-Moore
Vickie Mullins
Kenneth Turner-Alt

Absent Members

Robert Davis
Jovan Bowser-Alt
Brenée Orozco-Alt

Staff/Others Present

David Moon
Timothy Doersam
Amanda Ozanich

Donald Brooks-Alt in Audience
Gary Silverman- Alt in Audience

Robert Hasty (Asst County Attorney)

Chair Parks called the meeting to order at 6:01 p.m. in Public Hearing Room #3 of the Historic Courthouse.

1. INVOCATION

Linda Amos read the invocation.

PLEDGE OF ALLEGIANCE

Recited by all.

2. ROLL CALL

Mr. Moon called the roll and made note of the absence of Robert Davis, Jovan Bowser, and Brenée Orozco. Mr. Moon stated we do have a quorum.

SWEAR IN OF STAFF

Chair Parks swore in staff David Moon and Timothy Doersam.

3. ADJUSTMENTS TO THE AGENDA

There were none.

4. APPROVAL OF THE APRIL 18, 2024, MINUTES

Mr. Kenneth Turner made a motion to approve the minutes from April 18, 2024, meeting as written, seconded by Vickie Mullins. Approved by All.

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

There were none.

6. PUBLIC HEARING DEFERRALS/WITHDRAWALS

There were none.



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7. POLICY STATEMENT REGARDING APPEAL PROCESS:

Mr. Moon read the policy statement.

8. PUBLIC HEARING(S)

Chair Parks read:

BOA-2024-0006: Consideration of a Special Use Permit to allow a recreation vehicle park/campground in an A1 Agricultural District on 7.83 +/- acres, located at 5896 Tabor Church Road; submitted by Karrie Hawkins (Owner).

David Moon:

Thank you, Sir. I am David Moon, deputy director of planning and inspection. Tonight is case BOA-2024-0006, located in the South-Central area of the county. As you see, by the star indicated on the map on the screen. The case before you is a request for a special use for a campground/RV park. Based on our zoning ordinance, A campground and RV park is land upon which shelters such as tents, cabins, open air cabins, travel trailers, and recreational vehicles are erected or located for temporary occupation by transients and or vacationers. They may include. As permanent structures and facilities as are normally associated with the operation of a campground. As you see on the screen section 403 from the zoning code indicates that a. Recreational vehicle park with campground requires a special Use permit approved by the Board of Adjustment for that use to occur on a property assigned an A1 agricultural zoning category. I won't go through the details since the board is familiar with special uses, but it's a situation where a permit is required for the proposed activity to determine that the proposed use is compatible with the character of the surrounding area. There are 4 criteria that the applicant must meet for the Board of adjustment to approve the special use permit. And those four criteria are listed before you here on this screen and basically 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 then the last of the four criteria is 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. I'll turn over the microphone to Tim Doersam, who will give information about the application and the surrounding area. Thank you.

Timothy Doersam:

Good evening, ladies and gentlemen of the board. My name is Tim Doersam. I am a Planner 1 here with Cumberland County current planning. So, on this slide, we see that the area demarked in the white and black dashed line area is the 7.83 ± acres that the special use permit is going to apply to. This is where the RV park and campground would be located on this parcel and. The area below shows that there's about 975 feet distance between where this RV park and campground would be located, and the Cape Fear River. The board does have the authority in the final disposition to approve, deny or approve it conditions the special use permit as granted in Chapter 160 D.

This is the site plan that was submitted by the applicants, showing the layout of their site plan for their special use permit. This is the 7.83-acre parcel. On here they show the location of the proposed septic tanks and wells the communal bathhouse, the manager office near the front and they show 38 spots for the campsite RV spaces. And to the South, in case it is a little hard to read, is where they are proposing a buffer for the residential lot to the South of them. On this slide, we see the distance from the right of way line to the management office is 350 feet and the distance from the right of way line to the first RV space is approximately 460 feet.



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This is the surrounding area for the parent parcel. To the South we have a lot of farmlands and single-family residential homes to the east we have single family residential homes with some manufactured homes. To the north is undeveloped wooded areas. And to the West is the Cape Fear River and undeveloped wooded area.

This is a clean blank screenshot of where the area marked out for the RV park is sort of naturally formed by how the land is with the pond to the slightly northeast of it. This is surrounding zoning categories for the area. It is predominantly A1 within the immediate location. There is CD to the West that is on the property, but that is outside the boundaries of the special use permit area, the CD Conservation District area.

This slide shows where the hydric soils and hydric inclusion soils are on the parcel. For the most part, there are no hydric soils, though there are some at the very northern part of the special use area and there are no hydric inclusions within the special use area. There are no water and no sewer lines. Along Tabor Church Rd. This is the land use area for the parent parcel where again in the western part of it is for open space and conservation. But that area is not included with, the specially use permit area itself. The rest of it is within the one acre without water, half acre with public water land use area.

This is a photo taken of the subject property, looking across Tabor Church Road, looking down the area that would be the entrance to the RV park. This is a little further down the street of Table Church Road, looking again at the current track. This is showing more of where the other portion of the property is, which does have the owner's residence that would be located on essentially lot two. It would not be included on the special use permit area.

This is a picture showing the north view of Tabor Church Road as you go down going towards the parent track. This is the eastern view of it. Looking from the parent track across the Tabor Church Road St. looking at the abutting property. And this is the southwest view looking down with the parent track on the right-hand side. And again, this is the approximate area of the special use permit. As you can see to the left, that is where a lot of the conservation effects for the Cape Fear River apply, they do not encroach upon the special use area and special use area itself doesn't have any pathways for vehicles to go and encroach upon the conservation area.

These are the key conditions for the special use permit. The use and development of the site must be consistent with the special use site plan. The RV parking campground shall be consistent with Section 921 Recreation Vehicle Park and our campground found in the county Zoning Ordinance. The special use form will be limited to a maximum of 38 camp sites. The final site plan and landscape plan must be approved by county planning staff and consistent with the zoning ordinance. Permanent occupancy on the same site by the same occupant is prohibited. Stays should be limited to a continuous period of time not to exceed 90 days, with a maximum allowance of 180 days per calendar year within the same park, and that there must be a minimum of a 30-day waiting period between stays within the same park for each recreational vehicle and occupants. The final site plan must show that the campground is enclosed by a fence, wall, landscape screening, earthen mounds, or by other means from all contiguous residential areas. And the site plan will expire within two years if the applicant does not make any moves to fulfill these special site plan and operate.

David Moon:

Somehow in the setup process, we had one slide that went missing, but in this application the owner and applicant is Karrie Hawkins, and the site address is 5896 Tabor Church Rd. The proposed special use permit applies to approximately 7.83 acres of a larger parcel that contains 49.16 acres, all owned by Karrie Hawkins. The board has the authority to approve, deny or approve with conditions, this application, based on those four special use criteria that were presented to you earlier. If you have any questions, the staff will be able to address those at this time.



Chair Parks:

Do we have a set up for public hearing and speakers?

David Moon:

We have one speaker in favor. The applicant and property owner Karrie Hawkins.

Marva Lucas-Moore: I have a question for staff.

Who will be monitoring the maximum days of 90 days. How is that being monitored?

David Moon:

Based on the special use conditions, we list the key conditions to you right now, but one of the other conditions within the special use permit as proposed also within section 921 of the zoning code, applies to campgrounds and RV parks, the owner must maintain a book that monitors basically the log for the patrons that are attending the camp.

Marva Lucas-Moore: Ok. I have one question.

So as far as the separate tank, is 38 the maximum that the septic tank can hold?

David Moon:

We do not know that at this time. The Applicant has applied for the special use. That's the first step and there's a general site plan. The next step is a final site plan which staff reviews. The next process the applicant Ms. Hawkins will have to coordinate with the Environmental Health Department as well as state agencies and Environmental Health Department will determine the size of the septic tank and the area for the drainage field.

Marva Lucas-Moore: Thank you.

Ken Turner: This, being close to the river. Is there a watershed issue here with requiring a minimum.

David Moon: No, now if we go back a few slides. The western boundary of the special use permit area is 975 feet from the river edge. So, the special use permit does not include those 975 feet up to the river. So, there are no proposed activities for the special use. There's no proposed access to the river. The applicant, Miss Hawkins, probably can address more of that information.

Chair Parks:

Is there a there a finite rule on how many feet away from it when it does come into effect.

David Moon:

How many feet from the river?

Chair Parks: Yeah.

David Moon:

They're required to follow the boundaries of the special use permit. So, as you see in that hatched area there, any use or accessory activity related to the campground would have to stay within the boundaries of the campsite.

Chair Parks:

I was just curious to see. Yeah, if there's a role that you're 150 feet from the river that you had to do different stuff. No, don't worry about that.



David Moon:

If we go to the soils map you can see this property has hydric soils, but the campground is located in an area where the soils are not hydric. There are no wetlands present on the portion of property where the campsite will be located.

Chair Parks:

Any other questions from the board?

Linda Amos:

For the single-family homes, are they within the distance then having sent out notifications to any of them.

Timothy Doersam:

Yes, we send out for the houses you see here kind of marked in the yellow and the hash that is the mailing radius for the special use permit. These households that have mailing addresses were notified by mail about these special use permit and we have answered a couple of phone calls about people questions on what was going on out there? So, we have had the mail out notice sent and received.

Linda Amos:

Were the comments positive?

Timothy Doersam:

They're more inquisitive about what was going on, but they weren't negative. And once I explain what was going on, they seem to be very fine with it. They didn't have any negative issues or any concerns with it once I explained what was going on, what was being proposed.

David Moon:

In the back of your packet, you'll see a list of all the property owners that received a notice. Per state law, the county is only required to mail a notice to all the abutting property owners for a quasi-judicial case. This falls under quasi-judicial. There are also two notices that were placed in the Fayetteville Observer and a sign was posted on the property, as you witnessed from the photos that were presented to you earlier.

Linda Amos: Thanks.

Chair Parks:

Thank you, Mr. Moon, if there's no other question from the board, I'd like to have Miss Hawkins, please.

Karrie Hawkins: Good evening, Sir.

Chair Parks: Raise your right hand. Do you swear to tell the truth and nothing but the truth, so help you God?

Karrie Hawkins: Yes, Sir.

Chair Parks: State your name and your address please.

Karrie Hawkins: My name is Karrie Hawkins. My address is 5896 Tabor Church Rd.

Chair Parks: You want to tell us a little bit about?

Karrie Hawkins: Yes, Sir. So back in April 2021, we purchased the property. I fell in love with the property from the moment I rode by it and instantly started dreaming about having an RV park out there and just a quiet country



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setting, RV type setting because we like to go camping ourselves. Nothing with a bunch of hoopla or anything like that. Just enjoy the sunset and the peacefulness out there.

First, like I said, it's set up for 38 sites. I don't know if anybody goes RV in or camping. My goal is to have 20 to 24 sites full hook up, which means you can hook up to water and sewer. The other 10 – 14, something like that, will not be full hookup, just so you know somebody coming off 95 just wants to stop for the night or something. They don't have to hook up to the sewer and it's more cost effective for me not to have self-contained sites, as well full hookup sites. My goal is to create my office here so I can have full view of what's coming in and out.

On one of the photos, you've seen to make it safer for the people coming in and out, which I've spoken to DOT, Just to let him know about the driveway situation. There is a fence along this line right here going into the current driveway. For the going into the residence, we're going to remove that up to the to one point just to make it a wider area to make sure that you know the RVs are safely coming in and out of the driveway.

I'll offer a bathhouse. There will be a man and a woman's side, and in the middle will be a laundry room. Each will have 3 stalls, 3 showers, 3 toilets, 3 sinks on each side and the laundry room will have three extra-large washer and dryers to accommodate that and to answer the question about the river, not only is it 975 feet, but right behind the campground it drops off probably 30 feet. And then there's another drop off another 30 feet. So it's quite a ways to the river. Well with the drop offs as right now, I don't want to include anything like that. You know when we go to campgrounds like this, we just really enjoy just getting away for the weekend and just to have a break. I'm not even including my ponds or anything like that. It's just if you ever had a chance to come out there and just see the sunset, you'll understand. I think people just go out there just, it's like heaven on earth to me so. But other than that, that's my goal for the campground.

Chair Parks: Alright, does anyone have any questions? Yes, ma'am.

Vickie Mullins:

That turn. That Tabor Church turn is a very sharp turn.

Karrie Hawkins: Yes, ma'am.

Vickie Mullins: Have you checked to see how many wrecks there has been there?

