

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

October 12, 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 October 19, 2010 Board Meeting

P10-46. CONSIDERATION OF A TEXT AMENDMENT TO THE TOWN OF HOPE MILLS SUBDIVISION ORDINANCE BY AMENDING ARTICLE IV DEVELOPMENT IMPROVEMENT AND DESIGN STANDARDS: SECTION 86A-403 MINIMUM LOT STANDARDS SUB-SECTION (e)(2), SECTION 86A-404 (b) PUBLIC STREETS (3) CURBS AND GUTTERS, AND SECTION 86A-407 OTHER REQUIREMENTS SUB-SECTION (a) REQUIRED DRAINAGE; AMENDING ARTICLE V SPECIAL DEVELOPMENTS SECTION 86A-504 MANUFACTURED HOME PARKS SUB-SECTION (g) IMPROVEMENTS (3) DRAINAGE; AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE; SUBMITTED BY THE TOWN OF HOPE MILLS. (HOPE MILLS)

The Planning & Inspections Staff recommends approval of the text amendment, based on the following:

1. If approved, the amendment will ensure the language of the Hope Mills Subdivision Ordinance is consistent with the recently adopted provisions of the Hope Mills Stormwater Regulations; and
2. The request was submitted by the Town of Hope Mills.

Attachments:

- 1 – Text Amendment
- 2 – Request for Text Amendment, dated September 9, 2010

DRAFT

Town of Hope Mills

P10-46

SUBDIVISION ORDINANCE TEXT AMENDMENT

CONSIDERATION OF A TEXT AMENDMENT TO THE TOWN OF HOPE MILLS SUBDIVISION ORDINANCE BY AMENDING ARTICLE IV DEVELOPMENT IMPROVEMENT AND DESIGN STANDARDS: SECTION 86A-403 MINIMUM LOT STANDARDS SUB-SECTION (e)(2), SECTION 86A-404 (b) PUBLIC STREETS (3) CURBS AND GUTTERS, AND SECTION 86A-407 OTHER REQUIREMENTS SUB-SECTION (a) REQUIRED DRAINAGE; AMENDING ARTICLE V SPECIAL DEVELOPMENTS SECTION 86A-504 MANUFACTURED HOME PARKS SUB-SECTION (g) IMPROVEMENTS (3) DRAINAGE; AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE; SUBMITTED BY THE TOWN OF HOPE MILLS. (HOPE MILLS)

AMEND the Town of Hope Mills Subdivision Ordinance, ARTICLE IV DEVELOPMENT IMPROVEMENT AND DESIGN STANDARDS, as indicated below:

Sec. 86A-403. Minimum lot standards.

(e) Easements.

(2) Where property to be subdivided is traversed by a drainage pipe, watercourse, drainage way, canal or stream, there shall be provided a stormwater easement or drainage right-of-way for channel improvement which conforms substantially with the centerline of such watercourse, drainage way, canal, ~~or~~ stream or pipe at a width specified in the "Town of Hope Mills Stormwater Design Standards." Easement widths for BMPs shall be as specified in the "Town of Hope Mills Stormwater Design Standards." ~~Such drainage easement shall be a minimum of 20 feet wide (not necessarily centered) but in no case shall it be required to exceed 20 feet from the top of the bank (natural stream channel) on either side of the watercourse, drainage way, canal or stream. In the event that the development includes a man-made lake, such drainage easement shall conform to the original stream or watercourse where known or a note added to the plat to read as follows:~~

DRAFT

~~"In the event that the watercourse or lake(s) shown on this plat is drained or otherwise lowered to the natural stream level, a public drainage easement for the purpose of channel improvement is hereby dedicated at a minimum width of 20 feet but not to exceed 20 feet from the top of the bank on either side of the natural stream course."~~

Sec. 86A-404. Streets.

(b) *Public streets.*

(3) *Curbs and gutters.* All streets constructed under this ordinance shall be installed to Town standards and specifications, be designed in accordance with the "Town of Hope Mills Stormwater Design Standards" and unless otherwise regulated by this ordinance, curbs and gutters are required as follows:

a. Developments with a proposed density of five or more units per acre, concrete curb and gutter is required;

b. Developments with a proposed density of more than 2.2 but less than five units per acre, concrete or asphalt rolled curb and gutter is required;

c. Developments with a proposed density of two units or less per acre, curb and gutter requirements are optional; if installed, must comply with Town standards.

All curbs and gutters installed shall meet the Town approved standards and specifications and any rolled concrete curb and gutter, if required by this ordinance, shall not be less than 24 inches.

Sec. 86A-407. Other requirements.

(a) *Required drainage.* Drainage systems shall be installed by the developer in accordance with the "Town of Hope Mills Stormwater Design Standards," the provisions of Chapter 67 and in accordance with the NC Department of Transportation (NCDOT) standards and good engineering practices. Such drainage systems shall remove all surface water without undue damage to street right-of-way and adjacent properties. Conditions contributing to the breeding of insects shall be avoided. All culvert pipe and pipe underdrains shall be designed and installed ~~to the~~

DRAFT

~~standards and specifications of the town~~ in accordance with the "Town of Hope Mills Stormwater Design Standards" and all other standards and specifications of the town.

AMEND the Town of Hope Mills Subdivision Ordinance, Article V Special Developments, Section 86A-504 Manufactured Home Parks, sub-section (g) Improvements (3) Drainage, as indicated below:

Sec. 86A-504. Manufactured home parks.

(g) *Improvements.*

(3) *Drainage.* The manufactured home park spaces shall be situated on ground that is not designated as a *Special Flood Hazard Area*. Drainage systems shall be designed and installed in such a manner as to comply with Chapter 67 (Stormwater Regulations) and the "Town of Hope Mills Stormwater Design Standards." When manufactured home parks abut an existing public drainage system, connection to the public system is mandatory.



Hope Mills

STORMWATER

Clean Water, Clear Choice

5770 Rockfish Road Hope Mills, NC 28348
Telephone (910) 424-4555 | Fax (910) 426-4902

To: Cumberland County Planning Department

From: Melanie Clerkley, Stormwater Administrator 

Randy Beeman, Town Manager 

Date: 9/9/2010

Re: Subdivision Ordinance Changes

The Town of Hope Mills recently approved changes to the Stormwater Management Ordinance. These changes will need to also be reflected in the Hope Mills Subdivision Ordinance. Therefore, we are requesting that the following changes be made to the Town of Hope Mills Subdivision Ordinance:

Sec 86A-403 (e)(2)

Where property to be subdivided is traversed by a drainage pipe, watercourse, drainage way, canal or stream, there shall be provided a stormwater easement or drainage right-of-way for channel improvement which conforms substantially with the centerline of such watercourse, drainage way, canal, ~~or stream or pipe~~ at a width specified in the "Town of Hope Mills Stormwater Design Standards." ~~Easement widths for BMPs shall be as specified in the "Town of Hope Mills Stormwater Design Standards."~~

~~Such drainage easement shall be a minimum of 20 feet wide (not necessarily centered) but in no case shall it be required to exceed 20 feet from the top of bank (natural stream channel) on either side of the watercourse, drainage way, canal or stream. In the event that the development includes a man-made lake, such drainage easement shall conform to the original stream or watercourse where known or a note added to the plat to read as follows:~~

~~—————"In the event that the watercourse or lake(s) shown on this plat is drained or otherwise lowered to the natural stream level, a public drainage easement for the purpose of channel improvement is hereby dedicated at a minimum of 20 feet but not to exceed 20 feet from the top of the bank on either side of the natural stream course."~~

Sec 86A-404 (b) (3)

Curbs and gutters. All streets constructed under this ordinance shall be installed to Town standards and specifications, be designed in accordance with the "Town of Hope Mills Stormwater Design Standards" and unless otherwise regulated by this ordinance, curbs and gutters are required as follows

Sec 86A-407 Other requirements.

(a) Required drainage. Drainage systems shall be installed by the developer in accordance with the “Town of Hope Mills Stormwater Design Standards,” the provisions of Chapter 67 and in accordance with the NC Department of Transportation (NCDOT) standards and good engineering practices. Such drainage systems shall remove all surface water without undue damage to street right-of-way and adjacent properties. Conditions contributing to the breeding of insects shall be avoided. All culvert pipe and pipe underdrains shall be designed and installed ~~to the standards and specifications of the town.~~ in accordance with the “Town of Hope Mills Stormwater Design Standards” and all other standards and specifications of the town.

Sec 86A-504 Manufactured home parks

(g) (3) Drainage. The manufactured home park spaces shall be situated on ground that is not designed as a *Special Flood Hazard Area*. Drainage systems shall be designed and installed in such a manner as to comply with Chapter 67 (Stormwater Regulations) and the “Town of Hope Mills Stormwater Design Standards.” When manufactured home parks abut an existing public drainage system, connection to the public drainage system is mandatory.

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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 October 19, 2010 Board Meeting

P10-42: REZONING OF 1.67+/- ACRES FROM A1 AGRICULTURAL TO R20 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE NORTH SIDE OF SR 2238 (SAND HILL ROAD) AND EAST OF TIMBER GROVE DRIVE, SUBMITTED BY CHARLES AND EVELYN E. IRELAND (OWNERS).

The Planning & Inspections Staff recommends approval of the R20 Residential district based on the following:

1. The district requested is consistent with the 2030 Growth Vision Plan, which calls for "urban area" at this location, as well as meeting the location criteria for suburban density residential development as listed in the Land Use Policies Plan; and
2. The request is consistent with surrounding zoning and land uses.

The R30 and R40 Residential districts could also be considered suitable for this request.

Attachments:

- 1 – Site Profile
- 2 – Sketch Map

P10-42
SITE PROFILE

P10-42: REZONING OF 1.67+/- ACRES FROM A1 AGRICULTURAL TO R20 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE NORTH SIDE OF SR 2238 (SAND HILL ROAD) AND EAST OF TIMBER GROVE DRIVE, SUBMITTED BY CHARLES AND EVELYN E. IRELAND (OWNERS).

Site Information:

Frontage & Location: 113.47'+/- on SR 2238 (Sand Hill Road)

Depth: 535.40'+/-

Jurisdiction: Cumberland County

Adjacent Property: No

Current Use: Vacant

Initial Zoning: A1 – June 25, 1980 (Area 13)

Nonconformities: None

Zoning Violation(s): None

Surrounding Zoning: North: R20/DD/CUD (72 lot Density Development), R6A & A1;
South: RR, R20, R15 & A1; East: R6A & A1; West: A1

Surrounding Land Use: Residential (including manufactured dwellings) & woodlands

2030 Land Use Plan: Urban

Special Flood Hazard Area (SFHA): None

Water/Sewer Availability: PWC/Septic

Soil Limitations: None

School Capacity/Enrolled: Alderman Road Elementary: 750/715; Gray's Creek Middle: 1,000/911; Gray's Creek High: 1,270/1,236

Subdivision/Site Plan: Review required prior to development

Average Daily Traffic Count (2008): 6,400 on SR 2238 (Sand Hill Road)

Recreation Area: Proposed Gray's Creek Park 3.3+/- miles away

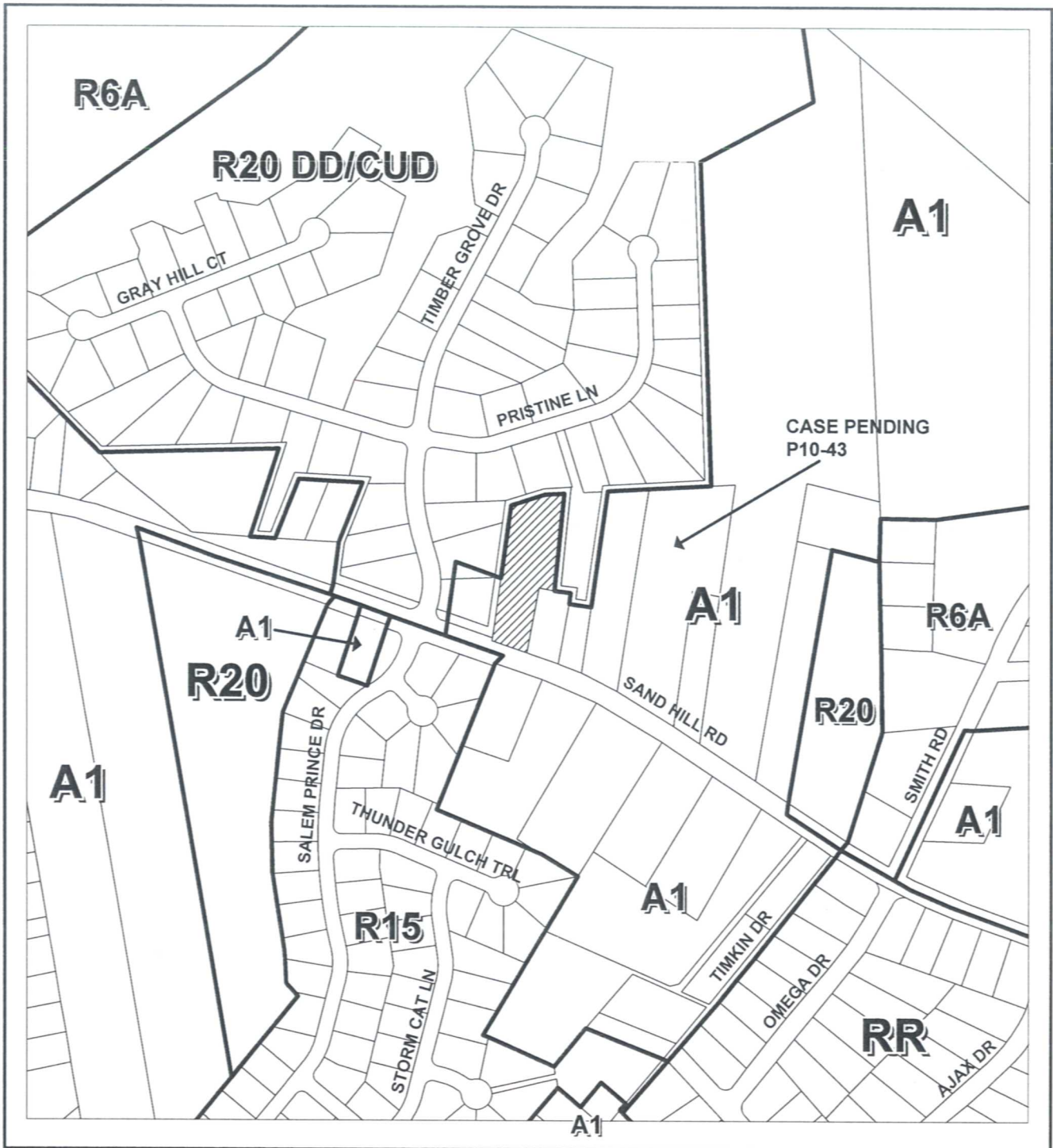
Highway Plan: Sand Hill Road is identified in the Highway Plan as a major thoroughfare. The plan calls for widening to a multi-lane facility. This is a priority #2 in the Highway Portion of the LRTP

Notes:

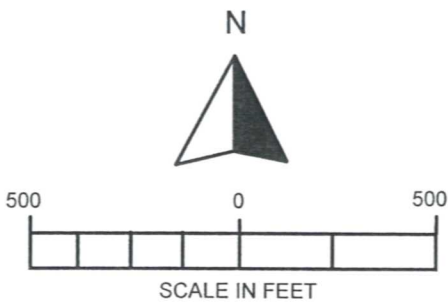
<u>Density:</u>	<u>Density minus 15% for R/W:</u>
A1 – 0 lots/units	A1 – 0 lots/units
R40 – 2 lots/units	R40 – 2 lots/units
R30 – 2 lots/units	R30 – 2 lots/units
R20 – 4 lots/units	R20 – 3 lots/units

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 A1 TO R20



PIN: 0433-71-7987

ACREAGE: 1.67 AC.+/-		HEARING NO: P10-42	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

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,
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Charles C. Morris,
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Donovan McLaurin
Wade, Falcon, & Godwin

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for October 19, 2010 Board Meeting

P10-43: REZONING OF 3.90+/- ACRES FROM A1 AGRICULTURAL TO R20 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE NORTH SIDE OF SR 2238 (SAND HILL ROAD) AND EAST OF TIMBER GROVE DRIVE, SUBMITTED BY CHARLES AND EVELYN E. IRELAND (OWNERS).

