

Amy H. Cannon  
County Manager

Tracy Jackson  
Assistant County Manager



**CUMBERLAND**  
COUNTY  
NORTH CAROLINA

Rawls Howard  
Director

David Moon  
Deputy Director

**Cumberland County Joint Planning Board**

**TENTATIVE AGENDA**  
September 21, 2021  
6:00 P.M.

- I. INVOCATION AND PLEDGE OF ALLEGIANCE
- II. ADJUSTMENTS TO / APPROVAL OF AGENDA
- III. PUBLIC MEETING DEFERRALS / WITHDRAWALS
- IV. ABSTENTIONS BY BOARD MEMBERS
- V. APPROVAL OF THE MINUTES OF AUGUST 17, 2021
- VI. CHAIRMAN'S WELCOME AND RULES OF PROCEDURE
- VII. PUBLIC MEETING CONSENT ITEMS

**TEXT AMENDMENTS**

- A. **ZON-21-0004:** Text amendment for Cumberland County Zoning Ordinance, to create a new Section 112; pre-application meetings, mandating and providing direction for pre-application conference meetings prior to land development submittal; County (Applicant).
- B. **ZON-21-0005:** Text amendment for Cumberland County Zoning Ordinance; amending section 1501; to include new requirements for neighbor communications summary reports for all conditional zoning request applications for any agricultural or residential district that involves more than 10 acres and proposes an increase in density from what is existing or includes a zero-lot line subdivision; County (Applicant).
- C. **P21-49:** Text amendment for Town of Eastover Article VIII.I Overlay Districts Revisions; for the purpose of amending allowed uses within commercial core overlays and site dimensional criteria; Town of Eastover (Applicant). (**EASTOVER**)
- D. **ZON-21-0012:** Text amendment for Town of Eastover Article VIII.I Overlay Districts Revisions; for the purpose of allowing exemptions for government and municipal signs within commercial core overlays; Town of Eastover (Applicant). (**EASTOVER**)

**REZONING CASES**

- E. **ZON-21-0007:** Rezoning of 0.50 +/- acres from R10 Residential District to C(P) Planned Commercial District or to a more restrictive zoning district; located at 5725 Camden Road; submitted by Yarborough, Winters & Neville, P.A. (agent) on behalf of David Ferruzzi (owner).
- F. **ZON-21-0008:** Rezoning of a portion of two lots on 0.58 +/- acres from CD Conservancy District/CUD Conditional Use District to R15 Residential District/ Conditional Use District or a more restrictive district; located at 2241 & 2245 Mannington Drive; submitted by Moorman, Kaiser, And Reitzel, Inc. on behalf of Pami Remodeling (Owner).

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- G. **ZON-21-0009**: Rezoning of 10.32 +/- acres from A1 Agricultural District to RR Rural Residential District or to a more restrictive zoning district; located North of Sanderosa Road and east of Baywood Road; submitted by George Rose (agent) on behalf of R Chi, LLC (owner).

### VIII. PUBLIC MEETING CONTESTED ITEMS

#### REZONING CASE

- H. **ZON-21-0010**: Rezoning of 110.89 +/- acres from Initial Zoning District to R6 Residential District or to a more restrictive zoning district; located at 703 Sand Hill Road; submitted by Town of Hope Mills (agent) on behalf of Elizabeth C Paul, Michael B Cashwell, Steven N Cashwell, Angus Dixon Cashwell, Emily C Johnson, Lauchlin M Cashwell, Mary C Frasche, Prudence C Bradley, Waymon W Trustee Wood, Margaret C Trustee Wood, Charles Darrell Kennedy, Sara C Donaldson, Helen C Trustee Cashwell, Catherine Macdonald Ingram, M Lauchlin Macdonald, Charlotte E Macdonald, Henry Walter Holt, Jr. & William Derosset Holt, II (owners). (**HOPE MILLS**)

### IX. PUBLIC MEETING ITEM

#### BETHANY LAND USE PLAN

### X. DISCUSSION

- SPRING LAKE LAND USE PLAN
- SIGN ORDINANCE UPDATE
- NOVUS AGENDA

### XI. ADJOURNMENT



PLANNING & INSPECTIONS

PLANNING STAFF REPORT  
**TEXT AMENDMENT- ZON-21-0004**  
Planning Board Meeting: Sep 21, 2021

Jurisdiction: County - Unincorporated

**EXPLANATION OF THE REQUEST**

This request is a staff-driven text amendment to create a new Section 112 of the Cumberland County Zoning Ordinance to establish a requisite pre-application conference prior to submittal of zoning, site plan, and subdivision applications, including re-development projects.

A pre-application conference creates opportunity for staff and applicants to discuss the proposed interests of the developer or property owner with relevance to the applicable zoning code and comprehensive plan. A primary benefit of a pre-application conference is to reduce the potential for a case being continued at board meetings or hearings to allow the applicant to address additional information or concerns.

**STAFF RECOMMENDATION**

Staff **recommends approval** of the text amendment for the new Section 112 of the Cumberland County Zoning Ordinance.

Attachments:  
ZON-21-0004 Text Amendment

## **SECTION 112. PRE-APPLICATION CONFERENCE**

A. Purpose. The purpose of a pre-application conference is to familiarize the applicant and the County staff with the applicable provisions of this Ordinance required to permit proposed development, to inform the applicant about the preparation of the application and discuss the application process.

B. Pre-Application Conference Mandatory. All land development related applications, including, but not limited to Sketch Plan and Site Plans, shall require a preapplication meeting prior to submittal of said application. The Planning and Inspections Director has the discretion to waive the required pre-application meeting.

C. Pre-Application Conference Materials. Applicants are to attend the pre-application conference, which can be held in-person or by any other mutually agreed-upon method and be prepared to discuss ideas for how they intend to see the property developed, used, and connect to the larger County area. While it is not required, a simple schematic showing how the property could be laid out or developed is helpful, as well as what uses are intended for the property.

D. Effect. The pre-application conference is intended as a means of facilitating the development application process. Discussions held in accordance with this section are not binding on the County, as they are intended to provide guidance to applicants. Processing times for review of development applications do not begin until a formal, complete application is submitted and determined to be complete.





PLANNING & INSPECTIONS

PLANNING STAFF REPORT  
**TEXT AMENDMENT: ZON-21-005**  
Planning Board Meeting: Sep 21, 2021

Jurisdiction: County-Unincorporated

**EXPLANATION OF THE REQUEST**

Planning staff proposes an amendment to Section 1501, *Submission of Amendments and Changes*, of the County Zoning Ordinance to require applicants of certain types of conditional use zoning applications to foster communications with neighboring residents and property owners through a meeting or another communication mode. If an applicant does not conduct this activity, then a response must be provided to explain why such communication was not necessary. For those conditional use applications subject to this new requirement, a Neighborhood Communications Summary Report must be submitted prior to the Joint Planning Board meeting. This report – prepared by the applicant -- will provide a summary of the communications with neighbors or alternatively an explanation indicating why communication was not conducted.

The Neighbor Communications Summary Report would be required for conditional use zoning applications involving an existing or proposed agricultural or residential district when either (1) the rezoning involves more than ten acres and proposes an increase in density or (2) proposes a zero-lot line subdivision.

**STAFF RECOMMENDATION**

Staff **recommends approval** of the text amendment to Section 1501 of the Cumberland County Zoning Ordinance.

Attachments:  
Zon-21-0005 Text Amendment

## **SECTION 1501. SUBMISSION OF AMENDMENTS AND CHANGES.**

The Board of Commissioners may amend, supplement, change, modify, or repeal the provisions of this ordinance, including but not limited to: its regulation of, or the number, area, boundaries and classifications of the zoning districts, upon petition, recommendation of the Planning Board, or on its own motion, after public notice and hearing as provided by law. No amendment shall become effective unless and until it is first submitted to, considered by and reported on from the Planning Board and thereafter approved by the Board of Commissioners. The following provisions shall govern submissions for amendment of this ordinance.

A. Submission of Petition. Petitions for amendments to this ordinance shall be submitted in the form prescribed by the Director. Submissions by the Board of Commissioners or by the Joint Planning Board on its own initiative shall state the proposed amendment succinctly. When a petition for rezoning is made by a person other than the tax record property owner, a local government entity or authorized agent of the tax record owner or a local government, the application must provide certification that the property owner has received actual notice of the petition and a notice of the legislative hearing. Third-party down-zonings are prohibited unless initiated by the governing body.

*(Amd. 01-19-10; Amd. 02-01-21)*

B. Neighbor Communications Summary Report. The purpose of the neighbor communication summary is to educate the applicant and the neighbors about each other's interests, to attempt to resolve issues in a manner that respects those interests, and to identify unresolved issues. Examples of neighbor communications include a meeting or an information mailout or website that allows written response from the neighbors. The neighbor communication requirements of this section apply to all conditional rezoning applications for any agricultural or residential district that:

1. involves more than 10 acres and proposes an increase in density from what is existing, or
2. is a zero-lot line subdivision, as specified in the County's Subdivision Ordinance

To comply with the neighbor communication requirements, the applicant must submit a completed and signed summary report to the Planning and Inspections Department at least two working days prior to the scheduled public meeting of the Joint Planning Board. The report shall be on a form prescribed by the Director and submitted to the Joint Planning Board at the meeting. The form shall describe:

1. efforts to notify neighborhoods about the proposal (how and when notification occurred, and who was notified);
2. how information about the proposal was shared with neighborhoods (mailings, workshops or meetings, open houses, flyers, door-to-door handouts, etc.);
3. who was involved in the discussions;
4. suggestions and concerns raised by the neighborhoods; and

5. what specific changes to the development proposal were considered and/or made as a result of the communication with the neighborhoods.
6. if community communication was not conducted, an explanation as to why this activity did not occur.

CB. Schedule for Public and Legislative Hearings. All petitions for amendments may be set for public meeting to be considered for recommendation by the Planning Board, and then shall be heard at a legislative hearing and decided by the Board of Commissioners according to their adopted regular meeting schedule.

*(Amd. 02-01-21)*

D.-C. Revisions to Petitions. If upon the initial review of the petition for amendment by the Planning and Inspections Staff, the petition is found to be inaccurate, incomplete or requires revision, or if the applicant of his own accord desires to make a change in the application for the petition, the petition may be rescheduled to the next available scheduled hearing.

*(Amd. 02-01-21)*

E.-D. Notice to Military Bases. All requests for amendments that would change or affect the permitted uses of land located five miles or less from the perimeter boundary of Fort Bragg, Pope Air Force Base, and/or Simmons Army Airfield shall be provided to the Commander of said bases in accordance with N. C. GEN. STAT. §160D-601.

*(Amd. 02-19-08; Amd. 02-01-21)*







**PLANNING & INSPECTIONS**

PLANNING STAFF REPORT  
**ZONING REGULATIONS- CASE # P21-49**  
Planning Board Meeting: Aug 17, 2021

**Jurisdiction: Eastover**

**EXPLANATION OF THE REQUEST**

This request involves a text amendment to the Eastover Zoning Ordinance to update Article VIII.I Overlay Districts, requested by the Town of Eastover. The Article VIII.I statutes were amended to include new uses allowed in commercial core overlays and structural dimension criteria. The Town of Eastover adopted the County Zoning Ordinance as its zoning ordinance. The change will affect the jurisdiction of Eastover only.

**STAFF RECOMMENDATION**

Staff has reviewed the Town of Eastover's text amendment request in accordance with their Comprehensive Plan Policies and have identified no inconsistency. Therefore, staff has no objection.

Attachments:  
Letter dated 8/11/2021 from Ronald D. Autry, Interim Town Administrator  
P21-49 Text Amendment



## TOWN of EASTOVER

3863 Dunn Road

Eastover, North Carolina, 28312

910-323-0707

[www.eastovernc.com](http://www.eastovernc.com)

910-323-2640 Fax

August 11, 2021

Telly Shinas, Planning Manager  
Cumberland County Planning Department  
Fayetteville, NC

Dear Mr. Shinas:

Per our conversation today, I am submitting the information requested pertaining to the request from the Town of Eastover for text amendments to **SECTION 801. COMMERCIAL CORE OVERLAY DISTRICT**.

The Eastover Town Council adopted a Commercial Core Overlay District on October 2, 2012 that established zoning provisions specific to those properties located within that district.

At the time of adoption, the Town of Eastover approved very limited uses within the Commercial Core Overlay District. As years have passed, the consensus was that more uses within the district should be added. The Council had several discussions in reference to adding additional uses within the district.

At the June 8<sup>th</sup>, 2021 council meeting, the Council approved the revisions to the Commercial Core Overlay District that is submitted for your approval. Please advise if you require any more information.

Regards,

  
Ronald D. Autry, Interim Town Administrator

## ARTICLE VIII.I OVERLAY DISTRICTS

### SECTION 801. COMMERCIAL CORE OVERLAY DISTRICT (CCO)

- A. *Purpose and intent.* The purpose of this overlay district is to preserve and enhance the small-scale commercial character of a area within the town while providing for low -impact business opportunities and allowing for consistency of development within the overlay area as it continues to be developed or redeveloped. The district is intended to accommodate small-scale, low-intensity and convenience retail and service uses that provide goods and services to the town's residents and their guests. This overlay district is established to prevent unsightly conditions as a result of development which may destroy or detract from the small town character and to exercise such reasonable control over land within the district as may be necessary to accomplish the objective.
- B. *Commercial Core Overlay District* area defined, generally. The area within the corporate limits of the town subject to the provisions of this article are properties located approximately within 300 feet along each side of Dunn Road (SR 1830/US HWY 301) between Reese Creek (also known as Reedy Creek/Reedy Branch) and 170 feet north of Beard Road (SR 1722). In addition, the properties along SR 1832 (Murphy Road) from US HWY 301 to a point approximately 2,000 feet east of the northbound I-95 onramp, extending 500 feet on each side of SR 1832 (Murphy Road) and within the corporate limits of the town: and all properties fronting on School Street and Church Street (SR 2996) between Dunn Road (SR 1838) and Middle Road (SR 1728) are included within this overlay district. A map of the district is shown on Exhibit A of this ordinance for general reference purposes. The official Commercial Core Overlay district is included on the zoning map referenced in Section 3-310.
- C. *Land Uses.* Small scale mixed use development/conditional zoning or mixed use buildings are encouraged, so long as all residential development is located on the second floor or to the rear of the structure or lot. All new uses of property and any change in an existing use shall first require approval of a conditional zoning application prior to commencement of the proposed or change in use. To ensure the primary objective of the district is attained, land uses within the district are limited to the following:
- a. Any residential use except manufactured homes and manufactured home parks;
  - b. Uses as allowed in the C1(P) Planned Local Business District and O&I(P)

Planned Office and Institutional District.

- c. Allowed uses from the C2(P) Planned Service and Retail and the C(P) Planned Commercial districts are as follows:
1. Bakery
  2. Building Supply
  3. Bed and Breakfast;
  4. Dwelling (second floor and above);
  5. Farm Supplies merchandising and machinery sales/servicing (in accordance with Section 916);
  6. Farmer's Market, open air;
  7. Food Production 9with premises retail sales of product0;
  8. Home Furnishing and Appliance sales;
  9. Janitorial Service;
  - 10.Locksmith/ Gunsmith/Gun Store/Indoor Shooting Range
  - 11.Milling & Grinding Grain
  - 12.Motor Vehicle Repair and/or Body Work
  - 13.Motor vehicle rentals
  - 14.Motor vehicle sales, new and used, including motor vehicle auctions
  - 15.Nursery ops/Plant husbandry/Greenhouses
  - 16.Office Supplies and Equipment Sales and Service, Mailbox Service;

- 17. Pet Sales (excluding kennel activities or outside storage of animals)
- 18. Photography
- 19. Postal Delivery (UPS, Fedex, Etc.)
- 20. Recreation or Amusement Indoor (conducted inside building for profit, not otherwise listed and not regulated by Section 924)
- 21. Retail Clothing men, women, shoes
- 22. Retail Framing, Art, Photography, Crafts
- 23. Trade Contractor

D. *Development standards.* The provisions below shall apply to all new construction; renovation and/or remodeling of the exterior areas of any structure or property shall comply with the below provisions to the extent practicable.

1. Lot dimensions and setbacks.

- (a) The Minimum lot area shall be 10,000 square feet;
- (b) The minimum street frontage for any new lot created shall be 75 feet;
- (c) Front Corner side setbacks shall be as required by this ordinance from the ultimate right-of-way provided that the improvements and amenities required by the following sub-sections are provided.

*[Note: Provisions exist in the ordinance for allowing the same or average setback of non-residential buildings within the same block in addition to the standard dimensional provisions.]*

- (d) When not connected to an adjacent structure, side yard setbacks shall be a minimum of 20 feet and a maximum of 40 feet;
- (e) Where adjacent to a service alley or another non-residential zoning district, the rear yard shall be a minimum of three feet, and when

adjacent to residential zoning, the rear yard shall be a minimum of 20 feet.

2. Structural dimension and site layout specifications.

(a) The base building area shall be no larger than 50% of the total land area or 50,000 square feet, whichever is less; and

(b) The maximum building height shall be a maximum of two stories.

(c) Developers of properties located on corner lots at all street intersections shall locate motor vehicle oriented uses or facilities, including but not limited to gas pumps, drive-throughs, pick-up windows, or other accessory uses intended for access while inside a vehicle to the side or rear of the principal building. In no instance shall a motor vehicle oriented feature or accessory use be located between a principal building and the street it fronts.

3. Pedestrian pathways/sidewalks and amenities. *(Note: See attached Exhibit 1 for example.)*

(a) All pedestrian pathways shall be established in order to connect internal and external development and all proposed pathways shall be included on the site plan. Types of sidewalks may include: public, private with public access easement, or private (internal pathways from parking to building entrances or building to building);

(b) A grassed area, minimum five feet in width, shall be located between the curb and a required five foot wide sidewalk that has been constructed in compliance with American with Disabilities Act (ADA) provisions. Adjacent to the sidewalk opposite from the curbside, a minimum six foot grass, tree and landscaping area shall be provided with the number and types of trees and landscaping meeting or exceeding the standards of this ordinance. If desired, the developer may provide off-street parking and turnaround between the landscaping and storefront area – see sub-section 5 below. A minimum 10 foot wide storefront and clear walkway area shall be constructed along the entire building front. This storefront/walkway area shall be designed in such manner that it affords safe pedestrian passage, can accommodate amenities such as benches, potted flowers or plants and may be partially covered by awnings or porticos; and

- (c) Pedestrian walkways should be delineated from parking area by separate paved routes using a variation in paved texture and/or color, and protected from adjacent vehicle circulation areas.

4. Landscaping.

- (a) Street trees of a type listed in the NC Department of Transportation's *Guidelines for Planting within Highway Right-of-Way* (undated) as being hardy plants for landscaping purposes shall be provided in an amount equivalent to at least one tree for every 30 feet of road frontage and shall be located within the amenity area required in sub-section 3(b) above including along any side street. In the event one or more of the listed types of trees are not available or conducive to the proposed development, specific approval from the Town Council for the alternative tree specimens to be planted is mandatory. All street trees shall be a minimum of two inch caliper at time of planting. Additional plantings in pots or boxes are strongly encouraged; and
- (b) Developments within this overlay district shall be exempt from the street tree requirements of Section 1102.N. Landscaping for the yard space and off-street parking areas shall be the same as required by Section 1102.N for any proposed development.

5. Off-street parking and driveways.

- (a) Off street parking shall be provided as required by Article XII, and the preferred design being that the individual spaces are parallel, with internal drives perpendicular, to the right-of-way. Furthermore, the developer is encouraged to align off-street parking spaces in a manner consistent with adjacent developed non-residential properties and engage in shared parking or using remote parking as allowed by Article XII;
- (b) Off-street parking areas shall be separated from buildings and public sidewalks with decorative amenities, landscaping or grassed open areas or other appropriate means to afford pedestrian safety;
- (c) For corner lots along Dunn Road, driveway access shall be restricted to the side street; and
- (d) In order to facilitate traffic flow on Dunn Road, driveways shall be restricted whenever an existing driveway is located within 300 feet with interconnectivity to the affected property; and



- (e) Regardless of any provision or requirement of this section, all improvements of properties adjacent to the right-of-way shall be located so that parking, stopping, storage, and maneuvering of vehicles on the right-of-way will not be necessary in order for the vehicles or patrons to be properly served, and shall not restrict the sight distance of adjacent drives.

6. Interconnectivity.

- (a) Pedestrian or motor vehicle connections shall be required for new construction and where appropriate for any re-development of properties within the overlay district; and
- (b) Rear alleys for service, utilities and employees access are strongly encouraged and will be mandatory when a proposed development is adjacent to a developed property having an existing alley.