Karrie Hawkins: There have been quite a few but when I spoke with Todd on that at DOT about when we do the park, I like the flashing turning light. When you, when you're going around the curve, the flashing. So, we have spoken about that just because there will be a business there now, just making it more aware and I am going to put a Jersey barrier on this side of the property, the sharpest when you're coming from this side right here, there will be a Jersey barrier there. There was a whole fence there, but we took that down because I knew from the get-go, I wasn't wanting to have on the property. Plus, I like to get back to the river a little bit easier, for myself.

Vickie Mullins:

You realize there is GenX in that river. How are you going to tell these occupants about the GenX and what kind of water are you going to run, because you're going to end up with a system and everything else, I mean.

Karrie Hawkins: Yes, ma'am. We've spoke to a few of the people that do like the Wells. I'm going to have to do a deep well, I'm working with Kinetics or whatever, you know they've come out and put a filtration system on my house, which I've spoken to them. Once I get my special use permit, I can go more into detail with them on how they're going to actually handle it as well.



Vickie Mullins: Because as of right now, deep wells not going to fix it. I'm just saying. You know. You're going to have to let the patrons know that there is GenX, I mean.

Karrie Hawkins: Yes, I mean, I will have it posted as well. I'm also working to help you know, put some type of filtration on to make sure you know the water going into the RV's, are safe.

Ken Turner: I've just got a couple of curiosity questions. So up to 38 units? And they all. You don't have a dump system; you're going to have a septic field for all 38 units?

Karrie Hawkins: Yes, Sir. I had a soil test done back in January of 2023.

Ken Turner: Who was the Soil scientist?

Karrie Hawkins:

A Mike Eckert. And he came out and we're working together. We're going to work with an engineer to develop and design everything. But of course, everything was based on the special use permit from there.

David Moon:

Miss Hawkins, could you show the board where the Septic tank and field is located and where the well is proposed?

Karrie Hawkins: We're proposing the well on kind of, on this area right here and then the septic area here. I think, I can't remember if that's the play area or they said one of these in the subject area proposed septic, but I might test this this whole area here and this whole area here you know, for the drain fields to be adequate for the septic system.

David Moon:

And Miss Hawkins, there will be one septic system for the entire campsite, not 38 individual septic tanks.

Karrie Hawkins: That's correct.

No, no, Sir. We might have a couple of tanks, you know, different tanks, but there won't be one on each site. Each site will not have an individual septic. There won't be 38 septic tanks. It might be like I was telling you, when I do decide on how I'm going to layout the rows, all my ones that will be self-contained will be on this side, over here of each row, and the ones that I designate for full hookup will be on this side to allow for proper drainage of the septic.

Ken Turner:

If you're supplying water for that many sites, then you would have to go to the state level to get approval. Is that correct?

Karrie Hawkins:

Yes, Sir. From what I understand, once I get the special use, I had spoken to them a while back when looking for the well permits and septic permits, they mentioned that may be a possibility depending on the number of sites that we decide to do for full hookup.

Ken Turner:

Well, last I heard it was more than 14, you've got to go to a Full Monty into the state system for the well system.



Karrie Hawkins: Yes, Sir.

Ken Turner:

And I have one other question. Are open fires going to be allowed on all 38 sites? Like campfires you know or are you going to have a community Kumbaya kinda?

Karrie Hawkins: Well, I was going to have each site and have a picnic table and I was going to do a little fire ring that you see. It would be a small fire pit of some sort. You know contained. Because most of the parks I've ever been to, everybody's had their own individual's little area. Since I'm not offering much to it. That's why I was going to have a picnic table with a shelter over it and a little, you know, a little burn, a fire pit.

Ken Turner:

I just always worry about open fires, and you have that many of them. We sometimes don't have people to watch after them like they need to and they get out of hand, they get huge. So that's it's the question.

Karrie Hawkins: I'll be on site majority of the time. Yeah, we are already on the LOT 2 and is slowly starting like goats and donkeys and kind of raising them. So, I'm always on site. You know of course I'm going to have designated hours too, because just out of respect. I mean, only have one neighbor, but still out of respect, it's going to be done by 10:00 at night.

Chair Parks:

You don't know what you're in for. Moving right here beside it. Any other questions?

Ken Turner: I'd like to make a motion to approve, but I'd really like to limit the number of campfires that can be going on.

Karrie Hawkins:

Well, if I mean if, that's a case, I can have one area back here, open area back there, I can just have, you know, 1 area. Like for a designated, you know, like a picnic area, yeah. Yes, Sir. Yeah, because, I mean, because my home, my home is our residence is.

Ken Turner:

But you could monitor and control better than 38 fires. I've got I have to tell them. I'd like to make a motion that that we approve the special use permit for the RV campground with the stipulation that we eliminate 38 campfires and try and bring them down to one.

David Moon:

Chair, have you closed the public hearing?

Chair Parks: No, I have not, but I have now closed the public hearing.

Ken Turner: You want me to make my motion?

Chair Parks: We need a little discussion on this.

I don't know about saying that you can only have one fire. Maybe we could say it a little different in that kid too. Whatever the local fire people, fire marshal, says type thing instead of limiting to one. You know what's going to



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happen and it's inevitable. Joe blow is going to go out there, he's going to do a little fire when its 50° at night. Yes, ma'am.

Karrie Hawkins:

In each site, you know, will have its own water source too, so just you know. Each and every site will have water. Just not every site will have septic.

Chair Parks:

Yes. And if you try to unhook your unit.

Karrie Hawkins: No, no. Each will have a hook up and right beside you know, you hook up for the RV and then right beside it, there's a faucet just like at the house.

Ken Turner: I withdraw my motion.

Chair Parks: Ok. Anyone else like to make a motion?

Linda Amos: I'd like to make a motion to approve the special use permit based on the 4 of additions. The 4 criteria. Sorry, based on the 4 criteria. Do I need to read them?

Mr. Hasty:

If you want to incorporate exhibit J which is the applicant responses. If you agree with their response to make that part of your motion, to incorporate that.

Linda Amos:

And motion to incorporate their responses. To the working conditions in section J.

Marva Lucas-Moore: Second the motion.

Members Vote	In Favor
Gregory Parks-Chair	YES
Linda Amos, Vice-Chair	YES
Marva Lucas-Moore	YES
Ken Turner-Alt	YES
Vickie Mullins	NO

David Moon:

The motion passes by 4 to 1 with Miss Mullins objecting.

Chair Parks:

I think at this time, do you have any discussions?

David Moon:



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Yes, Sir. Briefly on the dais before you is a list of the BOA membership. Both the regular members and the alternates. Your name is listed on there and you'll also see the expiration date of your terms. I will be contacting those whose terms are approaching a closure. In some cases, that is a member, whether alternate or regular, could be eligible for a second term. In other cases, if two terms have already been filled, then the board member cannot continue the board. That's the policy established by the Board of County Commissioners. So, I'll be contacting each of the Members who terms are going to expire within the next two to three months to inquire about your interest, to participate and if you indicate that you will, that's wonderful and if not, then when the board discusses its membership chair and vice chair positions, you can recommend an existing member whether alternate or regular, to continue as a member. You'll also have a list of other candidates that are eligible to participate on the board. Your recommendations, the board's recommendation will be forwarded to the Board of County Commissioners, and they'll decide whether to extend a term to a second term or appoint someone else. If there's any vacancies. Then they will decide whether to appoint an alternate or another candidate that's on their qualification list. That's all I have, chair.

Mr. Brooks: questioned his term date ending at 2yrs instead of 3yrs.

David Moon: explained that some members were appointed midterm, and they were assuming the time of a prior member.

Chair Parks:

Do we have any more discussion about anything? Thank you all for coming. Adjourned. 6:41pm.

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REQUEST

Special Use – Tower in an A1 District

Applicant requests the BOA grant a Special Use Permit for a telecommunications tower at a location illustrated on Exhibit "A". Located on a 1.43 +/- acre portion of a 14.91 +/- acre parcel off of Austin West Rd, the subject site would be leased by Vertical Bridge VBTS, LLC from property owners Billie Joe Monroe and Franklin Monroe. The proposed tower's first antennae are proposed to be leased by Verizon. A 30' wide utility and ingress/egress easement for the site is proposed to serve the development from Turnbull Road through Austin West Road to the leased area on the subject parcel.

This telecommunication tower is capable of accommodating future carriers with their antennae and associated ground equipment.

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 Sections 921 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 Sections 921 and 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 setback standards for a tower must comply with Section 927.C.1)

PROPERTY INFORMATION

OWNER/APPLICANT: Billie Jo Monroe & Franklin Monroe, Owner; Sydney Poe, Agent

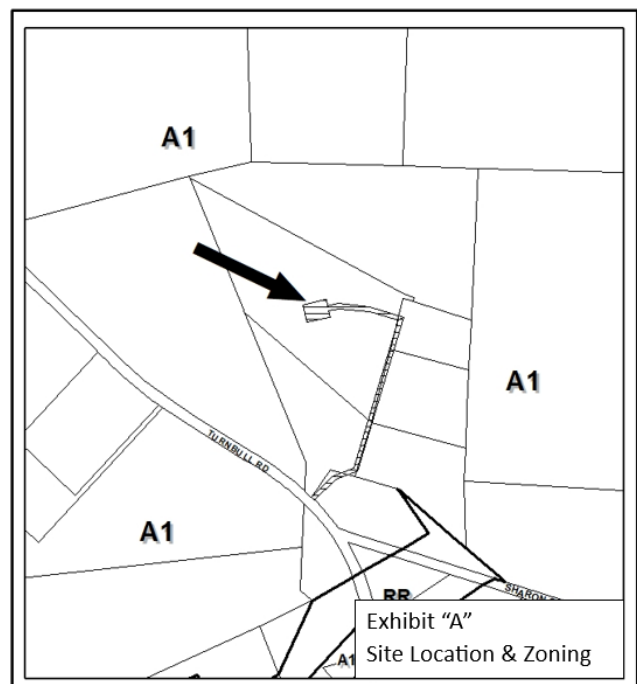
ADDRESS/LOCATION: 5226 Austin West Rd Fayetteville, NC 28312. Subject area is on the interior of the parent parcel with a 30' ingress-egress and utility easement to serve as access. REID: 1400860466000

SIZE: 1.43 +/- acres of a 14.91 +/- acre parcel.

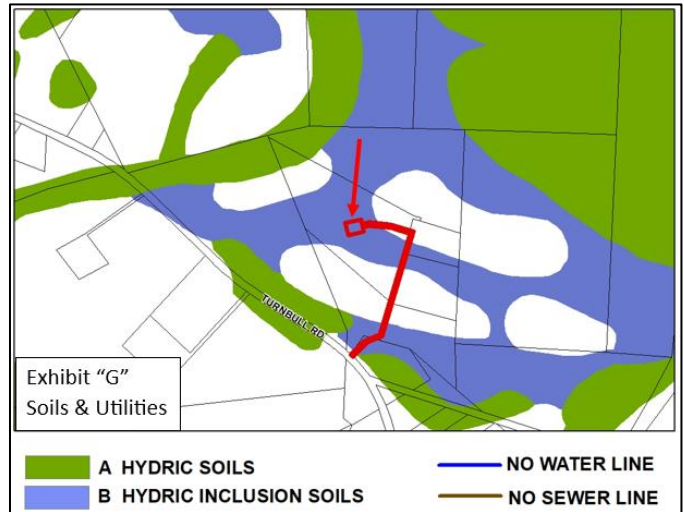
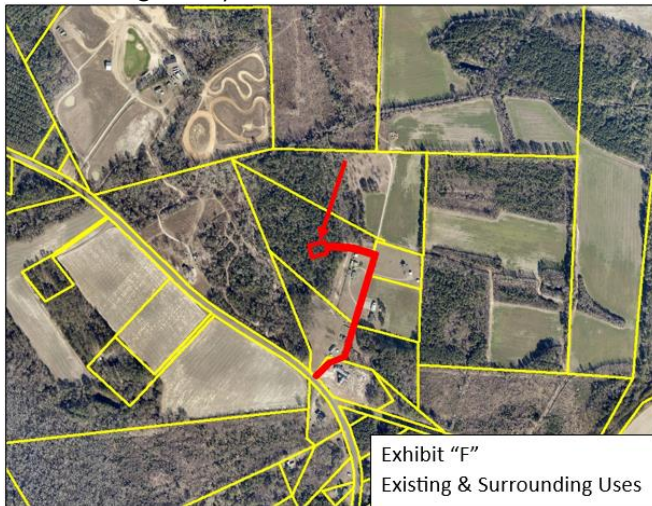
ROAD FRONTAGE: Road frontage along Austin West Road is 711 linear feet.