The Planning & Inspections Staff recommends approval of the R20 Residential district based on the following:

1. The district requested is consistent with the 2030 Growth Vision Plan, which calls for "urban area" at this location, as well as meeting the location criteria for suburban density residential development as listed in the Land Use Policies Plan; and
2. The request is consistent with surrounding zoning and land uses.

The R30 and R40 Residential districts could also be considered suitable for this request.

Attachments:

- 1 – Site Profile
- 2 – Sketch Map

P10-43
SITE PROFILE

P10-43: REZONING OF 3.90+/- ACRES FROM A1 AGRICULTURAL TO R20 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE NORTH SIDE OF SR 2238 (SAND HILL ROAD) AND EAST OF TIMBER GROVE DRIVE, SUBMITTED BY CHARLES AND EVELYN E. IRELAND (OWNERS).

Site Information:

Frontage & Location: 202.16'+/- on SR 2238 (Sand Hill Road)

Depth: 826.15'+/-

Jurisdiction: Cumberland County

Adjacent Property: No

Current Use: Vacant

Initial Zoning: A1 – June 25, 1980 (Area 13)

Nonconformities: None

Zoning Violation(s): None

Surrounding Zoning: North: R20/DD/CUD (72 lot Density Development) & A1; South: RR, R20, R15 & A1; East: R20, R6A & A1; West: A1

Surrounding Land Use: Residential (including manufactured dwellings) farmland & woodlands

2030 Land Use Plan: Urban

Special Flood Hazard Area (SFHA): None

Water/Sewer Availability: PWC/Septic

Soil Limitations: None

School Capacity/Enrolled: Alderman Road Elementary: 750/715; Gray's Creek Middle: 1,000/911; Gray's Creek High: 1,270/1,236

Subdivision/Site Plan: Review required prior to development

Average Daily Traffic Count (2008): 6,400 on SR 2238 (Sand Hill Road)

Recreation Area: Proposed Gray's Creek Park 3.3+/- miles away

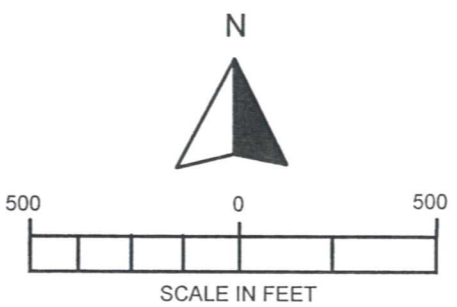
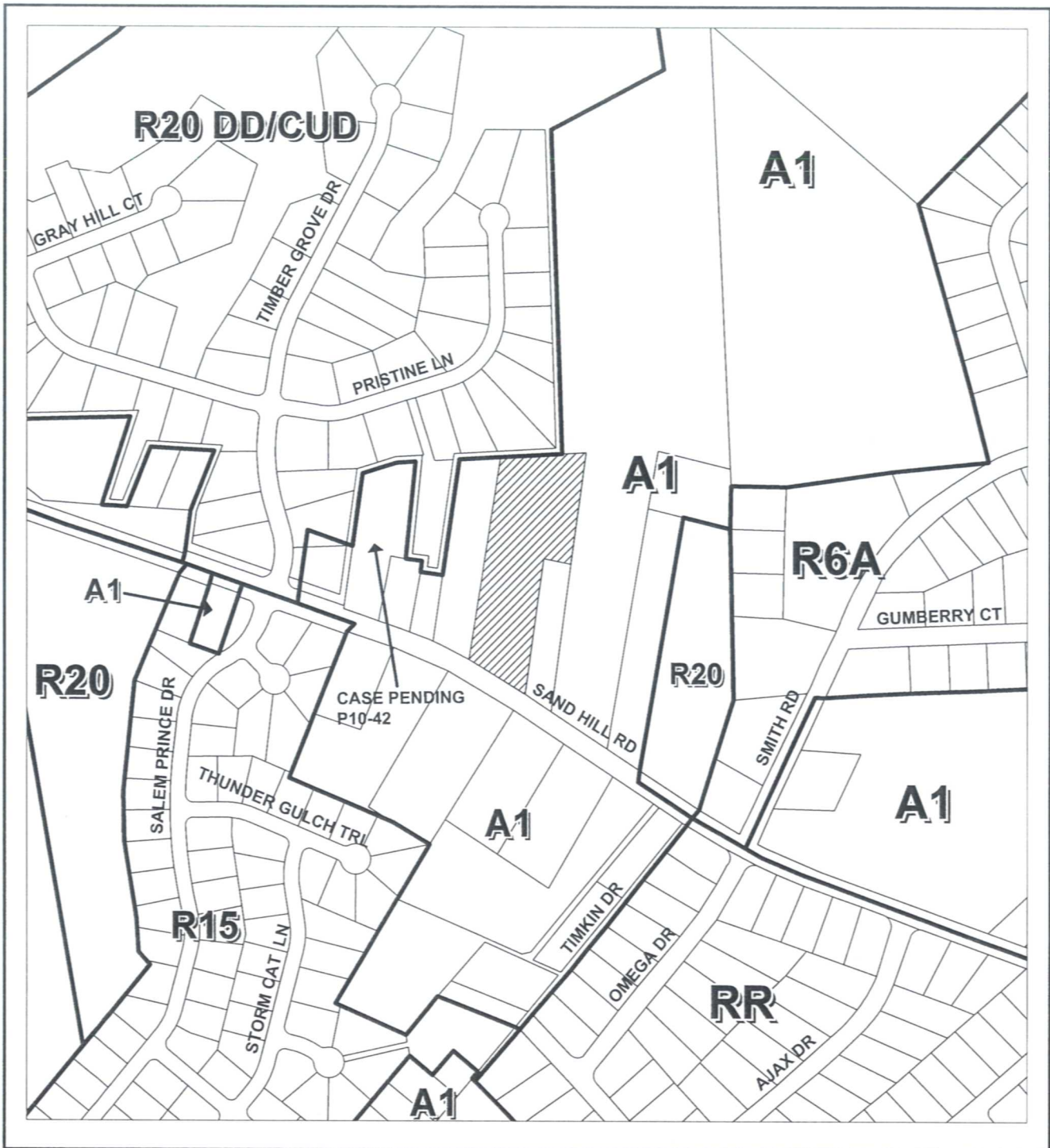
Highway Plan: Sand Hill Road is identified in the Highway Plan as a major thoroughfare. The plan calls for widening to a multi-lane facility. This is a priority #2 in the Highway Portion of the LRTP

Notes:

<u>Density:</u>	<u>Density minus 15% for R/W:</u>
A1 – 2 lots/units	A1 – 2 lots/units
R40 – 4 lots/units	R40 – 4 lots/units
R30 – 6 lots/units	R30 – 5 lots/units
R20 – 9 lots/units	R20 – 7 lots/units

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 A1 TO R20

ACREAGE: 3.90 AC.+/-	HEARING NO: P10-43	
ORDINANCE: COUNTY	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

PIN: 0433-81-2869

Lori Epler,
Chair
Cumberland County

Roy Turner,
Vice-Chair
Cumberland County

Garland C. Hostetter,
Town of Spring Lake
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Donovan McLaurin
Wade, Falcon, & Godwin

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for October 19, 2010 Board Meeting

P10-45: REZONING OF 13.30+/- ACRES FROM M(P) PLANNED INDUSTRIAL TO O&I(P) PLANNED OFFICE AND INSTITUTIONAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 3130 GILLESPIE STREET; SUBMITTED BY F. STUART CLARKE, ATTORNEY, ON BEHALF OF TECHNIMARK, INC. (OWNER) AND R. HALL POWERS, JR.

The County Planning Staff recommends approval of the O&I(P) Planned Office and Institutional district for this request based on the following:

1. The district requested is consistent with the 2030 Growth Vision Plan, which calls for "urban area" at this location, as well as meeting all of the listed location criteria for office and institutional development as listed in the Land Use Policies Plan;
2. Public utilities are available to the subject property; 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

P10-45
SITE PROFILE

P10-45: REZONING OF 13.30+/- ACRES FROM M(P) PLANNED INDUSTRIAL TO O&I(P) PLANNED OFFICE AND INSTITUTIONAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 3130 GILLESPIE STREET; SUBMITTED BY F. STUART CLARKE, ATTORNEY, ON BEHALF OF TECHNIMARK, INC. (OWNER) AND R. HALL POWERS, JR.

Site Information:

Frontage & Location: 199.96'+/- on SR 1242 (Gillespie Street)

Depth: 1,060.00'+/-

Jurisdiction: Cumberland County

Adjacent Property: No

Current Use: Vacant Industrial Building

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

Nonconformities: None

Zoning Violation(s): None

Surrounding Zoning: North: M(P)/CU (to allow a manufactured home sales lot), M2 (Fayetteville), M(P), C(P) & R10; South: C(P), RR, R10 & R6A; East: M(P) & C(P); West: M2 (Fayetteville) & R6A

Surrounding Land Use: Residential, vacant commercial (2), trade contractor and manufactured home park

2030 Land Use Plan: Urban

Special Flood Hazard Area (SFHA): None

Water/Sewer Availability: PWC/PWC

Soil Limitations: Yes, hydric – JT Johnston loam

School Capacity/Enrolled: Elizabeth Cashwell Elementary: 675/746; South View Middle: 900/802; South View High: 1,800/1,848

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

Municipal Influence Area: City of Fayetteville

Fayetteville Regional Airport: No objection although subject is within APZ of runway 10

Average Daily Traffic Count (2008): 2,300 on SR 1242 (Gillespie Street)

Highway Plan: US HWY 301/I-95 Business is identified in the Highway Plan as a major thoroughfare. The plan calls for widening to a multi-lane facility. This is a priority #2 in the Highway Portion of the LRTP

Note:

Minimum Yard Setback Regulations:

M(P)

Front yard: 100'

Side yard: 50'

Rear yard: 50'

O&I(P)

Front yard: 35'

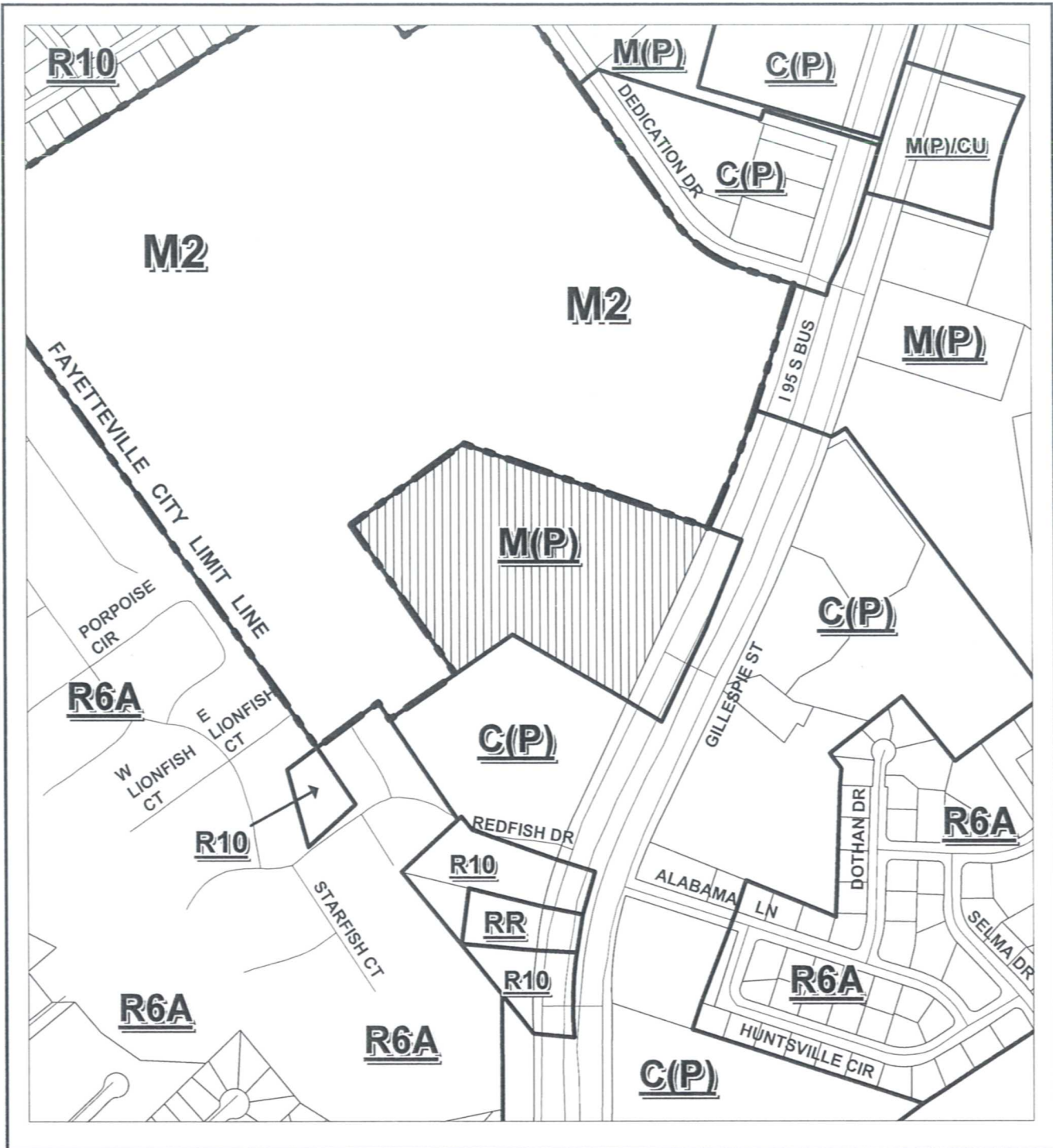
Side yard: 15'

Rear yard: 20'

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.

