

Walter Clark,
Chair
Cumberland County

Patricia Hall,
Vice-Chair
Town of Hope Mills

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



CUMBERLAND
★ **COUNTY** ★
NORTH CAROLINA

Planning & Inspections Department

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Vikki Andrews,
Diane Wheatley,
Carl Manning,
Cumberland County

Benny Pearce,
Town of Eastover

Donovan McLaurin,
Wade, Falcon & Godwin

TENTATIVE AGENDA

August 20, 2013

7:00 P.M.

- I. INVOCATION AND PLEDGE OF ALLEGIANCE
- II. APPROVAL OF/ADJUSTMENTS TO AGENDA
- III. PUBLIC HEARING DEFERRAL

P13-34. REZONING OF 4.93+/- ACRES FROM C3 HEAVY COMMERCIAL TO M(P) PLANNED INDUSTRIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE SOUTH SIDE OF SR 2333 (CORPORATION DRIVE), NORTHEAST OF SR 2252 (CHICKEN FOOT ROAD); SUBMITTED BY CAROLYN R. GRANT (OWNER) AND JOSH STURTZ. DEFERRED UNTIL 9-17-2013

13-072. CONSIDERATION OF THE SCOTT S. & LILIANA C. PARKER PROPERTY; GROUP DEVELOPMENT REVIEW; REQUEST FOR A WAIVER FROM THE REQUIREMENT TO HAVE DIRECT STREET ACCESS; COUNTY SUBDIVISION ORDINANCE, SECTION 2401.D STREET ACCESS; ZONED: A1; TOTAL ACREAGE: 11.1+/-; LOCATED AT 6300 HALL PARK ROAD; SUBMITTED BY SCOTT S. & LILIANE C. PARKER. (OWNER). DEFERRED UNTIL 9-17-2013

- IV. ABSTENTIONS BY BOARD MEMBERS
- V. POLICY STATEMENT REGARDING PUBLIC HEARING TIME LIMITS
- VI. APPROVAL OF THE MINUTES OF JULY 16, 2013
- VII. PUBLIC HEARING CONSENT ITEMS

REZONING CASE

- A. **P02-08.** REVOCATION OF A1/CU AGRICULTURAL/CONDITIONAL USE OVERLAY FOR AUTOMOBILE SALES AND AUTOMOBILE AND LAWN MOWER PARTS AND ACCESSORY SALES ON 1.00+/- ACRE REVERTING TO THE PREVIOUS ZONING CLASSIFICATION OF A1 AGRICULTURAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 6898 AND 6904 GOLDSBORO ROAD, OWNED BY FAUSTINO ESPINO.

CONDITIONAL ZONING DISTRICTS

- B. **P13-33.** REZONING OF 1.08+/- ACRES FROM C1(P)/CU PLANNED LOCAL BUSINESS/CONDITIONAL USE OVERLAY FOR A CONVENIENCE STORE AND FUTURE RESTAURANT AND RR RURAL RESIDENTIAL TO RR/CZ RURAL RESIDENTIAL/ CONDITIONAL ZONING DISTRICT FOR A DAY CARE AND RR

RURAL RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 6544 THROUGH 6586 US HWY 301 SOUTH; SUBMITTED BY IBRAHIM AHMED ALSAIDI ON BEHALF OF PIT STOP 301 EXPRESS, LLC. (OWNER), RONNIE ALLEN ON BEHALF OF UNION OAK AME ZION CHURCH TRUSTEES (OWNER) AND EDINA M. AMUNDSEN.

- C. **P13-35.** REZONING OF 177.00+/- ACRES FROM A1 AGRICULTURAL AND CD CONSERVANCY TO MXD/CZ MIXED USE DEVELOPMENT/CONDITIONAL ZONING OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE WEST SIDE OF SR 1714 (RIVER ROAD), NORTH OF I-295; SUBMITTED BY INGEBORG VINENT HEIRS AND RIVER BLUFF FARM C/O EVA HANSEN (OWNERS).

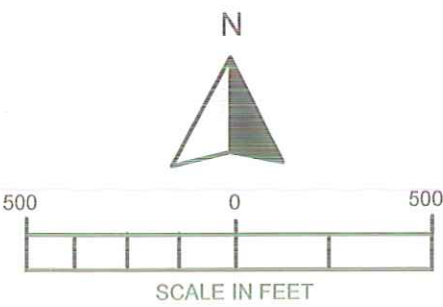
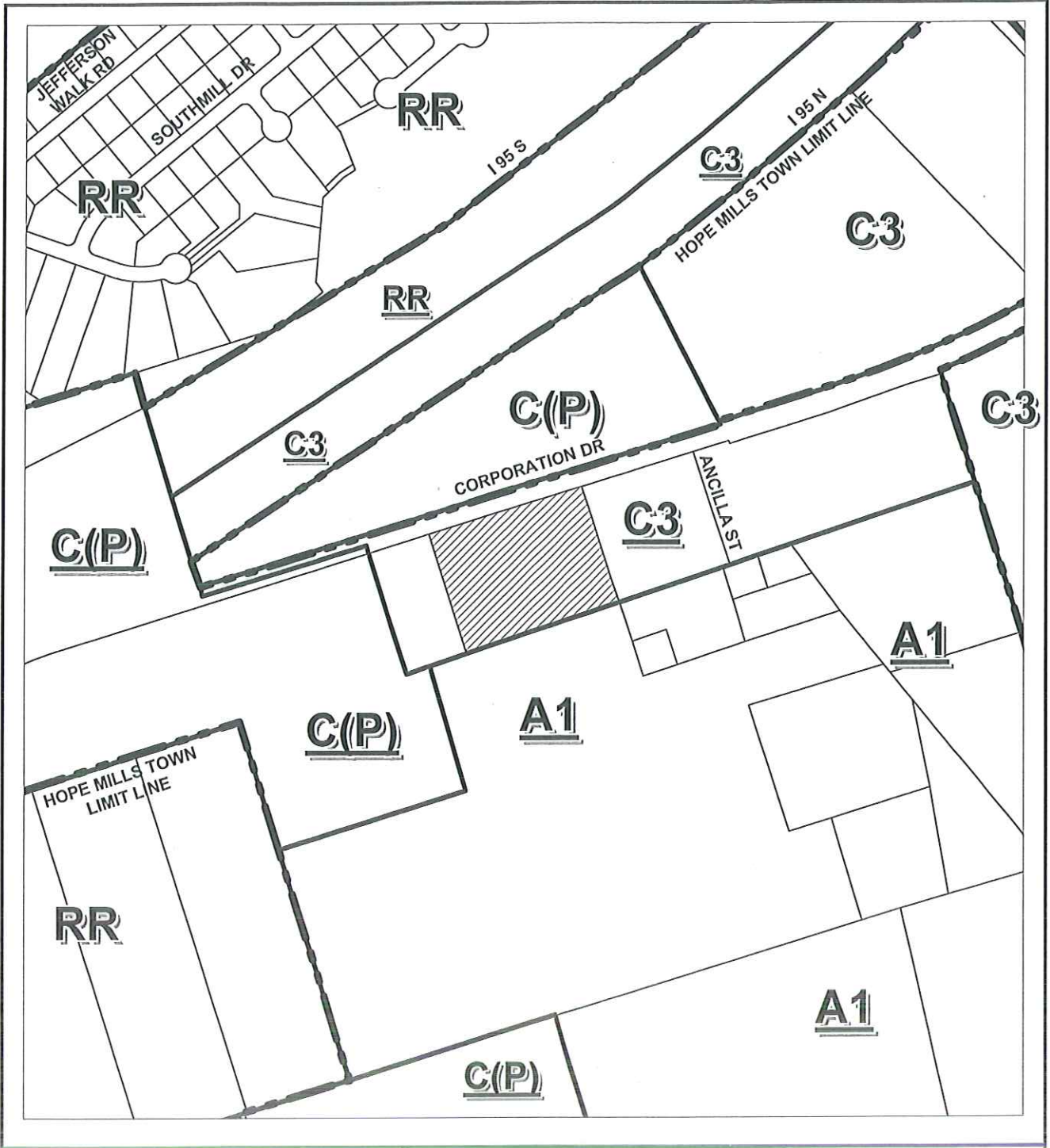
VIII. PUBLIC HEARING CONTESTED ITEMS