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. South Central Land Use Plan
- I. Special Use Permit Conditions
- J. Sec. 1606 Applicant Response
- Attachments: Notification mailing list;
Special Use application
Applicant Conditions
Agreement



EXISTING LAND USE: The property contains predominantly wooded land with the front portion having a residential dwelling unit and accessory structures. Exhibit "E" (site plan) and "F" (existing use and surrounding uses.)



SURROUNDING LAND USE: Uses in the surrounding area and adjacent properties predominantly are farmland and wooded lands. Surrounding uses are shown on Exhibit "F". and described as:

- North: Wooded Lands
- East: Single-Family Residences and Wooded Lands
- South: Single-Family Residences and Farmlands
- West: Wooded Lands.

OTHER SITE CHARACTERISTICS: The property is not located within a 100-Year Flood Zone, and it is not located within the Watershed. There are hydric inclusion soils on the subject site, as shown on Exhibit "G".

MINIMUM YARD SETBACKS: The telecommunications tower would meet the required setback distance specified in 927.C.1, which states in agricultural zones that the setback distance shall not be less than the height of the tower.

COMPREHENSIVE PLANS:

This property is located in the Southeast Cumberland Land Use Plan (2016). The future land use classification of the property is Farmland, as shown in Exhibit "H".

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: No public water and sewer lines are available to the site, and no water and sewer services are provided at the subject site for lack of need.

ECONOMIC DEVELOPMENT: The staff from the Fayetteville Economic Development Commission have no comments for this action.

EMERGENCY SERVICES: Cumberland County Fire Marshal's office has reviewed the request and have no comments for the proposed use.

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

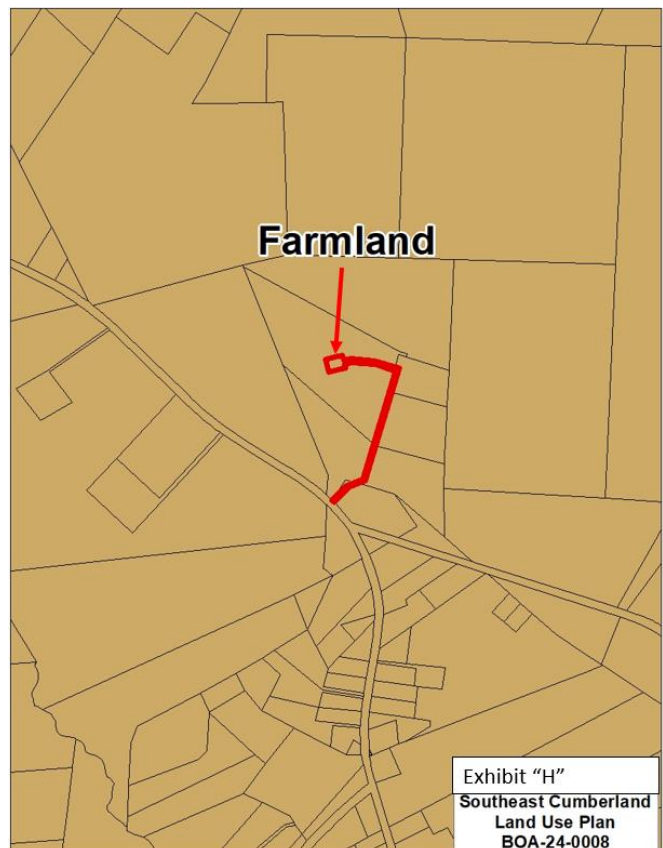
Use and development of the subject site must occur consistent with Section 927 of the Zoning Code, Case No. BOA-2024-0008 Site Plan (Exhibit "E"), and Special Use Conditions (Exhibit "I")

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

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.

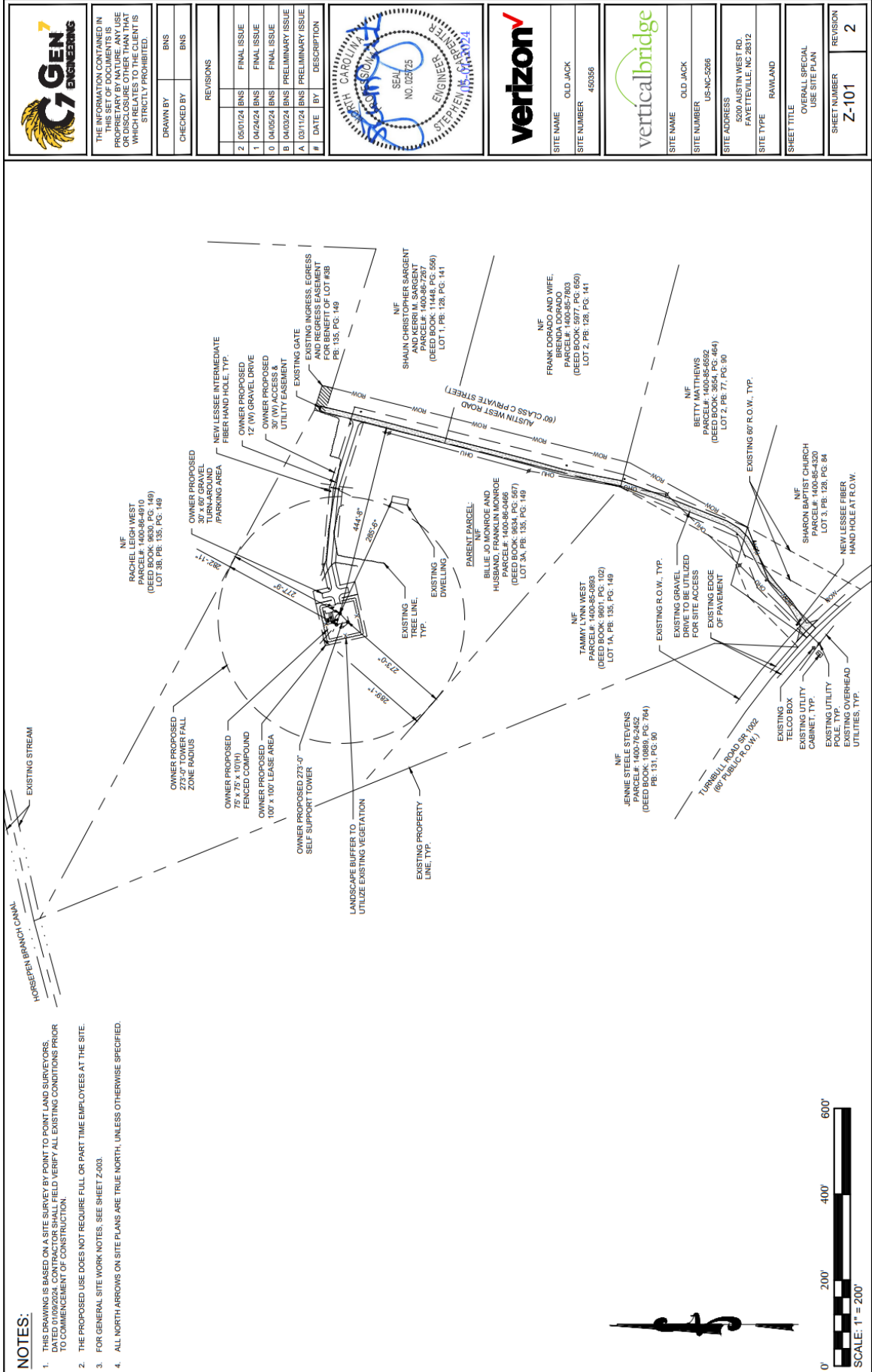
U. No outside storage on the site of the tower shall be permitted.

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

<div>verticalbridge</div> <div>(HEREINAFTER REFERRED TO AS "OWNER")</div>		<div>US-NC-5266</div> <div>OLD JACK</div> <div>5200 AUSTIN WEST RD.</div> <div>FAYETTEVILLE, NC 28312</div>		<div>verizon</div> <div>CELLCO PARTNERSHIP D/B/A</div> <div>VERIZON WIRELESS</div> <div>(HEREINAFTER REFERRED TO AS "LESSEE")</div>		<div>C7 GEN⁷ ENGINEERS</div> <div>THE INFORMATION CONTAINED IN THIS SET OF DOCUMENTS IS THE PROPERTY OF C7 GEN⁷ ENGINEERS. IT IS TO BE USED ONLY FOR THE PROJECT AND PURPOSES SPECIFICALLY IDENTIFIED HEREIN. NO PART OF THESE DOCUMENTS IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF C7 GEN⁷ ENGINEERS.</div> <div>DRAWN BY: BNS</div> <div>CHECKED BY: BNS</div>							
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<div>VICINITY MAP</div>		<div>NOT TO SCALE</div>		<div>SHEET INDEX</div>									
<div>US-NC-5266</div> <div>OLD JACK</div> <div>5200 AUSTIN WEST RD.</div> <div>FAYETTEVILLE, NC 28312</div>		<div>verizon</div> <div>CELLCO PARTNERSHIP D/B/A</div> <div>VERIZON WIRELESS</div> <div>(HEREINAFTER REFERRED TO AS "LESSEE")</div>		<div>C7 GEN⁷ ENGINEERS</div> <div>THE INFORMATION CONTAINED IN THIS SET OF DOCUMENTS IS THE PROPERTY OF C7 GEN⁷ ENGINEERS. IT IS TO BE USED ONLY FOR THE PROJECT AND PURPOSES SPECIFICALLY IDENTIFIED HEREIN. NO PART OF THESE DOCUMENTS IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF C7 GEN⁷ ENGINEERS.</div> <div>DRAWN BY: BNS</div> <div>CHECKED BY: BNS</div>									
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NOTES:

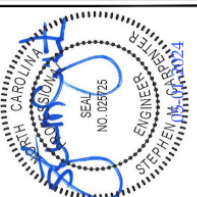
1. THIS DRAWING IS BASED ON A SITE SURVEY BY POINT TO POINT LAND SURVEYORS, INC. (DEED BOOK 10889, PG. 764). THE SURVEYOR SHALL VERIFY ALL EXISTING CONDITIONS PRIOR TO COMMENCEMENT OF CONSTRUCTION.
2. THE PROPOSED USE DOES NOT REQUIRE FULL OR PART TIME EMPLOYEES AT THE SITE.
3. FOR GENERAL SITE WORK NOTES, SEE SHEET Z-003.
4. ALL NORTH ARROWS ON SITE PLANS ARE TRUE NORTH, UNLESS OTHERWISE SPECIFIED.



THE INFORMATION CONTAINED IN THIS SET OF DOCUMENTS IS PROPRIETARY BY NATURE. ANY USE OR REPRODUCTION OF ANY PART OF THIS DOCUMENTS WITHOUT THE WRITTEN CONSENT OF C7 GEN 7 ENGINEERING IS STRICTLY PROHIBITED.