NOTE: IN AOD AREA



REQUESTED REZONING M(P) TO O&I(P)

ACREAGE: 13.30 AC.+/-

HEARING NO: P10-45

ORDINANCE: COUNTY

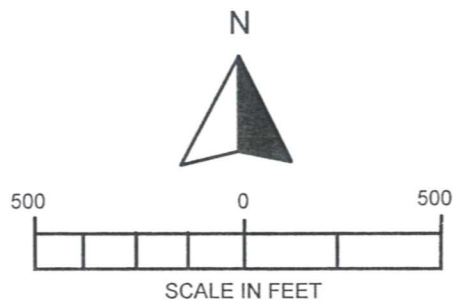
HEARING DATE

ACTION

STAFF RECOMMENDATION

PLANNING BOARD

GOVERNING BOARD



PIN: 0425-82-6757

AF
9/27/910

Lori Epler,
Chair
Cumberland County

Roy Turner,
Vice-Chair
Cumberland County

Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
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Donovan McLaurin
Wade, Falcon, & Godwin

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Reconsideration of Sidewalk Waiver Request for September 21, 2010 Board Meeting

P10-32: REZONING OF 20.87+/- ACRES FROM RR RURAL RESIDENTIAL, R10 RESIDENTIAL AND R6A RESIDENTIAL TO RR RURAL RESIDENTIAL/CUD CONDITIONAL USE DISTRICT FOR A RV PARK/CAMPGROUND AND THE PERMIT OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE SOUTHEAST SIDE OF SR 1003 (CAMDEN ROAD), SOUTHWEST OF NC HWY 162 (ELK ROAD); SUBMITTED BY ROY L. AND CHOM CHU DEAN (OWNERS).

The property owner and the agent for the above referenced case have requested to reappear before the Planning Board concerning the mandatory requirement for sidewalk installation along SR 1003 (Camden Road). Following is a brief synopsis of the outcome of the previous board meeting:

At the September 21, 2010 meeting, the board voted to recommend approval of the RR Rural Residential/Conditional Use District and Permit with the added condition that the owner remove all existing manufactured homes on the "street side" of the power line easement within six months from the date of the County Commissioners' approval, if granted. The manufactured homes are to be removed from the area on the "lake side" of the power line easement within one year from date of approval. The property owner agreed to add this condition.

Regarding the waiver/variance requests that were considered, the property owner stated that the Public Works Commission (PWC) or the NC Department of Transportation (NCDOT) was installing a fire hydrant at the entrance to the park as a part of the road improvement project in this area that is currently underway. On September 22, 2010 it was confirmed by Heidi Maly, PWC, to this staff that PWC was installing the hydrant; therefore, a waiver for this improvement is not necessary.

The property owner also agreed to ensuring the recombination plat was properly prepared and recorded and that installation of the sidewalk would be accomplished, thus withdrawing the waiver requests for these items. The staff amended their recommendation relating to the on-site buffer at the meeting and the board agreed that an on-site buffer should not be required, except where shown on the site plan, due to the nature of the surrounding area.

Included in the Planning Board's recommendation, the board members also recommended that any changes to the application, site plan, or conditions of the Permit are to be reconsidered by the Planning Board before the Commissioners issued a final ruling on the request. Since the September 21, 2010 board meeting, the applicant has requested that the sidewalk installation along Camden Road be readdressed.

This request for consideration of a sidewalk waiver has been placed on the Hope Mills Board of Commissioners agenda for their consideration of offering a recommendation. Because the town meeting is the night before your Planning Board hearing, the Hope Mills' recommendation will be verbally presented to you at the meeting. The property owners' representative submitted a letter to the town – see the last page of the attachments to this letter.

Attachments:

- 1 – Site Profile
- 2 – Rezoning Sketch Map
- 3 – Site Plan (Proposed RV Park)
- 4 – Existing MHP Site Plan
- 5 – Draft Ordinance Related Conditions (only use if considered for approval)
Revised October 13, 2010
- 6 – Application w/ Amended Request, dated August 26, 2010
- 7 – Letter to M. Bailey, Hope Mills, dated October 11, 2010

P10-32
SITE PROFILE

P10-32: REZONING OF 20.87+/- ACRES FROM RR RURAL RESIDENTIAL, R10 RESIDENTIAL AND R6A RESIDENTIAL TO RR RURAL RESIDENTIAL/CUD CONDITIONAL USE DISTRICT FOR A RV PARK/CAMPGROUND AND THE PERMIT OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE SOUTH EAST SIDE OF SR 1003 (CAMDEN ROAD) AND SOUTH WEST OF NC HWY 162 (ELK ROAD), SUBMITTED BY ROY L. AND CHOM CHU DEAN (OWNERS).

Site Information:

Frontage & Location: 680.00'+/- on SR 1003 (Camden Road)

Depth: 1,400.00'+/-

Jurisdiction: Cumberland County

Adjacent Property: No

Current Use: Manufactured Home Park

Initial Zoning: R10 – November 17, 1975 (Area 4); portion rezoned to R6 on June 25, 1985; portion rezoned to RR and CD on March 20, 2006

Nonconformities: If approved, existing manufactured home park will become nonconforming

Zoning Violation(s): None

Surrounding Zoning: North: C(P), RR, R10 & R5A; South: RR & R10; East: RR, R10 & CD; West: R10

Surrounding Land Use: Residential (including manufactured homes), manufactured home park, woodlands

2030 Land Use Plan: Urban & Conservation

Special Flood Hazard Area (SFHA): Yes; varies from 110.2 to 114.6 msl (NAVD)

Water/Sewer Availability: PWC/PWC

Soil Limitations: Yes, hydric – JT Johnston loam

School Capacity/Enrolled: C. Wayne Collier Elementary: 600/557; South View Middle: 900/725; South View High: 1,800/1,838

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

Municipal Influence Area: Town of Hope Mills

Average Daily Traffic Count (2008): 13,000 on SR 1003 (Camden Road)

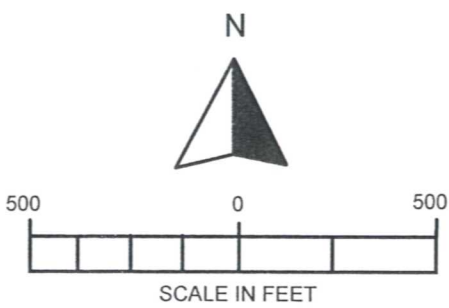
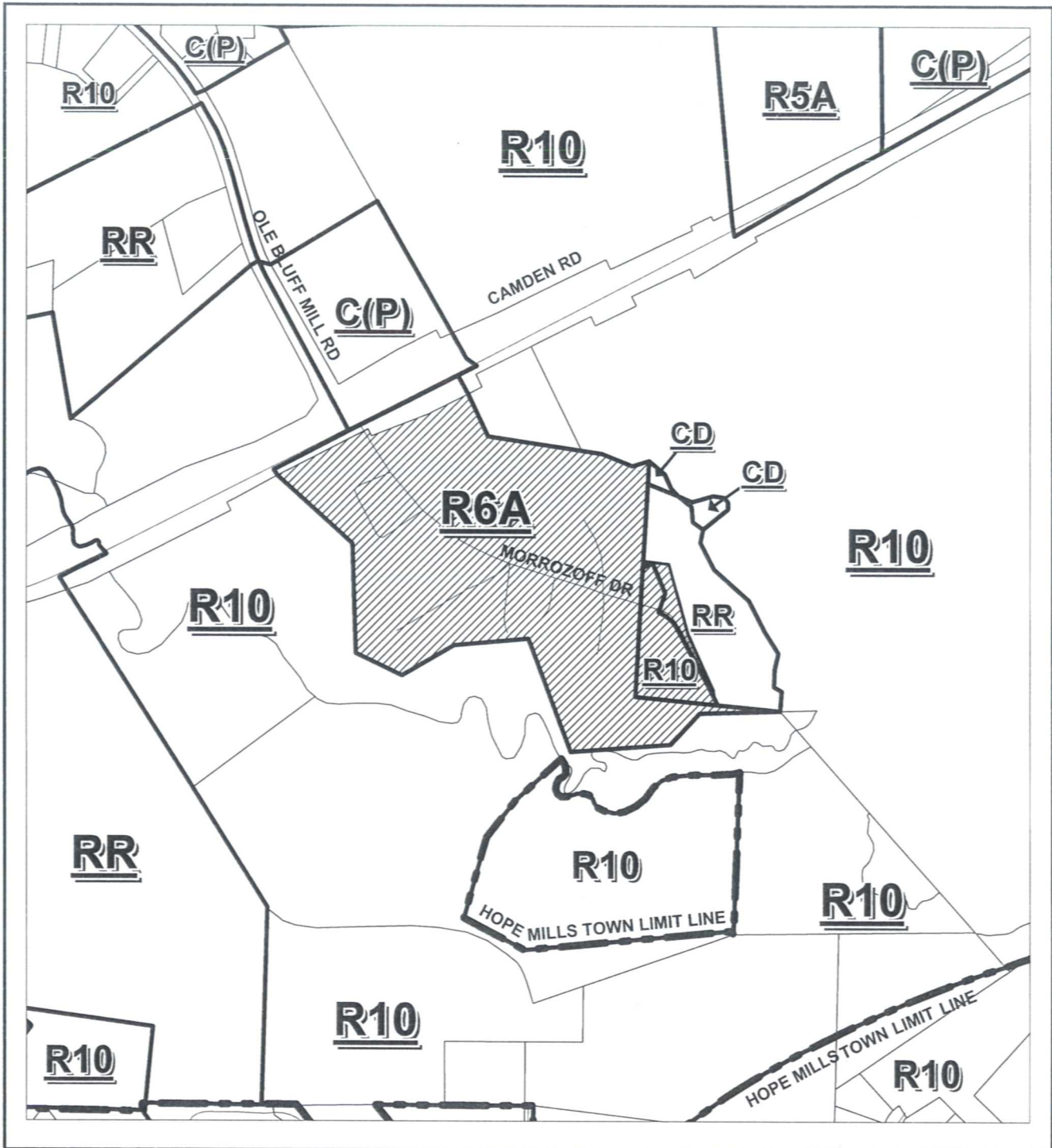
Highway Plan: Camden Road is identified in the highway plan as a major thoroughfare. This proposal calls for a multi-lane facility (U-2810) with a right-of-way of 110 feet. Road improvements are included in the 2009-2015 MTIP.

Notes:

1. Existing manufactured dwellings (once removed) are only to be replaced with RVs or Campers (90 Spaces).
2. In the *Special Flood Hazard Area*, Recreational Vehicles must adhere to North Carolina Floodplain Management standards as listed by the North Carolina Department of Crime Control and Public Safety.
3. Case number P06-06-C to allow RV Park/Campground (33 sites) on 4.02+/- acres approved on applicant's adjacent property on 05-18-06.
4. Existing Manufactured Home Park to be phased out by December 31, 2011
5. Applicant has requested four waivers/ variances to the RV Park/Campground Standards;
 - Request that recordation of a recombination plat not be required
 - Request that on-site buffer not be required except as shown on portion of northern boundry
 - Request that a fire hydrant at the entrance not be required; and
 - Request that installation of sidewalks not be required

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.



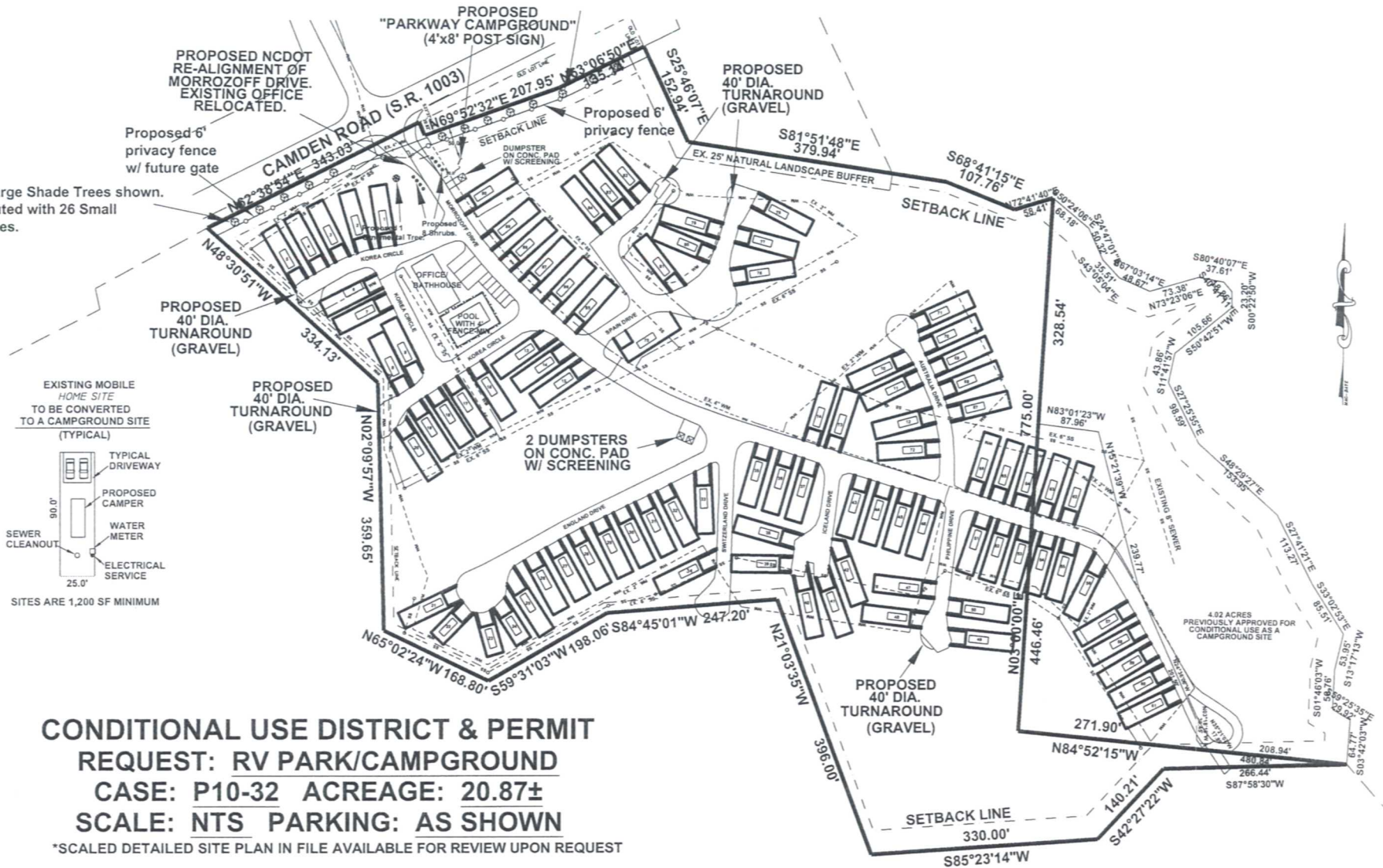
REQUESTED REZONING RR, R10 & R6A TO RR/CUD

ACREAGE: 20.87 AC.+/-		HEARING NO: P10-32	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

