

Charles Morris,
Chair
Town of Linden

Diane Wheatley,
Vice-Chair
Cumberland County

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

Vacant
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

Stan Crumpler,
Town of Eastover

Patricia Hall,
Town of Hope Mills

TENTATIVE AGENDA

April 17, 2018

7:00 P.M.

- I. INVOCATION AND PLEDGE OF ALLEGIANCE
- II. APPROVAL OF/ADJUSTMENTS TO AGENDA
- III. PUBLIC HEARING DEFERRALS / WITHDRAWALS
- IV. ABSTENTIONS BY BOARD MEMBERS
- V. POLICY STATEMENT REGARDING PUBLIC HEARING TIME LIMITS
- VI. APPROVAL OF THE MINUTES OF MARCH 20, 2017
- VII. PUBLIC HEARING CONSENT ITEMS

REZONING CASES

- A. **P18-09.** REZONING OF 4.28+/- ACRES FROM A1 AGRICULTURAL TO R40 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 1470 & 1490 BAYWOOD ROAD, SUBMITTED BY DAVID & JUDY DRAUGHON AND MARTHA MORRIS MCKOY (OWNERS).
- B. **P18-11.** REZONING OF 2.68+/- ACRES FROM R10 RESIDENTIAL & C1(P) PLANNED LOCAL BUSINESS DISTRICT TO C1(P) PLANNED LOCAL BUSINESS DISTRICT OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 3544 & 3528 OLD PLANK ROAD, SUBMITTED BY JOSEPH L. HULON (OWNER) & FRANCIS L. RIDEOUT JR. (AGENT).
- C. **P18-12.** REZONING OF .37+/- ACRE FROM C1(P) PLANNED LOCAL BUSINESS DISTRICT TO C2(P) PLANNED SERVICE AND RETAIL DISTRICT OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 3738 BOONE TRAIL, SUBMITTED BY QUENTIN & KRISTY COLLINS (OWNERS).
- D. **P18-14.** REZONING OF 10.00+/- ACRES FROM R5A RESIDENTIAL TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE NORTH SIDE OF SR 1737 (MIDDLE RIVER LOOP), EAST OF CAPE FEAR RIVER; SUBMITTED BY ALBERT MCCAULEY ON BEHALF OF AOM II, LLC (OWNER) & SCOTT BROWN ON BEHALF OF 4D SITE SOLUTIONS, INC. (AGENT).

- E. **P18-15.** REZONING OF 33.19+/- ACRES FROM RR RURAL RESIDENTIAL TO A1 AGRICULTURAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE SOUTH SIDE OF SR 1122 (WOODINGTON ROAD), WEST OF SR 2285 (SHIPMAN ROAD); SUBMITTED BY GEDDIE AUTRY, STEVEN M. & PAULA H. AUTRY AND ROBERT M. & HELEN G. GLOCK (OWNERS) & WOODINGTON SOLAR, LLC (AGENT).

CONDITIONAL ZONING CASE

- F. **P18-03.** REZONING OF .93+/- ACRE FROM R10 RESIDENTIAL TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 3496 GILLESPIE STREET, SUBMITTED BY PHILIP & SHARON KROPP (OWNERS).
- G. **P18-13.** REZONING OF .46+/- ACRE FROM R6 RESIDENTIAL & C3 HEAVY COMMERCIAL TO C(P) PLANNED COMMERCIAL/CZ CONDITIONAL ZONING FOR MOTOR VEHICLES SALES OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 2418 OWEN DRIVE, SUBMITTED BY CHAD BROWN ON BEHALF OF C&E HOMEVESTORS, LLC (OWNER).

VIII. PUBLIC HEARING CONTESTED ITEMS

IX. DISCUSSION

- COMPREHENSIVE PLANNING COMMITTEE MEETING

X. ADJOURNMENT

REQUEST
A1 to R40

ACREAGE: 4.28+/-

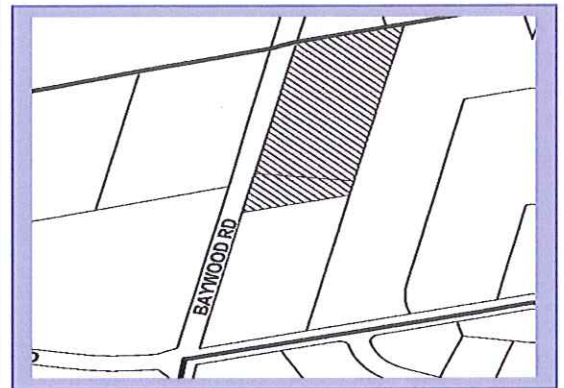
PROPERTY OWNER/APPLICANT
DAVID & JUDY DRAUGHON & MARTHA MORRIS
MCKOY (OWNERS)

PROPERTY ADDRESS/LOCATION
1470 & 1490 Baywood Road

Jurisdiction: County

PROPERTY INFORMATION

Frontage & Location: 700' on SR 1831 (Baywood Road)
Depth: 270'+/-
Adjacent Property: No
Current Use: Residential, utility substation
Initial Zoning: A1 – August 23, 1994 (Area 19)
Nonconformities: None
Zoning Violation(s): None issued
School Capacity/Enrolled: Comments requested, none received
Special Flood Hazard Area (SFHA): None
Water/Sewer Availability: PWC/Septic
Soil Limitations: No
Subdivision/Site Plan: Both tracts part of Zero Lot Line development. If approved, any future development would require subdivision or group development review
Average Daily Traffic County (2016): 4,300 on SR 1831 (Baywood Road)
Highway Plan: Baywood Road is identified as a Thoroughfare existing in the 2040 Metropolitan Transportation Plan with no constructions/improvements planned; no impact on Transportation Improvement Plan.



SURROUNDING LAND USE: Residential, farmland and woodlands

COMPREHENSIVE PLANS:
2030 Growth Vision Plan: Urban Fringe;
Eastover Land Use Plan: Low Density Residential
Draft Eastover Land Use Plan (to be adopted by September 2018): Rural Density Residential

Notes:

1. Density
 A1- 2 lots/units
 R40- 4 lots/ 5 units
2. Minimum Yard Setbacks:

	A1	R40
Front yard:	50'	30'
Side yard:	10' separation required between structures (interior line)	
Rear yard:	50'	35'

STAFF RECOMMENDATION

APPROVAL

APPROVAL WITH CONDITIONS

DENIAL

In Case P18-09, the Planning and Inspections Staff recommends approval of the rezoning from A1 Agricultural to R40 Residential and find:

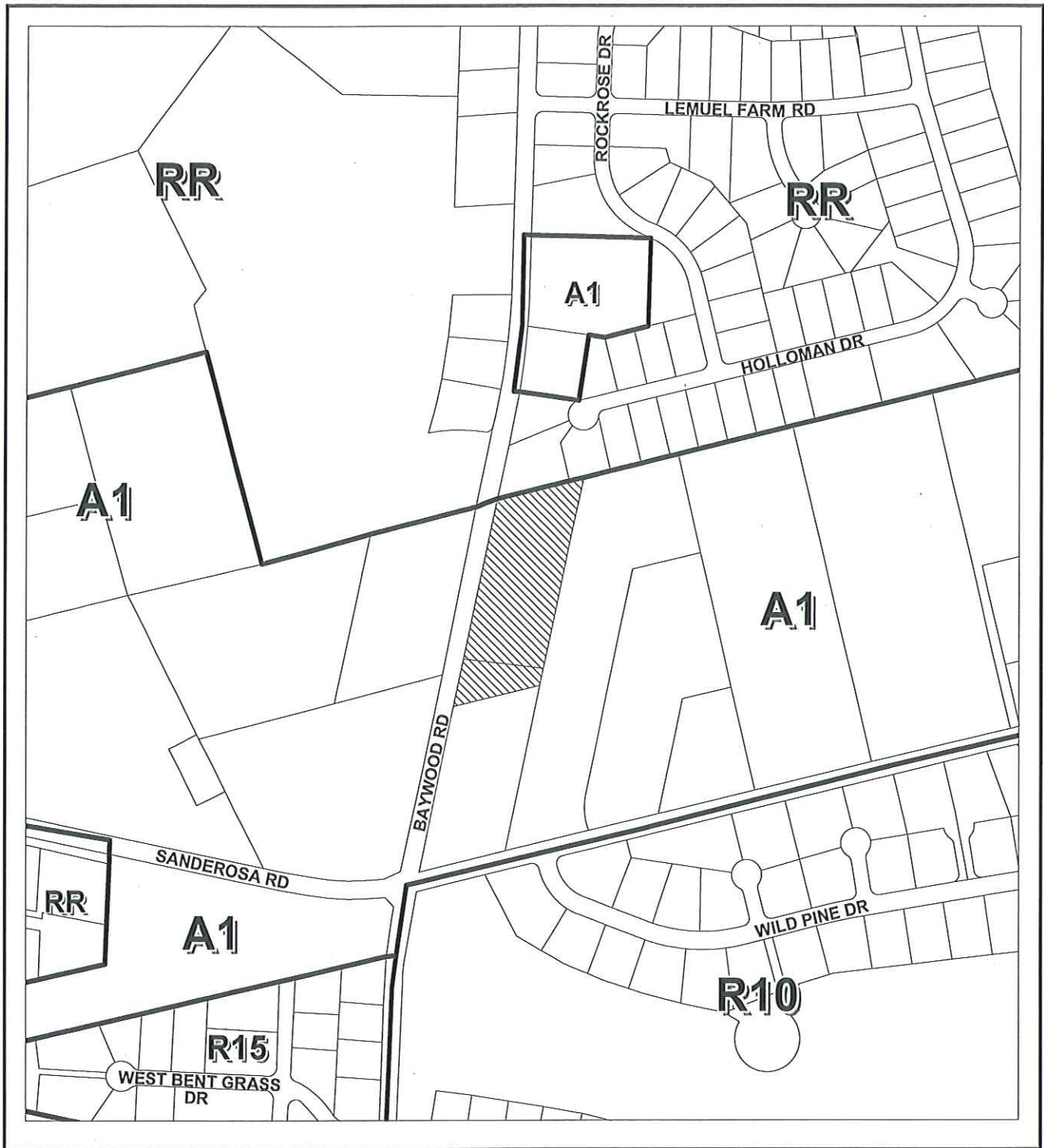
- a. The approval is an amendment to the current adopted Eastover Land Use Plan (2000) map; and that the Board of Commissioners should not require any additional request or application for amendment to said map for this request;
- b. The following change in conditions was considered in amending the zoning ordinance (zoning map) to meet the development needs of the community: the requested district is consistent with the draft Eastover Land Use Plan update which calls for "rural density residential" development at this location;
- c. And, this rezoning approval is reasonable and in the public interest because if approved, the district requested will ensure land uses and lot sizes are in harmony with the surrounding residential development.