IX. DISCUSSION

DIRECTOR'S UPDATE

X. ADJOURNMENT

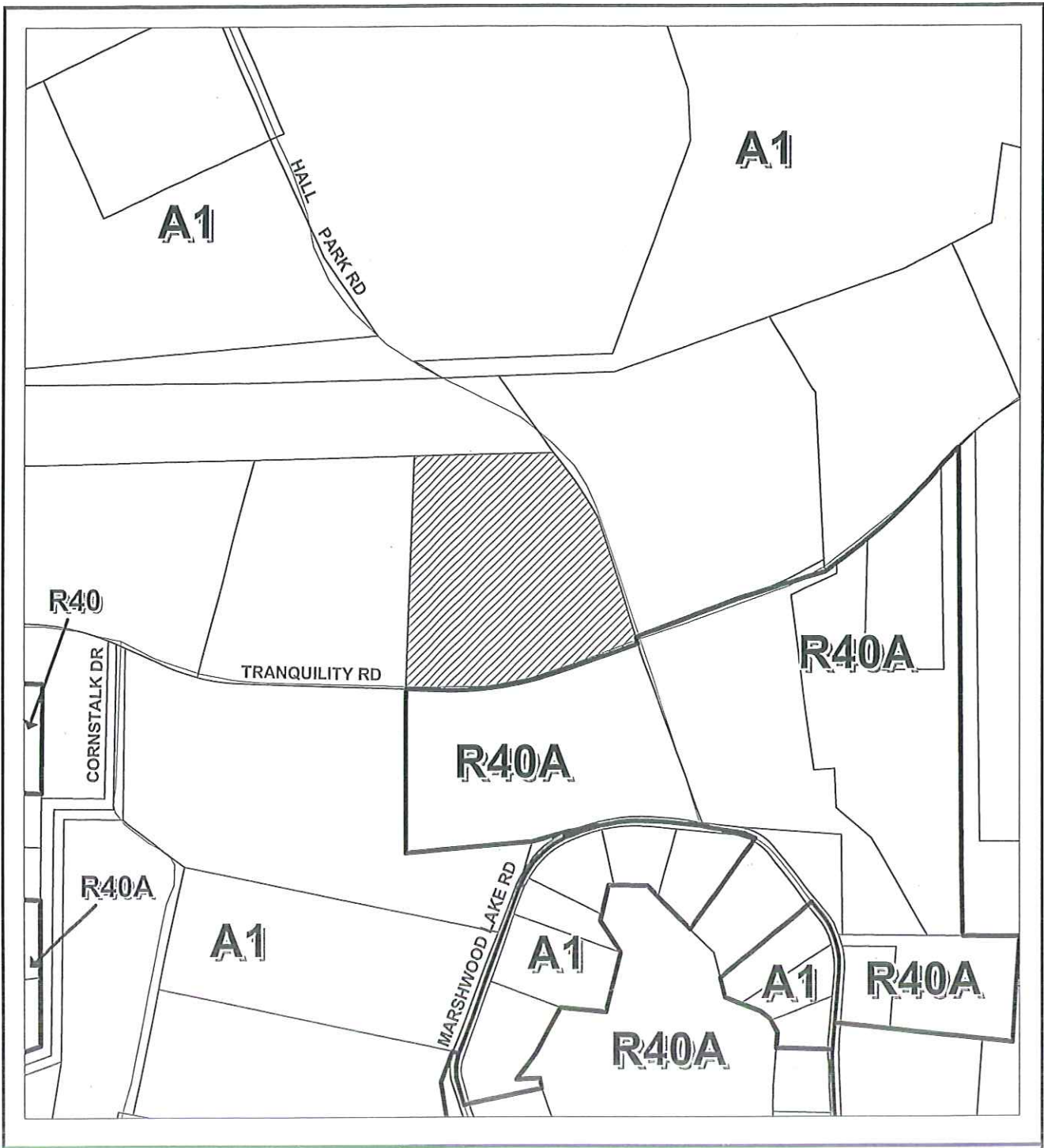
NOTE: IN AOD AREA



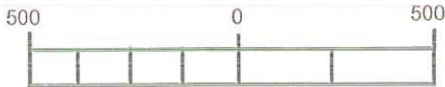
REQUESTED REZONING C3 TO M(P)

ACREAGE: 4.93 AC.+/-		HEARING NO: P13-34	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

PIN: 0423-63-1007



N



SCALE IN FEET

COUNTY SUBDIVISION ORDINANCE WAIVER

ACREAGE: 11.1 AC. +/-

HEARING NO: 13-072

ORDINANCE: COUNTY

HEARING DATE

ACTION

GOVERNING BOARD

Walter Clark,
Chair
Cumberland County

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CUMBERLAND
★ COUNTY ★
NORTH CAROLINA

Planning & Inspections Department

August 13, 2013

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Vikki Andrews,
Diane Wheatley,
Carl Manning,
Cumberland County

Benny Pearce,
Town of Eastover

Donovan McLaurin,
Wade, Falcon & Godwin

MEMORANDUM

TO: Cumberland County Joint Planning Board
FROM: Planning & Inspections Director
SUBJECT: Director's Recommendation for the August 20, 2013 Board Meeting

P02-08. REVOCATION OF A1/CU AGRICULTURAL/CONDITIONAL USE OVERLAY FOR AUTOMOBILE SALES AND AUTOMOBILE AND LAWN MOWER PARTS AND ACCESSORY SALES ON 1.00+/- ACRE REVERTING TO THE PREVIOUS ZONING CLASSIFICATION OF A1 AGRICULTURAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 6898 AND 6904 GOLDSBORO ROAD, OWNED BY FAUSTINO ESPINO.

On June 6, 2013 the Planning and Inspections Staff provided me with sufficient evidence indicating that the above referenced property has been vacant for a number of years, is in major disrepair and noncompliant with the conditions as approved for Case No. P02-08—none of the approved uses or improvements requested by the property owner were implemented or installed. Pursuant to Section 508 of the Cumberland County Zoning Ordinance, I am seeking revocation of the Conditional Use Overlay and the Permit and reversion of the zoning to the A1 Agricultural district for the subject property.

On June 17, 2013 the property owner was notified in writing of this revocation. The property owner was also mailed the standard hearing notice for your August 20, 2013 Board Meeting.

County Zoning Ordinance reference: Section 508, Failure to Comply and Section 509, Validation of Existing Conditional Use Overlays

Attachments: 1. Revocation Notice to Owner
2. Sketch Map
3. Site Plan

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CUMBERLAND
★ COUNTY ★
NORTH CAROLINA

Planning & Inspections Department

June 17, 2013

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Lori Epler,
Sara E. Piland,
Vikki Andrews,
Cumberland County

Benny Pearce,
Town of Eastover

Donovan McLaurin,
Wade, Falcon & Godwin

Faustino Espino
3250 Howard Rd
Autryville NC 28318

SUBJECT: Revocation of A1 Agricultural/CU Conditional Use Overlay Approval to Allow Automobile Sales & Automobile and Lawn Mower Parts & Accessory Sales for 6898 & 6904 Goldsboro Road, Cumberland County, North Carolina & Reversion to A1 Agricultural

Dear Mr. Espino,

On March 18, 2002 the Cumberland County Board of Commissioners conditionally approved your request for the subject property as listed above with the case heading as follows:

CASE NO. P02-08: A CONDITIONAL USE OVERLAY DISTRICT AND PERMIT TO ALLOW AUTOMOBILE SALES AND AUTOMOBILE AND LAWN MOWER PARTS AND ACCESSORY SALES ON 1.0 ACRE IN AN A1 DISTRICT AT 6898 & 6904 GOLDSBORO ROAD, OWNED BY FAUSTINO ESPINO.

On June 6, 2013 it was brought to my attention that the subject property has been vacant for a number of years, is in major disrepair and noncompliant with the conditions as approved for Case No. P02-08 – see attached documents. I am directing the staff to process a reversion to the previous zoning district of A1 Agricultural for the subject property.

Section 508 of the Cumberland County Zoning Ordinance mandates that the request for the Conditional Use Overlay be scheduled for reconsideration by the Joint Planning Board with the final decision rendered by the County Board of Commissioners when a property is found to be noncompliant with the Commissioners' most current approval. The terms of approval *shall continue to be valid provided that terms of the permit are not substantially or materially altered or expanded in any manner, that all conditions and requirements of the permit are and continue to be complied with and that the use does not cease for a period of one year* [Section 509, Cumberland County Zoning Ordinance (2005 w/ amendments through 2011)].