PIN: 0414-39-2895
 PORT. OF: 0414-39-8791

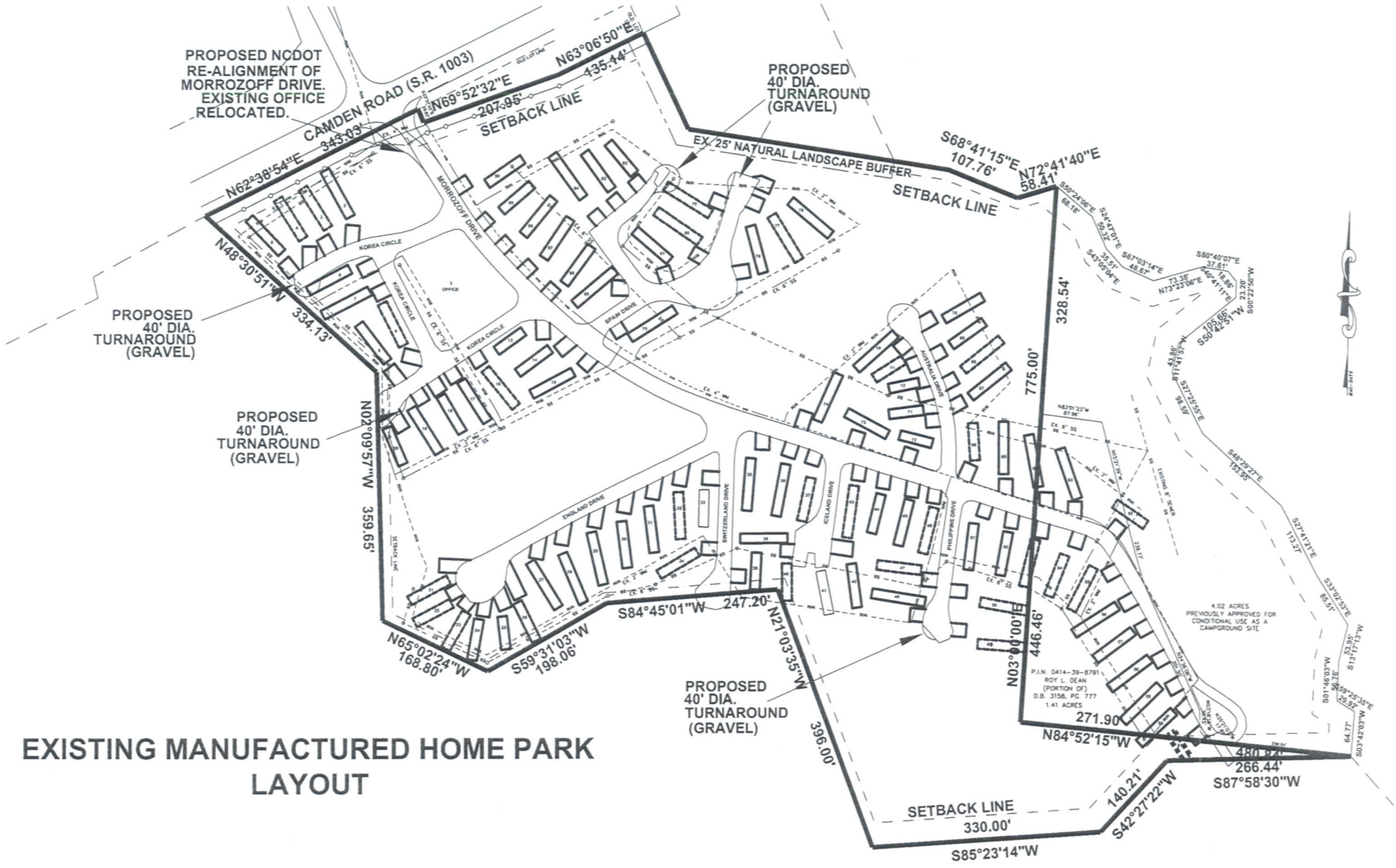
Proposed 13 Large Shade Trees shown. May be substituted with 26 Small Ornamental Trees.

Proposed 13 Large Shade Trees shown. May be substituted with 26 Small Ornamental Trees.



**CONDITIONAL USE DISTRICT & PERMIT
REQUEST: RV PARK/CAMPGROUND
CASE: P10-32 ACREAGE: 20.87±
SCALE: NTS PARKING: AS SHOWN**

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



EXISTING MANUFACTURED HOME PARK LAYOUT



P.L.N. 0414-39-8791
 ROY L. DEAN
 (PORTION OF)
 D.B. 3158, PG. 777
 1.41 ACRES

4.02 ACRES
 PREVIOUSLY APPROVED FOR
 CONDITIONAL USE AS A
 CAMPGROUND SITE

Conditional Use District & Permit

DRAFT

Ordinance Related Conditions

Pre- Permit Related:

4. A recombination plat (also known as a “No Approval Required” or “NAR”) 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 conversion of any space within the existing manufactured home park to a RV space or any permit application for any structure. ~~AMENDED APPLICATION REQUEST THAT THIS CONDITION BE WAIVED – SEE COMMENT 1 ON SECOND PAGE OF LETTER DATED AUGUST 26, 2010~~ **PROPERTY OWNER AGREED TO THIS CONDITION AT THE SEPTEMBER 21, 2010 PLANNING BOARD MEETING**

Permit-Related:

2. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the County Zoning Ordinance and permits required to place any structure within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. For additional information, the developer should contact a Code Enforcement Officer.
3. As the existing manufactured homes are removed from this site, only recreational vehicles can be located on the vacated individual space. The approval of the Conditional Use District for a RV Park/Campground and the Permit will make the existing Manufactured Home Park nonconforming and any manufactured home destroyed or removed from this development cannot be replaced.
4. 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)

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

5. 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 (NCDENR). If one acre or more of land is to be disturbed, prior to the issuance of any building/zoning permits for this site, a copy of the State’s *Post-Construction Permit* must be provided to County Code Enforcement.
6. For any new development where the developer disturbs or intends to disturb more than one acre of land, the developer must provide the Code Enforcement Section with an approved NC Department of Environment and Natural Resources (NCDENR) sedimentation and erosion control plan (S&E) prior to any application for permits. (Note: If any retention/detention basins are required for state approval of this plan, then three copies of a revised plan must be submitted and approved by Planning & Inspections prior to application for any building/zoning permits.) A copy of the NCDENR approval must be provided to Code Enforcement at the time of application for any building/zoning permits.
7. The *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.

In the SFHA, RVs must be licensed and titled as an RV or park model (not a permanent residence), be built on a single chassis, have inflated wheels and be self-propelled or towable by light truck, have no attached deck, porch or shed, be used for temporary recreational, camping, travel or seasonal use, and have quick-disconnect sewage, water and electrical connectors. **Any RV that does not meet these conditions must be installed and elevated like a manufactured homes, including permanent foundations and tie-downs.**

8. Landscaping must be provided as shown on the revised site plan and must be in place prior to conversion of any manufactured home space to a RV space. Landscaping must be provided in accordance with Section 1102 N, Landscaping, County Zoning Ordinance - the following are the minimum standards for the required landscaping of this site:
 - a. Thirteen large shade trees or 26 small ornamental trees within the front yard setback area;
 - b. One ornamental tree and eight shrubs are required in the building yard area;

In addition:

- a. Required plant materials shall be maintained by the property owner, including replacing dead or unhealthy trees and shrubs; and
 - b. All yard and planting areas shall be maintained in a neat, orderly, and presentable manner and kept free of weeds and debris.
9. The building final inspection cannot be accomplished until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans.
 10. A review of the data available to the Army Corp of Engineers indicates that jurisdictional waters are likely to be present on this property and therefore are likely to be impacted by the proposed project. However, without an official Jurisdictional Determination at the property, these findings cannot be confirmed.

A permit will be required for this project if construction will involve the temporary and/or permanent placement of fill in waters of the United States including wetlands. If a permit is required, the applicant will be required to avoid and minimize impacts to wetland/waters of the United States and may need to provide compensatory mitigation for unavoidable impacts.

Site-Related:

11. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Zoning Ordinances for the RR/CUD zoning district and the conditions of the Permit must be complied with, as applicable. This application is for the conversion of this site from a manufactured home park to a RV Park/Campground – upon the removal of any manufactured home, regardless of reason, no manufactured home can be used as a replacement structure and all RV sites must be located as shown on the revised plan.

AT THE SEPTEMBER 21, 2010 PLANNING BOARD MEETING, THE PROPERTY OWNER AGREED THAT ALL MANUFACTURED HOMES LOCATED BETWEEN THE POWER LINE EASEMENT AND THE ROAD (“STREET SIDE”) WOULD BE REMOVED WITHIN SIX MONTHS FROM COUNTY BOARD OF COMMISSIONERS’ APPROVAL, IF GRANTED. THE REMAINING MANUFACTURED HOMES, LOCATED BETWEEN THE POWER LINE EASEMENT AND THE LAKE (“LAKE SIDE”) WOULD BE REMOVED FROM THIS SITE WITHIN 12 MONTHS OF THE COUNTY COMMISSIONERS’ APPROVAL, IF GRANTED. IN ADDITION, THE PROPERTY OWNER AGREED THAT NO RV WOULD BE PLACED WITH THE STREET SIDE OR LAKE SIDE UNTIL ALL MANUFACTURED HOMES ARE REMOVED FROM THE RESPECTIVE AREAS.

12. All turnarounds must be constructed with a minimum depth of six inch gravel base, with proper ditching, drainage, and seeding of slopes prior to use as a RV park.
13. This conditional approval is not approval of the permit for the freestanding sign. 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.)
14. “Camden Road” must be labeled as “SR 1003 (Camden Road)” on all future plans.

15. The pool area must be fenced with a minimum of a four foot high fence which can be securely fastened and meet all specifications of Section 1002.C, Swimming Pools, County Zoning Ordinance.
16. Each individual space is required to provide a stabilized vehicular pad of packed gravel, paving or other suitable material prior to use as a RV space.
17. The RV park cannot allow for permanent occupancy on the same site by the same occupant for any continuous period of time exceeding 90 days.
18. This conditional approval is not approval of any tent spaces within this RV park.
19. 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)
20. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision Ordinance)
21. In the event a stormwater utility structure is required by the NC Department of Environment and Natural Resources (NCDENR), the owner/developer must secure the structure with a four foot high fence with a lockable gate, and is required to maintain the detention/retention basin, keeping it clear of debris and taking measures for the prevention of insect and rodent infestation.
22. 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.
23. 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.
24. Turn lanes may be required by the NC Department of Transportation (NCDOT).
25. All spaces within this park are required to be served internally by the private drive; no direct access to SR 1003 (Camden Road) can be permitted.
26. 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.
27. A solid buffer must be provided and maintained onsite along the entire boundary of this property where this tract abuts residentially zoned properties and the buffer must be installed in accordance with the provisions of Section 1102 G, Buffer Requirements, County Zoning Ordinance. (Note: Chain link fencing cannot be used to satisfy the buffer requirement.)
VARIANCE REQUEST WITHIN APPLICATION – AT THE SEPTEMBER 21, 2010 PLANNING BOARD MEETING, THE BOARD VOTED TO RECOMMEND APPROVAL OF THE OFF-SITE BUFFER WITH THE EXCEPTION OF WHERE THE SITE PLAN INDICATES AN ON-SITE BUFFER WILL BE PROVIDED.
28. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.
29. All required off-street parking spaces shall be a minimum of 9' x 20'. All off-street parking spaces shall be maintained as reflected on the site plan.
30. 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.
31. All notes and calculations as shown on the site plan are to be considered as a part of this conditional approval.
32. All Federal, State and other local regulations are to be complied with.

Plat-Related (WAIVER REQUEST REGARDING RECOMBINATION PLAT WITHIN AMENDED APPLICATION APPLICANT WITHDREW THIS WAIVER REQUEST AT THE SEPTEMBER 21, 2010 PLANNING BOARD MEETING BY AGREEING TO ENSURING THAT THE PLAT IS PREPARED AND RECORDED):

33. Prior to submission of the recombination plat for approval for recording, one fire hydrant must be installed along SR 1003 (Camden Road) at the entrance to the park. (Section 2306 B, Fire hydrants, County Subdivision Ordinance) **WAIVER REQUEST WITHIN AMENDED APPLICATION – AT THE SEPTEMBER 21, 2010 PLANNING BOARD MEETING, THE PROPERTY OWNER AND/OR HIS AGENT STATED THAT THE PUBLIC WORKS COMMISSION (PWC) IS INSTALLING A FIRE HYDRANT AT THE ENTRANCE TO THE PARK AS A PART OF THE ROAD IMPROVEMENT PROJECT FOR CAMDEN ROAD – STAFF VERIFIED THIS WITH THE PWC ON SEPTEMBER 22, 2010**
34. Prior to submission of the recombination plat for approval for recording, a concrete sidewalk must be constructed along SR 1003 (Camden Road) and the sidewalk must meet the specifications of the Hope Mills Street Department. [Co. Subdivision Ord., Sec. 2302, Area Specific Standards, A. Municipal Influence Area & Hope Mills Subdivision Ord., Sec. 86A-405 Sidewalks]. **WAIVER REQUEST WITHIN AMENDED APPLICATION**
35. The recombined tract must be drawn with solid property lines, with the bearings and distances, acreage and lot identifier reflected on the recombination plat.
36. 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. Any development within the SFHA is subject to the requirements of the County Flood Damage Prevention Ordinance administered by the County Engineering Department.
37. "Camden Road" be labeled as "SR 1003 (Camden Road)" on the recombination plat.
38. Dedication of 15 feet of right-of-way and reservation of 5 feet of right-of way along SR 1003 (Camden 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)
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. The NC Department of Transportation (NCDOT) stamp must be affixed to the recombination plat prior to submission for approval for recording.
41. The notarized signature(s) of all current tax record owner(s) and notary certifications appear on the recombination plat when submitted for final approval. (Section 2503 D, Certificate of Ownership and Dedication, County Subdivision Ordinance)
42. The developer is reminded that the improvements must be in place or that approval for recording of the recombination plat 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.)
43. The recombination 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 conversion of any manufactured home space to a RV space.

Plat-Required Statements:

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

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

Other Relevant Conditions:

- 45. The applicant is advised to consult an expert on wetlands before proceeding with any development. 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 and the permit must be obtained prior to any construction on this site.
- 46. 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.
- 47. The property owner is strongly encouraged to retain as many existing trees as possible. The Town of Hope Mills has tree preservation provisions in their ordinance.

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
County Health Department:	Daniel Ortiz	433-3680
PWC:	Heidi Maly	223-4737
Town of Hope Mills:		424-4555*
Asst. Town Manager/Town Clerk:	Connie Spell	
Chief Building Inspector:	Mike Bailey	
Corp of Engineers (wetlands):	Crystal C. Amschler	(910) 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
Transportation Planning:	Bobby McCormick	678 7632
N.C. Division of Water Quality:	Mike Randall	(919) 807-6374

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

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: Roy Dear
2. ADDRESS: 6846 Harvest Ct. Fayetteville, NC ZIP CODE: 28306
3. TELEPHONE: (Home) 424-3442 (Work) 818-2618
4. Location of Property: Morrozoff Drive + Camden Rd
5. Parcel Identification Number (PIN #) of subject property: 0414-39-2895
(also known as Tax ID Number or Property Tax ID) 0414-39-8791
6. Acreage: 20.87 total* Frontage: 686' Depth: 1270'
7. Water Provider: PWC
8. Septage Provider: PWC
9. Deed Book 3124
3158, Page(s) 611
777*, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
10. Existing use of property: Mobile Home park
11. Proposed use(s) of the property: Campground

NOTE: Be specific and list all intended uses.

