

Charles Morris,
Chair
Town of Linden

Diane Wheatley,
Vice-Chair
Cumberland County

Jami McLaughlin,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman

Donovan McLaurin
Wade, Falcon & Godwin



—◆—
Planning & Inspections Department

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Vikki Andrews,
Carl Manning,
Lori Epler
Cumberland County

Benny Pearce,
Town of Eastover

Patricia Hall,
Town of Hope Mills

TENTATIVE AGENDA

March 21, 2017

7:00 P.M.

- I. INVOCATION AND PLEDGE OF ALLEGIANCE
- II. APPROVAL OF/ADJUSTMENTS TO AGENDA
- III. PUBLIC HEARING DEFERRALS
- IV. ABSTENTIONS BY BOARD MEMBERS
- V. POLICY STATEMENT REGARDING PUBLIC HEARING TIME LIMITS
- VI. APPROVAL OF THE MINUTES OF FEBRUARY 21, 2017
- VII. PUBLIC HEARING CONSENT ITEMS

CONDITIONAL ZONING DISTRICT

- A. **P17-10.** REZONING OF 10.08+/- ACRES FROM R7.5 RESIDENTIAL/CUD CONDITIONAL USE DISTRICT FOR NON-PROFIT RECREATION CENTER TO R7.5 RESIDENTIAL/CZ CONDITIONAL ZONING FOR NON-PROFIT RECREATION CENTER & OTHER SPECIFIC REQUESTED ALLOWED USES OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 4221 BLACK BRIDGE ROAD, SUBMITTED BY THURSTON AND CHARLOTTE ROBINSON (OWNERS). (HOPE MILLS & COUNTY)

VIII. PUBLIC HEARING CONTESTED ITEMS

MODIFICATION OF PERMIT

- B. **P08-48.** MODIFICATION TO A PORTION OF THE PERMIT FOR A MXD MIXED USE DEVELOPMENT/CUD CONDITIONAL USE DISTRICT, SPECIFICALLY THAT PORTION APPROVED FOR PUTT PUTT PERTAINING TO THE EXPANSION & RELOCATION OF TRACK AND USE OF GASOLINE POWERED GO CARTS; LOCATED AT 3311 FOOTBRIDGE LANE; SUBMITTED BY DAVID CALLAHAN ON BEHALF OF MILLSTONE PARTNERS, LLC (OWNER) AND LORI EPLER ON BEHALF OF LARRY KING & ASSOCIATES (AGENT). (HOPE MILLS)

REZONING DISTRICT

- C. **P16-46.** REMOVAL OF 68.49+/- ACRES FROM THE CTOD COLISEUM TOURISM OVERLAY DISTRICT AND REZONING FROM M(P) PLANNED INDUSTRIAL, RR RURAL RESIDENTIAL AND R6A RESIDENTIAL TO M(P) PLANNED INDUSTRIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT THE NORTHWEST QUADRANT OF SR 1007 (OWEN DR) & SR 2593 (TREE FARM RD) (NC HWY 87 S SERVICE ROAD); SUBMITTED BY TOM KEITH ON BEHALF OF TREE FARMER, LLC (OWNER) AND TONY RAND, ATTORNEY (AGENT).

IX. DISCUSSION

DIRECTOR'S UPDATE

X. ADJOURNMENT

Charles Morris,
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CUMBERLAND
COUNTY
NORTH CAROLINA

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Patricia Hall,
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March 14, 2017

MEMORANDUM

TO: Cumberland County Joint Planning Board
FROM: Planning and Inspections Staff
SUBJECT: Staff Recommendation for the March 21, 2017 Board Meeting

P17-10. REZONING OF 10.08+/- ACRES FROM R7.5 RESIDENTIAL/CUD CONDITIONAL USE DISTRICT FOR NON-PROFIT RECREATION CENTER TO R7.5 RESIDENTIAL/CZ CONDITIONAL ZONING FOR NON-PROFIT RECREATION CENTER & OTHER SPECIFIC REQUESTED ALLOWED USES OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 4221 BLACK BRIDGE ROAD, SUBMITTED BY THURSTON AND CHARLOTTE ROBINSON (OWNERS). (HOPE MILLS & COUNTY)

1st MOTION

In addition to the above information, the Planning and Inspections Staff recommends the board approve Case No. P17-10 for R7.5 Residential/ CZ Conditional Zoning for non-profit recreation center & other specific requested allowed uses and as listed in the board's packet based on the following:

- If approved, the use will provide a valuable alternative source of organized recreation for the citizens in the surrounding community.

No other district could be considered suitable at this location. Applicant has verbally agreed to all conditions.

2nd MOTION

The Planning and Inspections Staff recommends the board find that approval of the request is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for "urban" development at this location. The request would also meet Vision 6, specifically 6.11 and 6.12, of the *2030 Growth Vision Plan*, which calls for exploring increased privatization of park maintenance and programming as well as encouraging public-private arrangements for park development, programming and maintenance of park and recreation facilities. Although the request is not entirely consistent with the Southwest Cumberland Land Use Plan which calls for "medium density residential and open space," the nonprofit recreation center was approved on this site in 2011 and is currently under construction. The Southwest Cumberland LUP was adopted on November 18, 2013 by the Cumberland County Board of Commissioners and March 17, 2014 by the Hope Mills Board of Commissioners.

The staff recommends the board further find that approval of this rezoning is reasonable and in the public interest because the district and uses requested for the subject property meets or exceeds the location criteria of the adopted Land Use Policies Plan, in that: *public water and sewer required*, PWC water and sewer available; *must have direct access to a public street*, Black Bridge Road is a minor arterial street; *must not be located in any defined critical area as defined by the Fort Bragg Small Area Study*; *desirable to not be located in the Special Flood Hazard Area (SFHA)*, there is no SFHA on the subject property; *and must not be an area with hydric soils unless sewer is available*, public sewer is available.

Attachments: 1 – Site Profile; 2 – Sketch Map; 3 – Site Plan; 4 – Ordinance Related Conditions; 5 – Application

P17-10
SITE PROFILE

P17-10. REZONING OF 10.08+/- ACRES FROM R7.5 RESIDENTIAL/CUD CONDITIONAL USE DISTRICT FOR NON-PROFIT RECREATION CENTER TO R7.5 RESIDENTIAL/CZ CONDITIONAL ZONING FOR NON-PROFIT RECREATION CENTER & OTHER REQUESTED ALLOWED USES OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 4221 BLACK BRIDGE ROAD, SUBMITTED BY THURSTON AND CHARLOTTE ROBINSON (OWNERS). (HOPE MILLS & COUNTY)

Site Information:

Frontage & Location: 625'+/- on SR 1115 (Black Bridge Rd)

Depth: 1457'+/-

Jurisdiction: Hope Mills & Cumberland County

Adjacent Property: No

Current Use: Non-profit recreation center under construction

Initial Zoning: RR – February 3, 1977 (Area 7); Rezoned to R10 – 01/27/1981; Northwest portion annexed by Hope Mills 03/01/1999 – initially zoned to R10 May 17, 1999; Rezoned to R7.5/CUD – 05/16/2011

Nonconformities: None

Zoning Violation(s): None

Surrounding Zoning: North: RR, CD, R10, R6 & R5A; South: RR, R10 & R7.5; East & West: RR & R10

Surrounding Land Use: Residential (including manufactured homes), religious worship & apartment complex

2030 Growth Vision Plan: Urban area

Southwest Land Use Plan: Medium density residential, suburban density residential & open area

School Capacity/Enrolled: Rockfish Elementary: 725/678; Hope Mills Middle: 740/571; South View High: 1800/1775

Town of Hope Mills: Staff does not object to the request

Special Flood Hazard Area (SFHA): None – small stream standards apply

Water/Sewer Availability: PWC/PWC

Soil Limitations: Yes, hydric – JT Johnston loam

Subdivision/Site Plan: If approved, see Ordinance Related Conditions

Average Daily Traffic Count (2014): 11000 on SR 1115 (Black Bridge Road)

Highway Plan: The Fayetteville Outer loop Project falls within a half mile of the subject property, but will not have a direct impact on the parcel. Black Bridge Road is identified as a local thoroughfare identified as needing improvement in the 2040 Metropolitan Transportation Plan. However, there are no current projects along Black Bridge Road. The subject property will have no impact on the Transportation Improvement Plan.

Notes:

1. Density (minus 15% for R/W)
R7.5 – 49 lots/ 50 units

2. Minimum Yard Setbacks:
R7.5
Front yard: 30'
Side yard: 10' (15' – 2 story)
Rear yard: 35'

3. Requested uses

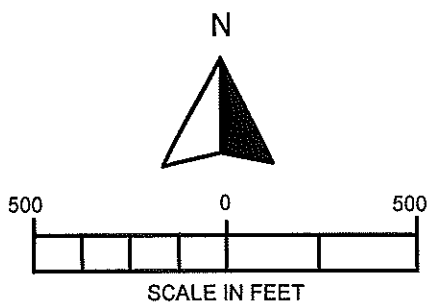
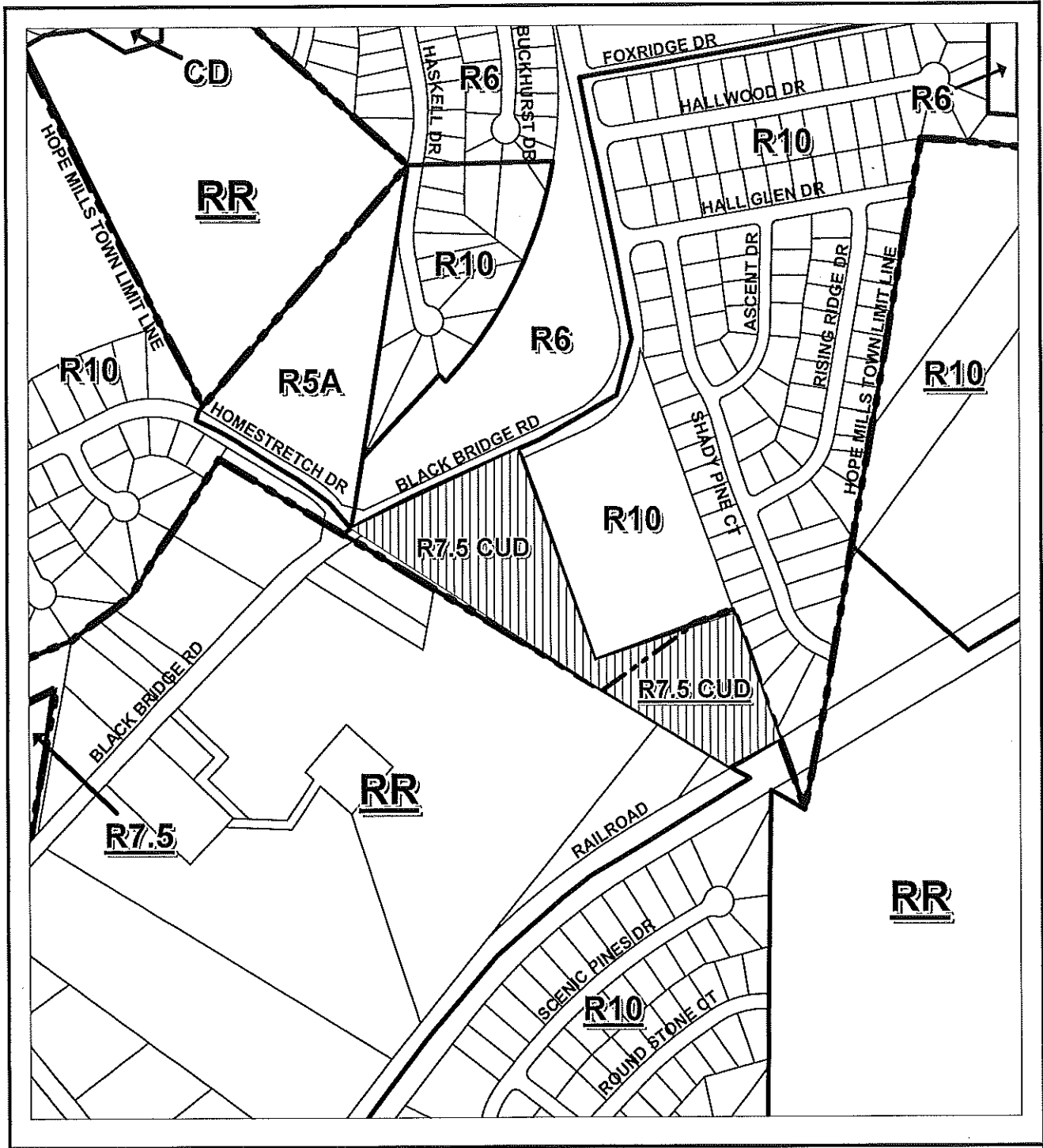
First Class and Record Owners' Mailed Notice Certification

A certified copy of the listing with the tax record owner(s) of the subject and adjacent properties, along with their tax record mailing addresses, is contained within the case file and incorporated by reference as if delivered herewith.