OTHER SUITABLE DISTRICTS: None

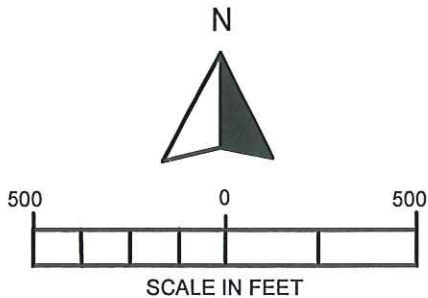
ATTACHMENTS: SKETCH MAP

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 A1 TO R40



PIN: 0477-09-1605,
PIN: 0477-09-0316

ACREAGE: 4.28 AC.+/-	HEARING NO: P18-09	
ORDINANCE: COUNTY	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

CASE NUMBER: P18-11

PLANNING BOARD HEARING DATE:
04/17/2018

REQUEST
R10 to C1(P)

ACREAGE: 1.35+/-

PROPERTY OWNER/APPLICANT
JOSEPH L. HULON (OWNER) & FRANCIS L. RIDEOUT JR. (AGENT)

PROPERTY ADDRESS/LOCATION
3528 Old Plank Road

Jurisdiction: County

PROPERTY INFORMATION

Frontage & Location: 196'+/- on Old Plank Road
Depth: 290'+/-
Adjacent Property: Yes; 3544 Old Plank Road rezoned to C1(P) – January 27, 1981
Current Use: Residential
Municipal Influence Area: Hope Mills (10 year)
Initial Zoning: R10 – February 3, 1977 (Area 7)
Nonconformities: None
Zoning Violation(s): None
School Capacity/Enrolled: Comments requested, none received
Special Flood Hazard Area (SFHA): None
Water/Sewer Availability: PWC/PWC
Soil Limitations: No
Subdivision/Site Plan: If approved, site plan review required
Average Daily Traffic County (2016): 9,300 on SR 1112 (Rockfish Road)
Highway Plan: Old Plank Road is identified as a Local Road in the 2040 Metropolitan Transportation Plan with no constructions/improvements planned; no impact on the Transportation Improvement Plan.

Notes:

- Density
R10- 7 lots/8 units
- Minimum Yard Setbacks:

	<u>R10 (R7.5)</u>	<u>C1(P)</u>
Front yard:	30'	45'
Side yard:	10'	15'
Rear yard:	35'	20'



SURROUNDING LAND USE: Residential, religious worship facility

COMPREHENSIVE PLANS: 2030
Growth Vision Plan: Urban; **Southwest Cumberland Land Use Plan:** Low Density Residential

STAFF RECOMMENDATION

APPROVAL

APPROVAL WITH CONDITIONS

DENIAL

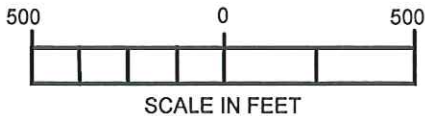
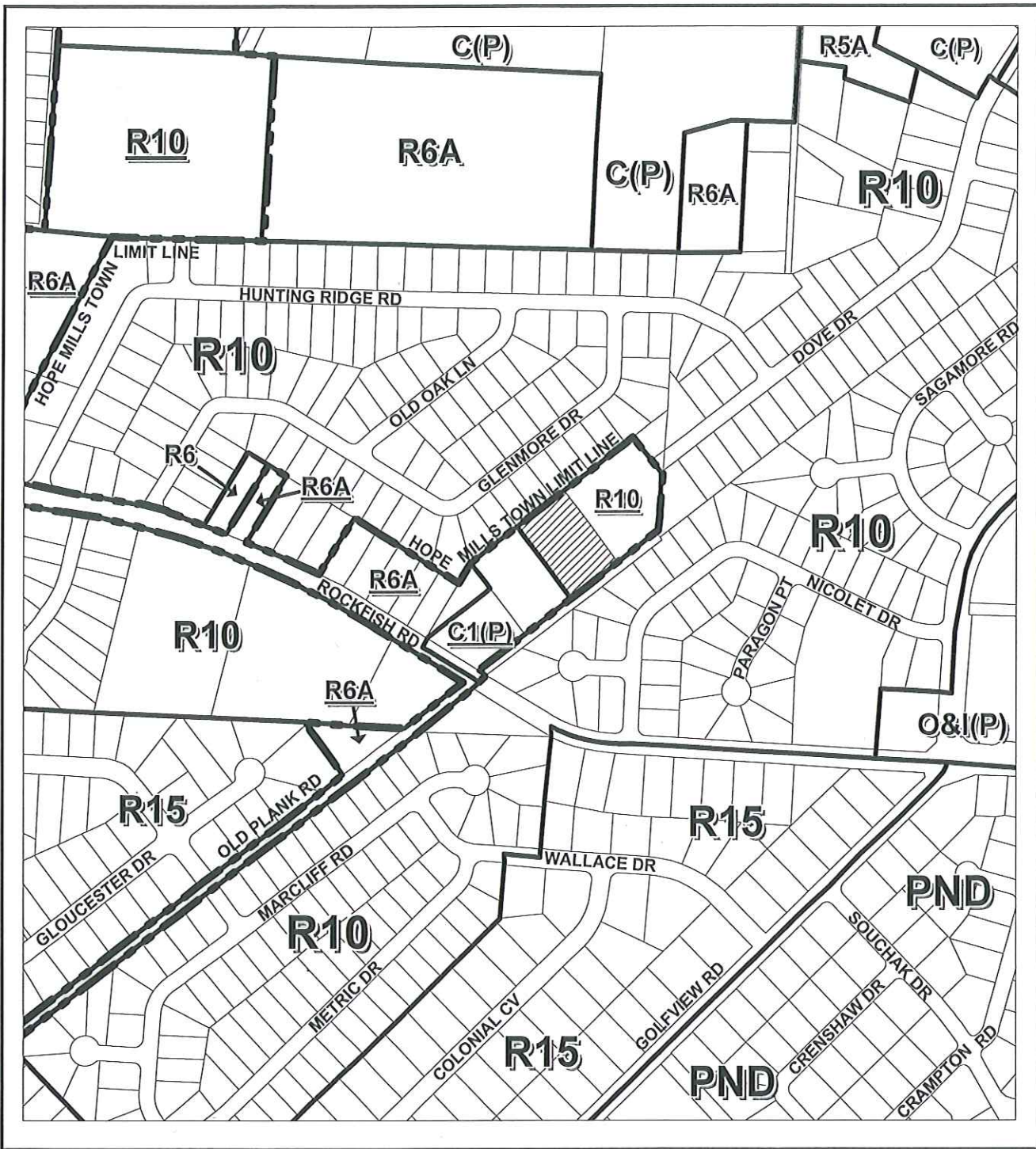
In Case P18-11, the Planning and Inspections Staff recommends denial of the rezoning from R10 Residential to C1(P) Local Business District and find it is not consistent with the adopted Southwest Cumberland Land Use Plan which calls for "low density residential" at this location; and further find that denial of the rezoning is reasonable and in the public interest because the subject property having frontage on a dirt street, lacks access to a collector street and would allow for the encroachment of commercial zoning into a residential area.

OTHER SUITABLE DISTRICTS: None

ATTACHMENTS: SKETCH MAP

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 R10 TO C1(P)

ACREAGE: 1.35 AC.+/-

HEARING NO: P18-11

ORDINANCE: COUNTY

HEARING DATE

ACTION

STAFF RECOMMENDATION

PLANNING BOARD

GOVERNING BOARD

REQUEST
C1(P) to C2(P)

ACREAGE: 0.37+/-

PROPERTY OWNER/APPLICANT
QUENTIN & KRISTY COLLINS (OWNERS)

PROPERTY ADDRESS/LOCATION
3738 Boone Trail

Jurisdiction: **County**

PROPERTY INFORMATION

Frontage & Location: 114'+/- on SR 1149 (Boone Trail); 125'+/- on SR 1206 (Piedmont Avenue)

Depth: 144'+/-

Adjacent Property: No

Current Use: Vacant commercial structure

Municipal Influence Area: Fayetteville

Initial Zoning: C1(P) – August 1, 1975 (Area 3)

Nonconformities: The existing structure does not meet required front yard setback for C1(P) or C2(P). The structure will be made more nonconforming if rezoned.

Zoning Violation(s): None issued

School Capacity/Enrolled: Comments requested, none received

Special Flood Hazard Area (SFHA): None

Water/Sewer Availability: PWC/PWC

Soil Limitations: No

Subdivision/Site Plan: If approved, site plan review required

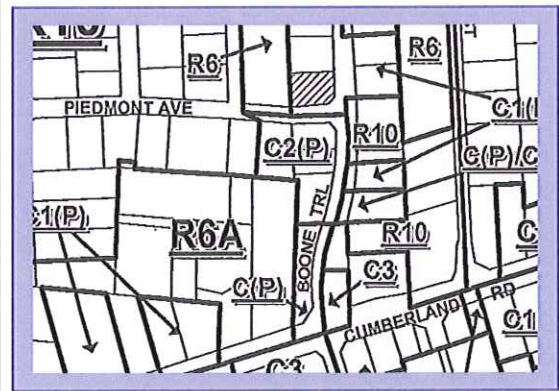
Average Daily Traffic County (2016): 9,800 on SR 1149 (Boone Trail)

Highway Plan: Boone Trail is identified as a Thoroughfare needing improvement in the 2040 Metropolitan Transportation Plan with no constructions/improvements planned; no impact on the Transportation Improvement Plan.

Notes:

- Minimum Yard Setbacks:

	C1(P)	C2(P)
Front yard:	45'	50'
Side yard:	15'	30'
Rear yard:	20'	30'



SURROUNDING LAND USE: Residential (including manufactured homes, manufactured home park & multi-family dwellings), general office, barbering & hairdressing, trade contracting, food sales, motor vehicle repair, retailing & servicing, public utility substation

COMPREHENSIVE PLANS: 2030
Growth Vision Plan: Urban; **Southwest Cumberland Land Use Plan:** Heavy Commercial

STAFF RECOMMENDATION

APPROVAL

APPROVAL WITH CONDITIONS

DENIAL

In Case P18-12, the Planning and Inspections Staff recommends approval of the rezoning from C1(P) Planned Local Business District to C2(P) Planned Service and Retail District and find:

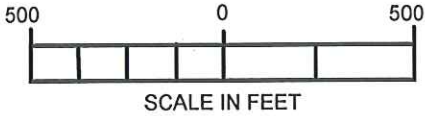
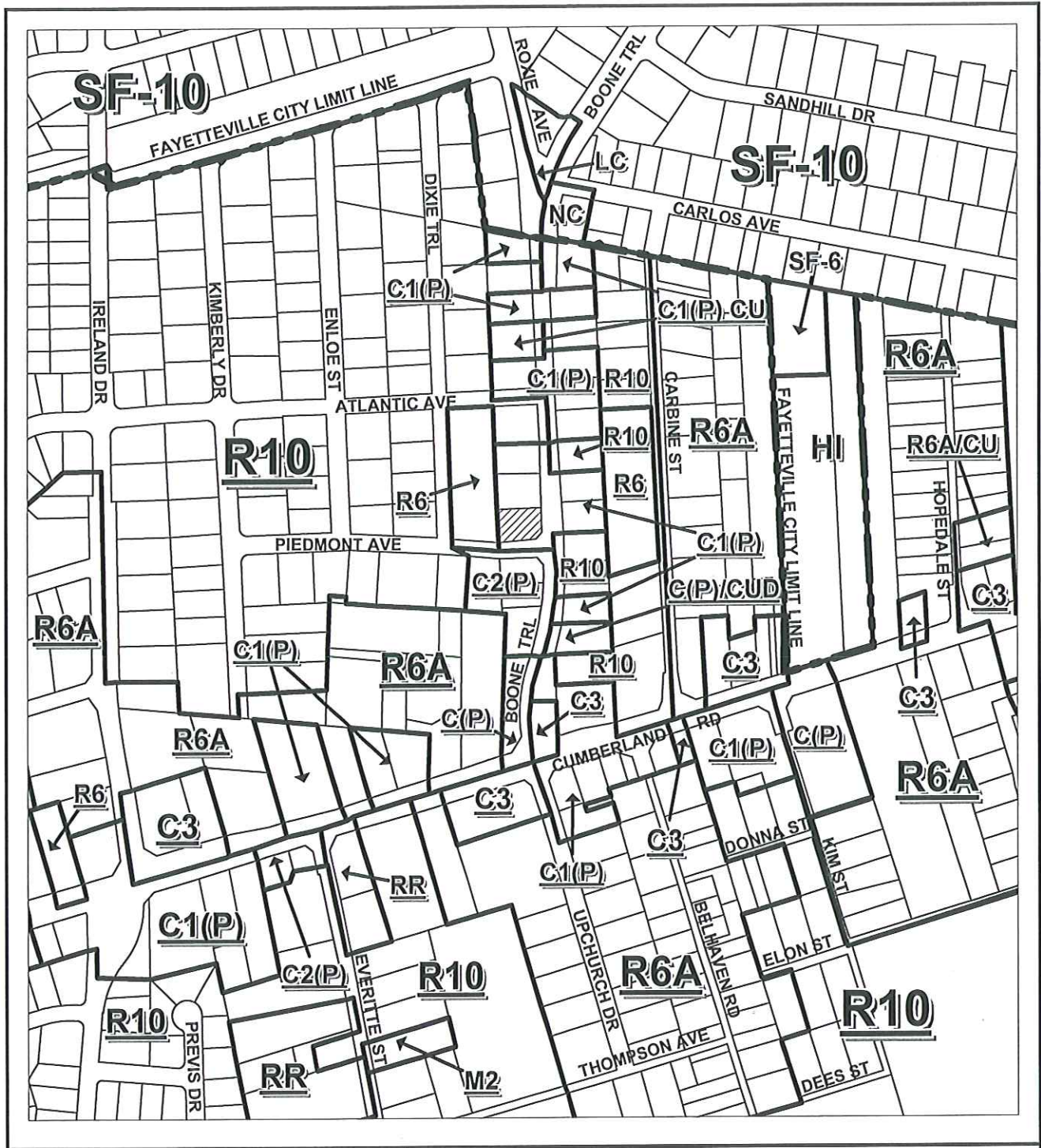
- The approval is an amendment to the adopted Southwest Cumberland Land Use Plan (2013) map; and that the Board of Commissioners should not require any additional request or application for amendment to said map for this request;
- The following change in conditions was considered in amending the zoning ordinance (zoning map) to meet the development needs of the community: although the district requested is considered "light commercial", some permitted uses in the C2(P) are permitted uses in C(P) which is considered heavy commercial;
- And, this rezoning approval is reasonable and in the public interest because the district requested is in harmony with the area along Boone Trail that has been transitioning from residential to commercial and could assist in ensuring a vacant commercial building is occupied.

OTHER SUITABLE DISTRICTS: None

ATTACHMENTS: SKETCH MAP

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.



SCALE IN FEET

REQUESTED REZONING C1(P) TO C2(P)

ACREAGE: 0.37 AC.+/-		HEARING NO: P18-12	
ORDINANCE: COUNTY		HEARING DATE	ACTION
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

PIN: 0416-90-3829

REQUEST
R5A to C(P)

ACREAGE: 10.00+/-

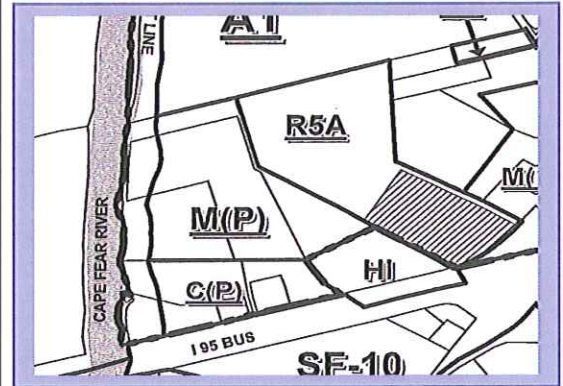
PROPERTY OWNER/APPLICANT
AOM II, LLC (OWNER) & SCOTT BROWN ON BEHALF
OF 4D SITE SOLUTIONS, INC (AGENT)

PROPERTY ADDRESS/LOCATION
North of Middle River Loop, East of Cape
Fear River

Jurisdiction: County

PROPERTY INFORMATION

Frontage & Location: 576'+/- on SR 1737 (Middle River Loop)
Depth: 921'+/-
Adjacent Property: Yes, remainder of parcel
Current Use: Vacant
Municipal Influence Area: Fayetteville
Initial Zoning: M(P) – December 14, 1979 (Area 10); Rezoned to R5A – August 16, 2004
Nonconformities: None
Zoning Violation(s): None issued
School Capacity/Enrolled: Comments requested, none received
Special Flood Hazard Area (SFHA): None
Water/Sewer Availability: PWC/PWC
Soil Limitations: Yes: Hydric- Ro (Roanoke and Wahee loams) & Hydric Inclusion- WmB (Wickham fine sandy loam)
Subdivision/Site Plan: If approved, site plan and possible subdivision review required
Average Daily Traffic County (2016): 2,700 on SR 1714 (River Road)
Highway Plan: Middle River Loop is identified as a local road in the 2040 Metropolitan Transportation Plan with no constructions/improvements planned; no impact on the Transportation Improvement Plan.



SURROUNDING LAND USE: Residential (including manufactured homes), farmland/woodland, public utility substation, retailing, warehouse, food production, religious worship facility, trade contracting (3)

COMPREHENSIVE PLANS:
2030 Growth Vision Plan: Urban;
Eastover Land Use Plan: Industrial
Draft Eastover Land Use Plan (to be adopted by September 2018): Heavy Commercial

Notes:

1. Density
R5A- 87 lots/145 units
2. Minimum Yard Setbacks:

	R5A	C(P)
Front yard:	25'	50'
Side yard:	10'	30'
Rear yard:	30'	30'

STAFF RECOMMENDATION

APPROVAL	APPROVAL WITH CONDITIONS	DENIAL
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In Case P18-14, the Planning and Inspections Staff recommends approval of the rezoning from R5A Residential to C(P) Planned Commercial and find:

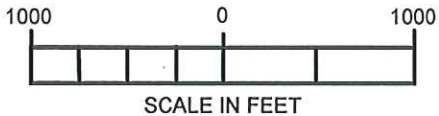
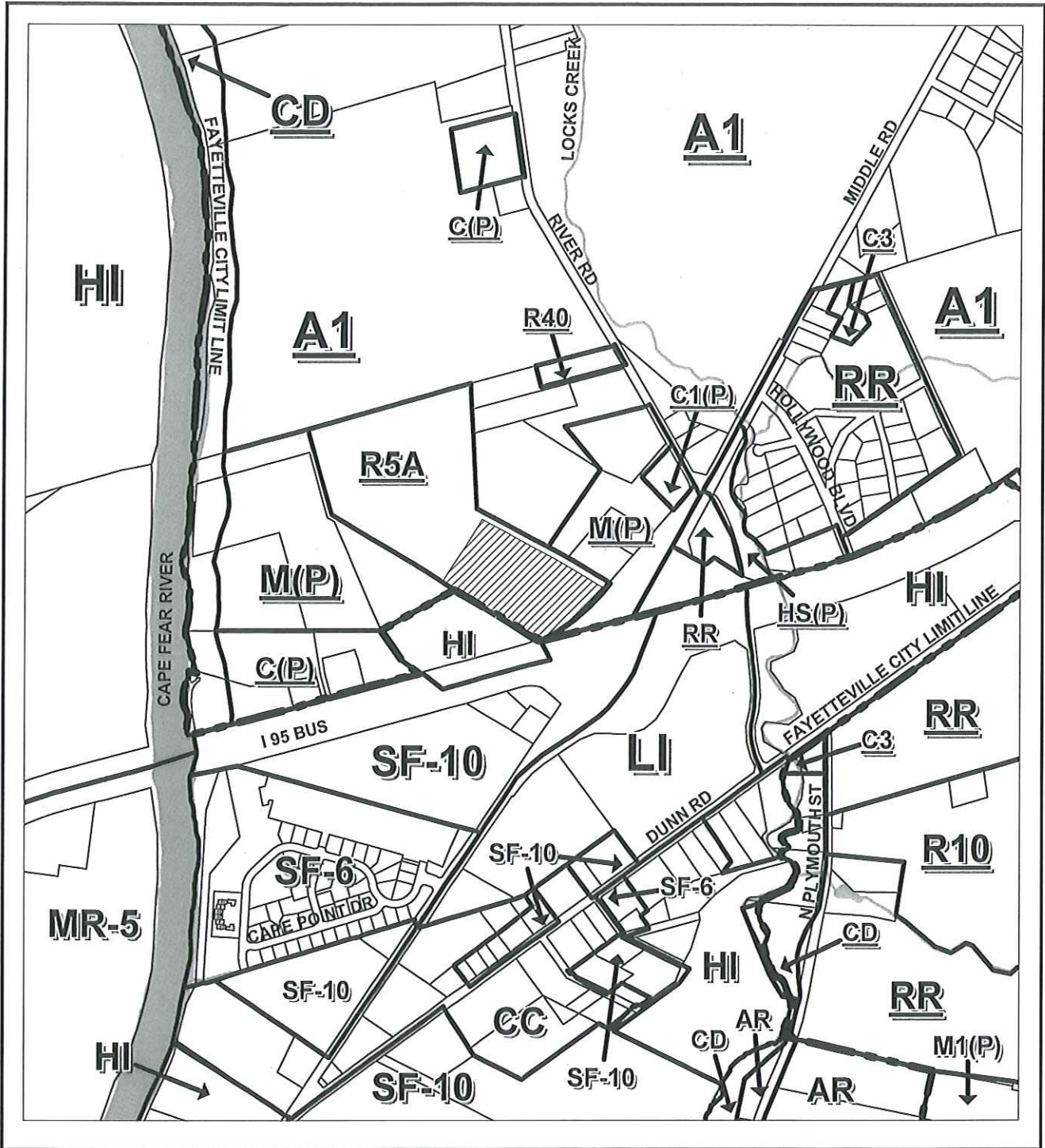
- a. The approval is an amendment to the adopted current Eastover Land Use Plan (2000) map; and that the Board of Commissioners should not require any additional request or application for amendment to said map for this request;
- b. The following change in conditions was considered in amending the zoning ordinance (zoning map) to meet the development needs of the community: the requested district is consistent with the draft Eastover Land Use Plan update which calls for "heavy commercial" development at this location;
- c. And, this rezoning approval is reasonable and in the public interest because the district requested will allow for land uses that would be in harmony with surrounding commercial and industrial development.

