

Lori Epler,  
Chair  
Cumberland County

Roy Turner,  
Vice-Chair  
Cumberland County

Garland C. Hostetter,  
Town of Spring Lake  
Harvey Cain, Jr.,  
Town of Stedman  
Patricia Hall,  
Town of Hope Mills  
Charles C. Morris,  
Town of Linden



## COUNTY of CUMBERLAND

### *Planning & Inspections Department*

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

Walter Clark,  
Sara E. Piland,  
Cumberland County

Benny Pearce,  
Town of Eastover

Donovan McLaurin  
Wade, Falcon, & Godwin

March 9, 2010

### MEMORANDUM

**TO:** Cumberland County Joint Planning Board

**FROM:** Planning & Inspections Staff

**SUBJECT:** Staff Recommendation for March 16, 2010 Board Meeting

**P10-09:** REZONING OF 147.3+/- ACRES FROM A1 AGRICULTURAL AND RR RURAL RESIDENTIAL TO R7.5 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 1915 AND 1919 TOM STARLING ROAD; SUBMITTED BY LINDA S. JOHNSON, BARBARA SMITH, MAE S. PARSONS, TOMMY WOODSELL AND PAMELA DOMONSKI (OWNERS) AND JOHN KOENIG FOR KAS, LLC.

The above referenced case was deferred from the board's February 16, 2010 meeting at the request of the property owners and developer allowing time to consider amending their request. The application has been amended and the request is now for a **R15 Residential/Conditional Use District and Permit (R15/CUD) and CD Conservancy District/Conditional Use District and Permit (CD/CUD)** for the subject property.

For that portion of the subject property requested to be rezoned to R15/CUD, the property owners and developer are requesting that the district be limited to residential lots with an average lot size of not less than 15,000 square feet. A copy of the proposed site plan submitted by the applicant for the Permit is attached to this memorandum; the site plan is restricting the development to 312 lots with open space (common area).

The portion of the subject property requested to be rezoned to CD/CUD is the land area within the Special Flood Hazard Area (SFHA). Included as a condition on the Permit, the developer and property owners have voluntarily agreed to a "no tree cutting" restriction with the exception of utility installation within the area proposed for CD/CUD zoning. The developer has also included in this application a request for a waiver from the requirement to construct a sidewalk on the subject property along NC HWY 87 South.

The Planning & Inspections Staff recommends approval of the requested rezoning to R15 Residential/Conditional Use District (R15/CUD) and CD Conservancy/Conditional Use District (CD/CUD) based on the following:

1. The amended request is consistent with the 2030 Growth Vision Plan, which calls for "urban area" at this location and is reasonable because it accounts for protective and conservation measures for the land area immediately adjacent to Rockfish Creek as included on the 2030 Growth Strategy Map;

2. The subject property meets or exceeds the location criteria for “low density residential” as listed in the Land Use Policies Plan of the 2030 Growth Vision Plan – the location criteria supports approval of up to 727 residential lots or units for this tract; and
3. The request for CD/CUD along Rockfish Creek is compatible with the provision of greenways along scenic waterways within the County – a stated goal of the Fayetteville-Cumberland Parks and Recreation Master Plan received by the Commissioners in April 2006, and in a consultant’s report prepared by Environmental Defense (2003), urban buffers are recommended throughout the floodplain, while acknowledging this is not always feasible or equitable because of the balancing of private and public interests, it was found that modest buffers of 50 – 100 feet would be effective to sequester and treat most nonpoint contaminants.

The Planning & Inspections Staff also recommends approval of the Conditional Use Permit based on the following:

1. The use will not materially endanger the public health or safety if located according to the plan submitted, the proposed site layout is designed in such a manner that at a minimum the development standards of the ordinances are met or exceeded;
2. With the exception of the required sidewalk along NC HWY 87 South, the use and proposed development will meet all required conditions and specifications if developed according to the site plan, application and the attached *Ordinance Related Conditions*;
3. The use will maintain or enhance the value of adjoining or abutting properties if developed as proposed, this will be a high quality development that on land that is currently vacant; 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 in general will be developed in conformance with the development ordinances and adopted planning policies.

The staff further recommends approval of a waiver for the sidewalk required along NC HWY 87 South because of the topography of the subject property immediately adjacent to NC HWY 87 South, strict compliance with the provisions of the ordinance would cause a special hardship to the property owner and be inequitable; the public purposes of the ordinances will be served to an equal or greater degree with the sidewalk installation along Tom Starling Road; and the property owner will not be afforded a special privilege denied to others since approval of this waiver will enable the developer to further ensure that minimal disturbance of land will occur within the Special Flood Hazard Area (SFHA).

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

All attached *Ordinance Related Conditions* have been agreed to.

Attachments:

- 1 – Site Profile
- 2 – Rezoning Sketch Map
- 3 – Site Plan
- 4 – Ordinance Related Conditions
- 5 – Application
- 6 – Supplemental Information – 2006 Case on Subject Property (P06-04)



**P10-09**  
**SITE PROFILE**

**P10-09:** REZONING OF 147.3+/- ACRES FROM A1 AGRICULTURAL AND RR RURAL RESIDENTIAL TO R7.5 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 1915 AND 1919 TOM STARLING ROAD; SUBMITTED BY LINDA S. JOHNSON, BARBARA SMITH, MAE S. PARSONS, TOMMY WOODSELL AND PAMELA DOMONSKI (OWNERS) AND JOHN KOENIG FOR KAS, LLC.

**Site Information:**

**Frontage & Location:** 2,960.00'+/- on SR 2220 (Tom Starling Road)

**Depth:** 1940.00'+/-

**Jurisdiction:** Cumberland County

**Adjacent Property:** Yes, surrounded by subject property

**Current Use:** Farmland

**Initial Zoning:** A1 – March 15, 1979 (Area 6)

**Nonconformities:** None

**Zoning Violation(s):** None

**Surrounding Zoning:** North: R10/CU (to require water & sewer), M(P), C(P), C1(P), R10 & RR; South: A1/CU (motor vehicle washing), C(P), R6A, RR & A1; East: RR; West: A1

**Surrounding Land Use:** Residential (including manufactured homes), club, substation, farmland and woodlands

**2030 Land Use Plan:** Urban and Conservation

**Special Flood Hazard Area (SFHA):** Yes; base flood is 78 msl (NAVD). 80 MSL with two foot freeboard

**Army Corp:** Wetlands may be present and if so, Sec 404 permit required

**Water/Sewer Availability:** PWC/PWC

**Sewer Service Area:** Yes

**Soil Limitations:** Yes, hydric – RO Roanoke and Wahee loams and WmB Wickham fine sandy loam

**School Capacity/Enrolled:** Alderman Road Elementary: 750/698; Gray's Creek Middle 1,000/861; Gray's Creek High 1,270/1,219

**Subdivision/Site Plan:** If approved, "Ordinance Related Conditions" apply

**Airport Overlay District:** Not within runway approach, no objection to request

**Average Daily Traffic Count (2008):** 2,600 on SR 2220 (Tom Starling Road)

**Recreation Area:** Arnette Park located 1.89+/- miles away and proposed Grays Creek Park will be approximately 2.77+/- miles away

**Highway Plan:** Tom Starling Road is identified in the Highway Plan as a Major Thoroughfare. This proposal calls for a multi-lane facility (4 Ln-divide). Road improvements are not included in the 2009-2015 MTIP. This a priority #1 in the Highway Portion of the LRTP

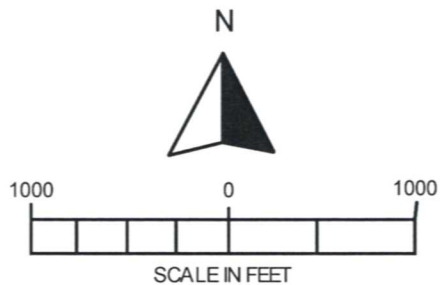
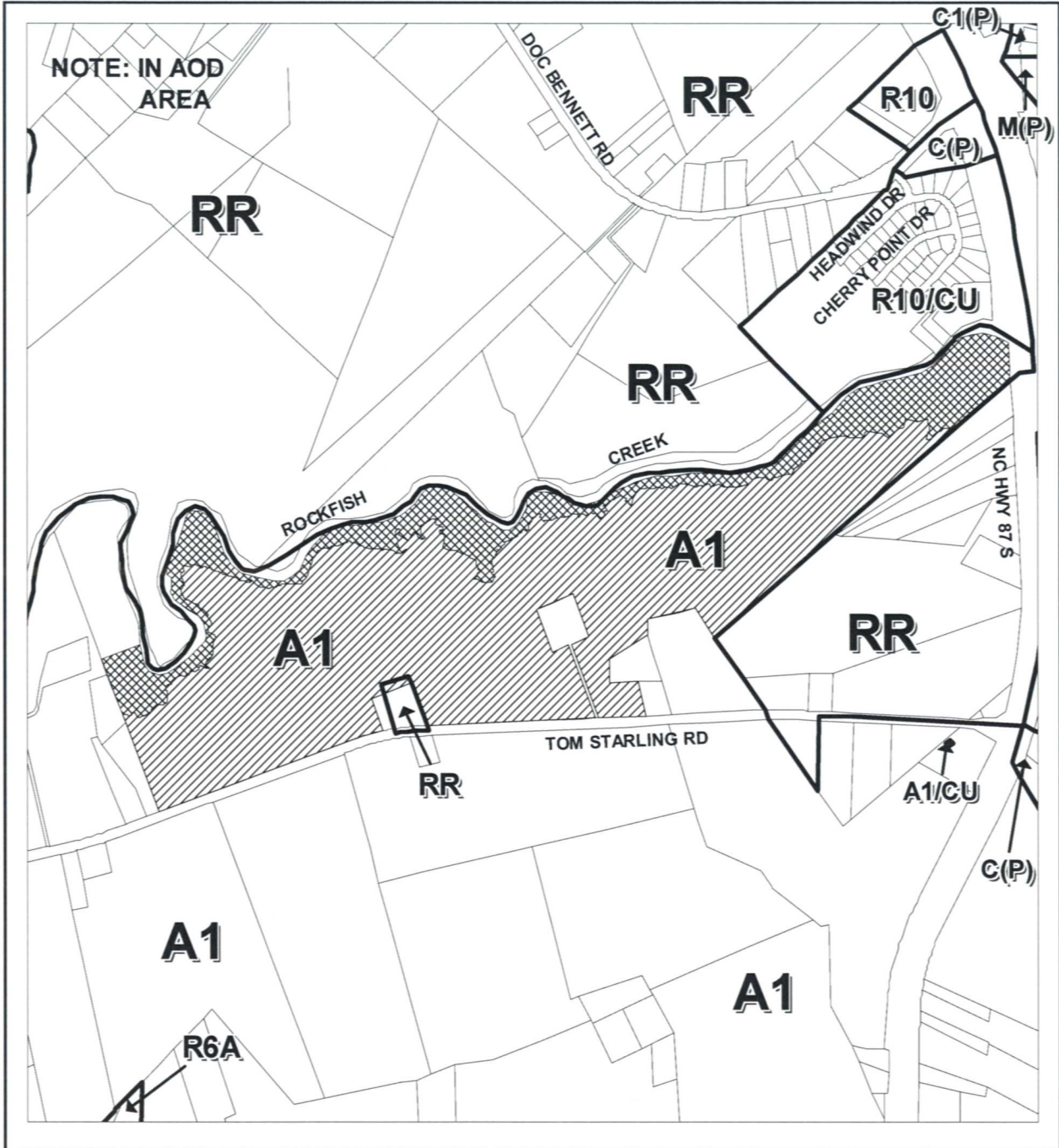
**Notes:**

1. Request voluntarily amended to:
  - a. R15/CUD with the Permit restricting the site to 312 lots (2.1 units per acre);
  - b. CD/CUD with the CD Conservancy district line following the *Special Flood Hazard Area* (100 year) extending to Rockfish Creek and the Permit restricting the CD area to "no tree cutting, except where necessary for utility installation"; and
  - c. Total open space (common area): 45 +/- acres (approximately 30% of the 147+/- acre tract)
  
2. Density (minus 15% for r/w):

A1 – 125 lots	R20 & RR – 273 lots
R40 – 136 lots	R15 – 364 lots
R30 – 182 lots	R7.5 – 727 lots

**First Class and Record Owners' Mailed Notice Certification**

*A certified copy of the tax record owner(s) of the subject and adjacent properties and their tax record mailing address is contained within the case file and is incorporated by reference as if delivered herewith. The record owners' acknowledgement of notice is also included in the case file.*



PORT OF PIN: 0443-37-0551

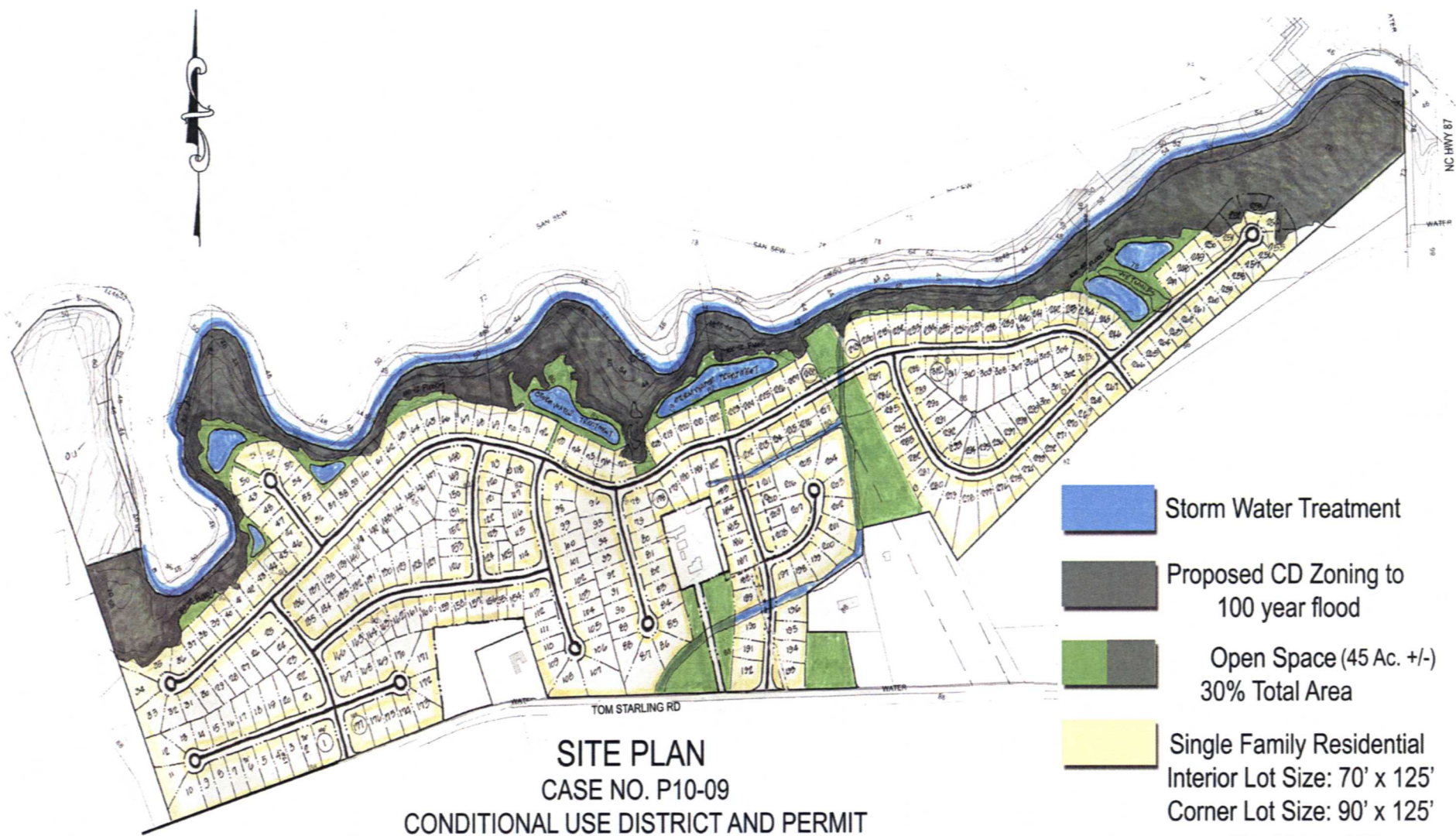
## REQUESTED REZONING

 A1 TO CD/CUD     
  RR & A1 TO R15/CUD

<b>ACREAGE: 147.3 AC.+/-</b>		<b>HEARING NO: P10-09</b>	
ORDINANCE COUNTY	HEARING DATE	ACTION	
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

02/16/10  
 02/18/10  
 02/19/10  
 AF





**SITE PLAN**  
**CASE NO. P10-09**  
**CONDITIONAL USE DISTRICT AND PERMIT**  
**NOT TO SCALE**

- Storm Water Treatment
- Proposed CD Zoning to 100 year flood
- Open Space (45 Ac. +/-) 30% Total Area
- Single Family Residential  
 Interior Lot Size: 70' x 125'  
 Corner Lot Size: 90' x 125'  
 Total Lots: 312

## Conditional Use District & Permit

### Ordinance Related Conditions

#### Permit-Related:

1. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the County Zoning Ordinance and permits required to place any structure within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. For additional information, the developer should contact a Code Enforcement Officer.
2. Connection to public water and sewer is required, the Public Works Commission (PWC) must approve water and sewer plans prior to application for any permits. A copy of the PWC approval must be provided to Code Enforcement at the time of application for building/zoning permits. (Section 2306 A.1, Public Water and Sewer Systems County Subdivision Ordinance)
3. New development where the developer will disturb or intends to disturb more than one acre of land is subject to the Post-Construction Stormwater Management Permitting Program (Phase II Stormwater Management Requirements) administered by the Division of Water Quality, North Carolina Department of Environment and Natural Resources. If one acre or more of land is to be disturbed, prior to the issuance of any building/zoning permits for this site, a copy of the State's *Post-Construction Permit* must be provided to County Code Enforcement.
4. For any new development where the developer disturbs or intends to disturb more than one acre of land, the developer must provide the Code Enforcement Section with an approved NC Department of Environment and Natural Resources (NCDENR) sedimentation and erosion control plan (S&E) prior to any application for permits. (Note: If any retention/detention basins are required for state approval of this plan, then three copies of a revised plan must be submitted and approved by Planning & Inspections prior to application for any building/zoning permits.) A copy of the NCDENR approval must be provided to Code Enforcement at the time of application for any building/zoning permits.
5. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
6. The *Special Flood Hazard Area* (SFHA) exists on this tract; any development within SFHA must have first flood elevations, including all mechanical and electrical equipment above base flood elevation (BFE) plus two feet of freeboard. Proper flood plain development permits are required, issued by the County Engineer, prior to any building/permit application. A copy of the approved flood plain permit must be provided to Code Enforcement at the time of building/zoning permit applications.
7. The building final inspection cannot be accomplished until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans.