12. It is requested that the foregoing property be rezoned FROM: R6A + R10 to RR

TO: (select one)

- Conditional Use District, with an underlying zoning district of RR
(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)

* 4.02 Acres of Deed Bk 3158, Pg. 777 has been previously approved as a campground site (conditional use)

APPLICATION FOR
CONDITIONAL USE DISTRICT AND PERMIT

1. PROPOSED USE(S):

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

**In 2007, FEMA updated their maps resulting in a portion of this property falling into the 100 year Flood Zone. Therefore, if a mobile home is removed, the new mobile home brought in to replace it will have to be 1-foot above the flood*

- 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.

20.87 Acres total of campground + open space to include streets, driveways + natural buffers

2. DIMENSIONAL REQUIREMENTS:

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

~~*The office front setback is 72'. Request it be allowed.*~~ *Prop. New office is setback > 100' CDA*
Also, request existing setbacks for existing mobile homes be allowed for proposed campground sites. *07/09/10*

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

All Campground sites are provided with 2 parking spaces. ~ See typical Home Site.

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Sec. 1306. ~ See Site Plan

The sign was removed when Camden Rd. was widened. A new Campground Sign will be installed following the requirements of the Zoning Ordinance, Section 1306-A-2.

elevation requiring the new mobile home to be 4-feet above ex. ground. The new tenants do not want to do this and take their mobile home to an alternate location.

- Also, single wide mobile homes are not as widely used in Mobile Home Parks, so there is a decreased demand for mobile home spaces.*

- As a result, the number of people seeking mobile home spaces has declined to almost nothing.*

4. LANDSCAPE AND BUFFER REQUIREMENTS:

- A. For all new non-residential and mixed use development abutting a public street, indicate the number of large or small ornamental trees used in the streetscape, yard space, and/or parking areas, plus the number of shrubs (Sec. 1102N).

NOTE: All required landscaping must be included on the site plan.

Landscape Buffer adjacent to residential lot on Camden Rd. All areas are to be buffered as its natural buffer of creeks + low lands.

- B. Indicate the type of buffering and approximate location.

Landscape - See 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.

Lighting to be directed internally.

Request D/W to include turnarounds be approved as they exist.

Facilities as shown cpa 07/09/10

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.

7. 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.

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

✓✓✓ Roy Dear Chom Chu DEAN
NAME OF OWNERS (PRINT OR TYPE)

6846 Harvest Ct. Fayetteville, NC 28306
ADDRESS OF OWNER(S)

424-3442 HOME TELEPHONE # 818-2618-main # WORK TELEPHONE #

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

ADDRESS OF AGENT, ATTORNEY, APPLICANT

HOME TELEPHONE #

WORK TELEPHONE #

✓✓✓ Roy Lee Dear
SIGNATURE OF OWNER(S)

SIGNATURE OF AGENT, ATTORNEY OR APPLICANT

✓✓✓ Chom Chu
SIGNATURE OF OWNER(S)

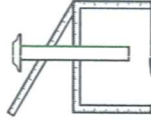
* **ALL record property owners must sign this petition.**

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

Averette Engineering Co., P. A.

CIVIL ENGINEERING • LAND SURVEYING • PLANNING

Address:
712 E. Lake Ridge Road
Raeford, NC 28376



Phone: (910) 488-5656
Fax: (910) 488-0181
Web: www.averette-eng.com
License: C-0146

August 26, 2010

Ms. Patti Speicher
Cumberland County Planning Department
130 Gillespie Street
Fayetteville, North Carolina 28301

Subject: Parkway Campground
Morozoff Drive, Cumberland County, NC
Case: P10-32

Dear Patti,

As you are aware, we propose to convert subject project from an existing mobile home park into an RV park/campground. Our reason for requesting this is listed in Item 1A in our Application for Conditional Use District and Permit. The staff's recommendation was to deny this request and no other zoning district was recommended. This indicates to me that there is no other use of this land other than what we have proposed, which is an RV park/campground.

In regards to our request to have the subject property rezoned from a R6A and R10 zoning to an RR zoning, we have the following comments:

1. The area in which the subject property is located is consistent with the Land Use Policies Plan location criteria. (The 4.02 acre tract to the rear of this property was rezoned by Cumberland County in 2006).
2. The RV park/campground as proposed is appropriate for this area because there are recreational activities. (A swimming pool will be constructed, fishing is available and nature trails are provided for people and domestic animals).
3. The existing mobile home park will be phased out by December 31, 2011 to allow ample time for the existing tenants to be relocated and the improvements to be made.
4. RV parks/campgrounds are market-driven and the applicant has another RV park in Cumberland County. He is satisfied that this project is economically viable, which the mobile home park is not.
5. The applicant agrees that all lands within the special flood hazard area (SFHA) shall be zoned to CD (conservancy district).

In regards to our request to have the subject property given a conditional use permit, we have the following comments:

1. The RV's will be located as shown on the site plan. Those RV's that are in the SFHA-100 year flood zone AE, mostly around the perimeter of the property are allowed since they are temporary, mobile residences. The RV's can be removed in an emergency situation, if needed. It is also noted that this area has never flooded in the time it was a mobile home park.

2. The proper turnarounds at the end of the streets will be installed. We are not requesting any variances for setbacks as all the proposed campsites are in compliance. We are requesting that vegetation surrounding this project, whether it is on this property or adjacent property is sufficient to meet the requirements of the landscape ordinance. Please note that we are screening adjacent residential property from our residential property, which means we are screening residential zoning to residential zoning.
3. This development will not devalue surrounding properties because the only existing property adjacent to it is on the opposite side of an existing creek. The remainder of the surrounding property with the exception of Camden Road is creeks, low-lands and wet lands and cannot be developed. The non-conforming manufactured homes will be phased out and will be a total RV park/campground by December 31, 2011. The location and character of the use has developed in accordance with the plan will be in harmony and will be an asset to the community.

In regards to the draft condition sheet, we have the following comments:

1. We request that a recombination plat not be required. The primary purpose of a plat would be to remove the property line between PIN 0414-39-2895 and PIN 0414-39-8791. Since there will be no permanent structures across any property line, a recombination of the properties is not needed. Also, to record a plat in North Carolina, we are required to comply with GS47.30 and survey the entire 2 tracts, which would be expensive.
2. We have added landscaping as required.
3. We have added 40' diameter turnarounds as needed.
4. The owner will obtain permits before placing any new structures on site.
5. When mobile homes are removed from the site, only RV's will be put in its place.
6. Water and Sewer through PWC is already available to this site.
7. This is an existing development, no new development will be done on site, so a Stormwater Management Permit will not be required.
8. This is an existing development, no new development will be done on site, so an NCDENR will not be required.
9. Prior to any building permits, the owner will obtain proper flood plain development permits.
10. The owner understands that the Code Enforcement Officer must inspect the site before a building final inspection is issued.
11. An ACOE permit will not be required as no fill will be placed in any wetlands.
12. The RR and CUD zoning has been complied with.
13. The required permits for the sign will be obtained.
14. Camden Road has been labelled as SR 1003
15. The pool is shown with a 4' fence.
16. Each RV space will have a stabilized vehicular pad of packed gravel, paving or other suitable material prior to use as an RV space.
17. The RV park will not allow permanent occupancy on the same site by the same occupant for any continuous period of time exceeding 90 days.
18. The RV park will not have any tent spaces.

19. The is an existing development.
20. This is an existing development.
21. No stormwater structures will be required.
22. These roads will remain private, no NCDOT approval will be needed.
23. This is an existing development and NCDOT will reconstruct the entrance while the improvements are being made to Camden Road.
24. This is an existing development and no new RV spaces will be added. NCDOT is presently making improvements to Camden Road.
25. All RV spaces will be served internally and there will be no direct access to Camden Road from any RV space.
26. All lighting will be directed internally.
27. A solid, natural buffer will be located where the adjacent property is residential. We are requesting that vegetation surrounding this project, whether it is on this property or adjacent property is sufficient to meet the requirements of the landscape ordinance. Please note that we are screening adjacent residential propety from our residential property, which means we are screening residential zoning to residential zoning.
28. The dumpsters are shown on the plan.
29. All off-street parking is a minimum of 9' x 20'.
30. The owner will keep the site aesthetically and environmentally pleasing.
31. All notes on the plans are part of the conditional approval.
32. All Federal, State and Local regulations will be complied with.
33. No additional fire hydrants are to be placed on this site as the water and sanitary sewer lines are private and fire hydrants for public use cannot be added.
34. NCDOT is installing sidewalk on Camden Road on the right hand side from Hope Mills Road to Buckhead Creek (Hope Mills Town Limits). They are also installing sidewalk on the left hand side from Hope Mills Road to the first shopping center, which is short of the town limits as there is no need for sidewalk in that area. There will not be any sidewalk from Hope Mills Town Limits to the Hope Mills Bypass. The cost to install sidewalk would be approximately \$15,000.00 and permission would have to be received from NCDOT to install this sidewalk. Since the road widening is currently under construction, we would have to get the NCDOT contractor to do the sidewalk and that would cost even more. Unlike the sidewalk constructed within the Hope Mills Town Limits, which would be maintained by NCDOT or Hope Mills, this property would not be maintained by NCDOT, nor would they assume any liability for it. We are therefore requesting that we not be required to install sidewalk on this property as it would be of no value to the applicant.
35. We are requesting that we not have to do a recombination plat.
36. We are requesting that we not have to do a recombination plat.
37. Camden Road has been labelled SR 1003.
38. NCDOT is currently widening Camden Road and all required future and reserved right-of-way has been obtained and is reflected on this site plan.
39. All known easements, if any are shown on the plan.
40. We are requesting that we not have to do a recombination plat.
41. We are requesting that we not have to do a recombination plat.
42. We are requesting that we not have to do a recombination plat.

43. We are requesting that we not have to do a recombination plat.
44. We are requesting that we not have to do a recombination plat.
45. An ACOE permit will not be required as no fill will be placed in any wetlands.
46. All known easements, if any are shown on the plan.
47. All trees will remain

Thank you for your time and please let us know if you have any questions or need additional information.

Sincerely,

A handwritten signature in cursive script, appearing to read "D. Averette".

Charles D. Averette, P.E., F.NSPE, P.L.S.
Consultant to the President

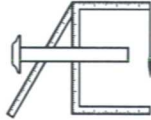
CDA/kaj

cc: Roy Dean

Averette Engineering Co., P. A.

CIVIL ENGINEERING • LAND SURVEYING • PLANNING

Address:
712 E. Lake Ridge Road
Raeford, NC 28376



Phone: (910) 488-5656
Fax: (910) 488-0181
Web: www.averette-eng.com

October 11, 2010

Mr. Mike Bailey
Town of Hope Mills
5770 Rockfish Road
Hope Mills, North Carolina 28348

Subject: Parkway Campground
Morozoff Drive, Cumberland County, North Carolina
Case No. P10-32

Dear Mike,

Reference is made to a letter from Cumberland County to the Hope Mills Board of Commissioners regarding subject project. Attached are copies of NCDOT drawing, Reference No. U-2810A (Camden Road). Please note we have highlighted the proposed sidewalk on Camden Road in red, the Town of Hope Mills boundary line is in blue and Mr. Roy Dean's property is in yellow. We are requesting that the Town of Hope Mills grant Mr. Dean a waiver in the requirement to construct a sidewalk along Camden Road. Our reasons are as follows:

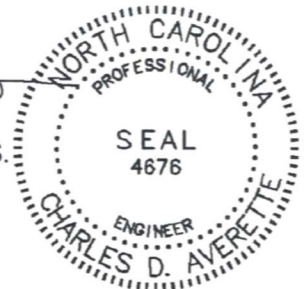
1. A proposed, approved 5' sidewalk is presently being constructed by NCDOT along Camden Road. The sidewalk ends at the Town Limits of Hope Mills on both sides of Camden Road.
2. If a sidewalk was constructed within the NCDOT right-of-way of Camden Road, no one would be responsible for maintenance or liability. (Not NCDOT, not the Town of Hope Mills and not Cumberland County). Also the public would have to travel either in the road or on soil shoulders to access the sidewalks within the town limits.
3. There is no reason for a sidewalk to be constructed in NCDOT right-of-way, in front of Mr. Dean's property to serve the park residents. The park residents could not use the sidewalk to access the Hope Mills sidewalk. Also, the park residents would have their own internal walking trails.
4. If Mr. Dean was required to place a sidewalk on his private property, he would not be able to do that until 2012, when NCDOT completes the Camden Road project. (NCDOT has a 30' wide construction easement on Mr. Dean's property)

For the reasons above, we are requesting that the Town of Hope Mills grant Mr. Dean a waiver in the requirement to construct a sidewalk along Camden Road. Thank you for allowing us the opportunity to make this request. I will be at the Hope Mills Town Board Meeting on October 18th if the Board has any questions.

Sincerely,

A handwritten signature in cursive script that reads "Charles D. Averette".

Charles D. Averette, P.E., F.NSPE, P.L.S.
Consultant to the President



CDA/kaj
Enclosure
cc: Roy Dean

06-086
SITE PROFILE

CASE NO. 06-086. CONSIDERATION OF THE CARGILL, INC. PROPERTY, REQUEST FOR ALTERNATE FRONT YARD SETBACK OF 20.3 FEET WHERE 100 FEET IS REQUIRED; COUNTY ZONING ORDINANCE, SECTION 1404 PLANNING BOARD CONSIDERATION OF SECTION 1104 DISTRICT DIMENSIONAL PROVISIONS; ZONING: M(P); TOTAL ACREAGE: 16.15+/-; LOCATED AT 1650 AND 1754 RIVER ROAD (SR 1714); SUBMITTED BY R. JOHN BIGELOW ON BEHALF OF CARGILL, INC (OWNER).

Summary of Request

Developer is requesting an alternate front yard setback from SR 1730 (Underwood Road) for a proposed office and a conference room building. The office building would be the closest building to the right-of-way at distance of 20.3 feet and the conference room building would be at 68 feet. The setback requirement for the M(P) zoning district requires a minimum setback of 100 feet from the right-of-way. The proposed buildings will not be closer than the other existing structures which currently do not meet the setback requirements for the M(P) zoning district. These existing structures are legal nonconforming due to the structures existing prior to being subject to zoning regulations. Both proposed buildings will be using the existing drives for access.

