

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

November 19, 2013

7:00 P.M.

- I. INVOCATION AND PLEDGE OF ALLEGIANCE
- II. APPROVAL OF/ADJUSTMENTS TO AGENDA
- III. PUBLIC HEARING DEFERRAL/WITHDRAWAL
- IV. ABSTENTIONS BY BOARD MEMBERS
- V. POLICY STATEMENT REGARDING PUBLIC HEARING TIME LIMITS
- VI. APPROVAL OF THE MINUTES OF OCTOBER 15, 2013
- VII. PUBLIC HEARING CONSENT ITEMS

REZONING CASE

- A. **P13-46:** REZONING OF 42.60+/- ACRES FROM R40 RESIDENTIAL/DD DENSITY DEVELOPMENT/CUD CONDITIONAL USE DISTRICT AND THE PERMIT TO R40 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE SOUTHWEST SIDE OF SR 2013 (OLD VANDER ROAD), NORTH OF SR 2013 (MACEDONIA CHURCH ROAD); SUBMITTED BY D. LEE HERRERA ON BEHALF OF ROUNDPOINT ASSET MANAGEMENT, INC. (OWNER) AND LARRY KING AND ASSOCIATES, PLS.

CONDITIONAL ZONING DISTRICT

- B. **P13-47.** REZONING OF 50.74+/- ACRES FROM RR RURAL RESIDENTIAL TO RR RURAL RESIDENTIAL/DD DENSITY DEVELOPMENT/CZ CONDITIONAL ZONING DISTRICT FOR AN 87 LOT RESIDENTIAL SUBDIVISION OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 4329 DUNN ROAD AND WEST OF DUNN ROAD (US HWY 301), NORTHEAST OF SR 1722 (BEARD ROAD); SUBMITTED BY GENE F. WILLIFORD, SR. ON BEHALF OF WINGATE PROPERTIES LLC. (OWNER). (EASTOVER)

VIII. PUBLIC HEARING CONTESTED ITEMS

IX. DISCUSSION

DIRECTOR'S UPDATE

X. ADJOURNMENT

Walter Clark,
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Wade, Falcon & Godwin

November 12, 2013

MEMORANDUM

TO: Cumberland County Joint Planning Board
FROM: Planning and Inspections Staff
SUBJECT: Staff Recommendation for the November 19, 2013 Board Meeting

P13-46: REZONING OF 42.60+/- ACRES FROM R40 RESIDENTIAL/DD DENSITY DEVELOPMENT/CUD CONDITIONAL USE DISTRICT AND THE PERMIT TO R40 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE SOUTHWEST SIDE OF SR 2013 (OLD VANDER ROAD), NORTH OF SR 2013 (MACEDONIA CHURCH ROAD); SUBMITTED BY D. LEE HERRERA ON BEHALF OF ROUNDPOINT ASSET MANAGEMENT, INC. (OWNER) AND LARRY KING AND ASSOCIATES, PLS.

The Planning and Inspections Staff recommends denial of the R40 Residential district and reversion to the A1 Agricultural district based on the following:

1. Although the district requested is consistent with the 2030 Growth Vision Plan, which calls for “urban fringe” at this location as well as meeting the location criteria for “rural density residential” development as listed in the Land Use Policies Plan, the request is not reasonable due to the considerable amount of hydric soils present on the tract;
2. The A1 Agricultural district is consistent with the ordinance standard requiring reversion to the previous zoning if an approved plan has not been developed within two years from the date of approval – the Density Development was approved on May 2, 2007 with no active progress toward the approved plan for the 42 lot residential subdivision; and
3. The location and character of the A1 district is reasonable and is in harmony with the surrounding area and adjacent zoning of properties.

There are no other districts considered suitable for this request and the applicant has verbally agreed to the staff recommendation of reversion to the A1 Agricultural district.

Attachments:

- 1 – Site Profile
- 2 – Sketch Map

P13-46
SITE PROFILE

P13-46. REZONING OF 42.60+/- ACRES FROM R40 RESIDENTIAL/DD DENSITY DEVELOPMENT/CUD CONDITIONAL USE DISTRICT AND THE PERMIT TO R40 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE SOUTHWEST SIDE OF SR 2013 (OLD VANDER ROAD), NORTH OF SR 2013 (MACEDONIA CHURCH ROAD); SUBMITTED BY D. LEE HERRERA ON BEHALF OF ROUNDPOINT ASSET MANAGEMENT, INC. (OWNER) AND LARRY KING AND ASSOCIATES, PLS.