Accessory uses incidental to any permitted use
Assemblies (including assembly hall, armory, stadium, coliseum, community center,
fairground activities)
Day care facilities
Fire station operations/emergency service
Library
Public/community utility stations/substations
Recreation/amusement outdoor (conducted outside building for profit, not otherwise
listed & not regulated)
Recreation/amusement public/private (not operated as a business for profit including
playgrounds, neighborhood center buildings, parks, museums, swimming pools, etc., &
not otherwise listed)
Religious worship activities
Schools, public: elementary or secondary

First Class and Record Owners' Mailed Notice Certification

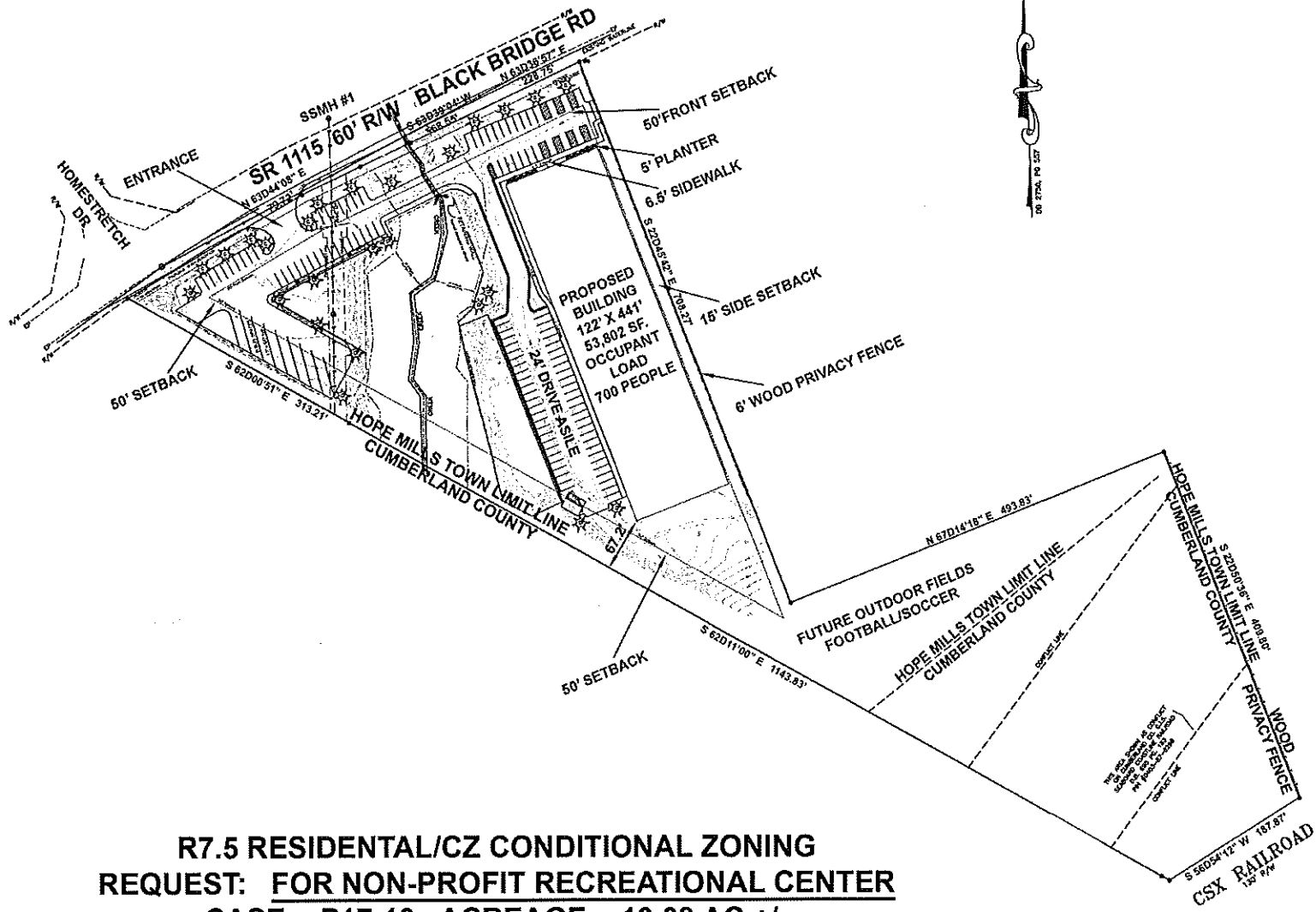
A certified copy of the listing with the tax record owner(s) of the subject and adjacent properties, along with their tax record mailing addresses, is contained within the case file and incorporated by reference as if delivered herewith.



REQUESTED REZONING R7.5/CUD TO R7.5/CZ

ACREAGE: 10.08 AC. +/-		HEARING NO: P17-10	
ORDINANCE: COUNTY/HOPE MILLS		HEARING DATE	ACTION
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

PIN: 0403-87-0613
PIN: 0403-87-5332



R7.5 RESIDENTIAL/CZ CONDITIONAL ZONING
REQUEST: FOR NON-PROFIT RECREATIONAL CENTER
CASE: P17-10 ACREAGE: 10.08 AC +/-
ZONED: R7.5/CUD SCALE: NTS PARKING: AS SHOWN
 *SCALED DETAILED SITE PLAN IN FILE AVAILABLE FOR REVIEW UPON REQUEST

R7.5 RESIDENTIAL/CZ CONDITIONAL ZONING DISTRICT

DRAFT

Ordinance Related Conditions
for
Non-Profit Recreation Center & Other Requested Allowed Uses (see attachment to application)

Pre-Permit Related:

1. The Town of Hope Mills has tree preservation provisions in their ordinance; the developer must contact Chancer McLaughlin, Hope Mills Town Planner concerning the removal of trees from this site prior to obtaining a tree removal permit.
2. For continuity of future development plans, the property owner is encouraged to consider petitioning for annexation into Hope Mills that portion of the subject property that is currently in the unincorporated area of the County.
3. Prior to permit application, five copies of a revised plan (and \$25 revision fee) be submitted for staff review and approval including the following:
 - a. All required off-street parking spaces shall be a minimum of 9' x 20' and shall be surfaced, with a permanent material such as asphalt or concrete, and striped prior to application for the building final inspection. **A minimum of 175 off-street parking spaces is required for this development.** (Section 102A-1302, Off-street parking, Hope Mills Zoning Ordinance.)
 - b. This conditional approval is not approval of any freestanding signs. **If a freestanding sign is desired, the proposed sign location must be shown 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 XIV of the Hope Mills 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.)
 - c. Landscaping must be provided in accordance with Section 102A-1202(n), Landscaping, Hope Mills Zoning Ordinance and/as shown on the site plan. The revised site plan depicting the landscaping must be submitted to Land Use Codes. The following are the minimum standards for the required landscaping of this site:
 - (1) Thirteen large shade trees or 38 small ornamental trees within the front yard setback area;
 - (2) Two small ornamental trees and 24 shrubs are required in the building yard area;
 - (3) Twelve trees and 70 shrubs are required within the parking area.

In addition:

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

Permit-Related:

4. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the Hope Mills Zoning Ordinance and building/zoning permits required to place any structure within this development from the Hope Mills Inspection Department/Planning Department, in Town Hall at 5770 Rockfish Road. For additional information, the developer should contact a Town Planner.
5. The Town's Plan Review Committee requirements must be complied with and in the event any significant changes to the site plan are necessary to satisfy the Plan Review Committee's requirements, re-submittal of the site plan may be required. The following comments have been submitted by the town staff:
 - a. *Town of Hope Mills Storm Water Department:* No Comment.
 - b. *Town of Hope Mills Planning Department:* Should be conditioned to the site plan to ensure that current development is completed. Any change in use should be conditioned to appear before the Board of Commissioners.
 - c. *Town of Hope Mills Public Works Department:* No comment.
 - d. *Town of Hope Mills Fire Department:* No comment.
 - e. *Town of Hope Mills Inspections:* No objections.
6. Connection to public water and sewer is required, the Public Works Commission (PWC) must approve water and sewer plans prior to application for any permits. **A copy of the PWC approval must be provided to the Hope Mills Inspections Department/Planning Department at the time of application for building/zoning permits.** (Section 86A-406 (1), Public Water and Sewer Systems Hope Mills Subdivision Ordinance)
7. New development that will disturb one acre or more of land or is part of a larger common plan of development that will disturb one acre or more of land is subject to the Post-Construction Stormwater Management Permitting Program administered by the Hope Mills Stormwater Department. If one acre or more of land is to be disturbed, prior to the issuance of any building/zoning permits for this site a copy of the Town's Stormwater Management Permit must be provided to the Hope Mills Inspections Department/Planning Department.
8. For any new development, the developer must/may have to provide the Hope Mills Inspections Department/Planning Department with an approved NC Department of Environmental Quality (NCDEQ) 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 NCDEQ approval must be provided to the Hope Mills Town Inspections Department/Planning Department at the time of application for any building/zoning permits.

9. The developer must provide a site-specific address and tax parcel number to the Hope Mills Inspections Department/Planning Department at the time of building/zoning permit application.
10. A Certificate of Occupancy will not be issued until the Hope Mills Stormwater Department inspects the site and certifies that it has been developed in accordance with the approved drainage plans.
11. Prior to the final inspection, a concrete, or other approved surface material, sidewalk is required to be constructed along SR 1115 (Black Bridge Road). Contact Hector A Cruz-Alicea with the Town of Hope Mills for questions related to this condition.
12. A *Certificate of Occupancy* will not be issued until the Town Planner inspects the site and certifies that the site is developed in accordance with the approved plans.
13. 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.

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 Hope Mills Inspection Department /Planning Department at the time of application for building/zoning permits. Permits **MUST** be secured prior to the change or alteration of existing or proposed property use. Failure to secure required permits prior to construction or change in property usage may result in the removal of the driveway or street connections at the property owner's expense. For additional information contact the Hope Mills Street Department and NCCDOT Division 6 / District 2 office at the numbers listed on the bottom of this conditional approval.

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

Note: The property owner most likely will be required to provide a copy of a recorded plat and deed conveying to the NCDOT that portion of the subject property located within or to be located within the right-of-way at the time of driveway permit application.

Note: A new driveway permit must be obtained for every/any change in use on the subject property.

Note: The proposed driveway location must be offset from Homestretch Drive a minimum of 125 feet.

Site-Related:

15. All uses, dimensions, setbacks and other related provisions of the Hope Mills Subdivision Ordinance and Zoning Ordinance for the R7.5 zoning district, to include the contents of the application and site plan, must be complied with, as applicable.

Note: For any change in use to any one or more of the requested and approved uses, prior to commencement of the change, site plan approval by the Hope Mills Board of Commissioners is required. In addition, depending on the use for a change in use, additional improvements/criteria may be required.

16. The small stream standards set forth in Section 42-133, Hope Mills Flood Damage Prevention Chapter, shall be complied with during construction and upon completion of development within this subdivision as enforced by the Hope Mills Stormwater Department.
17. Curbs and gutters must meet the NC Department of Transportation's (NCDOT) standards and specifications. Rolled concrete curb, if required, must not be less than 24 inches in width. (Section 86A-404(16) (b) (3), Curbs and Gutters, Hope Mills Subdivision Ordinance)
18. A drainage permit from the Town of Hope Mills Stormwater Department is required for any development or redevelopment that will construct, alter, repair, relocate, or demolish any storm sewer natural watercourse, or other drainage facility. The standards used for the design and construction of all stormwater drainage structures and/or stormwater BMP facilities shall be in accordance with the "Town of Hope Mills Stormwater Design Standards", the Design Manual, and shall be subject to the requirements of Chapter 67 Article III.
19. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 86A-406(c), Underground utilities required, Hope Mills Subdivision Ordinance)
20. The owner/developer shall secure and maintain the detention/retention basin, keeping it clear of debris and taking measures for the prevention of insect and rodent infestation.
21. Turn lanes may be required by the NC Department of Transportation (NCDOT).
22. All lighting is required to be directed internally within this development and comply with the provisions of Section 102A-1202(m), Outdoor Lighting, Hope Mills Zoning Ordinance.

23. A solid buffer must be provided and maintained along the side and rear property lines where this tract/site abuts residentially zoned properties in accordance with the provisions of Section 102A-1202(g), Buffer Requirements, Hope Mills Zoning Ordinance. (Note: Chain link fencing cannot be used to satisfy the buffer requirement.)
24. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.
25. Lateral access to the religious worship facility property must be provided. The developer is required to extend the parking drive area on the northeast side so that it is flush with the property line, thus allowing for possible future connectivity between the two tracts.

Advisories:

26. The applicant is advised to consult an expert on wetlands before proceeding with any development.
27. 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.
28. The developer's subsequent application for permits upon receipt of these conditions of approval constitutes the developer's understanding and acceptance of the conditions of approval for this development.
29. Black Bridge Road is identified as a local thoroughfare identified as needing improvement in the 2040 Metropolitan Transportation Plan. However, there are no current projects along Black Bridge Road. The subject property will have no impact on the Transportation Improvement Plan. The Fayetteville Outer loop Project falls within a half mile of the subject property, but will not have a direct impact on the parcel. For questions related to this comment, contact Transportation Planning.
30. 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.

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

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

Subdivision/Site Plan/Plat	Ed Byrne	678-7609	ebyrne@co.cumberland.nc.us
County Health Department:	Daniel Ortiz	433-3680	dortiz@co.cumberland.nc.us
PWC:	Joe Glass	223-4740	joe.glass@faypwc.com
Town of Hope Mills:		424-4555*	
Town Manager:	Melissa P. Adams		mpadams@townofhopemills.com
Town Clerk:	Debrah Holland		dholland@townofhopemills.com
Planner – Zoning Permits	Chancer McLaughlin		cmclaughlin@townofhopemills.com
Chief Building Inspector:	David Reeves		dreeves@townofhopemills.com
Stormwater/Flood Administrator:	Beth Brown		eabrown@townofhopemills.com
Zoning Inspector:	David (Ray) Reeves		dreeves@townofhopemills.com
Fire Marshal	Brett A. Ham		baham@townofhopemills.com
Public Works – Streets/sidewalks	Hector A Cruz-Alicea		hacruz@townofhopemills.com
US Postal Service	Jonathan R. Wallace	(704) 393-4412	jonathan.r.wallace@usps.gov
Corp of Engineers (wetlands):	Liz Hair	(910) 251-4049	hair@usacr.army.mil
NCDEQ (E&S):	Leland Cottrell	(910) 433-3393	leland.cottrell@ncdenr.gov
US Fish & Wildlife Services	Susan Ladd Miller	(910) 695-3323	susan_miller@fws.gov
Location Services:			
Site-Specific Address:	Ron Gonzales	678-7616	rgonzalez@co.cumberland.nc.us
Tax Parcel Numbers:		678-7549	
NCDOT (driveways/curb-cuts):	Troy Baker	486-1496	tbaker@ncdot.gov
Transportation Planning:	Joel Strickland	678 7622	jstrickland@co.cumberland.nc.us
N.C. Division of Water Quality:	Mike Randall	(919) 807-6374	mike.randall@ncdenr.gov

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

cc: Chancer McLaughlin, Town of Hope Mills

TO THE ZONING BOARD AND TOWN BOARD OF COMMISSIONERS OF HOPE MILLS, NC:

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

1. Applicant/Agent Thurston Robinson / Charlotte Robinson
2. Address: 599 Castle Rising RD Zip Code 28314
3. Telephone: (Home) 910-860-8810 (Work) 910-257-6539
4. Location of Property: 4221 Blackbridge RD Hope Mills
5. Parcel Identification Number (PIN #) of subject property: 0403-87-0613/0403-87-5332
(also known as Tax ID Number or Property Tax ID)
6. Acreage: 10.08 Frontage: 625.63 Depth: 767'
7. Water Provider: PWC Septage Provider: PWC
8. Deed Book 0115, Page(s) 0197, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
9. Existing use of property: NA
10. Proposed use(s) of the property: See attached matrix

NOTE: Be specific and list all intended uses.