#### Site-Related:

8. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Zoning Ordinances for the CD/CUD & R15/CUD zoning districts and the Permit must be complied with, as applicable.
9. All corner lots and lots fronting more than one street must provide front yard setbacks from each street.
10. This conditional approval is not approval of any freestanding signs. If a freestanding sign is desired, re-submittal of the site plan for staff review and approval is required prior to application for any freestanding sign permits. Attached signage for this development must be in accordance with the applicable sign regulations as set forth in Article XIII of the County Zoning Ordinance and that the proper permit(s) must be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is **not** approval of the size, shape, or location of any signs.)
11. All applicable provisions of Section 2401, "Group Developments", County Subdivision Ordinance, must be complied with.



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12. Curbs and gutters must meet the NC Department of Transportation's (NCDOT) standards and specifications or the City of Fayetteville street specifications, whichever standard is more stringent. Rolled concrete curb, if required, must not be less than 24 inches in width. (Section 2304 B.4, Curbs and Gutters, County Subdivision Ordinance)
13. For any new development, an adequate drainage system must be installed by the developer in accordance with the NC Department of Environment and Natural Resources' (NCDENR) *Manual on Best Management Practices* and all drainage ways must be kept clean and free of debris. (Section 2306 D, County Subdivision Ordinance)
14. Fire hydrants must be installed along all proposed streets and drives; hydrants must be located no further than 1,000 feet apart and at a maximum of 500 feet from any lot. (Section 2306 B, Fire hydrants, County Subdivision Ordinance)
15. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision Ordinance)
16. The owner/developer shall secure and maintain the detention/retention basin, keeping it clear of debris and taking measures for the prevention of insect and rodent infestation. The basins must be secured with a four foot high fence with a lockable gate.
17. This review does not constitute a "subdivision" approval by NC Department of Transportation (NCDOT). A separate submittal to NCDOT will be required prior to consideration for addition to the system of any street within this development.
18. The developer must obtain a driveway permit from the NC Department of Transportation (NCDOT). A copy of the approved driveway permit must be provided to Code Enforcement at the time of application for building/zoning permits.
19. The NC Department of Transportation (NCDOT) must approve the street plans and the street(s) are required to be constructed to the NCDOT standards for secondary roads.
20. Turn lanes may be required by the NC Department of Transportation (NCDOT).
21. All lots within this development are required to be served by an internal street system.
22. The owner's association is responsible and liable for maintenance and upkeep of all structures, and appurtenances within the common areas, 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.
23. All notes and calculations as shown on the site plan and contained within the application are to be considered as a part of this conditional approval.

### **Plat-Related:**

24. The 5.72 acre tract (conflict area) which is not a part of this approval, must be given road frontage by either a 20 foot strip of land along an existing or proposed road, or by recombining this property with an adjacent property which has road frontage.
25. All phases of this development must be labeled as a "Zero Lot Line" development on each final plat.
26. All common areas for each phase must be clearly labeled as "common area" on the final plat.
27. The final plat must clearly reflect a "No Tree Cutting" easement for the land area within the Special Flood Hazard Area (SFHA) along the Rockfish Creek, with the exception of utility installation/easements crossing through the (SFHA) area. **(Note: The utility easements must be clearly reflected on the final plat.)**
28. The proposed development is located in a Special Flood Hazard Area (SFHA). The final plat must show the limits of the SFHA; information may be obtained from the County Engineer's office or the Federal Emergency Management Agency's (FEMA) website at [www.ncfloodmaps.com](http://www.ncfloodmaps.com). Any development within the SFHA is subject to the requirements of the County Flood Damage Prevention Ordinance administered by the County Engineering Department.
29. A concrete sidewalk must be constructed along SR 2220 (Tom Starling Road) (2 to 5 du/ac). (Section 2305, Sidewalks, County Subdivision Ordinance)

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30. A concrete sidewalk must be constructed along NC HWY 87 South and along SR 2220 (Tom Starling Road). (Sewer Service Area, City/County Interlocal Agreement, dated June 9, 2008)
31. The developer is required to submit to Land Use Codes:
  - a. Three copies of proposed covenants, by-laws and articles of incorporation for the proposed development designating responsibility for maintenance and upkeep of all common areas, stormwater basins and addressing the “no tree cutting” requirement within the Special Flood Hazard Area (SFHA) by the owners’ association for the development;
  - b. One copy of the deed(s) proposed for recordation conveying all common area to the proposed owners association;
  - c. One copy of any proposed supplemental covenants if the proposed development is to be submitted for final approval in phases; and
  - d. Two copies of each proposed final plat prior to the submission for final approval – can be a phase of the approved development or the complete development as approved.
32. The developer must record the deed conveying all common areas to the owners association at the same time that each final plat for each phase of this development is recorded.
33. Prior to final plat approval the developer must contact the Street Naming and Addressing Section of the Planning & Inspections Department for approval of the street names for the proposed streets within this development. The approved street names must be reflected on the final plat.
34. The street name signs, in compliance with the County Street Sign Specifications, must be installed prior to final plat approval. The developer should contact E911 Street Naming/Signs for inquiries regarding the County’s policy for street sign installation or, if the sign is commissioned from a private source, to schedule an inspection of the street sign(s). Land Use Codes must receive notice of agreement with the Street Naming & Addressing Section for sign installation or of satisfactory inspection prior to the approval of the final plat.
35. “Tom Starling Road” must be labeled as “SR 2220 (Tom Starling Road)” on the final plat.
36. “NC HWY 87” must be labeled as “NC HWY 87 S” on the final plat.
37. Dedication of 10 feet of right-of-way and reservation of 10 feet of right-of way along SR 2220 (Tom Starling Road) is required and the metes and bounds for both dedication and reservation is required to be shown on the final plat and/or reflected on any future site plans.. The location of all improvements, required or otherwise, and all building setback lines are to be measured from the ultimate right-of-way line. (Section 2302 F, Planned Public Right-of-Way, County Subdivision Ordinance)
38. The builder/developer must provide the buildable envelopes on the final plat: providing a five-foot maintenance easement along each side of all common internal lines with all other applicable setbacks being provided for; or at the time of permit application, the individual plot plans must be approved by Land Use Codes prior to issuance of any permits.
39. Any/All easements must be reflected on the final plat and labeled as to type of easement, reference number for document creating the easement, and the name of the agency, individual, etc. who holds the easement.
40. All lots within this development must be served by an internal street system and a “no access” easement must be reflected on the final plat along SR 2220 (Tom Starling Road) on Lots 1- 10, 87, 107, 108, 133, 173 – 177, 192 and the open space areas.
41. All lots within this development must be served by an internal street system and a “no access” easement must be reflected on the final plat along NC HWY 87 S on the open space area.
42. A 10’ x 70’ sight distance easements is required at the intersection of SR 2220 (Tom Starling Road) with the two proposed streets and must be reflected on the final plat.
43. A 25’ right-of-way radius is required at all intersections and must be reflected on the final plat. (Section 2304.10.c, Street Design, County Subdivision Ordinance)



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44. The NC Department of Transportation (NCDOT) stamp must be affixed to the final plat prior to submission for final plat approval by Land Use Codes.
45. The notarized signature(s) of all current tax record owner(s) and notary certifications appear on the final plat when submitted for final approval. (Section 2503 D, Certificate of Ownership and Dedication, County Subdivision Ordinance)
46. The developer is reminded that the improvements must be in place or that final plat approval will only be granted in accordance with Section 2502 B, C, or D, Final Plat – Guarantees of Improvements, Subdivision Ordinance. (Note: Once the improvements are in place, the developer is responsible for contacting Jeff Barnhill to schedule an inspection of the improvements.)
47. The final plat must be submitted to Land Use Codes for review and approval for recording with the County Register of Deeds, and the plat must be recorded prior to any permit application for any structure and/or prior to the sale of any lot or unit within this development.

## **Plat-Required Statements:**

48. Since this development is located within the *Airport Overlay District* as shown on the official zoning map, the following disclosure statement is required to be provided on the final plat (Section 8.101.E, Notice and Disclosure of Noise Impact Discloser, County Zoning Ordinance):

“Property shown on this plan/plat is within the Cumberland County Airport Overlay District and all or a portion of the property described hereon is within an area that is subject to an average noise level near to or exceeding 65 dnl.”

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

“Nonconforming structures have not been created by this subdivision.”

## **Other Relevant Conditions:**

50. The applicant is advised to consult an expert on wetlands before proceeding with any development.
51. There may be wetlands located in the project area that are subject to the permit requirements of Section 404 of the Clean Water Act. To avoid a violation of federal and/or state law, it is recommended the developer contact the Office of the Army Corp of Engineers or hire an environmental consultant to identify and delineate any wetlands in the project area prior to construction. A Section 404 permit will be required if the applicant needs to fill wetlands for the construction of the convenience store and/or development of the remaining parent tract.
52. 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.

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

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

Improvements Inspections:	Jeff Barnhill	678-7765
Subdivision/Site Plan/Plat	Ed Byrne	678-7609
Code Enforcement (Permits):	Ken Sykes	321-6654
County Engineer’s Office:	Wayne Dudley	678-7636
PWC:	Heidi Maly	223-4773
City of Fayetteville, Planning:	Marsha Bryant	433-1416
Corp of Engineers (wetlands):	Crystal C. Amschler	251-4170
NCDENR (E&S):	Sally McKinney	433-3300
E911 Site-Specific Address:	Ron Gonzales	678-7616
E911 Street Naming/Signs:	Diane Shelton	678-7665

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Tax Parcel Numbers:		678-7549
NCDOT (driveways/curb-cuts):	Gary Burton	486-1496
NCDOT (subdivision roads):	David Plummer	486-1496
Transportation Planning:	Bobby McCormick	678 7632
N.C. Division of Water Quality:	Mike Randall	(919) 733-5083 ext. 545

cc: Marsha Bryant, City of Fayetteville



TO THE CUMBERLAND COUNTY JOINT PLANNING BOARD AND THE BOARD OF COUNTY COMMISSIONERS OF CUMBERLAND COUNTY, NC:

I (We), the undersigned, hereby submit this application, and petition the County Commissioners to amend and to change the zoning map of the County of Cumberland as provided for under the provisions of the County Zoning Ordinance. In support of this petition, the following facts are submitted:

1. Requested Rezoning from A1+RR to R7.5.
2. Address of Property to be Rezoned: 1925 TOM STARLING Rd.
3. Location of Property: TOM STARLING RD
4. Parcel Identification Number (PIN #) of subject property: ~~#0443-27-8399~~  
(also known as Tax ID Number or Property Tax ID) ~~#0443-37-4284~~  
#0443-37-0051
5. Acreage: 148.3 Frontage: 3100 Depth: 1200
6. Water Provider: Well \_\_\_\_\_ PWC  Other (name) \_\_\_\_\_
8. Septage Provider: Septic Tank \_\_\_\_\_ PWC
9. Deed Book 2028, Page(s) 537, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
10. Existing use of property: WOODLAND
11. Proposed use(s) of the property: RESIDENTIAL SINGLE FAMILY
12. Do you own any property adjacent to or across the street from this property?  
Yes \_\_\_\_\_ No  If yes, where? \_\_\_\_\_
13. Has a violation been issued on this property? Yes \_\_\_\_\_ No

A copy of the recorded deed(s) and/or recorded plat map(s) must be provided. If the area is a portion of a parcel, a written legal description by metes and bounds, showing acreage must accompany the deed and/or plat. If more than one zoning classification is requested, a correct metes and bounds legal description, including acreage, for each bounded area must be submitted.

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


R15 & CD as shown on  
site plan 

APPLICATION FOR  
CONDITIONAL USE PERMIT

1. PROPOSED USE(S):

A. List the use(s) proposed for the Conditional Use Permit. (Use of the underlying district will be restricted only to the use(s) specified in this application.)

B. Density: List the amount of acreage that will be residential, commercial, and/or open space, and the number of lots and/or dwelling units proposed, and the square footage of the non-residential units.

312 lots max 

2. DIMENSIONAL REQUIREMENTS:

A. Reference either the dimensional requirements of the district, Sec. 1104 or list the proposed setbacks.

B. Off-street parking and loading, Sec. 1202: List the number of spaces, type of surfacing material and any other pertinent information.

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.

4. LANDSCAPE AND BUFFER REQUIREMENTS:

A. For all new non-residential and mixed use development abutting a public street, indicate the number and type of large or small ornamental trees used in the streetscape, yard space, and/or parking areas, plus the number and type of shrubs (Sec. 1102N). **NOTE: All required landscaping must be included on the site plan.**

B. Indicate the type of buffering and approximate location, width and setback from the property lines.

5. MISCELLANEOUS:

List any information not set forth above, such as the days and hours of the operation, number of employees, exterior lighting, noise, odor and smoke, emission controls, etc.

no tree disturbance w/in CD except  
for utilities

Request not to ~~be approved~~ be required to  
construct sidewalk on NC Hwy 87 South

6. SITE PLAN REQUIREMENTS:

The application shall include a site plan drawn to the specifications of Sec. 1402. If the proposed uses involve development subject to the County Subdivision Ordinance, the site plan required may be general in nature, showing a generalized street pattern, if applicable, and the location of proposed uses. If the proposed uses include development not subject to the Subdivision Ordinance, the site plan shall be of sufficient detail to allow the Planning and Inspections Staff and the Planning Board to analyze the proposed uses and arrangement of uses on the site. It shall also include the footprints of all buildings (proposed and existing), the proposed number of stories, location and number of off-street parking and loading spaces, proposed points of access to existing streets and internal circulation patterns. In addition, the location of all proposed buffers and fences and landscaping shall be included on the site plan.



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

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

✓ LINDA S. JOHNSON  
NAME OF OWNERS (PRINT OR TYPE)

125 TOM STARLING ROAD FAYETTEVILLE, N.C. 28306  
ADDRESS OF OWNER(S)

910-717-2935                      910 717-2935  
HOME TELEPHONE #                      WORK TELEPHONE #

✓ KAS, LLC  
NAME OF AGENT, ATTORNEY, APPLICANT (PRINT OR TYPE)

1763 WILMINGTON HWY FAYETTEVILLE, N.C. 28306  
ADDRESS OF AGENT, ATTORNEY, APPLICANT

910-323-2506                      910-391-2977  
HOME TELEPHONE #                      WORK TELEPHONE #

  
SIGNATURE OF OWNER(S)

  
SIGNATURE OF AGENT, ATTORNEY OR APPLICANT

\_\_\_\_\_  
SIGNATURE OF OWNER(S)

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

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

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

✓ ✓ MAE S. PARSONS  
NAME OF OWNERS (PRINT OR TYPE)  
✓ 1821 Tom Starling Rd, Fayetteville, NC 28306  
ADDRESS OF OWNER(S)  
✓ 910-484-9280 ✓  
HOME TELEPHONE # WORK TELEPHONE #

✓ KAS, LLC  
NAME OF AGENT, ATTORNEY, APPLICANT (PRINT OR TYPE)  
1763 Wilmington Hwy Fayetteville NC 28306  
ADDRESS OF AGENT, ATTORNEY, APPLICANT  
910-323-2506 910-391-2977  
HOME TELEPHONE # WORK TELEPHONE #

✓ MAE S. PARSONS  
SIGNATURE OF OWNER(S)  
SIGNATURE OF AGENT, ATTORNEY OR APPLICANT

\_\_\_\_\_  
SIGNATURE OF OWNER(S)

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



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

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

✓ ✓ Barbara Smith  
NAME OF OWNERS (PRINT OR TYPE)  
✓ 1919 Tom Starling Rd, Fayetteville NC 28306  
ADDRESS OF OWNER(S)  
✓ 910 485 6692 HOME TELEPHONE #      ✓ WORK TELEPHONE #

✓ KAS, LLC  
NAME OF AGENT, ATTORNEY, APPLICANT (PRINT OR TYPE)  
1763 Wilmington Hwy Fayetteville NC 28306  
ADDRESS OF AGENT, ATTORNEY, APPLICANT  
910-323-2506 HOME TELEPHONE #      910-391-2977 WORK TELEPHONE #

✓ Barbara Smith  
SIGNATURE OF OWNER(S)  
[Signature]  
SIGNATURE OF AGENT, ATTORNEY OR APPLICANT

\_\_\_\_\_  
SIGNATURE OF OWNER(S)

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

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

✓ Pamela Domanski  
NAME OF OWNERS (PRINT OR TYPE)

✓ 7206 Kingfisher Rd  
ADDRESS OF OWNER(S)

✓ 919 776 7238  
HOME TELEPHONE #

✓ 919 356 5813  
WORK TELEPHONE #

✓ KAS LLC  
NAME OF AGENT, ATTORNEY, APPLICANT (PRINT OR TYPE)

1763 Wilmington Highway, Fayetteville NC 28306  
ADDRESS OF AGENT, ATTORNEY, APPLICANT

910 323 2506  
HOME TELEPHONE #

910 391 2977  
WORK TELEPHONE #

✓ Pamela Domanski  
SIGNATURE OF OWNER(S)

[Signature]  
SIGNATURE OF AGENT, ATTORNEY OR APPLICANT

\_\_\_\_\_  
SIGNATURE OF OWNER(S)

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

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

✓ Tommy Woodell  
NAME OF OWNERS (PRINT OR TYPE)

✓ 3942 W. Bent Grass Dr. Fayetteville NC 28312  
ADDRESS OF OWNER(S)

✓ 910 483 9277 HOME TELEPHONE #  
✓ 910 818 4017 WORK TELEPHONE #

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

1763 Wilmington Hwy Fayetteville NC 28306  
ADDRESS OF AGENT, ATTORNEY, APPLICANT

910-323-2506 HOME TELEPHONE #  
910-391-2977 WORK TELEPHONE #

✓ Tommy Woodell  
SIGNATURE OF OWNER(S)  
[Signature]  
SIGNATURE OF AGENT, ATTORNEY OR APPLICANT

\_\_\_\_\_  
SIGNATURE OF OWNER(S)