Site Information:

Frontage & Location: 2,640.00+/- on SR 2013 (Old Vander Road)

Depth: 970.00'+/-

Jurisdiction: Cumberland County

Adjacent Property: No

Current Use: Woodlands

Initial Zoning: A1 – September 14, 1979 (Area 9); rezoned to R40/DD/CUD on May 2, 2007

Nonconformities: None

Zoning Violation(s): None

Surrounding Zoning: North: RR & A1; South: R40, R40A, RR, R6A & A1; East: R40A, RR & A1; West: A1

Surrounding Land Use: Residential (including manufactured dwellings), upholstering, motor vehicle repair, farmland & woodlands

2030 Growth Strategy Map: Urban fringe

Special Flood Hazard Area (SFHA): None

Water/Sewer Availability: Well/Septic

Soil Limitations: Yes, hydric – LE Leon sand and WO Woodington loamy sand

School Capacity/Enrolled: J. W. Seabrook Elementary: 310/281; Mac Williams Middle: 1,270/1,1163; Cape Fear High: 1,425/1,570

Subdivision/Site Plan: If approved, new development may require review and approval

Average Daily Traffic Count (2010): 1,300 on SR 2013 (Old Vander Road)

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

Notes:

1. Density (minus 15% for ROW):
A1 – 21 lots/units (18 lots/units)
R40 – 46 lots/units (39 lots/units)

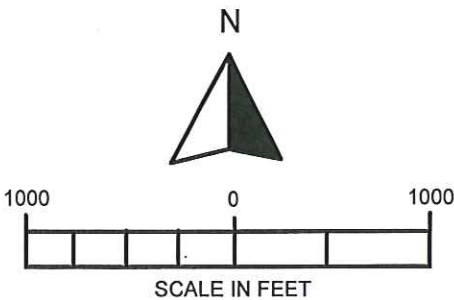
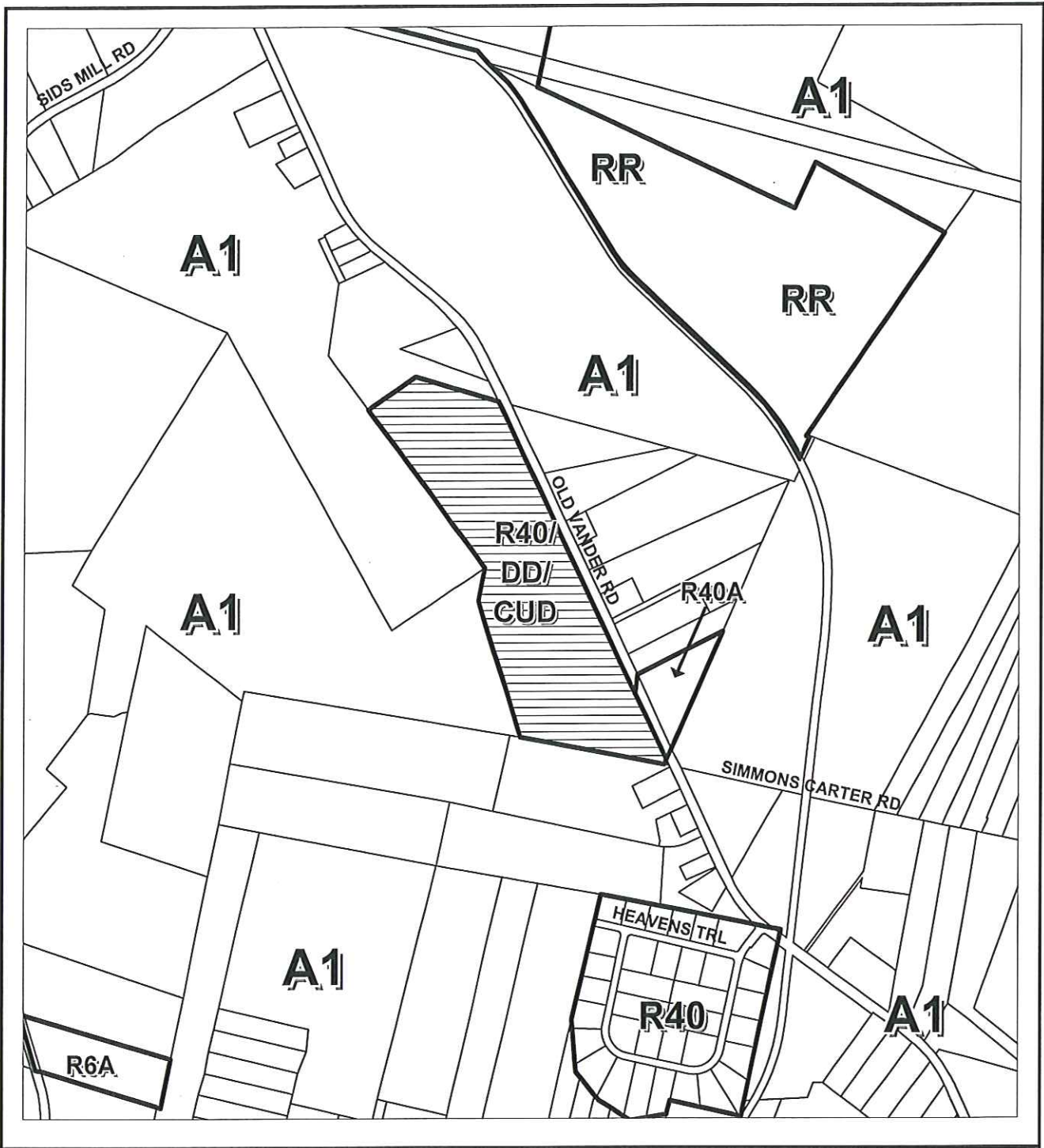
2. Minimum Yard Setback Regulations:

	<u>A1</u>	<u>R40</u>
Front yard:	50'	30'
Side yard:	20'	15'
Rear yard:	50'	35'

3. Previous approval was for R40/DD/CUD to allow a 42 lot residential subdivision with a clubhouse, pool & tennis courts

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: 0476-00-8789

REQUESTED REZONING R40/DD/CUD TO R40

ACREAGE: 42.60 AC.+/-	HEARING NO: P13-46	
ORDINANCE: COUNTY	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

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November 12, 2013

MEMORANDUM

TO: Cumberland County Joint Planning Board
FROM: Planning & Inspections Staff
SUBJECT: Staff Recommendation for the November 19, 2013 Board Meeting

P13-47. REZONING OF 50.74+/- ACRES FROM RR RURAL RESIDENTIAL TO RR RURAL RESIDENTIAL/DD DENSITY DEVELOPMENT/CZ CONDITIONAL ZONING DISTRICT FOR AN 87 LOT RESIDENTIAL SUBDIVISION OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 4329 DUNN ROAD AND WEST OF DUNN ROAD (US HWY 301), NORTHEAST OF SR 1722 (BEARD ROAD); SUBMITTED BY GENE F. WILLIFORD, SR. ON BEHALF OF WINGATE PROPERTIES LLC. (OWNER). (EASTOVER)

The Planning & Inspections Staff recommends conditional approval of the requested rezoning to RR Rural Residential/ DD Density Development/CZ Conditional Zoning for the 87 lot residential subdivision, based on the following:

1. Although the request is not entirely consistent with the Eastover Area Detailed Land Use Plan, which calls for one acre residential lots at this location, it is reasonable because the Eastover Plan was adopted prior to utilities being present, incorporation of the Town, and the fact that the subject property was initially and is currently zoned RR;
2. The district requested is consistent with the 2030 Growth Vision Plan, which calls for “community growth area” at this location as well as exceeding the location criteria for “suburban density” development as listed in the Land Use Policies Plan;
3. The proposed development plan along with the Ordinance Related Conditions provide a means of protecting and retaining the rural character of the area, a stated goal adopted in the Eastover and 2030 plans, by providing the 40 foot wide roadside buffer, a 20 foot wide perimeter buffer and ensuring the permanent retention of 40 percent of the tract as open space;

Generally, there are no other zoning districts suitable specific to this request; however, if the property owner is agreeable R20/DD/CZ could be found appropriate at this location. The property owner has voluntarily agreed to all “Ordinance Related Conditions”.