Site Information:

Frontage & Location: 1,826.85'+/- along SR 1730 (Underwood Road)

Frontage & Location: 873.88'+/- along SR 1714 (River Road)

Depth: 480.00'+/- (middle of the property)

Jurisdiction: Cumberland County

Municipal Influence Areas: Fayetteville

Adjacent Property: Yes

Nonconformities: Yes, structures constructed in the 1971 to 1979 time frame

Initially Zoned: December 14, 1979, Area 10

Water & Sewer: PWC/PWC

Special Flood Hazard Area (SFHA): No

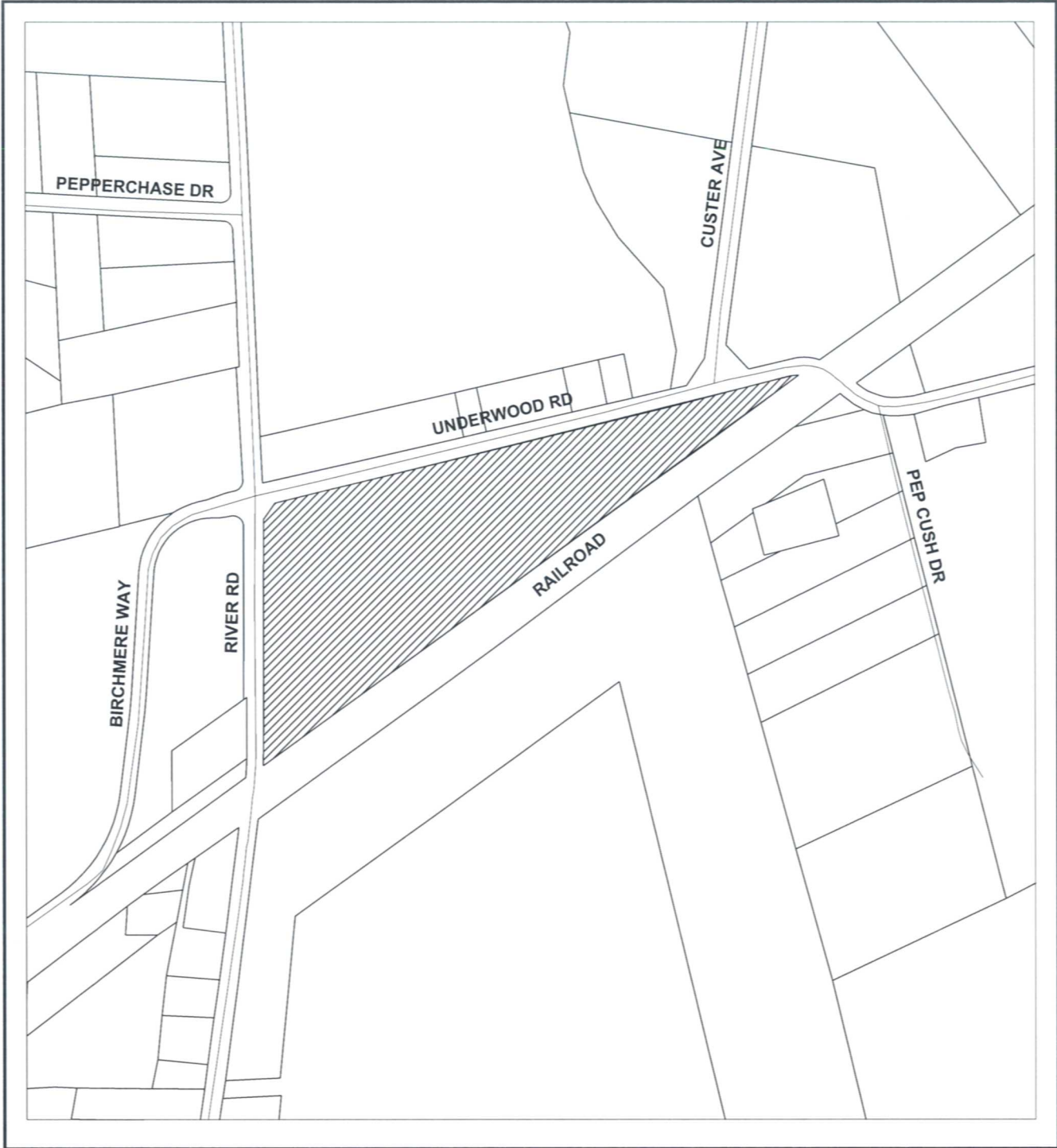
Applicable County Zoning Ordinance Provision

Section 1404 PLANNING BOARD CONSIDERATION, A, The Planning Board may approve alternate requirements from the provisions of Sections 1102 A, B, E, F, I, and J and the yard setbacks of Section 1104 for development in any planned district if such approval will provide a more logically planned development. The Board shall give careful consideration to the relation and effect on the surrounding properties and the intent of this ordinance prior to granting approval under this section.

Note: Section 1104, District Dimensional Provision establishes a 100 front yard and 50 foot side and rear yards for the M(P) Planned Industrial zoning district.

Attachments

- 1 - Sketch Map
- 2 - Site Plan
- 3 - Site Plan (Enlarged)
- 4 - Aerial Photo
- 5 - Application for Planning Board Consideration
- 6 - Conditions of Approval



N



SCALE IN FEET

**COUNTY ZONING ORDINANCE
PLANNING BOARD CONSIDERATION
ALTERNATE YARD SETBACK**

ACREAGE: 16.15 AC.+/-

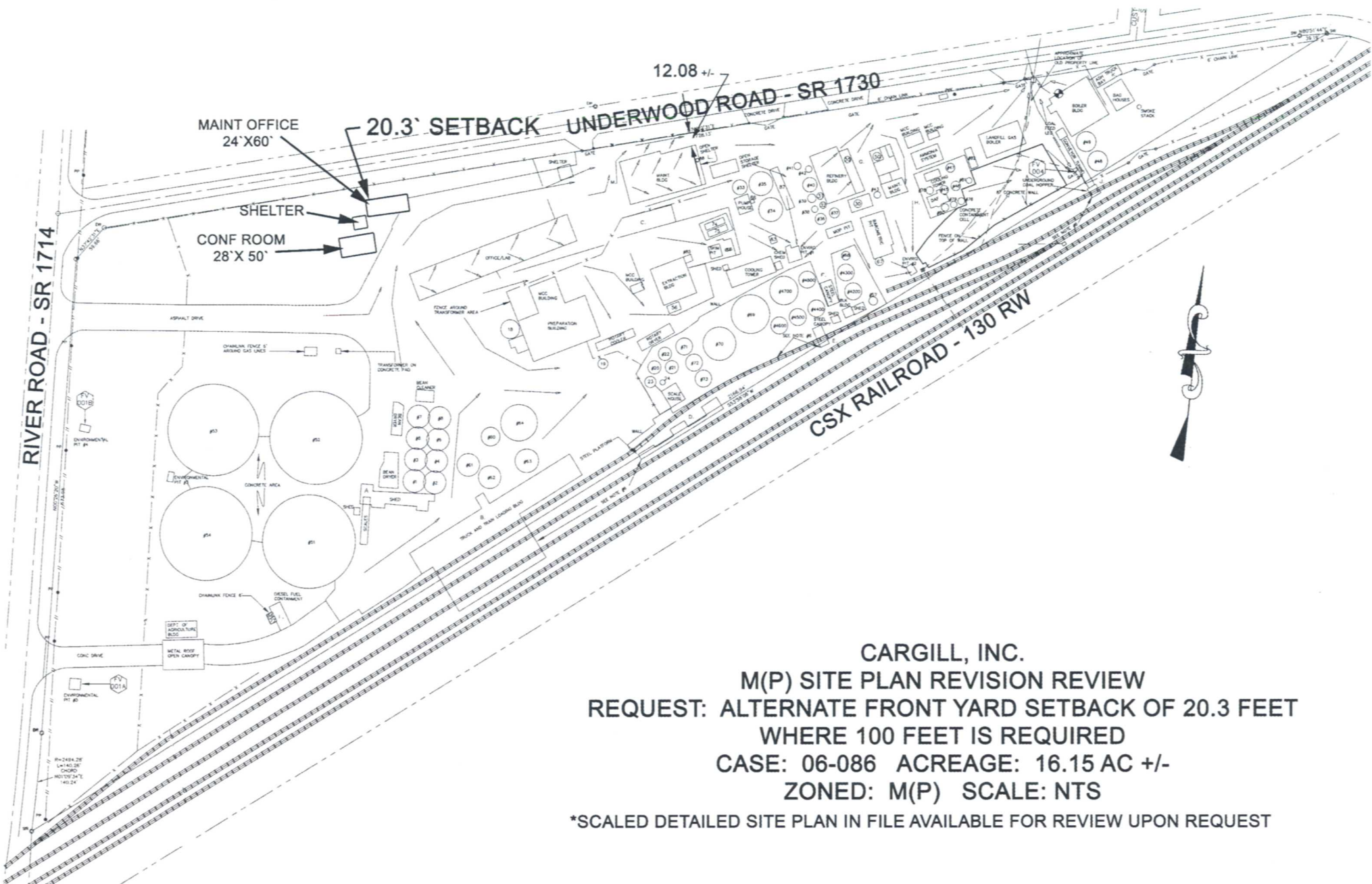
HEARING NO: 06-086

ORDINANCE: COUNTY

HEARING DATE

ACTION

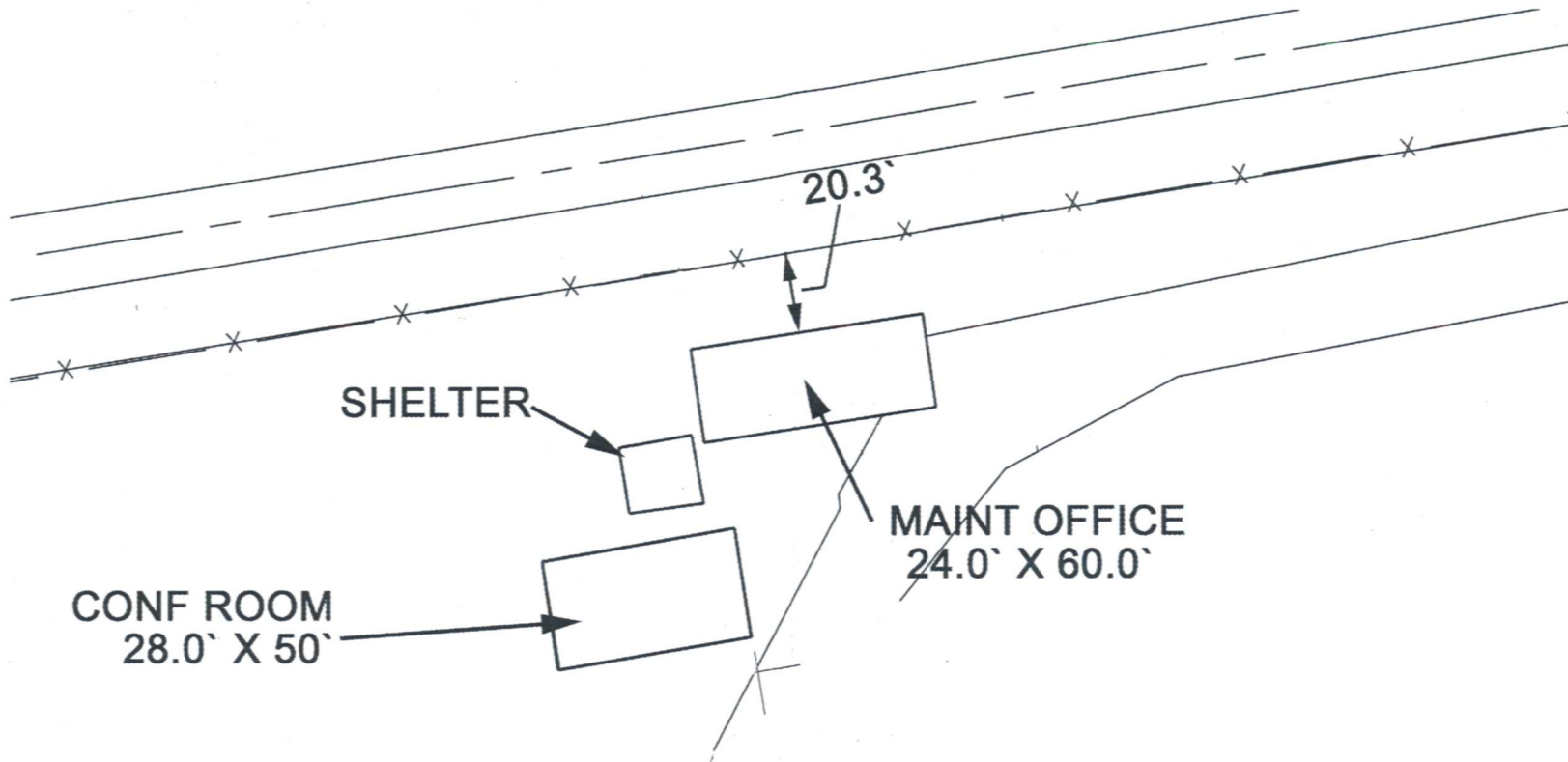
GOVERNING BOARD



CARGILL, INC.
M(P) SITE PLAN REVISION REVIEW
REQUEST: ALTERNATE FRONT YARD SETBACK OF 20.3 FEET
WHERE 100 FEET IS REQUIRED
CASE: 06-086 ACREAGE: 16.15 AC +/-
ZONED: M(P) SCALE: NTS

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

CASE: 06-086



CARGILL, INC.
M(P) SITE PLAN REVISION REVIEW
PLANNING BOARD CONSIDERATION FOR ALTERNATE
FRONT YARD SETBACK



SUBJECT PROPERTY

UNDERWOOD RD

**AERIAL PHOTO
CASE NO: 06-086**



**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 consider this request specified below and as provided for under the terms of the Zoning Ordinance. In support of this petition, the following facts are submitted:

LOCATION OF PROPERTY: 1754 RIVER ROAD
OWNER: CARGILL
ADDRESS: 1754 RIVER ROAD ZIP CODE: 28312
TELEPHONE: HOME 910-489-7045 WORK 910-433-4915
AGENT: JOHN BIGELOW
ADDRESS: 1754 RIVER ROAD
TELEPHONE: HOME 910-489-7045 WORK 910-433-4915

**APPLICATION FOR JOINT PLANNING BOARD CONSIDERATION
As required by the Zoning Ordinance**

- A. Parcel Identification Number (PIN #) of subject property: 0448-66-0860
(also known as Tax ID Number or Property Tax ID)
- B. Acreage: 16.148 Frontage: 0 Depth: 0
- C. Water Provider: PWC
- D. Septage Provider: PWC
- E. Deed Book 2209, Page(s) 245, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
- F. Existing and/or proposed use of property: INDUSTRIAL
- G. Section and provision of the Cumberland County Zoning Ordinance from which consideration is requested: SECTION 1104
- H. Nature and extent of hardship involved in strict application of the County Zoning Ordinance – attach additional sheet if necessary:
PLEASE SEE ATTACHMENT



8/25/2010

R. John Bigelow
Cargill, GOSCNA
1754 River Road, Fayetteville, NC 28312

Cumberland County Planning Board
131 Dick Street, Fayetteville, NC 28301

With reference to Project-ID 2010-0204

Cargill is requesting a variance from the 100' setback in order to install two temporary modular office spaces. Our intent is that these trailers only remain on site for up to three years.

The Cargill management footprint on the site has become overcrowded and technologically outdated. The purpose of this temporary request is to allow us time to adequately plan a major renovation of our existing administrative space, or to enable the planning and construction of an entirely new office space that will accommodate our needs today and through the coming years.