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

### Supplemental Information – 2006 Case on Subject Property (P06-04)

- Jan. 17, 2006: Rezoning request, A1 Agricultural to R10 Residential, submitted on 159.8 acre parcel. If approved, would have been a maximum of 542 lots (20% discounted for right-of-way at that time – currently subtract 15% for right-of-way)
- Staff recommended 250' riparian buffer for Rockfish Creek and requested a staff deferral for revised application - Planning Board deferred to February 21, 2006 meeting
- Feb. 21, 2006: Staff recommended approval of R10 Residential with CD Conservancy 250' from bank of creek
- Planning Board deferred the case for 60 days to give the applicant an opportunity to meet with the neighbors in the area, get documentation from surveyor of adjacent property on land area in ownership dispute and to consider submission of a CUD
- Apr. 16, 2006: Staff presented a CUD and Permit to the Planning Board, recommending approval; the CUD application included:
- a. CD for area in the flood or 205' in width, whichever was greater (approximately 30% open space);
  - b. Buffer along Tom Starling Road
  - c. Agreed to research the possibility of a gated, secured community (community driven)
  - d. Maximum of 542 lots/units (copy of the site plan submitted is on the back of this sheet)
- Planning Board deferred case until the May 2, 2006 meeting due to discussion surrounding maximum number of lots/units; several board members gave the opinion that 400 lot/units would be more appropriate for this area
- May 2, 2006: Staff presented amended request to the Planning Board with developer agreeing to a maximum of 400 lots/units and an increase in the width of the riparian buffer to follow the flood or 212' in width in areas where flood was minimal along creek.
- Planning Board voted unanimously to recommend approval.
- May 15, 2006 Developer requested deferral to the June 19, 2006 County Board of Commissioners meeting, Board of Commissioners voted 6 – 1 for no deferral
- After hearing speakers, County Board of Commissioners with no discussion voted unanimously to deny the request





**REZONING SUMMARY**

- 1. CURRENT ZONING = A1 (159.80 ACRES)
- 2. PROPOSED ZONING  
R-10 107.59 ACRES  
CD 48.21 ACRES  
155.80 ACRES

NOTE: 4.0 ACRES TO REMAIN ZONED A1

**DENSITY SUMMARY**

- 1. SINGLE FAMILY - 301 UNITS
- 2. TOWN HOMES - 99 UNITS
- 3. PROPOSED DENSITY - 400 UNITS  
ALLOWABLE DENSITY  
6,786,648 SF (155.8 ac) - 733,692 SF (R/W) = 6,052,956 SF  
6,052,956 SF / 400 UNITS = 15,132 SF

**REZONING SUMMARY**

- 1. CURRENT ZONING = A1 (159.80 ACRES)
- 2. PROPOSED ZONING  
R-10 107.59 ACRES  
CD 41.61 ACRES  
AREA IN QUESTION 6.6 ACRES  
155.80 ACRES

NOTE: 4.0 ACRES TO REMAIN ZONED A1

**DENSITY SUMMARY**

- 1. SINGLE FAMILY - 301 UNITS
- 2. TOWN HOMES - 99 UNITS
- 3. PROPOSED DENSITY - 400 UNITS  
ALLOWABLE DENSITY  
(6,786,648 SF - 287,496 SF) - 733,692 SF (R/W) = 5,765,460 SF  
5,765,460 SF / 400 UNITS = 14,414 SF



PRELIMINARY DRAWING - NOT RELEASED FOR CONSTRUCTION

NO.	COMMENT	DATE

PROJECT STATUS	DATE
CONCEPT LAYOUT	04/03/24
PRELIMINARY LAYOUT	04/03/24
PRELIMINARY LAYOUT	04/03/24
PRELIMINARY LAYOUT	04/03/24

**PARAMOUNT**  
CONSTRUCTION

127 Racine Drive, Suite 202  
Wilmington, North Carolina 28403  
(910) 75-4707 (F) (910) 75-4511 (P)

CLIENT INFORMATION:

**BILL CLARK HOMES**

1206 HOPE MILLS ROAD  
FAYETTEVILLE, NORTH CAROLINA 28304

CONCEPTUAL LAYOUT

MOORE'S CAMP @ ROCKFISH CREEK  
CUMBERLAND COUNTY  
NORTH CAROLINA

SEAL

**C-1**

PEI JOB# 26105 PEI

Lori Epler,  
Chair  
Cumberland County

Roy Turner,  
Vice-Chair  
Cumberland County

Garland C. Hostetter,  
Town of Spring Lake  
Harvey Cain, Jr.,  
Town of Stedman  
Patricia Hall,  
Town of Hope Mills  
Charles C. Morris,  
Town of Linden



Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

Walter Clark,  
Sara E. Piland,  
Cumberland County

Benny Pearce,  
Town of Eastover

Donovan McLaurin  
Wade, Falcon, & Godwin

## COUNTY of CUMBERLAND

### *Planning & Inspections Department*

March 9, 2010

#### **MEMORANDUM**

**TO:** Cumberland County Joint Planning Board  
**FROM:** Planning & Inspections Staff  
**SUBJECT:** Staff Recommendation for March 16, 2010 Board Meeting

**P07-32:** MODIFICATION OF THE PERMIT FOR AN APPROVED MXD MIXED USE DEVELOPMENT/CUD CONDITIONAL USE DISTRICT, WITH THE PERMIT ALLOWING FOR INTERCONNECTION WITH THORNSBY LANE OF THE TRAEMOOR SUBDIVISION; CONSISTING OF 59.71+/- ACRES; LOCATED ON THE NORTH SIDE OF SR 1112 (ROCKFISH ROAD), EAST SIDE OF SR 1108 (LAKEWOOD DRIVE); SUBMITTED BY JACKIE HAIRR FOR HCC INVESTMENTS, LLC (OWNER).

The Planning & Inspections Staff recommends approval of the requested modification to the previously approved Permit allowing the extension of and connection to Thornsby Lane with the adjacent Mixed Use Development/ Conditional Use District (MXD/CUD) based on the following:

1. The modification of the Permit will not materially endanger the public health or safety if located according to the plan submitted and recommended – the standards of the County development regulations will be complied with to ensure public health and safety are protected;
2. The modification will meet all required conditions and specifications, is reasonable and meets or exceeds the minimum standards for mixed use developments within the County;
3. The modification will maintain or enhance the value of adjoining or abutting properties especially because the property owner/developer has a vested interest in the area, specifically the Traemoor Subdivision he developed and still owns lots within Traemoor;
4. The location and character of the use with the modification, 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 in general conformity with Cumberland County's most recent Land Use Plan and adopted planning policies – interconnectivity where feasible provides alternate routes for emergency services, supports the County's Air Quality initiatives and in this instance, would eliminate excessive curb-cuts on a major thoroughfare and would be consistent with the existing development in the area.

The owner/applicant has been given a copy of this recommendation with attachments and has agreed to all *Ordinance Related Conditions*.

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

Attachments:

- 1 – Site Profile
- 2 – Rezoning Sketch Map
- 3 – Site Plan
- 4 – Ordinance Related Conditions
- 5 – Application



**P07-32**  
**SITE PROFILE**

**P07-32:** MODIFICATION OF THE PERMIT FOR AN APPROVED MXD MIXED USE DEVELOPMENT/CONDITIONAL USE DISTRICT, WITH THE PERMIT ALLOWING FOR INTERCONNECTION WITH THORNSBY LANE OF THE TRAEMOOR SUBDIVISION; CONSISTING OF 59.71+/- ACRES; LOCATED ON THE NORTH SIDE OF SR 1112 (ROCKFISH ROAD), EAST SIDE OF SR 1108 (LAKEWOOD DRIVE); SUBMITTED BY JACKIE HAIRR FOR HCC INVESTMENTS, LLC (OWNER).

**Site Information:**

**Frontage & Location:** 1421.67'+/- on SR 1108 (Lakewood Drive) & 2188.53'+/- on SR 1112 (Rockfish Road)

**Depth:** 847.91'+/-

**Jurisdiction:** Cumberland County

**Adjacent Property:** Yes, northwest of subject property

**Current Use:** Vacant woodlands

**Initial Zoning:** R10 – February 6, 1976 (Area 5); rezoned to MXD/CUD on June 18, 2007

**Nonconformities:** None

**Zoning Violation(s):** None

**Surrounding Zoning:** North: R10 (Fayetteville), R5A, RR & CD; South: C2(P), RR & R10; East: R10 & R20; West: C2(P), RR & R10 (Fayetteville)

**Surrounding Land Use:** Residential (including manufactured dwellings), substation, school (2), public recreation center and woodlands

**2030 Land Use Plan:** Urban

**Special Flood Hazard Area (SFHA):** None

**Water/Sewer Availability:** PWC/ PWC

**Soil Limitations:** Yes, hydric – WO Woodington loamy sand, LY Lynchburg sandy loam & RA Rains sandy loam

**School Capacity/Enrolled:** Stoney Point Elementary: 900/967; John Griffin Middle: 1340/1302; Jack Britt High: 1870/1868

**Subdivision/Site Plan:** None; however, if considered for approval, draft “Ordinance Related Conditions” in file

**Municipal Influence Area:** Town of Hope Mills

**Average Daily Traffic Count (2008):** 9,400 on SR 1112 (Stoney Point Road) & 8,500 on SR 1108 (Lakewood Drive)

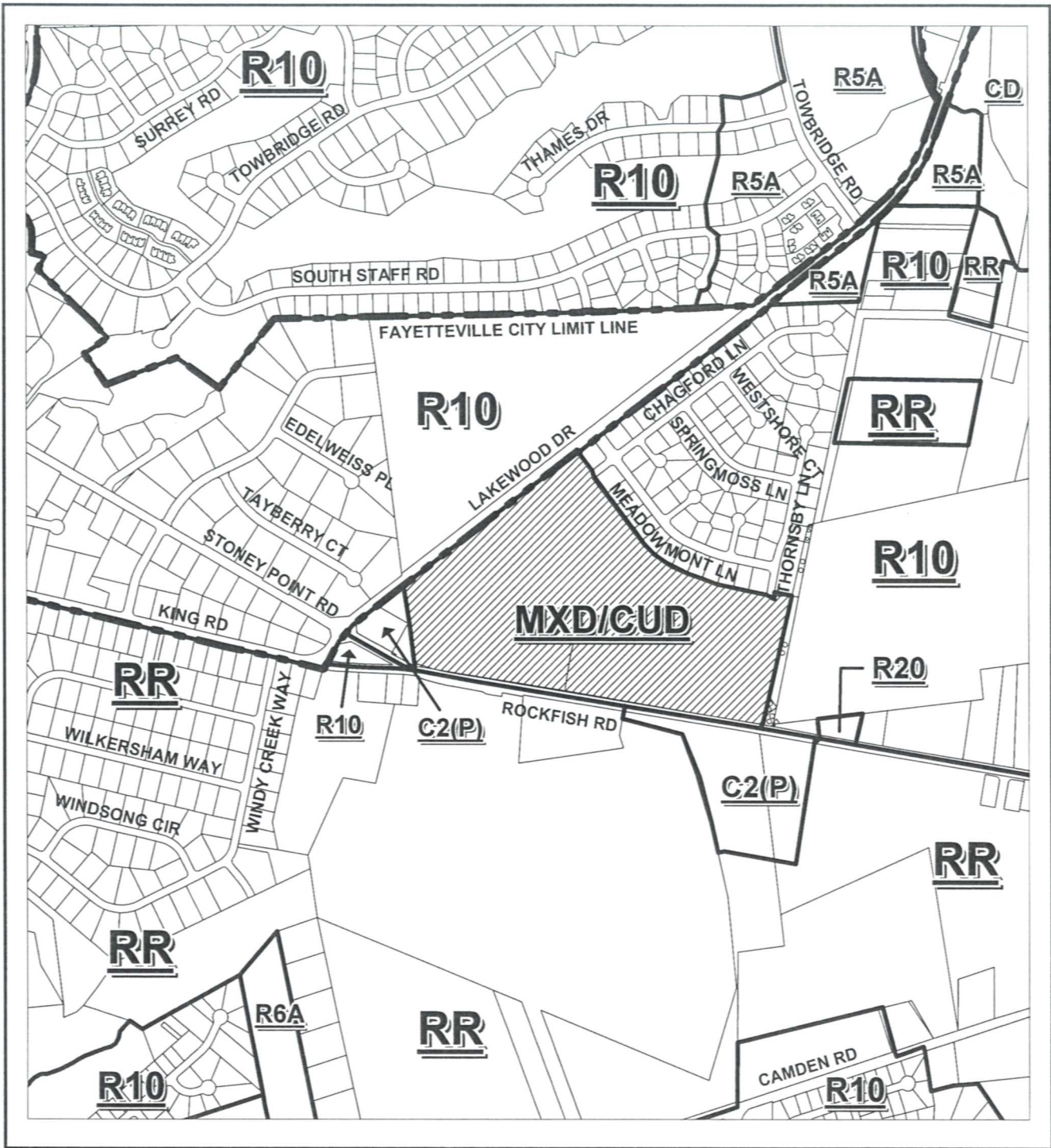
**Highway Plan:** Rockfish Road is identified in the Highway Plan as a major thoroughfare. This proposal calls for a multi-lane facility. Road Improvements are not included in the 2009-2015 MTIP. This is a Priority Two Project under the LRTP

**Notes:**

- All related conditions of approval from Case No. P07-32 are applicable
- 98 existing lots in Traemoor subdivision

**First Class and Record Owners' Mailed Notice Certification**

*A certified copy of the tax record owner(s) of the subject and adjacent properties and their tax record mailing address is contained within the case file and is incorporated by reference as if delivered herewith. The record owners' acknowledgement of notice is also included in the case file.*



N



SCALE IN FEET

PIN: 9494-68-2619 & 72-2248

## MODIFICATION MIXED USE DEVELOPMENT/ CONDITIONAL USE DISTRICT

ACREAGE: 59.71 AC.+/-

HEARING NO: P07-32

ORDINANCE: COUNTY

HEARING DATE

ACTION

STAFF RECOMMENDATION

PLANNING BOARD

GOVERNING BOARD

AF  
REV 2/17/10  
REV 2/22/10  
REV 2/23/10  
REV 3/09/10



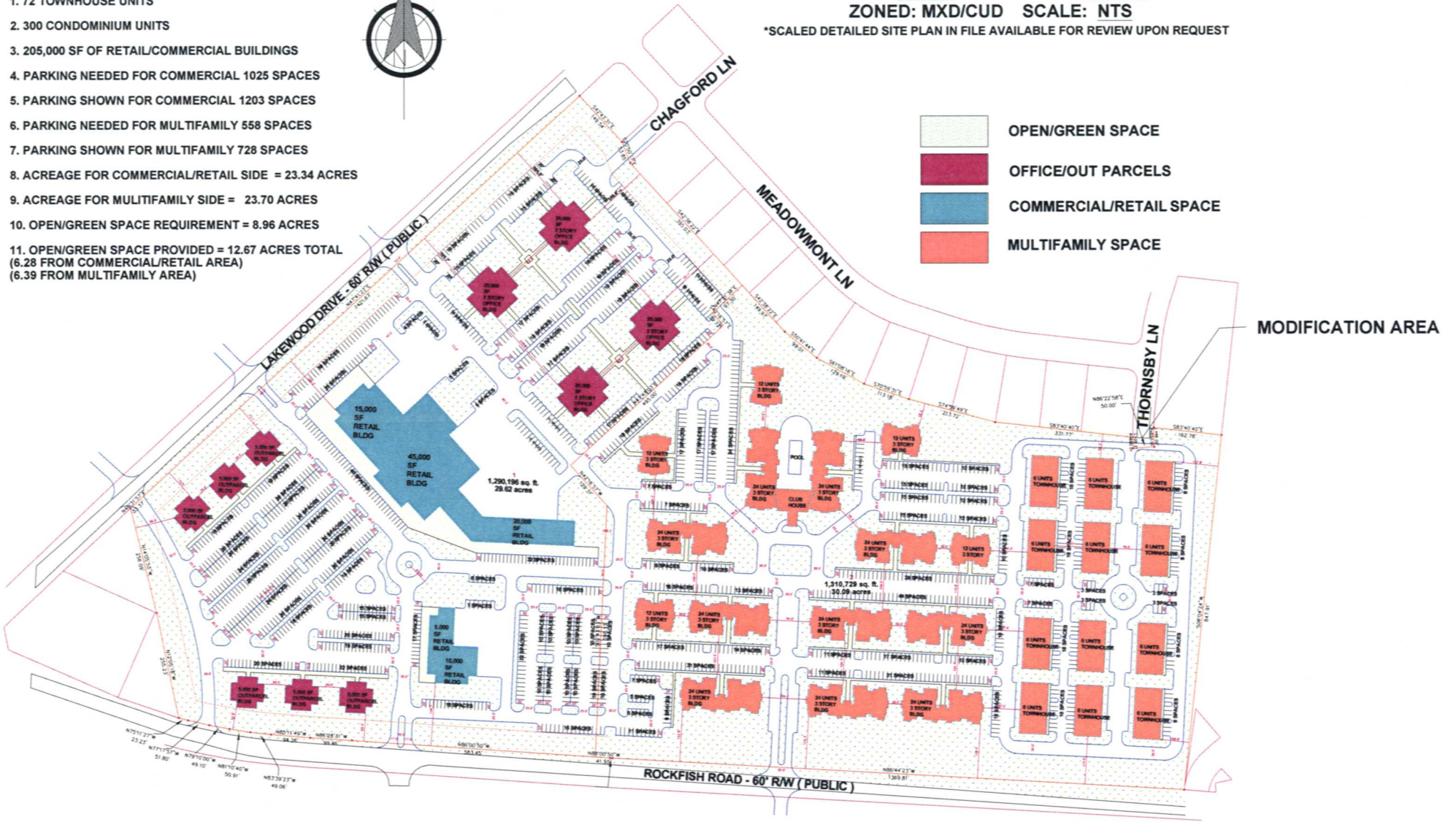
**NOTES:**

1. 72 TOWNHOUSE UNITS
2. 300 CONDOMINIUM UNITS
3. 205,000 SF OF RETAIL/COMMERCIAL BUILDINGS
4. PARKING NEEDED FOR COMMERCIAL 1025 SPACES
5. PARKING SHOWN FOR COMMERCIAL 1203 SPACES
6. PARKING NEEDED FOR MULTIFAMILY 558 SPACES
7. PARKING SHOWN FOR MULTIFAMILY 728 SPACES
8. ACREAGE FOR COMMERCIAL/RETAIL SIDE = 23.34 ACRES
9. ACREAGE FOR MULTIFAMILY SIDE = 23.70 ACRES
10. OPEN/GREEN SPACE REQUIREMENT = 8.96 ACRES
11. OPEN/GREEN SPACE PROVIDED = 12.67 ACRES TOTAL  
(6.28 FROM COMMERCIAL/RETAIL AREA)  
(6.39 FROM MULTIFAMILY AREA)



**MODIFICATION OF PERMIT  
TO ALLOW INTERCONNECTION TO TRAEMOOR SUBDIVISION**  
**CASE: P07-32 ACREAGE: 59.71+-**  
**ZONED: MXD/CUD SCALE: NTS**  
 \*SCALED DETAILED SITE PLAN IN FILE AVAILABLE FOR REVIEW UPON REQUEST

- OPEN/GREEN SPACE
- OFFICE/OUT PARCELS
- COMMERCIAL/RETAIL SPACE
- MULTIFAMILY SPACE





## **Mixed Use Development/Conditional Use District & Permit**

### Ordinance Related Conditions

#### **Permit-Related:**

1. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the County Zoning Ordinance and permits required to place any structure within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. For additional information, the developer should contact a Code Enforcement Officer.
2. Connection to public water and sewer is required, the Public Works Commission (PWC) must approve water and sewer plans prior to application for any permits.
3. The developer must provide the Code Enforcement Section with an approved state sedimentation and erosion control plan (S&E) prior to any application for permits. If any retention/detention basins are required for state approval of this plan, then five copies of a revised plan showing the location of the basin(s) must be submitted and approved by Planning & Inspections prior to application for any permits.
4. The developer is required to hook up to sewer services and a fee is required to be paid to the County Engineer's Office prior to permit application. These fees are assessed to each lot or structure that hooks up to the "Little Rockfish Interceptor", please contact the County Engineer's Office for fee amount and method of payment.
5. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
6. *Certificate of Occupancies* will not be issued until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans.