11. Do you own any property adjacent to, including across the street from, the property being submitted for rezoning? Yes _____ No X
12. Has a violation been issued on this property? Yes _____ No X
13. It is requested that the foregoing property be rezoned FROM: R 7.5 CU

TO: (Select one)

- Conditional Zoning District, with an underlying zoning district of R 7.5
(Article V)
- 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)

Modification to existing use

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 if approved.)

See attached matrix

- 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. NA

2. DIMENSIONAL REQUIREMENTS:

- A. Reference either the dimensional requirements of the district, Sec. 102A-1204 or list the proposed setbacks.

see site plans

- B. Off-street parking and loading, Sec. 102A-1301 & 102A-1303: List the number of spaces, type of surfacing material and any other pertinent information.

see site plans

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIV.

see site plans

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. 102A-1202(n)]. **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. [Sec. 102A-1202(g)] **NOTE: All required buffers must be included on the site plan.**

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.

Hours of operation 6:00 am - 12 pm - Monday - Sunday
Number of employees 55-75. (12) employees are projected during initial start up.

Indoor basketball, soccer, volleyball courts for AAU teams
Host events monthly with ~~many~~ multiple out of town teams

6. SITE PLAN REQUIREMENTS:

The application must include a site plan drawn to the specifications of Sec. 102A-1502. If the proposed uses involve development subject to the Hope Mills 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 must be of sufficient detail to allow the County Planning Staff, Hope Mills Review Committee, the Zoning Board and Board of Commissioners to analyze the proposed uses and arrangement of uses on the site. It also must 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 County Planning Department a valid request within a complete application.



I further understand I must voluntarily agree to all ordinance related conditions prior to the first hearing on the case or any disagreement may be cause for an unfavorable recommendation. The undersigned hereby acknowledge that the County Planning Staff has conferred with the petitioner or assigns, and the application as submitted is accurate and correct.

✓ Thurston Robinson / Charlotte Robinson
NAME OF OWNER(S) (PRINT OR TYPE)

✓ 599 Castle Rising RD Fayetteville NC. 28314
ADDRESS OF OWNER(S)

fancee 599 @ yahoo. com
E-MAIL

910-860-8810 HOME TELEPHONE 910-257-6539 WORK TELEPHONE

 SIGNATURE OF OWNER(S)  SIGNATURE OF OWNER(S)

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

ADDRESS OF AGENT, ATTORNEY, APPLICANT

HOME TELEPHONE WORK TELEPHONE

E-MAIL ADDRESS FAX NUMBER

SIGNATURE OF AGENT, ATTORNEY, OR APPLICANT

Sec. 102A-403. Use matrix.

LAND USES	ZONING CLASSIFICATION														
	CD	RR	R20	R15	R7.5	R6	R6A	R5	R5A	O&I(P)	C1(P)	C2(P)	C(P)	M1(P)	M(P)
Accessory uses incidental to any permitted use	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Addressing service												P	P	P	P
Agricultural or rural farm use	P	P	P												
Airport operations (minor)														S	S
Airport operations (major) (§102A-1002)															P
Alcoholic beverages, (control sales)													P		
Apparel and accessory sales											P	P	P		
Assemblies (including assembly hall, armory, stadium, coliseum, community center, underground activities) (§102A-1015)		S	S	S	S	S	S	S	S	P	P	P	P	P	P
Auction sales (excluding livestock auctioning & motor vehicles)													P	P	P
Bakery production and wholesale sales													P	P	P
Baking, on-premises and retail only											P	P	P		
Bank, savings and loan company and other financial activities										P	P	P	P		
Barbering, hairdressing and salon services											P	P	P		
Bars & night clubs, not regulated by Sec. 102A-1023													P		
Bed and breakfast (§102A-1003)		P	P	P	P	P	P	P	P			P	P		
Billboards (§102A-1407)													Z		P

Sec. 102A-403. Use matrix.

Hope Mills Zoning Ordinance
 P = Permitted use
 Z = Conditional zoning (Board of Commissioners approval required)
 S = Special use (Board of Adjustment approval required)

LAND USES	ZONING CLASSIFICATION														
	CD	RR	R20	R15	R7.5	R6	R6A	R5	R5A	O & I(P)	C1(P)	C2(P)	C(P)	M1(P)	M(P)
Bingo											P	P	P		
Boats and accessories, retail sales and service													P		
Books & printed matter-sales, not regulated by Sec. 102A-1023										P	P	P	P	P	P
Borrow source operations (§102A-1004)															S
Bottled gas distributing, bulk storage															P
Bottling														P	P
Building supply												P	P	P	P
Bus station activities (storage terminal activities)													P	P	P
Cabinet making and other woodworking														P	P
Call center														P	P
Carpet and rug cleaning													P	P	P
Cemetery, public (§102A-1015)		S	S	S	S						P	P	P		
Club or lodge not regulated under Sec. 102A-1023 (§102A-1005)		S	S	S	S	S	S	S	S	S	P	P	P		
Convenience container and recycling facility (Sec. 102A-1005.1)		S	S	S	S	S	S	S	S	S	S	P	P	P	P
Convenience retail w/ gasoline sales, including incidental motor vehicle washing ⁵											P	P	P	P	P
Crematorium														P	P
Day care facility (§102A-1006)		S	S	S	S	S	S	S	S	S	P	P	P	S	S
Delicatessen operations (including catering)										P	P	P	P		
Dry cleaning/laundry, commercial													P	P	P

Sec. 102A-403. Use matrix.

Hope Mills Zoning Ordinance
 P = Permitted use
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LAND USES	ZONING CLASSIFICATION														
	CD	RR	R20	R15	R7.5	R6	R6A	R5	R5A	O&I(P)	C1(P)	C2(P)	C(P)	M1(P)	M(P)
Dry cleaning/laundry, self service											P	P	P		
Dry cleaning/laundry collection, no cleaning on premises except in conjunction with service counter, provided not more than 2,500 square feet is devoted to these processes											P	P	P		
Dwelling, single and multiple family		P	P	P	P	P	P	P	P	P ²	P ²	P ²	P ²		
Equestrian facilities		S ³	S ³	S ³											
Terminating service													P	P	P
Farm supplies merchandising & machinery sales/servicing													P	P	P
Fire station operations/emergency service (§102A-1015)		P	P	P	P	P	P	P	P	P	P	P	P	P	P
Fish hatchery	P													P	P
Florist											P	P	P		
Food processing														P	P
Food production, with on premises retail sales of product												P	P		

Sec. 102A-403. Use matrix.

LAND USES	ZONING CLASSIFICATION														
	CD	RR	R20	R15	R7.5	R6	R6A	R5	R5A	O&I(P)	C1(P)	C2(P)	C(P)	M1(P)	M(P)
Food production/wholesale sales													P	P	P
Food sales/grocery stores											P	P	P		
Funeral home, including incidental crematorium										P	P	P	P		
Golf courses (§102A-1007)		P	P	P	P	P	P	P	P	P	P	P	P	P	P
Group homes, six or less clients (§102A-1008)		P	P	P	P	P	P	P	P						
Group quarters (§102A-1009)		S	S	S	S	S	S	S	S						
Hardware, paint, and garden supply sales											P	P	P		
Hazardous waste storage/disposal facility (Sec. 102A-1009.1)														Z	P
Home furnishing and appliance sales												P	P		
Home occupation, incidental (Sec. 102A-1102)		P	P	P	P	P	P	P	P	P ²	P ²	P ²	P ²		
Hotel/motel (not regulated by Sec. 102A-1023)												P	P		
Industrial operations not otherwise prohibited															P
Industrial sale of equipment or repair service														P	P
Internet café/video gaming (Sec. 102A-1009.1) ⁶													P		
Janitorial service												P	P	P	P
Kennel operations (§102A-1010)		S											P	P	
Laboratory operations, medical or dental										P	P	P	P	P	P
Laboratory, research													P	P	P
Landfill, demolition/inert debris														P	P
Library (§102A-1015)		P	P	P	P	P	P	P	P	P	P	P	P		
Livestock sales & auctioning															P
Locksmith, gunsmith												P	P	P	
Machine tool manufacturing or welding															P

Sec. 102A-403. Use matrix.

Hope Mills Zoning Ordinance															
P = Permitted use															
Z = Conditional zoning (Board of Commissioners approval required)															
S = Special use (Board of Adjustment approval required)															
LAND USES	ZONING CLASSIFICATION														
	CD	RR	R20	R15	R7.5	R6	R6A	R5	R5A	O&I(P)	C1(P)	C2(P)	C(P)	M1(P)	M(P)
Office use of a doctor, dentist, osteopath, chiropractor, optometrist, physiotherapist, or other medically oriented profession, clinic (Sec. 102A-1015)		P								P	P	P	P		
Office use, with no on-premises stock of goods for sale to the general public and the operations and services of which are customarily conducted and concluded by means of written, verbal or mechanically reproduced communications material										P	P	P	P		
Pet sales, excluding kennel activities or outside storage of animals												P	P		
Photography studio										P	P	P	P		
Printing and reproduction small scale, <4000 sq. ft.										P	P	P	P		
Printing and reproduction large scale, =>4000 sq. ft.													P	P	P
Public/community utility stations/substations (§102A-1015)		P	P	P	P	P	P	P	P	P	P	P	P	P	P
Public utility works, shops or storage yards (§102A-1017)													P	P	P
Publishing														P	P
Quarry operations (§102A-1018)															Z
Radio or television studio activities only										P	P	P	P		

Sec. 102A-403. Use matrix.

LAND USES	ZONING CLASSIFICATION														
	CD	RR	R20	R15	R7.5	R6	R6A	R5	R5A	O& I(P)	C1(P)	C2(P)	C(P)	M1(P)	M(P)
Hope Mills Zoning Ordinance P = Permitted use Z = Conditional zoning (Board of Commissioners approval required) S = Special uses (Board of Adjustment approval required)															
Railroad station/yard operations													P	P	P
Recreation/amusement indoor (conducted inside building for profit, not otherwise listed & not regulated) (§102A-1019)		P										P	P		
Recreation/amusement outdoor (conducted outside building for profit, not otherwise listed & not regulated) (§102A-1019)		P	Z	Z	Z	Z	Z	Z	Z	Z	Z	P	P		
Recreation/amusement outdoor (with mechanized vehicle operations) ⁴		P											P		
Recreation/amusement public/private (not operated as a business for profit including playgrounds, neighborhood center buildings, parks, museums, swimming pools, etc., & not otherwise listed) (§102A-1019)	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
Recreation vehicle park and/or campgrounds (§102A-1020)	S	S										P	P		
Religious worship activities (§102A-1015)		P	P	P	P	P	P	P	P	P	P	P	P	P	P
Repair, rental, or servicing of any product the retail sale of which is a use by right in the same district											P	P	P	P	P
Residential habilitation support facilities (§102A-1021)		S								S	S	S	S		
Restaurant, operated as commercial enterprise, drive-ins excluded and except as regulated by Sec 102A-1023											P	P	P		

Sec. 102A-403. Use matrix.

Hope Mills Zoning Ordinance P = Permitted use Z = Conditional zoning (Board of Commissioners approval required) S = Special use (Board of Adjustment approval required)															
LAND USES	ZONING CLASSIFICATION														
	CD	RR	R20	R15	R7.5	R6	R6A	R5	R5A	O&I(P)	C1(P)	C2(P)	C(P)	M1(P)	M(P)
Restaurant, operated as commercial enterprise, drive-ins included, except as regulated by Sec 102A-1023												P	P		
Retailing or servicing with operations conducted and merchandise stored entirely within a building and not otherwise listed herein												P	P		
Sanitarium (Sec. 102A-1016)										S			S		
Sawmill or planing activities														P	P
School, business and commercial, trade, vocational & fine arts										P	P	P	P		
Schools, private (not otherwise listed)										S	S	P	P		
Schools, public: elementary or secondary (§102A-1015)		P	P	P	P	P	P	P	P	P	P	P	P		
Seasonal sales establishments [§102A-1101(f)]												P	P		
Second hand, pawn and flea market (§102A-1022)													P		
Sexually oriented businesses (§102A-1023)															S
Solid waste disposal facilities (§102A-1024)															S
Special information signs [§102A-1404(g)]	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Storage, flammable, open, and/or warehouse															P

Sec. 102A-403. Use matrix.

Hope Mills Zoning Ordinance															
P = Permitted use															
Z = Conditional zoning (Board of Commissioners approval required)															
S = Special use (Board of Adjustment approval required)															
LAND USES	ZONING CLASSIFICATION														
	GD	RR	R20	R15	R7.5	R6	R6A	R5	R5A	O&I(P)	C1(P)	C2(P)	C(P)	M1(P)	M(P)
Swimming pools, incidental to a principal use [§102A-1102(c)]	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Tailoring											P	P	P		
Taxicab stand operations													P		
Theater productions, indoor, which show only films previously submitted to & rated by the Motion Picture Association of America & not including theaters regulated by Sec. §102A-1023											P	P	P		
Theater productions, outdoor, which show only films previously submitted to & rated by the Motion Picture Association of America & not including theaters regulated by Sec. §102A-1023 (§102A-1025)		S										S	P		
Tire recapping															P
Tobacco processing & sales warehouse															P
Towers (§102A-1026)	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P
Trades contractor activities excluding outside storage of equipment or supplies												P	P	P	P
Trades contractor activities with outside storage of equipment or supplies													P	P	P

Charles Morris,
Chair
Town of Linden

Diane Wheatley,
Vice-Chair
Cumberland County

Jami McLaughlin,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman

Donovan McLaurin
Wade, Falcon & Godwin



CUMBERLAND
COUNTY
NORTH CAROLINA

Planning & Inspections Department

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Vikki Andrews,
Carl Manning,
Lori Epler,
Cumberland County

Benny Pearce,
Town of Eastover

Patricia Hall,
Town of Hope Mills

March 14, 2017

MEMORANDUM

TO: Cumberland County Joint Planning Board
FROM: County Planning Staff
SUBJECT: Staff Recommendation for the March 21, 2017 Board Meeting

P08-48. MODIFICATION TO A PORTION OF THE PERMIT FOR A MXD MIXED USE DEVELOPMENT/CUD CONDITIONAL USE DISTRICT, SPECIFICALLY THAT PORTION APPROVED FOR PUTT PUTT PERTAINING TO THE EXPANSION & RELOCATION OF TRACK AND USE OF GASOLINE POWERED GO CARTS; LOCATED AT 3311 FOOTBRIDGE LANE; SUBMITTED BY DAVID CALLAHAN ON BEHALF OF MILLSTONE PARTNERS, LLC (OWNER) AND LORI EPLER ON BEHALF OF LARRY KING & ASSOCIATES (AGENT). (HOPE MILLS)

Under the Conditional Use District and Permit process previously employed by the Hope Mills Board of Commissioners, two distinct separate motions were required after a quasi-judicial hearing. The first motion related to the zoning district and the uses requested to be allowed within that district. The current P08-48 application is not a request to change the district. The second motion addressed the Permit, which included the contents of the application, site plan and ordinance related conditions, ensuring that the town's regulations were followed as well as safeguarding the surrounding properties. The subject property is a portion of the Millstone Mixed Use Development that was approved as a Conditional Use District with the Permit being approved as well.