7. Signage. All freestanding signs for new construction shall be ground signs and comply with the standards of Article XIII, specifically for the C1(P) district as regulated by Section 1306.B.2 except that the maximum sign area shall be 44 square feet for sites with five occupants or less, and sites with more than five occupants may have an additional six square feet of area for each occupant over five, with a maximum freestanding ground sign area not to exceed 80 square feet. The maximum height of the sign including all portions of the support structure, measured from the grade to the top of the sign/support structure, shall be five feet. Attached signage as allowed in the C1(P) district shall be permitted.

Consideration shall be given to freestanding signs proposed for new development within close proximity to the I-95 interchange, provided that the developer specifically requests relief from the height and/or sign size at the time of the application for conditional zoning.

Two Copies of the signage plan shall be submitted with the conditional zoning application. The signage plan must address the following:

- (a) *Location.* Identification of sign locations on buildings and the building lot;

- (b) *Materials and illumination.* A description of the proposed sign structure, sign face materials, and type of illumination, if any. The materials and general sign design must be the same as or at a minimum complement the design of the principal structure on the lot;
  - (c) *Size.* Itemization of sign size and band areas at identified locations. Allocation of sign area for multi-tenant structures may favor one tenant or series of tenants over another, provided the property owner identifies the available sign area per tenant;
  - (d) *Letter style.* Description of dominant letter style and letter height proposed to be used on the sign(s);
8. Lighting. All pedestrian areas, including off-street parking areas are to be lighted with shielded, controlled lighting, and shall complement the proposed development in color and style while being consistent with existing lighting of adjacent or nearby developed non-residential properties. The provisions of Section 1102.M shall apply in this district.
9. Open space. Where [possible, property owners are encouraged to preserve and provide open space areas. If preserved open space or developed parks are offered to and accepted by the town, the property owner will receive a density bonus for the equivalent land area outside the commercial core overlay district. The density bonus shall be calculated at the R40 density rate.
10. Conflict with other ordinance or regulatory provisions. Wherever there is conflict or inconsistency between the Commercial Core Overlay district provisions and other regulations with any local, state or federal law, the most restrictive standard shall apply. When the provisions of this district conflict with other provisions of this ordinance, the overlay district provisions shall prevail.





**PLANNING & INSPECTIONS**

PLANNING STAFF REPORT  
**TEXT AMENDMENT- ZON-21-0012**  
Planning Board Meeting: Sep 21, 2021

**Jurisdiction: Eastover**

**EXPLANATION OF THE REQUEST**

This request involves a text amendment to the Eastover Zoning Ordinance to update Article VIII.I Overlay Districts, requested by the Town of Eastover. The Article VIII.I statutes were amended to include an exemption from sign standards for government entities. The Town of Eastover adopted the County Zoning Ordinance as its zoning ordinance. The change will affect the jurisdiction of Eastover only.

**STAFF RECOMMENDATION**

Staff has reviewed the Town of Eastover's text amendment request in accordance with their Comprehensive Plan Policies and have identified no inconsistency. Therefore, staff has no objection.

Attachments:  
Letter dated 9/7/2021 from Ronald D. Autry, Interim Town Administrator  
ZON-21-0012 Text Amendment



## TOWN *of* EASTOVER

3863 Dunn Road

Eastover, North Carolina, 28312

910-323-0707

[www.eastovernc.com](http://www.eastovernc.com)

910-323-2640 Fax

September 7, 2021

Telly Shinas, Planning Manager  
Cumberland County Planning Department  
Fayetteville, NC 28312

Dear Mr. Shinas:

I am submitting the information requested pertaining to the request from the Town of Eastover for additional text to be added to the **Signage section of the Commercial Core Overlay District**.

After further review of the Commercial Core Overlay District, it was deemed that there should be a section added referencing Governmental Signs. You have been supplied with the modification requested and it is submitted for your approval. The Town of Eastover has approved this request.

Please advise if you require any more information.

Regards,

Ronald D. Autry  
Interim Town Administrator

## ARTICLE VIII.I OVERLAY DISTRICTS

### SECTION 801. COMMERCIAL CORE OVERLAY DISTRICT (CCO)

- A. *Purpose and intent.* The purpose of this overlay district is to preserve and enhance the small-scale commercial character of a area within the town while providing for low -impact business opportunities and allowing for consistency of development within the overlay area as it continues to be developed or redeveloped. The district is intended to accommodate small-scale, low-intensity and convenience retail and service uses that provide goods and services to the town's residents and their guests. This overlay district is established to prevent unsightly conditions as a result of development which may destroy or detract from the small town character and to exercise such reasonable control over land within the district as may be necessary to accomplish the objective.
- B. *Commercial Core Overlay District area defined, generally.* The area within the corporate limits of the town subject to the provisions of this article are properties located approximately within 300 feet along each side of Dunn Road (SR 1830/US HWY 301) between Reese Creek (also known as Reedy Creek/Reedy Branch) and 170 feet north of Beard Road (SR 1722). In addition, the properties along SR 1832 (Murphy Road) from US HWY 301 to a point approximately 2,000 feet east of the northbound I-95 onramp, extending 500 feet on each side of SR 1832 (Murphy Road) and within the corporate limits of the town: and all properties fronting on School Street and Church Street (SR 2996) between Dunn Road (SR 1838) and Middle Road (SR 1728) are included within this overlay district. A map of the district is shown on Exhibit A of this ordinance for general reference purposes. The official Commercial Core Overlay district is included on the zoning map referenced in Section 3-310.
- C. *Land Uses.* Small scale mixed use development/conditional zoning or mixed use buildings are encouraged, so long as all residential development is located on the second floor or to the rear of the structure or lot. All new uses of property and any change in an existing use shall first require approval of a conditional zoning application prior to commencement of the proposed or change in use. To ensure the primary objective of the district is attained, land uses within the district are limited to the following:
- a. Any residential use except manufactured homes and manufactured home parks;
  - b. Uses as allowed in the C1(P) Planned Local Business District and O&I(P)

Planned Office and Institutional District.

- c. Allowed uses from the C2(P) Planned Service and Retail and the C(P) Planned Commercial districts are as follows:
1. Bakery
  2. Building Supply
  3. Bed and Breakfast;
  4. Dwelling (second floor and above);
  5. Farm Supplies merchandising and machinery sales/servicing (in accordance with Section 916);
  6. Farmer's Market, open air;
  7. Food Production with premises retail sales of product;
  8. Home Furnishing and Appliance sales;
  9. Janitorial Service;
  10. Locksmith/ Gunsmith/Gun Store/Indoor Shooting Range
  11. Milling & Grinding Grain
  12. Motor Vehicle Repair and/or Body Work
  13. Motor vehicle rentals
  14. Motor vehicle sales, new and used, including motor vehicle auctions
  15. Nursery ops/Plant husbandry/Greenhouses
  16. Office Supplies and Equipment Sales and Service, Mailbox Service;

- 17. Pet Sales (excluding kennel activities or outside storage of animals)
- 18. Photography
- 19. Postal Delivery (UPS, Fedex, Etc.)
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D. *Development standards.* The provisions below shall apply to all new construction; renovation and/or remodeling of the exterior areas of any structure or property shall comply with the below provisions to the extent practicable.

1. Lot dimensions and setbacks.

- (a) The Minimum lot area shall be 10,000 square feet;
- (b) The minimum street frontage for any new lot created shall be 75 feet;
- (c) Front Corner side setbacks shall be as required by this ordinance from the ultimate right-of-way provided that the improvements and amenities required by the following sub-sections are provided.

*[Note: Provisions exist in the ordinance for allowing the same or average setback of non-residential buildings within the same block in addition to the standard dimensional provisions.]*

- (d) When not connected to an adjacent structure, side yard setbacks shall be a minimum of 20 feet and a maximum of 40 feet;
- (e) Where adjacent to a service alley or another non-residential zoning district, the rear yard shall be a minimum of three feet, and when



adjacent to residential zoning, the rear yard shall be a minimum of 20 feet.

2. Structural dimension and site layout specifications.

(a) The base building area shall be no larger than 50% of the total land area or 50,000 square feet, whichever is less; and

(b) The maximum building height shall be a maximum of two stories.

(c) Developers of properties located on corner lots at all street intersections shall locate motor vehicle oriented uses or facilities, including but not limited to gas pumps, drive-throughs, pick-up windows, or other accessory uses intended for access while inside a vehicle to the side or rear of the principal building. In no instance shall a motor vehicle oriented feature or accessory use be located between a principal building and the street it fronts.

3. Pedestrian pathways/sidewalks and amenities. *(Note: See attached Exhibit 1 for example.)*

(a) All pedestrian pathways shall be established in order to connect internal and external development and all proposed pathways shall be included on the site plan. Types of sidewalks may include: public, private with public access easement, or private (internal pathways from parking to building entrances or building to building);

(b) A grassed area, minimum five feet in width, shall be located between the curb and a required five foot wide sidewalk that has been constructed in compliance with American with Disabilities Act (ADA) provisions. Adjacent to the sidewalk opposite from the curbside, a minimum six foot grass, tree and landscaping area shall be provided with the number and types of trees and landscaping meeting or exceeding the standards of this ordinance. If desired, the developer may provide off-street parking and turnaround between the landscaping and storefront area – see sub-section 5 below. A minimum 10 foot wide storefront and clear walkway area shall be constructed along the entire building front. This storefront/walkway area shall be designed in such manner that it affords safe pedestrian passage, can accommodate amenities such as benches, potted flowers or plants and may be partially covered by awnings or porticos; and

- (c) Pedestrian walkways should be delineated from parking area by separate paved routes using a variation in paved texture and/or color, and protected from adjacent vehicle circulation areas.

4. Landscaping.

- (a) Street trees of a type listed in the NC Department of Transportation's *Guidelines for Planting within Highway Right-of-Way* (undated) as being hardy plants for landscaping purposes shall be provided in an amount equivalent to at least one tree for every 30 feet of road frontage and shall be located within the amenity area required in sub-section 3(b) above including along any side street. In the event one or more of the listed types of trees are not available or conducive to the proposed development, specific approval from the Town Council for the alternative tree specimens to be planted is mandatory. All street trees shall be a minimum of two inch caliper at time of planting. Additional plantings in pots or boxes are strongly encouraged; and
- (b) Developments within this overlay district shall be exempt from the street tree requirements of Section 1102.N. Landscaping for the yard space and off-street parking areas shall be the same as required by Section 1102.N for any proposed development.

5. Off-street parking and driveways.

- (a) Off street parking shall be provided as required by Article XII, and the preferred design being that the individual spaces are parallel, with internal drives perpendicular, to the right-of-way. Furthermore, the developer is encouraged to align off-street parking spaces in a manner consistent with adjacent developed non-residential properties and engage in shared parking or using remote parking as allowed by Article XII;
- (b) Off-street parking areas shall be separated from buildings and public sidewalks with decorative amenities, landscaping or grassed open areas or other appropriate means to afford pedestrian safety;
- (c) For corner lots along Dunn Road, driveway access shall be restricted to the side street; and
- (d) In order to facilitate traffic flow on Dunn Road, driveways shall be restricted whenever an existing driveway is located within 300 feet with interconnectivity to the affected property; and

- (e) Regardless of any provision or requirement of this section, all improvements of properties adjacent to the right-of-way shall be located so that parking, stopping, storage, and maneuvering of vehicles on the right-of-way will not be necessary in order for the vehicles or patrons to be properly served, and shall not restrict the sight distance of adjacent drives.

6. Interconnectivity.

- (a) Pedestrian or motor vehicle connections shall be required for new construction and where appropriate for any re-development of properties within the overlay district; and
- (b) Rear alleys for service, utilities and employees access are strongly encouraged and will be mandatory when a proposed development is adjacent to a developed property having an existing alley.

7. Signage. All freestanding signs for new construction shall be ground signs and comply with the standards of Article XIII, specifically for the C1(P) district as regulated by Section 1306.B.2 except that the maximum sign area shall be 44 square feet for sites with five occupants or less, and sites with more than five occupants may have an additional six square feet of area for each occupant over five, with a maximum freestanding ground sign area not to exceed 80 square feet. The maximum height of the sign including all portions of the support structure, measured from the grade to the top of the sign/support structure, shall be five feet. Attached signage as allowed in the C1(P) district shall be permitted.

Consideration shall be given to freestanding signs proposed for new development within close proximity to the I-95 interchange, provided that the developer specifically requests relief from the height and/or sign size at the time of the application for conditional zoning.

Two Copies of the signage plan shall be submitted with the conditional zoning application. The signage plan must address the following:

- (a) *Location.* Identification of sign locations on buildings and the building lot;

- (b) *Materials and illumination.* A description of the proposed sign structure, sign face materials, and type of illumination, if any. The materials and general sign design must be the same as or at a minimum complement the design of the principal structure on the lot;
- (c) *Size.* Itemization of sign size and band areas at identified locations. Allocation of sign area for multi-tenant structures may favor one tenant or series of tenants over another, provided the property owner identifies the available sign area per tenant;
- (d) *Letter style.* Description of dominant letter style and letter height proposed to be used on the sign(s);

Governmental and municipal signs erected by or on behalf of a governmental body to post a legal notice, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic are exempt from regulation under this ordinance.

- 8. Lighting. All pedestrian areas, including off-street parking areas are to be lighted with shielded, controlled lighting, and shall complement the proposed development in color and style while being consistent with existing lighting of adjacent or nearby developed non-residential properties. The provisions of Section 1102.M shall apply in this district.
- 9. Open space. Where [possible, property owners are encouraged to preserve and provide open space areas. If preserved open space or developed parks are offered to and accepted by the town, the property owner will receive a density bonus for the equivalent land area outside the commercial core overlay district. The density bonus shall be calculated at the R40 density rate.
- 10. Conflict with other ordinance or regulatory provisions. Wherever there is conflict or inconsistency between the Commercial Core Overlay district provisions and other regulations with any local, state or federal law, the most restrictive standard shall apply. When the provisions of this district conflict with other provisions of this ordinance, the overlay district provisions shall prevail.





# CUMBERLAND COUNTY

NORTH CAROLINA

PLANNING & INSPECTIONS

PLANNING STAFF REPORT

REZONING CASE # ZON-21-0007

Planning Board Meeting: Sept. 21, 2021

Location: 5725 Camden Road

Jurisdiction: County - Unincorporated

## REQUEST

Rezoning R10 to C(P)

Applicant requests a rezoning from R10 Residential District to C(P) Planned Commercial District for approximately 0.50 +/- acres located at 5725 Camden Road. This would allow the property to develop into a retail shopping area and other permitted commercial uses. The applicant is requesting a commercial zoning consistent with the comprehensive plan to facilitate marketing of the property. This is a conventional rezoning, and no conditions are proposed at this time. Location of the subject property is illustrated in Exhibit "A".

## PROPERTY INFORMATION

### OWNER/APPLICANT:

Yarborough, Winters & Neville, P.A. (agent) on behalf of David Ferruzzi (owner)

**ADDRESS/LOCATION:** Located at 5725 Camden Road Refer to Exhibit "A", Site Location. REID number: 0404886680000. The property abuts the Town of Hope Mills municipal boundary at its southern parcel line.

**SIZE:** 0.50 +/- acres within one parcel. The property has approximately 96.2 +/- feet of street frontage along the south side of Camden Road and 206 +/- feet of frontage along Duke Street. The property has a depth of about 240 feet.

**EXISTING ZONING:** The property is zoned R10 Residential District which is a dormant district and has been replaced with the R7.5 Residential District. This district is designed primarily for single-family dwellings on lots with a lot of area of 7,500 square feet or above

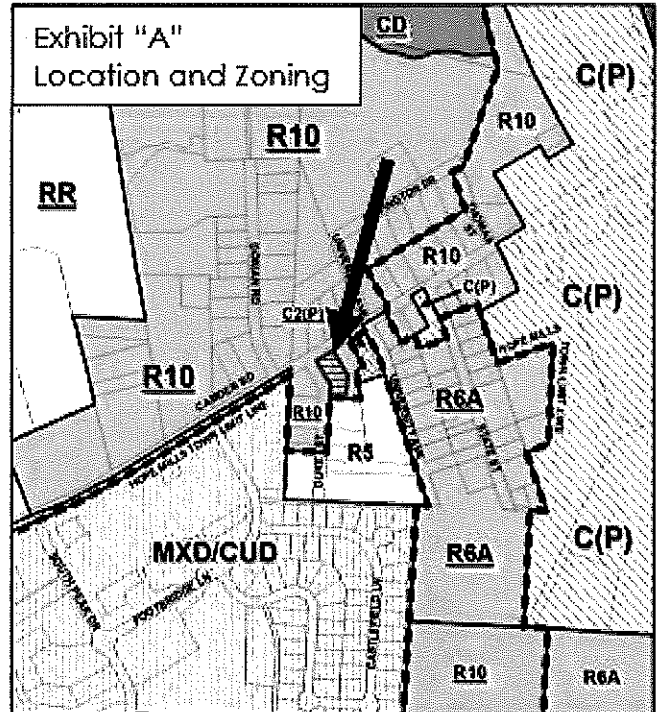
**EXISTING LAND USE:** The parcel is occupied by a vacant residence. Exhibit "B" shows the existing use of the subject property.

**SURROUNDING LAND USE:** Exhibit "B" illustrates the following:

**North:** Single-family residences on property zoned R10.

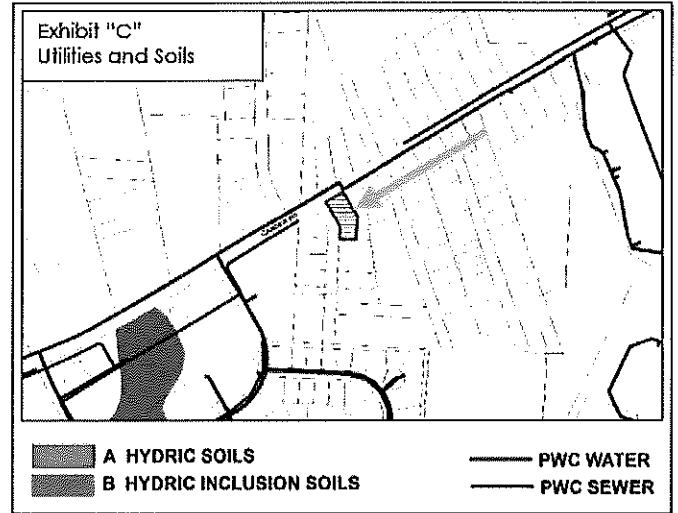
**East:** One single-family residence abuts the subject site on parcels zoned R10. The parcel beyond the residential lot is vacant on property zoned C2(P). Further east, there are more residences on property zoned R6A and R10 surrounding lots zoned C(P); two vacant lots and a manufactured home. There are large commercial developments zoned C(P) abutting Main St, approximately 1000 ft to the east.

**West:** Residences and vacant lots are located to the west zoned R10 and RR. The mixed use, Milestone Town Center, is one lot removed from the subject site.



**South:** Directly south are vacant and wooded properties zoned R5. Further south is a residential subdivision which is a part of the Milestone Town Center mixed use development.

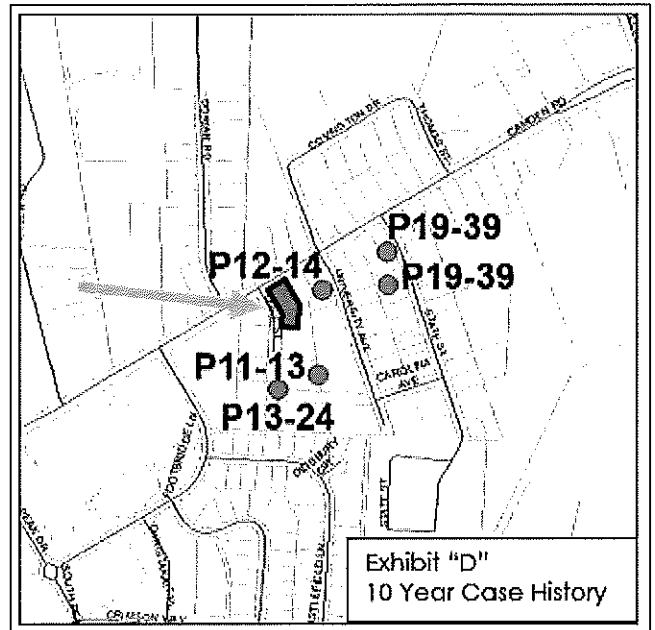
**OTHER SITE CHARACTERISTICS:** The site is not located in a Watershed or a Special Flood Hazard Area according to the County Engineering Department. The subject property, as delineated in Exhibit "C", illustrates no presence of hydric or hydric inclusion soils.



**TEN YEAR ZONE CASE HISTORY:**

Exhibit "D" denotes the location of the area zoning case history described below

- P11-13: Initial to C2(P); **Approved**; 6.86 acres
- P12-14: Initial to C2(P); **Approved**; 0.58 acres
- P13-24: C2(P) to R5; **Approved**; 6.86 acres
- P19-39: R10 & R6A to C(P); **Approved**; 0.57 acres
- P19-39: R6A to C(P); **Withdrawn**; 0.55 acres



**DEVELOPMENT REVIEW:** Subdivision review by the Planning & Inspections Department will be required prior to any division of land. County staff have reached out to Hope Mills staff and have received no comment.