Attachments: 1-Site Profile; 2-Rezoning Sketch Map; 3-Site Plan; 4-Ordinance Related Conditions (draft);
5-Application

P13-47
SITE PROFILE

P13-47. REZONING OF 50.74+/- ACRES FROM RR RURAL RESIDENTIAL TO RR RURAL RESIDENTIAL/DD DENSITY DEVELOPMENT/CZ CONDITIONAL ZONING DISTRICT FOR AN 87 LOT RESIDENTIAL SUBDIVISION OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 4329 DUNN ROAD AND WEST OF DUNN ROAD (US HWY 301), NORTHEAST OF SR 1722 (BEARD ROAD); SUBMITTED BY GENE F. WILLIFORD, SR. ON BEHALF OF WINGATE PROPERTIES LLC. (OWNER). (EASTOVER)

Site Information:

Frontage & Location: 223.43'+/- on Dunn Road (US HWY 301)

Depth: 3,120.00'+/-

Jurisdiction: Eastover

Adjacent Property: No

Current Use: 1 residential structure

Initial Zoning: RR – October 24, 1990 (Area 18); rezoning from RR to R7.5 denied on September 1, 2009; initially zoned to RR December 4, 2007 (Town of Eastover incorporated October 1, 2007)

Nonconformities: None

Zoning Violation(s): None

Surrounding Zoning: North: RR & A1; South: RR/CU (to allow motor vehicles sales & residence), C(P), RR, R6A & R6; East: M(P), R40 & RR; West: RR & R6A (all referenced districts are in Eastover)

Surrounding Land Use: Residential (including manufactured homes & multi-family), substation, religious worship (2), cemetery, manufactured home park, woodlands & farmland

2030 Growth Strategy Map: Community Growth Area

Eastover Land Use Plan: One acre residential lots

Special Flood Hazard Area (SFHA): None

Water/Sewer Availability: ESD/ ESD

Soil Limitations: Yes, hydric – DE Deloss loam & TR Torhunta and Lynn Haven soils

School Capacity/Enrolled: Eastover-Central Elementary: 540/458; Mac Williams Middle: 1,270/1,163; Cape Fear High: 1,425/1,570

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

Average Daily Traffic Count (2010): 3,400 on Dunn Road (US HWY 301)

Highway Plan: Dunn Road is identified in the Highway Plan as a Major Thoroughfare. The plan calls for ROW widening to 110' with a dedication of 15' and reservation of 10'. No road improvements are included in the 2012-2018 MTIP

Notes:

1. Density (minus 15% acres for R/W):
RR – 93 lots/units (99 lots/units)

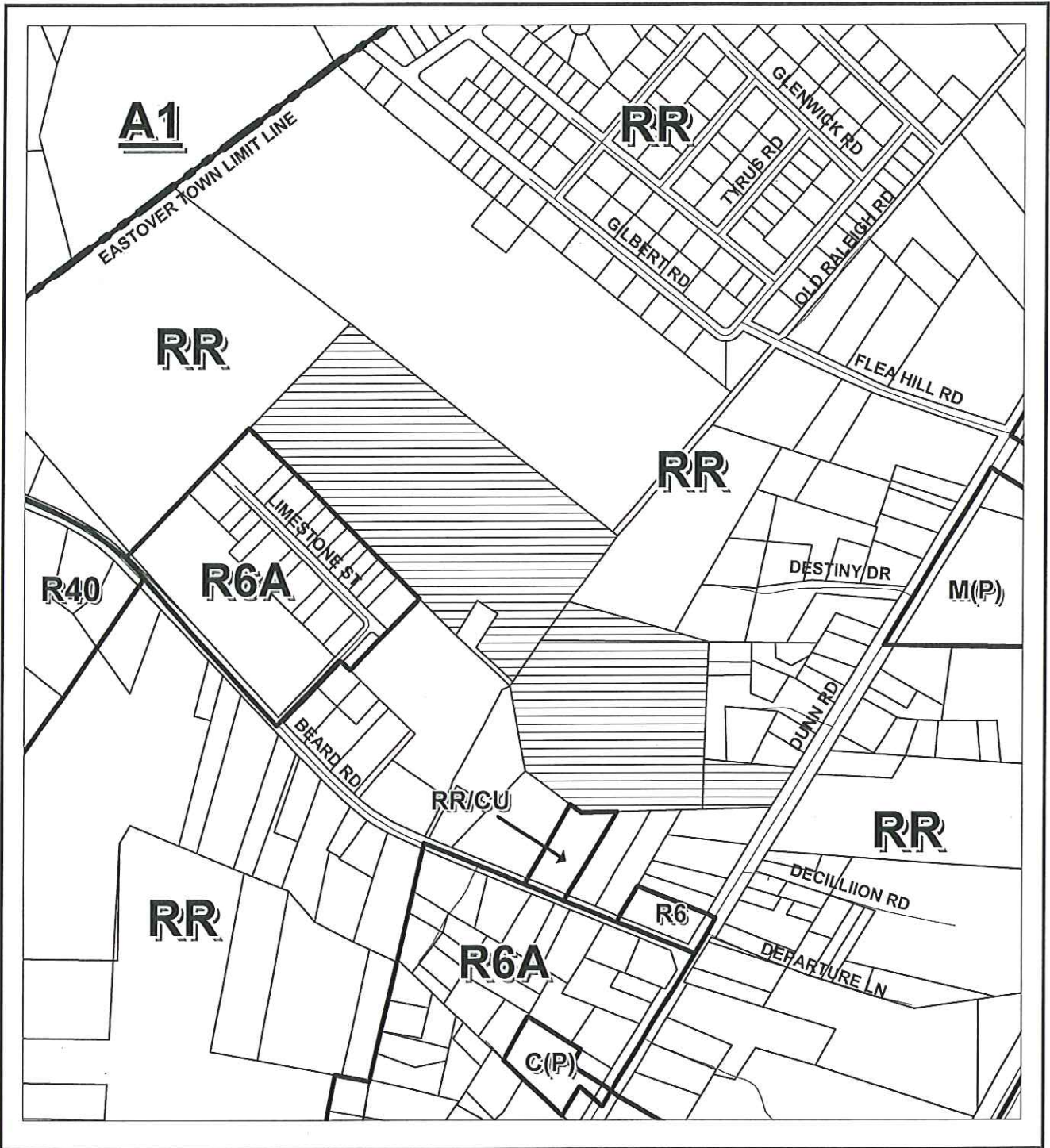
2. Minimum Yard Setbacks:

<u>Requested</u>	<u>Standard</u>	<u>Zero Lot Line</u>
Front yard: see site plan	Front yard: 30'	Front yard: 30'
Side yard: see site plan	Side yard: 15'	Side yard: 5'
Rear yard: see site plan	Rear yard: 35'	Rear yard: 5'

3. Contents of Application and Site Plan:
 1. Typical lot size is 80' x 150' (12,000 sq. ft)
 2. Requesting maximum 87 lots
 3. Site Plan provides 40.15% as open space where 40% is 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.



A1

EASTOVER TOWN LIMIT LINE

RR

GLENWICK RD
TYRUS RD

GILBERT RD

OLD RALEIGH RD

RR

RR

FLEA HILL RD

R40

R6A

LIMESTONE ST

DESTINY DR

M(P)

BEARD RD

RR/CU

PUNN RD

RR

RR

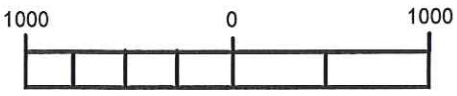
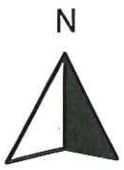
R6A

R6

DECILLION RD

DEPARTURE LN

C(P)