The first modular office space will house four offices and a common area to accommodate our maintenance team. The second, of identical square footage, will be an open area conference room for training and meeting purposes. Both will be provided with current code compliant handicapped access ramps. The office trailer will also have bathroom facilities.

The proposed locations on the site plan are no closer than 20 feet from the property & fence line. There have been past precedents for this setback. The boiler house and maintenance shop are both closer than 20 feet from the property line.

Alternate locations on site would place the buildings so far from the maintenance shop and office area that they would become isolated and ineffective in managing the maintenance efforts of the facility.

I appreciate your assistance and service to the community.

R. John Bigelow
Facility Maintenance Superintendent
Cargill, GOSCNA

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

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

REVISION: 09-20-10

STAFF REVIEW: 8-7-08

PLANNING BOARD DECISION: 10-19-10

CASE NO: 06-086 NAME OF DEVELOPMENT: CARGILL, INC. - ADDITION

MIA: FAYETTEVILLE M(P) SITE PLAN REVIEW

LOCATION: 1754 RIVER ROAD ZONING: M(P)

PIN: 0448-66-0860-; 77-0205-

OWNERS / DEVELOPER: CARGILL, INC. 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:

Pre-Permit-Related:

1. Five copies of a revised site plan must be submitted to Land Use Codes for review and the site plan must be approved prior to application for any permits and/or commencement of construction. The revised plan must include the following:
 - a. Three off-street parking spaces for the Department of Agriculture building, nine spaces for the proposed maintenance office and conference room buildings and show the existing off-street parking areas required for employee parking and all vehicles used in the conduct of the business for the existing buildings, measuring 9' x 20';
 - b. The proposed maintenance office must be relocated to meet the minimum required separation of 5 feet from the existing shelter;
 - c. The off-street parking spaces which are being removed by the proposed location of the maintenance office must be replaced if these spaces are necessary for ordinance compliance;
 - d. The required reservation of 25 feet of right-of way along SR 1714 (River Road) and the metes and bounds for the reservation must be reflected on any future site plans. The location of all improvements, required or otherwise, and all

building setback lines are to be measured from the ultimate right-of-way line. (Section 2302 F, Planned Public Right-of-Way, County Subdivision Ordinance);

- e. Landscaping must be provided in accordance with Section 1102 N, Landscaping, County Zoning Ordinance. The following are the minimum landscaping standards required for the additions to this site:
 - Two large shade trees and 22 shrubs are required in the building yard area;

In addition:

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

Permit-Related:

- 2. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the County Zoning Ordinance and permits required to place any structure within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. For additional information, the developer should contact a Code Enforcement Officer.
- 3. 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)

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

- 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 developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
- 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.
- 8. Any addition and/or revision to this site plan shall require an additional review and approval by the Planning & Inspections Department prior to application for any permits.

Site-Related:

- 9. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Zoning Ordinances for the M(P) zoning district must be complied with, as applicable.
- 10. All corner lots and lots fronting more than one street must provide front yard setbacks from each street.

11. This conditional approval is not approval of any new freestanding signs. If a new freestanding sign is desired, re-submittal of the site plan is required prior to application for any freestanding sign permits. Attached signage for this development must be in accordance with the applicable sign regulations as set forth in Article XIII of the County Zoning Ordinance and that the proper permit(s) must be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is **not** approval of the size, shape, or location of any signs.)
12. 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.
13. 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.
14. The approval is not conditioned upon the typical buffer provisions due to the tract being surrounded completely by public rights-of-way.
15. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.
16. The owner/developer is responsible and liable for maintenance and upkeep of this site, all structures, and appurtenances, to include ensuring that the site is kept free of litter and debris, all grass areas mowed, all buffers and shrubbery kept trim and maintained, so that the site remains in a constant state of being aesthetically and environmentally pleasing.

Other Related Conditions:

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.
19. The applicant is advised to consult an expert on wetlands before proceeding with any development.
20. The owner/developer is responsible for ensuring easements which may exist on the subject property are accounted for, not encumbered and that no part of this development is violating the rights of the easement holder.
21. The County Board of Adjustment on August 21, 2008 (See Case: P08-08-C) and approved a variance from Section 1403 regarding the requirement for connection to public sewer for the NC Department of Agriculture & Consumer Services building only.

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):

Subdivision/Site Plan/Plat	Ed Byrne	678-7609
Code Enforcement:	Ken Sykes	321-6654
County Engineer's Office:	Wayne Dudley	678-7636
County Health Department:	Danny Soles	433-3685
Fayetteville Planning:	Marsha Bryant	433-1416
Fayetteville Engineer (Easements):	Rusty Thompson	433-1660
PWC:	Heidi Maly	223-4737
Corp of Engineers (wetlands):	Crystal C. Amschler	(910) 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
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

10-087
SITE PROFILE

CASE NO. 10-087. CONSIDERATION OF THE BAYWOOD POINT SUBDIVISION, REQUEST FOR A WAIVER FOR STREET RIGHTS-OF-WAY WIDTH, CONCRETE CURBS & GUTTERS AND SIDEWALKS; COUNTY SUBDIVISION ORDINANCE, SECTION 2302.A MUNICIPAL INFLUENCE AREAS, INCLUDING EXHIBIT 5 - MIA DEVELOPMENT STANDARDS; ZONING: RR; TOTAL ACREAGE: 16.70+/-; LOCATED AT THE SOUTHWEST INTERSECTION OF SR 1831 (BAYWOOD ROAD) AND NC HWY 24; SUBMITTED BY WESLEY MEREDITH ON BEHALF OF BAYWOOD POINT, LLC (OWNER). (FAYETTEVILLE MIA/COUNTY JURISDICTION)

Summary of Request

Developer is requesting a waiver from the requirements from the City of Fayetteville MIA development standards regarding the street right-of-way widths, concrete curbs and gutters and sidewalks. The developer is requesting to develop this subdivision to the same standards as the Baywood Village subdivision to the south, which this property was part of the same zero lot line subdivision. This development will take its access through the Baywood Village subdivision off of Himalayan Road that was ended at the property line in order to provide access to the future development.

Site Information:

Frontage & Location: 620.00'+/- along SR 1831 (Baywood Road)

Frontage & Location: 1,220.00'+/- along NC HWY 24

Frontage & Location: 50.00'+/- along Himalayan Road

Depth: 1,420.00'+/-

Jurisdiction: Cumberland County

Municipal Influence Areas: Fayetteville

Adjacent Property: No

Nonconformities: No

Water & Sewer: PWC/PWC

Special Flood Hazard Area (SFHA): No

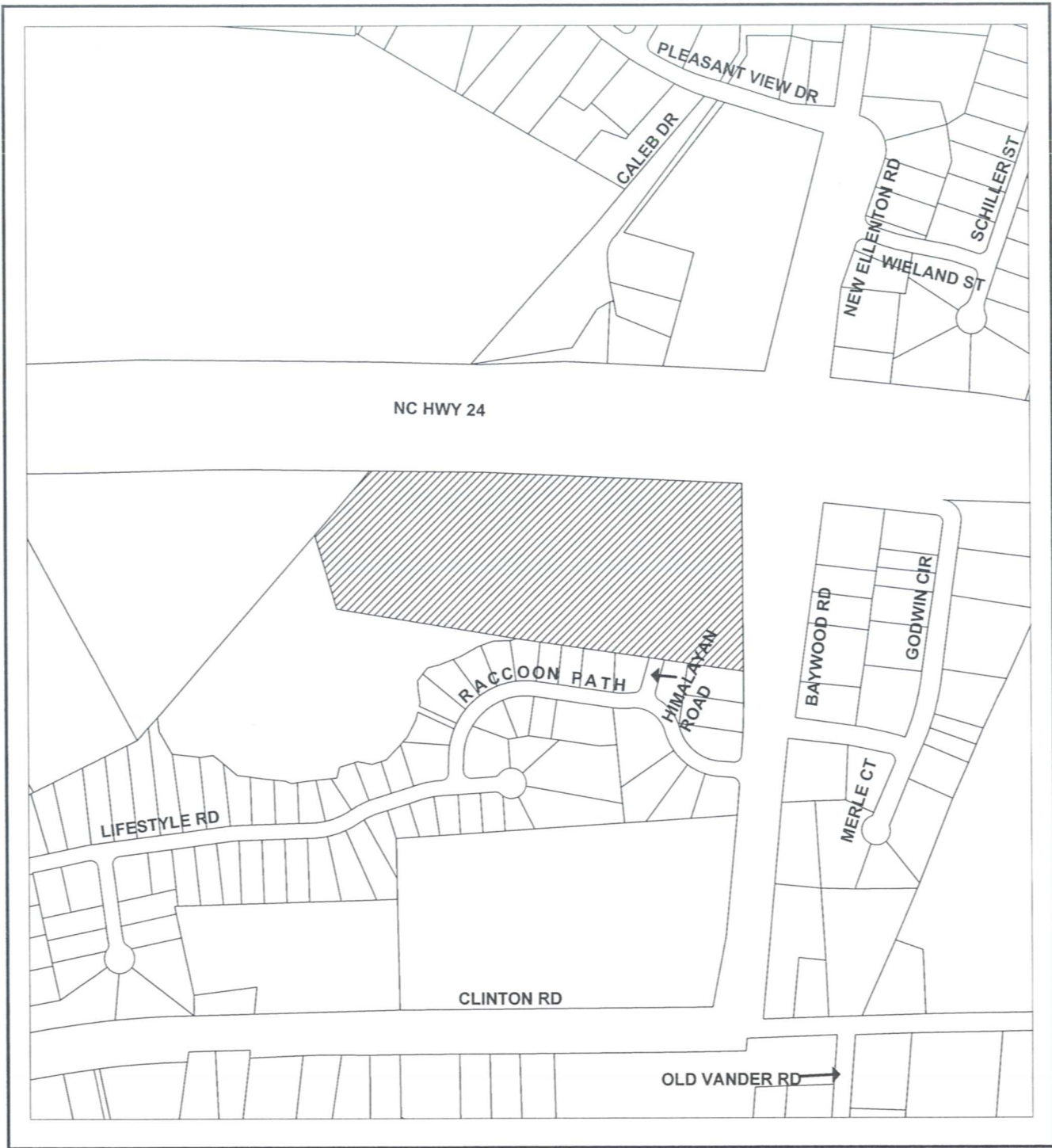
Applicable County Subdivision Ordinance Provision

Section 2302 AREA-SPECIFIC STANDARDS, A, *Municipal Influence Areas.* The Board of Commissioners by interlocal agreement may approve and establish a Municipal Influence Area (MIA) for a municipality. All development located within a municipality's MIA shall be developed in accordance with the subdivision design standards officially adopted by the affected governing bodies. The development standards for each municipality are attached to this ordinance as "Exhibit 5" and entitled MIA Development Standards. The official MIA map – see Exhibit 4 – shall be maintained by the Planning and Inspections Department and kept on file with the office of the Clerk to the County Board of Commissioners.

The Fayetteville development standards for this area require minimum street right-of-way to be 50 feet wide, constructed with concrete curbs and gutters, and concrete sidewalks along one side of all streets – including Baywood Road. The adjacent subdivision, Baywood Village Section 1, Case No. 06-144, was approved with 50 feet wide rights and no concrete curbs, gutters or sidewalks were required at that time.

Attachments

- 1 - Sketch Map
- 2 - Site Plan
- 3 - Aerial Photo
- 4 - Application for Waiver
- 5 - Conditions of Approval
- 6 - Email from Karen Hilton, Fayetteville Planning w/October 11, 2010 Fayetteville City Council Action Agenda



COUNTY SUBDIVISION ORDINANCE WAIVER

ACREAGE: 16.70 AC.+/-

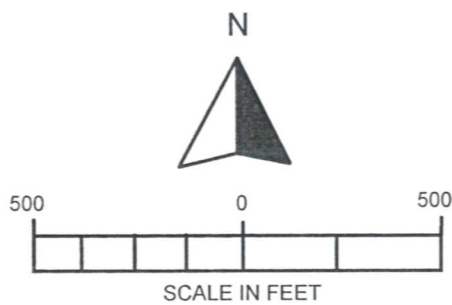
HEARING NO: 10-087

ORDINANCE: COUNTY

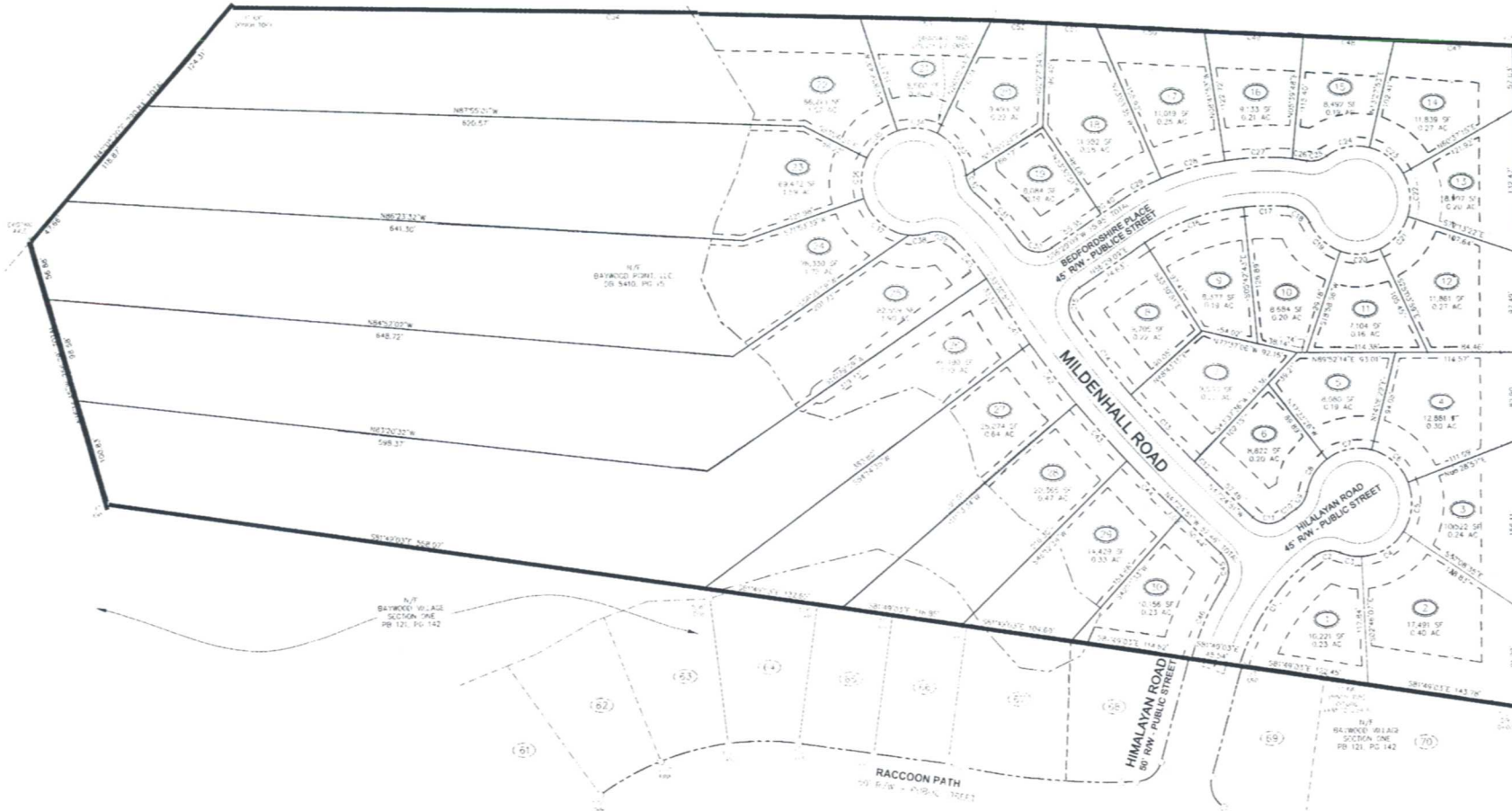
HEARING DATE

ACTION

GOVERNING BOARD



NC HIGHWAY 24



BAYWOOD ROAD

**BAYWOOD POINT, LLC
ZERO LOT LINE SUBDIVISION REVIEW
REQUEST: A WAIVER FROM SECTION 2302.A & EXHIBIT 5
MIA DEVELOPMENT STANDARDS
CASE: 10-087 ACREAGE: 16.70 AC +/-
ZONED: RR SCALE: NTS**