The application before you is a request to change the Permit, specifically the site plan as originally approved, by proposing to expand the go cart track closer to the adjacent residential property and converting to gasoline powered go carts as opposed to the electric go carts originally requested and approved. Since this was a contentious issue during the original hearings on the case, the staff has set this request to change the Permit for public hearing with the final decision to be determined by the Hope Mills Board of Commissioners.

The staff recommends denial of the requested change to the Permit regarding track expansion and the use of gasoline powered go carts based on the following:

1. The request will likely materially endanger the public health and safety, in particular the detrimental effect to the nearby residential properties due to the increase in noise resulting from the use of gasoline powered engines and the track location merely being separated from the immediately adjacent residential properties by a wood privacy fence. The 2013 Noise Study attached to the application is not relevant to this request for numerous reasons. Some of which are that the study was performed for a site in Oregon, according to the study the property location is much further away from nearby residential properties, different sound barriers and berms had been erected, the topography and weather in Oregon is substantially different than in Hope Mills, all which could affect how sound travels.
2. There is no information contained within the application indicating that the request will not substantially injure the value of adjoining or abutting property, in fact the request would most likely have the opposite effect.
3. Increasing the level of sound, not just with the engine noise but the probable increase in intercom noise as well, cannot be deemed to be in harmony with the area in which it is to be located. There is potential that at some point in the future the properties along Camden Road will convert to commercial; however, the residential properties that are a part of this mixed use development to the rear and other nearby residential properties are likely to continue to be used for residential purposes and are worthy of protection.
4. This request is not in conformity with the 2030 Growth Vision Plan in that the Plan calls for consistent zoning practices protecting existing and planned neighborhoods from incompatible, large scale, developments. In addition, the Southwest Cumberland Land Use Plan has an overriding goal of protecting the existing residential areas from commercial encroachment thus maintaining *the stability, character and density of existing sound neighborhoods*.

In the event the board is inclined to recommend approval of this request, the draft Ordinance Related Conditions are attached and the property owner has verbally agreed to each condition.

- Attachments:
- 1 – Site Profile
 - 2 – Sketch Map Showing Modification of Track
 - 3 – Site Plan
 - 4 – Application w/ Noise Study
 - 5 – Ordinance Related Conditions
 - 6 – Sketch Map of Original Approved Site Plan
 - 7 – Example for Motion

P08-48
SITE PROFILE

P08-48. MODIFICATION TO A PORTION OF THE PERMIT FOR A MXD MIXED USE DEVELOPMENT/CUD CONDITIONAL USE DISTRICT, SPECIFICALLY THAT PORTION APPROVED FOR PUTT PUTT PERTAINING TO THE EXPANSION & RELOCATION OF TRACK AND USE OF GASOLINE POWERED GO CARTS; LOCATED AT 3311 FOOTBRIDGE LANE; SUBMITTED BY DAVID CALLAHAN ON BEHALF OF MILLSTONE PARTNERS, LLC (OWNER) AND LORI EPLER ON BEHALF OF LARRY KING & ASSOCIATES (AGENT). (HOPE MILLS)

Site Information:

Frontage & Location: 410.00'+/- on SR 1003 (Camden Rd) & 400.00'+/- on Footbridge Ln

Depth: 470'+/-

Jurisdiction: Hope Mills

Adjacent Property: Yes

Current Use: Putt Putt

Initial Zoning: R10 – February 3, 1977 (Area 7); Rezoned to MXD/CUD on March 19, 2007

Nonconformities: None

Zoning Violation(s): None

Surrounding Zoning: North: RR & R10; South: R10 (County & Hope Mills) & R6A; East: C(P) (Hope Mills), R10 (County & Hope Mills), R5 & R6A; West: C2(P) (Hope Mills), R10 & R6A (Hope Mills)

Surrounding Land Use: Multi-family residential & shopping center

2030 Growth Vision Plan: Urban

Southwest Cumberland Land Use Plan: Mixed use development

School Capacity/Enrolled:

Special Flood Hazard Area (SFHA): None

Town of Hope Mills: Must meet gas storage requirements, have extinguishers on track & meet sound buffering requirements

Water/Sewer Availability: PWC/PWC

Soil Limitations: None

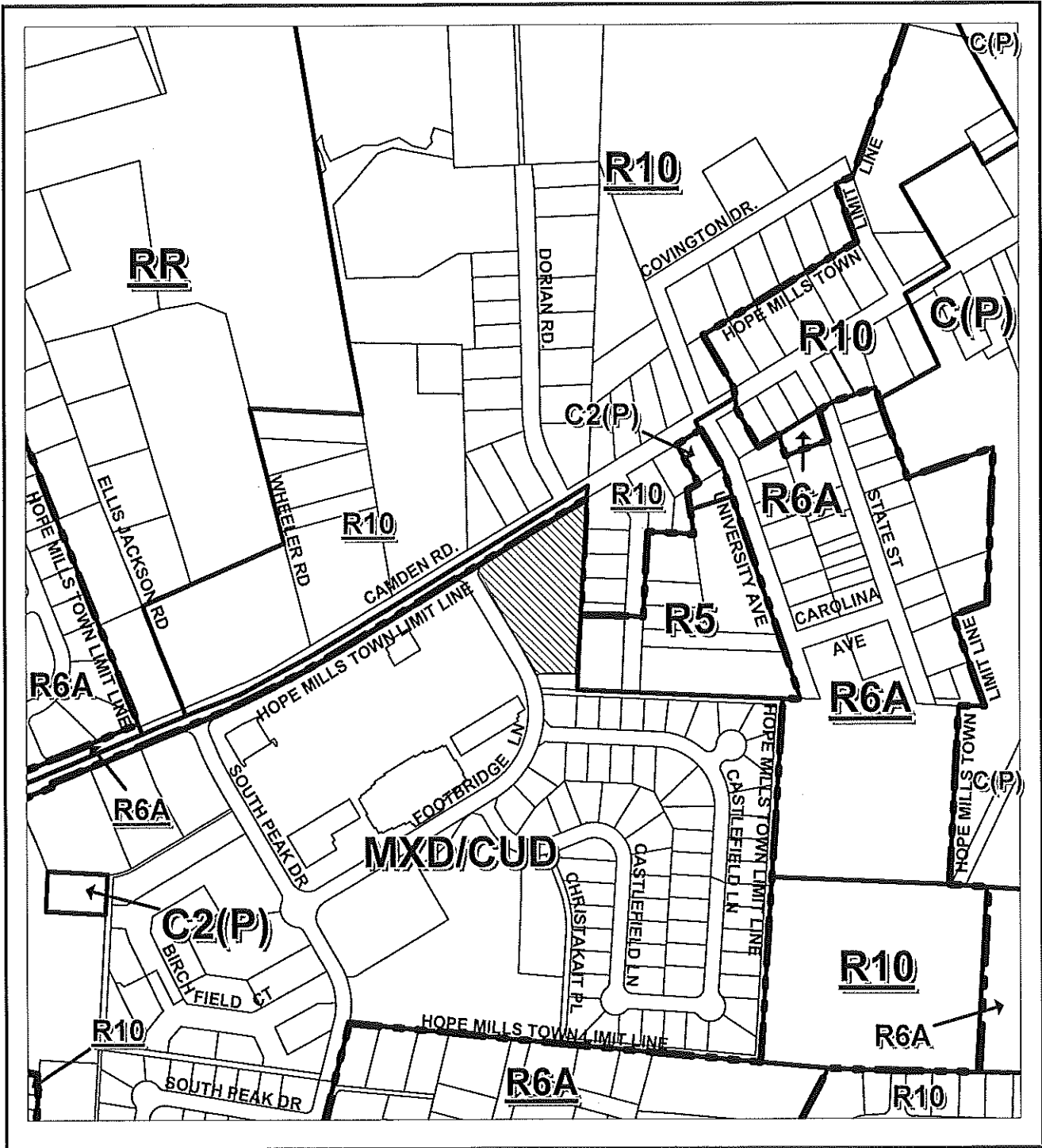
Subdivision/Site Plan: If approved, Ordinance Related Conditions apply

Average Daily Traffic Count (2014): 10,000 on SR 1003 (Camden Rd)

Highway Plan: Footbridge Lane is a local road with no construction/improvements planned. Camden Road, which runs north of the subject property, is planned in the State Transportation Improvement Plan as U-3422, a widening project with Right-of-Way acquisition starting 2021.

First Class and Record Owners' Mailed Notice Certification

A certified copy of the listing with the tax record owner(s) of the subject and adjacent properties, along with their tax record mailing addresses, is contained within the case file and incorporated by reference as if delivered herewith.

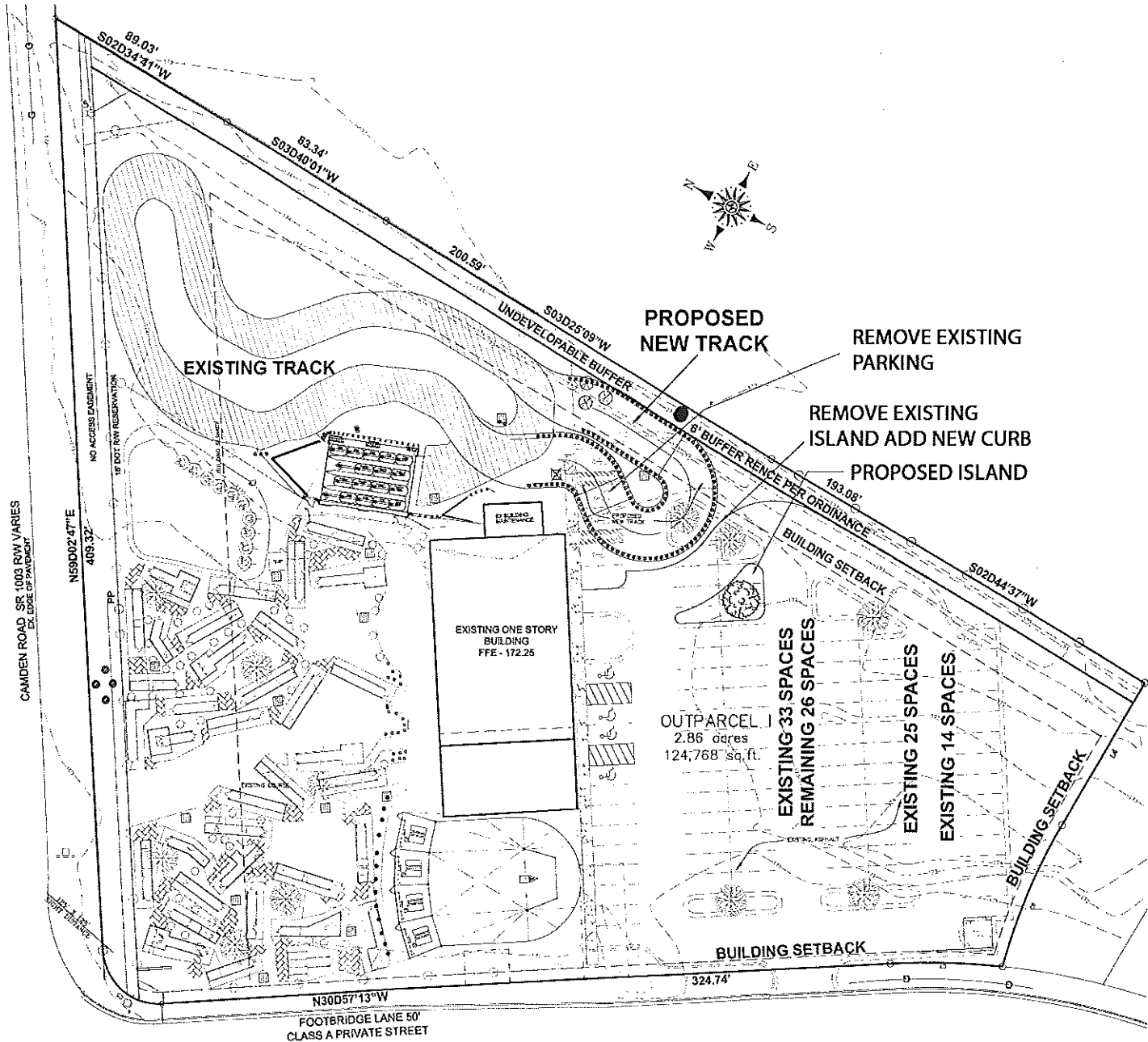


MODIFICATION PERMIT FOR MXD/CUD

ACREAGE: 2.86 AC.+/-		HEARING NO: P08-48	
ORDINANCE: HOPE MILLS	HEARING DATE	ACTION	
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

PIN: 0404-88-2276

MB



MODIFICATION PERMIT FOR MXD/CUD
REQUEST: THE EXPANSION AND RELOCATION OF
TRACK AND USE OF GAS POWERED GO CARTS
CASE: P08-48 ACREAGE: 2.86+/-
ZONED: MXD/CD SCALE: NTS

*SCALED DETAILED SITE PLAN AVAILABLE FOR REVIEW UPON REVIEW



ENGINEERING - SURVEYING - DESIGNING - DRAFTING

Larry King & Associates, R.L.S., P.A.