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CHECKED BY	BNS

REVISIONS	
2	05/01/24 BNS FINAL ISSUE
1	04/24/24 BNS FINAL ISSUE
0	04/05/24 BNS FINAL ISSUE
B	04/03/24 BNS PRELIMINARY ISSUE
A	03/11/24 BNS PRELIMINARY ISSUE
#	DATE BY DESCRIPTION



SITE NAME	OLD JACK
SITE NUMBER	450356



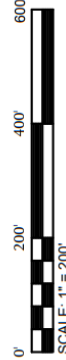
SITE NAME	OLD JACK
SITE NUMBER	US-NC-5266

SITE ADDRESS	5300 AUSTIN WEST RD. FAVETTEVILLE, NC 28312
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SITE TYPE	RAWLAND
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SHEET TITLE	OVERALL SPECIAL USE SITE PLAN
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SHEET NUMBER	Z-101
REVISION	2

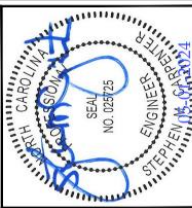


1. THIS DRAWING IS BASED ON A SITE SURVEY BY POINT TO POINT LAND SURVEYORS, DATED 01/09/2023. CONTRACTOR SHALL FIELD VERIFY ALL EXISTING CONDITIONS PRIOR TO COMMENCEMENT OF CONSTRUCTION
2. THE PROPOSED USE DOES NOT REQUIRE FULL OR PART TIME EMPLOYEES AT THE SITE.
3. FOR GENERAL SITE WORK NOTES, SEE SHEET 2.003.
4. ALL NORTH ARROWS ON SITE PLANS ARE TRUE NORTH, UNLESS OTHERWISE SPECIFIED



DRAWN BY	BNS
CHECKED BY	BNS

REVISIONS		
2	05/01/24	BNS FINAL ISSUE
1	04/24/24	BNS FINAL ISSUE
0	04/05/24	BNS FINAL ISSUE
B	04/03/24	BNS PRELIMINARY ISSUE
A	03/11/24	BNS PRELIMINARY ISSUE
#	DATE	BY DESCRIPTION



SITE NAME	OLD JACK
SITE NUMBER	450356

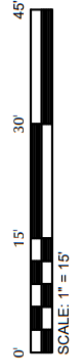


SITE NAME	OLD JACK
SITE NUMBER	US-NC-5266

SITE ADDRESS	5200 AUSTIN WEST RD. FAYETTEVILLE, NC 28312
SITE TYPE	RAWLAND

SHEET TITLE
AERIAL OVERALL
SPECIAL USE SITE PLAN

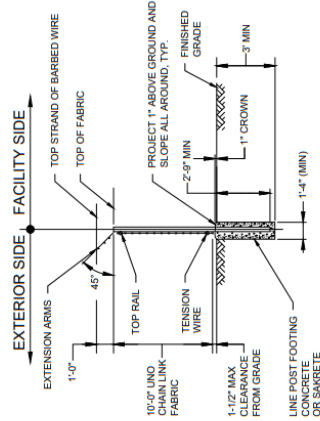
SHEET NUMBER	REVISION
Z-102	2





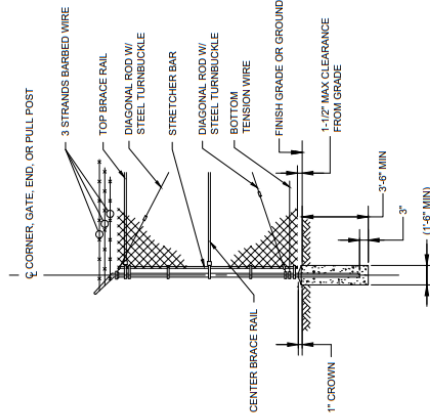
TYPICAL WOVEN WIRE FENCING NOTES:
(INSTALL FENCING PER ASTM F-567, SWING GATES PER ASTM F-697)

1. GATE POST, CORNER, TERMINAL OR PULL POST SHALL BE #10 SCHEDULE 40 FOR GATE WIDTHS UP THRU 7 FEET OR 14 FEET FOR DOUBLE SWING GATE PER ASTM F-1083.
2. LINE POST: 3"Ø SCHEDULE 40 PIPE PER ASTM F-1083. INSTALL EVERY 8'-0" ALONG FENCE LINE.
3. GATE FRAME: 2"Ø SCHEDULE 40 PIPE, STELL, HOT-DIPPED ZINC COATED (GALVANIZED) WELDED STEEL PIPE PER ASTM F-1083.
4. TOP RAIL & BRACE RAIL: 2"Ø SCHEDULE 40 PIPE PER ASTM F-1083.
5. CHAIN LINK FABRIC: 9 GA. MIN. CORE WIRE SIZE 2" MESH, CONFORMING TO ASTM A392.
6. TIE WIRE: MINIMUM 11 GA. GALVANIZED STEEL. INSTALL A SINGLE WRAP TIE WIRE AT POSTS AND RAILS AT MAX. 24" INTERVALS. INSTALL HOG RINGS ON TENSION WIRE AT 24" INTERVALS.
7. TENSION WIRE: 7 GA. GALVANIZED STEEL.
8. GATE LATCH: 1-3/8" ØØ PLUNGER ROD W/ MUSHROOM TYPE CATCH AND LOCK (WELD ALONE FOR ALL SITES OR COMBINATION AS SPECIFIED BY OWNER)
9. HEIGHT = 10' VERTICAL DIMENSION. WORK WITH SPECIFICATION 2831.

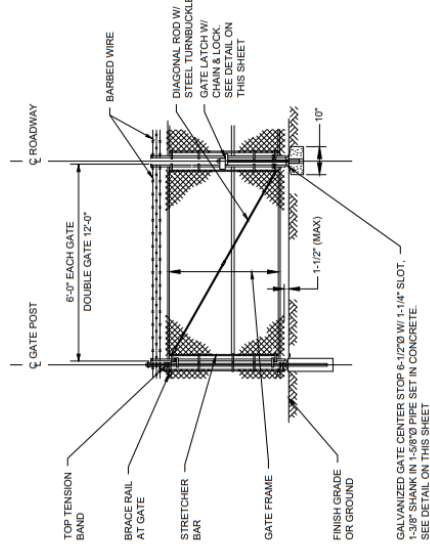


TYPICAL SECTION

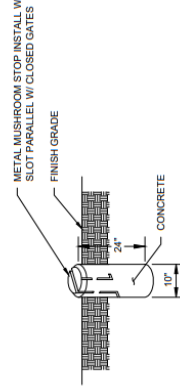
WOVEN WIRE FENCE ①
NTS



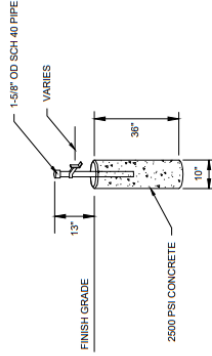
WOVEN WIRE CORNER, GATE, END OR PULL POST ②
NTS



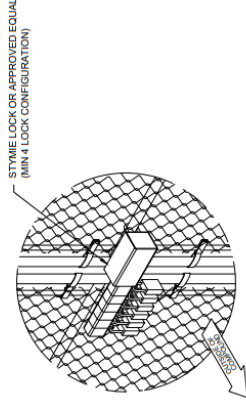
WOVEN WIRE DOUBLE GATE ③
NTS



MUSHROOM STOP
NTS



GATE STOP DETAIL
NTS



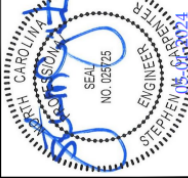
FENCE LOCK DETAIL
NTS



THE INFORMATION CONTAINED IN THIS SET OF DOCUMENTS IS PROPRIETARY BY NATURE. ANY USE OR REPRODUCTION OF ANY PART WHICH RELATES TO THE CLIENT IS STRICTLY PROHIBITED.

DRAWN BY	BNS
CHECKED BY	BNS

REVISIONS	
2	05/01/24 BNS FINAL ISSUE
1	04/24/24 BNS FINAL ISSUE
0	04/05/24 BNS FINAL ISSUE
B	04/03/24 BNS PRELIMINARY ISSUE
A	03/11/24 BNS PRELIMINARY ISSUE
#	DATE BY DESCRIPTION



SITE NAME	OLD JACK
SITE NUMBER	450556



SITE NAME	OLD JACK
SITE NUMBER	US-NC-5266

SITE ADDRESS	5200 AUSTIN WEST RD. PAYETTEVILLE, NC 28372
SITE TYPE	RAILROAD

SHEET TITLE	SITE DETAILS
-------------	--------------

SHEET NUMBER	REVISION
Z-201	2

EXHIBIT "I"
SPECIAL USE PERMIT BOA-2024-0008

Special Use Permit Conditions

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

BOA-2024-0008: Consideration of a Special Use Permit to allow a telecommunications tower on a 1.43 +/- acres of a 14.91 +/- acre parcel in an A1 Agricultural District, located at 5226 Austin West Rd, Submitted by Sydney Poe (applicant) on behalf of Vertical Bridge VBTS, LLC (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 1.43 +/- acre portion of PIN 1400-86-0466 (as shown in the record of the Cumberland County Register of Deeds as of April 23, 2015) as such area is shown on the of the attached Special Use Site Plan (Exhibit "A")

Permitted and Prohibited Uses:

1. Development and use of the project site shall occur consistent with the Special Use Permit site plan (Exhibit "A") and subject to the conditions herein. 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. The communication tower shall be limited to a 10,000 sq ft area that is delineated on the Special Use Site Plan appearing in Exhibit "A".
2. Within the 10,000 sq ft leased area covered by this Special Use Permit, only one tower shall be constructed and in operation at any given time.
3. No other structure(s) shall be allowed within the fall radius of the tower, as delineated in Exhibit "A", sheet Z-102, except for accessory ground structures associated with the tower.

Development Standards:

4. The proposed tower is approved only as the height depicted on sheet Z-104 at an elevation 273 feet with a 10 foot (10') tall lightning rod attached. Tower height will be measured from finished grade.
5. Due to the existence of vegetation that would surround the subject site, no additional landscaping shall be required for the tower being constructed at the site as depicted and built in accordance with the special use site plan in Exhibit "E". The existing vegetation shall not be removed within a twenty five feet from the perimeter of the leased area.
6. 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.)
7. A driveway from Austin West 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.

8. 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*".

Infrastructure and Utilities:

9. 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 NC Department of Environmental Quality (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).
10. 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.)
11. 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.)
12. Driveway Permit Required. Construction of any new connection or alteration of any existing connection to Burnett Road may require an approved Driveway Permit. For additional information contact the NC Department of Transportation's (NCDOT) Division 6/District 2 office.
13. Driveway easement. Prior to issuance of any building or electrical permit for the tower or its accessory structures, (a) the driveway way easement to the tower site must be recorded with the Cumberland County Registrar of Deed, and (b) the driveway must be construction must be completed, and the driveway must be accepted by the Cumberland County Fire Marshal.
14. Any and all lighting is required to be directed internally within this development and comply with the provisions of Section 1102 M, Outdoor Lighting, County Zoning Ordinance.
15. 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.

Development Review Process:

16. Prior to any site construction activity, applicant shall submit a site plan with the building permit submitted to the County Code Enforcement Division.

17. Prior to issuance of a building permit for the tower, the applicant/owner or developer must submit to the Code Enforcement Sections, drawings signed and 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.)
18. At completion of the tower construction, 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.
19. 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.)
20. 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.)

Other Conditions:

21. 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.
22. 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.
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. 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.
25. 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.
26. 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.)

27. 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].

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).

Effective Date/Expiration:

28. This special use expires two years from the date the County Board of Adjustment approves the Special Permit No. BOA-2024-0008 unless the owner demonstrates that construction has proceeded in good faith to complete the project. 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.

Issued by:

David B. Moon, AICP, CZO

Date

**EXHIBIT "A" OF
SPECIAL USE PERMIT BOA-2024-0008
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; ***EME/NIER report provided in which the radio-frequency exposure levels of the equipment to be located on the tower is analyzed per FCC guidelines.***
2. The use meets all required conditions and specifications; ***as stated/addressed in the Ordinance Compliance Statement which details Article IX Section 927 related to Towers.***
3. The use will maintain or enhance the value of adjoining or abutting properties, or that the use is a public necessity; and ***Impact Study provided***
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. ***The natural buffer will be utilized. The area is heavily wooded and natural vegetation exists and will remain.***

ATTACHMENT: NOTIFICATION LIST

SARGENT, SHAUN
CHRISTOPHER;SARGENT, KERRI M
PO BOX 7224

SHARON BAPTIST CHURCH
PO BOX 126
CHINQUAPIN, NC 28521

MATTHEWS, BETTY HEIRS
131 BYRD YANCEY BASS RD
CLINTON, NC 28328

WEST, TAMMY LYNN
5324 AUSTIN WEST RD
FAYETTEVILLE, NC 28312

FISHER, WILLIAM L;FISHER, SUE
7682 TROY FISHER RD
FAYETTEVILLE, NC 28312

MONROE, BILLIE JO;MONROE, FRANKLIN
5226 AUSTIN WEST RD
FAYETTEVILLE, NC 28312

ELLIS, JOSEPH RONDELL
10000 TURNBULL ROAD
FAYETTEVILLE, NC 28312

DORADO, FRANK;DORADO, BRENDA
5255 AUSTIN WEST RD
FAYETTEVILLE, NC 28312

WEST, RACHEL LEIGH
7730 WEST VIEW CT
MYRTLE BEACH, SC 29588

STEVENS, JENNIE STEELE
2922 ORVILLE WRIGHT WAY STE 110
WILMINGTON, NC 28405

TRUE VINE FARMS, LLC
PO BOX 1047
WRIGHTSVILLE BEACH, NC 28480

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: 5200 Austin West Rd, Fayetteville, NC 28312

OWNER: Billie Jo Monroe & Franklin Monroe

ADDRESS: 5226 Austin West Rd, Fayetteville, NC ZIP CODE: 28312

TELEPHONE: HOME 910-624-5787 WORK _____

AGENT: Sydney Poe

ADDRESS: 8807 Consolidated Drive, Soddy Daisy, TN 37379

TELEPHONE: HOME _____ WORK 423-637-4661

E-MAIL: sydney.poe@gen7eng.com

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

- A. Parcel Identification Number (PIN #) of subject property: 1400-86-0466
(also known as Tax ID Number or Property Tax ID)
- B. Acreage: 14.91 Frontage: _____ Depth: _____
- C. Water Provider: N/A
- D. Septage Provider: N/A
- E. Deed Book 9634, Page(s) 567, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
- F. Existing use of property: Residence

- 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.)