OTHER SUITABLE DISTRICTS: C2(P)

ATTACHMENTS: SKETCH MAP

First Class and Record Owners' Mailed Notice Certification

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REQUESTED REZONING R5A TO C(P)

ACREAGE: 10.00 AC.+/-		HEARING NO: P18-14	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

REQUEST
RR to A1

ACREAGE: 33.19+/-

PROPERTY OWNER/APPLICANT
GEDDIE AUTRY, STEVEN M. & PAULA H. AUTRY
(OWNER) & WOODINGTON SOLAR LLC (AGENT)

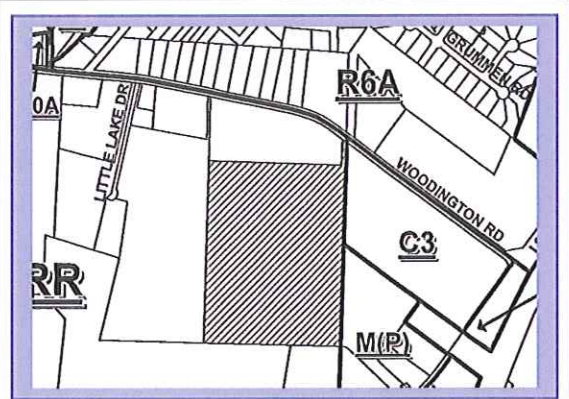
PROPERTY ADDRESS/LOCATION

South side of SR 1122 (Woodington Road),
West of SR 2285 (Shipman Road)

Jurisdiction: County

PROPERTY INFORMATION

Frontage & Location: 40'+/- on SR 1122 (Woodington Road)
Depth: 1530'+/-
Adjacent Property: Yes
Current Use: Agricultural
Municipal Influence Area: Hope Mills- 20 year
Initial Zoning: RR – February 3, 1977 (Area 7)
Nonconformities: None
Zoning Violation(s): None issued
School Capacity/Enrolled: Comments requested, none received
Special Flood Hazard Area (SFHA): None
Water/Sewer Availability: Well/Septic
Soil Limitations: No
Subdivision/Site Plan: Site plan review may be required
Average Daily Traffic County (2016): 1,500 on SR 1122 (Woodington Road)
Highway Plan: Woodington Road is identified as a Thoroughfare existing in the 2040 Metropolitan Transportation Plan with no constructions/improvements planned; no impact on the Transportation Improvement Plan.



SURROUNDING LAND USE: Residential (including manufactured homes), tower, motor vehicle repair, truck terminal, cemetery, farm/agricultural

COMPREHENSIVE PLANS: 2030
Growth Vision Plan: Urban Fringe;
Southwest Cumberland Land Use Plan: Suburban Residential

Notes:

1. Density (minus 15% for r/w)

RR: 72 lots/units	61 lots/units
A1: 16 lots/17 units	14 lots/units

2. Minimum Yard Setbacks:

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

STAFF RECOMMENDATION

APPROVAL

APPROVAL WITH CONDITIONS

DENIAL

In Case P18-15, the Planning and Inspections Staff recommends approval of the rezoning from RR Rural Residential to A1 Agricultural and find:

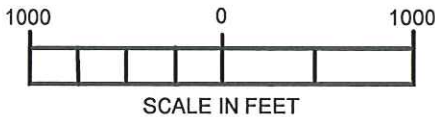
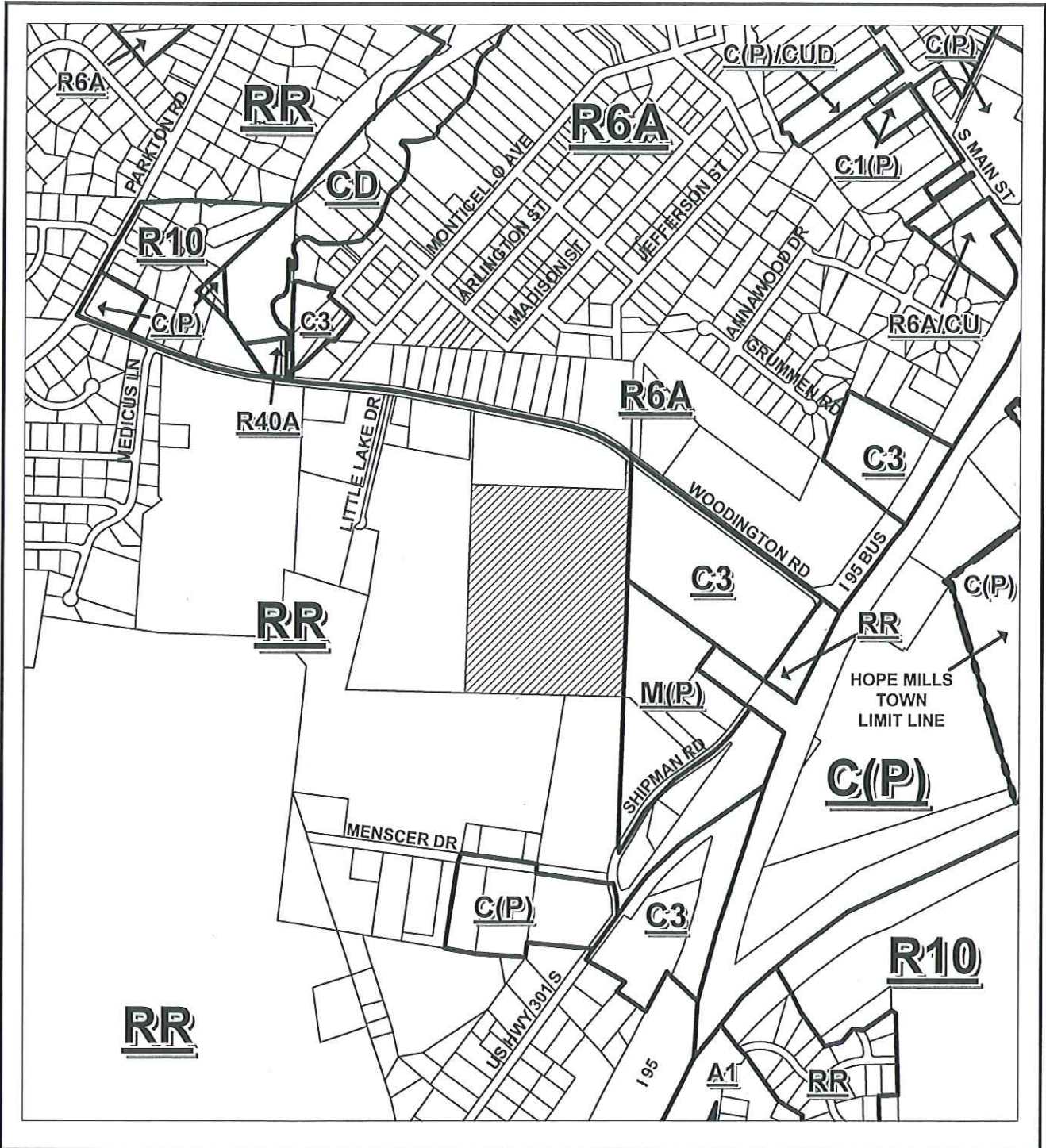
- a. The approval is an amendment to the adopted Southwest Land Use Plan (2013) map; and that the Board of Commissioners should not require any additional request or application for amendment to said map for this request;
- b. The following change in conditions was considered in amending the zoning ordinance (zoning map) to meet the development needs of the community: the subject property lacks public utilities to support suburban residential density;
- c. And, this rezoning approval is reasonable and in the public interest because the district requested will provide for larger lot sizes than the current zoning.

OTHER SUITABLE DISTRICTS: None

ATTACHMENTS: SKETCH MAP

First Class and Record Owners' Mailed Notice Certification

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PIN: 0413-72-3978

REQUESTED REZONING RR TO A1

ACREAGE: 33.19 AC.+/-	HEARING NO: P18-15	
ORDINANCE: COUNTY	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

CASE NUMBER: P18-03

PLANNING BOARD HEARING DATE:
04/17/2018

REQUEST
**R10 to C(P)/CZ for trade contracting with
equipment storage and other listed uses**

ACREAGE: **0.93+/-**

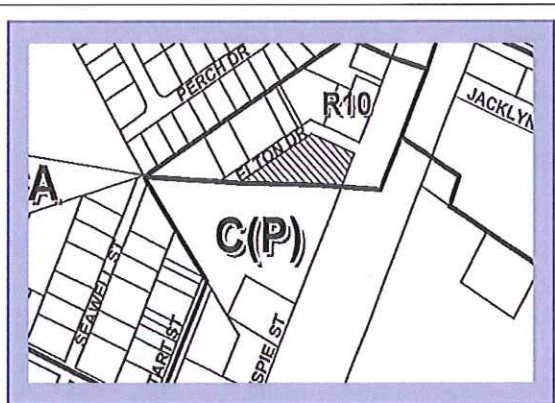
PROPERTY OWNER/APPLICANT
PHILIP C. & SHARON P. KROPP (OWNERS)

PROPERTY ADDRESS/LOCATION
3496 Gillespie Street

Jurisdiction: **County**

PROPERTY INFORMATION

Frontage & Location: 122'+/- on Gillespie Street (US Hwy 301 Service Road – SR 1242); 460'+/- on Elton Drive
Depth: 240'+/-
Adjacent Property: Yes (remainder of parent tract)
Municipal Influence Area: Fayetteville
Current Use: Vacant
Initial Zoning: R10 – November 17, 1975 (Area 4)
Nonconformities: None
Zoning Violation(s): Previous violation cleared
School Capacity/Enrolled: Baldwin Elementary 790/748; South View Middle 900/646; South View High 1800/1709
Special Flood Hazard Area (SFHA): None
Water/Sewer Availability: PWC/PWC
Soil Limitations: None
Subdivision/Site Plan: If approved, subdivision review may be required- see Ordinance Related Conditions for site plan
Average Daily Traffic County (2016): 2,300 on SR 1242 (Gillespie Street)
Highway Plan: Gillespie Street is identified as an Expressway Needing Improvement in the 2040 Metropolitan Transportation Plan. The current DOT project on US 301/Gillespie Street is a resurfacing/access management project that should not affect right-of-way in the area; no impact on the Transportation Improvement Plan.