P.O. Box 53787
1333 Morganton Road, Suite 201
Fayetteville, North Carolina 28305
P. (910) 483-4300 F. (910) 483-4052
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NC Firm
License
C-0887

Town of Hope Mills
c/o Cumberland County Joint Planning Board
130 Gillespie Street
Fayetteville, NC 28301

January 30, 2017

Ref: Putt-Putt Fun Center -- Hope Mills
3311 Footbridge Lane, Hope Mills, NC 28348
PIN -- 0404-88-2276

To Whom It May Concern:

On behalf of Millstone Partners LLC, we submit the attached site plan and the following request:

In order to provide an enhanced amusement experience and better serve customers, the owners respectfully request permission to improve the existing go cart track and replace the currently used electric powered carts with the latest technology in Honda (gas) powered carts. The new carts are much improved over older gas powered carts in many ways. They meet all EPA standards (even the stringent ones adopted in California). They are more environmentally friendly in that the electric carts utilize batteries that require frequent replacement and cannot be disposed of easily.

We believe this request still meets ordinance requirements for both Cumberland County and Hope Mills based on the following:

With regards to the Cumberland County Ordinance --

1. If approved, this conditional use would still meet the required findings and criteria for approval as stated in the Cumberland County Zoning Ordinance, ARTICLE V. COMPANION DISTRICTS -- CONDITIONAL USE DISTRICTS, SECTION 504 -- ACTION BY THE PLANNING BOARD.
2. If approved, this conditional use would continue to be in compliance with the Cumberland County Zoning Ordinance ARTICLE IX. INDIVIDUAL USES, Section 901 Development Standards for Individual Uses (A) in the following ways:
 - A. Parking and loading areas comply with all requirements.
 - B. All lighting will be directed internally.
 - C. Noise shall comply with Chapter 9.5-24. -- Maximum permissible sound levels by use occupancy. Cumberland County Code, Article II, "Noise" (Noise Ordinance)

Note: Please see the noise study done for another location attached to this letter. The location is in Albany, Oregon. As is noted in these results on page 3, Allowable Noise Level Criteria, the criteria is the

same as those specified by Cumberland County with the exception of 1 hour deviation in the daytime and nighttime hours. As is documented, even the worst-case daytime and nighttime scenarios showed estimated noise levels well below those allowed, (See cover letter.)

- D. A compliant buffer exists on this site.
- E. The existing signage is compliant.
- F. The site will comply with all federal, state and local regulations, including the County Subdivision Ordinance.

With regards to Hope Mills Ordinance -

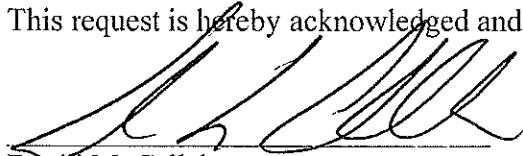
- 1. If approved, this conditional use would continue to be in compliance with the Hope Mills Zoning Ordinance, ARTICLE X INDIVIDUAL USES, Sec. 102A-1019. Recreation of amusement, public/private and indoor/outdoor Development Standards in the following ways:
 - A. The existing signage is in compliance.
 - B. The site has direct vehicular access to a minor thoroughfare.
 - C. N/A
 - D. Outdoor lighting is in compliance.
 - E. No use is conducted on dirt on this site. Creation of dust is non-existent.
 - F. Control measures exist on the site currently and will be expanded to include the additional track.

Thank you for your consideration in this matter and please find the application fee, the revised site plan and the noise study attached. Should you have any questions, do not hesitate to call.

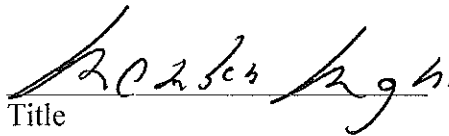
Sincerely,

Lori S. Epler
Senior Associate, Larry King and Associates

This request is hereby acknowledged and approved by:



David M. Callahan



Title

June 7, 2013

Creative Acoustics Northwest, Inc.
2265 Hideaway Ct.
Eugene, OR 97401

(541) 953-9852

<http://creativeacousticsnw.com>

jake.ross@creativeacousticsnw.com

Lake Shore Lanes
5432 Pacific Blvd. SW
Albany, OR 97321

Attn: Mr. Roger Nyquist

Re: Noise Study required to complete Conditional Use Permit CU-08-12
Proposed Go-Kart Track Facility at Lake Shore Lanes
Property located at 5432 Pacific Blvd. SW, Linn County Assessor's Map No. 11S-04W-24DA;
Tax Lots 1401 & 1402

Mr. Nyquist,

At your request, this consulting firm was contracted to perform and provide the above mentioned Noise Study.

Background

A Conditional Use Application (Type III) for a Go-Kart Track Facility at Lake Shore Lanes was prepared by William G. Ryals – Architect dated December 10th, 2012. In this application the details regarding the design, orientation, features, and operation of the proposed go-kart track are described. A response letter dated January 9, 2013, from Melissa Anderson, Project Planner, City of Albany, states the Conditional Use Application as incomplete, and describes the information needed to complete the application. One segment of the required information is the need for a Noise Study, and this letter from this office seeks to fulfill that requirement.

Noise Study - Stated Specific Requirements

To quote from the January 9th letter from the City of Albany:

Noise Study

Noise generated by the proposed go-kart track facility cannot exceed the regulations identified in the Oregon Administrative Rules (OAR) 340-035-0035, Noise Control Regulations for Industry and Commerce at residential and non-residential uses (per ADC

9.440(1)(c)). In addition, any sound from paging systems or outdoor loudspeakers at the facility cannot exceed the limits specified in Section 7.08.052 of the Albany Municipal Code. Finally, the proposed use must not have significant (noise) impacts on the livability of nearby residentially zoned lands per ADC 2.250 (5). Therefore, please submit a noise study report to show that the proposal can meet all of these standards. *The specific noise-related information that is required to be submitted with the application is included as an attachment to this letter.*

To quote the above mentioned attachment:

The Conditional Use Permit application (File CU-08-12) needs to demonstrate that the noise generated by the proposed go-kart track facility will not exceed the regulations identified in the Oregon Administrative Rules (OAR) 340-035-0035, Noise Control Regulation for Industry and Commerce at residential and non-residential uses (as specified in the Albany Development Code (ADC), Section 9.440(1)(c)). In addition, the application information must show that any sound from paging systems and outdoor loudspeakers at the facility will not exceed the limits specified in Section 7.08.052 of the Albany Municipal Code. Finally, according to the ADC 2.250 (5), the proposed use must not have significant (noise) impacts on the livability of nearby residentially zoned lands.

With These Standards in mind, a noise study report must be submitted with the Conditional Use Permit application for the Go Kart Track that:

1. Identifies, on an aerial photograph, all noise prediction points included in the noise study.
2. Identifies all noise sources expected at the proposed facility that could be audible at noise sensitive receivers around the facility; for instance, go-karts, indoor and outdoor paging systems and/or loudspeakers, mechanical system equipment, etc. along with their location and elevation at the facility.
3. Presents octave band sound pressure level data used as reference sound data in predicting noise levels that will radiated from the facility to the various prediction points.
4. Specifies the ground effect assumptions, temperature, relative humidity and identifies all barriers (location and elevations associated with the top and bottom of the barriers) included in the prediction of hourly statistical noise levels that will reach the prediction points.
5. Provides hourly statistical noise level data measured during the proposed hours of operation that would be representative of the ambient hourly statistical noise levels at the residential receivers north, east and south of the facility that have greatest potential of being impacted by the proposed activity.
6. Identifies any noise mitigation measures that will be used to reduce the noise that will radiated from the facility and provides the predicted noise levels with the mitigations in place.

This letter will address each of these specific requirements in turn.

Allowable Noise Level Criteria

The Noise Study Requirements mentioned above cite, OAR 340-035-0035, Albany Municipal Code 7.08.052, and ADC 2.250(5), and 9.440(1)(c)). We shall paraphrase and distill down from these regulations, the allowable sound levels that apply to this Conditional Use Permit application.

1. All noise sources from the facility (go-karts, indoor and outdoor paging systems and/or loudspeakers, mechanical system equipment, etc.) shall not exceed, at the specified residential measurement point(s), between the hours of 7 am and 10 pm, the following statistical noise levels in any one hour: $L_{50} - 55$ dB(A), $L_{10} - 60$ dB(A), and $L_{01} - 75$ dB(A). *OAR 340-035-0035*
2. All noise sources from the facility (go-karts, indoor and outdoor paging systems and/or loudspeakers, mechanical system equipment, etc.) shall not exceed, at the specified residential measurement point(s), between the hours of 10 pm and 7 am, the following statistical noise levels in any one hour: $L_{50} - 50$ dB(A), $L_{10} - 55$ dB(A), and $L_{01} - 60$ dB(A). *OAR 340-035-0035*
3. All noise sources from the facility (go-karts, indoor and outdoor paging systems and/or loudspeakers, mechanical system equipment, etc.) shall not increase, at the specified residential measurement point(s), the existing background ambient statistical noise levels, L_{10} or L_{50} , by more than 10 dB(A) in any one hour. *OAR 340-035-0035*
4. A sound amplifying paging system cannot exceed 65 decibels measured at the controlling property lot line after 8 am and before 9 pm. *Albany Municipal Code 7.08.052*
5. After 9 pm and before 8 am, a sound amplifying paging system cannot be "plainly audible." "Plainly audible" is defined as, "any sound which can be heard outside of any building by the human ear 20 feet or more from the source of such sound." *Albany Municipal Code 7.08.052*

Measurements

Daytime sound pressure level measurements were conducted March 19, 2013. Conditions were overcast and threatening to rain, but no precipitation fell during the measurement. Outside temperatures were around 50 degrees Fahrenheit, atmospheric air pressure was around 30.01 inches, and relative humidity was around 77%. Nighttime sound pressure level measurements were conducted May 28, 2013 and May 30, 2013. Conditions were overcast and dry. Outside temperatures were around 42 degrees Fahrenheit, atmospheric air pressure was around 28.99 inches, and relative humidity was around 68%. Daytime measurements were conducted between the hours of 9 am and 10 am in order to capture the background ambient conditions typical of daytime traffic when not at peak conditions; meaning when the background ambient conditions would be typical of the daytime, but at their quietest. Nighttime measurements were conducted between the hours of 10 pm and 11 pm in order to capture the conditions, at night, when the facility could conceivably be in operation. The facility is not expected to operate after 11 pm. A Class 1 sound level meter conforming to these standards:

IEC 61672-1 (2002-05) Class 1
IEC 60651 (1979) plus Amendment 1 (1993-02) and Amendment 2 (2000-10) , Type 1
IEC 60804 (2000-10) Type 1
DIN 45657 (1997-07)
ANSI S1.4-1983 plus ANSI S1.4A-1985 Amendment, Type 1
ANSI S1.43-1997, Type 1

IEC 61620 (1995-07) plus Amendment 1 (2001-09), 1/1-octave Bands and 1/3-octave Bands, Class 0

ANSI S1.11-1986, 1/1-octave Bands and 1/3-octave Bands, Order 3, Type 0-C

ANSI S1.11-2004, 1/1-octave Bands and 1/3-octave Bands, Class 0

was calibrated both before and after the measurements and found to be within normal operating parameters. Measurements were made at nearby residential neighborhoods, and on site of the go-kart equipment, to comply with Specific Requirements 5. and 3. above respectively. Typically proper sound level measurement techniques were used during the operation of the sound level meter. To obtain the background ambient statistical sound levels, a 5 minute data gathering period was used as it was deemed long enough to accurately represent the presented statistical levels. The go-kart source equipment sound levels were obtained with data runs only long enough to obtain steady-state values. The pertinent data obtained from those measurements, and used in the prediction model, are presented below.

Prediction Points (1. Above)

Please reference the aerial photograph:

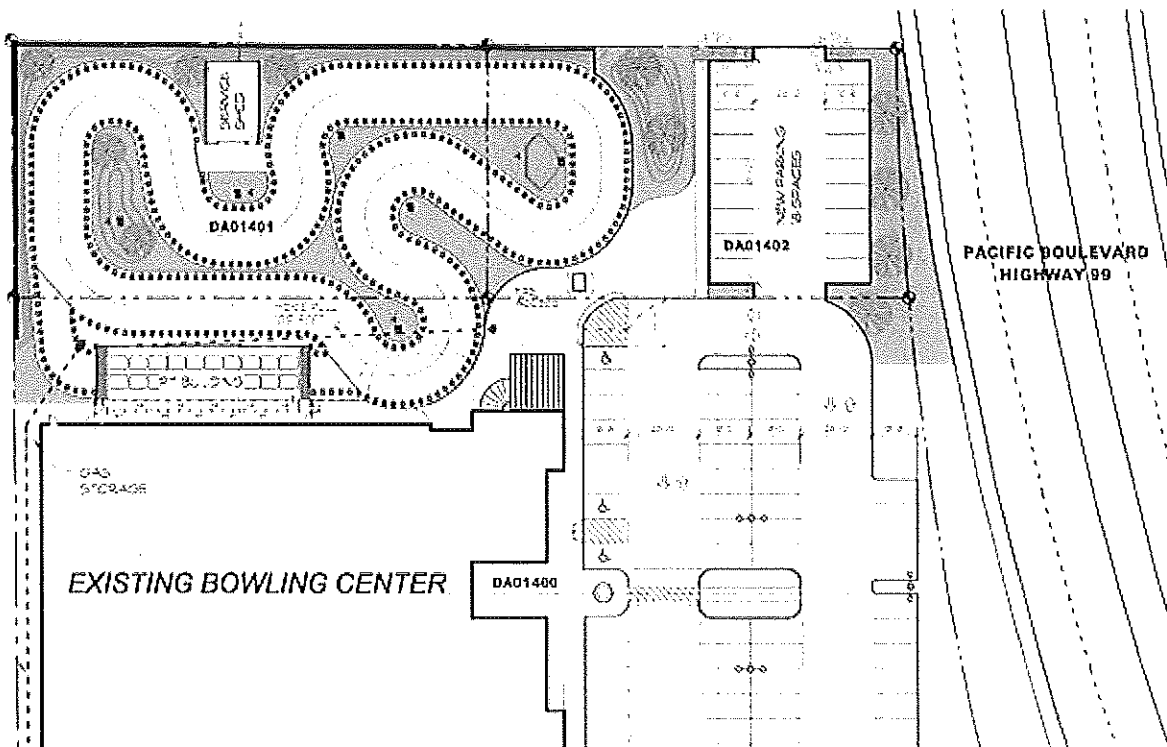


In order to meet the stipulations of both the City of Albany and the OAR, the Prediction Points include lots where noise-sensitive structures (residences) currently exist, and, lots (residentially zoned) where noise-sensitive structures do not currently exist but potentially could in the future.