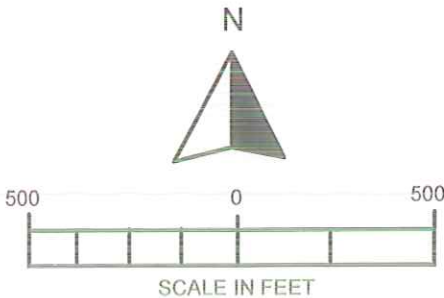
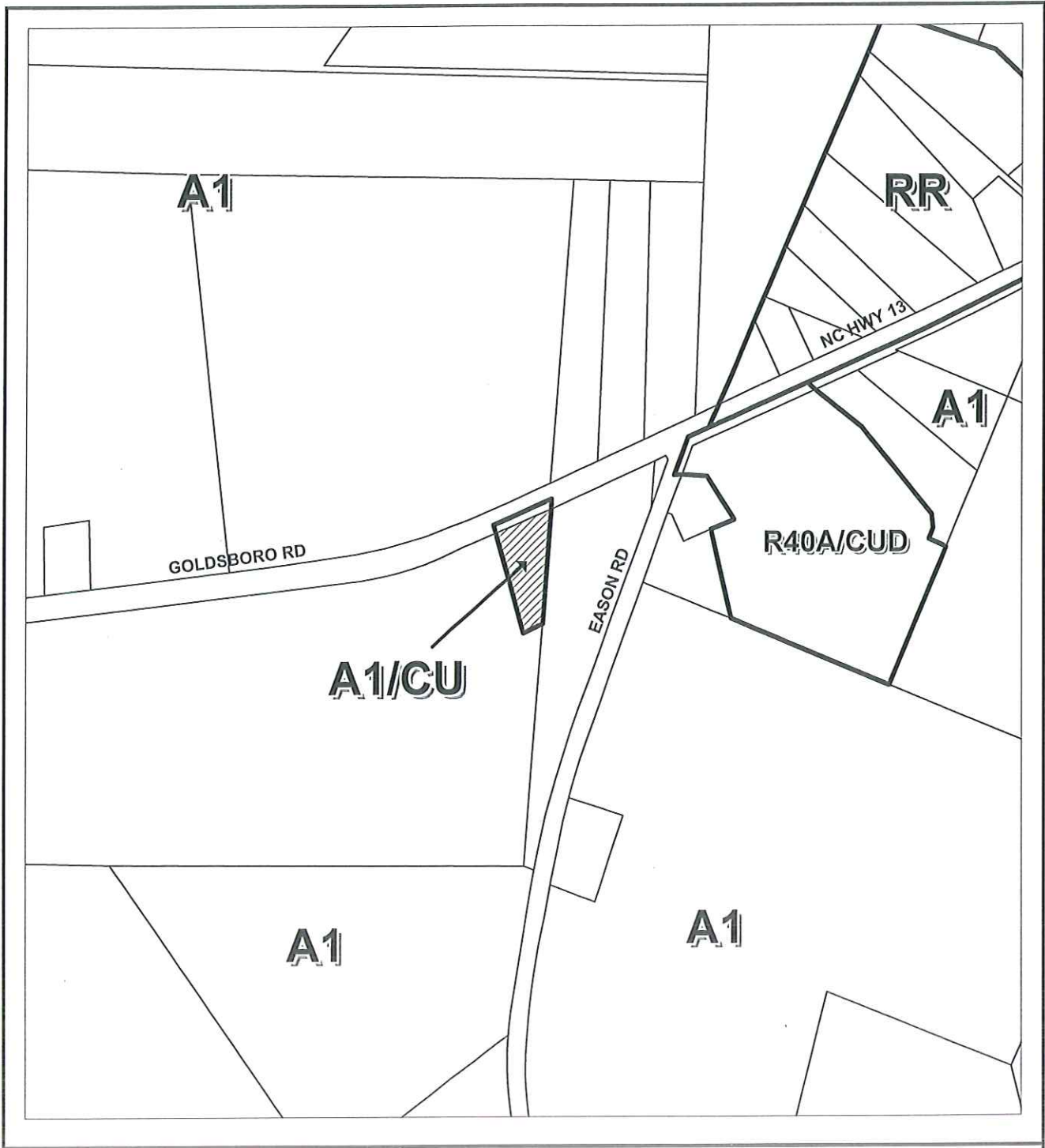
Prior to any future use and/or permit issuance for any development of the subject property, you or your successors in interest must visit Room 103 of the Historic Courthouse located at 130 Gillespie Street, Fayetteville North Carolina to discuss your plans and initiate the appropriate application process. In addition, you are the responsible party to ensure the subject property and all structures thereon are in the proper state of repair. Our Code Enforcement section will monitor your progress in this matter.

You will receive a notice letter of the hearings for the rezoning of the subject property. If you have any questions regarding the rezoning process please contact Patti Speicher at pspeicher@co.cumberland.nc.us, phone: 910-678-7605; for questions related to the clean up/maintenance of the site contact Joan Fenley at 910-321-6670, email: jfenley@co.cumberland.nc.us.

Sincerely,

Thomas J. Lloyd
Director
tlloyd@co.cumberland.nc.us

Attachments



REVOCATION OF CONDITIONAL USE OVERLAY

ACREAGE: 1.00 AC.+/-

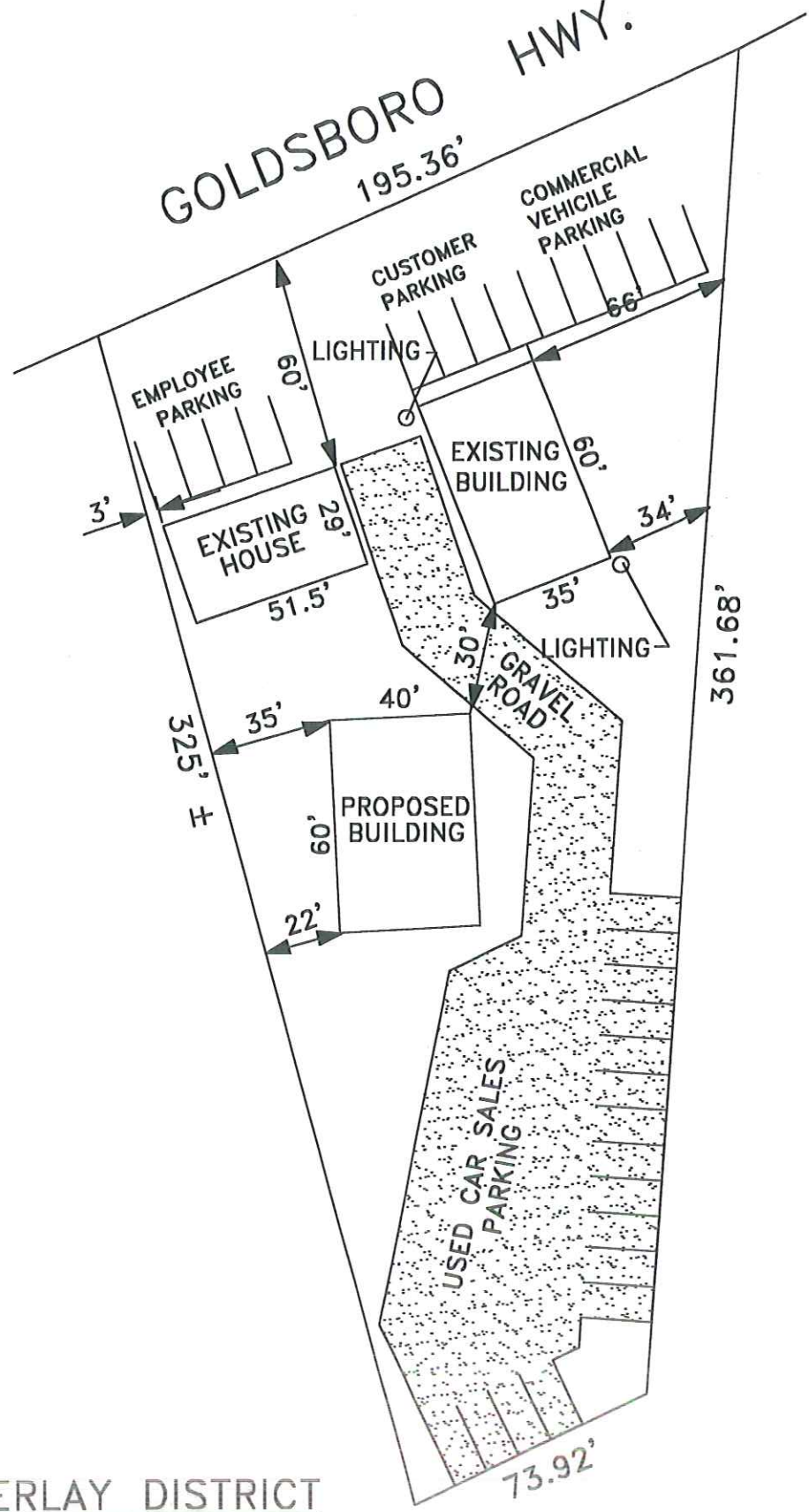
HEARING NO: P02-08

ORDINANCE: COUNTY
 STAFF RECOMMENDATION
 PLANNING BOARD
 GOVERNING BOARD

HEARING DATE

ACTION

GOLDSBORO HWY.
195.36'



CONDITIONAL USE OVERLAY DISTRICT

CASE NO: P02-08 ACREAGE: 1.0 AC. ±
REQUEST: TO ALLOW A USED AUTO SALES,
NEW & USED PARTS, TIRES, & LAWNMOWER
PARTS. SCALE: 1" = 60'

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August 13, 2013

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MEMORANDUM

TO: Cumberland County Joint Planning Board
FROM: Planning & Inspections Staff
SUBJECT: Staff Recommendation for the August 20, 2013 Board Meeting

P13-33. REZONING OF 1.08+/- ACRES FROM C1(P)/CU PLANNED LOCAL BUSINESS/CONDITIONAL USE OVERLAY FOR A CONVENIENCE STORE AND FUTURE RESTAURANT AND RR RURAL RESIDENTIAL TO RR/CZ RURAL RESIDENTIAL/ CONDITIONAL ZONING DISTRICT FOR A DAY CARE AND RR RURAL RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 6544 THROUGH 6586 US HWY 301 SOUTH; SUBMITTED BY IBRAHIM AHMED ALSAIDI ON BEHALF OF PIT STOP 301 EXPRESS, LLC. (OWNER), RONNIE ALLEN ON BEHALF OF UNION OAK AME ZION CHURCH TRUSTEES (OWNER) AND EDINA M. AMUNDSEN.

The Planning & Inspections Staff recommends approval of the requested rezoning to RR Rural Residential/CZ Conditional Zoning district for a day care and RR Rural Residential based on the following:

1. The requested districts are consistent with the 2030 Growth Vision Plan, which calls for "rural" at this location; the proposed Southwest Cumberland Land Use Plan calls for "farmland" at this location, however the request is reasonable because the structures are existing non-residential buildings;
2. Approval of the requested district of RR Rural Residential will clear up extraneous zoning lines by removing the Conditional Use Overlay district on adjacent property;
3. The requested use of a day care facility is also consistent with the objectives of the 2030 Growth Vision Plan by promoting the re-development of a commercial area as the subject property contains structures that were previously used as a convenience store; and
4. The location and character of the request, if developed according to the plan as submitted and the recommended Ordinance Related Conditions, is reasonable and will be in harmony with the area in which it is to be located.