SURROUNDING LAND USE: Residential (including manufactured homes, manufactured home parks (2) and multi-family dwellings), retailing & servicing, trade contractor, motor vehicle repair, open storage(2), motor vehicle parts sales, manufactured home parts sales, commerce business park

COMPREHENSIVE PLANS: 2030
Growth Vision Plan: Urban; **Southwest Cumberland Land Use Plan:** Heavy Commercial

Notes:

1. Density
R10 (R7.5)- 5 lots/units

	<u>R10(now R7.5)</u>	<u>C(P)</u>
Front yard:	30'	50'
Side yard:	10'	30'
Rear yard:	35'	30'

STAFF RECOMMENDATION

APPROVAL

APPROVAL WITH CONDITIONS

DENIAL

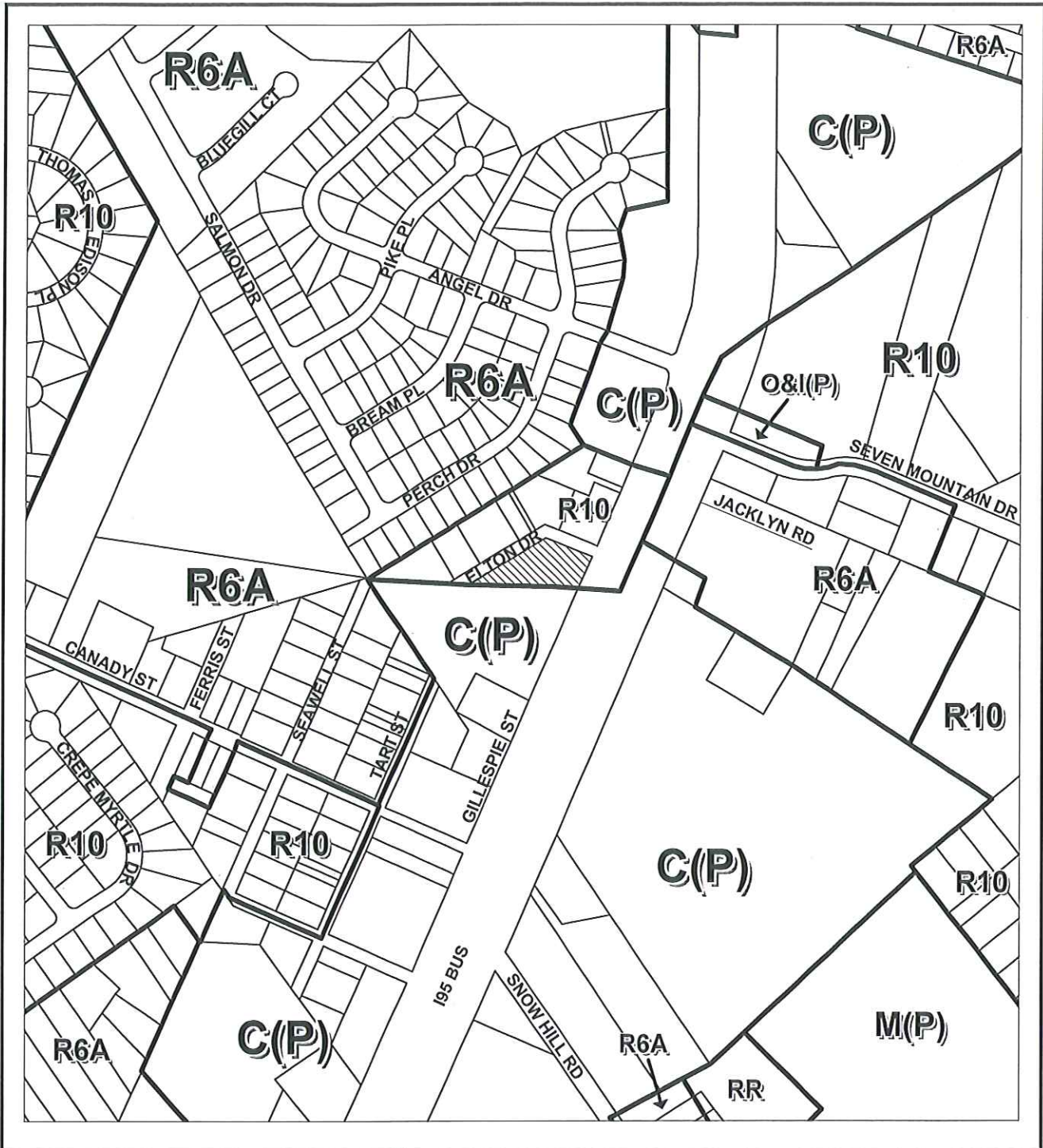
In Case P18-03, the Planning and Inspections Staff recommends approval of the rezoning from R10 Residential to C(P) Planned Commercial/CZ Conditional Zoning for trade contracting with equipment storage and other listed uses and find this recommendation to be consistent with the Southwest Cumberland Land Use Plan which calls for "heavy commercial" at this location; and further find approval of the request is reasonable and in the public interest because the district requested is in harmony with surrounding zoning on parcels fronting Gillespie Street and will allow for similar uses already permitted on the remaining parent tract.

OTHER SUITABLE DISTRICTS: None

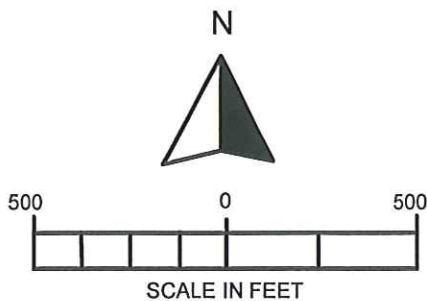
ATTACHMENTS: SKETCH MAP SITE PLAN APPLICATION w/ LIST OF REQUESTED USES ORDINANCE RELATED CONDITIONS

First Class and Record Owners' Mailed Notice Certification

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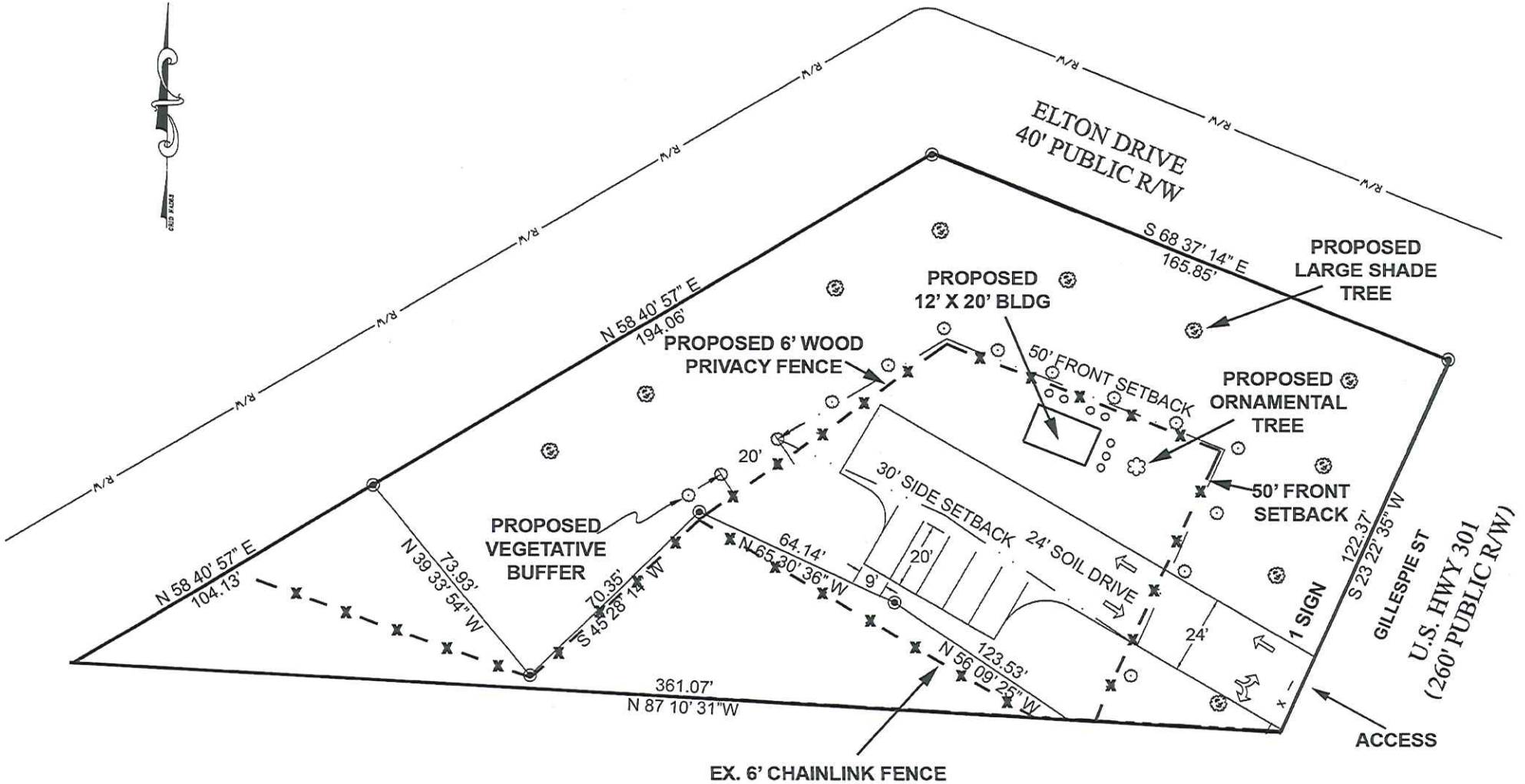
REQUESTED REZONING R10 TO C(P)/CZ



PORT OF PIN: 0424-79-9342

ACREAGE: 0.93 AC. +/-	HEARING NO: P18-03	
ORDINANCE: COUNTY	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

03/13/18
01/09/18
MB



C(P) PLANNED COMMERCIAL/CZ CONDITIONAL ZONING
REQUEST: TRADE CONTRACTING WITH EQUIPMENT STORAGE & OTHER LISTED USES
CASE: P18-03 ACREAGE: 0.93 AC +/-
ZONED: R10 SCALE: NTS
PARKING: 5 SPACES

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

03/20/18
04/10/18

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

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

1. Applicant/Agent Philip & Sharon Kropp / Terry C. Faircloth, PLS
2. Address: 400 Kingford Ct, Fayetteville, NC Zip Code 28314
3. Telephone: (Home) 910-578-1754 (Work) 910-425-7900
4. Location of Property: Southwestern Quadrant of intersection of US 301 & Elton Rd.
5. Parcel Identification Number (PIN #) of subject property: 0424-79-9342
(also known as Tax ID Number or Property Tax ID)
6. Acreage: 0.93 Frontage: 156' Depth: 262'
7. Water Provider: PWC Septage Provider: PWC
8. Deed Book 2868, Page(s) 555, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
9. Existing use of property: Residential (Vacant Lot)
10. Proposed use(s) of the property: Trade Contracting w/ Equipment Storage & Retri'l Sites
see attached list

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 X No _____
12. Has a violation been issued on this property? Yes _____ No X
13. It is requested that the foregoing property be rezoned FROM: Residential

TO: (Select one)

- X Conditional Zoning District, with an underlying zoning district of CP
(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)

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*

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. *0.93 Acres Commercial
40,355.35 sq. ft.*

2. DIMENSIONAL REQUIREMENTS:

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

*C(P) Front = 50' ~~REQ~~
Side = 30'
Rear = 30'*

B. Off-street parking and loading, Sec. 1202 & 1203: List the number of spaces, type of surfacing material and any other pertinent information.