Prediction Point	Distance from track (in feet)	Comment
A	1500	Original neighborhood from application
B	360	Residentially zoned, no structures, closest in this direction
C	510	Original neighborhood from application, closer to Hwy. 99
D	430	Residentially zoned, no structures, closest in this direction
E	870	Original neighborhood from application, Further Hwy. 99
F	415	Closest residential structure in this direction, same zoning as applicant
G	750	Original neighborhood from application
H	460	Closest residential lot line in this direction, barriered by building
I	575	Closest residential lot line in this direction, not barriered by building

Potential Noise Sources (2. Above)

Please reference the enlarged site plan:



Expected noise sources include:

1. Go-kart engine exhaust noise. Locations include the overall length of the go-kart track, within the Pit Building, and within the Service Shed. Elevation is 2 feet above the surface of the go-kart track finished surface. Multiple go-karts can operate on the track with a maximum of 10 and an average of 7. Operational time for the go-karts average 36 minutes per hour and maximize at 45 minutes per hour.
2. Indoor public address system. Located within the Pit Building, a distributed loudspeaker system will be installed at rafter level 10' above the surface of the go-kart track finished surface aiming downward to address and instruct go-kart drivers. A total of 10 loudspeakers spaced 10' on center in a rectangular 2 x 5 pattern will be used. Operational time for this indoor system would be between racing sessions.

No noise-producing mechanical equipment is planned for the Service Shed and the Pit Building. Although tire road noise from the go-karts could be considered a potential noise source, the sound level of tire noise is essentially negligible compared to the sound level of engine exhaust noise and is being ignored for this study. Any noise mitigation measures used to attenuate engine exhaust noise should

effectively attenuate tire road noise also.

Source Data (3. Above)

From the Potential Noise Sources listed above.

1. Go-kart engine exhaust noise sound pressure level data was obtained from measurements as mentioned above. A single go-kart, representative of the planned equipment, was obtained and operated. The sound level meter was oriented behind and diagonal at 45° from the rear of the go-kart, 5' from the engine exhaust outlet and at the same height above the road surface (2').

Go-Kart Sound Pressure Level in dB (at 5')

re 20 micro-pascals

Octave Band Center Frequency in Hertz							
<u>63</u>	<u>125</u>	<u>250</u>	<u>500</u>	<u>1000</u>	<u>2000</u>	<u>4000</u>	<u>8000</u>
84.4	79.7	77	72.3	76.1	72.8	72.5	68.7

Overall sound pressure level (@ 5') was measured at 80.5 dB(A).

2. Indoor public address system: In order for the above mentioned distributed loudspeaker sound system to produce an equivalent steady sound level of 60 dB(A) at the listeners ear (seated in a go-kart within the Pit Building), each individual loudspeaker should produce the following spectrum and equivalent steady sound level referenced at 3.28'. As the planned usage for the system is purely instructional and the program content will only include speech and no music, the spectrum shown here represents time-averaged male speech and is drawn from supporting literature (*Handbook of Acoustical Measurements and Noise Control* by Cyril M. Harris, c. 1998).

Loudspeaker Produced Male Speech Sound Pressure Level in dB (at 3.28')

re 20 micro-pascals

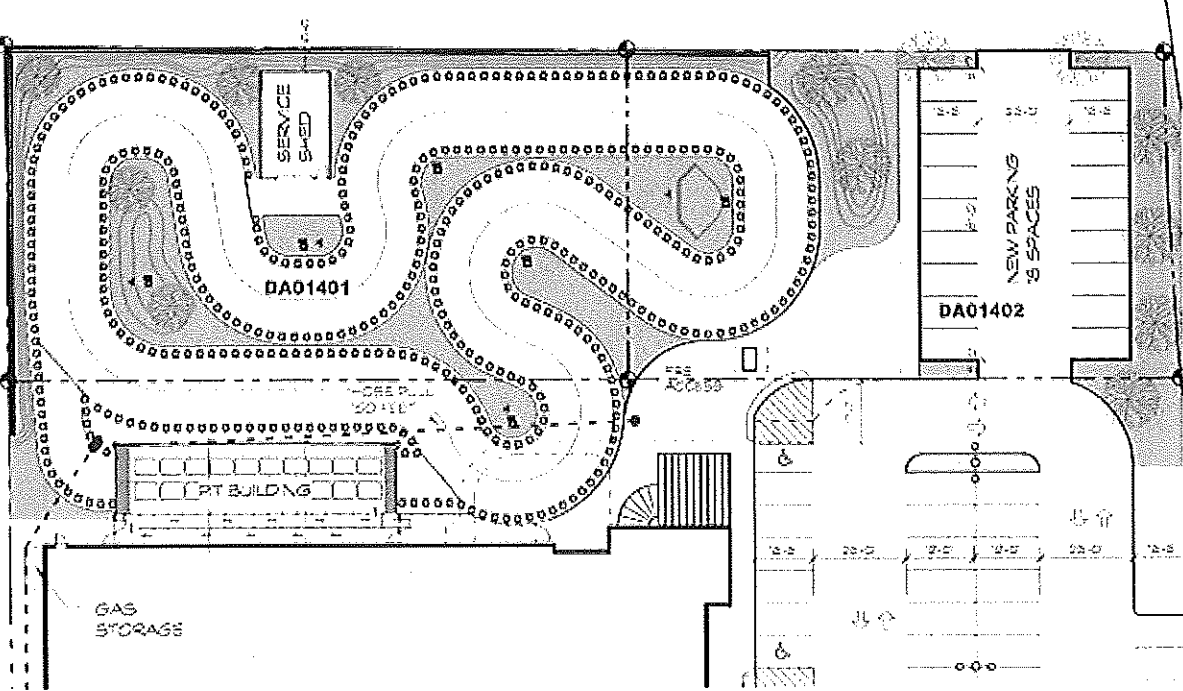
Octave Band Center Frequency in Hertz							
<u>63</u>	<u>125</u>	<u>250</u>	<u>500</u>	<u>1000</u>	<u>2000</u>	<u>4000</u>	<u>8000</u>
49	57	62	66	60	54	51	44

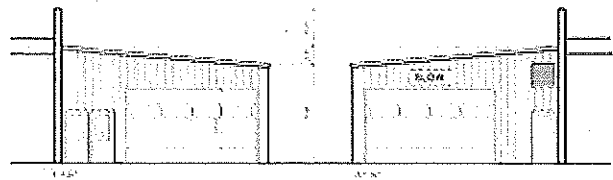
Overall equivalent steady sound level (@ 3.28') for an individual loudspeaker is quoted at 66 dB(A).

Assumptions, Conditions, and Barriers (4. Above)

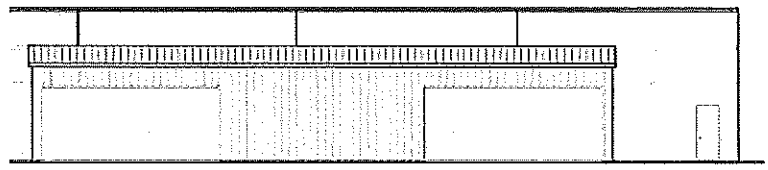
1. The overall dimensions of the track are very small relative to the distances to the Prediction Points, therefore, all above mentioned Potential Noise Sources will be modeled as point sources.
2. Standard temperature and humidity are assumed for predictions, 68°F and 50% respectively.
3. Ground effect assumptions include soft ground with grass and the presence of trees. However, both of these assumptions should only provide a small amount of attenuation in this case.

4. Please reference the following enlarged site plan and elevations regarding barriers.

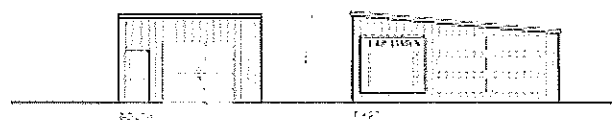




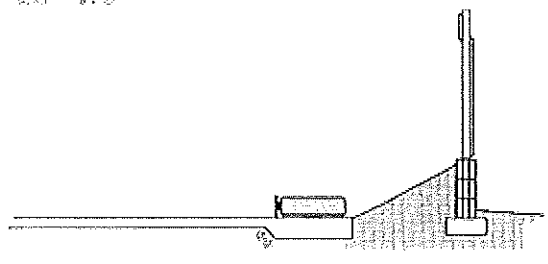
1. FRONT ELEVATION
40' 0" x 100' 0"



2. SIDE ELEVATION
40' 0" x 100' 0"



3. REAR ELEVATION
40' 0" x 100' 0"



4. TRACK SECTION
40' 0" x 100' 0"

There are three styles of barriers, where barriering exists; berm-only, fence-and-berm, and existing building. A small segment of the northeast corner of the track is barriered by berm-only. The constructed fence-and-berm barrier is planned along the north and west property lines as indicated in the enlarged site plan in red, and should barrier sound in those directions. The existing building housing the bowling center should barrier sound to the south. Bottom elevations for all three barrier styles are the same as track surface level. The top elevation for the berm-only is 3' above the track surface. The elevation for the top of the fence-and-berm compared to the track surface is 8'. The elevation for the top of the existing building compared to the track surface is 20'-11".

5. Although the barrier effect for the fence-and-berm and the existing building are included in the prediction model, these barriers also provide hard reflective surfaces that go-kart noise can reflect from. The presence of these first- and second-order reflections are also included in the prediction model.

Background Ambient Sound Level Data from Measurement (5. Above)

The following table summarizes the Prediction Points (as indicated above) and their measured statistical noise levels for both daytime and nighttime. The measured statistical noise levels included here are: sound level exceeded 50% of the time (abbreviated L₅₀), and sound level exceeded 10% of the time (abbreviated L₁₀). All measured values presented here are in dB(A) with a fast time weighting.

Prediction Point	Daytime L ₅₀	Daytime L ₁₀	Nighttime L ₅₀	Nighttime L ₁₀
A	41.7	43.2	35.8	40.4
B	52.6	54.6	35.6	42.2
C	54.7	56.9	42.6	49.6
D	55.1	58.2	49.3	63.9
E	49.9	53.1	41.3	43.7
F	55.2	57.8	49.1	62.8
G	52.4	54.5	38.4	43.3
H	52.5	54.9	35.9	42.7
I	48.9	52.1	40.1	42.9

re 20 micro-pascals

Subjectively, the primary contributor to the above measured background ambient noise levels is north-south auto and truck traffic on nearby Pacific Boulevard. In general, this noise contributor is heard as general broadband background noise from the direction of the boulevard, however, variability in the noise levels exist due to the presence of a traffic light at the intersection of SW 53rd and Pacific Boulevard. The dynamically changing traffic flow can produce, to the listeners ear at times, individually discernible exhaust noise from accelerating vehicles.

Noise Predictions & Impact

All predicted statistical noise levels presented here are in dB(A) with a fast time weighting.

With the maximum number of go-karts (10) operating for the maximum usable time (45 minutes out of every hour), the predicted statistical noise levels with no barriers are:

Prediction Point	L ₅₀	L ₁₀	L ₀₁
A	40.4	44.2	46.9
B	55.5	59.3	62
C	52	55.7	58.4
D	53.7	57.5	60.2
E	46.4	50.1	52.8
F	54.1	57.8	60.5
G	48	51.7	54.4
H	53	56.8	59.5
I	50.7	54.5	57.2

re 20 micro-pascals

With the same go-kart scenario and the barriers in place, the predicted statistical noise levels are:

Prediction Point	L ₅₀	L ₁₀	L ₀₁
A	31.3	35.1	37.8
B	43.9	47.7	51.9
C	44.9	48.7	48.5
D	46.7	50.4	53.1
E	39.4	43.2	45.9
F	36.9	40.7	43.4
G	31	34.8	37.5
H	35.9	39.7	42.4
I	42	45.8	48.5

re 20 micro-pascals

At some of the prediction points, the unbarriered condition can exceed the Allowable Noise Level Criteria mentioned in 1. and 2. above. However, the barriered condition reduces all predicted statistical noise levels to acceptable levels, both for the daytime and nighttime allowable criteria. Meaning, with the barriers in place, in the worst case scenario, noise levels from the go-kart track do not exceed the day time and night time allowable levels.

For Allowable Noise Level Criteria 3. above, compare the measured L₅₀ and L₁₀ with the predicted L₅₀ and L₁₀. For this criteria, the measured L₅₀ and L₁₀ are added to the predicted L₅₀ and L₁₀

and that level is compared to the measured L_{50} and L_{10} to see if the gain is greater than 10 dB(A). Again, with the maximum number of karts for the maximum allowable time. No barriers in place and for the daytime condition.

Prediction Point	Measured L_{50}	Measured L_{10}	Predicted (added) L_{50}	Predicted (added) L_{10}
A	41.7	43.2	44.1	46.7
B	52.6	54.6	57.3	60.6
C	54.7	56.9	56.6	59.4
D	55.1	58.2	57.5	60.9
E	49.9	53.1	51.5	54.9
F	55.2	57.8	57.7	60.8
G	52.4	54.5	55.1	56.3
H	52.5	54.9	55.8	59
I	48.9	52.1	52.9	56.5

re 20 micro-pascals

And again with the barriers in place.

Prediction Point	Measured L_{50}	Measured L_{10}	Predicted (added) L_{50}	Predicted (added) L_{10}
A	41.7	43.2	42.1	43.8
B	52.6	54.6	53.4	55.7
C	54.7	56.9	55.1	57.5
D	55.1	58.2	55.7	58.9
E	49.9	53.1	50.3	53.5
F	55.2	57.8	55.3	57.9
G	52.4	54.5	52.4	54.5
H	52.5	54.9	52.6	55
I	48.9	52.1	49.7	53

re 20 micro-pascals

No barriers in place and for the nighttime condition.

Prediction Point	Measured L ₅₀	Measured L ₁₀	Predicted (added) L ₅₀	Predicted (added) L ₁₀
A	35.8	40.4	41.7	45.7
B	35.6	42.2	55.5	57.9
C	42.6	49.6	52.5	56.7
D	49.3	63.9	55	64.8
E	41.3	43.7	47.6	51
F	49.1	62.8	55.3	64
G	38.4	43.3	48.5	52.3
H	35.9	42.7	53.1	57
I	40.1	42.9	51.1	54.8

re 20 micro-pascals

And again with the barriers in place.