#### **Site-Related:**

7. The developer is required to submit to Land Use Codes, three copies of the legal documents specifically designating responsibility for maintenance and upkeep of all common area, private drives, common areas and recreational facilities through an owners' association for this development. **These documents must be approved by the County Attorney prior to any permit application and/or the sale of or submission for final plat approval of any lot or unit within this development.**
8. All "uses" within this development are restricted to those uses listed in Section 603, County Zoning Ordinance. Prior to application for permits for any non-residential use within this development, the individual site plans for the non-residential uses must be submitted for review and approval by Staff.
9. The signage for this development shall be in accordance with the applicable sign regulations as set forth in Article XIII of the County Zoning Ordinance and that the proper permit(s) must be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is not approval of the size, shape, or location of any signs.)
10. Sections 4.1.c, "Curbs and Gutters"; 4.1.d, "Required Drainage"; 4.1.e, "Sidewalks"; 4.3.g, "Fire Hydrants", and 4.3.h, "Underground Utilities", of the County Subdivision Ordinance must be adhered to. **(Note: In addition to the sidewalks shown on the site plan, sidewalks are to be installed along Rockfish and Lakewood Roads.)**
11. All streets/drives are required to be constructed to NC Department of Transportation (NCDOT) standards for secondary roads.

12. The developer must obtain driveway permits from the NC Department of Transportation (NCDOT).
13. The NC Department of Transportation (NCDOT) may require turn lanes to be installed.
14. SR 1112 (Rockfish Road) is identified in the Highway Plan as a "Major Thoroughfare". This proposal calls for a multi-lane facility (4-lane, divided). Road improvements are not included in the 2007-2013 MTIP.
15. SR 1108 (Lakewood Drive) is identified in the Highway Plan as a "Minor Thoroughfare". This proposal calls for a multi-lane facility (4-lane, divided). Road improvements are not included in the 2007-2013 MTIP.
16. Off-street parking shall be provided as noted on the site plan - meeting all applicable provisions of Section 1202, County Zoning Ordinance - and all parking spaces, measuring 9' x 20', shall be surfaced, with a permanent material such as asphalt or concrete, and striped prior to application for the *Certificate of Occupancy* for each individual structure and/or phase of the development.
17. 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.
18. A solid buffer must be provided and maintained as shown on the site plan and noted in the application in accordance with the provisions of Section 1102 G, County Zoning Ordinance.
19. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.
20. The developer will be required to show landscaping on the site plan for each non-residential use when the individual site plans are submitted to Staff for review and approval. The minimum landscaping standards are in Section 1102 N, County Zoning Ordinance.
21. The developer is encouraged to voluntarily consider abandoning the drive shown closest to the intersection of Lakewood and Rockfish Roads; construction of this drive, even if the curb-cuts are approved by the NC Department of Transportation, would create a "cut through" situation which is highly likely to become dangerous.
22. All notes and calculations as shown on the site plan and contained within the application are to be considered as a part of this conditional approval.

**Plat-Related:**

23. A 10' x 70' sight distance easement shall be required for each street and/or drive where they intersect with SR 1112 (Rockfish Road) and SR 1108 (Lakewood Drive), and shall be reflected on the final plat.
24. If the internal drives are to be developed as private streets, a revised plan indicating such must be submitted for review and approval; additional private street conditions will apply.
25. The developer must contact the Street Naming Section and receive street name approval prior to submission for final plat approval of any portion of this development.
26. The street name signs, in compliance with the County Street Sign Specifications, must be installed prior to final plat approval. The developer should contact E911 Street Naming/Signs for inquiries regarding the County's policy for street sign installation or, if the sign is commissioned from a private source, to schedule an inspection of the street sign(s). Land Use Codes must receive notice of agreement with the Street Naming & Addressing Section for sign installation or of satisfactory inspection prior to the approval of the final plat.
27. "Lakewood Drive" must also be labeled as "SR 1108" on the final plat.
28. "Rockfish Road" must also be labeled as "SR 1112" on the final plat.

29. Any/All easements shall be reflected on the final plat and labeled as to type of easement, reference number for document creating the easement, and the name of the agency, individual, etc. who holds the easement.
30. All units within this development must be served internally and the final plat must reflect a “no access” easement on the subject property along SR 1108 (Lakewood Drive) and SR 1112 (Rockfish Road).
31. A 25’ right-of-way radius is required at all intersections and must be reflected on the final plat.
32. The NC Department of Transportation (NCDOT) stamp must be affixed to the final plat prior to submission of any phase of this development for final plat approval by Land Use Codes.
33. The notarized signature(s) of all current tax record owner(s) and notary certifications appear on the final plat when submitted for final approval.
34. The developer is reminded that the improvements must be in place or that final plat approval will only be granted in accordance with Section 2.6 b, c, or d, County Subdivision Ordinance. (Note: Once the improvements are in place, the developer is responsible for contacting Peggy Jennings to schedule an inspection of the improvements.)
35. The final plat must be submitted to Land Use Codes for review and approval for recording with the County Register of Deeds, and the plat must be recorded prior to any permit application for any structure and/or prior to the sale of any lot or unit within this development.

**Plat-Required Statement:**

36. The all structures shall be shown on the final plat or the final plat shall reflect the following statement:

“Nonconforming structures have not been created by this subdivision.”

**Other Relevant Conditions:**

37. If the “multi-family” sections of this development are to be “sold” as individual units, the developer is required to submit five copies of a revised plan to Land Use Codes for review and approval of this section prior to permit application for any structure within the multi-family phase of this development. Condominium development will require additional conditions of approval to be applied.

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

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

Improvements Inspection:	Peggy Jennings	678-7765
Subdivision/Site Plan/Plat	Ed Byrne	678-7609
Code Enforcement (Permits):	Ken Sykes	321-6654
PWC:	Heidi Maly	483-1401
Corp of Engineers (wetlands):	Ronnie Smith	(910) 251-4829
NCDENR (E&S)	Jody Pace	433-33001
E911 Site-Specific Address:	Ron Gonzales	678-7616
E911 Street Naming/Signs:	Diane Shelton	678-7665
Tax Parcel Numbers:		678-7549
NCDOT (driveways/curb-cuts)	Gary Burton	486-1496
Transportation Planning	Bobby McCormick	678 7632





# Investments, LLC

3077 North Main Street-Suite 201  
Hope Mills, North Carolina 28348  
Office: (910) 426-0867  
Fax: (910) 426-0567  
E-Mail: [hccinvestments@nc.rr.com](mailto:hccinvestments@nc.rr.com)

Feb. 4, 2010

Cumberland County Planning  
130 Gillespie Street  
Fayetteville, NC 28301

RE: Amendment to Approval of Case #P07-32  
Mixed Use/Conditional Use District

To Whom It May Concern,

I am writing in regards to the above-mentioned approval of case #P07-32. I am asking the Cumberland County Planning Board for an Amendment to that approval. I ask that we be allowed to gain access to the planned upscale duplexes by way of Thornsby Lane.

I would greatly appreciate your consideration. Should you have any questions, please feel free to contact me at (910) 234-5846.

Sincerely,

  
Jackie Hairr,  
Managing Member  
HCC Investments, LLC

Lori Epler,  
Chair  
Cumberland County

Roy Turner,  
Vice-Chair  
Cumberland County

Garland C. Hostetter,  
Town of Spring Lake  
Harvey Cain, Jr.,  
Town of Stedman  
Patricia Hall,  
Town of Hope Mills  
Charles C. Morris,  
Town of Linden



## COUNTY of CUMBERLAND

### *Planning & Inspections Department*

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

Walter Clark,  
Sara E. Piland,  
Cumberland County

Benny Pearce,  
Town of Eastover

Donovan McLaurin  
Wade, Falcon, & Godwin

March 9, 2010

### **MEMORANDUM**

**TO:** Cumberland County Joint Planning Board

**FROM:** Planning & Inspections Staff

**SUBJECT:** Staff Recommendation for March 16, 2010 Board Meeting

**P10-07:** REZONING OF 2.93+/- ACRES FROM R6A RESIDENTIAL AND R10 RESIDENTIAL TO M1(P) PLANNED LIGHT INDUSTRIAL/CUD CONDITIONAL USE DISTRICT FOR MINI-WAREHOUSING AND THE PERMIT OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED BETWEEN NC HWY 210 (LILLINGTON HWY) AND SR 1601 (CHAPEL HILL ROAD), NORTH OF SAMUEL DRIVE; SUBMITTED BY WILLIE SMITH, RUBIN AND JULIETTE MCCOY AND PARMOUNT INVESTMENTS, LLC (OWNERS) AND TIMOTHY B. EVANS. (COUNTY & SPRING LAKE)

The Planning & Inspections Staff recommends approval of the requested rezoning to M1(P) Planned Light Industrial/Conditional Use District [M1(P)/CUD] for mini-warehousing based on the following:

1. The area in which the subject property is located is consistent with the location criteria as listed in the Land Use Policies Plan of the 2030 Growth Vision Plan;
2. NC HWY 210 (Lillington HWY) is a major thoroughfare; and
3. Spring Lake water and sewer is available to this site.

The Planning & Inspections Staff also recommends approval of the Conditional Use Permit based on the following:

1. The use will not materially endanger the public health or safety if located according to the plan submitted, the proposed site layout is designed in such a manner that at a minimum the development standards of the ordinances will be met or exceeded;
2. The use and the proposed development will meet all required conditions and specifications if developed according to the site plan, application and the attached *Ordinance Related Conditions*;
3. The use will maintain or enhance the value of adjoining or abutting properties if developed as proposed in that the developer and property owners are proposing a high quality development that is not typical of the standard metal building with roll up doors as normally seen used for mini-warehousing; 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 in general will be developed in conformance with the development ordinances and adopted planning policies.

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

The property owner and developer has voluntarily agreed to this staff recommendation and all attached *Ordinance Related Conditions*.

Attachments:

- 1 – Site Profile
- 2 – Rezoning Sketch Map
- 3 – Site Plan
- 4 – Ordinance Related Conditions
- 5 – Application



**P10-07**  
**SITE PROFILE**

**P10-07:** REZONING OF 2.93+/- ACRES FROM R6A RESIDENTIAL AND R10 RESIDENTIAL TO M1(P) PLANNED LIGHT INDUSTRIAL/CUD CONDITIONAL USE DISTRICT FOR MINI-WAREHOUSING AND THE PERMIT OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED BETWEEN NC HWY 210 (LILLINGTON HWY) AND SR 1601 (CHAPEL HILL ROAD), NORTH OF SAMUEL DRIVE; SUBMITTED BY WILLIE SMITH, RUBIN AND JULIETTE MCCOY AND PARMOUNT INVESTMENTS, LLC (OWNERS) AND TIMOTHY B. EVANS. (COUNTY, SPRING LAKE)

**Site Information:**

**Frontage:** 560.00'+/- on Lillington Hwy (NC HWY 210) and 40.00'+/- on SR 1601 (Chapel Hill Road)

**Depth:** 410.00'+/-

**Jurisdiction:** Cumberland County & Town of Spring Lake

**Adjacent Property:** No

**Current Use:** Residential (including one DW & one SW mh) and vacant tracts

**Initial Zoning:** R10 – January 7, 1977 (Area 11); portion rezoned to R6A on March 26, 1996

**Nonconformities:** Existing nonconforming for setbacks and if approved, residential use will be nonconforming

**Zoning Violation(s):** None

**Surrounding Zoning:** North: R10/CU (to allow manufactured dwelling), M(P), C3, R10, R6A & RR; South: C(P), C3, R10, R6A & R5A (Spring Lake); East: C(P) (Spring Lake) & R5A (Spring Lake); West: C1(P) & R10

**Surrounding Land Use:** Residential (including manufactured dwellings and multi-family), motor vehicle repair (2), motor vehicle wrecking yard, religious worship (3), office, barbering, shopping center & woodlands

**Spring Lake Area Detailed Land Use Plan:** Low density residential

**Special Flood Hazard Area (SFHA):** None

**Water/Sewer Availability:** Spring Lake/Spring Lake

**Soil Limitations:** None

**School Capacity/Enrolled:** Manchester Elementary: 340/325; Spring Lake Middle: 700/438; Pine Forest High: 1,750/1,494

**Subdivision/Site Plan:** If approved, "Ordinance Related Conditions" apply

**Municipal Influence Area:** Town of Spring Lake (County Portion)

**Average Daily Traffic Count (2008):** 19,000 on Lillington Hwy (NC HWY 210) & 2,900 on SR 1601 (Chapel Hill Road)

**POPE AFB:** No objection, property not located within an Accident Potential Zone (APZ) or critical noise area.

**US Fish & Wildlife:** No objection to rezoning; however, concerned about loss of trees for dispersal corridor for red-cockaded woodpeckers

**Highway Plan:** This portion of Bragg Blvd. is identified as an existing boulevard that needs improvements. It is part of the NC Strategic Highway Corridors Network. The corridor is not included in the Transportation Improvement Program. Also, it should be noted that this property may be impacted by the future realignment of Chapel Hill Road

**Notes:**

1. Minimum Yard Setback Regulations [M1(P) – Spring Lake]

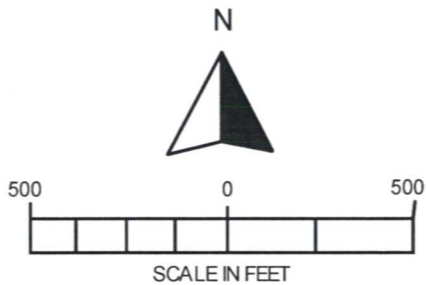
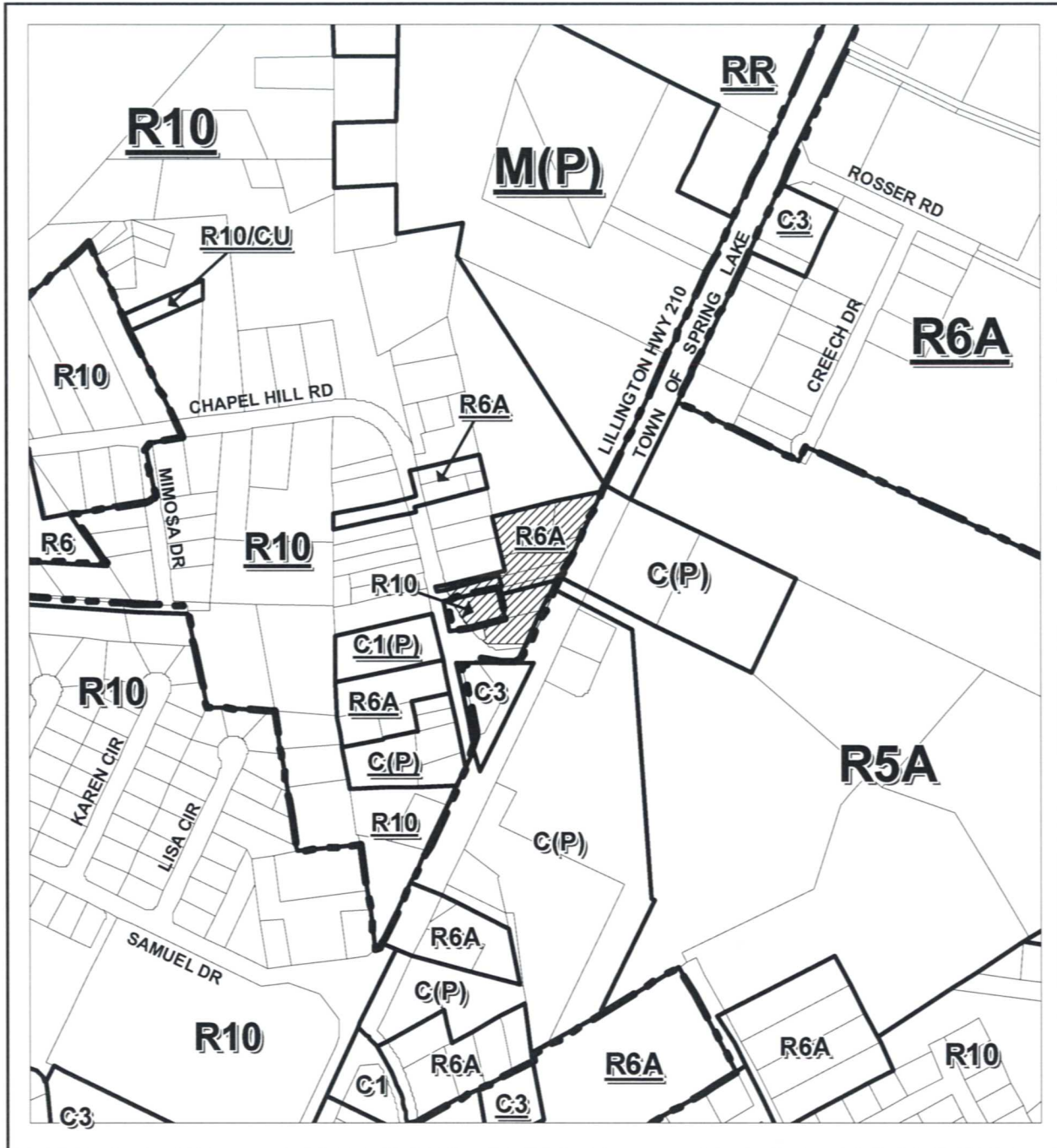
Front yard: 50'                      Side yard: 30'                      Rear yard: 20'