This site is for a 273' self support telecommunication tower.

Section 927-F of the ordinance states, "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." Our tower is being placed in the woods with a natural buffer. Please see page 8 of our site plans.

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.

Billie Jo Monroe & Franklin Monroe

NAME OF OWNER(S) (PRINT OR TYPE)

5226 Austin West Rd, Fayetteville, NC

ADDRESS OF OWNER(S)

bjmonroe10@yahoo.com

E-MAIL

910-624-5787

HOME TELEPHONE #

WORK TELEPHONE #

Sydney Poe

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

8807 Consolidated Drive, Soddy Daisy, TN 37379

ADDRESS OF AGENT, ATTORNEY, APPLICANT

sydney.poe@gen7eng.com

E-MAIL

423-637-4661

HOME TELEPHONE #

WORK TELEPHONE #

Billie Jo Monroe

SIGNATURE OF OWNER(S)

Sydney Poe

SIGNATURE OF AGENT, ATTORNEY
OR APPLICANT

Franklin Monroe

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) Billie Jo Monroe Franklin Monroe

PRINTED NAME OF OWNER(S) Billie Jo Monroe Franklin Monroe

DATE 4/16/24

**CUMBERLAND COUNTY BOARD OF ADJUSTMENT
FEE SCHEDULE**

BOARD OF ADJUSTMENT

SPECIAL USE PERMIT
VARIANCE
WATERSHED
ADMINISTRATIVE REVIEW APPEALS
INTERPRETATIONS
NONCONFORMING USES

* Board of Adjustment fee include hearings for the County Flood Ordinance and County Watershed Ordinance

Applicant Agreement to Conditions

Hey Tim,
Everything looks good to us. Thank you for sending!



Sydney Poe
SAQ Manager
Gen7 Engineering, LLC
8807 Consolidated Drive
Soddy Daisy, TN 37379
Cell: 423-637-4661
sydney.poe@gen7eng.com

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PLANNING & INSPECTIONS

PLANNING STAFF REPORT
SPECIAL USE CASE # BOA-2024-0009
Board of Adjustment Meeting:
June 20, 2024

Jurisdiction: County-Unincorporated
Location: 7288 Lane Road

REQUEST

**Modification to a Special Use Permit No. P18-05-C
– RV Park/Campground in an A1 District**

Property Owner requests the BOA grant a modification to Special Use Permit No. P18-05-C for a Recreational Vehicle (R/V) Park /Campground expansion on an approximately 10.69 +/- acre property zoned A1 Agricultural District, located at 7288 Lane Road, as shown in Exhibit "A". The campground site is located approximately 3,000 lineal feet from Lane Road with access occurring along a shared driveway with a similar length.

The proposed modification to the existing Special Use Permit will increase the number of designated campsite pads from a maximum of 10 to 24 and the area of the campground site from 3.62 to 10.69 acres. The campground can be occupied by recreational vehicles, camper trailers or campground sites according to a design plan illustrated in the special use site plan. Pursuant to Section 403, County Zoning Ordinance, a special use approval from the Board of Adjustment is necessary to place a RV Park/Campground within an A1 zoning district, as demonstrated in Exhibit "B" (attached).

An on-site manager's residence is not currently proposed within the Special Use Site Plan but can be provided in the future, subject to compliance with Section 921 of the Zoning Ordinance and occupancy occurs in a permanent residential structure.

Exhibits

- A. Site Location/Zoning
- B. Use Matrix, Sec. 403, Zoning Code
- C. Section 901, Individual Uses
- D. Section 921 Recreational Vehicle Park and/or Campgrounds
- 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/Permit
- J. Sec. 1606 Applicant Response
- Attachment: mailing list/application/Special Use Permit P18-05-C/acceptance of special use permit conditions/

PROPERTY INFORMATION

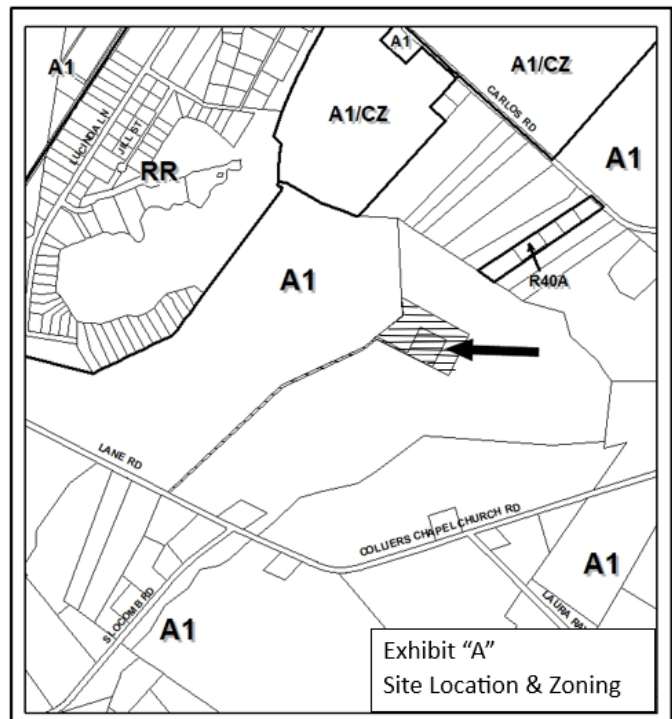
OWNER/APPLICANT: Kerry and Audra Pope
(owners/applicants)

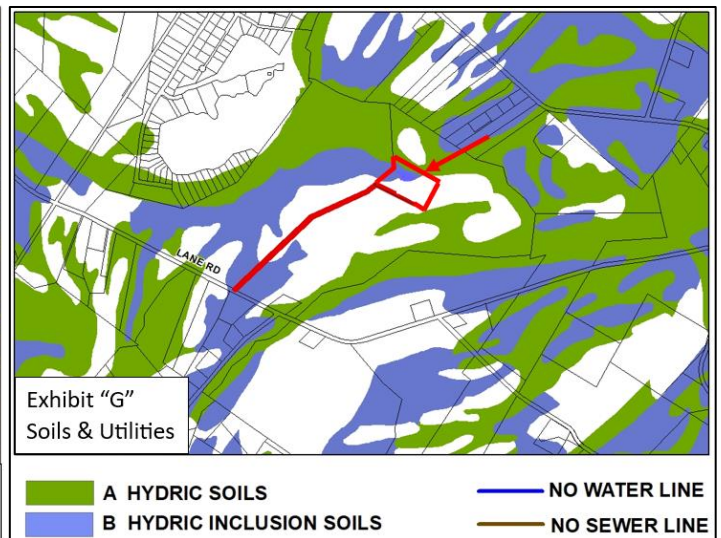
ADDRESS/LOCATION: 7288 Lane Road,

REID: 0572170476000

SIZE: 10.69 +/- acres.

ROAD FRONTAGE: The RV Park/Campground will have approximately 20 feet of frontage along Lane Road.





MINIMUM YARD SETBACKS: The recreational vehicle park and/or campgrounds shall meet the required setbacks for the A1 zoning district: 50' front, 20' side, and 50' rear, including the additional setback standards set forth in Section 921, Zoning Ordinance; whereby, management headquarters, manager's residence, recreational facilities, bathhouses, toilets, dumping stations, showers, coin-operated laundry facilities, stores and the uses and structures customarily incidental to operations of a recreation vehicle park/campground are permitted as accessory uses to the park must be setback at least 100 feet from Lane Road.

COMPREHENSIVE PLANS:

This property is located in the North Central Land Use Plan (2011), as shown in Exhibit "H". The future land use classification of the property is Farmland.

OVERLAY DISTRICTS: None

IMPACTS ON LOCAL INFRASTRUCTURE

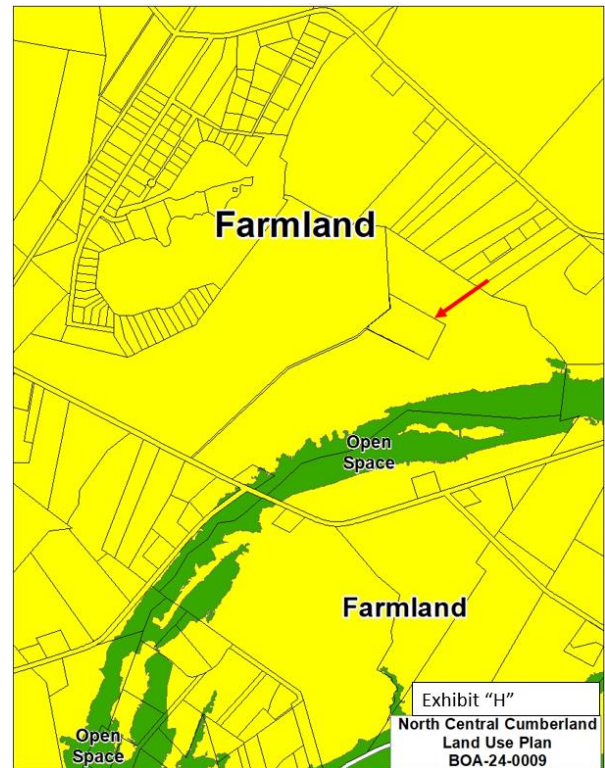
TRAFFIC: The subject property is located outside of FAMPO boundaries. Mid-Carolina RPO did not provide any comment on this facility at this time.

UTILITIES: Public water and sewer services are not available. Water and sewer lines are not available to the subject site as demonstrated in Exhibit "G". Location of on-site water wells and septic system are shown the special use site plan appearing in Exhibit "E".

ECONOMIC DEVELOPMENT: The staff from the Fayetteville Economic Development Commission have not identified any concerns with this action.

EMERGENCY SERVICES: Cumberland County Fire Marshal's office has reviewed the request and provided comments that are addressed as conditions within the Special Use Permit.

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 Sections 901 and 921 of the Zoning Code, Case No. BOA-2024-0009 Site Plan (Exhibit "E"), and Special Use Conditions (Exhibit "I")

KEY SPECIAL USE CONDITIONS

1. Use and development of the RV Park/campground is limited to a maximum of 24 campsites and must occur consistent with the Special Use Site Plan and Special Use conditions.
2. The recreation vehicle park/campground shall not allow for permanent occupancy on the same site by the same occupant for any continuous period of time exceeding 90 days with a maximum allowance of 180 days per calendar year within the same park. There must be a minimum 30-day waiting period between stays.
3. Prior to permitting, an access easement shall be deeded for the driveway that accesses the RV Park/Campground that travels over the abutting property to the south for access to Lane Road.
4. NC Department of Environmental Health applications for permits for septic and well shall be obtained to service the new pad locations.
5. A plat containing revised campground property boundaries must be approved by Current Planning and recorded prior to issuance of any certificate of occupancy or completion.