The C(P) Planned Commercial District Zoning District is designed to assure the grouping of buildings on a parcel of land so as to constitute a harmonious, efficient and convenient retail shopping area. Site plans assure traffic safety and the harmonious and beneficial relations between the commercial area and contiguous land. To promote the essential design features with the C(P) district, plan approval is a requirement.

Types of uses specifically permitted in the C(P) include bars/nightclubs, distilleries, manufactured homes sales, mini-warehouses, motor vehicle repair/body shop, and trailer rentals.

Some existing residences occur within close proximity to this site, which raises the concern of being intrusive and compatibility concerns to neighboring residential properties or in the area.

Other zoning district options available under the Zoning Ordinance include, C1(P) Planned Local Business District. This district is designed to cater to the ordinary shopping needs of the immediate neighborhood with emphasis on convenience goods. This district is customarily located adjacent to an arterial street and generally surrounded by residential areas, as in this case. Additionally, this zoning district is designed to promote the essential design features with the C1(P) district, plan approval is a requirement.

Additionally, the C2(P) Planned Service and Retail District is designed to allow for the nonresidential development of land with service and retail uses not typically considered intrusive to neighboring residential properties or in areas generally requiring a greater degree of restrictions regarding the commercial use of properties. Close by is a parcel of similar size at 0.58 acres with this subject site and within close proximity to the east zoned C2(P) approved in accordance with approval P12-14.

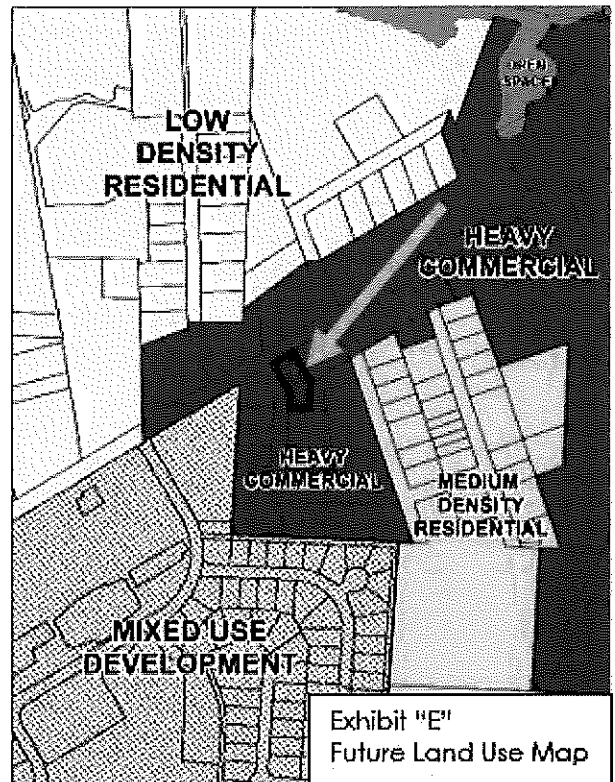
**DIMENSIONAL PROVISIONS FOR REQUESTED DISTRICT:**

Minimum Standard	R10 (Existing Zoning)	C(P) (Proposed)
Front Yard Setback	30 feet	50 feet from ROW, 80 feet from CL
Side Yard Setback	10 feet: 1 story, 15 feet: 2 story	30 feet (60' for 120' tower)
Rear Yard Setback	35 feet	30 feet (60' for 120' tower)
Lot Area	7,500 sq. ft.	N/A
Lot Width	75'	N/A

**COMPREHENSIVE PLANS:** Located in the Southwest Cumberland Land Use Plan (2013), the subject property is designated as Heavy Commercial, intended to create an atmosphere that supports existing and future commercial activities while complimenting the existing residential area; encourage and foster economic development that is harmonious with the character of the area; respects environmentally sensitive areas; well-designed and attractive; located in areas with sufficient infrastructure to support the type of commercial activities), as shown within Exhibit "E". The Heavy Commercial designation, in the Southwest Cumberland Land Use Plan, calls for the associated zoning district of C(P). **Request is consistent with the adopted land use map.**

**APPLICABLE PLAN GOALS/POLICIES:**

- Commercial development must be constructed so as not to impact the privacy of residential areas on the ground or by air (height).
- All commercial development in an established residential area should be in harmony with the area in scale, size, appearance, and accessibility.
- Any neighborhood, community or regional oriented commercial development shall be required to install deceleration lanes when they take access from any classified thoroughfare.
- Prohibit uncoordinated strip commercial development.
- The location of commercial development should take into consideration the potential for providing employment and service convenience for nearby living areas so as to reduce travel.
- Limit the intrusion of new commercial activities in established residential areas.





## IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES

**UTILITIES:** PWC sewer lines are not next to the property. The nearest PWC sewer line is approximately 450 feet from the subject site. PWC water is available along the frontage of Camden Road. It is the applicant's responsibility to determine if this utility will serve their development. Utilities for water are shown on Exhibit "C". This site is in the Hope Mills MIA which will require the extender to enter to an agreement with Hope Mills for desired services.

**TRAFFIC:** According to the Fayetteville Area Metropolitan Planning Organization (MPO), the subject property is located on Camden Road, which is identified as a thoroughfare needing improvement in the Metropolitan Transportation Plan. Camden Road is identified in the Transportation Improvement Plan as U-3422, a widening project from Bragg Boulevard to Hope Mills Road. Right-of-way is scheduled for FY 2021, and construction is scheduled for FY2023. Camden Road is classified as a minor arterial with a 2019 AADT of 25,500.

### SCHOOLS CAPACITY/ENROLLMENT:

School	Capacity	Enrollment
C. Wayne Collier Elem	600	442
South View Mid	900	648
South View High	1800	1400

**ECONOMIC DEVELOPMENT:** Fayetteville Cumberland County Economic Development Corporation has reviewed the request and had no comment at this time.

**EMERGENCY SERVICES:** Cumberland County Fire Marshal's office has reviewed the request and stated that the applicant must ensure that all fire department access roads requirements are met in accordance with section 503 of the NC 2018 Fire Code where required. Furthermore, submission of building plans drawn to-scale are required for new construction or renovation.

**SPECIAL DISTRICTS:** The property is not located within the Fayetteville Regional Airport Overlay District or within five miles of Fort Bragg Military Base.

**CONDITIONS OF APPROVAL:** This is a conventional zoning and there are no conditions at this time.

**CODE DEVIATIONS:** No deviations have been identified.

## STAFF RECOMMENDATION

In Case ZON-21-0007, the Planning and Inspections staff **recommends approval** of the rezoning request from R10 Residential District to C(P) Planned Commercial District. Staff finds the request is consistent with the Southwest Cumberland Land Use Plan (2013) which calls for Heavy Commercial at this location. Staff further finds that recommending approval of the request is reasonable and in the public interest because the C(P) Planned Commercial District would allow an atmosphere that supports existing and future commercial activities while complimenting the existing residential area that would be compatible and in harmony with the surrounding land use activities and zoning.

Attachments:  
Notification Mailing List

**ATTACHMENT – MAILING LIST**

BELTRE, LOURDES  
3216 UNIVERSITY AVE  
BELTRE, LOURDES

BAKER, ELLON CASHWELL  
PO BOX 32  
HOPE MILLS, NC 28348

BLEDSON, KIMBERLY;ROSS, SABRINA;  
RUSSELL, SHANNON FOWLER;  
FOWLER, JASON  
6400 EMU DR  
HOPEMILLS, NC 28348

BOSTIC, EMMA I  
5778 CAMDEN RD  
FAYETTEVILLE, NC 28306

BRADFORD, LINDA; &  
ALEXANDER J LINNEHAN RS  
3211 UNIVERSITY AVE  
FAYETTEVILLE, NC 28306

BRELOSKI, DALE; & TINA M  
3356 STATE ST  
FAYETTEVILLE, NC 28306

CASTLEFIELD AT MILLSTONE  
HOMEOWNERS ASSOC. INC  
PO BOX 87555  
FAYETTEVILLE, NC 28304

CITY PROPERTY LLC  
203 BLOUNT ST  
FAYETTEVILLE, NC 28301

DAVIS, DERRICK M  
3405 CASTLEFIELD LN  
FAYETTEVILLE, NC 28306

ERICKSON, BRUCE; BRUCE, A RS II  
3215 DORIAN RD  
FAYETTEVILLE, NC 28306

ERICKSON, GISELA M  
3257 DORIAN RD  
FAYETTEVILLE, NC 28306

FERRUZZI, DAVID F  
6809 TOWBRIDGE RD  
FAYETTEVILLE, NC 28306

ERICKSON, GISELA M  
3257 DORIAN RD  
FAYETTEVILLE, NC 28306

FERRUZZI, DAVID F  
6809 TOWBRIDGE RD  
FAYETTEVILLE, NC 28304

FOWLER, MARY L LIFE ESTATE  
5660 CAMDEN RD  
FAYETTEVILLE, NC 28303

FRANGOS, LOUIS;& OURANIA  
861 DUVAL DR  
HOPE MILLS, NC 28348

FRANGOS, SONTERIOS ELIAS  
430 DWIREWOOD RD  
FAYETTEVILLE, NC 28306

GRIMES VENTURES, LLC  
3918 COLORADO DR  
GREENVILLE, NC 27858

HAMMONDS, CHRISTOPHER JUNIOR  
3348 STATE ST  
FAYETTEVILLE, NC 28306

HENSON, JEFFREY  
1122 TIMBER DR  
HOPE MILLS, NC 28348

HERRON, GENO  
3413 CASTLEFIELD LN  
FAYETTEVILLE, NC 28306

HOEHNE, ROBERT J;& DEBORA P  
4008 BAFFLE CIR  
HOPE MILLS, NC 28348

HOLDER, HELEN E;& LESLIE REEVES  
5812 CAMDEN RD  
FAYETTEVILLE, NC 28306

KELLY, LEONARD J III  
3727 MARANATHA DR  
FAYETTEVILLE, NC 28304

KELLY, MICHAEL; &PATRICK  
3330 DUKE ST  
FAYETTEVILLE, NC 28306

LAMBERT, WILSON  
1202 CASTLE ROCK DR  
FAYETTEVILLE, NC 28304

LAND, HOWARD K  
3246 DORIAN RD  
FAYETTEVILLE, NC 28304

LANDFALL PARTNERS LLC  
PO BOX 87555  
FAYETTEVILLE, NC 28306

LANDSTONE LLC  
PO BOX 87555  
FAYETTEVILLE, NC 28306

LASALLE, ARTHUR J JR;& KATHLEEN W  
5732 CAMDEN RD  
FAYETTEVILLE, NC 28304

MARINARO, MATTHEW DYLAN  
3319 STATE ST  
CHAPEL HILL, NC 27517

MILLSTONE MASTER OWNERS ASSOC  
INC  
PO BOX 87555  
FAYETTEVILLE, NC 28306

MILLSTONE PARTNERS LLC  
1414 RALEIGH RD 410  
FAYETTEVILLE, NC 28306

MOREL, LELAND J;& HEATHER J  
5742 CAMDEN RD  
FAYETTEVILLE, NC 28314

MORENO, BRIAN CURTIS;& PATRICIA  
ANN  
3327 STATES ST  
FAYETTEVILLE, NC 28306

NIXON, COREY M.;& MARY  
6318 BENT TREE DR  
FAYETTEVILLE, NC 28306

PARKER, WATUS H  
5670 CAMDEN RD  
FAYETTEVILLE, NC 28306

PROCTOR, CHARLES M;HOEHNE,  
DEBORA P  
3373 UNIVERSITY AVE  
FAYETTEVILLE, NC 28306

QUINONES, ROLANDO  
3357 UNIVERSITY AVE  
FAYETTEVILLE, NC 28314

RAY, JEFFREY D  
3206 UNIVERSITY AVE  
FAYETTEVILLE, NC 28306

RICH, GREGORY P;& LANZHEN Q  
404 HARLOW DR  
FAYETTEVILLE, NC 28306

ROSS, DORIS ANN  
6520 JACOBS CREEK CIR  
FAYETTEVILLE, NC 28306

SASSER, DAVID C  
5766 CAMDEN RD  
FAYETTEVILLE, NC 28304

SATTELMEYER, DAVID M  
3421 CASTLEFIELD LN  
RAEFORD, NC 28376

SENTINEL GROUP LLC  
1251 OLIVER ST  
HOPE MILLS, NC 28348

SERVERINO, DILCIA M;& LUIS PERALTA  
142 N COPPER CREEK  
FAYETTEVILLE, NC 28314

SHERMAN, LINDA D  
5848 ROCKFISH RD  
FAYETTEVILLE, NC 28306

SHUPE, KACEY PARK  
6005 CHESHIRE CT  
WADE, NC 28395

SIMMONS, KAREN  
5681 CAMDEN RD  
FAYETTEVILLE, NC 28314

SMITH, PHILLIP NORWOOD  
PO BOX 156  
FAYETTEVILLE, NC 28306

SPRINGS PROPERTY MANAGEMENT  
LLC  
4223 FERNCREEK DR  
HOPE MILLS, NC 28348

STORM, KAY MERRITT  
3243 DORIAN RD  
FAYETTEVILLE, NC 28306

T&R PROPERTIES OF FAY LLC  
4611 SALEM PRINCE DR  
FAYETTEVILLE, NC 28306

VANICK, PATTIE ANN HEIRS  
3368 STATE ST  
HOPE MILLS, NC 28348

WALSTON, HEITH ERIKSON  
5741 CAMDEN ROAD  
FAYETTEVILLE, NC 28306

WALTERS, JAMES R;ROSEMARY;W,  
GILMORE  
PO BOX 339  
FAYETTEVILLE, NC 28306

WATTS, THOMAS DUDLEY  
5704 CAMDEN RD  
FAYETTEVILLE, NC 28303

WILLIAMS, JANET K  
5673 CAMDEN RD  
FAYETTEVILLE, NC28306





# CUMBERLAND COUNTY

NORTH CAROLINA

PLANNING & INSPECTIONS

PLANNING STAFF REPORT  
**REZONING CASE # ZON-21-0008**  
Planning Board Meeting: Sep 21, 2021

**Location:** 2241 & 2245 Mannington Dr.  
**Jurisdiction:** County - Unincorporated

**REQUEST** **Rezoning CD/CUD to R15/CUD**

The intent by the applicant is to expand the buildable area for future home sites for lots 302 and 303 of the Village at Rockfish Plat, which have a portion of the lots assigned both R15 District and Conservancy District (CD). The CD district is designed to preserve and protect identifiable natural resources from urban encroachment. The applicant has coordinated with FEMA to re-evaluate the placement of flood lines (see application materials). Therefore, to develop the subject properties, the applicant must still seek a rezoning to expand the existing R15/CUD district within that rear area portion of both lots to negate the existing CD/CUD District. This is a modification to a conditional zone case and does not request to alter the conditions approved for case P10-09 (Refer to Exhibit "H"). Should this rezone request be granted, this site would be subject to the conditions of approval of P10-09, particularly under subsection, "Site - Related" condition #8 which requires that all uses, dimensions, setbacks and other related provisions of the County Subdivision and Zoning Ordinance for the CD/CUD and R15/CUD zoning districts and the Permit must be complied with, as applicable. (The existing plat is shown in Exhibit "F" of the Staff Report and a copy of the previously approved conditions are provided as Exhibit "G".)

**PROPERTY INFORMATION**

**OWNER/APPLICANT:**

Moorman, Kaiser, And Reitzel, Inc. on behalf of Pami Remodeling (Owner)

**ADDRESS/LOCATION:**

Located at 2241 & 2245 Mannington Drive Refer to Exhibit "A", Site Location. REID numbers: 0443587534000 & 0443587691000.

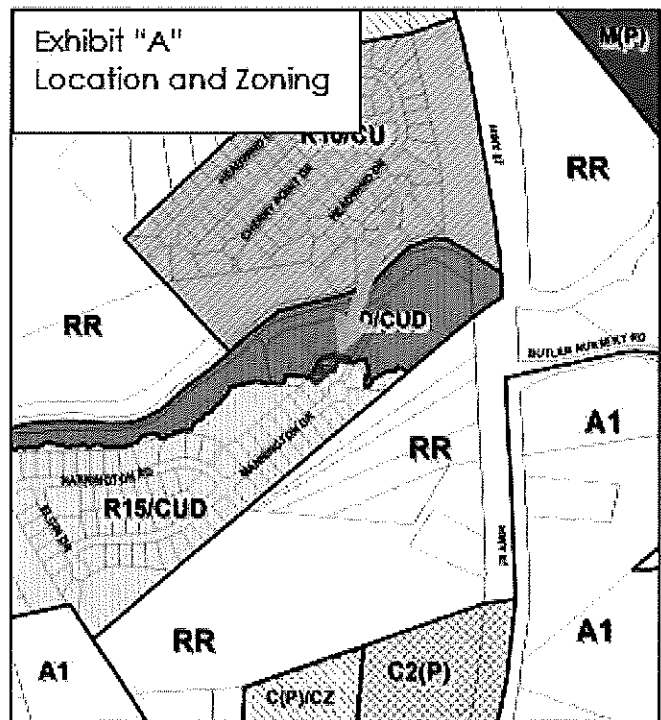
**SIZE:**

2241 Mannington Dr: 0.20 +/- acres within Lot 302  
The property has approximately 78 +/- feet of street frontage along the north side of Mannington Drive. The property has a depth of about 130 feet.  
2245 Mannington Dr: 0.38 +/- acres within lot 303. The property has approximately 27.6 +/- feet of street frontage along the north side of Mannington Drive. The property has a depth of about 150 feet.

**EXISTING ZONING:**

The property is zoned R15 Residential District which is a district designed primarily for single-family dwelling units with a lot area of 15,000 square feet or above.

**EXISTING LAND USE:** The lots are vacant. Exhibit "B" shows the existing use of the subject properties.



**SURROUNDING LAND USE:** Exhibit "B" illustrates the following:

- North:** Vacant and wooded lots buffer the river to the north and are zoned CD/CUD and R10 CU. Further north is the Grays Creek Villas subdivision on property zoned R10 CU.
- East:** Vacant and wooded lots, included in the Village at Rockfish subdivision and zoned R15/CUD and CD/CUD, buffer the subject site and Highway 87.
- West:** The lots to the west are included in the Village at Rockfish subdivision and zoned R15/CUD and CD/CUD.
- South:** Directly south are vacant lots included in the subject subdivision. Further south are vacant and wooded properties zoned RR.

**OTHER SITE CHARACTERISTICS:** The site is not located in a Watershed. The properties were previously located within a Special Flood Hazard Area. The property owner applied to FEMA to re-evaluate the placement of flood lines. Applicant has provided documentation for the applicable subject site identified as portions of Lots 302 and 303, Village of Rockfish, Phase One, Section Three. Case No. 21-04-2844A dated June 04, 2021, LOMR-F Determination Document (REMOVAL) from the Federal Emergency Management Agency as supporting documentation for this request (see Exhibit "H").

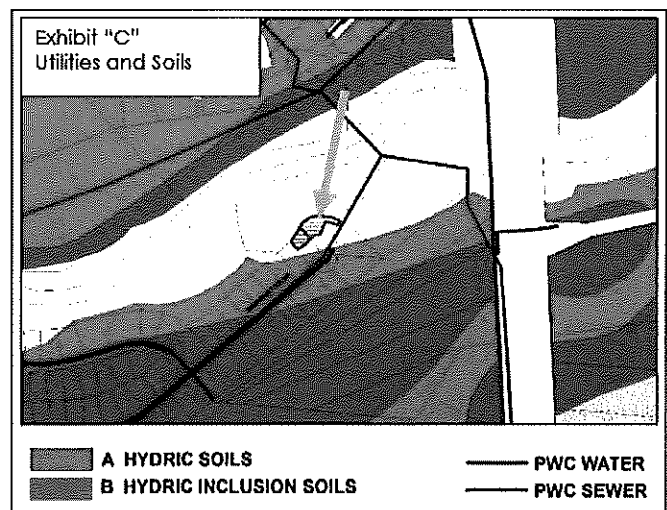
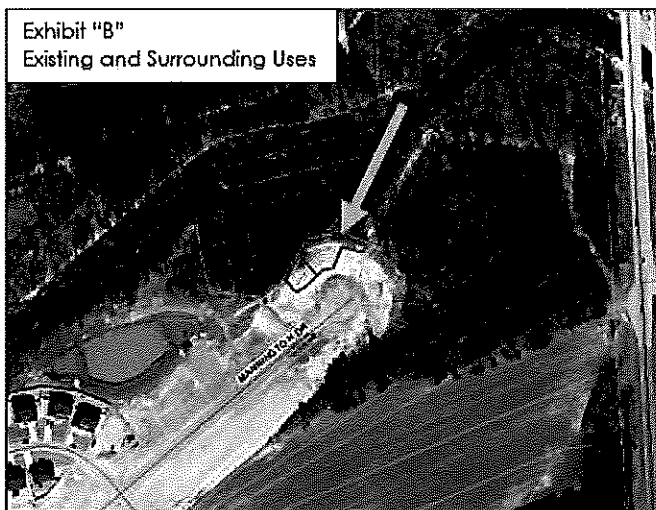
Staff has reached out the Engineering Department for comments regarding applicant request, and received:

"Floodplain line is established by FEMA. The maps were adopted and became effective in 2007. If somebody wants to alter or move the floodplain line, say for example by using compacted fill, then they can apply for a County floodplain permit thru our department. We would then create conditions on the permit that would limit boundaries, require compaction tests at a minimum. Once this has been finalized, they can move to the next step.

