

**Members:**  
Vickie Mullins, Chairman  
George Lott, Vice-Chair  
George Turner  
Alfonso Ferguson Sr.  
Winton McHenry



**Alternates:**  
Robert E Davis  
Nathan Galbreath  
Stacy Michael Long  
Alberta Ortiz  
Gregory Parks

## **CUMBERLAND COUNTY BOARD OF ADJUSTMENT**

130 Gillespie Street  
Fayetteville North Carolina 28301  
(910) 678-7602

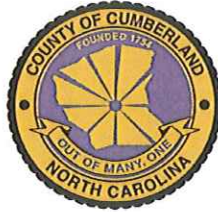
### **TENTATIVE AGENDA MAY 17, 2018 7:00 PM**

A meeting of the Cumberland County Board of Adjustment is to be held on Thursday, May 17, 2018, at 7:00 p.m. in Hearing Room #3 of the Historic Courthouse at 130 Gillespie Street, Fayetteville, North Carolina. The agenda is as follows:

1. VOTE FOR ACTING CHAIR
2. INVOCATION & PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. SWEAR IN STAFF
5. ADJUSTMENTS TO THE AGENDA
6. APPROVAL OF THE FEBRUARY 15, 2018 MINUTES
7. ABSTENTIONS BY BOARD MEMBERS/BOARD MEMBER DISCLOSURES (SITE VISITS AND/OR PERSONAL AFFILIATIONS)
8. PUBLIC HEARING DEFERRALS/WITHDRAWALS
9. POLICY STATEMENT REGARDING APPEAL PROCESS
10. PUBLIC HEARING(S):
  - A. **P18-02-C:** CONSIDERATION OF A SPECIAL USE PERMIT TO ALLOW A BORROW SOURCE IN AN A1 AGRICULTURAL & CD CONSERVANCY DISTRICT ON 103.90+/- ACRES, LOCATED SOUTHEAST OF I-95, WEST OF SR 2215 (FIELDS ROAD), SUBMITTED BY DEBORAH BROWNING ON BEHALF OF WINTER PARK APARTMENTS INC (OWNER) AND MICHAEL BLAKLEY ON BEHALF OF DRAFTING AND DESIGN SERVICES INC (AGENT).
  - B. **P18-03-C:** CONSIDERATION OF A SPECIAL USE PERMIT TO ALLOW A DAYCARE FACILITY IN A R10 RESIDENTIAL DISTRICT ON 5.90+/- ACRES, LOCATED AT 1620 LILLINGTON HWY, SUBMITTED BY WANDA CHAVIS ON BEHALF OF UNITED PENTECOSTAL CHURCH OF SPRING LAKE (OWNER).
  - C. **P09-07-C:** REVOCATION OF A SPECIAL USE PERMIT TO ALLOW A DAYCARE FACILITY LOCATED AT 1620 LILLINGTON HWY IN A R10 RESIDENTIAL DISTRICT ON 5.90+/- ACRES, UNITED PENTECOSTAL CHURCH OF SPRING LAKE (OWNER), STAFF SUBMITTAL.
11. DISCUSSION/UPDATE(S)
12. ADJOURNMENT

**Members:**

Vickie Mullins, Chairman  
George Lott, Vice-Chair  
George Turner  
Alfonso Ferguson Sr.  
Winton McHenry



**Alternates:**

Robert E Davis  
Nathan Galbreath  
Stacy Michael Long  
Alberta Ortiz  
Gregory Parks

**CUMBERLAND COUNTY BOARD OF ADJUSTMENT**

130 Gillespie Street  
Fayetteville North Carolina 28301  
(910) 678-7602

MINUTES  
February 15, 2018  
7:00 PM

**Members Present**

Alfonso Ferguson Sr.  
George Lott  
Winton McHenry  
George Turner  
Robert E Davis, Alternate Voting

**Absent Members**

Vickie Mullins

**Staff/Others Present**

Hope Ward Page  
Patricia Speicher  
Dena Smith  
Robert Hasty, Jr. (Assistant  
County Attorney)

Chairman Lott called the meeting to order at 7:00 p.m. in Public Hearing Room #3 of the Historic Courthouse. Chairman Lott stated the procedural matters are to turn off all cell phones and other electronic devices, other than the camera, are fine and if asked to speak at the podium to please speak clearly into the microphone as the meeting is being recorded. Although there are no set time limits for any speaker addressing the board, the board asks speakers to not repeat what has been previously stated. If there is no new evidence to offer please make the board aware of your agreement with the previous speakers. If any board member wishes to speak or ask any questions please ask to be recognized by the Chairman before speaking.