5 spaces Soil Parking

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.

N/A

4. LANDSCAPE AND BUFFER REQUIREMENTS:

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

10 Large Shade trees

1 Ornamental tree

7 shrubs

- B. Indicate the type of buffering and approximate location, width and setback from the property lines. (Sec. 1102G). **NOTE: All required buffers must be included on the site plan.**

6' Privacy Fence +/- 53'

6' Vegetative Buffer +/- 48'

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 M-S 8:AM - 5:PM

6. SITE PLAN REQUIREMENTS:

The application must include a site plan drawn to the specifications of Sec. 1402. If the proposed uses involve development subject to the County Subdivision Ordinance, the site plan required may be general in nature, showing a generalized street pattern, if applicable, and the location of proposed uses. If the proposed uses include development not subject to the Subdivision Ordinance, the site plan must be of sufficient detail to allow the Planning and Inspections Staff, Planning Board and County 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 Planning and Inspections 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 Planning and Inspections Staff has conferred with the petitioner or assigns, and the application as submitted is accurate and correct.

PHILIP KROPP SHARON KROPP
NAME OF OWNER(S) (PRINT OR TYPE)

400 KINGFORD CT, FAYETTEVILLE NC 28314
ADDRESS OF OWNER(S)

PSP LASH 1 @ AOL. COM
E-MAIL

910 578 1754 HOME TELEPHONE 910 425 7900 WORK TELEPHONE

Philip Krupp SIGNATURE OF OWNER(S) *Sharon Krupp* 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

Proposed Uses

1. Accessory uses, incidental to any permitted use (Sec. 1002)
2. Apparel and accessory sales
3. Farm supplies merchandising & machinery sales/servicing (Sec. 916)
4. Home furnishing and appliance sales
5. Mini-warehousing (self-storage facility) (including outside commercial storage of motor vehicles)
6. Monument sales
7. Motor vehicle parking lot, commercial
8. Motor vehicle sales, new and used, including motor vehicle auctions
9. Office use- of a doctor, dentist, osteopath, chiropractor, optometrist, physiotherapist, or other medically oriented profession, clinics (Sec. 916)
10. Religious worship facility
11. Repair, rental and/or servicing, of any product the retail sale of which is a use by right in the same district
12. Retailing or servicing with operations conducted and merchandise stored entirely within a building and not otherwise listed herein
13. Second-hand, pawn and flea market (Sec. 923)
14. Tower
15. Trades contractor activities, with or without outside storage of equipment or supplies
16. Upholstering or furniture refinishing
17. Wholesale sales, with operations conducted and merchandise stored entirely within a building and not otherwise listed herein

C(P) PLANNED COMMERCIAL/CZ CONDITIONAL ZONING DISTRICT

DRAFT

Ordinance Related Conditions Trade Contracting w/ Equipment Storage and Other Listed Uses

1. The solid fencing as shown on the site plan for the screening buffer must be installed prior to commencement of any development and/or prior to the storage of equipment, material and supplies on the subject property. (*See related Condition No. 20 below.*)

Pre- Permit Related:

2. Three copies of a revised plan are required for staff review and approval prior to permit application. The revision must address the following:
 - a. Landscaping must be provided in accordance with Section 1102 N, Landscaping, County Zoning Ordinance and/as shown on the site plan. Three copies of a 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) Twelve large shade trees or twenty-three small ornamental trees within the front yard setback area along Elton Drive or SR 1242 (Gillespie Street);
 - (2) One ornamental tree and three shrubs are required in the building yard area;
 - (3) Parking landscaping is not required at this time. Should a future use require more than twenty parking spaces, landscaping should be provided as follows: One large shade tree or two ornamental shade trees for every 20 spaces.

In addition:

- (1) Required plant materials shall be maintained by the property owner, including replacing dead or unhealthy trees and shrubs; and
 - (2) All yard and planting areas shall be maintained in a neat, orderly, and presentable manner and kept free of weeds and debris.
- b. Staff site plan review and approval is required prior to any deviation to the site layout and/or change in use to one of the approved allowable uses for the subject property.

Permit-Related:

3. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the County Zoning Ordinance and permits required to place any structure within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. For additional information, the developer should contact a Code Enforcement Officer.
4. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
5. For any new development where the developer disturbs or intends to disturb more than one acre of land, the developer must provide the Code Enforcement Section with an approved NC Department of Environmental Quality (NCDEQ) sedimentation and erosion control plan (S&E). (Note: If any retention/detention basins are required for state approval of this plan, three copies of a revised plan must be submitted and approved by Planning & Inspections.)
6. New development where the developer will disturb or intends to disturb more than one acre of land is subject to the Post-Construction Stormwater Management Permitting Program (Phase II Stormwater Management Requirements) administered by the Division of Water Quality, North Carolina Department of Environmental Quality. If one acre or more of land is to be disturbed, prior to the issuance of any building/zoning permits for this site, a copy of the State's *Post-Construction Permit* must be provided to County Code Enforcement.

7. Prior to application for the Certificate of Occupancy, the developer must provide to Code Enforcement approval from the entity that owns and/or regulates the type sewer serving the proposed development.
8. Prior to application for the Certificate of Occupancy, connection to public water is required, the Public Works Commission (PWC) must approve water plans. A copy of the PWC approval must be provided to Code Enforcement. (Section 2306 A.1, Public Water and Sewer Systems, County Subdivision and Development Ordinance)
9. The building final inspection cannot be accomplished until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans.
10. **Driveway permit required.** Construction of any new connection or alteration of any existing connection may require an approved Driveway Permit. For additional information contact the Division 6/District 2 office.

Change of use of subject properties shall require an approved Driveway permit. 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 Division 6/ District 2 office.

In the event that a structure (house) is built by a contractor for commercial gain and/or if property changes ownership from existing owner to builder, an approved Driveway Permit must be secured.

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.

Site-Related:

11. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Development Ordinance and Zoning Ordinances for the C(P) Planned Commercial/Conditional Zoning district for the trade contracting with equipment storage and other uses specifically listed uses, to include the contents of the application and the site plan must be complied with, as applicable.
12. Storage of junk is not a permitted use on the subject property.
13. All corner lots and lots fronting more than one street must provide front yard setbacks from each street.
14. This conditional approval is not approval of the permit for the freestanding signs. Attached signage for this development must be in accordance with the applicable sign regulations as set forth in Article XIII of the County Zoning Ordinance and that the proper permit(s) must be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is not approval of the size, shape, or location of any signs.)
15. "U.S. Hwy 301" must be labeled as "US HWY 301 (Gillespie Street) [SR 1242 (Service Road)]" on all future plans.
16. For any new development, an adequate drainage system must be installed by the developer in accordance with the NC Department of Environmental Quality (NCDEQ) *Manual on Best Management Practices* and all drainage ways must be kept clean and free of debris. (Section 2306 D, County Subdivision and Development Ordinance)
17. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision and Development Ordinance)
18. In the event a stormwater utility structure is required by the NC Department of Environmental Quality (NCDEQ), the owner/developer must secure the structure with a four foot high fence with a lockable gate, and is required to maintain the detention/retention basin, keeping it clear of debris and taking measures for the prevention of insect and rodent infestation.

19. All lighting is required to be directed internally within this development and comply with the provisions of Section 1102 M, Outdoor Lighting, County Zoning Ordinance.
20. A solid screening buffer must be provided and maintained as shown on the site plan. All outdoor storage of equipment/supplies must be located inside the screening buffer and not be visible from the public streets in accordance with the provisions of Section 1102 G, Buffer Requirements, County Zoning Ordinance. (Note: Chain link fencing cannot be used to satisfy the buffer requirement.)
21. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.
22. All required off-street parking spaces are required to be a minimum of 9' x 20'; a minimum of one space for each vehicle used directly in the conduct of the use, plus two additional spaces for each three employees on the largest shift is required for the trade contracting with equipment storage use.
23. The owner/developer is responsible and liable for maintenance and upkeep of this site, all structures, and appurtenances, to include ensuring that the site is kept free of litter and debris, all grass areas mowed, all buffers and shrubbery kept trim and maintained, so that the site remains in a constant state of being aesthetically and environmentally pleasing.

Other Relevant Conditions:

24. The applicant is advised to consult an expert on wetlands before proceeding with any development.
25. The developer should be aware that the subject property is located within the City of Fayetteville's *Municipal Influence Area* (MIA). Typically, concrete sidewalks are required to be constructed; however, developments with less than four lots/units and derived from the same parent tract as of the date of the subdivision ordinance are not subject to the MIA standards until the fourth lot/unit is created. Any future divisions or group developments of these tracts, which creates either the fourth lot or unit may require construction of a sidewalk along all proposed and existing lots.
26. An internal street system most likely will be required to serve any future divisions of the subject property and/or the remaining tract.
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 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.
29. 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.
30. Because the subject property is located within the Airport Overlay District, the developer is strongly encouraged to discuss their development plans with Land Use Codes Section and/or the Fayetteville Regional Airport Director early in the planning stage to ensure that the proposed height of any proposed structure can be found to be no obstruction or hazard to air navigation.
31. The subject property lies on Gillespie Street. Gillespie Street is identified as an Expressway Needing Improvement in the 2040 Metropolitan Transportation Plan with no constructions/improvements planned. The subject property will have no impact on the Transportation Improvement Plan. For questions related to this comment, please contact Transportation Planning.

Thank you for choosing Cumberland County for your business location!