Next step of removing the area of fill from the FEMA floodplain maps, they could apply for a Letter of Map Revision based on Fill (LOMR-F) through the State. The applicant in this case did such and had only the area of fill (legal description) removed from the floodplain.

So, to give my opinion concerning your question about the CD zoning line, the county planning board and commissioners typically let rezoning cases be allowed to the 100-year floodplain line. Which in this case was legally moved by the LOMR-F."

The subject property, as delineated in Exhibit "C" illustrates no presence of hydric nor hydric inclusion soils.

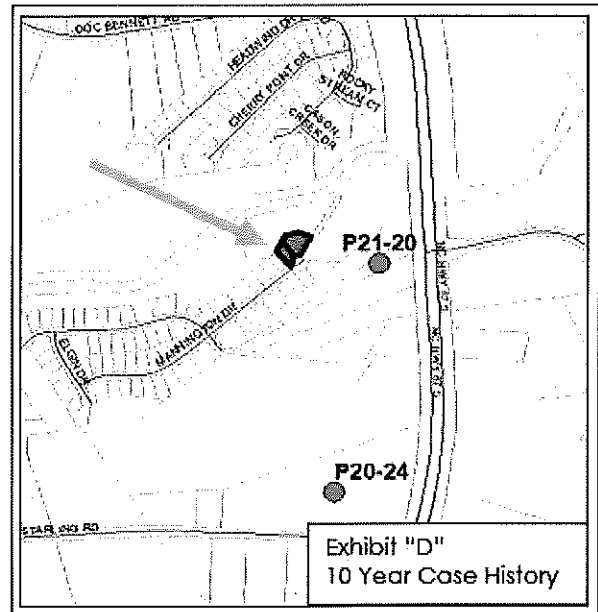


**TEN YEAR ZONE CASE HISTORY:**

Exhibit "D" denotes the location of the zoning case history described below.

- **P20-24:** RR to C2(P) & C(P)/ CZ for Mini-warehousing and Outside Storage; **Approved;** 13.35 acres
- **P21-20:** RR to R7.5/CZ; **Withdrawn;** 1.85 acres

**DEVELOPMENT REVIEW:** This case has an associated modification case, MOD-0002-21, which is the revision to site plan for the subject lots. These lots are part of a previously approved subdivision (Plat Bk. 139, Pg. 164). Staff had no other comments related to subdivision ordinance.



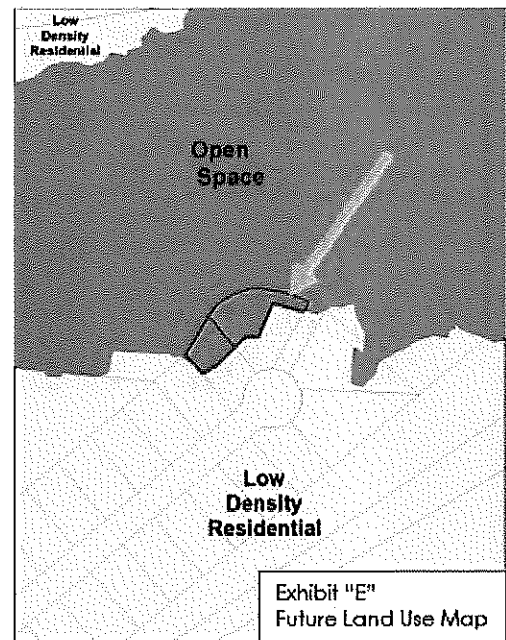
**DIMENSIONAL PROVISIONS FOR REQUESTED DISTRICT:**

Minimum Standard	CD/CUD (Existing Zoning)	R15/CUD (Proposed)
Front Yard Setback	50 feet from ROW, 80 feet from CL	30 feet
Side Yard Setback	50 feet	10 feet: 1 story, 15 feet: 2 story
Rear Yard Setback	50 feet	35 feet
Lot Area	N/A	15,000 feet <sup>2</sup>
Lot Width	N/A	75 feet

**COMPREHENSIVE PLANS:** Located in the South Central Land Use Plan (2015), the subject property is designated as Low Density Residential and Open Space, as shown within Exhibit "E". The Low-Density Residential designation and Open Space designation, in the Southwest Cumberland Land Use Plan, calls for associated zoning districts R7.5 and R15 and CD, respectively. **Request is not consistent with the adopted land use plan.** If the zoning change is approved, the most appropriate future land use map designation that will be administratively assigned to the subject area is Low Density Residential.

**APPLICABLE PLAN GOALS/POLICIES:**

- Maintain the stability, character and density of existing sound neighborhoods.
- Protect and preserve environmentally sensitive areas and natural resources.



**IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES**

**UTILITIES:** PWC water and sewer utilities are available along the Mannington Drive frontage. It is the applicant's responsibility to determine if these utilities will serve their development. Utilities for water and sewer are shown on Exhibit "C".



**TRAFFIC:** According the Fayetteville Area Metropolitan Planning Organization (FAMPO), the subject property sits on Mannington Drive and is identified as a local road in the Metropolitan Transportation Plan. There are no construction projects planned, and the subject property will have no impact on the Transportation Improvement Plan.

**SCHOOLS CAPACITY/ENROLLMENT:**

School	Capacity	Enrollment
Alderman Rd Elem	750	601
Gray's Creek Mid	1200	1096
Gray's Creek High	1470	1343

**ECONOMIC DEVELOPMENT:** Fayetteville Cumberland County Economic Development Corporation has reviewed the request and had no comment at this time.

**EMERGENCY SERVICES:** Cumberland County Fire Marshal's office has reviewed the request and stated ensure that all fire department access roads requirements are met in accordance with section 503 of the NC 2018 Fire Code where required.

**SPECIAL DISTRICTS:** The property is located within the Fayetteville Regional Airport Overlay District, but not within five miles of Fort Bragg Military Base. The director the Fayetteville Regional Airport has no objections regarding this request.

**CONDITIONS OF APPROVAL:** As the rezoning request is for Conditional Zoning, Exhibit "F" includes conditions that the property must meet through an approved site plan, site development, and use of the property should this request be approved. The applicant is seeking to maintain the conditions already present on the property from zone case P10-09.

**CODE DEVIATIONS:** No code deviations have been identified at this time.

**STAFF RECOMMENDATION**

In Case ZON-21-0008, the Planning and Inspections staff **recommends approval** of the rezoning request from CD Conservancy District/ CUD Conditional Use District to R15 Residential District/ CUD Conditional Use District and finds:

- a. The approval is an amendment to the adopted, current South Central Land Use Plan; and that the Board of Commissioners should not require any additional request or application for amendment to said map for this request.
- b. The applicant has petitioned to amend the existing flood maps to remove the flood boundaries from the affected lots.
- c. The existing land use plan designation of "open space" is based off the existing flood hazard lines. The request is reasonable and in the public interest because the requested district would allow development that would be compatible and in harmony with the surrounding land use activities and zoning.

Attachments:  
Notification Mailing List



**EXHIBIT "G"**  
**CONDITIONS OF APPROVAL**

## Conditional Use District & Permit

### Ordinance Related Conditions

#### Permit-Related:

1. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the County Zoning Ordinance and permits required to place any structure within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. For additional information, the developer should contact a Code Enforcement Officer.
2. Connection to public water and sewer is required, the Public Works Commission (PWC) must approve water and sewer plans prior to application for any permits. A copy of the PWC approval must be provided to Code Enforcement at the time of application for building/zoning permits. (Section 2306 A.1, Public Water and Sewer Systems County Subdivision Ordinance)
3. New development where the developer will disturb or intends to disturb more than one acre of land is subject to the Post-Construction Stormwater Management Permitting Program (Phase II Stormwater Management Requirements) administered by the Division of Water Quality, North Carolina Department of Environment and Natural Resources. If one acre or more of land is to be disturbed, prior to the issuance of any building/zoning permits for this site, a copy of the State's *Post-Construction Permit* must be provided to County Code Enforcement.
4. For any new development where the developer disturbs or intends to disturb more than one acre of land, the developer must provide the Code Enforcement Section with an approved NC Department of Environment and Natural Resources (NCDENR) sedimentation and erosion control plan (S&E) prior to any application for permits. (Note: If any retention/detention basins are required for state approval of this plan, then three copies of a revised plan must be submitted and approved by Planning & Inspections prior to application for any building/zoning permits.) A copy of the NCDENR approval must be provided to Code Enforcement at the time of application for any building/zoning permits.
5. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
6. The *Special Flood Hazard Area* (SFHA) exists on this tract; any development within SFHA must have first flood elevations, including all mechanical and electrical equipment above base flood elevation (BFE) plus two feet of freeboard. Proper flood plain development permits are required, issued by the County Engineer, prior to any building/permit application. A copy of the approved flood plain permit must be provided to Code Enforcement at the time of building/zoning permit applications.
7. The building final inspection cannot be accomplished until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans.

#### Site-Related:

8. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Zoning Ordinances for the CD/CUD & R15/CUD zoning districts and the Permit must be complied with, as applicable.
9. All corner lots and lots fronting more than one street must provide front yard setbacks from each street.
10. This conditional approval is not approval of any freestanding signs. If a freestanding sign is desired, re-submittal of the site plan for staff review and approval 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.)
11. All applicable provisions of Section 2401, "Group Developments", County Subdivision Ordinance, must be complied with.

12. Curbs and gutters must meet the NC Department of Transportation's (NCDOT) standards and specifications or the City of Fayetteville street specifications, whichever standard is more stringent. Rolled concrete curb, if required, must not be less than 24 inches in width. (Section 2304 B.4, Curbs and Gutters, County Subdivision Ordinance)
13. For any new development, an adequate drainage system must be installed by the developer in accordance with the NC Department of Environment and Natural Resources' (NCDENR) *Manual on Best Management Practices* and all drainage ways must be kept clean and free of debris. (Section 2306 D, County Subdivision Ordinance)
14. Fire hydrants must be installed along all proposed streets and drives; hydrants must be located no further than 1,000 feet apart and at a maximum of 500 feet from any lot. (Section 2306 B, Fire hydrants, County Subdivision Ordinance)
15. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision Ordinance)
16. 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. The basins must be secured with a four foot high fence with a lockable gate.
17. This review does not constitute a "subdivision" approval by NC Department of Transportation (NCDOT). A separate submittal to NCDOT will be required prior to consideration for addition to the system of any street within this development.
18. The developer must obtain a driveway permit from the NC Department of Transportation (NCDOT). A copy of the approved driveway permit must be provided to Code Enforcement at the time of application for building/zoning permits.
19. The NC Department of Transportation (NCDOT) must approve the street plans and the street(s) are required to be constructed to the NCDOT standards for secondary roads.
20. Turn lanes may be required by the NC Department of Transportation (NCDOT).
21. All lots within this development are required to be served by an internal street system.
22. The owner's association is responsible and liable for maintenance and upkeep of all structures, and appurtenances within the common areas, 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.
23. All notes and calculations as shown on the site plan and contained within the application are to be considered as a part of this conditional approval.

**Plat-Related:**

24. The 5.72 acre tract (conflict area) which is not a part of this approval, must be given road frontage by either a 20 foot strip of land along an existing or proposed road, or by recombining this property with an adjacent property which has road frontage.
25. All phases of this development must be labeled as a "Zero Lot Line" development on each final plat.
26. All common areas for each phase must be clearly labeled as "common area" on the final plat:
27. The final plat must clearly reflect a "No Tree Cutting" easement for the land area within the Special Flood Hazard Area (SFHA) along the Rockfish Creek, with the exception of utility installation/easements crossing through the (SFHA) area. **(Note: The utility easements must be clearly reflected on the final plat.)**
28. The proposed development is located in a Special Flood Hazard Area (SFHA). The final plat must show the limits of the SFHA; information may be obtained from the County Engineer's office or the Federal Emergency Management Agency's (FEMA) website at [www.ncfloodmaps.com](http://www.ncfloodmaps.com). Any development within the SFHA is subject to the requirements of the County Flood Damage Prevention Ordinance administered by the County Engineering Department.
29. A concrete sidewalk must be constructed along SR 2220 (Tom Starling Road) (2 to 5 du/ac). (Section 2305, Sidewalks, County Subdivision Ordinance)

30. A concrete sidewalk must be constructed along NC HWY 87 South and along SR 2220 (Tom Starling Road). (Sewer Service Area, City/County Interlocal Agreement, dated June 9, 2008)
31. The developer is required to submit to Land Use Codes:
  - a. Three copies of proposed covenants, by-laws and articles of incorporation for the proposed development designating responsibility for maintenance and upkeep of all common areas, stormwater basins and addressing the “no tree cutting” requirement within the Special Flood Hazard Area (SFHA) by the owners’ association for the development;
  - b. One copy of the deed(s) proposed for recordation conveying all common area to the proposed owners association;
  - c. One copy of any proposed supplemental covenants if the proposed development is to be submitted for final approval in phases; and
  - d. Two copies of each proposed final plat prior to the submission for final approval – can be a phase of the approved development or the complete development as approved.
32. The developer must record the deed conveying all common areas to the owners association at the same time that each final plat for each phase of this development is recorded.
33. Prior to final plat approval the developer must contact the Street Naming and Addressing Section of the Planning & Inspections Department for approval of the street names for the proposed streets within this development. The approved street names must be reflected on the final plat.
34. The street name signs, in compliance with the County Street Sign Specifications, must be installed prior to final plat approval. The developer should contact E911 Street Naming/Signs for inquiries regarding the County’s policy for street sign installation or, if the sign is commissioned from a private source, to schedule an inspection of the street sign(s). Land Use Codes must receive notice of agreement with the Street Naming & Addressing Section for sign installation or of satisfactory inspection prior to the approval of the final plat.
35. “Tom Starling Road” must be labeled as “SR 2220 (Tom Starling Road)” on the final plat.
36. “NC HWY 87” must be labeled as “NC HWY 87 S” on the final plat.
37. Dedication of 10 feet of right-of-way and reservation of 10 feet of right-of way along SR 2220 (Tom Starling Road) is required and the metes and bounds for both dedication and reservation is required to be shown on the final plat and/or reflected on any future site plans.. The location of all improvements, required or otherwise, and all building setback lines are to be measured from the ultimate right-of-way line. (Section 2302 F, Planned Public Right-of-Way, County Subdivision Ordinance)
38. The builder/developer must provide the buildable envelopes on the final plat: providing a five-foot maintenance easement along each side of all common internal lines with all other applicable setbacks being provided for; or at the time of permit application, the individual plot plans must be approved by Land Use Codes prior to issuance of any permits.
39. Any/All easements must be reflected on the final plat and labeled as to type of easement, reference number for document creating the easement, and the name of the agency, individual, etc. who holds the easement.
40. All lots within this development must be served by an internal street system and a “no access” easement must be reflected on the final plat along SR 2220 (Tom Starling Road) on Lots 1- 10, 87, 107, 108, 133, 173 – 177, 192 and the open space areas.
41. All lots within this development must be served by an internal street system and a “no access” easement must be reflected on the final plat along NC HWY 87 S on the open space area.
42. A 10’ x 70’ sight distance easements is required at the intersection of SR 2220 (Tom Starling Road) with the two proposed streets and must be reflected on the final plat.
43. A 25’ right-of-way radius is required at all intersections and must be reflected on the final plat. (Section 2304.10.c, Street Design, County Subdivision Ordinance)

44. The NC Department of Transportation (NCDOT) stamp must be affixed to the final plat prior to submission for final plat approval by Land Use Codes.
45. The notarized signature(s) of all current tax record owner(s) and notary certifications appear on the final plat when submitted for final approval. (Section 2503 D, Certificate of Ownership and Dedication, County Subdivision Ordinance)
46. The developer is reminded that the improvements must be in place or that final plat approval will only be granted in accordance with Section 2502 B, C, or D, Final Plat – Guarantees of Improvements, Subdivision Ordinance. (Note: Once the improvements are in place, the developer is responsible for contacting Jeff Barnhill to schedule an inspection of the improvements.)
47. The final plat must be submitted to Land Use Codes for review and approval for recording with the County Register of Deeds, and the plat must be recorded prior to any permit application for any structure and/or prior to the sale of any lot or unit within this development.

**Plat-Required Statements:**

48. Since this development is located within the *Airport Overlay District* as shown on the official zoning map, the following disclosure statement is required to be provided on the final plat (Section 8.101.E, Notice and Disclosure of Noise Impact Discloser, County Zoning Ordinance):

“Property shown on this plan/plat is within the Cumberland County Airport Overlay District and all or a portion of the property described hereon is within an area that is subject to an average noise level near to or exceeding 65 dnl.”

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

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

**Other Relevant Conditions:**

50. The applicant is advised to consult an expert on wetlands before proceeding with any development.
51. There may be wetlands located in the project area that are subject to the permit requirements of Section 404 of the Clean Water Act. To avoid a violation of federal and/or state law, it is recommended the developer contact the Office of the Army Corp of Engineers or hire an environmental consultant to identify and delineate any wetlands in the project area prior to construction. A Section 404 permit will be required if the applicant needs to fill wetlands for the construction of the convenience store and/or development of the remaining parent tract.
52. 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.

**EXHIBIT "H"**  
**LOMR-F DETERMINATION DOCUMENT**





# Federal Emergency Management Agency

Washington, D.C. 20472

June 04, 2021

THE HONORABLE CHARLES EVANS  
CHAIR, BOARD OF COMMISSIONERS  
CUMBERLAND COUNTY  
P.O. BOX 1829  
FAYETTEVILLE, NC 28302

CASE NO.: 21-04-2844A  
COMMUNITY: CUMBERLAND COUNTY, NORTH  
CAROLINA  
(UNINCORPORATED AREAS)  
COMMUNITY NO.: 370076

DEAR MR. EVANS:

This is in reference to a request that the Federal Emergency Management Agency (FEMA) determine if the property described in the enclosed document is located within an identified Special Flood Hazard Area, the area that would be inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood), on the effective National Flood Insurance Program (NFIP) map. Using the information submitted and the effective NFIP map, our determination is shown on the attached Letter of Map Revision based on Fill (LOMR-F) Determination Document. This determination document provides additional information regarding the effective NFIP map, the legal description of the property and our determination.

Additional documents are enclosed which provide information regarding the subject property and LOMR-Fs. Please see the List of Enclosures below to determine which documents are enclosed. Other attachments specific to this request may be included as referenced in the Determination/Comment document. If you have any questions about this letter or any of the enclosures, please contact the FEMA Map Information eXchange (FMIX) toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, Engineering Library, 3601 Eisenhower Ave Ste 500, Alexandria, VA 22304-6426.

Sincerely,

Luis V. Rodriguez, P.E., Director  
Engineering and Modeling Division  
Federal Insurance and Mitigation Administration

**LIST OF ENCLOSURES:**

LOMR-F DETERMINATION DOCUMENT (REMOVAL)

cc: State/Commonwealth NFIP Coordinator  
Community Map Repository  
Region  
Mr. Thomas J. Gooden



# Federal Emergency Management Agency

Washington, D.C. 20472

## ADDITIONAL INFORMATION REGARDING LETTERS OF MAP REVISION BASED ON FILL

When making determinations on requests for Letters of Map Revision based on the placement of fill (LOMR-Fs), the Department of Homeland Security's Federal Emergency Management Agency (FEMA) bases its determination on the flood hazard information available at the time of the determination. Requesters should be aware that flood conditions may change or new information may be generated that would supersede FEMA's determination. In such cases, the community will be informed by letter.

Requesters also should be aware that removal of a property (parcel of land or structure) from the Special Flood Hazard Area (SFHA) means FEMA has determined the property is not subject to inundation by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood). This does not mean the property is not subject to other flood hazards. The property could be inundated by a flood with a magnitude greater than the base flood or by localized flooding not shown on the effective National Flood Insurance Program (NFIP) map.

The effect of a LOMR-F is it removes the Federal requirement for the lender to require flood insurance coverage for the property described. The LOMR-F *is not* a waiver of the condition that the property owner maintain flood insurance coverage for the property. *Only* the lender can waive the flood insurance purchase requirement because the lender imposed the requirement. *The property owner must request and receive a written waiver from the lender before canceling the policy.* The lender may determine, on its own as a business decision, that it wishes to continue the flood insurance requirement to protect its financial risk on the loan.