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

EXHIBIT "B" USE MATRIX

CUMBERLAND COUNTY ZONING ORDINANCE																							
P = PERMITTED USE																							
S = SPECIAL USE (Sec. 1606 Board of Adjustment)																							
Z = CONDITIONAL ZONING (Article V – County BOC)																							
LAND USES				ZONING CLASSIFICATIONS																			
	CD	A1	A1A	R40	R40A	R30	R30A	RR	R20	R20A	R15	R7.5	R6	R6A	R5	R5A	O&I(P)	C1(P)	C2(P)	C(P)	M1(P)	M(P)	
PUBLIC/COMMUNITY UTILITY STATIONS/SUBSTATIONS	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
PUBLIC UTILITY WORKS, SHOPS OR STORAGE YARDS (Sec. 918)	S																		P	P	P	P	
PUBLISHING																					P	P	
QUARRY (Sec. 919)	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	
RADIO OR TELEVISION STUDIO ACTIVITIES ONLY																							
RAILROAD STATION/OPERATIONS																							
RECREATION/AMUSEMENT INDOOR (Sec. 920) conducted inside building for profit, not otherwise listed & not regulated by Sec. 924								P											P	P			
RECREATION/AMUSEMENT OUTDOOR (Sec. 920) conducted outside building for profit, not otherwise listed & not regulated by Sec. 924	P	P	S	S	S	S	S	S	S	S	S	S							S	P			
RECREATION/AMUSEMENT OUTDOOR (with mechanized vehicle operations) conducted outside building for profit, not otherwise listed & not regulated by Sec. 924		P																		P			
RECREATION OR AMUSEMENT PUBLIC/PRIVATE (Sec. 920) not operated as a business for profit including playgrounds, neighborhood center buildings, parks, museums, swimming pools, etc., & not regulated by Sec. 924	P	P	P	P	P	P	P	P	S	S	S	S	S	S	S	S	P	P	P	P	S	S	
RECREATION VEHICLE PARK AND/OR CAMPGROUNDS (Sec. 921)	S	S	S					S											P	P			
RELIGIOUS WORSHIP ACTIVITIES		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
REPAIR, RENTAL AND/OR SERVICING, of any product the retail sale of which is a use by right in the same district																		P	P	P	P	P	
RESIDENTIAL HABITATION SUPPORT FACILITY (Sec. 922)		S	S	S	S			S									P	P		P			
RESTAURANT, operated as commercial enterprise, except as regulated by Section 924																		P	P	P			
RETAILING OR SERVICING. With operations conducted and merchandise stored entirely within a building and not otherwise listed herein																			P	P			
SANITARIUM																							

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 921, ZONING CODE

SECTION 921. RECREATION VEHICLE PARK AND/OR CAMPGROUND.

A. Recreation vehicle parks/campgrounds shall be used only by travel trailers, pickup, coaches, motor homes, camping trailers, other vehicular accommodations, cabins and tents suitable for temporary habitation and used for travel, vacation and recreation purposes.

B. The area of the park/campground shall be at least three acres. Each recreation vehicle/cabin/open air cabins camp site, excluding sites used solely for tents, shall be a minimum of 1,200 square feet in area with a maximum of 20 sites per acre. Each site shall contain a stabilized vehicular parking pad of packed gravel, paving or other suitable material. Cabin sites shall not exceed more than twenty percent of the total proposed sites within the recreation vehicle/campground site. The maximum size of the proposed cabins shall not exceed 400 square feet and shall be identified as being either a cabin or open air cabin. Cabins shall not have bathrooms within the cabin and must be served by a bathhouse located within 500 feet from the entrance of the cabin to the entrance of the bathhouse.

C. All yard setback requirements shall be in accordance with the dimensional requirements of the zoning district in which the park or campground is located and no structure, recreational vehicle site or camping site shall be located within the required yard area.

D. Individual recreation vehicle spaces within a recreation vehicle park/campground shall not directly access a public road. Access to all recreation vehicle spaces and accessory structures within the park/campground shall be from internal streets with the entrance to the park directly accessing a public right-of-way. A driveway permit must be obtained from the North Carolina Department of Transportation for connection to the public street.

E. The recreation vehicle park/campground shall not allow for permanent occupancy on the same site by the same occupant for any continuous period of time exceeding 90 days with a maximum allowance of 180 days per calendar year within the same park. There must be a minimum 30-day waiting period between stays within the same park for each recreational vehicle/occupant. Each recreation vehicle park/campground shall be required to maintain a registry or logbook identifying, at a minimum, the recreation vehicle license plate number and Vehicle Identification Number for recreation vehicle sites and/or names of occupants in campground sites which will be subject to inspection by the County during regular inspections. Upon the adoption date of this amendment, existing recreation vehicle parks will also be required to comply with the logbook requirement.

F. Each park shall have at least one telephone available for public use. Management headquarters, manager’s residence, recreational facilities, bathhouses, toilets, dumping stations, showers, coin-operated laundry facilities, stores and the uses and structures customarily incidental to operations of a recreation vehicle park/campground are permitted as accessory uses to the park, subject to the following restrictions:

1. Such establishments (excluding recreational facilities) and the parking areas primarily related to their operations shall not occupy more than 10% of the gross area of the park/campground.

2. The structures housing such facilities shall not be located closer than 100 feet to any public street and shall not be directly accessible from any public street but shall be accessible only from an internal drive within the park/campground.

3. Such structures containing toilets, bathhouses and other plumbing fixtures shall comply with the requirements of the North Carolina Building Code.

4. Each park shall be limited to a maximum of one manager's/ caretaker's residence.

G. Adequate off-street parking and maneuvering space shall be provided on site. No public street, sidewalk or right-of-way or any other private grounds not a part of the recreational vehicle parking area shall be used to park or maneuver vehicles.

H. Internal drives shall be constructed to a minimum of 18 feet in width if providing two-way streets and 12 feet in width for one-way streets and contain a minimum depth of six inches of stone gravel base with proper ditching, drainage, and seeding of slopes. Permanent dead-end streets shall have a cul-de-sac constructed 40 feet in diameter.

I. Recreational vehicle parks and campgrounds shall be enclosed by a fence, wall, landscape screening, earthen mounds or by other measures from all contiguous residential areas in a manner that complements the landscape and assures compatibility with the adjacent environment and complies with the buffering requirements for non-residential uses adjacent to residential districts.

J. In addition to the requirements required to be shown on the site plan as required by the Article XIV, the site plan shall include the name and address of the applicant, the location and dimensions of each recreation vehicle/camping site, the location and use of all service and recreational facilities, all interior access ways, drives, and parking. All site plans subject to this Section shall also require approval from the County Health Department.

K. When permitted, recreation vehicle parks/campgrounds within the CD Conservancy District shall be subject to the following requirements:

1. No individual recreation vehicle/camping site shall have individual on-site septic systems.

2. Each recreational vehicle must be equipped with a holding tank and each park/campground must have an approved dumping station or pump-out facilities on the premises.

L. All Federal, State and other local regulations shall be complied with.
(Amd. 11-20-06; Amd. 01-19-10; Amd. 04-20-20)

EXHIBIT "E"
SPECIAL USE SITE PLAN

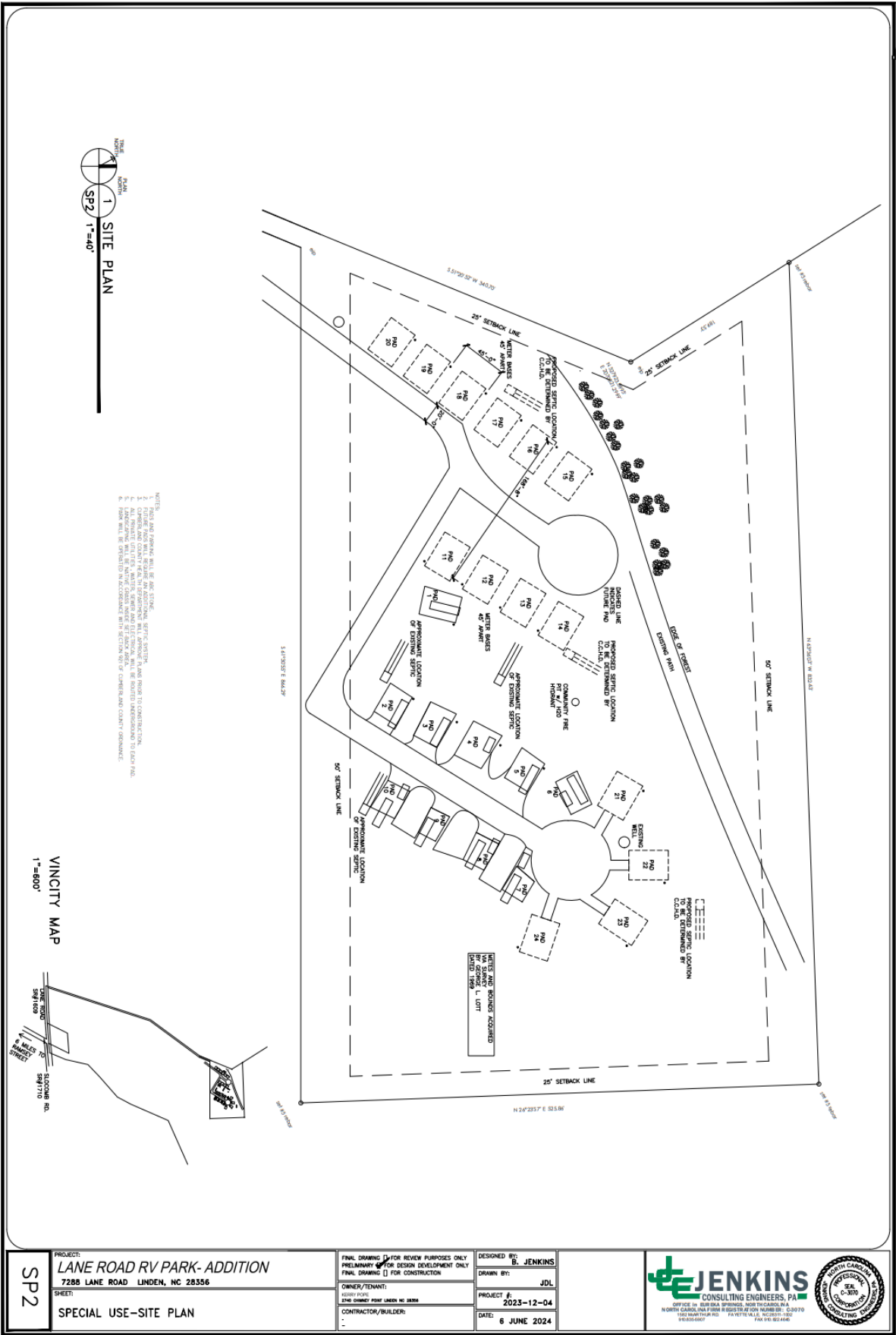


EXHIBIT "I"
SPECIAL USE PERMIT BOA-2024-0009

Special Use Permit Conditions

Special Use Permit- Board of Adjustment
(Recreational Vehicle Park and/or Campgrounds Special Use Permit and Site Plan)
Ordinance Related Conditions

BOA-2024-0009: Consideration of a modification to an approved Special Use Permit to allow a recreational vehicle park and/or campgrounds expansion on a 10.69 +/- acre parcel in an A1 Agricultural District, located at 7288 Lane Road, Submitted by Kerry Pope(owner).

The Special Use Permit modification 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 modification shall only apply to a 10.69 +/- acre portion of PIN 0572-17-0476 (as shown in the record of the Cumberland County Register of Deeds as of June 23, 2023) as such area is shown on the of the attached Special Use Site Plan as Lot 9A (Exhibit "A"). Through the adoption of this special use permit, Special Use Permit P18-05-C is rescinded and replaced by Special Use Permit BOA-2024-0009. Also, refer to Condition 31.

Permitted and Prohibited Uses:

1. Recreation vehicle parks/campgrounds shall be used only by travel trailers, pickup, coaches, motor homes, camping trailers, other vehicular accommodations, cabins and tents suitable for temporary habitation and used for travel, vacation and recreation purposes. Such uses shall be consistent with Section 921.B, County Zoning Ordinance including that any cabins shall be limited to 400 square feet of floor area. The campground is limited to a maximum of 24 campground site/RV pads.
2. The recreation vehicle park/campground shall not allow for permanent occupancy on the same site by the same occupant for any continuous period of time exceeding 90 days with a maximum allowance of 180 days per calendar year within the same park. There must be a minimum 30-day waiting period between stays within the same park for each recreational vehicle/occupant. Each recreation vehicle park/campground shall be required to maintain a registry or logbook identifying, at a minimum, the recreation vehicle license plate number and Vehicle Identification Number for recreation vehicle sites and/or names of occupants in campground sites which will be subject to inspection by the County during regular inspections. Upon the adoption date of this amendment, existing recreation vehicle parks will also be required to comply with the logbook requirement.

Development Standards:

3. Use and development of the site shall occur consistent with this 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.