2. Proposed main building is 3 stories

3. The .08 +/- acres that make up the corner of Lillington Hwy 210 and SR 1601 are not a part of this request

**First Class and Record Owners' Mailed Notice Certification**

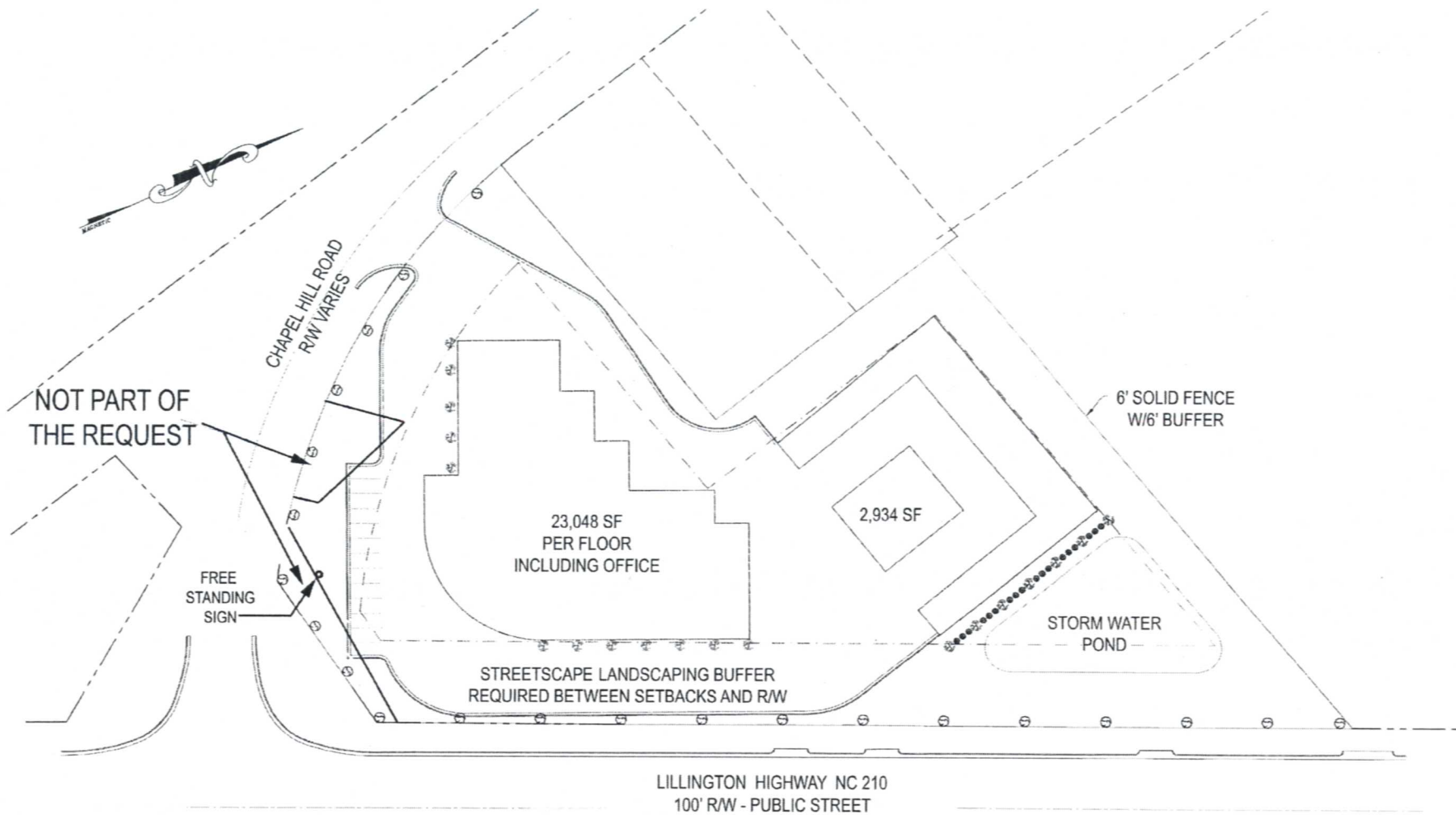
*ified copy of the tax record owner(s) of the subject and adjacent properties and their tax record mailing address is contained within the case file and incorporated by reference as if delivered herewith. The record owners' acknowledgement of notice is also included in the case file.*



PIN: 0512-01-6616,5502,2495,4228  
4651,4487,3316,4420

## REQUESTED REZONING R6A & R10 TO M1(P)/CUD

ACREAGE: 2.93 AC.+/-		HEARING NO: P10-07	
ORDINANCE: COUNTY/SPRING LAKE	HEARING DATE	ACTION	
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			



**M1 (P)/CUD CONDITIONAL USE DISTRICT & PERMIT  
REQUEST: TO ALLOW A MINI-WAREHOUSING  
CASE: P10-07      ACREAGE: 2.93 AC +/-  
ZONED: R6A & R10      SCALE: NTS  
PARKING: AS SHOWN**

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



## **Conditional Use District & Permit**

### Ordinance Related Conditions

#### **Pre-Permit Related:**

1. The developer must provide proof of ownership of the two properties identified by PIN: 0512-01-2287 and 0512-01-4228 (.08+/- acres excluded from the rezoning request) prior to any permits being issued for this site.

If the developer does not acquire the two properties identified above, currently owned by the NC Department of Transportation, five copies of a revised site plan redesigning and showing the required off-street parking and landscaping entirely on the subject property.

2. A recombination plat (also known as a "No Approval Required" or "NAR") must be submitted to the Town Clerk and County Planning Staff for review and approval for recording with the County Register of Deeds, and the plat must be recorded prior to any permit application for any structure and/or prior to the sale of any lot or unit within this development.
3. The developer submit five copies of a revised site plan to the County Planning Staff, for review by the Town and County staffs, including the following changes:
  - a. The location of any proposed garbage or dumpster locations with the dumpsters being buffered in accordance with Section 156.088.6 of the Spring Lake Zoning Chapter;
  - b. The location and type of required buffer along all side and rear property lines where this site abuts residentially zoned properties must be reflected. (Note: If the developer does not acquire the land which belongs to NCDOT the these lots will be considered as side property lines and will also be required to be buffered.);
  - c. The site plan must reflect the required sidewalk along NC Highway 210 (Lillington HWY);
  - d. A sidewalk must be reflected along SR 1601 (Chapel Hill Road);
  - e. "Chapel Hill Road" must be labeled as "SR 1601 (Chapel Hill Road)" on all future plans.
  - f. "Lillington Highway – NC 210" must be labeled as "NC HWY 210 (Lillington HWY)" on all future plans.
  - g. Landscaping must be provided in accordance with Section 156.088, Landscaping Requirements, Spring Lake Zoning Chapter and/as shown on the site plan. The following are the minimum landscaping standards for the Town of Spring:
    - (1) Nineteen large shade trees or 38 small ornamental trees within the six foot wide perimeter planting strip along SR 1601 (Chapel Hill Road) and NC HWY 210 (Lillington HWY);
    - (2) Six small ornamental trees and 34 shrubs are required in the building yard area;
    - (3) One large shade trees or two small ornamental trees are required within the parking area.

In addition:

- (1) Required plant materials shall be maintained by the property owner, including replacing dead or unhealthy trees and shrubs; and
- (2) All yard and planting areas shall be maintained in a neat, orderly, and presentable manner and kept free of weeds and debris.

#### **Permit-Related:**

4. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the Spring Lake Zoning Code and permits required to place any structure within this development from the Spring Lake Inspections Department in Town Hall at 300 Ruth Street. For additional information, the developer should contact a Spring Lake Inspector.
5. Prior to application for any permits, all plans must be approved by the Town's Plan Review Committee. In the event the site plan changes as a result of the Town's Review Committee requirements, the developer must submit five copies of the revised site plan

## DRAFT

to the County Planning Staff and dependent upon the extent of the changes, may require re-review and approval by the Town Board of Aldermen.

6. Connection to public water and sewer is required, the Town of Spring Lake must approve water and sewer plans prior to application for any permits. A copy of the Town of Spring Lake's approval must be provided to Code Enforcement at the time of application for building/zoning permits. (Section 2306 A.1, Public Water and Sewer Systems County Subdivision Ordinance)

Note: Prior to review by the Town of Spring Lake of any utility plans, the developer will be required to petition for annexation the County portion of this site.

7. New development that will disturb one acre or more of land or is part of a larger plan that will disturb at least an acre of land is subject to the Post-Construction Stormwater Management Permitting Program (Phase II Stormwater Management Requirements) administered by the Spring Lake Stormwater Department. If one acre or more of land is to be disturbed, prior to the issuance of any building/zoning permits for this site, a copy of the Town's *Post-Construction Permit* must be provided to Town's Inspections Department.
8. The developer must provide the Spring Lake Inspections Department with an approved NC Department of Environment and Natural Resources (NCDENR) sedimentation and erosion control plan (S&E) prior to any application for permits. (Note: If any retention/detention basins are required for state approval of this plan, then three copies of a revised plan must be submitted and approved by County and Town Planning staffs prior to application for any building/zoning permits.) A copy of the NCDENR approval must be provided to the Building Inspector at the time of application for any building/zoning permits.
9. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
10. The building final inspection cannot be accomplished until a Town Building Inspector inspects the site and certifies that the site is developed in accordance with the approved plans.

### Site-Related:

11. All uses, dimensions, setbacks and other related provisions of the Spring Lake Subdivision and Zoning Chapters for the M1(P)/CUD zoning district and the terms of the approved Permit must be complied with, as applicable.
12. All corner lots and lots fronting more than one street must provide front yard setbacks from each street.
13. The developer is encouraged to refrain from clearing trees unnecessarily and where possible to keep and protect full grown trees.
14. The building façade must be constructed with brick or similar finishing material and no one story stand alone individual units with rollup sliding doors may face any public right-of-way.
15. This conditional approval is not approval of the permit for any freestanding signs. Attached signage for this development must be in accordance with the applicable sign regulations as set forth in Section 156.110 – 156.121 of the Spring Lake Zoning Chapter 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.)
16. A concrete, or other approved surface material, sidewalk is required to be constructed along one side of all streets, to include along NC HWY 210 (Lillington HWY) and SR 1601 (Chapel Hill Road); the sidewalk must be fully constructed prior to the building final inspection for this development. [Section 155.67(E), Sidewalks, Spring Lake Subdivision Chapter]
17. For any new development, an adequate drainage system must be installed by the developer in accordance with good engineering practices and all drainage ways must be kept clean and free of debris with the standards of the Town of Spring Lake, Section 155.66(G), Spring Lake Subdivision Chapter.
18. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground.
19. If a stormwater pond is required, the owner/developer shall secure and maintain the detention/retention basin, keeping it clear of debris and taking measures for the prevention of insect and rodent infestation.



## DRAFT

20. The developer must obtain a driveway permit from the NC Department of Transportation (NCDOT). A copy of the approved driveway permit must be provided to Code Enforcement at the time of application for building/zoning permits.
21. Turn lanes may be required by the NC Department of Transportation (NCDOT).
22. All lighting is required to be directed internally within this development.
23. A solid buffer must be provided and maintained along the side and rear property lines where this tract/site abuts residentially zoned properties in accordance with the provisions of Section 156.088.6 of the Spring Lake Zoning Chapter.
24. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.
25. All required off-street parking spaces shall be a minimum of 8 1/2' x 20'. A minimum of one space for each 300 square feet of office of gross floor area of off-street parking spaces are required for this development. (Section 156.101, Off-street parking requirements, Spring Lake Chapter.)
26. 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.
27. All notes and calculations as shown on the site plan and contained within the application are to be considered as a part of this conditional approval.

### **Plat-Related:**

28. The recombination plat must be drawn with solid property lines with the bearing and distances, acreage and lot identifier.
29. A lateral access easement must reserved to the adjacent properties along SR 1601 (Chapel Hill Road) and NC HWY 210 (Lillington HWY) and the recombination plat must reflect the "lateral access" easements.
30. "Lillington Highway – NC 210" must be labeled as "NC HWY 210 (Lillington HWY)" on the recombination plat.
31. "Chapel Hill Road" must be labeled as "SR 1601 (Chapel Hill Road)" on the recombination plat.
32. Any/All easements must be reflected on the recombination plat and labeled as to type of easement, reference number for document creating the easement, and the name of the agency, individual, etc. who holds the easement.
33. The NC Department of Transportation (NCDOT) stamp must be affixed to the recombination plat prior to submission for approval for recording by the County Planning Staff.
34. The notarized signature(s) of all current tax record owner(s) and notary certifications appear on the recombination plat when submitted for final approval.

### **Plat-Required Statements:**

35. All structures shall be shown on the recombination plat or the plat must reflect the following statement:  
"Nonconforming structures have not been created by this recombination."

### **Advisories:**

36. The applicant is advised to consult an expert on wetlands before proceeding with any development.
37. 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.

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



## DRAFT

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

Subdivision/Site Plan/Plat	Ed Byrne	678-7609
Code Enforcement (Permits):	Ken Sykes	321-6654
Town of Spring Lake:	Tom Spinks (Planning Director)	436-0241*
Tom Spinks, Planning Director		
Paul Hoover, Inspections/Building		
Byron Blumenfeld, Stormwater		
Corp of Engineers (wetlands):	Ronnie Smith	(910) 251-4829
NCDENR (E&S):	Sally McKinney	433-3300
E911 Site-Specific Address:	Ron Gonzales	678-7616
Tax Parcel Numbers:		678-7549
NCDOT (driveways/curb-cuts):	Gary Burton	486-1496
N.C. Division of Water Quality:	Mike Randall	(919) 733-5083 ext. 545

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

cc: Tom Spinks , Spring Lake Planning Director

TO THE CUMBERLAND COUNTY JOINT PLANNING BOARD AND THE BOARD OF COUNTY COMMISSIONERS OF CUMBERLAND COUNTY, NC:

I (We), the undersigned, hereby submit this application, and petition the County Commissioners to amend and to change the zoning map of the County of Cumberland as provided for under the provisions of the County Zoning Ordinance. In support of this petition, as hereinafter requested, the following facts are submitted:

1. APPLICANT/AGENT: \_\_\_\_\_
2. ADDRESS: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_
3. TELEPHONE: (Home) \_\_\_\_\_ (Work) \_\_\_\_\_
4. Location of Property: \_\_\_\_\_  
\_\_\_\_\_
5. Parcel Identification Number (PIN #) of subject property: \_\_\_\_\_  
(also known as Tax ID Number or Property Tax ID)
6. Acreage: \_\_\_\_\_ Frontage: \_\_\_\_\_ Depth: \_\_\_\_\_
7. Water Provider: \_\_\_\_\_
8. Septage Provider: \_\_\_\_\_
9. Deed Book \_\_\_\_\_, Page(s) \_\_\_\_\_, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
10. Existing use of property: \_\_\_\_\_
11. Proposed use(s) of the property: \_\_\_\_\_  
\_\_\_\_\_

**NOTE: Be specific and list all intended uses.**

12. It is requested that the foregoing property be rezoned FROM: R6A & R-10  
CIP

TO: (select one)

- Conditional Use District, with an underlying zoning district of MIP  
(Article V)
- \_\_\_\_\_ Mixed Use/Conditional Use District (Article VI)
- \_\_\_\_\_ Planned Neighborhood District/Conditional Use District (Article VII)
- \_\_\_\_\_ Density Development/Conditional Use District, at the \_\_\_\_\_ Density  
(Article VIII)

APPLICATION FOR  
CONDITIONAL USE PERMIT

1. PROPOSED USE(S):

- A. List the use(s) proposed for the Conditional Use Permit. (Use of the underlying district will be restricted only to the use(s) specified in this application.)

Mini Storage

- B. Density: List the amount of acreage that will be residential, commercial, and/or open space, and the number of lots and/or dwelling units proposed, and the square footage of the non-residential units.

N/A

2. DIMENSIONAL REQUIREMENTS:

- A. Reference either the dimensional requirements of the district, Sec. 1104 or list the proposed setbacks.

Per Site Plan

- B. Off-street parking and loading, Sec. 1202: List the number of spaces, type of surfacing material and any other pertinent information.

Per Site Plan

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.

Per Site Plan



4. LANDSCAPE AND BUFFER REQUIREMENTS:

- A. For all new non-residential and mixed use development abutting a public street, indicate the number and type of large or small ornamental trees used in the streetscape, yard space, and/or parking areas, plus the number and type of shrubs (Sec. 1102N). **NOTE: All required landscaping must be included on the site plan.**

Rev Site Plan

- B. Indicate the type of buffering and approximate location, width and setback from the property lines.

Rev Site Plan

5. MISCELLANEOUS:

List any information not set forth above, such as the days and hours of the operation, number of employees, exterior lighting, noise, odor and smoke, emission controls, etc.

6. SITE PLAN REQUIREMENTS:

The application shall include a site plan drawn to the specifications of Sec. 1402. If the proposed uses involve development subject to the County Subdivision Ordinance, the site plan required may be general in nature, showing a generalized street pattern, if applicable, and the location of proposed uses. If the proposed uses include development not subject to the Subdivision Ordinance, the site plan shall be of sufficient detail to allow the Planning and Inspections Staff and the Planning Board to analyze the proposed uses and arrangement of uses on the site. It shall also include the footprints of all buildings (proposed and existing), the proposed number of stories, location and number of off-street parking and loading spaces, proposed points of access to existing streets and internal circulation patterns. In addition, the location of all proposed buffers and fences and landscaping shall be included on the site plan.



ACKNOWLEDGEMENT:

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

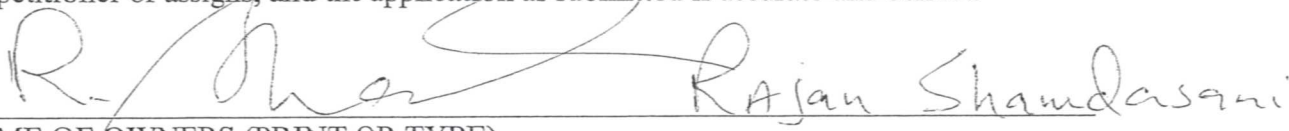
It is the responsibility of the petitioner (personally or by agent) to submit to the Planning and Inspections Department a valid request, not incompatible with existing neighborhood zoning patterns.