1. INVOCATION

Chairman Lott.

PLEDGE OF ALLEGIANCE

Recited by all.

2. ROLL CALL

Mrs. Page called the roll and stated a quorum was present. For the audience Mrs. Page introduced, Mr. Robert Hasty, Assistant County Attorney, also alternate non-voting members of the board, Mr. Galbreath.

3. SWEAR IN STAFF

Chair Lott swore in staff.

4. ADJUSTMENTS TO THE AGENDA

There were none from staff.

5. APPROVAL OF THE SEPTEMBER 21, 2017 MINUTES

CHAIR LOTT: The motion has been made, motion of a second has been made, all those in favor of approval?

**Mr. Turner made a motion to approve the minutes from the September 21, 2017 meeting, seconded by Mr. Davis. The motion passed unanimously.**

**IN FAVOR**  
LOTT YES

FERGUSON	YES
MCHENRY	YES
TURNER	YES
DAVIS	YES

6. ABSTENTIONS BY BOARD MEMBERS/BOARD MEMBER DISCLOSURES (SITE VISITS AND/OR PERSONAL AFFILIATIONS)

There were none.

7. APPROVE 2018 DEADLINE/MEETING SCHEDULE

MRS. PAGE: Excuse me Chair if I may, we need the approval of the 2018 deadline meeting schedule.

**Mr. Turner made a motion to approve the 2018 Deadline/Meeting schedule, seconded by Mr. Ferguson. The motion passed unanimously.**

	<b>IN FAVOR</b>
LOTT	YES
FERGUSON	YES
MCHENRY	YES
TURNER	YES
DAVIS	YES

8. PUBLIC HEARING DEFERRALS/WITHDRAWALS

There were none.

8. POLICY STATEMENT REGARDING APPEAL PROCESS

Mrs. Page read the policy statement.

9. PUBLIC HEARING(S)

- A. **P18-01-C: CONSIDERATION OF A VARIANCE TO ALLOW A 1.5 FOOT SIDE YARD SETBACK WHERE 10 FEET IS REQUIRED AND TO ALLOW A 14 FOOT FRONT YARD SETBACK WHERE 30 FEET IS REQUIRED IN A R10 DISTRICT ON 0.25 +/- ACRES, LOCATED AT 4374 WUYCIK ROAD; SUBMITTED BY JAMES E AND BERNADINE A COLEMAN JR (OWNERS).**

Chair Lott read the case heading for Case No. P18-01-C.

Mrs. Page reviewed the zoning, sketch map, and land use of the area surrounding subject property. She briefly reviewed board packet material. Mrs. Page asked if the section of the zoning ordinance 11-04 district dimensional provisions which are referencing on pages 129 and 130, and if I may at this time will the board accept that section of the ordinance into the record?

CHAIR LOTT: Yes.

MRS. PAGE: Staff asks that when making a decision for the variance to either grant or deny if you would make the decision based on the findings of facts located behind the variance tab in your binder.

I am available for questions or if you would like to see any more slides and I do believe the applicant is here and we have speakers signed up to speak.

MR. TURNER: You made the statement attached?

MRS. PAGE: Yes it's going to be attached.

MR. TURNER: It's going to be attached to the house.

MRS. PAGE: Yes sir it will be part of the principal structure.

MR. TURNER: Okay.

CHAIR LOTT: Any questions from the board?

MR. FERGUSON: Let them speak and then come back and see. I don't have any right now.

CHAIR LOTT: Okay. Mr. and Mrs. Coleman do you have anything to say?

MRS. COLEMAN: No sir.

CHAIR LOTT: No sir, okay. There's no opposition.

MS. SPEICHER: Excuse me chair, there is no opposition but the property owners should state just bare bones enough for the board to be able to make their findings, if they could.

CHAIR LOTT: Okay. Mrs. Coleman would you come up?

MR. HASTY: They need to be sworn too.

CHAIR LOTT: Yes. I'd like to swear you in. Do you swear to tell the truth the whole truth and nothing but the truth so help you God?

MRS. COLEMAN: Yes.

CHAIR LOTT: Thank you. Okay from what we understand here you are planning to build a carport attached to your home as the site plan shows.

MRS. COLEMAN: Yes.

CHAIR LOTT: And it's for your convenience or what's the purpose?