There are no other zoning districts suitable as related to this request. The applicant has verbally agreed to all Ordinance Related Conditions.

Attachments:

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

P13-33
SITE PROFILE

P13-33. REZONING OF 1.08+/- ACRES FROM C1(P)/CU PLANNED LOCAL BUSINESS/CONDITIONAL USE OVERLAY FOR A CONVENIENCE STORE AND FUTURE RESTAURANT AND RR RURAL RESIDENTIAL TO RR/CZ RURAL RESIDENTIAL/ CONDITIONAL ZONING DISTRICT FOR A DAY CARE AND RR RURAL RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 6544 THROUGH 6586 US HWY 301 SOUTH; SUBMITTED BY IBRAHIM AHMED ALSAIDI ON BEHALF OF PIT STOP 301 EXPRESS, LLC. (OWNER), RONNIE ALLEN ON BEHALF OF UNION OAK AME ZION CHURCH TRUSTEES (OWNER) AND EDINA M. AMUNDSEN.

Site Information:

Frontage & Location: 200.00'+/- on US Hwy 301 South

Depth: 171.35'+/-

Jurisdiction: Cumberland County

Adjacent Property: No

Current Use: Vacant convenience store

Initial Zoning: RR – February 3, 1977 (Area 7); portion rezoned to C1(P)/CU for a convenience store & restaurant on September 20, 2004

Nonconformities: If approved, existing structures may not meet rear yard setbacks

Zoning Violation(s): None

Surrounding Zoning: North, East & West: RR; South: RR/DD/CUD (234 lot subdivision), RR, A1 & CD

Surrounding Land Use: Residential (including manufactured dwellings), religious worship, second hand sales, farmland & woodlands

2030 Growth Vision Plan: Rural

Proposed Southwest Cumberland Land Use Plan: Farmland

Special Flood Hazard Area (SFHA): None

Water/Sewer Availability: Well/Septic

Soil Limitations: Yes, hydric – RA Rains sandy loam

School Capacity/Enrolled: Gallberry Farm Elementary: 900/828; Gray's Creek Middle: 1,000/999; Gray's Creek High: 1,270/1,227

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

Municipal Influence Area: Town of Hope Mills

Average Daily Traffic Count (2010): 8,200 on US Hwy 301 South

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

Note:

Minimum Yard Setback Regulations for Day Cares:

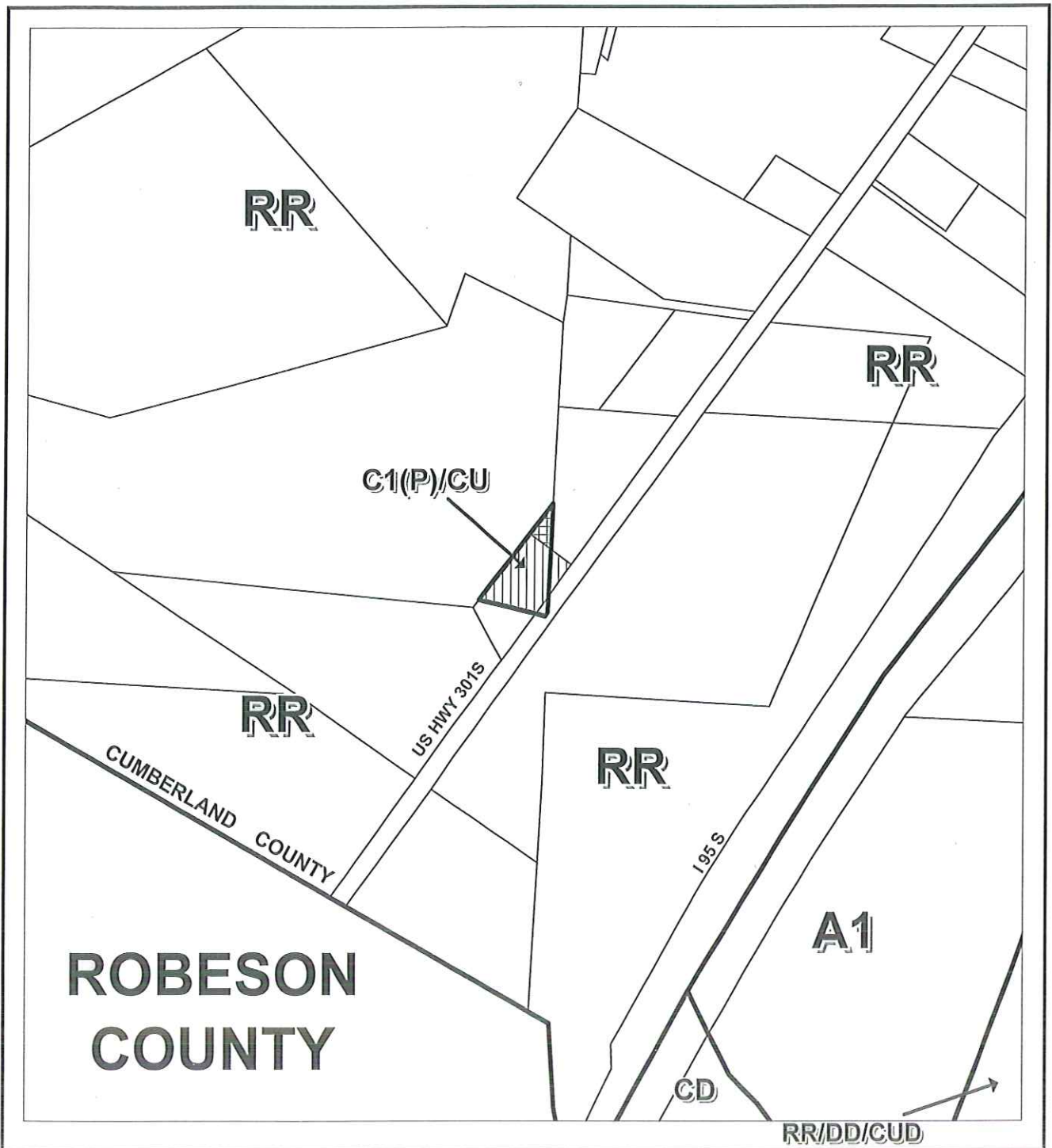
Front yard: 30'

Side yard: 20'

Rear yard: 35'

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.