In order for the Planning Board to offer a favorable recommendation, and for the Board of Commissioners to approve, any Conditional Use District and Permit they must find from the evidence presented at their respective public hearing that:

- A. The use will not materially endanger the public health or safety if located according to the plan submitted and recommended;
- B. The use meets all required conditions and specifications;
- C. The use will maintain or enhance the value of adjoining or abutting properties, or that the use is a public necessity; and
- D. The location and character of the use, if developed according to the plan as submitted and recommended, will be in harmony with the area in which it is to be located and in general conformity with Cumberland County's most recent Comprehensive Land Use Plan and adopted planning policies.

I further understand I must voluntarily agree to all conditions proposed for the Conditional Use Permit.

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

  
NAME OF OWNERS (PRINT OR TYPE)

ADDRESS OF OWNER(S)

HOME TELEPHONE #

WORK TELEPHONE #

  
SIGNATURE OF OWNER(S)

SIGNATURE OF OWNER(S)



***“BETCO made sure every issue was attended to from A to Z.”***



*“Having been in commercial and residential real estate development for several years, we decided about five years ago to research the self-storage industry as another investment opportunity. As we completed our due diligence, we realized self-storage was a good fit for us.*

*“We asked around, attended trade shows and heard nothing but good things about BETCO’s product and service.*

*“We opened our first facility in 2006, our second in 2007, expanded both in 2008, and as of August of this year we’ve*

*opened our third facility, a gorgeous 90,000 sq.ft. three-story building.*

*“Since we were new in the business back in 2005, BETCO’s sales rep was thoroughly involved and paid extra attention to us, with issues such as unit mix, site selection and layout. In fact, our sales rep and the company made sure every issue was attended to from A to Z.”*

Shelley Bhatia  
Ultimate Storage Company  
Fayetteville, NC



PO Box 1650 • Statesville, NC 28687 • Call **1-800-654-7813** or go to [www.betcoinc.com](http://www.betcoinc.com) and choose any or all **5 FREE Resources**

Lori Epler,  
Chair  
Cumberland County

Roy Turner,  
Vice-Chair  
Cumberland County

Garland C. Hostetter,  
Town of Spring Lake  
Harvey Cain, Jr.,  
Town of Stedman  
Patricia Hall,  
Town of Hope Mills  
Charles C. Morris,  
Town of Linden



## COUNTY of CUMBERLAND

### *Planning & Inspections Department*

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

Walter Clark,  
Sara E. Piland,  
Cumberland County

Benny Pearce,  
Town of Eastover

Donovan McLaurin  
Wade, Falcon, & Godwin

March 9, 2010

### **MEMORANDUM**

**TO:** Cumberland County Joint Planning Board

**FROM:** Planning & Inspections Staff

**SUBJECT:** Staff Recommendation for March 16, 2010 Board Meeting

**P10-10:** REZONING OF 1.30+/- ACRES FROM C1(P) PLANNED LOCAL BUSINESS TO C2(P) PLANNED SERVICE AND RETAIL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 149 WEST MANCHESTER ROAD AND WEST OF NORTH BRAGG BOULEVARD (NC HWY 87), SOUTH OF SR 1451 (WEST MANCHESTER ROAD); SUBMITTED BY SOON KU AND YOUNG HUI YUN (OWNERS) AND DON TYSON.

The Planning & Inspections Staff recommends approval of the request for C2(P) Planned Service and Retail District based on the following:

1. The request is both consistent with the location criteria for "urban area" as listed in the recently adopted Land Use Policies Plan as well as with the Spring Lake Area Detailed Use Plan which calls for "planned commercial";
2. Public utilities are available to the subject property; and
3. The Town of Spring Lake supports this request.

There are no other districts considered suitable for this request.

Attachments:

- 1 – Site Profile
- 2 – Sketch Map



**P10-10**  
**SITE PROFILE**

**P10-10:** REZONING OF 1.30+/- ACRES FROM C1(P) PLANNED LOCAL BUSINESS TO C2(P) PLANNED SERVICE AND RETAIL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 149 WEST MANCHESTER ROAD AND WEST OF NORTH BRAGG BOULEVARD (NC HWY 87), SOUTH OF SR 1451 (WEST MANCHESTER ROAD); SUBMITTED BY SOON KU AND YOUNG HUI YUN (OWNERS) AND DON TYSON.

**Site Information:**

**Frontage:** 248.00'+/- on SR 1451 (West Manchester Road)

**Depth:** 260.00'+/-

**Jurisdiction:** Cumberland County

**Adjacent Property:** No

**Current Use:** Vacant residential structure

**Initial Zoning:** R10 & M(P) – January 7, 1977 (Area 11); rezoned to C1(P) on September 21, 1998

**Nonconformities:** Yes, residential structure in commercial district

**Zoning Violation(s):** None

**Surrounding Zoning:** North: C(P) (Spring Lake), R15 (Spring Lake), R10 (Spring Lake), RR & CD; South: M(P) (Spring Lake), C3 (Spring Lake), C(P), R10, R6A (Spring Lake) & RR (Spring Lake); East: C3 (Spring Lake) & R10 (Spring Lake); West: M(P)

**Surrounding Land Use:** Residential (including manufactured homes & multi-family), religious worship, mini-warehousing, day care, convenience retail w/ gasoline sales (2), hotel, retailing (2) & woodlands

**2030 Land Use Plan:** Planned Commercial

**Special Flood Hazard Area (SFHA):** Yes, base flood 152 MSL (NAVD)

**Water/Sewer Availability:** Spring Lake/Spring Lake

**Soil Limitations:** None

**School Capacity/Enrolled:** Manchester Elementary: 340/325; Spring Lake Middle: 700/438; Pine Forest High: 1,750/1,494

**Subdivision/Site Plan:** If approved, recombination required

**Municipal Influence Area:** Town of Spring Lake

**Average Daily Traffic Count (2008):** 8,800 on SR 1451 (West Manchester Road)

**POPE AFB:** Recommend disapproval of rezoning for any residential development including hotels and transient lodging. Subject property is within the Accident Potential Zone 1 (APZ 1)

**US Fish & Wildlife:** No objection to rezoning; however, concerned about loss of trees for dispersal corridor for red-cockaded woodpeckers

**Highway Plan:** There are no road improvements/constructions specified for this area. This case has no impact on the current highway plan or Transportation Improvement Program.

**Note:**

Minimum Yard Setback Regulations:

**C1(P)**

Front yard: 45'

Side yard: 15'

Rear yard: 20'

**C2(P)**

Front yard: 50'

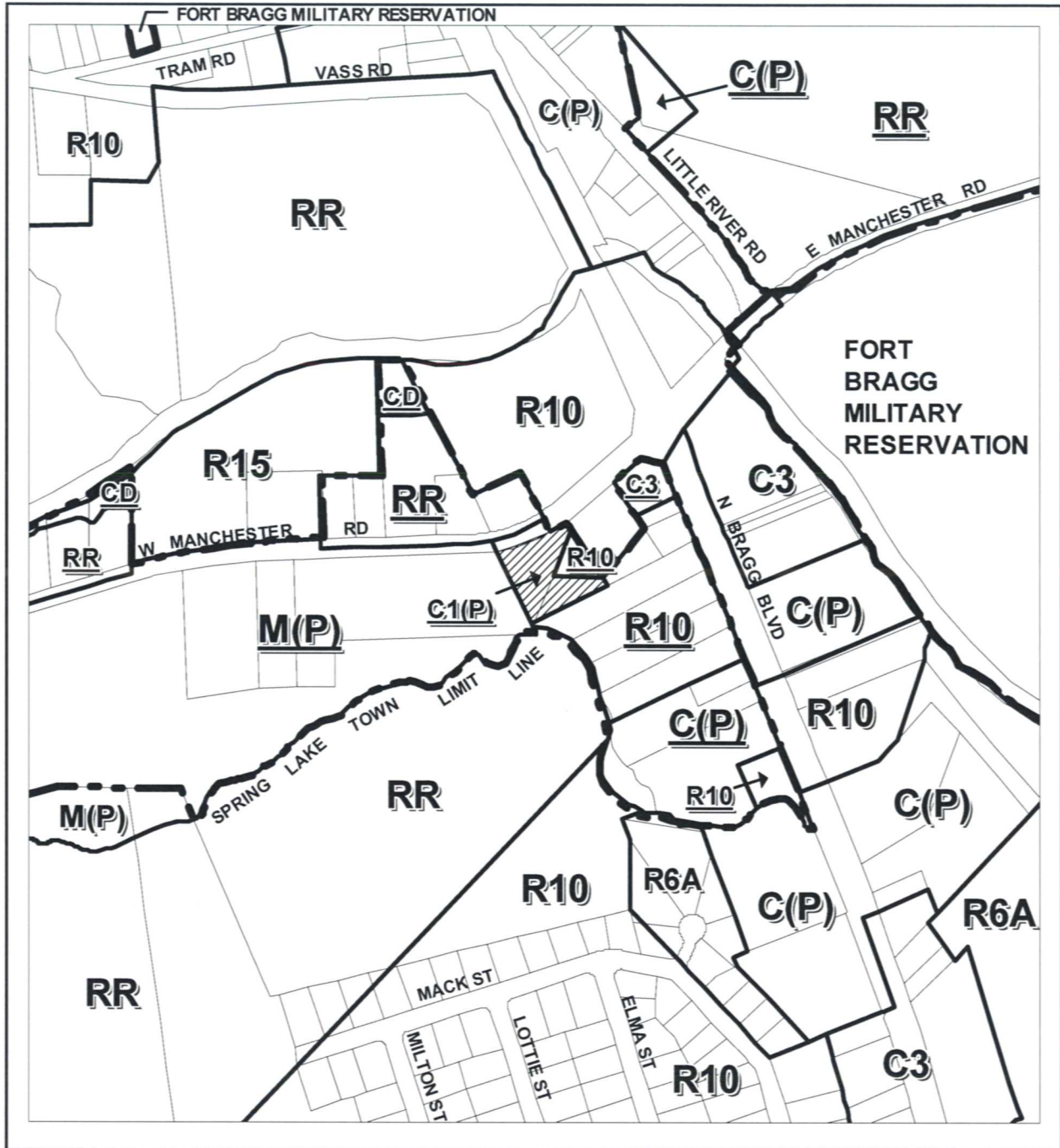
Side yard: 30'

Rear yard: 30'

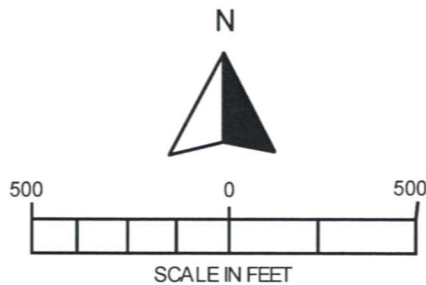
**First Class and Record Owners' Mailed Notice Certification**

*A certified copy of the tax record owner(s) of the subject and adjacent properties and their tax record mailing address is contained within the case file and is incorporated by reference as if delivered herewith. The record owners' acknowledgement of notice is also included in the case file.*





## REQUESTED REZONING C1(P) TO C2(P)



<b>ACREAGE: 1.30 AC.+/-</b>	<b>HEARING NO: P10-10</b>	
ORDINANCE COUNTY	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

PIN: 0502-34-6588  
PIN: 0502-34-7489

Lori Epler,  
Chair  
Cumberland County

Roy Turner,  
Vice-Chair  
Cumberland County

Garland C. Hostetter,  
Town of Spring Lake  
Harvey Cain, Jr.,  
Town of Stedman  
Patricia Hall,  
Town of Hope Mills  
Charles C. Morris,  
Town of Linden



## COUNTY of CUMBERLAND

### *Planning & Inspections Department*

March 9, 2010

Thomas J. Lloyd,  
Director

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Walter Clark,  
Sara E. Piland,  
Cumberland County

Benny Pearce,  
Town of Eastover

Donovan McLaurin  
Wade, Falcon, & Godwin

### **MEMORANDUM**

**TO:** Cumberland County Joint Planning Board

**FROM:** Planning & Inspections Staff

**SUBJECT:** Staff Recommendation for March 16, 2010 Board Meeting

**P10-11:** REZONING OF 2.00+/- ACRES FROM C1(P) PLANNED LOCAL BUSINESS AND R6A RESIDENTIAL TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 3163 CAMDEN ROAD; SUBMITTED BY GAYLE S. LANIER FOR PROGRESS ENERGY CAROLINAS, INC. (OWNER) AND ALICE S. WANN.

The Planning & Inspections Staff recommends approval of the request for C(P) Planned Commercial District based on the following:

1. Although the district requested is not entirely consistent with the location criteria for planned commercial as listed in the Land Use Policies Plan of the 2030 Growth Vision Plan because public sewer is required, but is not available and this area is predominantly surrounded by commercial and industrial;
2. The request is reasonable due to the immediate area transitioning to primarily non-residential uses at this location; and
3. The subject property is located on a major thoroughfare.

There are no other districts considered suitable for this request.

#### Attachments:

- 1 – Site Profile
- 2 – Sketch Map

**P10-11**  
**SITE PROFILE**

**P10-11:** REZONING OF 2.00+/- ACRES FROM C1(P) PLANNED LOCAL BUSINESS AND R6A RESIDENTIAL TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 3163 CAMDEN ROAD; SUBMITTED BY GAYLE S. LANIER FOR PROGRESS ENERGY CAROLINAS, INC. (OWNER) AND ALICE S. WANN.

**Site Information:**

**Frontage & Location:** 235.00'+/- on SR 1003 (Camden Road)

**Depth:** 403.00'+/-

**Jurisdiction:** Cumberland County

**Adjacent Property:** No

**Current Use:** Vacant commercial

**Initial Zoning:** R10 – November 17, 1975 (Area 4); rezoned to C1(P) on June 11, 1976

**Nonconformities:** Existing structure approximately 26.5' from proposed r/w; if approved, existing structure will not be able to meet side setbacks (approximately 16.1' from side property line)

**Zoning Violation(s):** None

**Surrounding Zoning:** North: M2 (Fayetteville), M(P), C3 (Fayetteville), C1(P), R10, R6A & R6; South: M2, M(P), C3, C(P), C1(P), R6A & R10; East: M1 (Fayetteville), C3, R10 & R6A; West: M2 & M(P)

**Surrounding Land Use:** Residential (including manufactured homes & multi-family), manufactured home park, religious worship, trade contractor, industrial operations not otherwise prohibited, truck terminal activities & school

**2030 Land Use Plan:** Urban area

**Special Flood Hazard Area (SFHA):** None

**Water/Sewer Availability:** Well/Septic

**Soil Limitations:** None

**School Capacity/Enrolled:** Cashwell Elementary: 675/769; South View Middle: 900/725; South View High: 1800/1838

**Subdivision/Site Plan:** Site plan required for any change-in-use or new construction

**Airport Overlay District:** No objection to request

**Municipal Influence Ares:** City of Fayetteville

**Average Daily Traffic Count (2008):** 8,800 on SR 1003 (Camden Road)

**Highway Plan:** Camden Road is identified in the highway plan as a major thoroughfare. This proposal calls for a multi-lane facility (U-2810) with a right-of-way of 110 feet. Road improvements are included in the 2009-2015 MTIP.

**Notes:**

Minimum Yard Setback Regulations:

**C1(P)**

Front yard: 45'

Side yard: 15'

Rear yard: 20'

**C(P)**

Front yard: 50'

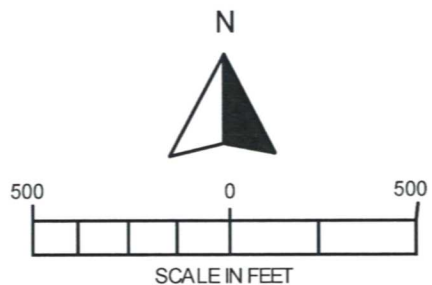
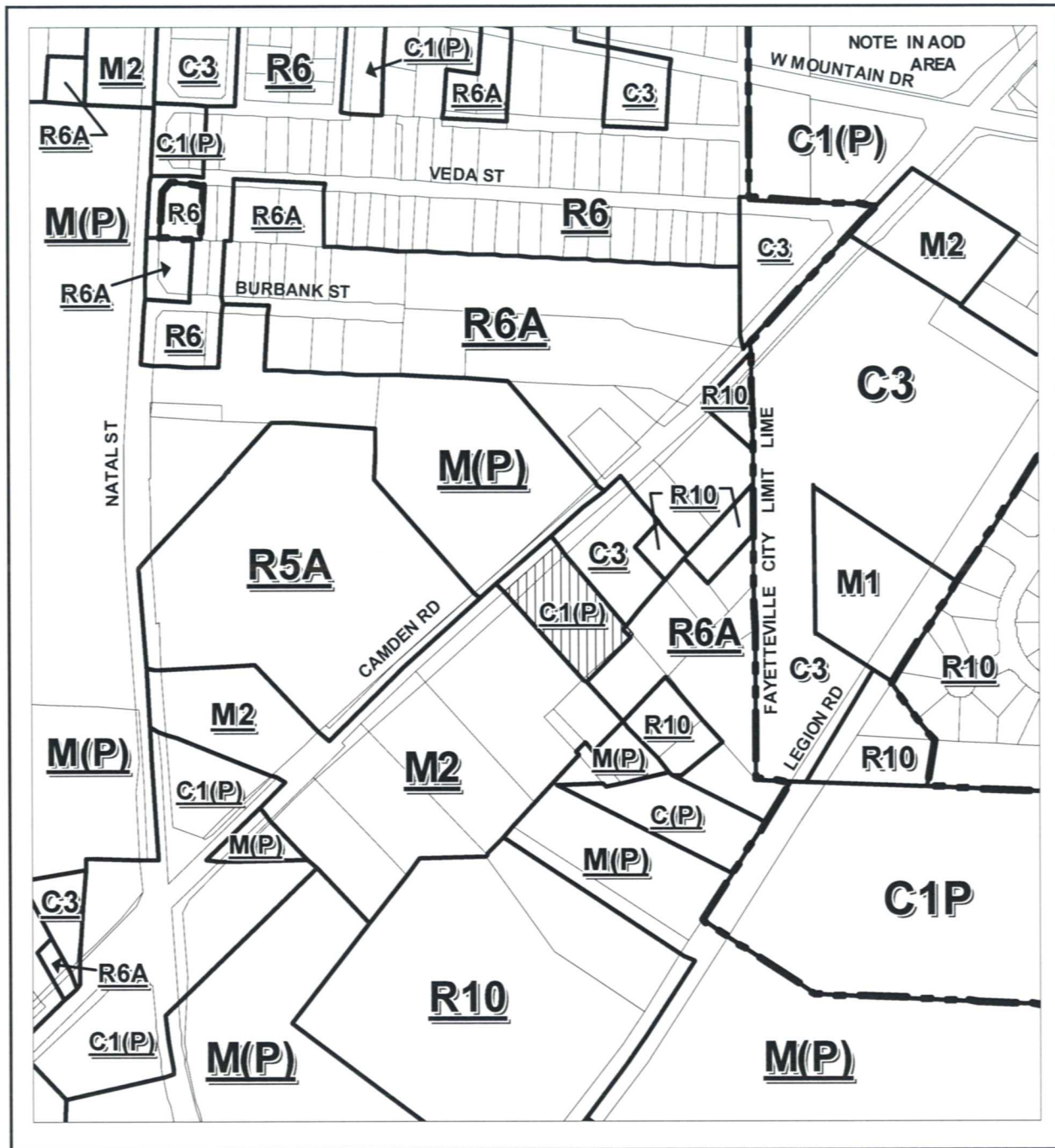
Side yard: 30'