4. All yard setback requirements shall be in accordance with the dimensional requirements of the zoning district in which the park or campground is located and no structure, recreational vehicle site or camping site shall be located within the required buffer yard area. Each park shall have at least one telephone available for public use. Any management headquarters, manager's residence, recreational facilities, bathhouses, toilets, dumping stations, showers, coin-operated laundry facilities, stores and the uses and structures customarily incidental to operations of a recreation vehicle park/campground are permitted as accessory uses to the park, subject to the following restrictions:
 - a. Such establishments (excluding recreational facilities) and the parking areas primarily related to their operations shall not occupy more than 10% of the gross area of the park/campground.
 - b. The structures housing such facilities shall not be located closer than 100 feet to any public street and shall not be directly accessible from any public street but shall be accessible only from an internal drive within the park/campground.
 - c. Such structures containing toilets, bathhouses and other plumbing fixtures shall comply with the requirements of the North Carolina Building Code.
5. Each park shall be limited to a maximum of one manager's/ caretaker's residence. Recreational vehicle parks and campgrounds shall be enclosed by a fence, wall, landscape screening, earthen mounds or by other measures from all contiguous residential areas in a manner that complements the landscape and assures compatibility with the adjacent environment and complies with the buffering requirements for non-residential uses adjacent to residential districts.

Infrastructure and Utilities

6. Any lighting installed shall comply with all provisions of Section 1102.M., of the County Zoning Ordinance.
7. All environmental health rules and regulations, including Federal and State laws, shall be complied with.
8. NC Department of Environmental Health applications for permits for septic and well shall be obtained to service the new pad locations.
9. 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.
10. 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.)

11. Driveway Permit from NCDOT 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.

12. 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.)
13. The driveway serving the RV Park/Campground site shall serve as a shared driveway with the property identified as REID No. 0572079140000. Also, prior to permitting, an access easement shall be deeded for the driveway that accesses the RV Park/Campground that travels over the abutting property to the south for access to Lane Road. The access easement shall also function to grant access rights the property owner of REID 0572079140000.
14. Individual recreation vehicle spaces within a recreation vehicle park/campground shall not directly access a public road and access shall only occur through the driveway appearing on the special use site Plan (Exhibit "A"). Access to all recreation vehicle spaces and accessory structures within the park/campground shall be from internal streets with the entrance to the park directly accessing a public right-of-way.
15. Adequate off-street parking and maneuvering space shall be provided on site. No public street, sidewalk or right-of-way or any other private grounds not a part of the recreational vehicle parking area shall be used to park or maneuver vehicles.

Internal drives shall be constructed to a minimum of 18 feet in width if providing two-way streets and 12 feet in width for one-way streets and contain a minimum depth of six inches of stone gravel base with proper ditching, drainage, and seeding of slopes. Permanent dead-end streets shall have a cul-de-sac constructed 40 feet in diameter.

16. 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.)

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.)

17. 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.

18. 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.

Prior to any building permit application approval, 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].

Development Review Process:

19. Applicant shall submit a site plan and landscape plan to the Current Planning Section prior to any construction activity, including any clearing and grading, demonstrating compliance with the requirements and information required herein in this. No activity on the site, other than those approved by Special Use Permit P18-05-C, shall occur until a final site plan has been approved by the Current Planning Section.
20. In addition to the requirements required to be shown on the site plan as set forth by the Article XIV, County Zoning Ordinance, the site plan shall include the name and address of the applicant, the location and dimensions of each recreation vehicle/camping site, the location and use of all service and recreational facilities, all interior access ways, drives, and parking. All site plans subject to this the County Zoning Ordinance shall also require approval from the County Health Department.
21. A plat must be approved by Current Planning and recorded prior to submittal of a building permit or any land clearing or construction activity for development authorized by this special use permit.
22. 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.)

Other Conditions:

23. 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.
24. Any revision or addition to this special use site 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.
25. 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.

26. 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.
27. 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].
28. 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.)
29. Property owner is responsible for assuring that all trash, litter, and debris is regularly removed from the site is properly disposed at a Cumberland County landfill or transfer station.
30. All outdoor campfires shall comply with the requirements of Chapter 3, N.C. State Fire Code.

Effective Date/Expiration:

31. This special use authorized by this permit expires two years from the date the County Board of Adjustment approves Special Use Permit No. BOA-2024-0009 if no activity proceeds in good faith to commence the modification approved special use. In the event Special Use Permit No. BOA-2024-0009 expires, the rights and approvals granted under Special Use Permit P18-05-C shall continue with the property. Should the RV Park/Campground use cease for more than one year, the special use permit shall expire and be void.
32. 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.

Issued by:

David B. Moon, AICP, CZO

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.

The proposed plan will not endanger public health or safety. The existing park has operated for several years without any issues or disturbed adjoining properties. The park entrance, driveway and premises are well maintained, well managed and an asset to the community.

2) The use meets all required conditions and specifications.

The existing park meets all required conditions and specifications. The proposed addition will compliment the existing lots and meet all requirements and specifications.

3) The use will maintain or enhance the value of adjoining or abutting properties, or that the use is a public necessity.

The use will maintain and enhance the value of adjoining property. The landscape will remain native grasses and will be maintained at a greater interval than current state. All adjoining property is currently agriculture and/or managed forestry.

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.

The location of the proposed addition is adjacent to the existing RV Park. It will be in harmony with the surrounding area which is agricultural and/or Managed Forestry.

ATTACHMENT: NOTIFICATION LIST & PUBLIC HEARING LEGAL NOTICE

MCLAMB, JERRY DON
4500 BENSON HARDEE RD
BENSON, NC 27504

MCLEAN, JOHN L;MCLEAN, DOROTHY E
PO BOX 503
GREENVILLE, NC 27835

OBRIEN, PAT;OBRIEN, KATE R
6136 RAMSEY ST
FAYETTEVILLE, NC 28311

POPE, AUDRA SIMMONS
2740 CHIMNEY POINT RD
LINDEN, NC 28356

STARLING, HEATHER;STARLING, STEPHEN
7267 LANE ROAD
LINDEN, NC 28356

ROLLER, JOSEPH D;ROLLER, TONI C
3067 SLOCOMB ROAD
LINDEN, NC 28356

POPE, KERRY D;POPE, AUDRA S
2740 CHIMNEY POINT RD
LINDEN, NC 28356

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: 7288 Lane Road Linden, NC 28356

OWNER: Kerry D and Audra S Pope

ADDRESS: 2740 Chimney Point Road Linden, NC ZIP CODE: 28356

TELEPHONE: Mobile 910-308-9526 WORK N/A

AGENT: N/A

ADDRESS: N/A

TELEPHONE: HOME N/A WORK 910-308-9526

E-MAIL: Laneroadpropertiesllc@aol.com

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

- A. Parcel Identification Number (PIN #) of subject property: 0572-17-0476
(also known as Tax ID Number or Property Tax ID)
 - B. Acreage: 10.69 acres Frontage: 20 feet Depth: 525.86ft
 - C. Water Provider: Private
 - D. Septage Provider: Private
 - E. Deed Book , Page(s) DB 4481, Page 819, Plat 00150, Page 2, DB 4458 Page 464
Cumberland County
Registry. (Attach copy of deed of subject property as it appears in Registry).
 - F. Existing use of property: RV Park, Agriculture and Forestry
-
- 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.)
Intended use of this property will be for the expansion of existing RV Park. Our park has quiet hours between 10:00pm- 06:00am on weekdays and 11:00pm-06:00 on weekends.

We employ 2 management positions, 1 part-time employee and multiple local contract vendors. No changes to signage are expected. Landscape will be existing native trees and grasses.

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.

Kerry D and Audra S. Pope

NAME OF OWNER(S) (PRINT OR TYPE)

2740 Chimney Point Linden, NC 28356

ADDRESS OF OWNER(S)

laneroadpropertiesllc@aol.com

E-MAIL

N/A

HOME TELEPHONE #

(910) 308-9526

WORK TELEPHONE #

Kerry D. Pope

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

2740 Chimney Point Linden, NC 28356

ADDRESS OF AGENT, ATTORNEY, APPLICANT

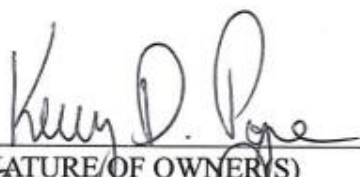
laneroadpropertiesllc@aol.com

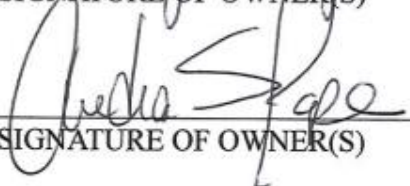
E-MAIL

HOME TELEPHONE #

(910)-308-9526

WORK TELEPHONE #



SIGNATURE OF OWNER(S)


SIGNATURE OF OWNER(S)

SIGNATURE OF AGENT, ATTORNEY
OR APPLICANT

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)

Kerry D. Pope

PRINTED NAME OF OWNER(S) Kerry D. and Audra S. Pope

DATE

5-3-2024

**CUMBERLAND COUNTY BOARD OF ADJUSTMENT
FEE SCHEDULE**

BOARD OF ADJUSTMENT

SPECIAL USE PERMIT
VARIANCE
WATERSHED
ADMINISTRATIVE REVIEW APPEALS
INTERPRETATIONS
NONCONFORMING USES

* Board of Adjustment fee include hearings for the County Flood Ordinance and County Watershed Ordinance

ATTACHMENT: SPECIAL USE PERMIT NO. P18-05-C

Case: P18-05-C
November 15, 2018

Special Use Permit – Board of Adjustment

DRAFT

Ordinance Related Conditions

Recreation Vehicle Park

Pre- Permit Related:

1. Prior to permit application, a copy of the recorded plat, Plat Bk. 141, Pg 185, must be submitted to the Code Enforcement Office. [Sec. 4-8(b)(7), County Code]
2. Prior to permit application, the developer must provide to the Code Enforcement Section documentation of NC Department of Environmental Quality Division of Energy, Mineral and Land Resources' (NCDEQ DEMLR) approval of the Sedimentation and Erosion control plan for this project. NCDEQ DEMLR 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]

3. 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.)

Pre-Permit – Watershed-Related:

4. An application for a Watershed "No Approval Required" development must be submitted to the Watershed Review Officer (WRO) and plans must be found to be sufficient to qualify as a "No Approval Required" by the WRO prior to application for any building/zoning permits. A copy of the WRO's Watershed Regulations Not Applicable of the plan must be submitted to Code Enforcement at the time of application for any permits. [Sec. 31A-3 & Sec. 31A-21(B), County Watershed Ord.]

Permit-Related:

5. A septic permit will be required. For questions related to this comment, please contact County Health Department.
6. The owner/developer(s) of these lots must obtain detailed instructions from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street on provisions of the County Zoning Ordinance and any permits that may be required to place any structure within this development or to commence any use of the subject property. For additional information, the developer should contact a Code Enforcement Officer. (Chpt. 4, County Code & Sec. 107, County Zoning Ord.)
7. Ensure fire department turn around will accommodate largest piece of fire equipment needed to respond to this area. For questions related to this comment, please contact the Fire Marshal at Emergency Services.
8. 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]
9. **Driveway Permit Required.** Construction of any new connection or alteration of any existing connection may require an approved Driveway Permit. For additional information contact the NC Department of Transportation's (NCDOT) Division 6/District 2 office.

Change of use of subject properties shall require an approved Driveway Permit. Permits MUST be secured prior to the change or alteration of existing or proposed property use. 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 expense. For additional information contact the Division 6/District 2 office.

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.

Note: In the event the NCDOT driveway permit process alters the site plan in any manner, three copies of a revised site plan (and \$25.00 revision fee) must be submitted for staff review and approved prior to permit application.

Note: The property owner most likely will be required to provide a copy of a recorded plat and deed conveying to the NCDOT that portion of the subject property located within or to be located within the right-of-way at the time of driveway permit application.
[§ 136-18(29), NCGS]

10. 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)
11. The County Health Department must approve water plans. Lots 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. 2306 A, County Subdivision Ord. & Sec. 1101.E, County Zoning Ord.)
12. Prior to application for the Certificate of Occupancy, the developer must provide to Code Enforcement approval from the entity that owns and/or regulates the type sewer serving the proposed development. (Section 2306 A, County Subdivision Ord.; & Secs. 2306.A & 1403.I, County Zoning Ord.)
13. Prior to application for the Certificate of Occupancy for the building or site, a Watershed Occupancy Permit must be issued for each lot/tract within this development. (Section 31A-29, County Watershed Ord.)
14. 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:

15. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Development Ordinance, and County Zoning Ordinance for the A1 zoning district must be complied with, as applicable.
16. The recreational vehicle park must provide at least one telephone for public use. (Sec. 921, County Zoning Ord.)
17. The recreational vehicle park/campground cannot allow for permanent occupancy of any RV or campsite within this development; the same RV cannot remain on the same site for a continuous period of time exceeding 90 days. (Sec. 921, County Zoning Ord.)
18. No individual recreation vehicle/camping site can be permitted for individual on-site septic systems. (Sec. 921, County Zoning Ord.)
19. Each recreational vehicle must be equipped with a holding tank and each park/campground must have an approved dumping station or pump-out facilities on the premises. (Sec. 921, County Zoning Ord.)
20. Recreation vehicle parks/campgrounds can only be used for travel trailers, pickup, coaches, motor homes, camping trailers, other vehicular accommodations and tents suitable for temporary habitation and used for travel, vacation and recreation purposes. (Sec. 921, County Zoning Ord.)