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

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

Subdivision/Site Plan/Plat	Ed Byrne	678-7609	ebyrne@co.cumberland.nc.us
Code Enforcement (Permits):	Scott Walters	321-6654	swalters@co.cumberland.nc.us
County Building Inspections:	Michael Naylor	321-6657	mnaylo@co.cumberland.nc.us
Fire Marshal – Emergency Services	Gene Booth	678-7641	wbooth@co.cumberland.nc.us
	Kevin Lowther	321-6625	klowther@co.cumberland.nc.us
County Engineer’s Office:	Wayne Dudley	678-7636	wdudley@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
Fayetteville Airport Director	Brad Whited	433-1160	bwhited@ci.fay.nc.us
Fayetteville Planning:	Marsha Bryant	433-1416	mbryant@ci.fay.nc.us
County Public Utilities:	Amy Hall	678-7637	ahall@co.cumberland.nc.us
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:	Will Phipps	678-7616	wphipps@co.cumberland.nc.us
Street Naming/Signs:	Diane Shelton	678-7665	nameit2@co.cumberland.nc.us
Tax Parcel Numbers:		678-7549	
NCDOT (driveways/curb-cuts):	Troy Baker	364-0601	tlbaker@ncdot.gov
NCDOT (subdivision roads):	Earl C. Locklear	364-0601	clocklear@ncdot.gov
Transportation Planning:	Greg Shermeto	678 7615	gshermeto@co.cumberland.nc.us
N.C. Division of Water Quality:	Mike Randall	(919) 807-6374	mike.randall@ncdenr.gov

CASE NUMBER: P18-13

PLANNING BOARD HEARING DATE:

04/17/2018

REQUEST
R6 & C3 to C(P)/CZ for motor vehicle sales

ACREAGE: 0.46+/-

PROPERTY OWNER/APPLICANT
CHAD BROWN ON BEHALF OF C&E HOMEVESTORS,
LLC (OWNER)

PROPERTY ADDRESS/LOCATION

2418 Owen Drive

Jurisdiction:

County

PROPERTY INFORMATION

Frontage & Location: 115'+/- on SR 1007 (Owen Drive); 140'+/- on SR 2994 (Cope Street)

Depth: 186'+/-

Adjacent Property: Yes

Current Use: Vacant residential structure

Municipal Influence Area: Fayetteville

Initial Zoning: R6 – November 17, 1975 (Area 4); Portion rezoned to C3 – June 1, 1976

Nonconformities: Residential structure will be made nonconforming, site plan indicates it will be removed

Zoning Violation(s): None issued

School Capacity/Enrolled: Comments requested, none received

Special Flood Hazard Area (SFHA): None

Water/Sewer Availability: PWC/PWC

Soil Limitations: No

Subdivision/Site Plan: Recombination required

Average Daily Traffic County (2014): 32,000 on SR 1007 (Owen Drive)

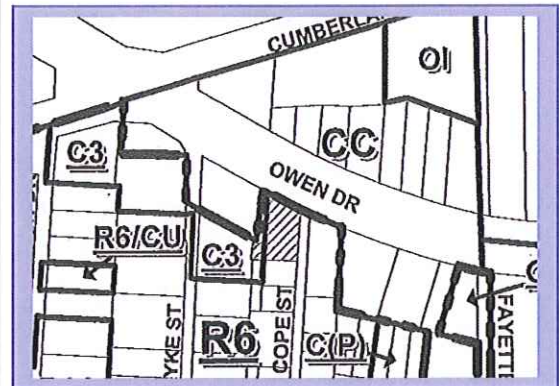
Highway Plan: Owen Drive is identified as a Boulevard needing improvement in the 2040 Metropolitan Transportation Plan with no constructions/improvements planned; no impact on the Transportation Improvement Plan.

Notes:

1. Density:
R6- 2 lots/3 units

2. Minimum Yard Setbacks:

	R6	C(P)
Front yard:	25'	50'
Side yard:	10'	30'
Rear yard:	30'	30'



SURROUNDING LAND USE: Residential (including manufactured homes), public utility substation, religious worship facility (2), motor vehicle sales, motor vehicle parts & accessories sales (2), upholstery, event venue, retailing & servicing, club or lodge, trade contracting

COMPREHENSIVE PLANS: 2030

Growth Vision Plan: Urban; **Southwest**

Cumberland Land Use Plan: Mixed Use Development

STAFF RECOMMENDATION

APPROVAL

APPROVAL WITH CONDITIONS

DENIAL

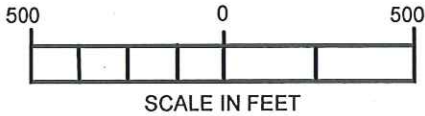
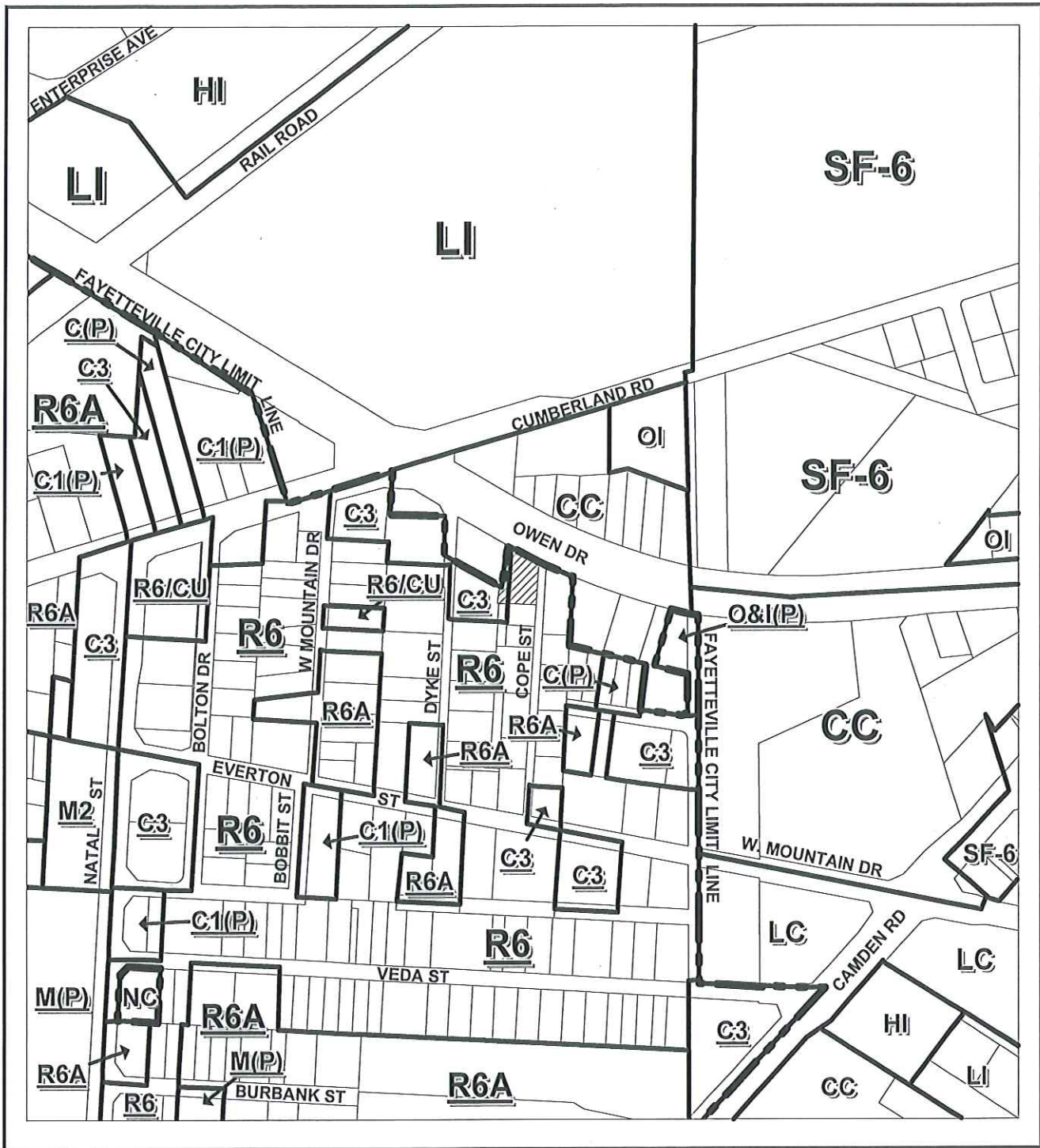
In Case P18-13, the Planning and Inspections Staff recommends approval of the rezoning from R6 Residential and C3 Heavy Commercial to C(P) Planned Commercial/CZ Conditional Zoning for motor vehicle sales and find it is consistent with the adopted Southwest Cumberland Land Use Plan which calls for "mixed use development" at this location, mixed use allows for retail and commercial uses; and further find that approval of the request is reasonable and in the public interest because the district requested is in harmony with the existing light and heavy commercial zoning and land uses along Owen Drive. In addition, the property owner has agreed to access the vehicle display area from the existing driveway for the sales lot and forego the proposed driveway to Cope Street

OTHER SUITABLE DISTRICTS: None

ATTACHMENTS: SKETCH MAP SITE PLAN APPLICATION ORDINANCE RELATED CONDITIONS

First Class and Record Owners' Mailed Notice Certification

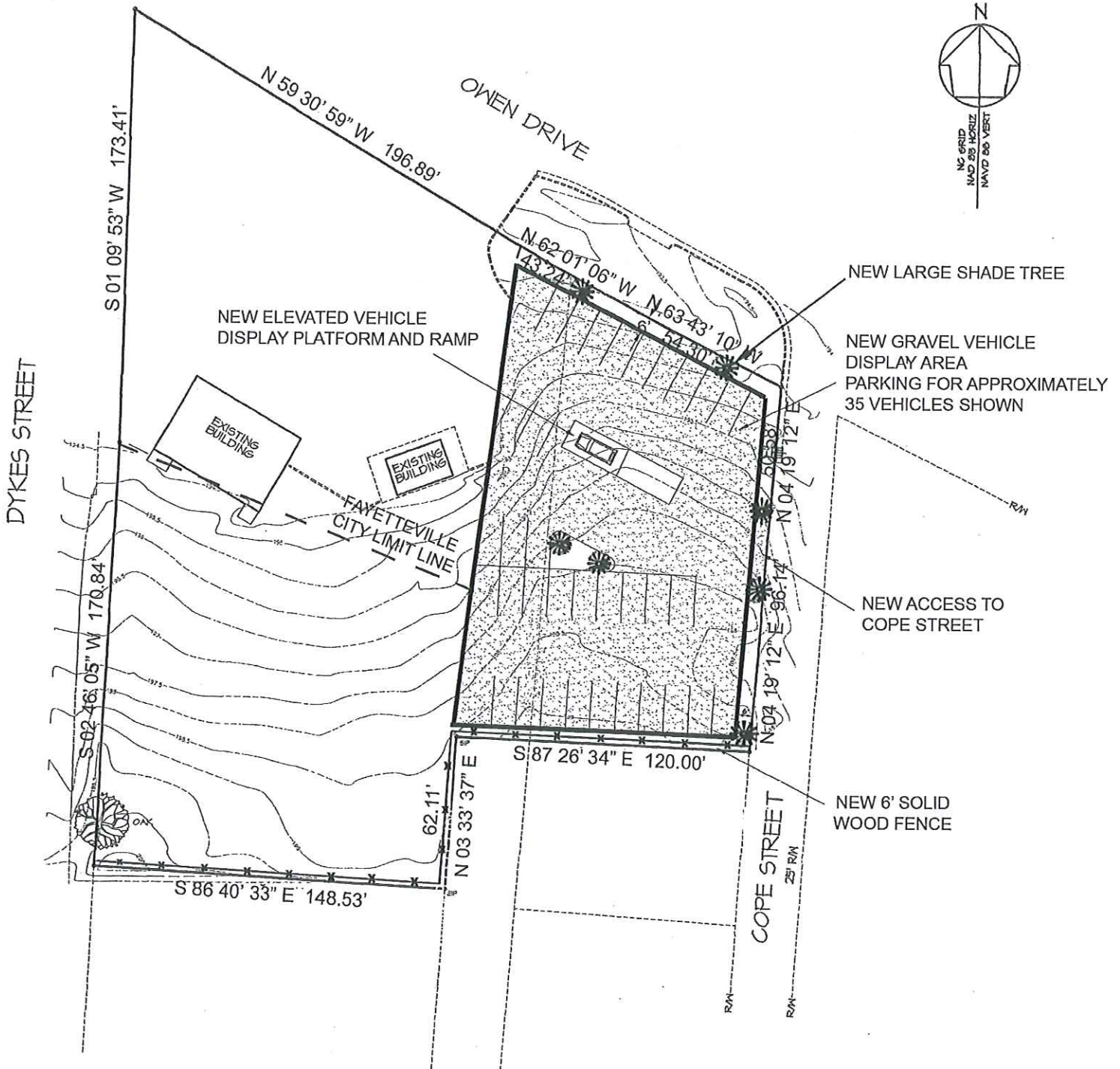
A certified copy of the listing with the tax record owner(s) of the subject and adjacent properties, along with their tax record mailing addresses, is contained within the case file and incorporated by reference as if delivered herewith.