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



SUBJECT PROPERTY



NC HWY 24

PLEASANT VIEW DR

CALEB DR

NEWINGTON RD

SCHILLER ST

ABBOTT LN

BAYWOOD RD

RACCOON PATH

HIMALAYAN RD

GODWIN CIR

BEADEN CIR

LIFESTYLE RD

ANTIQUE CT

CLINTON RD

**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: Baywood and Hwy 24

OWNER: Baywood Point, LLC

ADDRESS: 1220 Ft. Bragg Road, Fay ZIP CODE: 28305

TELEPHONE: HOME 910-391-3836 WORK 910-391-2836

AGENT: _____

ADDRESS: _____

TELEPHONE: HOME _____ WORK _____

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

A. Parcel Identification Number (PIN #) of subject property: 0466-79-0743
(also known as Tax ID Number or Property Tax ID)

B. Acreage: 16.70 Frontage: 50.5' Depth: 577.7'

C. Water Provider: PWC of Fayetteville

D. Septage Provider: PWC of Fayetteville

E. Deed Book 8410, Page(s) 15, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).

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

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

Exhibit 1 - MIA Development Standards, Street R/W width, Conc. curb and gutter & sidewalks

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

See attachment

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.

Wesley Meredith

Property owner(s)' signature(s)

Wesley Meredith

Property owner(s)' name (print or type)

113 Great Oaks Drive Fayetteville, NC 28303
Complete mailing address of property owner(s)

910-391-2836
Telephone number

Alternative telephone number

wameredith@sprint.blackberry.net
Email address

910-867-3344
FAX number

H. Nature and extent of hardship involved in strict application of the County Subdivision Ordinance.

This area is the final section of an existing single family residential development. The area where Baywood point lies is newly within the City of Fayetteville MIA, and therefore would have to be designed and built according to different regulations than the rest of the neighborhood. We are asking that the final development on the tract be allowed to be completed under the Cumberland County regulations to provide for continuity and cohesion for the entire neighborhood.

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

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

STAFF REVIEW: 08-05-10 PLANNING BOARD DECISION: N/A

CASE NO: 10-087 NAME OF DEVELOPMENT: BAYWOOD POINT SUBDIVISION

MIA: FAYETTEVILLE ZERO LOT LINE SUBDIVISION REVIEW

LOCATION: SOUTH SIDE OF NC HWY 24, ZONING: RR

WEST SIDE OF SR 1831 (BAYWOOD ROAD) PIN: 0466-79-0743-

OWNERS / DEVELOPER: DAVID ALLEN NEW HOMES, INC. ENGINEER OR DESIGNER: 4D SITE SOLUTIONS, INC.

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:

Pre-Permit Related:

1. Re-submittal of the preliminary plan is required; five copies of the revised plan must be submitted for review and approval addressing the following:
 - a. Street width for new streets in this area is a minimum of 50 feet and also must be constructed within concrete curb and gutter and sidewalks along one side of all streets - property is located within the Fayetteville Municipal Influence Area (MIA). Contact a Fayetteville Engineer for exact city street specifications. The preliminary plan must reflect the minimum standards – note the County standards also require streets to be extended at the same width or greater of the existing street;
 - b. A sidewalk must be constructed along SR 1831 (Baywood Road) to the Fayetteville sidewalk specifications – must be reflected on the preliminary plan; and
 - c. A 10 foot utility easement on all rear lot lines must be reflected on the revised preliminary and final plat(s).

Permit-Related:

2. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the County Zoning Ordinance and permits required to place any structure within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. For additional information, the developer should contact a Code Enforcement Officer.

3. 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)

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

4. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
5. New development where the developer will disturb or intends to disturb more than one acre of land is subject to the Post-Construction Stormwater Management Permitting Program (Phase II Stormwater Management Requirements) administered by the Division of Water Quality, North Carolina Department of Environment and Natural Resources. If one acre or more of land is to be disturbed, prior to the issuance of any building/zoning permits for this site, a copy of the State's *Post-Construction Permit* must be provided to County Code Enforcement.
6. For any new development where the developer disturbs or intends to disturb more than one acre of land, the developer must provide the Code Enforcement Section with an approved NC Department of Environment and Natural Resources (NCDENR) sedimentation and erosion control plan (S&E) prior to any application for permits. (Note: If any retention/detention basins are required for state approval of this plan, then three copies of a revised plan must be submitted and approved by Planning & Inspections prior to application for any building/zoning permits.) A copy of the NCDENR approval must be provided to Code Enforcement at the time of application for any building/zoning permits.
7. 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.
8. A review of the data available to the Army Corp of Engineers indicates that jurisdictional waters are likely to be present on this property and therefore are likely to be impacted by the proposed project. However, without an official Jurisdictional Determination at the property, these findings cannot be confirmed.

A permit will be required for this project if construction will involve the temporary and/or permanent placement of fill in waters of the United States including wetlands. If a permit is required, the applicant will be required to avoid and minimize impacts to wetland/waters of the United States and may need to provide compensatory mitigation for unavoidable impacts.

9. The developer must formally notify the NC Department of Transportation (NCDOT) once construction of the public streets is complete and initiate the process of transferring the responsibility of road maintenance to the NCDOT. If application to the NCDOT District Engineer has not been formally submitted by the time building permits have been issued for 75% of the lots shown on the platted portion of the development, no additional building permits can be issued until the NCDOT District Engineer notifies this department of the receipt of the application.

Site-Related:

10. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Zoning Ordinances for the RR zoning district must be complied with, as applicable.
11. All corner lots and lots fronting more than one street must provide front yard setbacks from each street.
12. This conditional approval is not approval of any freestanding signs. If a freestanding sign is desired, re-submittal of the site plan is required prior to application for any freestanding sign permits. Attached signage for this development must be in accordance with the applicable sign regulations as set forth in Article XIII of the County Zoning Ordinance and that the proper permit(s) must be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is **not** approval of the size, shape, or location of any signs.)
13. All applicable provisions of Section 2401, "Group Developments", County Subdivision Ordinance, must be complied with.
14. 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)

15. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision Ordinance)
16. In the event a stormwater utility structure is required by the NC Department of Environment and Natural Resources (NCDENR), the owner/developer must secure the structure with a four foot high fence with a lockable gate, and is required to maintain the detention/retention basin, keeping it clear of debris and taking measures for the prevention of insect and rodent infestation.
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. All lots within this development are required to be served by an internal street system.

Plat-Related:

21. Prior to submission for final plat approval of any portion of this development, Land Use Codes must receive documentation from the local office of the NC Department of Transportation (NCDOT) that the developer of the adjacent subdivision, Baywood Village, has petitioned and is actively be working toward the NCDOT’s addition of the Baywood Village streets to the State system for maintenance purposes. This condition is necessary since the subject property is proposing its only access by extension of a street stub in Baywood Village.
22. Prior to submission for final plat approval 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) (See related Condition No. below)
23. A “No Access Easement” must be reflected on Lots 2-4 and Lots 12-14 where these lots abut SR 1831 (Baywood Road).
24. Prior to submission for final plat approval, concrete sidewalks A concrete sidewalk must be constructed along one side of all proposed streets within the development and along SR 1831 (Baywood Road) and such sidewalks are required to comply with the specifications of the Fayetteville City Engineer. [Co. Subdivision Ord., Sec. 2302, Area Specific Standards, A. Municipal Influence Area & Fayetteville Subdivision Ord., Sec. 25-61(5) Sidewalks] (See related Condition No. below)
25. 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 and Addressing 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.
26. Prior to final plat approval of any portion of this development, the developer is required to submit a check or cash in the amount of \$1,570.69 (\$52.36 per lot/30 lots) payable to “Cumberland County”. This condition is in accordance with Section 2308, Parks, Recreation and Open Space, County Subdivision Ordinance, which requires every residential dwelling unit to provide a portion of land, in certain instances, or pay a fee in lieu of dedication, for the purposes of providing park, recreation and open space areas. (Park District # 1)
27. 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.
28. A minimum 10 foot wide utility easement is required along the rear lot lines and must be reflected on the final plat.
29. 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.

30. 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)
31. 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.
32. 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)
33. 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.)
34. 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:

35. 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.”

Advisories:

36. The applicant is advised to consult an expert on wetlands before proceeding with any development. 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 and the permit must be obtained prior to any construction on this site.
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.
38. The developer(s) and any future lot owners are responsible for the maintenance and upkeep of the streets until such time the streets are added to the State system by the NC Department of Transportation (NCDOT) for maintenance purposes. The developer is advised to give notice of the street status to any future lot owners in the event the lots are conveyed prior to the NCDOT's acceptance.

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
PWC:	Heidi Maly	223-4737
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
County Public Utilities:	Tom Cooney	678-7682
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
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

OFFICIAL PRELIMINARY STAMP
CUMBERLAND COUNTY
CASE NO: **10-087**

THIS PLAN APPROVED BY THE CUMBERLAND COUNTY PLANNING &
INSPECTION DEPARTMENT ON: **08-05-10**

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: **08-05-12**

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

Edward Byrne

From: Patricia Speicher
Sent: Tuesday, October 12, 2010 1:17 PM
To: Edward Byrne
Cc: Thomas Lloyd
Subject: FW: MIA Waiver (Baywood) FW: REVISED October 11, 2010, City Council Action Agenda
Attachments: 101110 Revised Action Agenda.pdf

Please print this email and the attached action agenda for the board packet, just in case we do not get her official letter before Thursday.

From: Karen Hilton [mailto:KHilton@ci.fay.nc.us]
Sent: Tuesday, October 12, 2010 12:25 PM
To: Patricia Speicher
Cc: Edward Byrne
Subject: MIA Waiver (Baywood) FW: REVISED October 11, 2010, City Council Action Agenda

Dear Patti,

Attached please find the Action Agenda from last night's City Council meeting. The MIA waiver requests for the extension of the subdivision off Baywood Rd. at NC 24 were considered, and, following a vote of 6-2, the Council's recommendations were consistent with staff recommendations, as follows:

1. Curb and gutter requirement – recommend approval of the waiver request
2. Sidewalks on Baywood Rd and NC 24 – recommend approval of the waiver request
3. Street ROW – recommend DENIAL of the waiver request to provide 45' instead of the required 50'.

I would note that the first motion, which failed 4-4, was to deny all three waiver requests.

Although August 19 is also our Planning Commission meeting with two major items on the agenda, I will make every effort to have a staff member attend your meeting to speak to the City Council's recommendations. Could you let me know where this item is on your agenda and your best estimate of time it will come up?

Separately I'll send a more formal letter. Approved minutes will not be available before your Commission's meeting.

Call me if you have any questions (433-1437).

Thanks,
Karen



**REVISED
ACTION AGENDA**
 FAYETTEVILLE CITY COUNCIL
 AGENDA
 OCTOBER 11, 2010
 7:00 P.M.

City Hall Council Chamber

COUNCIL MEMBER CRISP ABSENT

1.0 CALL TO ORDER

2.0 INVOCATION

3.0 PLEDGE OF ALLEGIANCE

4.0 APPROVAL OF AGENDA

MOTION: TO APPROVE THE AGENDA
 (BATES – 2ND MEREDITH)
VOTE: PASSED 9-0 (UNANIMOUS)

5.0 ANNOUNCEMENTS AND RECOGNITIONS

6.0 PUBLIC FORUM

NAME	CONTACT INFORMATION	SUBJECT/CONCERN
Homer Walker	3307 Wishing Lane	Police Matter
James McLeod	1805 J Drive	Parks and Recreation
Lucinda Stocks	4422 Ellenbrook Drive	Parks and Recreation (Myers Recreation Center)
Leroy Nunn Touche	3231 Bardaman Avenue Hope Mills, NC 28348	Parks and Recreation
Louise D. Hammand	1600 Veanna Drive	Myers Recreation Center
Lanessa Edmonds	224 Grove View Terrace	Myers Recreation Center

8.3 Case No. P10-33F. Special Use Permit to allow a Nursing Home in an R6 Residential District on property located at 523 Country Club Drive containing 8.66 acres. Noah and Gail Duncan, owner.

MOTION: TO APPROVE THE SPECIAL USE PERMIT
(MEREDITH – 2ND MASSEY)

VOTE: PASSED 9-0 (UNANIMOUS)

8.4 Case No. P10-36F. Special Use Permit to allow the location of a Wireless Telecommunications Tower on property located at 1624 Ireland Drive containing 2.0 acres. Cumberland County, owner.

MOTION: TO APPROVE THE SPECIAL USE PERMIT
(HURST – 2ND BATES)

VOTE: PASSED 5 IN FAVOR TO 4 IN OPPOSITION (COUNCIL MEMBERS DAVY, MEREDITH, APPLEWHITE, HAIRE)

9.0 OTHER ITEMS OF BUSINESS

9.1 Request for waivers from the City standards (sidewalks, curb and gutter, and right-of-way width) for property within the City of Fayetteville MIA, Baywood Point, located on the southwest corner of Hwy 24 and Baywood Road.

COUNCIL MEMBER MEREDITH REQUESTED TO RECUSE FROM THIS ITEM.

MOTION: TO RECUSE MEREDITH FROM VOTING ON THIS ITEM
(MOHN - 2ND BATES)

VOTE: UNANIMOUS (9-0)

MOTION: TO DENY ALL WAIVERS
(BATES – 2ND MASSEY)

VOTE: FAILED BY A VOTE OF 4 IN FAVOR (COUNCIL MEMBERS MOHN, MASSEY, HAIRE, BATES) TO 4 IN OPPOSITION (COUNCIL MEMBERS CHAVONNE, DAVY, HURST, APPLEWHITE)

MOTION: TO APPROVE WITH PROVISIONS
(MOHN – 2ND APPLEWHITE)

VOTE: PASSED 6 TO 2 (COUNCIL MEMBERS MASSEY AND BATES)

9.2 CLOSED SESSION

10.0 ADJOURNMENT