21. The internal drives serving the recreation vehicle park are to be constructed with a minimum 18 feet in width if providing two way streets and 12 feet in width for one way drives and contain a minimum depth of six inches of stone gravel base with proper ditching, drainage, and seeding of slopes. (Sec. 921, County Zoning Ord.)
22. Recreational vehicle parks and campgrounds shall be enclosed by a fence, wall, landscape screening, earthen mounds or by other measures from all contiguous residential areas in a manner that complements the landscape and assures compatibility with the adjacent environment, and complies with the buffering requirements for non-residential uses adjacent to residential districts. (Sec. 921, County Zoning Ord.)
23. The structures housing such facilities shall not be located closer than 100 feet to any public street and shall not be directly accessible from any public street but shall be accessible only from an internal drive within the park/campground.
24. Such structures containing toilets, bathhouses and other plumbing fixtures shall comply with the requirements of the North Carolina Building Code.
25. Each park shall be limited to a maximum of one manager's/ caretaker's residence.
26. Adequate off-street parking and maneuvering space shall be provided on site. No public street, sidewalk or right-of-way or any other private grounds not a part of the recreational vehicle parking area shall be used to park or maneuver vehicles.
27. This conditional approval is not approval of any freestanding signs. If a freestanding sign is desired, re-submittal of the site plan (and \$25 revision fee) 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.)
28. 7288 Lane Road must be labeled as SR 1609 (Lane Road) on all future plans. (Sec. 2203, County Subdivision Ord.)
29. 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.)
30. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306.C, County Subdivision Ord.)
31. 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.
32. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.
33. The owner/developer is responsible and liable for maintenance and upkeep of this site, all structures, and appurtenances, to include ensuring that the site is kept free of litter and debris, all grass areas mowed, all buffers and shrubbery kept trim and maintained, so that the site remains in a constant state of being aesthetically and environmentally pleasing. (Sec. 1403, County Zoning Ord.)

Advisories:

34. The applicant is advised to consult an expert on wetlands before proceeding with any development.
35. The subject property lies on Lane Road. Lane Road is identified as a local road in the 2040 Metropolitan Transportation Plan with no constructions/improvements planned. The subject property will have no impact on the Transportation Improvement Plan. For questions related to this comment, please contact Transportation Planning.
36. Any revision or addition to this plan necessitates re-submission for review and approval prior to the commencement of the change.
37. An internal street system most likely will be required to serve any future divisions of the parent tract.

38. 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.
39. The US Postal Service most likely will require this development to have centralized cluster boxes for postal service to each lot or unit. The developer is advised contact the US Postal Growth Coordinator for the Mid-Carolinas District to determine the appropriate location for the cluster boxes. If the cluster box location requires changes to the subdivision or site plan, a revised preliminary/plan must be submitted to the Planning & Inspections Department for review and approval.
40. 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.
41. 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:

42. The owner/developer be aware that every deed created for a lot being served by an on-site water and/or sewer system must contain the following disclosure when filed with the County Register of Deeds:

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

Thank you for choosing Cumberland County for your business location!

If you need clarification of any conditions, please contact Ed Byrne at 910-678-7609 or Jeff Barnhill at 910-678-7765 with the Land Use Codes Section; otherwise, contact the appropriate agency at the contact numbers below.

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

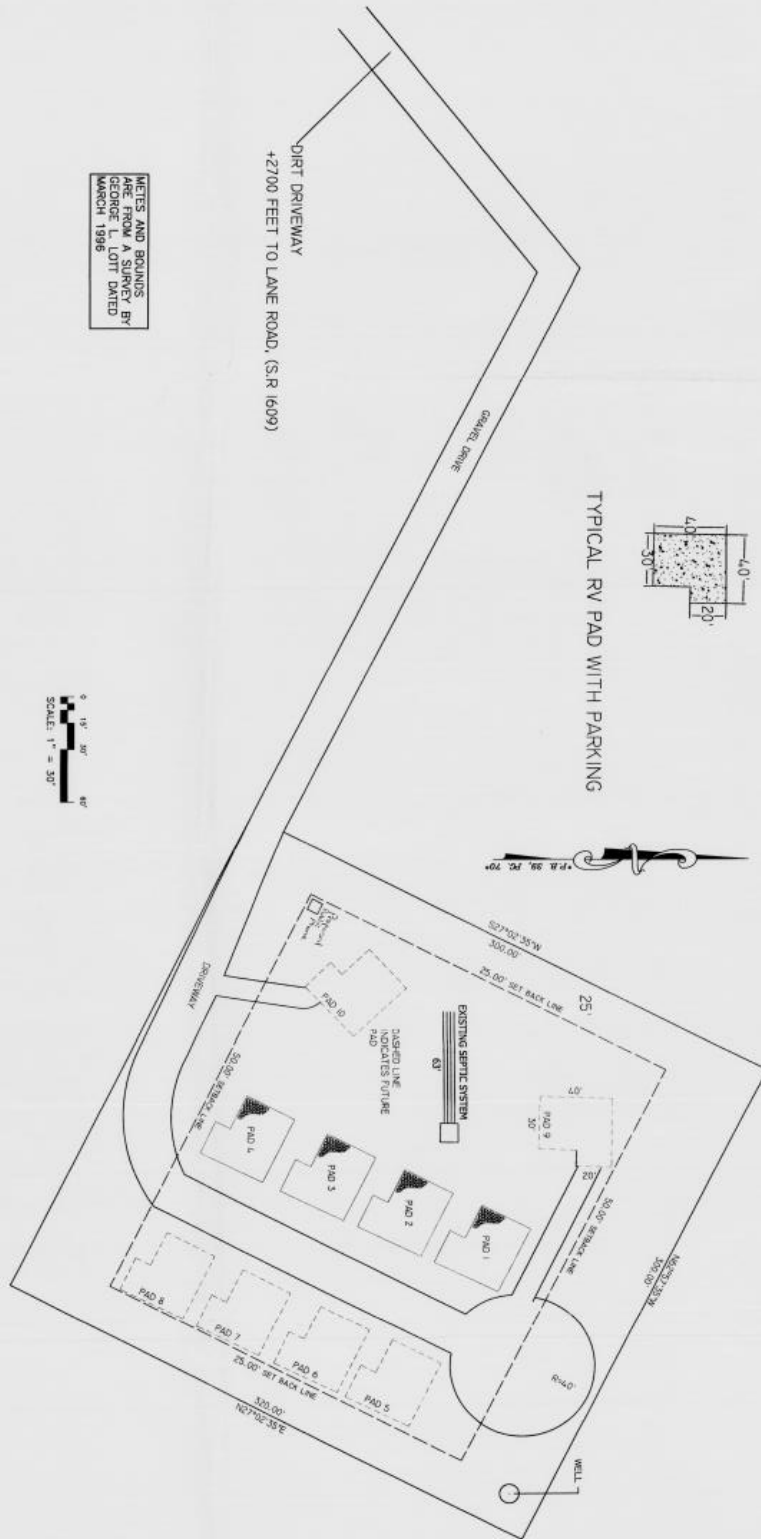
Watershed Review Officer:	Jeff Barnhill	678-7765	jbarnhill@co.cumberland.nc.us
Land Use Codes Manager:	Patti Speicher	678-7605	pspeicher@co.cumberland.nc.us
Subdivision/Site Plan/Plat	Ed Byrne	678-7609	ebyrne@co.cumberland.nc.us
Code Enforcement (Permits):	Scott Walters	321-6654	swalters@co.cumberland.nc.us
County Building Inspections:	Michael Naylor	321-6657	mnaylo@co.cumberland.nc.us
Fire Marshal – Emergency Services	Kevin Lowther	321-6625	klowther@co.cumberland.nc.us
	Gene Booth	678-7641	wbooth@co.cumberland.nc.us
County Engineer's Office:	Wayne Dudley	678-7636	wdudley@co.cumberland.nc.us
County Health Department:	Fred Thomas	433-3692	fthomas@co.cumberland.nc.us
Food & Lodging Env. Health:	Fred Thomas	433-3692	fthomas@co.cumberland.nc.us
Ground Water Issues:	Fred Thomas	433-3692	fthomas@co.cumberland.nc.us
County Public Utilities:	Amy Hall	678-7637	ahall@co.cumberland.nc.us
US Postal Service	Jonathan R. Wallace	(704) 393-4412	jonathan.r.wallace@usps.gov
Corp of Engineers (wetlands):	Liz Hair	(910) 251-4049	hair@usacr.army.mil
NCDEQ (E&S):	Leland Cottrell	(910) 433-3393	leland.cottrell@ncdenr.gov
US Fish & Wildlife Services	Susan Ladd Miller	(910) 695-3323	susan_miller@fws.gov
Location Services:			
Site-Specific Address:	Will Phipps	678-7666	wphipps@co.cumberland.nc.us
Street Naming/Signs:	Diane Shelton	678-7665	nameit2@co.cumberland.nc.us
Tax Parcel Numbers:		678-7549	
NCDOT (driveways/curb-cuts):	Troy Baker	364-0601	tlbaker@ncdot.gov
NCDOT (subdivision roads):	Earl C. Locklear	364-0601	elocklear@ncdot.gov
Transportation Planning:	Katrina Evans	678 7614	kevans@co.cumberland.nc.us
N.C. Division of Water Quality:	Annette Lucas	(919) 807-6381	annette.lucas@ncdenr.gov

NOTES AND BOUNDS
 ARE FROM A SURVEY BY
 GEORGE L. LOTT DATED
 MARCH 1996

0 10' 20' 40'
 SCALE: 1" = 30'

- NOTES:
1. EACH PAD WILL BE 30'X40' WITH A 10'X20' PARKING PAD
 2. PADS AND PARKING WILL BE ABC STONE.
 3. THE CURRENT SEPTIC SYSTEM WILL SUPPORT TWO RVs, PADS 1 AND 2.
 4. WITH APPROVAL WE WILL INSTALL AN ADDITIONAL TANK WHICH SHOULD SUPPORT TWO ADDITIONAL RVs, PADS 3 AND 4.
 5. FUTURE PADS WILL REQUIRE AN ADDITIONAL SEPTIC SYSTEM.
 6. CUMBERLAND COUNTY HEALTH DEPARTMENT WILL APPROVE PLANS PRIOR TO CONSTRUCTION.
 7. ALL PRIVATE UTILITIES, WATER, SEWER AND ELECTRICAL WILL BE ROUTED UNDERGROUND TO EACH PAD.
 8. LANDSCAPING WILL BE NATIVE GRASS INSIDE SET BACK AREA.

FIN 0072-17-0476



SP1

PROJECT: **LANE R-V PARK**
 7288 LANE ROAD LINDEN, NC 28356

SHEET: **SITE PLAN**

FINAL DRAWING [] FOR REVIEW PURPOSES ONLY
 PRELIMINARY [] FOR DESIGN DEVELOPMENT ONLY
 FINAL DRAWING [] FOR CONSTRUCTION

DRAWN/TENANT:
 KERRY & AUDRA POPE
 410-288-2828

CONTRACTOR/BUILDER:

DESIGNED BY: **S. JENKINS**
 DRAWN BY: **BJ**

CHECKED BY: **S. JENKINS**

DATE: **9 NOV 2018**



JENKINS
 CONSULTING ENGINEERS, PA

OFFICE IN ELUREKA SPRING, NORTH CAROLINA
 1000 ELUREKA RD. - FAYETTEVILLE, NC 28404-1000
 TELEPHONE: 704.399.1000
 FAX: 704.399.1000

ATTACHMENT: APPLICANT'S ACCEPTANCE OF SUP CONDITIONS