The LOMR-F provides FEMA's comment on the mandatory flood insurance requirements of the NFIP as they apply to a particular property. A LOMR-F is not a building permit, nor should it be construed as such. Any development, new construction, or substantial improvement of a property impacted by a LOMR-F must comply with all applicable State and local criteria and other Federal criteria.

If a lender releases a property owner from the flood insurance requirement, and the property owner decides to cancel the policy and seek a refund, the NFIP will refund the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy during the current policy year. The property owner must provide a written waiver of the insurance requirement from the lender to the property insurance agent or company servicing his or her policy. The agent or company will then process the refund request.

Even though structures are not located in an SFHA, as mentioned above, they could be flooded by a flooding event with a greater magnitude than the base flood. In fact, more than 25 percent of all claims paid by the NFIP are for policies for structures located outside the SFHA in Zones B, C, X (shaded), or X (unshaded). More than one-fourth of all policies purchased under the NFIP protect structures located in these zones. The risk to structures located outside SFHAs is just not as great as the risk to structures located in SFHAs. Finally, approximately 90 percent of all federally declared disasters are caused by flooding, and homeowners insurance does not provide financial protection from this flooding. Therefore, FEMA encourages the widest possible coverage under the NFIP.

The NFIP offers two types of flood insurance policies to property owners: the low-cost Preferred Risk Policy (PRP) and the Standard Flood Insurance Policy (SFIP). The PRP is available for 1- to 4-family residential structures located outside the SFHA with little or no loss history. The PRP is available for townhouse/rowhouse-type structures, but is not available for other types of condominium units. The SFIP is available for all other structures.

Additional information on the PRP and how a property owner can qualify for this type of policy may be obtained by contacting the Flood Insurance Information Hotline, toll free, at 1-800-427-4661. Before making a final decision about flood insurance coverage, FEMA strongly encourages property owners to discuss their individual flood risk situations and insurance needs with an insurance agent or company.

The revisions made effective by a LOMR-F are made pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (P.L. 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968, P.L. 90-448) 42 U.S.C. 4001-4128, and 44 CFR Part 65.

In accordance with regulations adopted by the community when it made application to join the NFIP, letters issued to revise an NFIP map must be attached to the community's official record copy of the map. That map is available for public inspection at the community's official map repository. Therefore, FEMA sends copies of all such letters to the affected community's official map repository.

To ensure continued eligibility to participate in the NFIP, the community must enforce its floodplain management regulations using, at a minimum, the flood elevations and zone designations shown on the NFIP map, including the revisions made effective by LOMR-Fs. LOMR-Fs are based on minimum criteria established by the NFIP. State, county, and community officials, based on knowledge of local conditions and in the interest of safety, may set higher standards for construction in the SFHA. If the State, county, or community has adopted more restrictive and comprehensive floodplain management criteria, these criteria take precedence over the minimum Federal criteria.

FEMA does not print and distribute LOMR-Fs to primary map users, such as local insurance agents and mortgage lenders; therefore, the community serves as the repository for LOMR-Fs. FEMA encourages communities to disseminate LOMR-Fs so that interested persons, such as property owners, insurance agents, and mortgage lenders, may benefit from the information. FEMA also encourages communities to prepare articles for publication in the local newspaper that describe the changes made and the assistance community officials will provide in serving as a clearinghouse for LOMR-Fs and interpreting NFIP maps.

When a restudy is undertaken, or when a sufficient number of revisions occur on particular map panels, FEMA initiates the printing and distribution process for the panels and incorporates the changes made effective by LOMR-Fs. FEMA notifies community officials in writing when affected map panels are being physically revised and distributed. If the results of particular LOMR-Fs cannot be reflected on the new map panels because of scale limitations, FEMA notifies the community in writing and revalidates the LOMR-Fs in that letter. LOMR-Fs revalidated in this way usually will become effective 1 day after the effective date of the revised map.



**Federal Emergency Management Agency**  
Washington, D.C. 20472

**LETTER OF MAP REVISION BASED ON FILL  
DETERMINATION DOCUMENT (REMOVAL)**

COMMUNITY AND MAP PANEL INFORMATION		LEGAL PROPERTY DESCRIPTION
COMMUNITY	CUMBERLAND COUNTY, NORTH CAROLINA (Unincorporated Areas)	A portion of Lots 302 and 303, Village at Rockfish, Phase One, Section Three, as shown on the Plat recorded as Instrument No. 21981, in Book 00139, Page 0164, in the Office of the Register of Deeds, Cumberland County, North Carolina  The portion of property is more particularly described by the following metes and bounds:
	COMMUNITY NO.: 370076	
AFFECTED MAP PANEL	NUMBER: 3720044300J	
	DATE: 1/5/2007	
FLOODING SOURCE: ROCKFISH CREEK		APPROXIMATE LATITUDE & LONGITUDE OF PROPERTY: 34.964958, -78.847252 SOURCE OF LAT & LONG: LOMA LOGIC DATUM: NAD 83

**DETERMINATION**

LOT	BLOCK/SECTION	SUBDIVISION	STREET	OUTCOME WHAT IS REMOVED FROM THE SFHA	FLOOD ZONE	1% ANNUAL CHANCE FLOOD ELEVATION (NAVD 88)	LOWEST ADJACENT GRADE ELEVATION (NAVD 88)	LOWEST LOT ELEVATION (NAVD 88)
302	-/3	Village at Rockfish, Phase 1	2241 Mannington Drive	Portion of Property	X (shaded)	--	--	78.6 feet

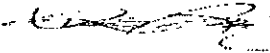
**Special Flood Hazard Area (SFHA)** - The SFHA is an area that would be inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood).

**ADDITIONAL CONSIDERATIONS** (Please refer to the appropriate section on Attachment 1 for the additional considerations listed below.)

LEGAL PROPERTY DESCRIPTION DETERMINATION TABLE (CONTINUED) FILL RECOMMENDATION	PORTIONS REMAIN IN THE SFHA STATE LOCAL CONSIDERATIONS
--	---

This document provides the Federal Emergency Management Agency's determination regarding a request for a Letter of Map Revision based on Fill for the property described above. Using the information submitted and the effective National Flood Insurance Program (NFIP) map, we have determined that the described portion(s) of the property(ies) is/are not located in the SFHA, an area inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood). This document revises the effective NFIP map to remove the subject property from the SFHA located on the effective NFIP map; therefore, the Federal mandatory flood insurance requirement does not apply. However, the lender has the option to continue the flood insurance requirement to protect its financial risk on the loan. A Preferred Risk Policy (PRP) is available for buildings located outside the SFHA. Information about the PRP and how one can apply is enclosed.

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Map Information eXchange (FMIX) toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, Engineering Library, 3601 Eisenhower Ave Ste 600, Alexandria, VA 22304-6426.

  
 Luis V. Rodriguez, P.E., Director  
 Engineering and Modeling Division  
 Federal Insurance and Mitigation Administration



# Federal Emergency Management Agency

Washington, D.C. 20472

## LETTER OF MAP REVISION BASED ON FILL DETERMINATION DOCUMENT (REMOVAL)

ATTACHMENT 1 (ADDITIONAL CONSIDERATIONS)

### LEGAL PROPERTY DESCRIPTION (CONTINUED)

#### Lot 302

BEGINNING at a point located in the western line of Lot 302 as shown on plat entitled "VILLAGE AT ROCKFISH, PHASE ONE, SECTION THREE." As recorded in Plat Book 139 Page 164 of the Cumberland County Registry; Said point being located a tie line of N 40°02'12" W 87.40 feet from an existing iron stake located at the southwest corner of the above referenced Lot 302; AND RUNS THENCE with the western line of the above referenced Lot 302, N 40°02'12" W 37.60 feet to an existing iron stake located at the northwest corner of the above referenced Lot 302; Thence with a new line N 32°17'54" E 38.71 feet to a point; Thence N 28°38'42" E 35.56 feet to a point located in the eastern line of the above referenced Lot 302; Thence with the eastern line of said Lot 302, S 40°02'12" E 69.31 feet to a point in said line; Said point being the existing 100 year flood line as shown on said plat; Thence with the eastern line of said Lot 302, S 40°02'12" E 55.75 feet an existing rebar located at the southeast corner of the above lot 302; said existing rebar being located in the western right of way margin of Mannington Drive; Thence with the western right of way margin of Mannington Drive with a curve having a radius of 50.00 feet and length of 48.28 feet with a chord bearing and distance of S 29°26'16" W 46.43 feet to an existing rebar; Thence with the western right of way margin of Mannington Drive with a curve having a radius of 25.00 feet and length of 21.03 feet with a chord bearing and distance of S 25°52'07" W 20.41 feet to an existing rebar; Thence with said right of way, S 49°57'48" W 7.89 feet to an existing rebar located at the southwest corner of the above Lot 302; Thence with western line of said Lot 302, N 40°02'12" W 87.40 feet to the point of beginning

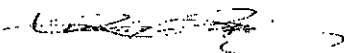
#### Lot 303

BEGINNING at a point located in the western line of Lot 303 as shown on plat entitled "VILLAGE AT ROCKFISH, PHASE ONE, SECTION THREE." As recorded in Plat Book 139 Page 164 of the Cumberland County Registry; Said point being located a tie line of N 40°02'12" W 55.75 feet from an existing iron stake located at the southwest corner of the above referenced Lot 303; AND RUNS THENCE with the western line of the above referenced Lot 303, N 40°02'12" W 69.31 feet to a point located in the western line of the above referenced Lot 303; Thence with a new line as follows, N 37°11'41" E 25.70 feet to a point; N 57°08'54" E 28.32 feet to a point; N 71°33'36" E 32.31 feet to a point; S 87°58'36" E 28.08 feet to a point; S 80°02'36" E 27.12 feet to a point; S 71°39'55" E 25.73 feet to a point; S 67°53'49" E 23.74 feet to a point located in the eastern line of the above referenced Lot 303; Thence with the eastern line of said Lot 303, S 30°12'00" W 19.32 feet to a point in said line; Said point being the existing 100 year flood line as shown on said plat; Thence with the eastern line of Lot 303, S 30°12'00" W 109.21 feet to an existing rebar located at the southeast corner of Lot 303 and in the northern right of way of Mannington Drive; Thence with the northern right of way of Mannington Drive with a curve having a radius of 50.00 feet and length of 27.62 feet and a chord bearing and distance of S 72°55'36" W 27.27 feet to an existing rebar located at the southwest corner of the above Lot 303, Thence with the western line of the above referenced Lot 303, N 40°02'12" W 55.75 feet to the point of beginning

### DETERMINATION TABLE (CONTINUED)

LOT	BLOCK/ SECTION	SUBDIVISION	STREET	OUTCOME WHAT IS REMOVED FROM THE SFHA	FLOOD ZONE	1% ANNUAL CHANCE FLOOD ELEVATION (NAVD 88)	LOWEST ADJACENT GRADE ELEVATION (NAVD 88)	LOWEST LOT ELEVATION (NAVD 88)
303	-/3	Village at Rockfish, Phase 1	2245 Mannington Drive	Portion of Property	X (shaded)	--	--	78.5 feet

This attachment provides additional information regarding this request. If you have any questions about this attachment, please contact the FEMA Map Information eXchange (FMIX) toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, Engineering Library, 3601 Eisenhower Ave Ste 500, Alexandria, VA 22304-6426.

  
Luis V. Rodriguez, P.E., Director  
Engineering and Modeling Division  
Federal Insurance and Mitigation Administration



Federal Emergency Management Agency  
Washington, D.C. 20472

**LETTER OF MAP REVISION BASED ON FILL  
DETERMINATION DOCUMENT (REMOVAL)**  
ATTACHMENT 1 (ADDITIONAL CONSIDERATIONS)

**FILL RECOMMENDATION (This Additional Consideration applies to the preceding 2 Properties.)**

The minimum NFIP criteria for removal of the subject area based on fill have been met for this request and the community in which the property is located has certified that the area and any subsequent structure(s) built on the filled area are reasonably safe from flooding. FEMA's Technical Bulletin 10-01 provides guidance for the construction of buildings on land elevated above the base flood elevation through the placement of fill. A copy of Technical Bulletin 10-01 can be obtained by calling the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA MAP) or from our web site at <http://www.fema.gov/mit/tb1001.pdf>. Although the minimum NFIP standards no longer apply to this area, some communities may have floodplain management regulations that are more restrictive and may continue to enforce some or all of their requirements in areas outside the Special Flood Hazard Area.

**PORTIONS OF THE PROPERTY REMAIN IN THE SFHA (This Additional Consideration applies to the preceding 2 Properties.)**

Portions of this property, but not the subject of the Determination/Comment document, may remain in the Special Flood Hazard Area. Therefore, any future construction or substantial improvement on the property remains subject to Federal, State/Commonwealth, and local regulations for floodplain management.

**STATE AND LOCAL CONSIDERATIONS (This Additional Consideration applies to all properties in the LOMR-F DETERMINATION DOCUMENT (REMOVAL))**

Please note that this document does not override or supersede any State or local procedural or substantive provisions which may apply to floodplain management requirements associated with amendments to State or local floodplain zoning ordinances, maps, or State or local procedures adopted under the National Flood Insurance Program.

This attachment provides additional information regarding this request. If you have any questions about this attachment, please contact the FEMA Map Information eXchange (FMIX) toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, Engineering Library, 3601 Eisenhower Ave Ste 500, Alexandria, VA 22304-6426.

  
Luis V. Rodriguez, P.E., Director  
Engineering and Modeling Division  
Federal Insurance and Mitigation Administration