REQUESTED REZONING R6 TO C(P)/CZ

ACREAGE: 0.46 AC.+/-	HEARING NO: P18-13	
ORDINANCE: COUNTY	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

PIN: 0426-51-6497
PORT. OF PIN: 0426-61-1160



**C(P) PLANNED COMMERCIAL/CZ CONDITIONAL ZONING
 REQUEST: FOR MOTOR VEHICLE SALES
 CASE: P18-13 ACREAGE: 0.46 AC +/-
 ZONED: R6 SCALE: NTS
 PARKING: 35 SPACES**

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

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

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

1. Applicant/Agent CHAD BROWN C&E HOMEVESTORS, LLC
2. Address: 3402 GILLESPIE ST. Zip Code 28306
3. Telephone: (Home) _____ (Work) 910-670-2724
4. Location of Property: 2418 OWEN DRIVE
5. Parcel Identification Number (PIN #) of subject property: 0426-51-6497
(also known as Tax ID Number or Property Tax ID)
6. Acreage: 0.34 Frontage: 97.52' Depth: 167'
7. Water Provider: PWC Septage Provider: PWC
8. Deed Book 10197, Page(s) 523, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
9. Existing use of property: VACANT
10. Proposed use(s) of the property: VEHICLE DISPLAY AND STORAGE FOR VEHICLE SALES

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 ADJACENT No ACROSS STREET
12. Has a violation been issued on this property? Yes _____ No
13. It is requested that the foregoing property be rezoned FROM: R6

TO: (Select one)

- Conditional Zoning District, with an underlying zoning district of C(P)
(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)

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.)

VEHICLE DISPLAY AND STORAGE FOR
VEHICLE SALES.

- 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.

15,010 SF (0.34 AC) WILL BE COMMERCIAL
FOR THE ONE LOT PROPOSED.

2. DIMENSIONAL REQUIREMENTS:

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

FRONT 50'
SIDE 30'
REAR 30'

- B. Off-street parking and loading, Sec. 1202 & 1203: List the number of spaces, type of surfacing material and any other pertinent information.

35 PARKING SPACES

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.

N/A

4. LANDSCAPE AND BUFFER REQUIREMENTS:

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

2 LARGE ORNAMENTAL TREES

- B. Indicate the type of buffering and approximate location, width and setback from the property lines. (Sec. 1102G). NOTE: All required buffers must be included on the site plan.

6' SOLID WOOD FENCE ADJACENT TO ALL RESIDENTIAL PROPERTIES

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 M-F 9:00 - 7:00
am pm

SAT 9:00am - 4:00pm

4-6 EMPLOYEES

MINIMAL NOISE, VEHICLES ON DISPLAY. ALL VEHICLES ARE NC INSPECTED AND PASS EMISSIONS REQUIREMENTS

6. SITE PLAN REQUIREMENTS:

The application must include a site plan drawn to the specifications of Sec. 1402. If the proposed uses involve development subject to the County Subdivision Ordinance, the site plan required may be general in nature, showing a generalized street pattern, if applicable, and the location of proposed uses. If the proposed uses include development not subject to the Subdivision Ordinance, the site plan must be of sufficient detail to allow the Planning and Inspections Staff, Planning Board and County 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.

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It is the responsibility of the petitioner (personally or by agent) to submit to the Planning and Inspections 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 Planning and Inspections Staff has conferred with the petitioner or assigns, and the application as submitted is accurate and correct.

CHAD BROWN FOR C+E HOMEVESTORS, LLC
NAME OF OWNER(S) (PRINT OR TYPE)

3402 GILLESPIE STREET FAYETTEVILLE, NC 28306
ADDRESS OF OWNER(S)

acelots@yahoo.com
E-MAIL

910-670-2724
HOME TELEPHONE 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

C(P) PLANNED COMMERCIAL/CZ CONDITIONAL ZONING DISTRICT

DRAFT

Ordinance Related Conditions

Motor Vehicle Sales Display Only, New and Used

Pre- Permit Related:

1. A recombination plat (also known as a “No Approval Required” or “NAR”) must be submitted to Land Use Codes and then the Town Manager for review and approval for recording with the County Register of Deeds, and the plat must be recorded prior to any permit application for any structure and/or prior to the sale of any lot or unit within this development.
2. All structures existing on the subject property at this time must be removed from site and properly disposed of prior to commencement of the motor vehicle sales display.

Permit-Related:

3. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the County Zoning Ordinance and permits required to place any structure within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. For additional information, the developer should contact a Code Enforcement Officer.
4. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
5. Landscaping must be provided in accordance with Section 1102 N, Landscaping, County Zoning Ordinance and/as shown on the site plan. The following are the minimum standards for the required landscaping of this site:
 - a. Five large shade trees or eleven small ornamental trees within the front yard setback area along SR1007(Owen Drive) or SR2994 (Cope Street);
 - b. Two large shade trees or four small ornamental trees 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.
6. The final inspection cannot be accomplished until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans.
 7. The developer must obtain a driveway permit from the NC Department of Transportation (NCDOT). A copy of the approved driveway permit must be provided to Code Enforcement at the time of application for building/zoning permits. 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 Division 6 / District 2 office at the number 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.

Site-Related:

8. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Development Ordinance and Zoning Ordinances for the C(P) Planned Commercial/CZ Conditional Zoning district for a motor vehicles sales display area must be complied with, as applicable.

Note: This conditional approval is not approval of motor vehicle storage. Motor vehicle storage is not an allowed use within the C(P) Planned Commercial zoning district.

Note: This conditional approval is not approval of the commercial driveway to SR 2994 (Cope Street). The subject property is to be served from the existing motor vehicle sales on the adjacent lot.

9. Storage of junked vehicles on this site is not permitted.
10. All corner lots and lots fronting more than one street must provide front yard setbacks from each street.
11. This conditional approval is not approval of any freestanding signs. **If a freestanding sign is desired, re-submittal of the site plan (plus \$25 revision fee) is required prior to application for any freestanding sign permits.** Attached signage for this development must be in accordance with the applicable sign regulations as set forth in Article XIII of the County Zoning Ordinance and that the proper permit(s) must be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is not approval of the size, shape, or location of any signs.)
12. "Cope Street" must be labeled as "SR 2994 (Cope Street)" on all future plans.
13. "Owen Drive" must be labeled as "SR 1007 (Owen Drive)" on all future plans.
14. For any new development, an adequate drainage system must be installed by the developer in accordance with the NC Department of Environmental Quality (NCDEQ) *Manual on Best Management Practices* and all drainage ways must be kept clean and free of debris. (Section 2306 D, County Subdivision and Development Ordinance)
15. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision and Development Ordinance)
16. Turn lanes may be required by the NC Department of Transportation (NCDOT).

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.

17. All lighting is required to be directed internally within this development and comply with the provisions of Section 1102 M, Outdoor Lighting, County Zoning Ordinance.
18. A solid buffer must be provided and maintained along the southern property line where this tract/site abuts R6 Residential zoning in accordance with the provisions of Section 1102 G, Buffer Requirements, County Zoning Ordinance, and as shown on the site plan. (Note: Chain link fencing cannot be used to satisfy the buffer requirement.)

Plat-Related:

19. "Cope Street" must be labeled as "SR 2994 Cope Street" on the recombination plat.
20. "Owen Drive" must be labeled as "SR 1007 Owen Drive" on the recombination plat.
21. Any/All easements must be reflected on the recombination plat and labeled as to type of easement, reference number for document creating the easement, and the name of the agency, individual, etc. who holds the easement.

22. The notarized signature(s) of all current tax record owner(s) and notary certifications appear on the recombination plat when submitted for approval for recording. (Section 2503 D, Certificate of Ownership and Dedication, County Subdivision and Development Ordinance)
23. The recombination plat must be submitted to Land Use Codes for review and approval for recording with the County Register of Deeds, and the plat must be recorded prior to any permit application for any structure and/or prior to the sale of any lot or unit within this development.

Plat-Required Statements:

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

“Nonconforming structures have not been created by this recombination plat.”

Advisories:

25. The applicant is advised to consult an expert on wetlands before proceeding with any development.
26. The developer should be aware that the subject property is located within the City of Fayetteville’s *Municipal Influence Area* (MIA). Typically, concrete sidewalks are required to be constructed; however, developments with less than four lots/units and derived from the same parent tract as of the date of the subdivision ordinance are not subject to the MIA standards until the fourth lot/unit is created. Any future divisions or group developments of these tracts, which creates either the fourth lot or unit will require construction of a sidewalk along all proposed and existing lots.
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 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.
29. Because the subject property is located within the Airport Overlay District, the developer is strongly encouraged to discuss their development plans with Land Use Codes Section and/or the Fayetteville Regional Airport Director early in the planning stage to ensure that the proposed height of any proposed structure can be found to be no obstruction or hazard to air navigation.
30. The subject property lies on Owen Drive. Owen Drive is identified as a Boulevard Needing Improvement in the 2040 Metropolitan Transportation Plan with no constructions/improvements planned. The subject property will have no impact on the Transportation Improvement Plan. For questions related to this comment, please contact Transportation Planning.

Thank you for choosing Cumberland County and the Fayetteville area for your business location!

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

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

Subdivision/Site Plan/Plat	Ed Byrne	678-7609	ebyrne@co.cumberland.nc.us
Code Enforcement (Permits):	Scott Walters	321-6654	swalters@co.cumberland.nc.us
Fayetteville Airport Director	Brad Whited	433-1160	bwhited@ci.fay.nc.us
Fayetteville Planning:	Marsha Bryant	433-1416	mbryant@ci.fay.nc.us
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:	Will Phipps	678-7616	wphipps@co.cumberland.nc.us
Tax Parcel Numbers:		678-7549	

NCDOT (driveways/curb-cuts):
Transportation Planning:
N.C. Division of Water Quality:

Troy Baker
Greg Shermeto
Mike Randall

364-0601
678 7615
(919) 807-6374

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gshermeto@co.cumberland.nc.us
mike.randall@ncdenr.gov