**ROBESON
COUNTY**

CUMBERLAND COUNTY

C1(P)/CU

US HWY 301S

I 95 S

RR

RR

RR

RR

A1

CD

RR/DD/CUD

REQUESTED REZONING



C1(P)/CU & RR
TO RR/CZ
0.95 AC +/-



C1(P)/CU
TO RR
0.13 AC +/-

ACREAGE: 1.08 AC. +/-

HEARING NO: P13-33

ORDINANCE: COUNTY

HEARING DATE

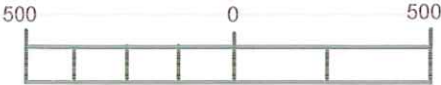
ACTION

STAFF RECOMMENDATION

PLANNING BOARD

GOVERNING BOARD

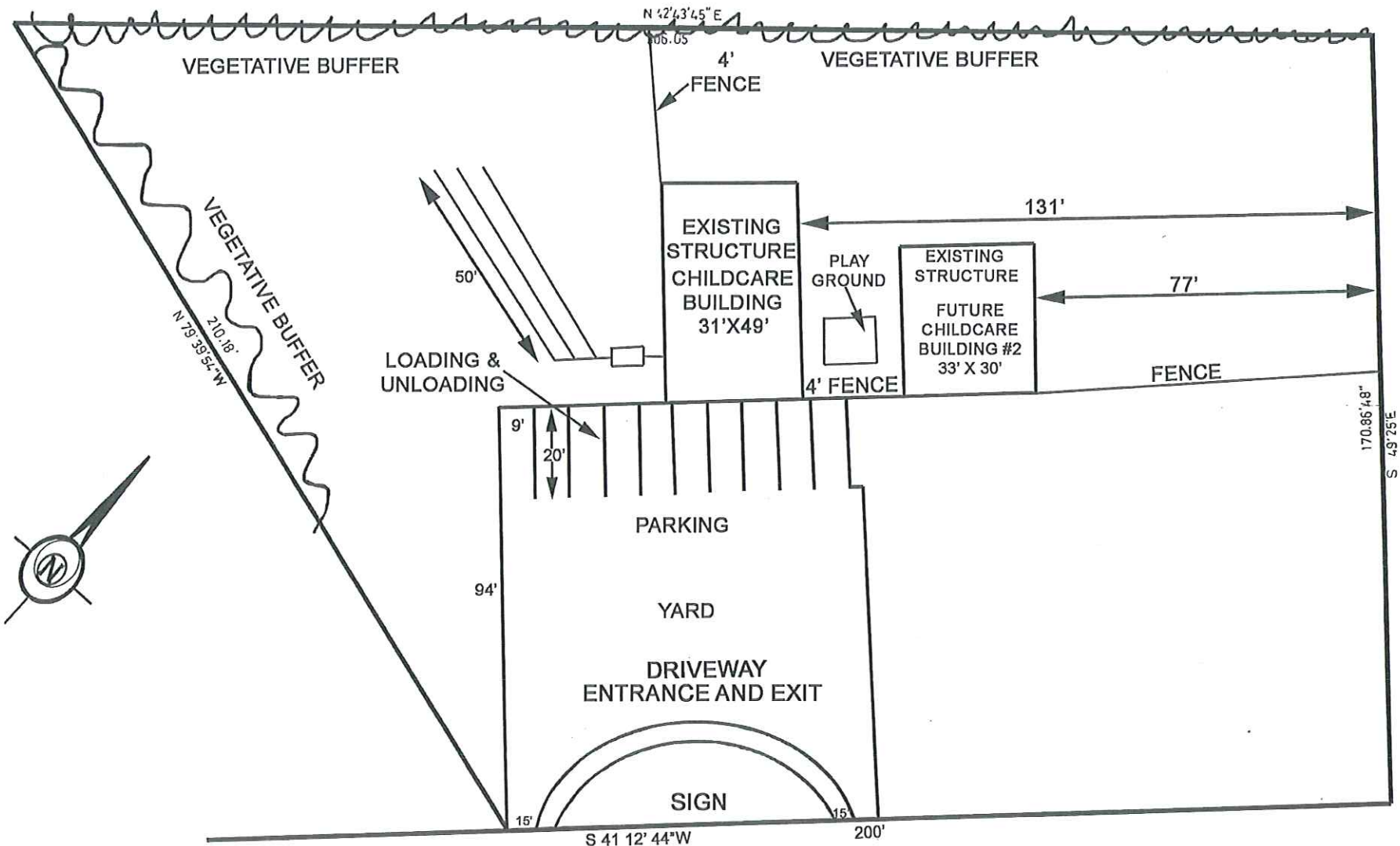
N



SCALE IN FEET

PIN: 0412-34-4846
PORT. OF PIN 0412-35-6177

7/22/2013
AM



US HWY 301 S

RR RURAL RESIDENTIAL/CONDITIONAL ZONING
REQUEST: DAYCARE OPERATIONS
CASE: P13-33 ACREAGE: 0.95 AC +/-
ZONED: C1(P)/CU & RR SCALE: NTS
PARKING: 10 SPACES

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

7-22-13

RR RESIDENTIAL/CZ CONDITIONAL ZONING DISTRICT
(Day Care Facility)
DRAFT
ORDINANCE RELATED CONDITIONS

Pre- Permit Related:

1. Prior to permit application, the developer is required to contact Tax Mapping requesting that the recombination plat (also known as a "No Approval Required" or "NAR") recorded in Plat Book 101, page 16 be activated with a new Parcel Identification Number (PIN) being assigned. The new PIN is required for permit application.
2. Prior to any permits being issued for this development, the developer will be required to obtain approval from the Food and Lodging Division of Environmental Health. The developer must provide a copy of the Health Department's approval to the County Code Enforcement Section located in Room 101 of the Historic Courthouse at 130 Gillespie Street, Fayetteville. For additional information, the developer should contact a Code Enforcement Officer.

Permit-Related:

3. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the County Zoning Ordinance and permits required prior to commencement of the day care facility operation from the County Code Enforcement Section. For additional information, the developer should contact a Code Enforcement Officer.
4. The existing structures must comply with all fire and building code requirements for a day care facility. The developer should contact both the Fire Marshall and a Building Inspector for information regarding the code requirements.
5. The County Health Department must approve water and sewer plans prior to application for any permits. Site and soil evaluations must be conducted on the property by the County Environmental Health Department prior to application for permits. A copy of the Health Department approval must be provided to Code Enforcement at the time of application for any building/zoning permits. (Note: All Health Department requirements must be met prior to issuance of final permits.) (Section 2306 A, Water and Sewer, County Subdivision and Development Ordinance)
6. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
7. The four foot high fence for the play area must completely enclose the area and be in place prior to the final inspection of the site. The fence must also include a gate that can be securely closed.
8. The building final inspection cannot be accomplished until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans.

Site-Related:

9. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Development Ordinance and Zoning Ordinances for the RR zoning district must be complied with, as applicable. In addition, the contents of the application and information contained on the site plan are considered as part of this conditional approval, including the yard setbacks for the existing buildings.
10. This conditional approval is not approval of any new freestanding signs. If the existing freestanding sign is relocated, a revised plan is required to be approved prior to permit issuance. Attached signage for this development must be in accordance with the applicable sign regulations as set forth in Article XIII of the County Zoning Ordinance and that the proper permit(s) must be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is **not** approval of the size, shape, or location of any signs.)
11. "U.S. Highway #301" must be labeled as "US HWY 301 S" on all future plans.

12. 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 and Development Ordinance)
13. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision and Development Ordinance)
14. 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.
15. Turn lanes may be required by the NC Department of Transportation (NCDOT).
16. 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.
17. The solid buffer consisting of the existing vegetation along the rear and south side, along with the existing privacy fence along the north side, must be maintained because this tract/site abuts residentially zoned properties 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.)
18. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.
19. All required off-street parking spaces shall be a minimum of 9' x 20'; a minimum of five off-street parking spaces is required for this development. The two spaces designated for the loading/unloading area and the drive must be a permanent surface such as asphalt or concrete.
20. 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 Relevant Conditions:

21. The applicant is advised to consult an expert on wetlands before proceeding with any development.
22. The subject property is located within the Town of Hope Mills Municipal Influence Area (MIA) and the town has tree preservation standards in their ordinances. The developer is encouraged to retain as many of the existing trees as possible on this site.
23. The owner/developer is responsible for ensuring easements which may exist on the subject property are accounted for, not encumbered and that no part of this development is violating the rights of the easement holder.
24. This conditional approval is not to be construed as all encompassing of the applicable rules, regulations, etc. which must be complied with for any development. Other regulations, such as building, environmental, health and so forth, may govern the specific development. The developer is the responsible party to ensure full compliance with all applicable Federal, State, and local regulations.

Thank you for choosing Cumberland County for your business!

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

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

Subdivision/Site Plan/Plat	Ed Byrne	678-7609
Code Enforcement (Permits):	Ken Sykes	321-6654
County Building Inspections:	Gary Faulkner	321-6648
Fire Marshal – Emergency Services	Rodney Ward	321-6625
County Health Department:	Daniel Ortiz	433-3680

Food & Lodging Env. Health:	Daniel Ortiz	433-3680
Ground Water Issues:	Matt Rooney	678-7625
Town of Hope Mills:	Mike Bailey	424-4555
County Public Utilities:	Amy Hall	678-7637
Corp of Engineers (wetlands):	Crystal C. Amschler	(910) 251-4170
NCDENR (E&S):	Sally Castle	433-3300
Location Services:		
Site-Specific Address:	Ron Gonzales	678-7616
Tax Parcel Numbers:		678-7549
NCDOT (driveways/curb-cuts):	Gary Burton	486-1496
N.C. Division of Water Quality:	Mike Randall	(919) 733-5083 ext. 545

cc: Mike Bailey, Town of Hope Mills

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 IBRAHIM ALSAIDI / EDINA M. AMUNDSON / AGENT
2. Address: 916 BRAMBLEGATE HM Zip Code 28348
3. Telephone: (Home) 910-425-3277 (Work) 910-423-2710
4. Location of Property: 0576 SOUTH US 301 HWY
HOPE MILLS, NC 28348
5. Parcel Identification Number (PIN #) of subject property: 0412-34-4846
(also known as Tax ID Number or Property Tax ID)
6. Acreage: 95 AC Frontage: 200 Depth: 170
7. Water Provider: WELL
8. Septage Provider: SEPTIC
9. Deed Book 8875, Page(s) 774, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
10. Existing use of property: COND. ZONING CONVENIENT STORE & FUTURE RESTAURANT.
11. Proposed use(s) of the property: DAY CARE

NOTE: Be specific and list all intended uses.

12. It is requested that the foregoing property be rezoned FROM: CIP-CU & RR
TO: (Select one)
 Conditional Zoning District, with an underlying zoning district of RR
 (Article IV)
 Mixed Use District/Conditional Zoning District (Article VI)
 Planned Neighborhood District/Conditional Zoning District (Article VII)
 Density Development/Conditional Zoning District, at the _____ Density
 (Article VIII)

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

APPLICATION FOR
CONDITIONAL ZONING

1. PROPOSED USE(S):

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

SEE SITE PLAN

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

SEE SITE PLAN

2. DIMENSIONAL REQUIREMENTS:

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

SEE SITE PLAN

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

SEE SITE PLAN

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.

SEE SITE PLAN

4. LANDSCAPE AND BUFFER REQUIREMENTS:

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

SEE SITE PLAN

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

SEE SITE PLAN

5. MISCELLANEOUS:

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

3 EMPLOYEES

HOURS OF OPERATION 7:00 AM TO 6:00 P.M

6. SITE PLAN REQUIREMENTS:

The application must 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. STATEMENT OF ACKNOWLEDGMENT:

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 (rezoning) rest with the petitioner.

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

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

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

I further understand I must voluntarily agree to all ordinance related prior to the first hearing on the case. The undersigned hereby acknowledge that the Planning and Inspections Staff has conferred with the petitioner or assigns, and the application as submitted is accurate and correct.