**ATTACHMENT – MAILING LIST**

ANDERSON, PHILLIP D;& GALINA  
2232 MANNINGTON DR  
FAYETTEVILLE, NC 28306

ALHASSAN, YUSIF;& AYEISHA  
1726 CHERRY POINT DR  
FAYETTEVILLE, NC 28309

ARTHUR, TOREY;& BIANCA  
4576 HEADWIND DR  
FAYETTEVILLE, NC 28306

BAE, SANGHUN  
4529 HEADWIND DR  
FAYETTEVILLE, NC 28306

BAILEY, LISA  
2208 MANNINGTON DR  
FAYETTEVILLE, NC 28306

BALDWIN TONY A;& LENORA P  
4521 HEADWIND DR  
FAYETTEVILLE, NC 28306

BARNES, KIMBERLY A  
1711 CHERRY POINT DR  
FAYETTEVILLE, NC 28306

BEDENBAUGH, LATIA A  
1718 CHERRY POINT RD  
FAYETTEVILLE, NC 28306

BENNETT, OQUINDLE;&  
VIOLENE, K WILKERSON  
2205 MANNINGTON DR  
FAYETTEVILLE, NC 28306

BOWMAN, BRANDI ANNE  
1746 CHERRY POINT DR  
FAYETTEVILLE, NC 28306

BRADSHER, GEORGE W;& SHERRY K  
2225 MANNINGTON DR  
FAYETTEVILLE, NC 28306

BROWN KELLY J;& LESLIE Q  
1722 CHERRY POINT DR  
FAYETTEVILLE, NC 28306

BROWN, PAUL RAYMOND;&  
DONNITTA R  
2119 MANNINGTON DR  
FAYETTEVILLE, NC 28306

BUNNELLS, ELEANOR YATES J  
3014 THROWER RD  
HOPE MILLS, NC 28348

BUTLER, JOHN H III;& CYRSTAL K  
2248 MANNINGTON DR  
FAYETTEVILLE, NC 28306

CALDWELL, TOWANIA L  
2212 MANNINGTON DR  
FAYETTEVILLE, NC 28306

CARROLL, LAWRENCE D;& STEPHANIE  
1721 CHERRY POINT DR  
FAYETTEVILLE, NC 28306

CASH, SYDNEY  
3019 NEPSA CT  
CLARKSVILLE, TN 37040

CHAVEZ, JOSHUA M;& JAQUELYNN E  
4552 HEADWIND DR  
FAYETTEVILLE, NC 28306

CHRISTMAN, TYLER;& AMY  
4556 HEADWIND DRIVE  
FAYETTEVILLE, NC 28306

CITY OF FAYETTEVILLE  
433 HAY ST  
FAYETTEVILLE, NC 28301

COFFEY, JAMES W;& FERNAVEL E  
PO BOX 72610  
FORT BRAGG, NC 28307

COLLIER, BRIAN C;& SUMMER B  
2132 MANNINGTON DR  
FAYETTEVILLE, NC 28306

CROCKWELL, ROBERT A  
3361 COURTNEY PL  
BALDWIN, NY 11510

CUMBERLAND VENTURES LLC  
PO BOX 25640  
FAYETTEVILLE, NC 28314

DAVIS, STACY;& JEFFREY  
2228 MANNINGTON DR  
FAYETTEVILLE, NC 28306

DEBELLOTTE, GINSOPHIE T  
4545 HEADWIND DR  
FAYETTEVILLE, NC 28306

DIXON, MARVIN JR;& ELENA  
4525 HEADWIND DR  
FAYETTEVILLE, NC 28306

DRURY, NICHOLAS S;& SARAH  
2135 MANNINGTON DR  
FAYETTEVILLE, NC 28305

EDGE, KIMBERLY;& TANNER  
2128 MANNINGTON DR  
FAYETTEVILLE, NC 28306



ETCHISON, CHRISTIN ANN  
2125 HARRINGTON RD  
FAYETTEVILLE, NC 28306

EVANS, DUWAYNE  
ANTHONY;BULLOCK, JAMEELAH  
1738 CHERRY POINT DRIVE  
FAYETTEVILLE, NC 28306

EVANS, TIMOTHY  
4239 CAMERON RD  
FAYETTEVILLE, NC 28306

FARMER, ESSIE M  
2136 MANNINGTON DR  
FAYETTEVILLE, NC 28306

FISHER, SHANEKA  
4537 HEADWIND DR  
FAYETTEVILLE, NC 28306

FLETCHER, RUDOLPH;& BROOK  
2229 MANNINGTON DR  
FAYETTEVILLE, NC 28314

FORD, SHARON  
4533 HEADWIND DR  
FAYETTEVILLE, NC 28306

FRINK, CHARLENE D  
2146 HARRINGTON RD  
FAYETTEVILLE, NC 28306

GAGE, JESSICA D'NEA  
1712 CHERRY POINT  
FAYETTEVILLE, NC 28306

GAINES, MAHALIA  
4573 HEADWIND DR  
FAYETTEVILLE, NC 28306

GILMORE, JOHN;& ALAUNDA  
2150 HARRINGTON RD  
FAYETTEVILLE, NC 28306

GODWIN, CHRISTOPHER  
4557 HEADWIND DR  
FAYETTEVILLE, NC 28306

GOMEZ, NICOLAS;& ALAINA C  
4565 HEADWINDS DR  
FAYETTEVILLE, NC 28306

GOWDIE, CRAIG A  
1731 CHERRY POINT DR  
FAYETTEVILLE, NC 28306

GRAYS CREEK VILLAS  
HOMEOWNERS ASSOC INC  
PO BOX 87209  
FAYETTEVILLE, NC 28304

HAWLEY, TYLER AARON  
MARK;HANNAH, MARIE GODBOLD  
1750 CHERRY POINT DR  
FAYETTEVILLE, NC 28306

HENDERSON, DEAN J;& ROBYN L  
4540 HEADWIND DR  
FAYETTEVILLE, NC 28306

HERNANDEZ, EMMA  
1749 CHERRY POINT DR  
FAYETTEVILLE, NC 28306

HIRAJETA, THUNDERCLOUD  
LUIS;HIRAJETA, APRIL MICHELLE  
2123 MANNINGTON DR  
FAYETTEVILLE, NC 28306

HUBBARD, DERRICK B JR;& AKIA L  
2140 MANNINGTON DR  
FAYETTEVILLE, NC 28306

HUGER, MARQUISE T;&  
AMAZIAH BROWN  
1717 CHERRY POINT DR  
FAYETTEVILLE, NC 28306

JAMES, SHAHRON LOUIS;&  
NATALIE MARIE  
2148 MANNINGTON DR  
FAYETTEVILLE, NC 28306

JOHNSON, MAKISHA;&  
LEAH NICOLE LEWIS  
4821 HEADWIND DR  
FAYETTEVILLE, NC 28306

JSJ BUILDERS INC  
1135 ROBESON ST  
FAYETTEVILLE, NC 28303

KING, JOSEF  
2224 MANNINGTON DR  
FAYETTEVILLE, NC 28306

LIENTZ, ASHLEY M  
4553 HEADWIND DR  
FAYETTEVILLE, NC 28306

LINDSAY, KENNETH E;& KAJA E RS  
1735 CHERRY POINT DR  
FAYETTEVILLE, NC 28306

LOPEZ, EDWIN;& PAULA PAVA  
4549 HEADWIND DR  
FAYETTEVILLE, NC 28306

LYLE, JOSEPHINE P  
PO BOX 367  
MCKENNEY, VA 23872

MACE, BRIAN  
1730 CHERRY POINT DR  
FAYETTEVILLE, NC 28306

MANCINI, SAMUEL;& TRESSA  
2133 HARRINGTON RD  
FAYETTEVILLE, NC 28306

MANNING, GEORGE R  
2141 HARRINGTON RD  
FAYETTEVILLE, NC 28306

MARSDEN, ROOSEVELT;& CAROL  
2131 MANNINGTON DR  
FAYETTEVILLE, NC 28306

MATTHEWS, ANNE P  
3274 BUTLER NURSERY RD  
FAYETTEVILLE, NC 28306

MATTHEWS, ANNIE PEARL;& DONALD  
JOSHUA  
3274 BUTLER NURSERY RD  
FAYETTEVILLE, NC 28306

MATTHEWS, DONALD L;& CHRISTINA  
690 EUGENIA RD  
VERO BEACH, FL 32963

MAZURE, DAVID A;& SYBIL S  
2221 MANNINGTON DR  
FAYETTEVILLE, NC 28306

MCENTIRE, RASHAD;& ASHLEY C  
2240 MANNINGTON DR  
FAYETTEVILLE, NC 28306

MCINTYRE, JENNIFER  
2127 MANNINGTON DR  
FAYETTEVILLE, NC 28306

MCNEELY, DENISE  
4803 HEADWIND DRIVE  
FAYETTEVILLE, NC 28306

MEHMI, JAGJIT  
4812 ADDIE LN  
FAYETTEVILLE, NC 28306

MICKENS, KEOSHA  
4548 HEADWIND DR  
FAYETTEVILLE, NC 28306

MILLER, BRIAN STEPHEN  
2144 MANNINGTON DR  
FAYETTEVILLE, NC 28306

MOORE, BRANDON N;& MARLANA M  
2130 HARRINGTON RD  
FAYETTEVILLE, NC 28306

NELSON, SARITA M;& NAKIA T  
2137 HARRINGTON RD  
FAYETTEVILLE, NC 28306

NESS, BRIAN  
2217 MANNINGTON DR  
FAYETTEVILLE, NC 28306

OSWALT, BRIAN;& MELINDA  
2129 HARRINGTON RD  
FAYETTEVILLE, NC 28306

PALMER, SHAQUANA TAMISHA;&  
JONATHAN TIMOTHY  
2220 MANNINGTON DR  
FAYETTEVILLE, NC 28306

PATE, CHARLES J JR;& JESSIE M  
PO BOX 142  
LAKE PLACID, FL 33862

PATE, WILLIAM JR V;PATE,  
PATRICIA MAYHEW  
4045 S NC 87 HWY  
FAYETTEVILLE, NC 28306

PENNISON, MATTHEW;&  
MEGHAN MARIE MAESTRI  
2134 HARRINGTON ROAD  
FAYETTEVILLE, NC 28306

PEREZ RIVERA, MANUEL E;&  
TAMARA ROSA  
2204 MANNINGTON DR  
FAYETTEVILLE, NC 28304

PIERCE, REX ALLEN;& CASEY GRAY  
1739 CHERRY POINT DR  
FAYETTEVILLE, NC 28306

PULLEN-SMITH, TONISHA  
4572 HEADWIND DR  
FAYETTEVILLE, NC 28306

REINHARDT, JESSICA  
1741 CHERRY POINT DR  
FAYETTEVILLE, NC 28306

REIS, RYAN LEE  
2236 MANNINGTON DR  
FAYETTEVILLE, NC 28306

ROBINSON, MI'SHELLE MARIE;& GARY  
LEE  
4564 HEADWIND DR  
FAYETTEVILLE, NC 28306

RUNK, JUSTIN E.;& STEPHANIE L.  
2213 MANNINGTON DRIVE  
FAYETTEVILLE, NC 28306

SCHULTZ, GEORGE D III;SHEKEEMA, L  
FLEGLER  
4832 HEADWIND DR  
FAYETTEVILLE, NC 28306

SCOTT, JOHN D;& ZARIAH NILSA  
1734 CHERRY POINT DR  
FAYETTEVILLE, NC 28306

SELLERS, MARCUS D;& SHIKIRA P  
661 HEATHROW DR  
SPRING LAKE, NC 28390

SESSOMS, MATTHEW A;& TAMARA L  
4560 HEADWIND DR  
FAYETTEVILLE, NC 28306

SHURTLEFF, ANGELA M;& MATTHEW S  
2216 MANNINGTON DR  
FAYETTEVILLE, NC 28306

SMITH, ANEILA;ROGERS, BRANDON  
1706 CHERRY POINT DR  
FAYETTEVILLE, NC 28306

SMITH, BARRY;& GWENDOLYN R  
2237 MANNINGTON DR  
FAYETTEVILLE, NC 28306

SMITH, GLORIA;  
SHANUNDETTA, DIXON  
2145 HARRINGTON RD  
FAYETTEVILLE, NC 28306

SMITH, MALAIKA A;& DARIUS  
2233 MANNINGTON DR  
FAYETTEVILLE, NC 28306

SMITH, TANARI A  
4541 HEADWIND DR  
FAYETTEVILLE, NC 28306

SMITH, THERESA  
4817 HEADWIND DR  
FAYETTEVILLE, NC 28306

SMYTH, JEANENE RENEE;& MARTIN  
1762 CHERRY PT  
FAYETTEVILLE, NC 28306

SOLORZANO, AREADIO JR;& CHENI  
VAZQUEZ  
4813 HEADWIND DR  
FAYETTEVILLE, NC 28306

SPEARMAN, JANET M  
5036 DOC BENNETT RD  
FAYETTEVILLE, NC 28306

STAIN, BRANDEN RANDY;& BAILEY  
4561 HEADWIND DR  
FAYETTEVILLE, NC 28306

STERLING, CONSTANCE LAWANDA  
2246 MANNINGTON DR  
FAYETTEVILLE, NC 28306

TEATON, BRYAN MICHAEL  
2138 HARRINGTON RD  
FAYETTEVILLE, NC 28306

THE VILLAGE AT ROCKFISH  
HOMEOWNERS ASSOCIATION, INC  
3400 WALSH PKWY  
FAYETTEVILLE, NC 28311

THOMAS, JO LYNN  
1753 CHERRY POINT DR  
FAYETTEVILLE, NC 28306

TURNER, CHRISTOPHER;& MEAGAN  
1754 CHERRY POINT DRIVE  
FAYETTEVILLE, NC 28306

UNDERWOOD, STARLING;& PHELISA  
1742 CHERRY POINT DR  
FAYETTEVILLE, NC 28306

URENA, MARIA;& JOSE LUIS  
2142 HARRINGTON RD  
FAYETTEVILLE, NC 28306

VILLAGE AT ROCKFISH  
HOMEOWNERS ASSOCIATION, INC  
PO BOX 87209  
FAYETTEVILLE, NC 28304

VILLAGE AT ROCKFISH LLC  
3400 WALSH PKWY  
FAYETTEVILLE, NC 28311

WELDON, SHONTAIL T  
4825 HEADWIND DR  
FAYETTEVILLE, NC 28306

WILLIAMS, RASHINE;& SHANTA EVA  
4569 HEADWIND DR  
FAYETTVILLE, NC 28306

WILSON, TERRELL;& LATOYA  
4568 HEADWIND DRIVE  
FAYETTEVILLE, NC 28306

ZAYAS, JANCARLOS LOPEZ;&  
DADMARY P BONILLA  
2209 MANNINGTON DR  
FAYETTEVILLE, NC 28306

ZEGARRA, ELISABETH  
1725 CHERRY POINT DR  
FAYETTEVILLE, NC 28306





# CUMBERLAND COUNTY

NORTH CAROLINA

PLANNING & INSPECTIONS

PLANNING STAFF REPORT  
**REZONING CASE # ZON-21-0009**  
Planning Board Meeting: Sept. 21, 2021

**Location:** North of Sanderosa Rd, East of Baywood Rd  
**Jurisdiction:** County-Unincorporated

**REQUEST** **Rezoning A1 to RR**

Applicant requests a rezoning from A1 Agricultural District to RR Rural Residential District for one parcel of approximately 10.32 acres and located north of Sanderosa Road and east of Baywood Road. This would increase the allowed density from one unit per two acres (87,120 sq. ft.) to one unit per 20,000 square feet. The RR Rural Residential District is designed for traditional rural use with lots of 20,000 square feet or above. Additionally, the principal use of the land is for suburban density residential, including manufactured housing units, and agricultural purposes. These districts are intended to ensure that residential development, which lack access to public water supplies and dependent upon septic tanks for sewage disposal, will occur at a sufficiently low density to provide for a healthful environment.

The intent of this request is to develop a single-family subdivision. This is a conventional rezoning, and no conditions are proposed at this time. Location of the subject property is illustrated in Exhibit "A".

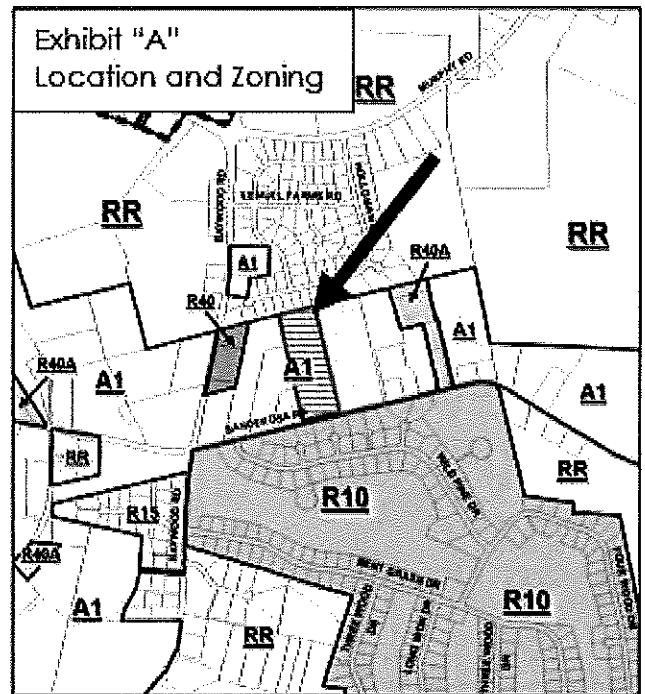
**PROPERTY INFORMATION**

**OWNER/APPLICANT:**  
George Rose (agent) on behalf of R Chi, LLC (owner)

**ADDRESS/LOCATION:** North of Sanderosa Road and east of Baywood Road. Refer to Exhibit "A", Site Location. REID number: 0477099650000. This site is approximately 0.4 miles south of the Town of Eastover.

**SIZE:** 10.32 +/- acres within one parcel. The property has approximately 400 +/- feet of street frontage along the north side of Sanderosa Road. The property has a depth extending about 1135 feet.

**EXISTING ZONING:** The subject property is currently zoned A1 Agricultural District. This district is intended to promote and protect agricultural lands, including woodland, within the County. The general intent of the district is to permit all agricultural uses to exist free from most private urban development except for large lot, single-family development. Some public and/or semi-public uses as well as a limited list of convenient commercial uses are permitted to ensure essential services for the residents.

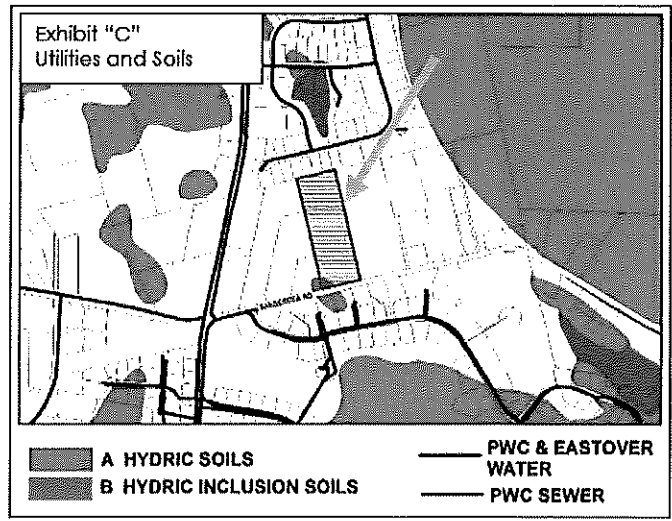
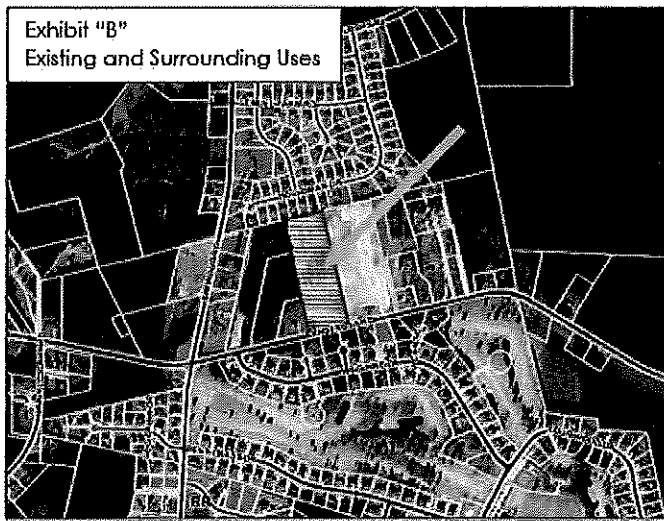


**EXISTING LAND USE:** The parcel is primarily vacant. Exhibit "B" shows the existing use of the subject property.

- SURROUNDING LAND USE:** Exhibit "B" illustrates the following:
- North:** The Stone Creek Subdivision abuts the subject site with lots zoned RR.
  - East:** Single and double-wide manufactured homes occupy lots zoned A1 and R40A.
  - West:** The abutting lots vacant are vacant or residential in use and zoned A1.

**South:** On the south side of Sanderosa in the Baywood subdivision and golf course zoned R10.

**OTHER SITE CHARACTERISTICS:** The site is not located in a Watershed or within a Flood Zone Hazard Area. The subject property, as delineated in Exhibit "C" illustrates no presence of hydric or hydric inclusion soils.

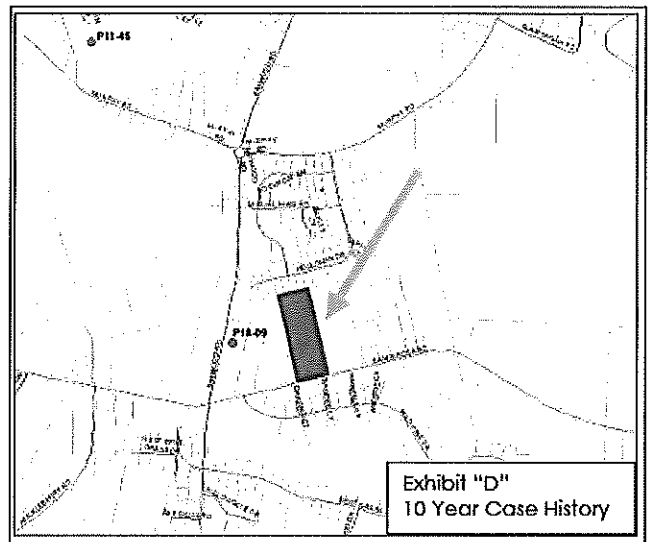


**TEN YEAR ZONE CASE HISOTRY:**

Exhibit "D" denotes the location of the zoning case history described below.

- **P11-45:** R40 to R20/DD/CZ 36 lot subdivision; **Approved** with conditions; 29.77 acres
- **P18-09:** A1 to R40; **Approved;** 4.28 acres

**DEVELOPMENT REVIEW:** Subdivision review by County Planning & Inspections will be required before any development.



**DIMENSIONAL PROVISIONS FOR REQUESTED DISTRICT:**

Minimum Standard	A1 (Existing Zoning)	RR (Proposed)
Front Yard Setback	50 feet	30 feet
Side Yard Setback	20 feet (one story) 25 feet (two story)	15 feet
Rear Yard Setback	50 feet	35 feet
Lot Area	2 acres (87,120 sq. ft.)	20,000 sq. ft.
Lot Width	100'	100'

**Development Potential:**

Existing Zoning (A1)	Proposed Zoning (RR)
4 dwelling units	18 dwelling units

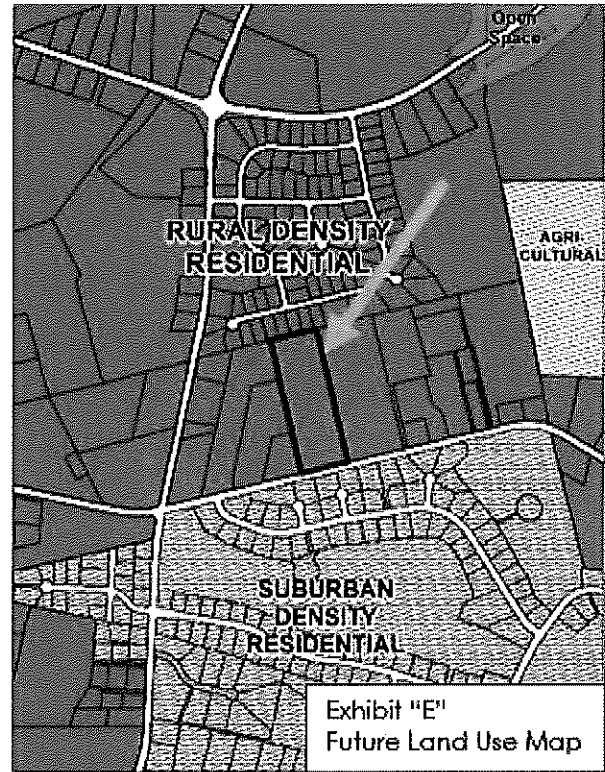
- Assume 80% of land usable for development after the exclusion of land for roads, driveways, and drainage.
- Calculation: *site acreage* \* .8 / *minimum lot size for zone district*

- **Section 202 (A):** When the number of dwelling units permitted on a lot submitted for approval as a group development results in a fraction of a dwelling unit, a fraction of one-half or more shall be considered a dwelling unit, and a fraction of less than one-half shall be disregarded.

**COMPREHENSIVE PLANS:** Located in the Eastover Land Use Plan (2018), the subject property is designated as Rural Density Residential, which is intended for residential properties with a minimum of 20,000 sq. ft., as shown within Exhibit "E". The Rural Density Residential designation, in the Eastover Land Use Plan, calls for associated zoning districts of R20, R20A, RR, R30, R30A, R40, and R40A. **Request is consistent with the adopted land use plan.**

**APPLICABLE PLAN GOALS/POLICIES:**

- Improve and/or add street lighting in residential areas.
- Use development techniques that preserve the rural character of the area.
- Encourage more than one means of ingress/egress in new residential subdivisions and connectivity to existing subdivisions.



**IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES**

**UTILITIES:** The site would have to be served by septic and well as shown on Exhibit "C".

**TRAFFIC:** As the site is not located in the Fayetteville Area MPO planning area, staff has reached out to Mid-Carolina RPO for comments and have received none.

**SCHOOLS CAPACITY/ENROLLMENT:**

School	Capacity	Enrollment
Eastover Central Elem	540	334
Mac Williams Mid	1270	1076
Cape Fear High	1425	1400

**ECONOMIC DEVELOPMENT:** Fayetteville Cumberland County Economic Development Corporation has reviewed the request and had no comment at this time.

**EMERGENCY SERVICES:** Cumberland County Fire Marshal's office has reviewed the request and stated that the applicant must ensure that all fire department access roads requirements are met in accordance with section 503 of the NC 2018 Fire Code where required.

**SPECIAL DISTRICTS:** The property is not located within the Fayetteville Regional Airport Overlay District or within five miles of Fort Bragg Military Base.

**CONDITIONS OF APPROVAL:** This is a conventional zoning and there are no conditions at this time.

**CODE DEVIATIONS:** No deviations have been identified.

## STAFF RECOMMENDATION

In Case ZON-21-0009, the Planning and Inspections staff **recommends approval** of the rezoning request from A1 Agricultural District to RR Rural Residential District and find the request is consistent with the Eastover Land Use Plan (2018) which calls for Rural Density Residential at this location. Staff further finds that recommending approval of the request is reasonable and in the public interest as the district requested is in harmony with surrounding existing land uses and zoning.