Rear yard: 30'

**First Class and Record Owners' Mailed Notice Certification**

*A certified copy of the tax record owner(s) of the subject and adjacent properties and their tax record mailing address is contained within the case file and is incorporated by reference as if delivered herewith. The record owners' certified receipt of notice is also included.*





## REQUESTED REZONING C1(P) & R6A TO C(P)

<b>ACREAGE: 2.00 AC.+/-</b>	<b>HEARING NO: P10-11</b>	
ORDINANCE COUNTY	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

PIN: 0425-58-6789

AF

Lori Epler,  
Chair  
Cumberland County

Roy Turner,  
Vice-Chair  
Cumberland County

Garland C. Hostetter,  
Town of Spring Lake  
Harvey Cain, Jr.,  
Town of Stedman  
Patricia Hall,  
Town of Hope Mills  
Charles C. Morris,  
Town of Linden



## COUNTY of CUMBERLAND

### *Planning & Inspections Department*

March 9, 2010

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

Walter Clark,  
Sara E. Piland,  
Cumberland County

Benny Pearce,  
Town of Eastover

Donovan McLaurin  
Wade, Falcon, & Godwin

### **MEMORANDUM**

**TO:** Cumberland County Joint Planning Board

**FROM:** Planning & Inspections Staff

**SUBJECT:** Staff Recommendation for March 16, 2010 Board Meeting

**P10-13:** REZONING OF 3.59+/- ACRES FROM R6A RESIDENTIAL TO R6 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 600-745 BALSAWOOD CIRCLE, SUBMITTED BY KINGDOM COMMUNITY DEVELOPMENT CORP (OWNER) AND CARL MANNING. (SPRING LAKE)

The Planning & Inspections Staff recommends approval of the R6 Residential district based on the following:

1. The request is consistent with the Spring Lake Area Detailed Land Use Plan, which calls for "medium density residential" at this location and the request is consistent with the location criteria for "medium density residential" as listed in the Land Use Policies Plan of the 2030 Growth Vision Plan;
2. Public water and sewer is available to the subject property; and
3. The Town of Spring Lake supports this request.

There are no other districts considered suitable for this request.

Attachments:

- 1 – Site Profile
- 2 – Sketch Map

**P10-13**  
**SITE PROFILE**

**P10-13:** REZONING OF 3.59+/- ACRES FROM R6A RESIDENTIAL TO R6 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 600-745 BALSABWOOD CIRCLE, SUBMITTED BY KINGDOM COMMUNITY DEVELOPMENT CORP (OWNER) AND CARL MANNING. (SPRING LAKE)

**Site Information:**

**Frontage:** 330.00'+/- on SR 1601 (Chapel Hill Road)

**Depth:** 580.00'+/-

**Jurisdiction:** Town of Spring Lake

**Adjacent Property:** No

**Current Use:** Manufactured Home Park

**Initial Zoning:** R6A – January 10, 1972 (Spring Lake)

**Nonconformities:** Two existing manufactured homes possibly encroach on adjacent property to the west

**Zoning Violation(s):** None

**Surrounding Zoning:** North: M1 (Spring Lake), R10, R6A, R5A (Spring Lake), CD & Fort Bragg Military Reservation; South: R6/CU (to allow 2 manufactured homes), C(P) (Spring Lake), C3, R10, R6, R5A (Spring Lake) & R5 (Spring Lake); East: R10 (Spring Lake), R6A (Spring Lake) & R6 (Spring Lake); West: R6 (Spring Lake)

**Surrounding Land Use:** Residential (including manufactured homes and multi-family), farmers' market, manufactured home park & woodlands

**Spring Lake Area Detailed Land Use Plan:** Medium density residential

**2030 Land Use Plan:** Urban area

**Special Flood Hazard Area (SFHA):** No

**Water/Sewer Availability:** Spring Lake/Spring Lake

**Soil Limitations:** None

**School Capacity/Enrolled:** Manchester Elementary: 340/325; Spring Lake Middle: 700/438; Pine Forest High: 1,750/1,494

**Subdivision/Site Plan:** Review may be required depending on use

**Average Daily Traffic Count (2008):** 2,800 on SR 1601 (Chapel Hill Road)

**Recreation Area:** Spring Lake Recreation Center located 1.7 miles away

**POPE AFB:** No objection, property not located within an Accident Potential Zone (APZ) or critical noise area.

**US Fish & Wildlife:** No objection to rezoning; however, concerned about loss of trees for dispersal corridor for red-cockaded woodpeckers

**Highway Plan:** Chapel Hill Road is identified in the Highway Plan as a major thoroughfare. The plan calls for widening to a multi-lane facility. This is a priority #1 in the Highway Portion off the LRTP

**Note:**

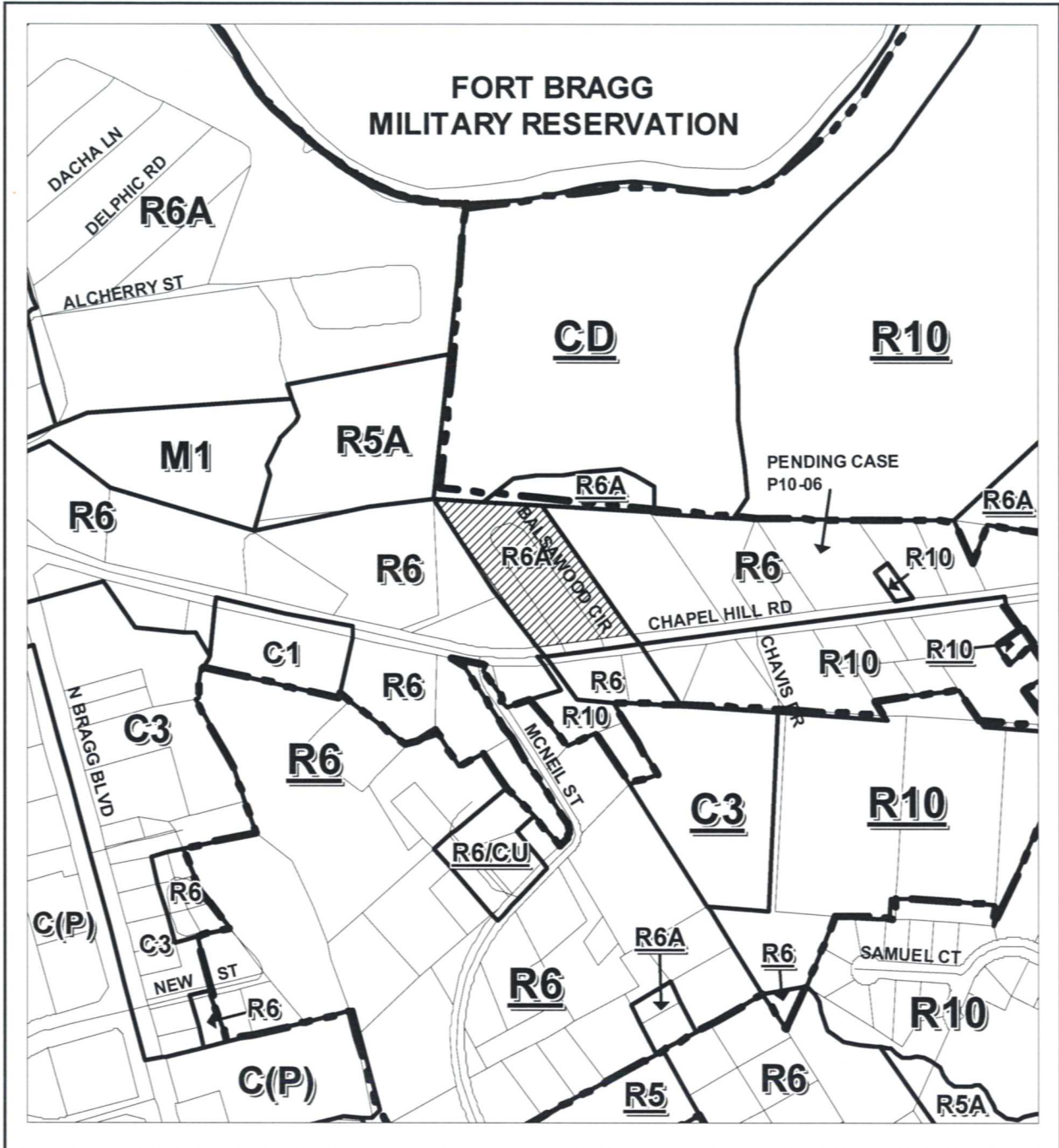
**Density (minus 15% for r/w):**

R6A & R6 – 34 units/lots

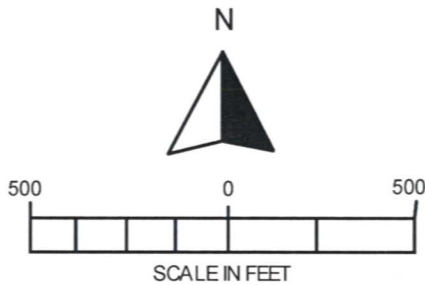
**First Class and Record Owners' Mailed Notice Certification**

*A certified copy of the tax record owner(s) of the subject and adjacent properties and their tax record mailing address is contained within the case file and is incorporated by reference as if delivered herewith. The record owners' acknowledgement of notice is also included in the case file.*





## REQUESTED REZONING R6A TO R6



<b>ACREAGE: 3.59 AC.+/-</b>	<b>HEARING NO: P10-13</b>	
ORDINANCE: SPRING LAKE	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

## SUBDIVISION WAIVER - SITE PROFILE

**CASE NO. 96-449.** CONSIDERATION OF THE RADHA SOAMI SOCIETY BEAS AMERICA, RR SITE PLAN REVIEW; REQUEST FOR A WAIVER FROM SECTION 2306 A.1, CONNECTION TO SEWER, COUNTY SUBDIVISION ORDINANCE; ZONING: RR; TOTAL ACREAGE: 52.05 +/-; LOCATED AT 4115 GILLESPIE STREET; SUBMITTED BY RAJAN SHAURDA SANI FOR (OWNER) RADHA SOAMI SOCIETY BEAS - AMERICA.

### Summary of Request

Developer submitted request for approval to add proposed dwelling to existing developed tract; Condition No. 2 (see attached conditions of approval) requires connection to public sewer, property owner desires to use private septic for sewage disposal.

### Site Information

**Frontage:** 927.89' +/- on US HWY 301 (Gillespie Street) Service Road

**Depth:** 2,000'+/-

**Current Use:** Religious Worship Facility (meeting hall) and accessory structures

**Adjacent Property:** Yes, 10+/- acre tract on southeast side w/ 2 residential dwellings

**Special Flood Hazard Area (SFHA):** Yes, on southern portion of tract

**Water/Sewer Availability:** PWC/PWC – public water and sewer existing on subject property

**Soil Limitations:** None

**Municipal Influence Area:** City of Fayetteville

### Applicable County Subdivision Ordinance Provision

Section 2306.A.1.b., *Connection to public water and sanitary sewer required.* Where any portion of a subdivision or other development submitted for approval under the terms of this ordinance or the County Zoning Ordinance proposes two to ten lots or units is within 300 feet of public water or sewer, the public utilities shall be extended. Where any portion of ten to twenty lots or units is within 500 feet of public water or sewer, the public utilities shall be extended. For more than twenty lots or units proposed within the Sewer Service Area and/or and where density is greater than two lots or units per acre, the extension of public water and sewer service is required. Sanitary sewer service outside of the Sewer Service Area requires approval in accordance with the terms of any interlocal agreement officially adopted by the Board of Commissioners.

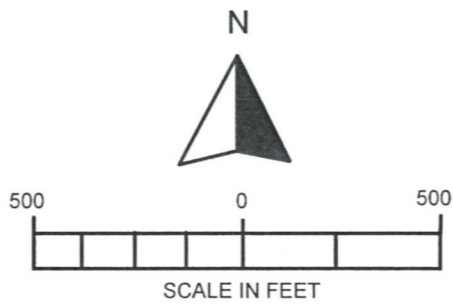
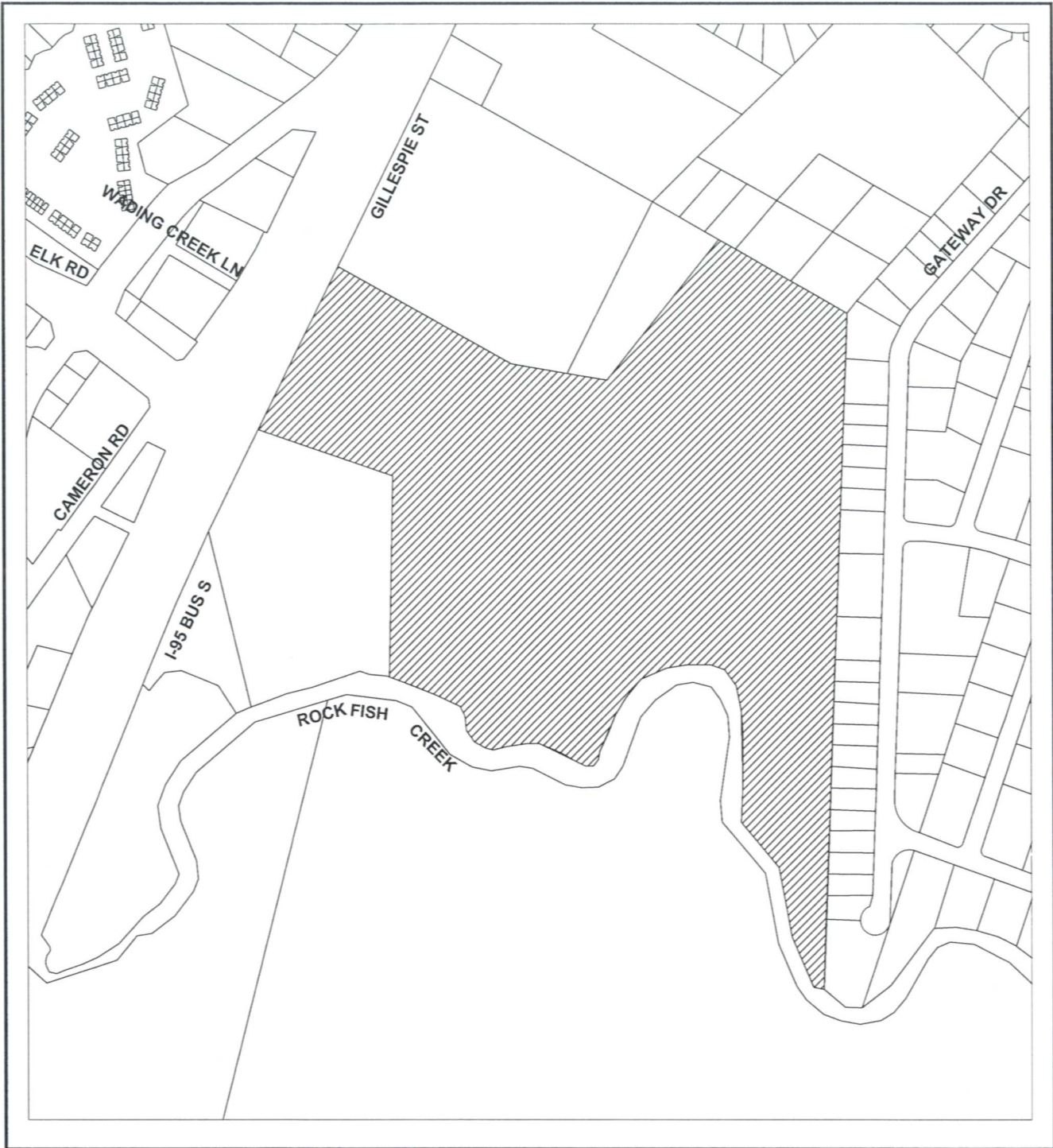
### Attachments

- 1 – Sketch Map
- 2 – Site Plan
- 3 – Aerial Map
- 4 – Conditions of Approval, dated 01-29-10
- 5 – Application w/ PWC letter, dated 02-09-10

### First Class and Record Owners' Mailed Notice Certification

*A certified copy of the tax record owner(s) of the subject and adjacent properties and their tax record mailing address is contained within the case file and is incorporated by reference as if delivered herewith. The record owners' acknowledgement of notice is also included in the case file.*