Prediction Point	Measured L ₅₀	Measured L ₁₀	Predicted (added) L ₅₀	Predicted (added) L ₁₀
A	35.8	40.4	37.1	41.5
B	35.6	42.2	44.5	48.8
C	42.6	49.6	46.9	52.2
D	49.3	63.9	51.2	64.1
E	41.3	43.7	43.5	46.5
F	49.1	62.8	49.4	62.8
G	38.4	43.3	39.1	43.9
H	35.9	42.7	38.9	44.5
I	40.1	42.9	44.2	47.6

re 20 micro-pascals

Although there are some prediction points where the increase exceeds the allowable for the unbarriered condition, for the barriered condition, in all cases, the predicted noise levels due to the karts do not cause the existing background ambient statistical noise levels to increase more than the allowed amount.

The contribution to the above noise levels due to the indoor public address system, at all Prediction Points, is negligible. Since the sound system is within the building, only the sound that escapes through the open doors is audible. Further, Prediction Points to the south are barriered by the existing building, and the large distances greatly attenuate the sound. For example, Prediction Point B has the shortest distance of 360' and is not barriered. With the sound system in operation for 15 minutes

in every hour, producing an equivalent steady sound level of 60 dB(A) at the listeners ear within the Pit Building, the L_{50} at Prediction Point B is 20.7 dB(A) and the L_{10} is 23.7 dB(A). When compared to the barriered kart level presented above, the sound system does not contribute.

The indoor public address system should comply with the Allowable Noise Level Criteria outlined in 4. above assuming the 65 dB mentioned is A-weighted. The estimated overall sound pressure level due to the indoor public address system at the mentioned property lot line is 59.2 dB(A).

Sincerely,

Jake Ross, P.E.
Creative Acoustics Northwest, Inc.

**MODIFICATION TO THE PERMIT FOR A PORTION OF AN APPROVED
MXD MIXED USE DEVELOPMENT/CUD CONDITIONAL USE DISTRICT & PERMIT**

DRAFT

Ordinance Related Conditions
for
Track Expansion & Gasoline Go-Carts

All Ordinance Related Conditions from Case P07-13 and 10-001 apply as well as the following:

Permit-Related:

1. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the Hope Mills Zoning Ordinance and building/zoning permits required to place any structure within this development from the Hope Mills Inspection Department/Planning Department, in Town Hall at 5770 Rockfish Road. For additional information, the developer should contact a Town Planner.
2. The Town of Hope Mills' staff submitted the following comments:
 - a. *Town of Hope Mills Storm Water Department:* No comment
 - b. *Town of Hope Mills Planning Department:* No objections to this request.
 - c. *Town of Hope Mills Public Works Department:* Property should meet sound buffering requirements due to gas car operations.
 - d. *Town of Hope Mills Fire Department:* Must meet gas storage requirements, must have fire extinguishers on track, and must adhere to sound buffering requirements.
 - e. *Town of Hope Mills Inspections:* No objections
3. The developer must contact Sam Powers at 910-223-4370 regarding any proposed changes to the Fayetteville Public Works Commission' (FPWC) utilities.
4. New development that will disturb one acre or more of land or is part of a larger common plan of development that will disturb one acre or more of land is subject to the Post-Construction Stormwater Management Permitting Program administered by the Hope Mills Stormwater Department. If one acre or more of land is to be disturbed, prior to the issuance of any building/zoning permits for this site a copy of the Town's Stormwater Management Permit must be provided to the Hope Mills Inspections Department/Planning Department.
5. For any new development, the developer must/may have to provide the Hope Mills Inspections Department/Planning Department with an approved NC Department of Environmental Quality (NCDEQ) 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 NCDEQ approval must be provided to the Hope Mills Town Inspections Department/Planning Department at the time of application for any building/zoning permits.
6. The developer must provide a site-specific address and tax parcel number to the Hope Mills Inspections Department/Planning Department at the time of building/zoning permit application.
7. Landscaping must be provided in accordance with Section 102A-1202(n), Landscaping, Hope Mills Zoning Ordinance and/as shown on the site plan. The following are the minimum standards for the required landscaping of this site:
 - a. 9 large shade trees or 17 small ornamental trees within the front yard setback area;
 - b. 3 small ornamental trees and 26 shrubs are required in the building yard area;
 - c. 4 large shade trees and 26 shrubs are required within the parking area.

In addition:

- a. Required plant materials shall be maintained by the property owner, including replacing dead or unhealthy trees and shrubs; and
 - b. All yard and planting areas shall be maintained in a neat, orderly, and presentable manner and kept free of weeds and debris.
8. Prior to the final inspection, a concrete, or other approved surface material, sidewalk is required to be constructed along SR 1003 (Camden Road). For more information regarding this condition contact Hector A Cruz-Alicea with the town.
 9. A *Certificate of Occupancy* will not be issued until the Town Planner inspects the site and certifies that the site is developed in accordance with the approved plans.

Site-Related:

10. All uses, dimensions, setbacks and other related provisions of the Hope Mills Subdivision Ordinance and Zoning Ordinance for the MXD zoning district must be complied with, as applicable.
11. This conditional approval is not approval of any new freestanding signs. All new/additional attached signage for this development must be in accordance with the applicable sign regulations as set forth in Article XIV of the Hope Mills Zoning

Ordinance and that the proper permit(s) must be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is **not** approval of the size, shape, or location of any signs.)

12. A drainage permit from the Town of Hope Mills Stormwater Department is required for any development or redevelopment that will construct, alter, repair, relocate, or demolish any storm sewer natural watercourse, or other drainage facility. The standards used for the design and construction of all stormwater drainage structures and/or stormwater BMP facilities shall be in accordance with the "Town of Hope Mills Stormwater Design Standards", the Design Manual, and shall be subject to the requirements of Chapter 67 Article III.
13. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 86A-406(c), Underground utilities required, Hope Mills Subdivision Ordinance)
14. All lighting is required to be directed internally within this development and comply with the provisions of Section 102A-1202(m), Outdoor Lighting, Hope Mills Zoning Ordinance.

Advisories:

15. The applicant is advised to consult an expert on wetlands before proceeding with any development.
16. Footbridge Lane is a local road with no constructions/improvements planned. Camden Road, which runs north of the subject property, is planned in the State Transportation Improvement Plan as U-3422, a widening project with Right-of-Way acquisition starting in 2021. For more information regarding this comment, contact Transportation Planning.
17. 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.
18. The developer's subsequent application for permits upon receipt of these conditions of approval constitutes the developer's understanding and acceptance of the conditions of approval for this development.
19. 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.
20. The US Postal Service most likely will require this development to have centralized cluster boxes for postal service to each lot or unit. The developer is advised contact the US Postal Growth Coordinator for the Mid-Carolinas District to determine the appropriate location for the cluster boxes. If the cluster box location requires changes to the subdivision or site plan, a revised preliminary plan must be submitted to the Planning & Inspections Department for review and approval.

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

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

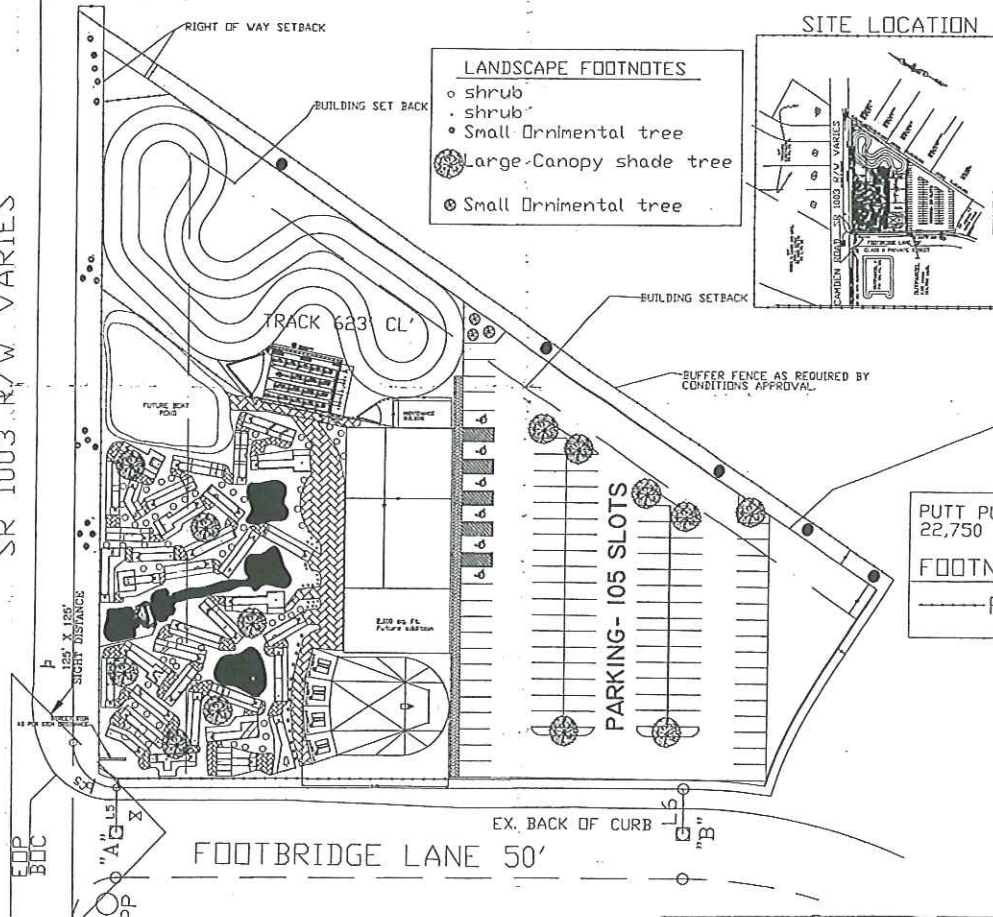
Subdivision/Site Plan/Plat	Ed Byrne	678-7609	ebyrne@co.cumberland.nc.us
PWC:	Joe Glass	223-4740	joe.glass@faypwc.com
Town of Hope Mills:		424-4555*	
Town Manager:	Melissa P. Adams		mpadams@townofhopemills.com
Town Clerk:	Debra Holland		dholland@townofhopemills.com
Planner – Zoning Permits	Chancer McLaughlin		cmclaughlin@townofhopemills.com
Chief Building Inspector:	David Reeves		dreeves@townofhopemills.com
Stormwater/Flood Administrator:	Beth Brown		ebrown@townofhopemills.com
Zoning Inspector:	David (Ray) Reeves		dreeves@townofhopemills.com
Fire Marshal	Brett A. Ham		baham@townofhopemills.com
Public Works – Streets/sidewalks	Hector A Cruz-Alicea		hacruz@townofhopemills.com
US Postal Service	Jonathan R. Wallace	(704) 393-4412	jonathan.r.wallace@usps.gov
Corp of Engineers (wetlands):	Liz Hair	(910) 251-4049	hair@usacr.army.mil
NCDEQ (E&S):	Leland Cottrell	(910) 433-3393	leland.cottrell@ncdenr.gov
US Fish & Wildlife Services	Susan Ladd Miller	(910) 695-3323	susan_miller@fws.gov
Location Services:			
Site-Specific Address:	Ron Gonzales	678-7616	rgonzalez@co.cumberland.nc.us
Tax Parcel Numbers:		678-7549	
NCDOT (driveways/curb-cuts):	Troy Baker	486-1496	tbaker@ncdot.gov
Transportation Planning:	Joel Strickland	678 7622	jstrickland@co.cumberland.nc.us
N.C. Division of Water Quality:	Mike Randall	(919) 807-6374	mike.randall@ncdenr.gov

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

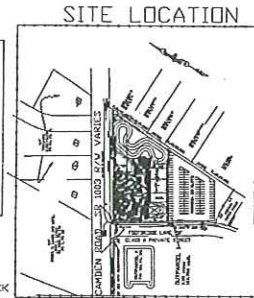
cc: Chancer McLaughlin, Town of Hope Mills

PARKING REQUIREMENTS:
 1839 SQ. FT. ARCADE AREA = (1SPACE/200SQ. FT.) 9 SPACES
 54 SEATS SNACK BAR SEATING AND PARTY ROOMS = (1SPACE/4 SEATS) 14 SPACES
 2040 SQ. FT. POSSIBLE EXPANSION = (1SPACE/200SQ. FT.) 10 SPACES
 4 BATTING CAGES (2 PEOPLE PER CAGE) = (1SPACE/4 PEOPLE) 2 SPACES
 36 HOLES OF GOLF (2 PEOPLE PER HOLE) = (1SPACE/4 PEOPLE) 18 SPACES
 16 ELECTRIC GO CARTS = (1SPACE/4 CARTS) 4 SPACES
TOTAL PARKING REQUIRED 37 SPACES

CAMDEN ROAD
 SR 1003 R/W VARIES



LANDSCAPE FOOTNOTES
 • shrub
 • shrub
 • Small Ornamental tree
 ● Large-Canopy shade tree
 ⊙ Small Ornamental tree



PUTT PUTT Area
 22,750 sq ft
FOOTNOTES:
 ——— FENCE

OFFICIAL PRELIMINARY PLAN
 This plan, with a recommendation of approval by the Cumberland County Joint Planning Board on 1/12/10, has been approved by the Board of Commissioners on 1/12/10. This approval is valid only if the applicant complies with the conditions of the approval. This approval is subject to the conditions of the approval. This approval is valid only if the applicant complies with the conditions of the approval.
 Approved by: *Valerie S. Seicher*
 Director of Land Use Control
 Cumberland Co. Joint Planning Board

Original Approved
 Site Plan

1-12-10
 REVISION
 STAFF COPY
 CASE: 10-601

PRELIMINARY
 Do Not Use For
 Construction

AP AMUSEMENT PRODUCTS, LLC
 5934 BRANERO ROAD
 CHATTANOOGA, TENNESSEE 37421-3501
 PHONE: 423-897-7264
 FAX: 423-895-0432

**Family Entertainment Center
 Site Design for Hope Mills**

TO: David Calahan
 PUTT PUTT Golf Inc.
 ESTIMATOR: _____
 DATE: 12-18-09
 SCALE: 1/32"=1'

EXAMPLE MOTION FOR MODIFICATION TO A PREVIOUSLY APPROVED CONDITIONAL USE PERMIT

I move that the Joint Planning Board finds that this Conditional Use Permit Modification Application, be [Approved or Denied, select one or the board could also defer if necessary for any changes/ corrections, additions to the application]

*******APPROVAL*******

[To APPROVE the modification] **and the board finds that this Conditional Use Permit Modification Application, if completed as proposed and subject to the conditions recommended by the County Planning Staff [Board can add any other conditions deemed appropriate and agreed to by the property owner]**