Attachments:  
Notification Mailing List



**ATTACHMENT – MAILING LIST**

ALLEN, MATTHEW S  
1604 HOLLOMAN DR  
FAYETTEVILLE, NC 28312

ALBERT, YAMANI;CLINCH-ALBET,  
LA-DAWN  
1204 WILD PINE DR  
FAYETTEVILLE, NC 28312

ALLEN, STEVEN WADE; & JAIME L  
4045 LAMUEL FARM RD  
FAYETTEVILLE, NC 28312

ASHFORD, CYNTHIA D  
1708 ROCKROSE DR  
FAYETTEVILLE, NC 28312

BAKER, JAMES C;& AMANDA J  
1203 WILD PINE DR  
FAYETTEVILLE, NC 28312

BARLOW, JOHN T;&VALERIE R  
1517 DARVEL AVE  
FAYETTEVILLE, NC 28304

BARNES, ROGER GLENN JR;& DAWN  
1108 WILD PINE DR  
FAYETTEVILLE, NC 28312

BENBENEK, VINCENT P;&VESNA  
1130 WILD PINE DR  
FAYETTEVILLE, NC 28312

BEST, MICHAEL LYNN  
1624 HOLLOMAN DR  
FAYETTEVILLE, NC 28312

BIRMINGHAM PROPERTIES LLC  
1105 WILD PINE DR  
FAYETTEVILLE, NC 28312

BRISTOW-DAVIS, DOROTHY  
1719 HOLLOMAN DR  
FAYETTEVILLE, NC 28312

BRYANT, STEVEN LEE;& MOUNIA F  
1040 WILD PINE DR  
FAYETTEVILLE, NC 28312

BUJE, JAMES A  
1044 WILD PINE DR  
FAYETTEVILLE, NC 28312

BURKES, CHARLES H JR  
1416 WHITBURN AVE  
FAYETTEVILLE, NC 28304

BURTON, MICHAEL SUMNER;&  
DANIELLE ROSE  
1207 WILD PINE DR  
FAYETTEVILLE, NC 28312

BYRD, TOMMY;& JACQUELINE  
1048 WILD PINE DR  
FAYETTEVILLE, NC 28312

CAMERON, SHINDELL J;& KELLE  
YVONNE  
1124 WILD PINE DR  
FAYETTEVILLE, NC 28312

CANADY, BARBARA J;& WOODY  
1131 WILD PINE DR  
FAYETTEVILLE, NC 28312

CAPAN, SCOTT R;& YVONNE L  
1609 HOLLOMAN DR  
FAYETTEVILLE, NC 28312

CARSON, MARY K.;& WILLIAM D. II  
1705 BEXLEY CT  
FAYETTEVILLE, NC 28312

CARTER, CAROL GREY  
4423 SANDEROSA RD  
FAYETTEVILLE, NC 28312

CARTER, CLARENCE M  
1507 BAYWOOD RD  
FAYETTEVILLE, NC 28312

CARTER, DAVID A  
PO BOX 882  
FAYETTEVILLE, NC 28302

CARVER, CHARLES JR;& MARIE H.  
4028 LEMUEL FARM RD  
FAYETTEVILLE, NC 28312

CHARLES, HALMONDE;&  
BEVERLY JEAN  
1720 ROCKROSE DR  
FAYETTEVILLE, NC 28312

CITY OF FAYETTEVILLE  
433 HAY ST  
FAYETTEVILLE, NC 28301

CLARK, KENDRA LYNN  
1714 HOLLOMAN DR  
FAYETTEVILLE, NC 28312

CORREA, JAIME LUIS;& NOEME CRUZ  
4105 CARFEW CT  
FAYETTEVILLE, NC 28312

COTTEN, RICHARD S;& KATHY F  
1637 HOLLOMON DR  
FAYETTEVILLE, NC 28312

CROCKER, EDWIN D;& LINDA P  
4100 CARFEW CT  
FAYETTEVILLE, NC 28312

CUNNINGHAM, ROBERT M;&  
BRIGITTA D  
1728 ROCKROSE DR  
FAYETTEVILLE, NC 28312

DAVIS, PHILLIP T  
1702 MIDDLE RD  
EASTOVER, NC 28312

DEYAMPERT-MCCALL, MARY K.  
1220 WILD PINE DRIVE  
FAYETTEVILLE, NC 28312

DIAZ-ONEILL, ELLEN  
4029 LEMUEL FARM RD  
EASTOVER, NC 28312

DORAN, ROBERT L;& DENISE G  
1716 ROCK ROSE DR  
FAYETTEVILLE, NC 28312

DOTSON, JENNIFER AVERITT  
4457 SANDEROSA RD  
FAYETTEVILLE, NC 28312

DOUB, TIMOTHY;& CONA  
1732 ROCKHORSE DR  
FAYETTEVILLE, NC 28312

DRAUGHON, DAVID L;& JUDY M  
1490 BAYWOOD RD  
FAYETTEVILLE, NC 28312

DROSE, WILLIAM PATRICK  
1519 FOUR WOOD DR  
FAYETTEVILLE, NC 28312

EASTLAND WOODS LLC  
4034 MURPHY RD  
FAYETTEVILLE, NC 28312

EDGE, DUSTIN TODD;&  
TIFFANY CHARLES  
1019 WILD PINE DR  
FAYETTEVILLE, NC 28312

ETHERIDGE, JULIA J;& WILLIAM R  
807 GRAZING COURT  
FAYETTEVILLE, NC 28312

FICK, JASON ROBERT;&  
KATHLEEN MARIE  
806 GRAZING CT  
FAYETTEVILLE, NC 28312

FLAGG, ELOUISE  
4501 SANDEROSA RD  
FAYETTEVILLE, NC 28312

FOX, STEVEN M;& MELISSA G  
1620 HOLLOMAN DR  
FAYETTEVILLE, NC 28312

FRANCESCHI, GIOVANNI;&  
WILFREDO CABALLERO  
1617 HOLLOMAN DR  
FAYETTEVILLE, NC 28312

FRAZIER, STEPHEN;& NATALIA  
246 JOHN NUNNERY RD  
STEDMAN, NC 28391

FREVERT, BENJAMIN R  
1032 WILD PINE DR  
FAYETTEVILLE, NC 28312

FULLER, LISA L  
1804 HOLLOMAN DR  
FAYETTEVILLE, NC 28312

GADDY, MARTIN;& PHYLLIS  
819 ANCIENT CT  
FAYETTEVILLE, NC 28312

GARCIA, LARRY;& MARILIS GUZMAN  
1708 BEXLEY CT  
FAYETTEVILLE, NC 28312

GARDNER, MARY  
4509 SANDEROSA RD  
FAYETTEVILLE, NC 28304

GEORGE, HARRISON ALLEN JR;&  
MARY  
1214 WILD PINE DR  
FAYETTEVILLE, NC 28312

GILLAND, STEVEN W;& BETSY J  
1132 WILD PINE DR  
FAYETTEVILLE, NC 28312

GREEN, ROSS L  
1718 HOLLOMAN DR  
FAYETTEVILLE, NC 28312

HALLAS, LISA MICHELLE;&  
EDWARD STEPHEN  
1123 WILD PINE DR  
FAYETTEVILLE, NC 28312

HARDY, DANZENIA  
1109 WILD PINE DR  
FAYETTEVILLE, NC 28312

HART, ADAM D;& MEREDITH C  
1737 ROCKROSE DR  
FAYETTEVILLE, NC 28312

HASKELL, JEFFREY L;& DIANE Y  
4109 CARFEW CT  
FAYETTEVILLE, NC 28312

HAYNES, MARCIE K  
4037 LEMUEL FARM RD  
FAYETTEVILLE, NC 28312

HENRY, BENNY JR;& MERNITA  
1612 HOLLOMAN DR  
FAYETTEVILLE, NC 28312

HENRYHAND, TAMIKA N  
4101 CARFEW CT  
FAYETTEVILLE, NC 28312

HUMPHRIES, RUSSELL C;& DAPHNE W  
1440 BAYWOOD RD  
FAYETTEVILLE, NC 28312

HURLEY, CATHERINE MCDANIEL  
1715 ROCKROSE DR  
FAYETTEVILLE, NC 28312

JACKSON, ANGELA C  
4038 LEMUEL FARM RD  
FAYETTEVILLE, NC 28312

JACKSON, ROBERT K;& CONNIE F  
2322 CLEVELAND AVE  
FAYETTEVILLE, NC 28312

JOHNSON, CURTIS;& MILICIA  
1215 WILD PINE DR  
FAYETTEVILLE, NC 28312

KEEN, MATTHEW COREY;&  
JESSICA MARIE  
1616 HOLLOMAN DR  
FAYETTEVILLE, NC 28312

KNOLLINGER, ASHLEY HILL  
1645 HOLLOMAN DR  
FAYETTEVILLE, NC 28312

LAMIA, NICHOLAS S;& JACQUELIN R  
1709 BEXLEY CT  
FAYETTEVILLE, NC 28312

LEE, BRAD TYSON;& SILVIA J;GARY,  
GRANT  
4305 SANDEROSA RD  
FAYETTEVILLE, NC 28312

LUCAS, NICOLE J.  
1700 BEXLEY CT  
FAYETTEVILLE, NC 28312

MACCRORY, STEPHEN A;&  
JACQUELINE M  
1704 ROCKROSE DR  
FAYETTEVILLE, NC 28312

MALONE, THOMAS N;& CYNTHIA C  
1632 HOLLOMAN DR  
FAYETTEVILLE, NC 28312

MCDONALD, OLIVER;& GRACIE  
1559 BAYWOOD RD  
FAYETTEVILLE, NC 28312

MCDUFFIE, CHRISTEL R.;& LARRY  
1807 HOLLOMAN DR  
FAYETTEVILLE, NC 28312

MCINROY, PATRICK M;& JENNIFER A  
1113 WILD PINE DR  
FAYETTEVILLE, NC 28312

MCKOY, MARTHA MORRIS  
1470 BAYWOOD RD  
FAYETTEVILLE, NC 28312

MITCHELL, TERRY A;& DEBORAH D  
1600 HOLLOMAN DR  
FAYETTEVILLE, NC 28312

MOSLEY, MILTON DEAN SR;& CYNTHIA  
CAROL  
10445 WILD PINE DR  
FAYETTEVILLE, NC 28312

NELSON, MARK C;&  
ALICE J MULLHOLAND  
1715 HOLLOMAN DR  
FAYETTEVILLE, NC 28312

NELSON, MICHAEL AARON;&  
DOROTHEA ELIZABETH  
1608 HOLLOMAN DR  
FAYETTEVILLE, NC 28312

ORELLANA, CHRISTIAN GEOVANY;&  
MELANIE CAMPBELL-ORELLANA  
1628 HOLLOWMAN DR  
FAYETTEVILLE, NC 28312

PARKER, CHARLES;& DONNA  
809 BAGPIPE CT  
FAYETTEVILLE, NC 28312

PATRICIA W BUNCH LIVING TRUST  
6837 NE CUBITIS AVE LOT 35  
ARCADIA, FL 34266

PEARCE, DOUGLAS JR;& REBECCA J  
1570 BAYWOOD RD  
FAYETTEVILLE, NC 28312

PEREZ, STEVEN P.;& JACQUELINE D.  
1722 HOLLOMAN DRIVE  
FAYETTEVILLE, NC 28312

PRICE, TIMOTHY  
1116 WILD PINE DR  
FAYETTEVILLE, NC 28312

PRUITT, TIREA M  
1605 HOLLOMAN DR  
FAYETTEVILLE, NC 28312

RAMSEY, ROBIER SHAWN;&  
BRANDI MILES  
808 RAINFALL CT  
FAYETTEVILLE, NC 28312

REICH, DONNA JULIAN;& WILLIE  
GLENN LIFE ESTATE  
1594 BAYWOOD RD  
FAYETTEVILLE, NC 28312

ROBLES, EDWIN;& MONICA  
1613 HOLLOMAN DR  
FAYETTEVILLE, NC 28312

ROSS, JERMAINE;& CRANCENA  
1726 HOLLOMAN DR  
FAYETTEVILLE, NC 28312

SALINAS, JOSE D;& PATRICIA H  
4032 LEMUEL FARM RD  
FAYETTEVILLE, NC 28312

SANCHEZ, RAUL;& ELVIRA VILLEDA  
4475 SANDEROSA RD  
FAYETTEVILLE, NC 28312

SANDERS, LAUREN RAE;& CODY  
WAYNE SHARPLESS  
4024 LEMUEL FARM RD  
FAYETTEVILLE, NC 28312

SCALES, DARRYL;& LISA A  
1033 WILD PINE DR  
FAYETTEVILLE, NC 28312

SEVILLA, GREGORY;& MAUREEN  
807 RAINFALL CT  
FAYETTEVILLE, NC 28312

SEXTON, BRADY;& BIRGIT  
1649 HOLLOMAN DR  
FAYETTEVILLE, NC 28312

SHAKIR, MOHAMAD A;&  
HODA K MOSLUH  
1105 WILD PINE DR  
FAYETTEVILLE, NC 28312

SIGMON, DAVID MARTEL;&  
ERIKA CLAWSON  
1127 WILD PINE DRIVE  
FAYETTEVILLE, NC 28312

SIPPEL, GARY L  
49 FRINGE TREE LN  
CLAYTON, NC 27520

SMITH, JEREMY TODD  
1601 HOLLOMAN DR  
EASTOVER, NC 28312

SMITH, ROBERT SHAWN;& AMANDA C  
PO BOX 691  
FAYETTEVILLE, NC 28302

SOMARATNA, SOBANA D;& VERONICA  
1731 ROCKROSE DR  
FAYETTEVILLE, NC 28312

SPEAS, THERESE D  
1710 HOLLOMAN DR  
FAYETTEVILLE, NC 28312

STEPHENS, PHILIP C;& ERIN E  
1724 ROCKROSE DR  
FAYETTEVILLE, NC 28312

STERLING, ANTHONY K JR  
212 N WILSHIRE BLV  
WILSON, NC 27893

STEVENS, DUANE T;& SHARON D  
1211 WILD PINE DR  
FAYETTEVILLE, NC 28312

SUMRALL, MELINDA P  
822 ANCIENT CT  
FAYETTEVILLE, NC 28312

TALATI, AKASH;& MITAL PARMAR  
4041 LEMUEL FARM RD  
FAYETTEVILLE, NC 28312

TARRILLION, JOHN M;& MICHELE M  
4042 LEMUEL FARM RD  
FAYETTEVILLE, NC 28312

THOMAS, ARNOLD S;& BETTY JOYCE  
1208 WILD PINE DR  
FAYETTEVILLE, NC 28312

TKD GOLF MANAGEMENT LLC  
904 FOUR WOOD DR  
FAYETTEVILLE, NC 28312

TODD, JAMERE D  
1704 BEXLEY CT  
FAYETTEVILLE, NC 28312

TREGO, DAVID;& JOANNE HESSMILLER  
1041 WILD PINE DR  
FAYETTEVILLE, NC 28312

TUCKER, PAMELA;& TIMOTHY PRICE  
1655 HOLLOMAN DR  
FAYETTEVILLE, NC 28312

WADE, JERRY CLAYTON JR;&  
VANESSA DIANE  
1650 HOLLOMAN DR  
FAYETTEVILLE, NC 28312

WARGNY, DAVID B;& CHONG S  
4033 LEMUEL FARM RD  
FAYETTEVILLE, NC 28312

WASHINGTON, JAMES A;&  
GWENDOLYN K  
1219 WILD PINE DR  
FAYETTEVILLE, NC 28312

WASHINGTON, RANDOLPH DAVIS;&  
MONICA BROCK  
1641 HOLLOMAN DR  
FAYETTEVILLE, NC 28312

WATKINS, EARL JR;& TRACY M  
1640 HOLLOMAN DR  
FAYETTEVILLE, NC 28312

WILKERSON, JERRY R II;& DANIELLE M  
4088 DOVETREE DR  
DANVILLE, IN 46122

WILLIAMSON, PHILLIP DAVID  
JR.;GILLAM, KEYETTE O.  
1701 BEXLEY CT  
FAYETTEVILLE, NC 28312

WILLIFORD, PHILLIP M,  
MICHAEL L;DAVID, R  
2539 MIRROR LAKE DR  
FAYETTEVILLE, NC 28303

WILSON, TODD A;& MICHELLE J  
1712 ROCKROSE DR  
FAYETTEVILLE, NC 28312

YOUNG, HENRY W JR;& CONSTANCE  
COPELAND  
1633 HOLLOMAN DR  
FAYETTEVILLE, NC 28312

CARTER, STANLEY  
1365 BAYWOOD RD  
FAYETTEVILLE, NC 28312

JERNIGAN, PETER GUTHRIE  
PO BOX 1851  
FAYETTEVILLE, NC 28302

PATTERSON, JASON LEE; & AMY B  
1221 WILD PINE DR  
FAYETTEVILLE, NC 28312

THORNTON, LEON S;&DEMETRIS KAYE  
1741 ROCKROSE DR  
FAYETTEVILLE, NC 28312

BEST, MICHAEL LYNN  
1624 HOLLOMAN DR  
FAYETTEVILLE, NC 28312

## **Rezoning request**

### **4377 Sanderosa Road**

The property is currently zoned A1 and the future land use plan for the area calls for Rural Density Residential. The developer desires to construct a single-family subdivision consisting of 22 lots, requiring a rezoning to RR. The property will be developed with a single cul-de-sac that will be built to NCDOT Class A standards and ultimately accepted into the NCDOT roadway system.

Gravity sewer service is not available at the site so the lots will be served with septic tanks. PWC is currently negotiating with an adjacent property owner to obtain an offsite easement in order to extend water service to the proposed subdivision from the Stone Creek subdivision. Wells will be used for water service if the easement to extend public water is not secured.







# CUMBERLAND COUNTY

NORTH CAROLINA

PLANNING & INSPECTIONS

PLANNING STAFF REPORT  
**REZONING CASE # ZON-21-0010**  
Planning Board Meeting: Sept. 21, 2021

**Location:** 703 Sand Hill Road  
**Jurisdiction:** Hope Mills

**REQUEST** Initial Rezoning County A1 and C(P) to Town R6

Applicant requests an initial rezoning from County A1 and C(P) to Town R6 Residential District for two lots with approximately 110.89 +/- acres located at 703 Sand Hill Road. The R6 district in the Hope Mills Zoning Code is designed for a "mix of single- and multi-family dwellings". This would allow the property to be developed with single-family and multifamily dwellings. The rezoning request was initiated due to the subject lots being annexed by the Town of Hope Mills. A Town zoning district must be assigned to a property once it annexes into a municipality. This is a conventional rezoning, and no conditions are proposed at this time. Location of the subject property is illustrated in Exhibit "A".

**PROPERTY INFORMATION**

**OWNER/APPLICANT:**

Town of Hope Mills (agent) on behalf of Elizabeth C Paul, Michael B Cashwell, Steven N Cashwell, Angus Dixon Cashwell, Emily C Johnson, Lauchlin M Cashwell, Mary C Frasche, Prudence C Bradley, Waymon W Trustee Wood, Margaret C Trustee Wood, Charles Darrell Kennedy, Sara C Donaldson, Helen C Trustee Cashwell, Catherine Macdonald Ingram, M Lauchlin Macdonald, Charlotte E Macdonald, Henry Walter Holt, Jr. & Willian DeRosset Holt, II (owners)

**ADDRESS/LOCATION:** Located at 703 Sand Hill Road Camden Road Refer to Exhibit "A", Site Location. REID number: 0423703647000 & 0423719116000.

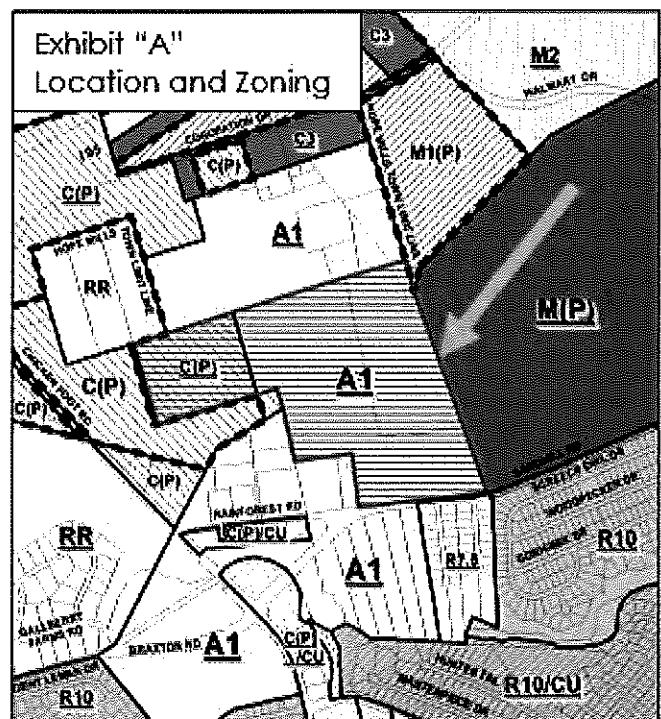
**SIZE:** 110.89 +/- acres within one parcel. The property has approximately 1330 +/- feet of street frontage along the north side of Sand Hill Road. The properties have a depth of about 2480 feet.

**EXISTING ZONING:** Prior to annexation the properties were zoned a County A1 Agricultural district and C(P) Planned Commercial district. The A1 district is designed to promote and protect agricultural lands, including woodland, within the County. The C(P) district is designed to assure the grouping of buildings on a parcel of land so as to constitute a harmonious, efficient and convenient retail shopping area.