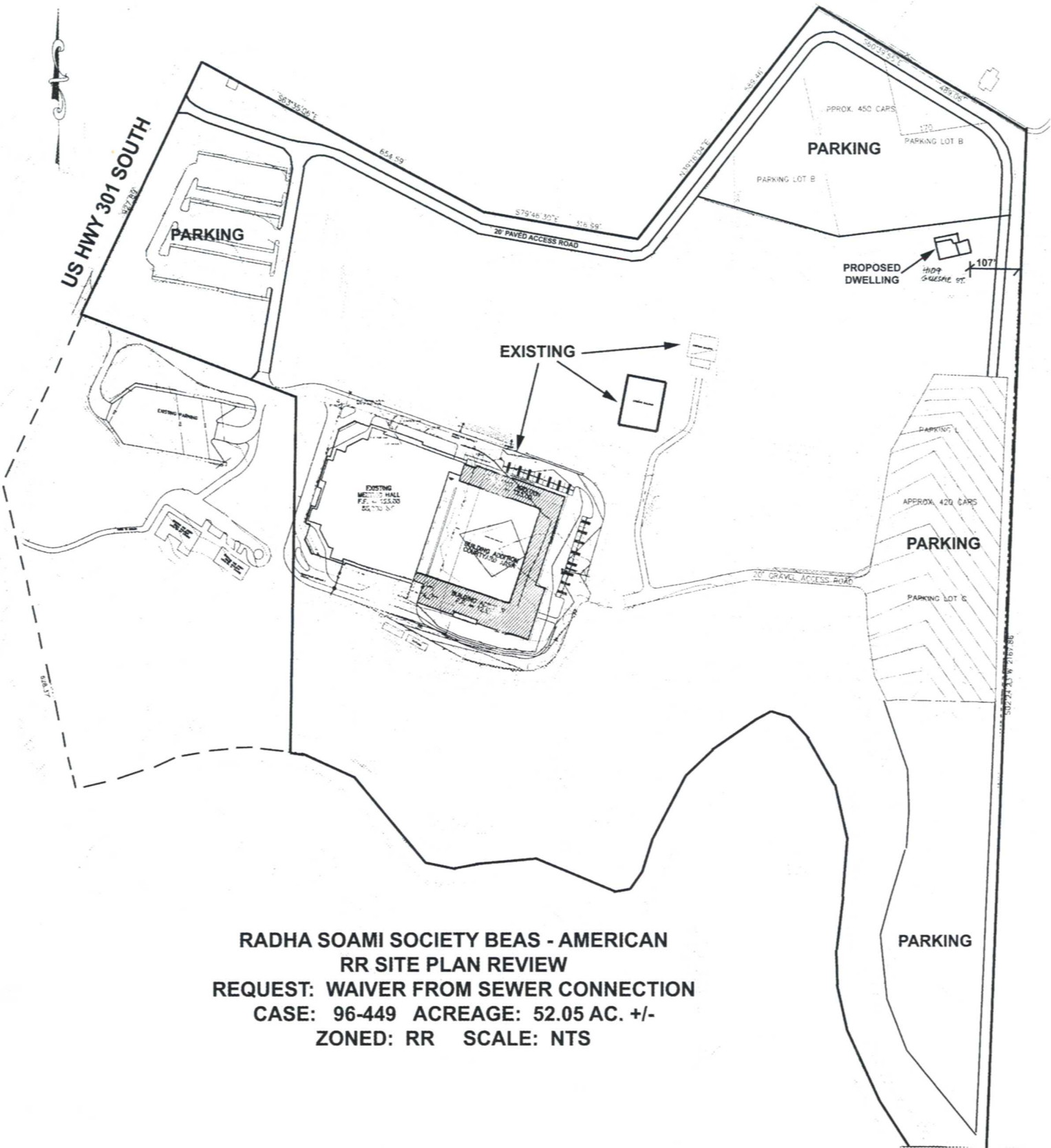
## COUNTY SUBDIVISION ORDINANCE WAIVER

<b>ACREAGE: 52.05 AC.+/-</b>		<b>HEARING NO: 96-449</b>
ORDINANCE: COUNTY	HEARING DATE	ACTION
STAFF RECOMMENDATION		
GOVERNING BOARD		

PIN: 0424-73-3333

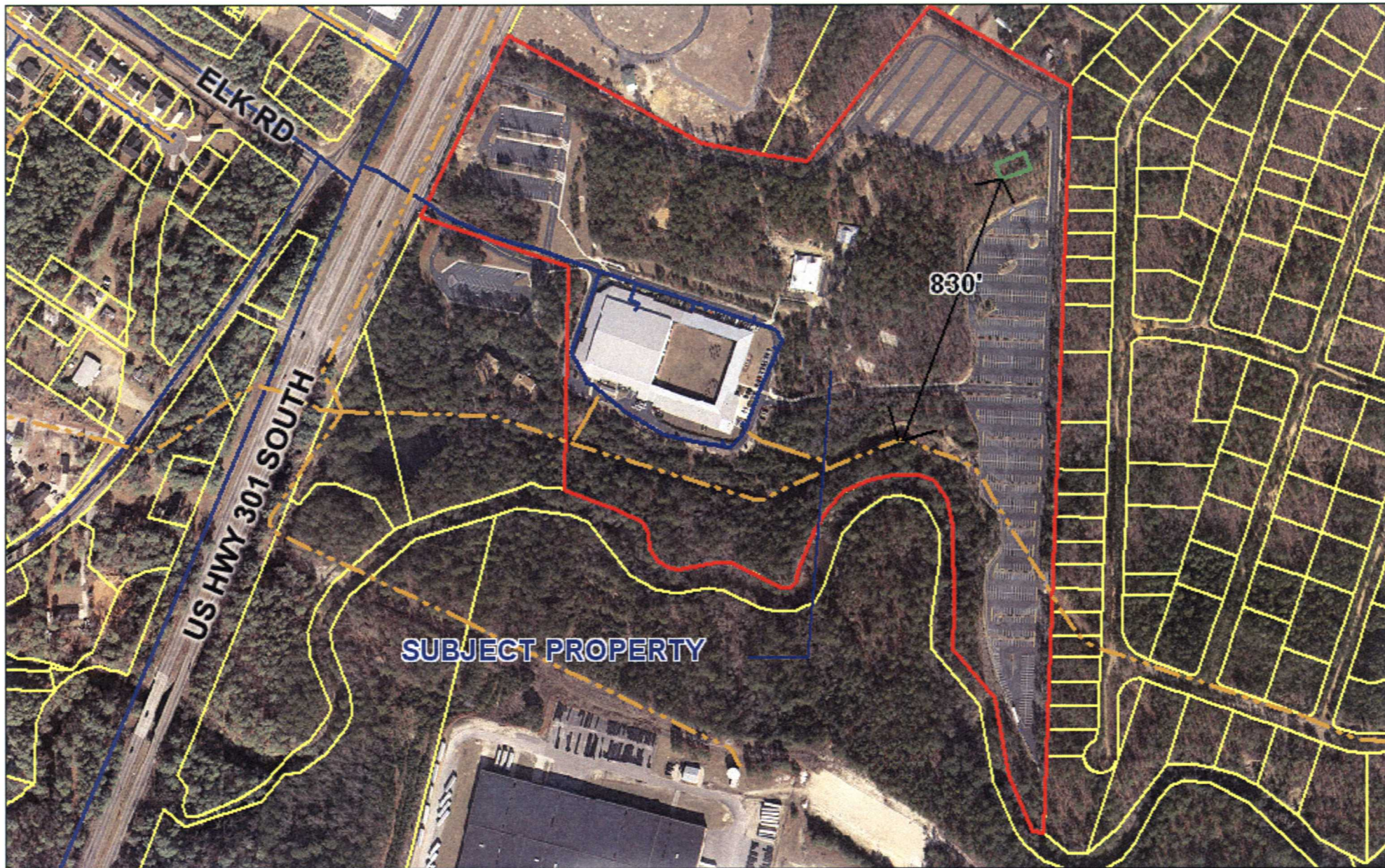
02/22/10  
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**RADHA SOAMI SOCIETY BEAS - AMERICAN**  
**RR SITE PLAN REVIEW**  
**REQUEST: WAIVER FROM SEWER CONNECTION**  
**CASE: 96-449 ACREAGE: 52.05 AC. +/-**  
**ZONED: RR SCALE: NTS**





— WATER



PROPOSED DWELLING

- - - SEWER





Lori Epler,  
Chair  
Cumberland County

Roy Turner,  
Vice-Chair  
Cumberland County

Garland C. Hostetter,  
Town of Spring Lake  
Harvey Cain, Jr.,  
Town of Stedman  
Patricia Hall,  
Town of Hope Mills  
Charles C. Morris,  
Town of Linden



**COUNTY of CUMBERLAND**  
*Planning and Inspections Department*

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Director

Cecil P. Combs,  
Deputy Director

Walter Clark,  
Sara E. Piland,  
Cumberland County

Benny Pearce,  
Town of Eastover

Donovan McLaurin  
Wade, Falcon, & Godwin

Revised: 1-29-10

STAFF REVIEW: 1-28-10 PLANNING BOARD DECISION: N/A

CASE NO: 96-449 NAME OF DEVELOPMENT: RADHA SOAMI SOCIETY BEAS - AMERICA

MIA: FAYETTEVILLE GROUP DEVELOPMENT REVIEW

LOCATION: EAST SIDE OF US HWY 301 – I-95 BUS N (GILLESPIE STREET), ZONING: R10 & RR

NORTH OF SR 2220 (TOM STARLING ROAD) PIN: 0424-73-3333-

OWNERS / DEVELOPER: RADHA SOAMI SOCIETY BEAS – AMERICA ENGINEER OR DESIGNER: N/A

PLANNING & INSPECTIONS DEPARTMENT ACTION:

- PRELIMINARY
- EXTENSION       REVISION
- APPROVED CONDITIONALLY
- DENIED

PLANNING BOARD DECISION:

- PRELIMINARY
- EXTENSION     REVISION
- APPROVED CONDITIONALLY
- DENIED

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

**Permit-Related:**

1. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the County Zoning Ordinance and permits required to place any structure within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. For additional information, the developer should contact a Code Enforcement Officer.
2. Connection to public water and sewer is required, the Public Works Commission (PWC) must approve water and sewer plans prior to application for any permits. A copy of the PWC approval must be provided to Code Enforcement at the time of application for building/zoning permits. (Section 2306 A.1, Public Water and Sewer Systems County Subdivision Ordinance)
3. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
4. New development where the developer will disturb or intends to disturb more than one acre of land is subject to the Post-Construction Stormwater Management Permitting Program (Phase II Stormwater Management Requirements) administered by the Division of Water Quality, North Carolina Department of Environment and Natural Resources. If one acre or more of land is to be disturbed, prior to the issuance of any building/zoning permits for this site, a copy of the State's *Post-Construction Permit* must be provided to County Code Enforcement.



5. For any new development where the developer disturbs or intends to disturb more than one acre of land, the developer must provide the Code Enforcement Section with an approved NC Department of Environment and Natural Resources (NCDENR) sedimentation and erosion control plan (S&E) prior to any application for permits. (Note: If any retention/detention basins are required for state approval of this plan, then three copies of a revised plan must be submitted and approved by Planning & Inspections prior to application for any building/zoning permits.) A copy of the NCDENR approval must be provided to Code Enforcement at the time of application for any building/zoning permits.
6. The *Special Flood Hazard Area* (SFHA) exists on this tract; any development within SFHA must have first flood elevations, including all mechanical and electrical equipment above base flood elevation (BFE) plus two feet of freeboard. Proper flood plain development permits are required, issued by the County Engineer, prior to any building/permit application. A copy of the approved flood plain permit must be provided to Code Enforcement at the time of building/zoning permit applications.
7. The building final inspection cannot be accomplished until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans.

**Site-Related:**

8. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Zoning Ordinances for the R10 & RR zoning district must be complied with, as applicable.
9. 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.)
10. "US HWY 301" must be labeled as "US HWY 301 / I-95 BUS N (Gillespie Street)" on all future plans.
11. For any new development, an adequate drainage system must be installed by the developer in accordance with the NC Department of Environment and Natural Resources' (NCDENR) *Manual on Best Management Practices* and all drainage ways must be kept clean and free of debris. (Section 2306 D, County Subdivision Ordinance)
12. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision Ordinance)
13. If driveways are changed or added, the developer must obtain a driveway permit from the NC Department of Transportation (NCDOT). If required, a copy of the approved driveway permit must be provided to Code Enforcement at the time of application for building/zoning permits.
14. All lighting is required to be directed internally within this development and comply with the provisions of Section 1102 M, Outdoor Lighting, County Zoning Ordinance.
15. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.
16. All required off-street parking spaces shall be a minimum of 9' x 20' and shall be surfaced, with a permanent material such as asphalt or concrete, and striped prior to application for the building final inspection. A minimum of one space every 300 square feet of gross floor area off-street parking spaces are required for this development.

**Advisories:**

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

**Other Relevant Conditions:**

19. This conditional approval is contingent upon continued compliance with the County's Subdivision and Zoning Ordinances.

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

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

Subdivision/Site Plan/Plat	Ed Byrne	678-7609
Code Enforcement (Permits):	Ken Sykes	321-6654
County Engineer's Office:	Wayne Dudley	678-7636
County Health Department:	Daniel Ortiz	433-3680
PWC:	Heidi Maly	223-4773
Fayetteville Planning:	Marsha Bryant	433-1416
Fayetteville Engineer (Easements):	Rusty Thompson	433-1660
Fayetteville Engineer (Sidewalks):	Randy Lane	433-1661
Fayetteville Engineer (Stormwater):	Jeffrey Brown	433-1691
Corp of Engineers (wetlands):	Crystal C. Amschler	251-4170
NCDENR (E&S):	Sally McKinney	433-3300
E911 Site-Specific Address:	Ron Gonzales	678-7616
Tax Parcel Numbers:		678-7549
NCDOT (driveways/curb-cuts):	Gary Burton	486-1496
N.C. Division of Water Quality:	Mike Randall	(919) 733-5083 ext. 545

**OFFICIAL PRELIMINARY STAMP**  
CUMBERLAND COUNTY  
CASE NO: **10-016**

THIS PLAN APPROVED BY THE CUMBERLAND COUNTY PLANNING &  
INSPECTION DEPARTMENT ON: **1-29-10**

COMMENTS: SUBJECT TO CONDITIONS

I CERTIFY THAT THIS PLAN HAS BEEN APPROVED BY THE CUMBERLAND  
COUNTY PLANNING & INSPECTIONS DEPARTMENT AS DRAWN HEREON  
AND MAY BE USED FOR ANY OFFICIAL PURPOSE AS PERMITTED BY LAW.  
THIS APPROVAL IS VALID UNTIL: **1-29-12**

*Patricia S. Speicher* **GB**  
SUPERVISOR, LAND USE CODES

**TO THE CUMBERLAND COUNTY JOINT PLANNING BOARD,  
FAYETTEVILLE, NORTH CAROLINA:**

I (We), the undersigned, hereby submit this application, and petition the Cumberland County Joint Planning Board to waive [vary] certain adopted provisions of the County's Subdivision Ordinance as specified below and provided for under the terms of the Subdivision Ordinance. In support of this petition, the following facts are submitted:

LOCATION OF PROPERTY: EAST SIDE OF us Hwy 301 - I-95 Business

OWNER: RADHA Samsi Society Beas America.

ADDRESS: 4115 Gillespie St., Fayetteville<sup>NC</sup> ZIP CODE: 28306

TELEPHONE: HOME 910-391-7744 WORK \_\_\_\_\_

AGENT: Rajan Shandasani

ADDRESS: 321 E. Russell St., Fayetteville, NC 28301

TELEPHONE: HOME 910 391 7744 WORK \_\_\_\_\_

**APPLICATION FOR A WAIVER [VARIANCE]  
As required by the Subdivision Ordinance**

A. Parcel Identification Number (PIN #) of subject property: 0424-73-3333  
(also known as Tax ID Number or Property Tax ID)

B. Acreage: 61.05 Frontage: 920' Depth: 2000'

C. Water Provider: PWC

D. Septage Provider: \_\_\_\_\_

E. Deed Book 4280, Page(s) 519, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).

F. Existing and/or proposed use of property: CHURCH

G. Section and provision of the Cumberland County Subdivision Ordinance from which a waiver [variance] is requested:

SECTION 2306 A.1

H. Nature and extent of hardship involved in strict application of the County Subdivision Ordinance – attach additional sheet if necessary:

SEE Attached. Letter from PWC.

THE COST TO EXTEND SEWER FOR ONE HOUSE IS

\$120,000. THE HOUSE IS ONLY 1500' sq ft

It does not seem feasible to spend \$120,000

for such a small house to extend sewer.

DISTANCE TO extend sewer is 1200! It is a large tract of land.

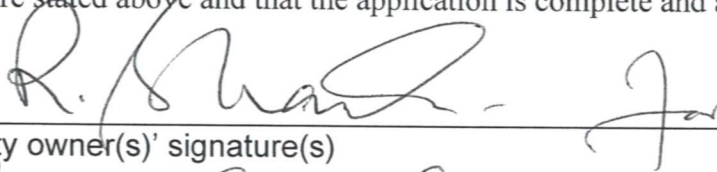


## STATEMENT OF ACKNOWLEDGEMENT

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

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

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



Property owner(s) signature(s)

✓ RADHA Soami Society Beas - America.

Property owner(s) name (print or type)

4115 Gillespie St., Fayetteville, NC 28306

Complete mailing address of property owner(s)

910 391 7744

Telephone number

Alternative telephone number

Rajanshandasani@yahoo.com

910 323-0660

Email address

FAX number



WILSON A. LACY, COMMISSIONER  
TERRI UNION, COMMISSIONER  
LUIS J. OLIVERA, COMMISSIONER  
MICHAEL G. LALLIER, COMMISSIONER  
STEVEN K. BLANCHARD, CEO/GENERAL MANAGER

**PUBLIC WORKS COMMISSION**  
OF THE CITY OF FAYETTEVILLE  
*ELECTRIC & WATER UTILITIES*

955 OLD WILMINGTON RD  
P.O. BOX 1089  
FAYETTEVILLE, NORTH CAROLINA 28302-1089  
TELEPHONE (AREA CODE 910) 483-1401  
FAX (AREA CODE 910) 829-0207

**February 9, 2010**

**TO WHOM IT MAY CONCERN:**

**SUBJECT: 4109 Gillespie St. Fayetteville, NC 28306 PIN# 0424-73-3333-**

**WATER & SEWER UTILITIES**

This letter is in reference to the availability of water and sewer utilities to serve the above referenced property.

Water and sewer utilities have been extended to serve the development at 4115 Gillespie Street. These utilities are owned and operated by the Public Works Commission of the City of Fayetteville. The proposed residence is approximately 1200 feet from the existing utilities. The proposal is to extend a water lateral off of the existing water main. This is acceptable; however, the homeowner should verify that adequate pressure will be available to serve the residence from the long lateral. The sewer connection will be from an existing manhole. The landowner has the option to connect to the existing manhole via a sewer lateral or extend sewer to the home. If the first option is chosen, the homeowner must comply with all applicable plumbing codes and must determine if the lateral will be sufficient to serve the residence while meeting codes. The option to extend sewer is estimated to be approximately \$120,000 and will only serve the proposed residence.

If you have further questions of a technical nature concerning the quote, please feel free to contact Michael Smith, Engineering Tech at (910) 223-4748.

Signed,  
**PUBLIC WORKS COMMISSION**

Joseph E. Glass, P.E.  
Water Resources Engineering Manager