1. **Will not materially endanger the public health and safety because _____, and**
2. **Will not substantially injure the value of adjoining or abutting property based on _____, and**
3. **Will be in harmony with the area in which it is to be located due to _____, and**
4. **Will be in conformity with the [choose one or more: 2030 Growth Vision, Southwest Land Use Plan or other plan officially adopted by the Commissioners] in that the Plan specifies _____.**

*******DENIAL*******

[To DENY the modification] **because:**

1. **The request will materially endanger the public health and safety because _____, and**
2. **The request [may, is likely to, or does not address whether or not it will] substantially injure the value of adjoining or abutting property based on _____, and**
3. **The request will not be in harmony with the area in which it is to be located due to _____, and**
4. **Will not be in conformity with the [choose one or more: 2030 Growth Vision, Southwest Land Use Plan or other plan officially adopted by the Commissioners] in that the Plan specifies _____.**

Charles Morris,
Chair
Town of Linden

Diane Wheatley,
Vice-Chair
Cumberland County

Jami McLaughlin,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman

Donovan McLaurin
Wade, Falcon & Godwin



CUMBERLAND
COUNTY
NORTH CAROLINA

Planning & Inspections Department

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Vikki Andrews,
Carl Manning,
Lori Epler,
Cumberland County

Benny Pearce,
Town of Eastover

Patricia Hall,
Town of Hope Mills

March 14, 2017

MEMORANDUM

TO: Cumberland County Joint Planning Board
FROM: Planning and Inspections Staff
SUBJECT: Staff Recommendation for the March 21, 2017 Board Meeting

P16-46. REMOVAL OF 68.49+/- ACRES FROM THE CTOD COLISEUM TOURISM OVERLAY DISTRICT AND REZONING FROM M(P) PLANNED INDUSTRIAL, RR RURAL RESIDENTIAL AND R6A RESIDENTIAL TO M(P) PLANNED INDUSTRIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT THE NORTHWEST QUADRANT OF SR 1007 (OWEN DR) & SR 2593 (TREE FARM RD) (NC HWY 87 S SERVICE ROAD); SUBMITTED BY TOM KEITH ON BEHALF OF TREE FARMER, LLC (OWNER) AND TONY RAND, ATTORNEY (AGENT).

1st MOTION

The Planning and Inspections Staff recommends the board find this request inconsistent with the 2030 Joint Growth Vision Plan (April 2009), specifically Policy Areas 1, *A More Diversified Local Economy*; 2, *Well-Managed Growth and Development*; 10, *Community Appearance and Image*; 16, *Intergovernmental Cooperation and Efficiency*; and 17, *An Active, Involved Citizenry*. Each of these policy areas contain provisions and actions geared toward the enhancement of areas such as the location of the subject property for economic development purposes and ameliorating the quality of life, image and cultural amenities for the citizens of Cumberland County. Policy 17.2 stresses that *public involvement shall be encouraged in decisions on land use and development*; the staff, Planning Board, Coliseum Commission and County Commissioners expended a tremendous amount of time and effort encouraging the owners of properties within the CTOD area to be involved during the drafting and ultimate adoption of provisions applied within the area. The City staff, Planning Commission and Council did the same. Concessions were made at each level based on public input that would affect reduction of the creation of nonconformities, removing certain residential properties and allowing billboards within specific areas of the CTOD, while keeping the overall purpose and intent of the district – increasing tourism, promoting economic development and clearing the area of blight – at the forefront.

The staff also recommends the board find this request inconsistent with the South Central Land Use Plan (June 2015). The South Central Plan reinforces many of the policies of the 2030 Plan as goals for this specific area, addressing the Coliseum Overlay area and acknowledging the importance of the Airport

Overlay district, another joint project by the County and City, adopted as a basis for the Fayetteville Regional Airport Master Plan (2005). Both the Crown Center Complex and the Fayetteville Regional Airport, governed by two separate entities, are important for the economic health of the entire County and this region. In order for both of these facilities to serve the public and function to their highest potential, it is imperative that land use and regulatory decisions are made that positively impact the area and are compatible with the essential operations of the coliseum and airport.

The staff recommends the board further find that approval of this request is not reasonable or in the public interest because the subject property is located at the primary entrance point for the Crown Center Complex from NC HWY 87, which ultimately connects Interstate 95, the major tourist route to the complex, removal from the CTOD would defeat one of the most critical driving forces for establishment of the overlay district since protection of the NC 87/Owen Dr interchange area was the impetus for creation of the CTOD. In addition, the subject property does not meet or exceed all of the location criteria of the adopted Land Use Policies Plan (April 2009) for the M(P) Industrial zoning district, in that: *public water and sewer required*, PWC water is available but sewer is not and heavy industrial *should not be in a predominantly residential, office & institutional, or light commercial area*, the uses allowed in the Coliseum Overlay are generally light commercial tourism oriented uses.

2nd MOTION

In addition to the above information, the Planning and Inspections Staff recommends the board deny Case No. P16-46 for removal from the CTOD and the rezoning to M(P) Planned Industrial based on the following:

1. The primary purpose of the CTOD is to ensure development within the district boundary is compatible with the objectives of promoting the Crown Center Complex and establishing a contemporary, vibrant retail area that is harmonious with the complex events, the uses allowed within the M(P) district are not such uses as will meet these objectives. In addition to manufacturing, some of the uses allowed M(P) Planned Industrial district include: junk yards, hazardous material disposal/storage sites, and any other industrial use not prohibited by the ordinance.
2. The property owner was an active participant in the Coliseum Tourism overlay adoption process with changes made solely for the subject property's benefit, it would not be equitable to support the removal of the subject property from the overlay district and would defeat the purpose of establishment of the district.
3. The primary purpose of the AOD is to protect the public health, safety and welfare in the vicinity of the Fayetteville Regional Airport by *minimizingaccident hazards generated by the airport operations and to encourage future development that is compatible with the continued operation of the airport and the economic well being of the County*. All uses allowed in the M(P) Planned Industrial District are not consistent with the purpose of the Airport Overlay District or the airport's mission because some of the uses would allow for a high concentration of people in a relatively small area. In particular the subject property is located within the airport's Impact Zone 3 and the ordinance specifies that Zone 3 should allow zero to low density residential development or non-residential development ranging from 25-40 people per acre, which is likely to be far exceeded by most manufacturing uses.

Attachments: 1 – Site Profile, 2 – Sketch Map

P16-46
SITE PROFILE

P16-46. REMOVAL OF 68.49+/- ACRES FROM THE CTOD/COLISEUM TOURISM OVERLAY DISTRICT AND REZONING FROM M(P) PLANNED INDUSTRIAL, RR RURAL RESIDENTIAL AND R6A RESIDENTIAL TO M(P) PLANNED INDUSTRIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT THE NORTHWEST QUADRANT OF SR 1007 (OWEN DR) & SR 2593 (TREE FARM RD); SUBMITTED BY TOM KEITH ON BEHALF OF TREE FARMER, LLC (OWNER) AND TONY RAND (AGENT).

Site Information:

Frontage & Location: 1,950.00'+/- on SR 1007 (Owen Dr) & 700.00'+/- on SR 2593 (Tree Farm Rd)

Depth: 1,390'+/-

Jurisdiction: County

Adjacent Property: Yes

Current Use: Residential & farmland

Initial Zoning: M(P) & R6A – March 15, 1979 (Area 6); portion rezoned RR February 23, 1988; Coliseum Tourism Overlay District adopted April 22, 2014

Nonconformities: Yes – existing residential structure would be made nonconforming by zoning

Zoning Violation(s): None

Surrounding Zoning: North: M(P), M(P)/CU (expansion of nursing home), HI (FAY), C(P), C(P)/CU (open storage), CC (FAY), R40A, RR, R6 & R6A; South: M(P), M/A (FAY), C1(P), RR, R15 & R6A; East: M(P), C(P), C3, O&I(P), RR, R6 & R6A; West: M(P), CC (FAY), OI (FAY), R40 & R6A

Surrounding Land Use: Residential (including manufactured homes), club (2), open storage & professional office

2030 Growth Vision Plan: Urban

South Central Land Use Plan: Coliseum Development Area & Airport Oriented Uses

School Capacity/Enrolled: Cashwell Elementary: 803/655; Ireland Drive Middle: 340/317; Byrd Middle: 702/679; Byrd High: 1280/1142

Special Flood Hazard Area (SFHA): None

Municipal Influence Area: Fayetteville

Fayetteville Planning: If PWC sewer is provided or expanded, annexation would be required.

Fayetteville Airport: If the subject property were to be removed from the Coliseum Development Area, it would fall under the Airport Oriented Uses category. Given its close proximity to the Approach to Runway 22 it would be subjected to low flying aircraft to and from the airport.

Airport Impact Zone: property is located in Impact Zone 3

Water/Sewer Availability: PWC/Septic

Soil Limitations: Yes, hydric – Ro Roanoke & Wahee loams & De Deloss loam

Subdivision/Site Plan: If approved, subdivision &/or site plan review would be required.

Average Daily Traffic Count (2014): 8400 on SR 1007 (Owen Dr)

Highway Plan: Owen Drive is an existing boulevard and Tree Farm Road is a local road with no road improvements/construction planned for this area. This case has no impact on the current Highway Plan or Transportation Improvement Program

Notes:

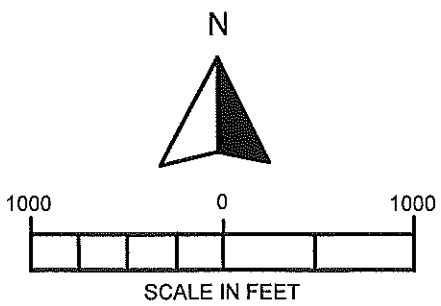
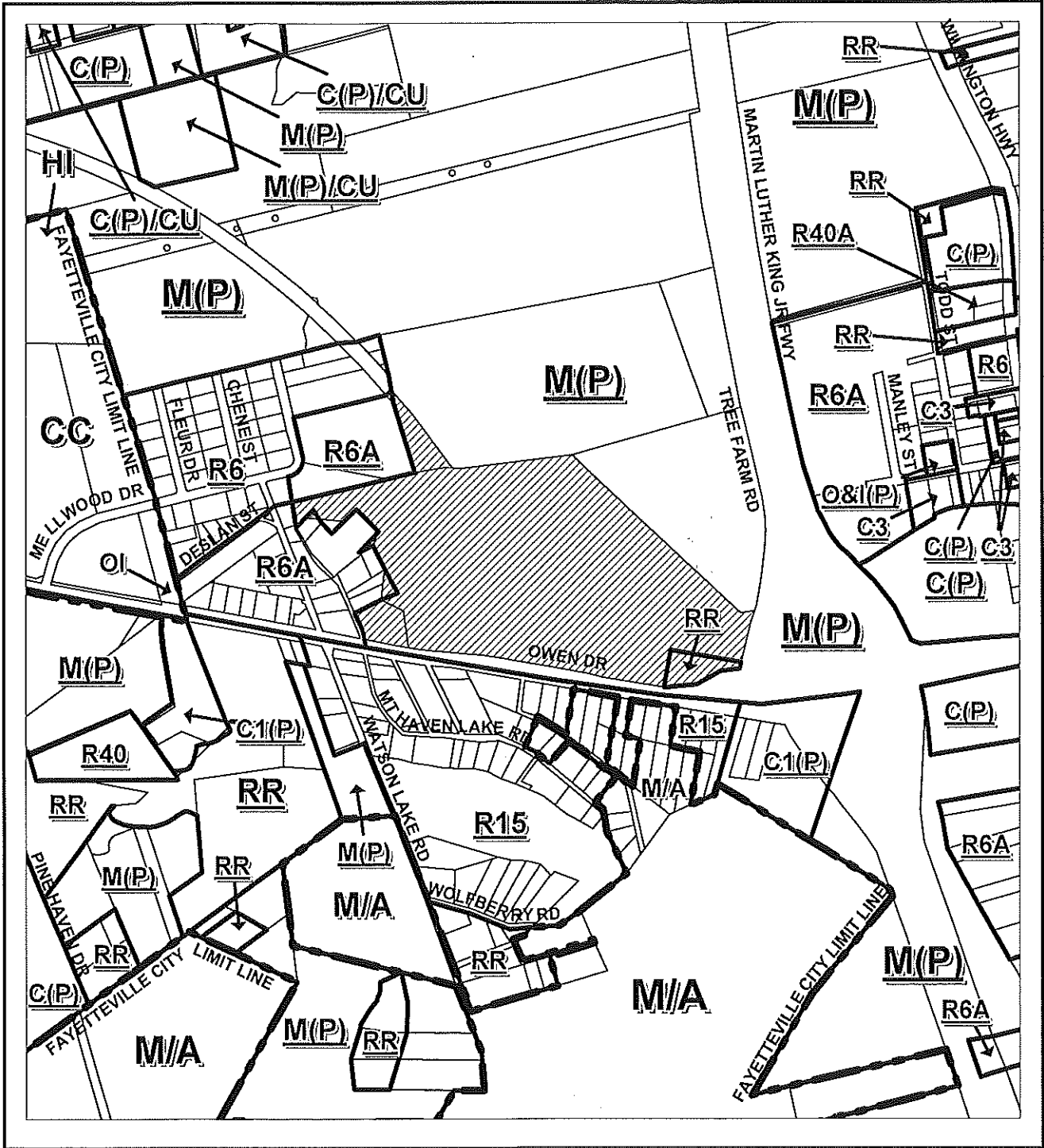
1. Density
R6A – 2 lots/units
RR – 3 lots/ 4 units

2. Minimum Yard Setbacks:

<u>M(P)</u>	<u>RR</u>	<u>R6 & R6A</u>
Front yard: 100'	Front yard: 30'	Front yard: 25'
Side yard: 50'	Side yard: 15'	Side yard: 10'
Rear yard: 50'	Rear yard: 35'	Rear yard: 30' (15' in R6A)

First Class and Record Owners' Mailed Notice Certification

A certified copy of the listing with the tax record owner(s) of the subject and adjacent properties, along with their tax record mailing addresses, is contained within the case file and incorporated by reference as if delivered herewith.



**REMOVAL FROM
COLISEUM TOURISM OVERLAY DISTRICT
REQUESTED REZONING
M(P), R6A & RR TO M(P)**

ACREAGE: 68.49 AC.+/-		HEARING NO: P16-46	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

PIN: 0435-69-6288
0435-88-2598
0435-68-2828
0436-60-4053