**EXISTING LAND USE:** The parcel is vacant. Exhibit "B" shows the existing use of the subject property.

**SURROUNDING LAND USE:** Exhibit "B" illustrates the following:

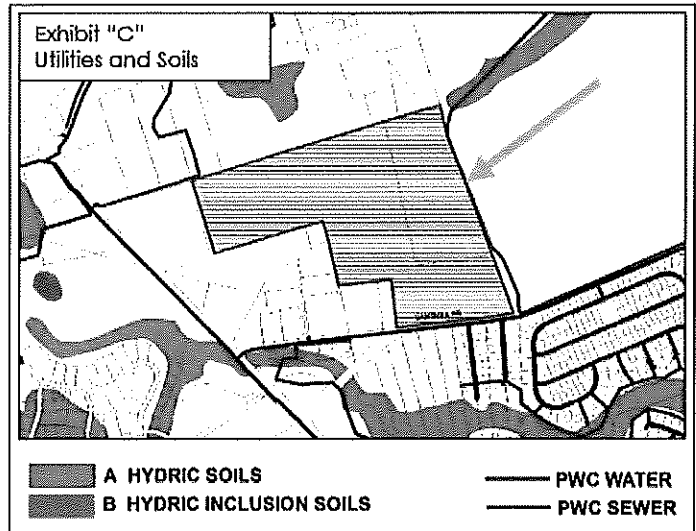
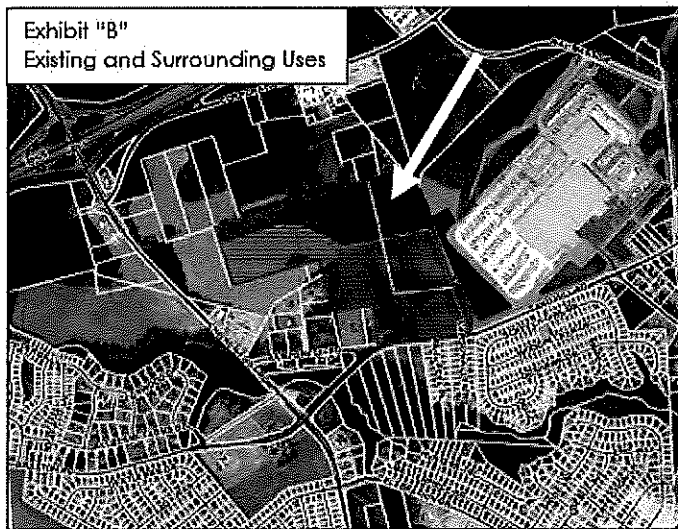
- North:** Most of the parcels abutting to the north are vacant and wooded zoned A1, RR, C(P), and C3. Residences also occur on nearby large parcels.
- East:** The Walmart regional distribution center abuts to the east on property zoned M(P).



**West:** God's Little Acre subdivision and other single-family residences abut to the west on land zoned A1. Vacant lots and parcels with commercial uses zoned C(P) buffer the subject site from Chicken Foot Rd.

**South:** Multiple single-family subdivisions on land zoned A1, R10 and R10 CU. There are also vacant and commercial properties zoned A1, C(P) CU, and C(P) CUD.

**OTHER SITE CHARACTERISTICS:** The site is not located in a Watershed or a Special Flood Hazard Area. The subject property, as delineated in Exhibit "C", illustrates no presence of hydric or hydric inclusion soils.

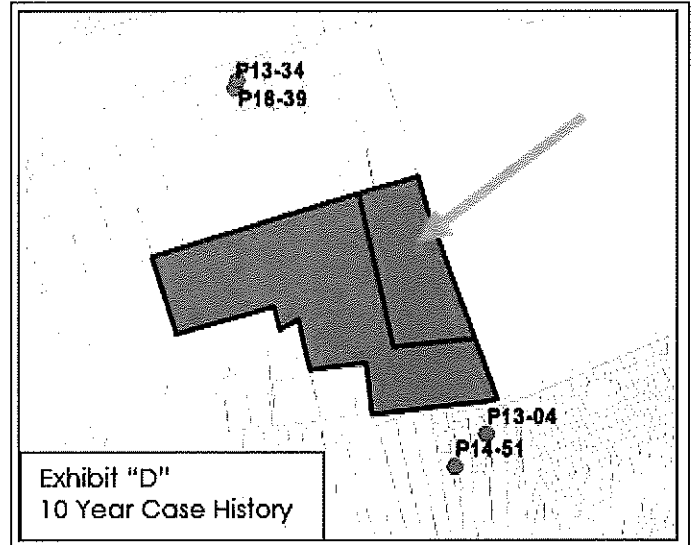


**TEN YEAR ZONE CASE HISOTRY:**

Exhibit "D" denotes the location of the zoning case history described below.

- **P13-04:** A1 to R7.5; **Approved;** 10.36 acres
- **P13-34:** C3 to M(P); **Withdrawn;** 4.93 acres
- **P14-51:** A1 to R7.5; **Approved;** 10.36 acres
- **P18-39:** Initial to C(P); **Approved;** 4.93 acres

**DEVELOPMENT REVIEW:** Subdivision review by County Planning & Inspections will be required prior to any division of land. County staff have reached out to Hope Mills staff and have received no comment.



**DIMENSIONAL PROVISIONS FOR REQUESTED DISTRICT:**

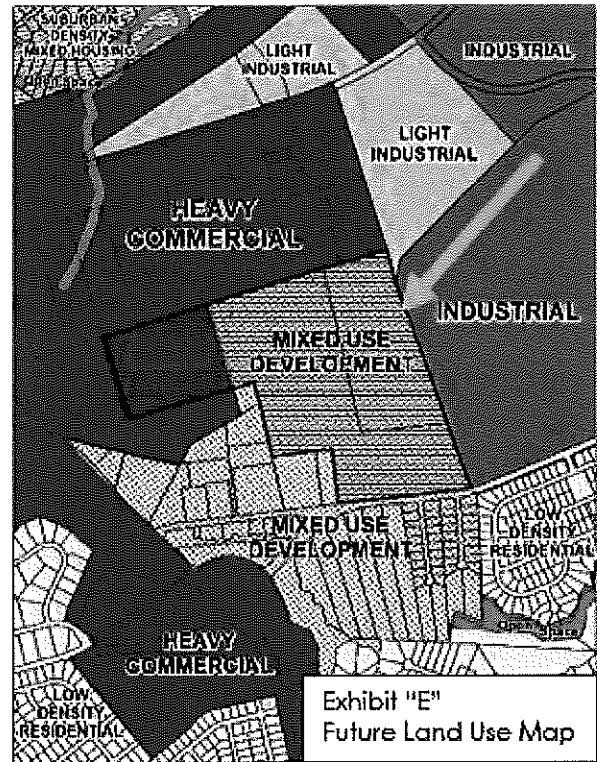
Minimum Standard	A1 (Prior County Zoning)	R6 (Proposed Hope Mills Zoning)
Front Yard Setback	50 feet	25 feet
Side Yard Setback	20 feet: 1 story, 25 feet: 2 story	10 feet: 1 story, 12 feet: 2 story
Rear Yard Setback	50 feet	30 feet
Lot Area	2 acres (87,120 sq. ft.)	6,000 sq. ft
Lot Width	100'	60'

**DEVELOPMENT POTENTIAL:**

<b>Existing County Zoning (A1)</b>	<b>Proposed Town Zoning (R6)</b>
44 dwelling units	644 dwelling units

- Assume 80% of land usable for development after the exclusion of land for roads, driveways, and drainage.
- Calculation: **site acreage\*8/minimum lot size for zone district**
- **Section 202 (A):** When the number of dwelling units permitted on a lot submitted for approval as a group development results in a fraction of a dwelling unit, a fraction of one-half or more shall be considered a dwelling unit, and a fraction of less than one-half shall be disregarded.

**COMPREHENSIVE PLANS:** This site is located within two land use plans: a portion of the western property lies within the Southwest Cumberland Land Use Plan (2013) and the remainder to the east lies within South Central Land Use Plan (2015). The portion within the South Central Plan is designated as Mixed Use Development (defined as sound development practices that allow for a variety of new development that includes high density residential and vertical mixed use development). The portion within the Southwest Cumberland Plan is designated as Heavy Commercial (uses that provide a wide variety of retail, wholesale and commercial businesses). Both designations are shown within Exhibit "E". The Mixed Used Development designation, in the South Central Land Use Plan, calls for associated zoning districts R5, C1(P), and C2(P). The Heavy Commercial designation, in the Southwest Cumberland Land Use Plan, calls for associated zoning district of C(P). **Request is not consistent with both adopted land use maps.** If the zoning change is approved, the most appropriate future land use map amendment is Medium Density Residential for both plans associated with the subject site.



**IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES**

**UTILITIES:** PWC sewer is available along the left rear corner of parcel. PWC water is available along the frontage of Sand Hill Road. It is the applicant's responsibility to determine if this utility will adequately serve their development. Utilities for water and sewer are shown on Exhibit "C". This site is in the Hope Mills MIA and any extensions of utilities would be subject to an agreement for services.

**TRAFFIC:** According to the Fayetteville Metropolitan Planning Organization (FAMPO), the subject property sits on Sandhill Road and is identified as a thoroughfare needing improvement in the Metropolitan Transportation Plan. No construction projects are planned, and the subject property will have no impact on the Transportation Improvement Plan.

Sand Hill Road is classified as a local road with a 2019 AADT of 8,800.

**SCHOOLS CAPACITY/ENROLLMENT:**

School	Capacity	Enrollment
Gallberry Farm Elem	900	853
Gray's Creek Mid	1200	1096
Gray's Creek High	1470	1343

**ECONOMIC DEVELOPMENT:** Fayetteville Cumberland County Economic Development Corporation has reviewed the request and has provided the following comment (Refer to Exhibit F):

"Having reviewed rezoning case # Zon-21-0010, FCEDC is in non-concurrence with this request. We make this recommendation based on the following factors.

1. This area is a prime industrial location given its proximity to I-95.
2. Adjacent plots are currently zoned industrial making these two tracts ideally suited for industrial development.
3. There is currently a shortage of developable industrial land.

The area has seen several wins within the last 18 months. We assess this land to be better suited for industrial development, as this would have a greater impact on economic development."

**EMERGENCY SERVICES:** Cumberland County Fire Marshal's office has reviewed the request and stated that the applicant must ensure that all fire department access roads requirements are met in accordance with section 503 of the NC 2018 Fire Code where required.

**SPECIAL DISTRICTS:** The property is not located within the Fayetteville Regional Airport Overlay District or within five miles of Fort Bragg Military Base.

**CONDITIONS OF APPROVAL:** This is a conventional zoning and there are no conditions at this time.

**CODE DEVIATIONS:** No deviations have been identified.

**OTHER AGENCY OR LOCAL GOVERNMENT COMMENTS:** No comments were received from the Town of Hope Mills or State agencies during the staff and agency coordination review process.

#### **STAFF RECOMMENDATION**

In Zon-21-0010, the Planning and Inspections staff **recommends denial** of the initial rezoning request from County A1 and C(P) to Town R6 Residential District and recommends an alternative zoning district of M1 (P) Planned Light Industrial District. Staff further finds:

- a. The approval is an amendment to the adopted, current South Central Land Use Plan and Southwest Cumberland Land Use Plan; and that the Board of Commissioners should not require any additional request or application for amendment to said map for this request.
- b. The alternative recommendation would meet the economic development needs of the community and would ease the transition between more intense and less intense land uses.
- c. The request is reasonable and in the public interest because the alternative recommendation of the M1(P) zoning district would be designed to allow a wide variety of light industrial operations, making it more compatible and in harmony with the surrounding land use activities and zoning.

Attachments:  
Notification Mailing List

**Exhibit F**  
**Comments from Economic Development Corporation**

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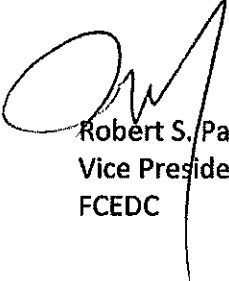
To: David Moon  
From: Robert S. Patton, Jr.  
Date: 13 SEP 21  
RE: FCEDC Non-Concurrence Rezoning Case #ZON-21-0010

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Mr. Moon,

Having reviewed rezoning case #ZON-21-0010, FCEDC is in non-concurrence with this request. We make this recommendation based on the following factors. 1. This area is a prime industrial location given its proximity to I-95. 2. Adjacent plots are currently zoned industrial making these two tracts ideally suited for industrial development. 3. There is currently a shortage of developable industrial land. The area has seen several wins within the last 18 months. We assess this land to be better suited for industrial development, as this would have a greater impact on economic development.

Please feel free to contact me if you have any questions or require additional information. I can be reached at 910-500-6404.



Robert S. Patton, Jr.  
Vice President  
FCEDC

**ATTACHMENT – MAILING LIST**

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MEBANE, NC 27302

AAA COOPER TRANSPORTATION  
PO BOX 6827  
DOTHAN, AL 36302

ASPHENS CREEK OWNERS ASSOC. INC;  
CAVINNESS LAND DEVELOPMENT INC  
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BATTLES, WALTER JR; & TINA E  
605 SANDHILL RD  
HOPE MILLS, NC 28348

BENITEZ, EDWIN SNACHEZ;&  
OLGA P HESTER  
5128 CARSON ALLEN RD  
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BLAIR, WILLIAM EDWARD; &  
COURTNEY LATIOLAIS  
935 SCREECH OWL DR  
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BOSTEN, CHRISTOPHER W  
955 SCREECH OWL DR  
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BRADLEY, PRUDENCE C  
231 WOODSTREAM CIR  
MOORESVILLE, NC 28117

BRASWELL, DANIEL; COBB, RAEMI  
5330 WOODPECKER DR  
HOPE MILLS, NC 28348

BURCH, JAMES EDWARD III; &  
TIFFANY LYNN  
5112 CARSON ALLEN RD  
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CARSON COVE HOMEOWNERS ASSOC  
2939 BREEZEWOOD AVE 100  
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CARVER, TAYLOR  
5334 WOODPECKER DR  
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CASHWELL, ANGUS DIXON  
222 LANDING RD #1815  
N MYRTLE BEACH, SC 29582

CASHWELL, MALCOLM DIXON;&  
HELEN C TRUSTEE  
3407 E YACHT DR  
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CASHWELL, STEVEN N;& MICHAEL  
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CONWAY, WILLIE III;& QUANITA  
TRAVAIR  
5111 PAUL PEEL PL  
HOPE MILLS, NC 28348

CRAIG, JOSHUA  
923 SCREECH OWL DR  
HOPE MILLS, NC 28348

DAVIS, BRADY A;& MELISSA J  
963 SCREECH OWL DR  
HOPE MILLS, NC 28340

DEEMS, JILL L  
951 SCREECH OWL DR  
HOPE MILLS, NC 28348

DOOLEY, MICHAEL JR;& LORI  
5125 CARSON ALLEN RD  
HOPE MILLS, NC 28348

FAULK, TIFFANY BARFIELD  
927 SCREECH OWL DR  
HOPE MILLS, NC 28348

FODERARO, LEONARD III;&  
ROSEMARIE  
5109 CARSON ALLEN RD  
HOPE MILLS, NC 28348

FOLIVI, JUDE E  
5326 WOODPECKER DR  
HOPE MILLS, NC 28348

GAINES, BILLY L JR;& DEBORAH F  
5424 BARCHETTA DR  
HOPE MILLS, NC 28348

GROMER, DUANE;& REBECCA  
939 SCREECH OWL DR  
HOPE MILLS, NC 28348

HAMMETT, SEAN TREVOR;& GENEY  
ANN  
5121 CARSON ALLEN RD  
HOPE MILLS, NC 28348

HAWLEY, JACOB;& KATHRYN  
5126 PAUL PEEL PL  
HOPE MILLS, NC 28348

HELDRETH, JOHN MICHAEL;NEFZAQUI,  
SARA  
5124 CARSON ALLEN RD  
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JONES, WALTER;& PATRICIA  
5419 BARCHETTA DR  
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JUNIO, JOHN D;& RACHEL L WRIGHT-  
JUNIO  
5114 PAUL PEEL PL  
HOPE MILLS, NC 28348

KEHM, JESSICA  
5117 CARSON ALLEN RD  
HOPE MILLS, NC 28348

KENNEDY, CHARLES DARRELL  
3528 DARWIN RD  
DURHAM, NC 27707

KERSHANICK-COPELAND, JODI  
A;COPELAND, MELISSA D  
569 SAND HILL RD  
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LANE AVENUE ASSOCIATES LLC  
67 MOUNTAIN BLV 201  
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AMANDA MARIE  
5118 PAUL PEEL PL  
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LOCKLEAR, PATRICIA A  
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HOPE MILLS, NC 28348

LOSINIECKI, RAYMOND A;& JENNIFER  
M  
5103 PAUL PEEL PL  
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LOVELL, JOSHUA;& KIMBERLY  
PFEIFFER  
956 SCREECH OWL DR  
HOPE MILLS, NC 28348

LUGOAGOSTO, VANESSA;& ABIMAE  
L  
5127 PAUL PEEL PL  
HOPE MILLS, NC 28348

LUGOAGOSTO, VANESSA;& ABIMAE  
L  
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HOPE MILLS, NC 28348

MARRERO, JOHN A;& ERIN A  
5119 PAUL PEEL PL  
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5346 WOODPECKER DR  
HOPE MILLS, NC 28348

MCNEY, MICHAEL F.;POLVERE, NICOLE  
R.  
5129 CARSON ALLEN ROAD  
HOPE MILLS, NC 28348

MELVIN, KENNETH EARL  
1451 SANDHILL RD  
HOPE MILLS, NC 28348

MELVIN, KENNETH EARL  
1451 SANDHILL RD  
HOPE MILLS, NC 28348

MELVIN, KENNETH EARL  
1451 SANDHILL RD  
HOPE MILLS, NC 28348

MILLER, JUSTIN DAVIS  
947 SCREECH OWL DR  
HOPE MILLS, NC 28348

MORGAN, JEFFERY L;& SHANIQUE L  
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LLC;MCCAULEY & MCDONALD  
INVESTMENTS INC  
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HOPE MILLS, NC 28348

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960 SCREECH OWL DR  
HOPE MILLS, NC 28348

NORTON, JAMES R  
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HOPE MILLS, NC 28348

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WALTER JR; HOLT, WILLIAM  
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OXENDINE, AARON CHANDLER;&  
KRISTEN BREANNA  
915 SCREECH OWL DRIVE  
HOPE MILLS, NC 28348

PACQUETTE, SUSANNA;& FITZGERALD  
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MICHAEL B; STEVEN N;& ANGUS  
DIXON;JOHNSON, EMILY C;CASHWELL,  
LAUHLIN M;FRASCHE, MARY  
C;BRADLEY, PRUDENCE C;WOOD,

PELICAN PROPERTY HOLDINGS  
LLC;GREAT OAKS PROPERTY  
HOLDINGS  
2709 THORNGROVE CT  
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PERALTA, KENIA M  
5338 WOODPECKER DR  
HOPE MILLS, NC 28348

PERRY, PHILLIP D SR;& PATRICIA A  
911 SCREECH OWL DR  
HOPE MILLS, NC 28348

PERSON, DAVID A;& DIANE D  
5123 PAUL PEEL PL  
HOPE MILLS, NC 28348

PETE, EZELL;& BRITTANI MARIE  
5108 CARSON ALLEN RD  
HOPE MILLS, NC 28348

PREWITT LAND CO LLC  
2126 CYPRESS LAKES RD  
HOPE MILLS, NC 28348

RAMOS, WYLIE;& KIM MARRIE  
5115 PAUL PEEL PL  
HOPE MILLS, NC 28348

RICKER, JOSHUA DANIEL;& MARINA  
MARY  
5113 CARSON ALLEN RD  
HOPE MILLS, NC 28348

RODRIGUEZ LOPEZ, HECTOR J;&  
SULEIKA PEREZ  
5347 WOODPECKER DR  
HOPE MILLS, NC 28348

RODRIGUEZ, ROLANDO L;& HIDRA  
SMADI  
5116 CARSON ALLEN RD  
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ROMERO, RICHARD A;& SANDRA  
5448 BARCHETTA DR  
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SCHARNBERG CASTRO, PAUL C;&  
EUNICE S NAVARRO RS  
5120 CARSON ALLEN RD  
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SCOTT, RUSSELL;& JESSICA LAUREN  
964 SCREECH OWL DRIVE  
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SHOTWELL, JODY;PAMELA ANN,  
WARD  
533 SAND HILL RD  
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STOPNIK, BRENNAN  
948 SCREECH OWL DR  
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RICHARD;&CHRISTINA WILLS  
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TRUSTEE;WOOD, MARGARET C  
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