↓ Ibrahim Ahmed Alsaadi
NAME OF OWNER(S) (PRINT OR TYPE)

916 Bramblegate Rd Hope Mills N.C 28348
ADDRESS OF OWNER(S)

E-MAIL
910-977-4116
910-425-3277
HOME TELEPHONE

910-423-7710
WORK TELEPHONE


SIGNATURE OF OWNER(S)

SIGNATURE OF OWNER(S)

7. STATEMENT OF ACKNOWLEDGMENT:

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↓ Union Oak P.M.E. Zion Church
NAME OF OWNER(S) (PRINT OR TYPE)

6544 US 301 SOUTH
ADDRESS OF OWNER(S)

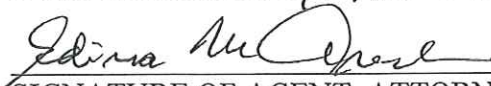
allenronnie93@yahoo.com
E-MAIL

(910) 424-2196
HOME TELEPHONE

(214) (270) 300-0093
WORK TELEPHONE

[Signature]
SIGNATURE OF OWNER(S)

SIGNATURE OF OWNER(S)

✓ EDINA M. AMUNDSEN
 NAME OF AGENT, ATTORNEY, APPLICANT (by assign) (PRINT OR TYPE)
 3800 RAEFORD ROAD, FAYETTEVILLE NC 28304
 ADDRESS OF AGENT, ATTORNEY, APPLICANT
 910-261-2102 HOME TELEPHONE 910-483-5353 WORK TELEPHONE
 edinaamundsen@gmail.com E-MAIL ADDRESS GMAIL.COM 910-483-7586 FAX NUMBER

 SIGNATURE OF AGENT, ATTORNEY, OR APPLICANT

- * **ALL record property owners must sign this petition.**
- * **The contents of this application, upon submission, becomes "public record."**

**CUMBERLAND COUNTY ZONING ORDINANCE
 FEE SCHEDULE**

REQUESTED ZONING DISTRICTS ¹	LESS THAN 5 ACRES	5 TO 50 ACRES	50 TO 100 ACRES	100+ ACRES
CONDITIONAL ZONING DISTRICTS ² RESIDENTIAL DD/CZ	\$500	\$500	\$500	\$500
CONDITIONAL ZONING DISTRICTS ² NONRESIDENTIAL PND/CZ MXD/CZ	\$700	\$800	\$800	\$800

- 1 If more than one zoning district is requested in the same application, the highest fee for the district requested will apply.
- 2 If a general rezoning is requested and based on recommendations of the Planning Board or County Commissioners, the applicant desires to submit a Conditional Zoning District application; the original application fee will be credited towards the Conditional Zoning application fee.

Walter Clark,
Chair
Cumberland County

Patricia Hall,
Vice-Chair
Town of Hope Mills

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



CUMBERLAND
★ **COUNTY** ★
NORTH CAROLINA

Planning & Inspections Department

August 13, 2013

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Vikki Andrews,
Diane Wheatley,
Carl Manning,
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 the August 20, 2013 Board Meeting

P13-35. REZONING OF 177.00+/- ACRES FROM A1 AGRICULTURAL AND CD CONSERVANCY TO MXD/CZ MIXED USE DEVELOPMENT/CONDITIONAL ZONING OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE WEST SIDE OF SR 1714 (RIVER ROAD), NORTH OF I-295; SUBMITTED BY INGEBORG VINENT HEIRS AND RIVER BLUFF FARM C/O EVA HANSEN (OWNERS).

The Planning & Inspections Staff recommends approval of the requested rezoning to MXD Mixed Use Development /CZ Conditional Zoning district based on the following:

1. The district requested is consistent with the 2030 Growth Vision Plan, which calls for “rural” and “conservation” at this location, as well as meeting the location criteria for “rural density” development as listed in the Land Use Policies Plan; although the request is not entirely consistent with the Wade Detailed Land Use Plan, which calls for “activity node”, “one acre residential lots” and “open space” at this location, the Plan was adopted prior to the construction and opening of I-295;
2. The request is reasonable as it meets all of the location criteria and intent of the Mixed Use District and allows for innovative development by providing flexibility while maintaining a quality design;
3. The subject properties have direct access a major thoroughfare (River Road), and the developer is offering street stubs to the adjacent property for future connectivity;
4. Eastover Sanitary District utilities are available to the subject properties; and
5. The location and character of the use, if developed according to the plan as submitted and the recommended Ordinance Related Conditions, is reasonable as they will be in harmony with the area in which they are to be located.

Staff further recommends approval of the expansion of the Sewer Service Area to include the subject properties. There are no other zoning districts suitable related to this request. The applicant has verbally agreed to all Ordinance Related Conditions.

Attachments:

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

P13-35
SITE PROFILE

P13-35. REZONING OF 177.00+/- ACRES FROM A1 AGRICULTURAL AND CD CONSERVANCY TO MXD/CZ MIXED USE DEVELOPMENT/CONDITIONAL ZONING OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE WEST SIDE OF SR 1714 (RIVER ROAD), NORTH OF I-295; SUBMITTED BY INGEORG VINENT HEIRS AND RIVER BLUFF FARM C/O EVA HANSEN (OWNERS).

Site Information:

Frontage & Location: 740.00'+/- on SR 1714 (River Road)

Depth: 5,000.00'+/-

Jurisdiction: Cumberland County

Adjacent Property: No

Current Use: Vacant woodlands & barn

Initial Zoning: A1 – October 24, 1994 (Area 18)

Nonconformities: None

Zoning Violation(s): None

Surrounding Zoning: North: M2, R40A, R15, A1 & CD; South: PND, A1 & CD; East: A1; West: R15

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

2030 Land Use Plan: Rural & conservation area

Wade Detailed Land Use Plan: Open Space (SFHA), one acre residential lots & activity node

Special Flood Hazard Area (SFHA): Yes; base flood is 91 msl (NAVD). 93 MSL with two foot freeboard

Sewer Service Area (SSA): Applicant requests expansion of SSA to include subject property

Water/Sewer Availability: ESD/ESD

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

School Capacity/Enrolled: Eastover Central Elementary: 540/470; Mac Williams Middle: 1,270/1,223; Cape Fear High: 1,425/1,595

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

RLUAC: Does not object to the request but advises that the property has high noise levels (65dB) due to military aircraft over flights

Average Daily Traffic Count (2010): 2,400 on SR 1714 (River Road)

Highway Plan: River Road is identified in the Highway Plan as a Major Thoroughfare. The plan calls for a multi-lane facility with a right-of-way of 100 feet. No road improvements are included in the 2012-2018 MTIP

Notes:

1. Calculation of Area (Total Acreage: 177.00 +/- acs)

Open Space:

Required: 15%

(177 acs x 15% = 26.55 acs)

Resultant Acreage:

75.225 acs = maximum non-residential acreage allowed

(177 acs – 26.55 acs = 150.45 acs / 2 = 75.225 acs)

Proposed Residential Acreage: 91.54 +/- acs = 60%

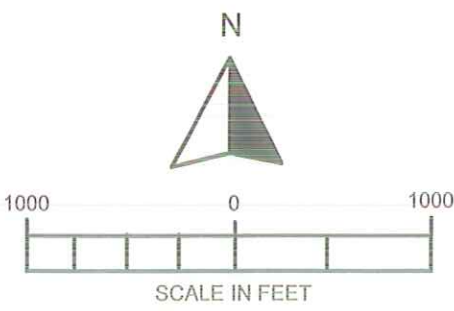
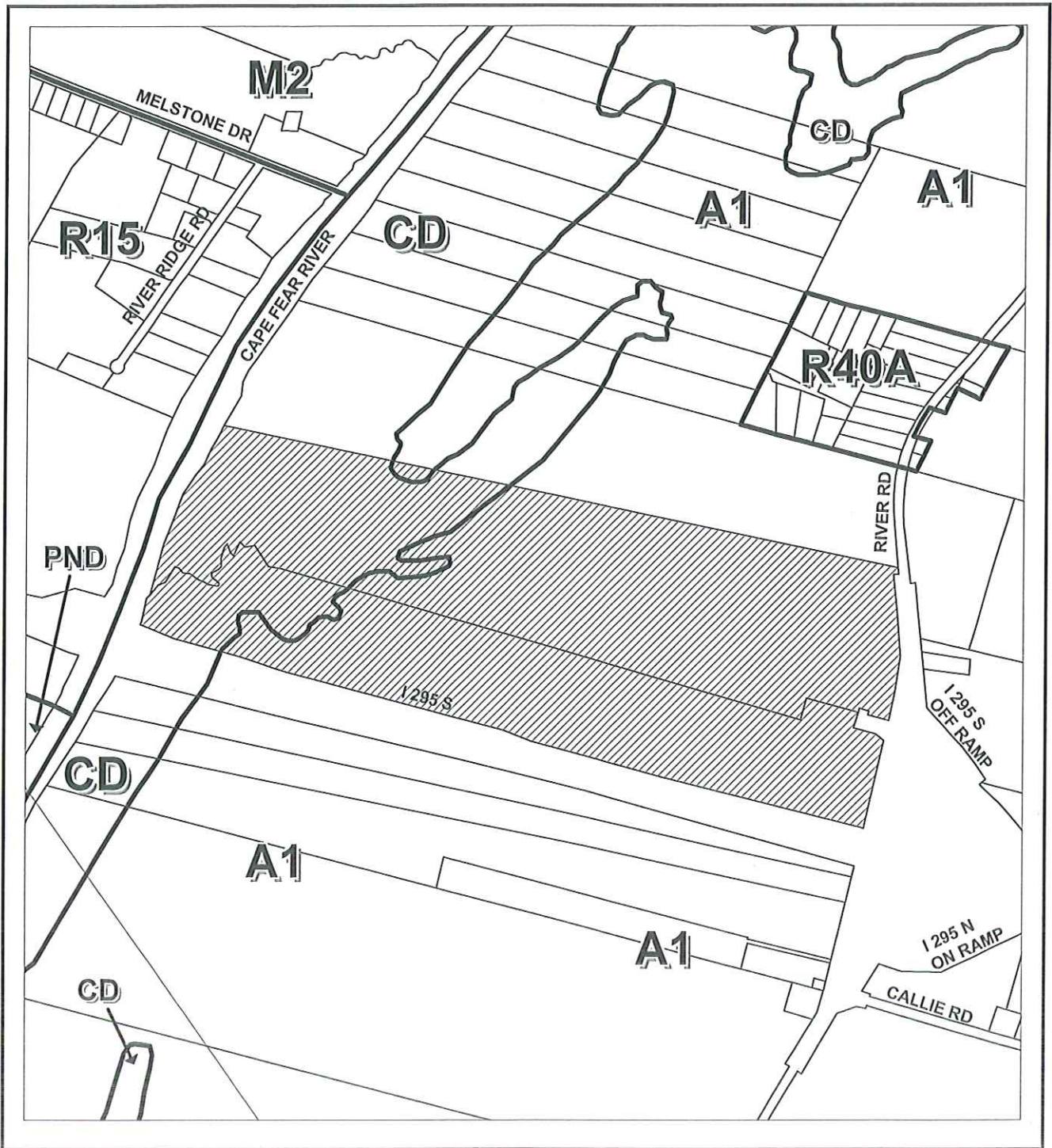
Proposed Commercial Acreage: 22.80 +/- acs = 14%