SCALE IN FEET

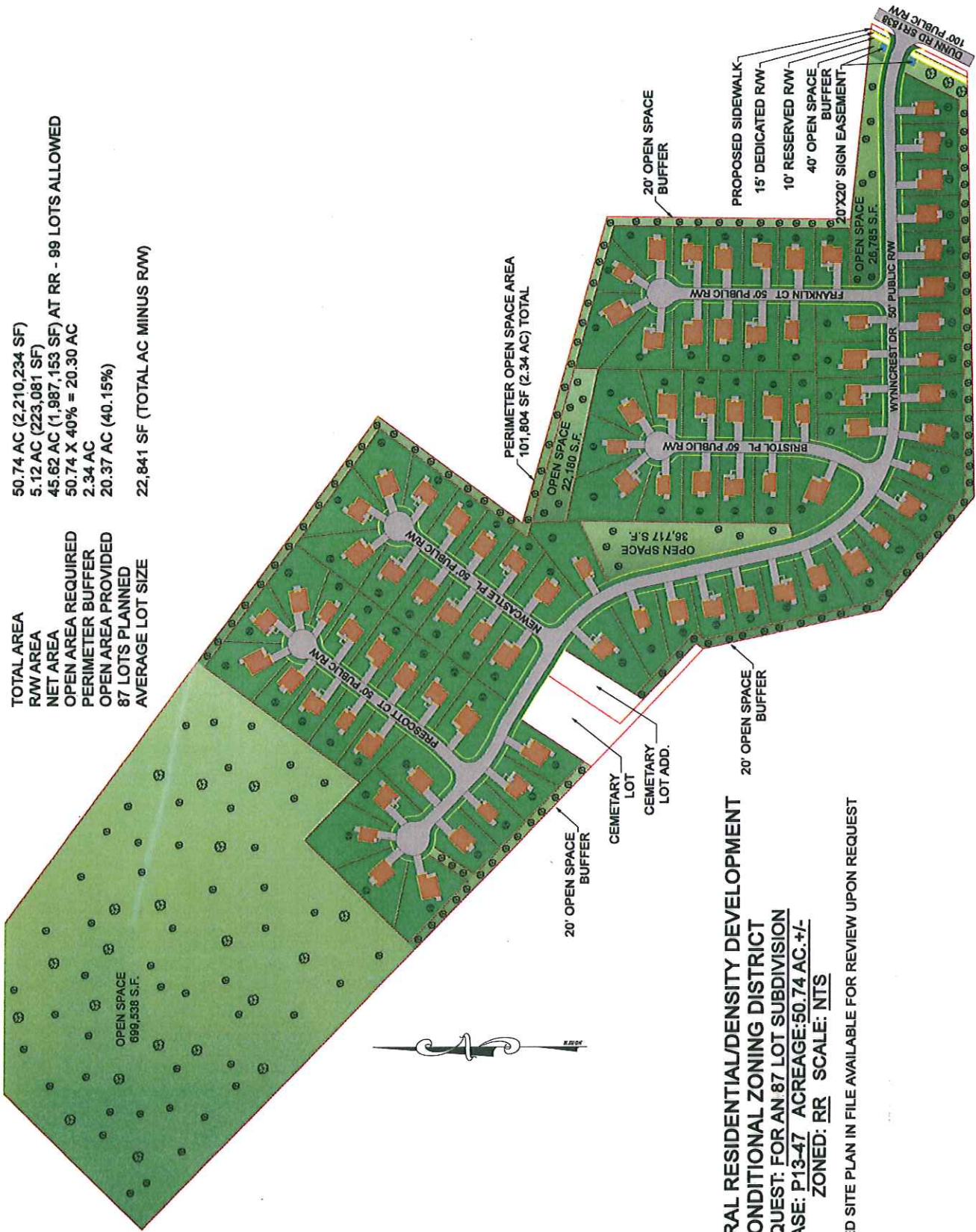
REQUESTED REZONING RR TO RR/DD/CZ

ACREAGE: 50.74 AC.+/-		HEARING NO: P13-47	
ORDINANCE: EASTOVER	HEARING DATE	ACTION	
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

PIN: 0469-55-3402,
0469-64-7094,
1383, 2728

WL

TOTAL AREA 50.74 AC (2,210,234 SF)
 RW AREA 5.12 AC (223,081 SF)
 NET AREA 45.62 AC (1,987,153 SF) AT RR - 99 LOTS ALLOWED
 OPEN AREA REQUIRED 50.74 X 40% = 20.30 AC
 PERIMETER BUFFER 2.34 AC
 OPEN AREA PROVIDED 20.37 AC (40.15%)
 87 LOTS PLANNED
 AVERAGE LOT SIZE 22,841 SF (TOTAL AC MINUS RW)