Proposed Open Space: 49.10 +/- acs = 26%

2. Average Lot Size: 15,760 square feet or .36+/- acs
3. Building Lot Closest Point to Cape Fear River: 1,504 linear feet

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.



PIN: 0541-90-7514
 PIN: 0540-99-6735

REQUESTED REZONING A1 & CD TO MXD/CZ

ACREAGE: 177 AC.+/-	HEARING NO: P13-35	
ORDINANCE: COUNTY	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

SITE NOTES

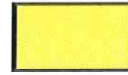
- 1. MAXIMUM NUMBER OF LOTS = 253
- 2. ALL STREETS SHALL BE PUBLIC



26% OPEN SPACES
49.10 AC +/-



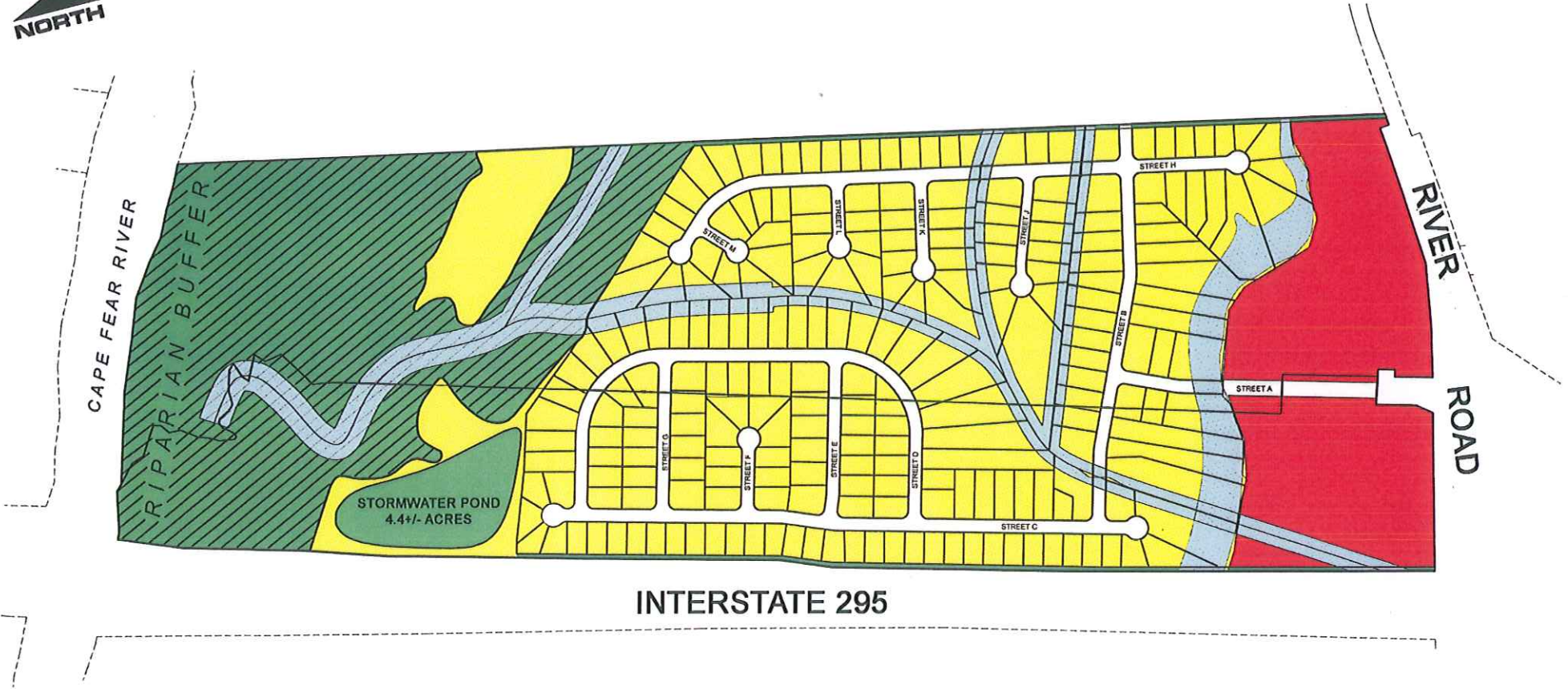
PROTECTED
DITCHES AND STREAM



60% RESIDENTIAL
91.54 AC +/-



14% COMMERCIAL
22.8 AC +/-



MIXED USE DEVELOPMENT/CONDITIONAL ZONING
CASE: P13-35 ACREAGE: 177 AC +/-
SCALE: NTS

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

8/13/13

MXD MIXED USE DEVELOPMENT/CZ CONDITIONAL ZONING DISTRICT

DRAFT

Ordinance Related Conditions

Pre- Permit Related:

1. Prior to any development on the commercial portions of this Mixed Use Development, the developer must submit five copies of a site plan for staff review and approval; the revised plans must include the following:
 - a) Landscaping provided in accordance with the provisions in Section 1102.N, Landscaping, County Zoning Ordinance;
 - b) Location of all freestanding signs reflected on the site plan in accordance with the provisions in Article XIII, Sign Regulations, County Zoning Ordinance;
 - c) Off-street parking in accordance with the provisions in Section 1202, Off-Street Parking, County Zoning Ordinance; and
 - d) Loading space(s) in accordance with provision in Section 1203, Off-Street Parking, County Zoning Ordinance.

Watershed-Related:

2. An application for watershed approval must be submitted to the Watershed Review Officer (WRO) and plans must be approved either by the WRO or the County Board of Adjustment prior to final plat approval of any portion of this development and/or prior to application for any building/zoning permits. (Note: This approval may require additional conditions restricting the development of this property.) A copy of the WRO's approval of this plat/plan must be submitted to Code Enforcement at the time of application for any permits.
3. Prior to application for the building final inspection, a Watershed Occupancy Permit must be issued for each lot/tract within this development.

Permit-Related:

4. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the County Zoning Ordinance and permits required to place any structure within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. For additional information, the developer should contact a Code Enforcement Officer.
5. Connection to public water and sewer is required, the Eastover Sanitary District (ESD) must approve water and sewer plans prior to application for any permits. A copy of the Eastover Sanitary District's approval must be provided to Code Enforcement at the time of application for building/zoning permits. (Section 2306 A.1, Public Water and Sewer Systems, County Subdivision and Development Ordinance)
6. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
7. 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.
8. 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.

9. 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.
10. 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.
11. 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.

12. The developer must formally notify the NC Department of Transportation 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 80% of the lots shown on the preliminary plan, no additional building permits can be issued until the NCDOT District Engineer notifies this department of the receipt of the application.

Site-Related:

13. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Development Ordinance and Zoning Ordinances for the MXD/CZ zoning district must be complied with, as applicable.

Note: A very limited type of retail and other uses are allowed in the MXD/CZ zoning district specifically all the uses permitted in the O&I(P) and C1(P) districts and the listed uses in Section 603.C, Uses Allowed, County Zoning Ordinance for the C2(P) and C(P) zoning districts. The developer/property owner is encouraged to contact Code Enforcement or Land Use Codes prior to entering into a contract/lease with any tenant to verify the permissibility of the intended use.

14. All corner lots and lots fronting more than one street must provide front yard setbacks from each street.
15. 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.) (Note: Prior to any future entrance signs for this development, the developer will need to submit a revised site plan showing the location of the sign)
16. All applicable provisions of Section 2401, "Group Developments", County Subdivision and Development Ordinance, must be complied with.
17. The small stream standards set forth in Section 6.5-44, County Flood Damage Prevention Ordinance, shall be complied with during construction and upon completion of development within this subdivision as enforced by the County Engineer's Office.
18. 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 and Development Ordinance)
19. 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 and Development Ordinance)
20. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision and Development Ordinance)

21. The owner/developer must secure the stormwater utility 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. 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.
25. Turn lanes may be required by the NC Department of Transportation (NCDOT).
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. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.
28. For purposes of protecting the aquatic and wildlife habitat and to ensure bank stabilization for this area of the Cape Fear River, a riparian buffer must be provided along the western boundary of this development. The first 30 feet from the western property line must remain undisturbed while an additional 20 feet may be cleared so long as no structures are constructed in that portion. Note: This ordinance provision does allow for clearing of a minimal access to the river.

Plat-Related:

29. The final plat must be labeled as a “Zero Lot Line” development and all open space/riparian buffer area/common areas be labeled as “common area.”
30. 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.
31. The developer is required to submit to Land Use Codes:
 - a. Three copies of proposed covenants, by-laws and articles of incorporation for the proposed development designating responsibility for the maintenance and upkeep of the common areas by the owners’ association for the development;
 - b. One copy of the deeds proposed for recordation conveying all common area to the proposed owners association;
 - c. One copy of any proposed supplemental covenants if the proposed development is to be submitted for final approval in phases; and
 - d. Two copies of each proposed final plat prior to the submission for final approval – can be a phase of the approved development or the complete development as approved.

These documents must be approved by the County Attorney prior to the sale of or submission for final plat approval of any lot or unit within this development.

32. The developer must contact the Location Services Section of the Planning and Inspections Department for approval of street names within this development. The approved street names must be reflected on the final plat.
33. The street name signs, in compliance with the County Street Sign Specifications, must be installed prior to final plat approval. The developer should contact Location Services 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 Location Services Section for sign installation or of satisfactory inspection prior to the approval of the final plat.

34. "Interstate 295" must be labeled as "I-295 S" on the final plat.
35. Dedication of 15 feet of right-of-way and reservation of 10 feet of right-of-way for the notch at the northeastern most property corner at SR 1714 (River Road) is required. 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 and Development Ordinance)
36. The developer is opting to provide park, recreation or open space area (common area) on-site; therefore, when phasing a development all common area must be recorded prior to the recording of the first phase or section of the development or the common area must be recorded incrementally, ensuring that a minimum of 800 square feet of land area is recorded as common area for each lot included, on the final plat.
37. 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 plat plans must be approved by Land Use Codes prior to issuance of any permits.
38. 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.
39. A 10' x 70' sight distance easement is required at the intersection of SR 1714 (River Road) with the proposed street "A" and must be reflected on the final plat.
40. 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 and Development Ordinance)
41. 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.
42. 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 and Development Ordinance)
43. 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, County Subdivision and Development Ordinance. (Note: Once the improvements are in place, the developer is responsible for contacting Jeff Barnhill to schedule an inspection of the improvements.)
44. 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.
45. The developer should be aware that any addition and/or revision to this plat may require an additional review and approval by the Planning & Inspections Department prior to submission for final plat approval of any portion of this development.

Plat-Required Statements:

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

"Nonconforming structures have not been created by this subdivision plat."

47. Because the streets in this development have been approved as “public” streets and the streets do not yet qualify for acceptance by the NC Department of Transportation to the State system for maintenance purposes, the following statement is required to be included on the final plat (Section 2504 E, County Subdivision and Development Ordinance):

“The streets shown on this plat though labeled as “public” – unless otherwise noted – have not been accepted by the NC Department of Transportation as of the date of this recording. Until such time that the streets are accepted and formally added to the State system, maintenance and liability of the streets are the responsibility of the developer and any future lot owner(s).”

Other Relevant Conditions:

- 48. 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.
- 49. 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.
- 50. 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.
- 51. All notes and calculations as shown on the site plan and contained within the application are considered to be a part of this conditional approval.

Thank you for developing in Cumberland County!

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

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

Watershed Officer/Improvements:	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
Eastover Sanitary District:	Connie Spell	229-3716
County Public Utilities:	Amy Hall	678-7637
Corp of Engineers (wetlands):	Crystal C. Amschler	(910) 251-4170
NCDENR (E&S):	Sally Castle	433-3300
Location Services:		
Site-Specific Address:	Ron Gonzales	678-7616
Street Naming/Signs:	Diane Shelton	678-7665
Tax Parcel Numbers:		678-7549
NCDOT (driveways/curb-cuts):	Gary Burton	486-1496
NCDOT (subdivision roads):	David Plummer	486-1496
Transportation Planning:	Bobby McCormick	678 7632
N.C. Division of Water Quality:	Mike Randall	(919) 733-5083 ext. 545

cc: Connie Spell, Eastover Sanitary District

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 (A) Ingeborg Vincent Heirs
(B) River Bluff Farm, LLC
2. Address: (A) 3107 Marita Dr. Fayetteville, N 28301
(B) 7469 Minnie Hall Rd. Roseboro NC Zip Code 28382
3. Telephone: (Home) _____ (Work) _____
4. Location of Property: NW Quadrant of River Road and I-295
5. Parcel Identification Number (PIN #) of subject property: 0540-99-6735 (A)
(also known as Tax ID Number or Property Tax ID) 0541-90-7514 (B)
6. Acreage: 177± Frontage: 1731± Depth: 5010±
7. Water Provider: ESD
8. Septage Provider: ESD
9. Deed Book (A) 1159, Page(s) 0057
(B) 4629, Page(s) 0423, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
10. Existing use of property: Vacant
11. Proposed use(s) of the property: Mixed Use; Commercial, Residential and Conservation District (Possible Professional)
NOTE: Be specific and list all intended uses.
12. It is requested that the foregoing property be rezoned FROM: A1 & CD
TO: (Select one)
 Conditional Zoning District, with an underlying zoning district of _____
 (Article IV)
 Mixed Use District/Conditional Zoning District (Article VI)
 Planned Neighborhood District/Conditional Zoning District (Article VII)
 Density Development/Conditional Zoning District, at the _____ Density
 (Article VIII)

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

APPLICATION FOR
CONDITIONAL ZONING

1. PROPOSED USE(S):

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

Commercial, Professional, Residential and Conservation

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

Residential 253 units
Commercial and/or Professional 22.8 acres
Conservation and Open Space 45.1 acres

2. DIMENSIONAL REQUIREMENTS:

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

As required by the ordinance.

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

As required by the ordinance.

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.

As required by the ordinance.

4. LANDSCAPE AND BUFFER REQUIREMENTS:

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

Landscaping will be provided in accordance with the requirements as set forth in the Ordinance.

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

Buffers will be provided as shown on the site plan attached.

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.

The owners request that the Sanitary Sewer Service Area be expanded to include these properties per this application.

6. SITE PLAN REQUIREMENTS:

The application must 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. STATEMENT OF ACKNOWLEDGMENT:

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 (rezoning) rest with the petitioner.

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

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

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

I further understand I must voluntarily agree to all ordinance related prior to the first hearing on the case. The undersigned hereby acknowledge that the Planning and Inspections Staff has conferred with the petitioner or assigns, and the application as submitted is accurate and correct.

④ Aida Vinent Johnston (Heir of Ingeborg Vinent)
NAME OF OWNER(S) (PRINT OR TYPE)

3107 Marita Dr. Fayetteville, NC 28301
ADDRESS OF OWNER(S)

aida.johnston1@gmail.com
E-MAIL

919-605-5801 HOME TELEPHONE WORK TELEPHONE

Aida Vinent Johnston SIGNATURE OF OWNER(S) SIGNATURE OF OWNER(S)

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(A)

CLAUS HAUS VINENT

(Heir of Ingeborg Vinent)

NAME OF OWNER(S) (PRINT OR TYPE)

831 A Philena Rd S. Leesburg GA 31763

ADDRESS OF OWNER(S)

Floormex @ msn. com

E-MAIL

229-886-5656

HOME TELEPHONE

WORK TELEPHONE

CLAUS HAUS VINENT

SIGNATURE OF OWNER(S)

SIGNATURE OF OWNER(S)

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④ Ingeborg V. Tracy (Heir of Ingeborg Vincent)
 NAME OF OWNER(S) (PRINT OR TYPE)

469 Pine Tree Dr. Henrico, VA 22842
 ADDRESS OF OWNER(S)

Wagntail01@yahoo.com
 E-MAIL

(752) 308-0608 (240) 925-8419
 HOME TELEPHONE WORK TELEPHONE

[Signature] [Signature]
 SIGNATURE OF OWNER(S) SIGNATURE OF OWNER(S)

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(A) MANUEL ADAM VINENT (Heir of Ingeborg Vinent)
 NAME OF OWNER(S) (PRINT OR TYPE)
3107 Marita Dr. Fayetteville NC 28301
 ADDRESS OF OWNER(S)
mvinent@aol.com
 E-MAIL
910-489-5613
 HOME TELEPHONE WORK TELEPHONE
DocuSigned by:
MANUEL ADAM VINENT
 SIGNATURE OF OWNER(S) SIGNATURE OF OWNER(S)

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(A) Andres Avelino Vincent (Heir of Ingeborg Vincent)

NAME OF OWNER(S) (PRINT OR TYPE)

3821 Clearwater Dr. Fayetteville NC 28311

ADDRESS OF OWNER(S)

Sludgehammernc@yahoo.com

E-MAIL

HOME TELEPHONE

WORK TELEPHONE

Andres Avelino Vincent

SIGNATURE OF OWNER(S)

SIGNATURE OF OWNER(S)

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ⓑ

River Bluff Farm, LLC by Eva Hansen
NAME OF OWNER(S) (PRINT OR TYPE)

7469 Minnie Hall Rd Roseboro, NC 28382
ADDRESS OF OWNER(S)

meadowrunfarm@intrstar.net
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910-567-4337 HOME TELEPHONE 910-624-2840 WORK TELEPHONE
Cell

Eva Hansen, Manager SIGNATURE OF OWNER(S) SIGNATURE OF OWNER(S)