RR/DD/CZ RURAL RESIDENTIAL/DENSITY DEVELOPMENT
CONDITIONAL ZONING DISTRICT
 REQUEST: FOR AN 87 LOT SUBDIVISION
 CASE: P13-47 ACREAGE: 50.74 AC. +/-
 ZONED: RR SCALE: NTS

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

RR RURAL RESIDENTIAL/DD DENSITY DEVELOPMENT/CZ CONDITIONAL ZONING DISTRICT

DRAFT

Ordinance Related Conditions

Permit-Related:

1. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the County Zoning Ordinance and permits required to place any structure within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. For additional information, the developer should contact a Code Enforcement Officer.
2. Connection to public water and sewer is required, the Eastover Sanitary District (ESD) must approve water and sewer plans prior to application for any permits. A copy of the ESD 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)
3. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
4. New development where the developer will disturb or intends to disturb more than one acre of land is subject to the Post-Construction Stormwater Management Permitting Program (Phase II Stormwater Management Requirements) administered by the Division of Water Quality, North Carolina Department of Environment and Natural Resources. If one acre or more of land is to be disturbed, prior to the issuance of any building/zoning permits for this site, a copy of the State's *Post-Construction Permit* must be provided to County Code Enforcement.
5. For any new development where the developer disturbs or intends to disturb more than one acre of land, the developer must provide the Code Enforcement Section with an approved NC Department of Environment and Natural Resources (NCDENR) sedimentation and erosion control plan (S&E) prior to any application for permits. (Note: If any retention/detention basins are required for state approval of this plan, then three copies of a revised plan must be submitted and approved by Planning & Inspections prior to application for any building/zoning permits.) A copy of the NCDENR approval must be provided to Code Enforcement at the time of application for any building/zoning permits.
6. The 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.
7. A review of the data available to the Army Corp of Engineers indicates that jurisdictional waters are likely to be present on this property (northwestern open space area) 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.

8. 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:

9. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Development Ordinance, and Zoning Ordinances for the R20/DD/CZ zoning district for an 87 lot residential subdivision, including the contents of the application and site plan, must be complied with, as applicable.

10. This conditional approval is not approval of the permit for the freestanding sign(s). Attached signage for this development must be in accordance with the applicable sign regulations as set forth in Article XIII of the County Zoning Ordinance and that the proper permit(s) must be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is **not** approval of the size, shape, or location of any signs.)
11. All applicable provisions of Section 2401, "Group Developments", County Subdivision and Development Ordinance, must be complied with.
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. 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.
15. 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.
16. 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.
17. 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.
18. Turn lanes may be required by the NC Department of Transportation (NCDOT).
19. All lots, including open space areas, within this development are required to be served by an internal street system.
20. The perimeter buffer, 40 feet in width along the right-of-way and 20 foot wide around the remainder of the development, must be provided and maintained in accordance with Section 803.E of the County Zoning Ordinance. The application indicates the developer's intention of using the existing natural vegetation; however, in order to obtain opacity within three years, additional plantings may be required. Any new plantings are required to be three feet in height at time of planting, to reach a height of six feet within three years. A berm or combination berm and plantings may also be used provided an initial height of three feet is achieved with a total height of six feet within three years.

Unless expressly mutually agreed upon in advance and approved by the Town Council, the property owner shall not develop or alter the natural topography of the land within the buffer area.

21. All notes and calculations as shown on the site plan and contained in the application are to be considered as a part of this density development approval.

Plat-Related:

22. Prior to submission for final plat approval of any portion of this development, the developer is required to submit a revised plan including a street stub or connection to SR 2837 (Grantham Drive) for staff review and approval. This condition is necessary so that upon future development of nearby properties, the potential for alternate access to SR 1722 (Beard Road) is present.
23. Prior to submission for final plat approval of any portion of this development, all structures existing on site must be removed and properly disposed of- contact Jeff Barnhill for verification inspection.
24. 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 – also see Condition No. 26.

25. The final plat must be labeled “Zero Lot Line” development. In addition, the open space and perimeter buffer areas must be labeled as “common area.”
26. The parcel identified by PIN: 0469-64-6875 must be recorded on a platted survey; this property was part of the subject property and submitted for a subdivision review in which the final plat was never recorded. The conditional approval for that subdivision is still valid – Case No. 09-077 – and a waiver request was submitted in 2009 concerning the required fire hydrant, but was denied.
27. 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 area (open space and perimeter buffer) 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.

28. Because this development is a “density development” all common area (open space and perimeter buffer) must be recorded as one initial final plat or if phasing the development the common area must be recorded incrementally, ensuring that the 40% required open space is held to.
29. 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.
30. The final plat must reflect only approved street names for this development – contact Location Services for street name approval process.
31. Dedication of 15 feet of right-of-way and reservation of 10 feet of right-of way along US HWY 301 (Dunn 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 and Development Ordinance)
32. 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.
33. 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.
34. All lots within this development must be served by an internal street system and a “no access” easement must be reflected on the final plat along SR 1838 (Dunn Road) on Lot 1 and the common areas (open space). In addition, the final plat must reflect a “no access” easement for Lots 21 and 22 where they abut McLaurin Cemetery.
35. A 10’ x 70’ sight distance easement is required at the intersection of US HWY 301 (Dunn Road) with the entrance drive and must be reflected on the final plat.
36. 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)

37. 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.
38. 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)
39. 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.)
40. 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:

41. 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/development/recombination plat.”

42. 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 or the Town of Eastover as of the date of this recording. Until such time that the streets are accepted and formally added to the state or town system, maintenance and liability of the streets are the responsibility of the developer and any future lot owner(s).”

Other Relevant Conditions:

43. 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.
44. 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.

Thank you for choosing the Town of Eastover and Cumberland County for your development!

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):

Improvements Inspections:	Jeff Barnhill	678-7765
Subdivision/Site Plan/Plat	Ed Byrne	678-7609
Code Enforcement (Permits):	Ken Sykes	321-6654
Eastover Sanitary District:	Connie Spell	229-3716
Town of Eastover:	Matt Rooney (Staff Rep)	678-7625
Town of Eastover	Jane Faircloth (Town Clerk)	323-0707
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: Jane Faircloth, Town of Eastover
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 Gene Williford
2. Address: 111 Dunn Rd. Fayetteville, NC Zip Code 28312
3. Telephone: (Home) _____ (Work) (910) 483-2290
4. Location of Property: Dunn Rd. (U.S. 301) on the west side, north of Beard Rd.
5. Parcel Identification Number (PIN #) of subject property: 0469-64-2728, 0469-55-3402
(also known as Tax ID Number or Property Tax ID) 0469-64-7094, 0469-64-1383
6. Acreage: 50.74 Frontage: 225' Depth: 3,100'
7. Water Provider: Eastover
8. Septage Provider: Eastover
9. Deed Book 8251 _____, Page(s) 727 _____, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
8508 _____, 484 _____
8454 _____, 878 _____
10. Existing use of property: Vacant Land
11. Proposed use(s) of the property: Residential Subdivision

NOTE: Be specific and list all intended uses.

12. It is requested that the foregoing property be rezoned FROM: RR
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 RR 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.)

Residential Subdivision

- 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	25.25 Ac.	87 lots proposed
R/W	5.12 Ac	
Open Space	20.37 Ac.	
Total	50.74 Ac	

2. DIMENSIONAL REQUIREMENTS:

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

Front
Side } see site Plan
Rear }

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

N/A

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.

4. LANDSCAPE AND BUFFER REQUIREMENTS:

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

N/A

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

See plans 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.

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.



Gene Williford

NAME OF OWNER(S) (PRINT OR TYPE)

111 Dunn Rd. Fayetteville, NC 28312

ADDRESS OF OWNER(S)

willifordseafood@gmail.com

E-MAIL

(910) 483-2290

HOME TELEPHONE

WORK TELEPHONE

SIGNATURE OF OWNER(S)

SIGNATURE OF OWNER(S)

Averette Engineering CO., P.A.

(C) 910 488-5656
(F) 910 488-0181