MRS. COLEMAN: Okay, the purpose is our personal use to have our car and my husband's truck stored under the carport.

CHAIR LOTT: Okay. Alright, thank you.

MR. TURNER: Can I ask you a couple of things your house does have a garage?

MRS. COLEMAN: Yes, for one vehicle only. We are using it for storage.

MR. TURNER: And the carport you're interested in building, is it going to be stick built or is it one of the metal carports?

MRS. COLEMAN: It's a metal carport.

MR. TURNER: And you're still going to tie that to your house? But she made the statement it was going to be attached, and you're going to buy a metal carport somewhere and there going.

MRS. COLEMAN: Attached yes, it's going to be built, yeah; it's going to be built on our property.

MR. TURNER: So, I think there's confusion over it being attached to the house, is that, I don't know if that's even an issue but?

MRS. PAGE: No sir, it is going to be attached, the proposed carport is going to be as shown on the detail.

CHAIR LOTT: Anchored in some fashion.

MRS. PAGE: Attached right. Yes. It will be part of the principle structure.

MR. FERGUSON: Can we go back to the house please?

MRS. PAGE: Yes sir.

MR. TURNER: I'm not seeing that but.

MS. SPEICHER: While she switching slides I'll just explain that it has to be attached to the house to be considered principle structure, if it's detached, then it would be an accessory and it's not allowed in the front yard at all.

MR. TURNER: I got it.

MS. SPEICHER: And that is the reason that she would have to attach it to locate.

CHAIR LOTT: And of course that is part of the conditions that you all have set.

MS. SPEICHER: And that is what her application and her site plan indicates, yes sir.

CHAIR LOTT: So the contractor is well aware, I'm sure, that the fact that it will have to be.

MS. SPEICHER: Yes and code enforcement when they issue the permits will also be aware.

CHAIR LOTT: And will the county inspect that?

MS. SPEICHER: Yes.

MR. FERGUSON: So we're talking about the carport actually being built through an inspection.

MS. SPEICHER: Yes.

MR. FERGUSON: That's why she went thru her house and I was thinking how she going to fit a 20' by 20' between those two buildings. On a concrete slab there.

MRS. PAGE: Yes.

MR. TURNER: That's really why my question involved was it a metal carport or a stick built, I could see building a stick built carport there and finding a way to attach it to the existing structure, those metal ones are pretty well prefabbed that you just put together, I don't see how you would tie it to the house but that's not really a question, you understand you have to tie it to the house.

MRS. COLEMAN: Yes.

MR. TURNER: That's all that matters. Okay, I'm done.

MR. DAVIS: I have a question, since it's next door to another house, and since you're only going to have 1 foot left for clearance, I don't see any way you can get around the side of the building if someone would happen to get up to access a ladder or to do anything without being over on your other people's property, you wouldn't have the room to get through there but if you wanted to come straight out the sidewalk and instead of doing double you could just do straight out, couldn't you? Like the picture there. Stay straight out and that way you wouldn't be encroaching on other people's property because if you're that close and your neighbor's decide I want to be that close to then you only got 2 feet there, a fire truck couldn't get through there, no emergency vehicle could get through there, you would be endangering yourself I think if your.

CHAIR LOTT: Go back to the site plan

MR. DAVIS: and then the house beside it, there's 2 houses there.

CHAIR LOTT: I think one thing being is that the way the garage is set back from the house looks like a couple of feet and you were to move the proposed carport over to make room like you're talking about that would interfere with it being able to be attached, it would not be able to be attached. 1.5 foot would not be a problem as far as, because we do have in other neighborhoods zero lot line allowance which is the same thing so that and it being a carport I'm sure it's probably opened on the sides.

MRS. COLEMAN: Yes.

MR. TURNER: For access to your side yard would not be a problem there.

MRS. COLEMAN: It won't be closed in.

CHAIR LOTT: Any other questions? No other questions, thank you Mrs. Coleman. Hear from the board, any recommendations?

MR. FERGUSON: I make a motion that we approve it according to the variances, because there's no opposition on it anyway we use the variances and go ahead and approve it.

CHAIR LOTT: Is that a motion to be approved?

MR. TURNER: Should we not make the findings a fact that 1 through 4.

CHAIR LOTT: Yes.

MR. TURNER: Am I right?

CHAIR LOTT: Yes.

MR. MCHENRY: The one question I have is the people that are still up there, are they objecting to it?

CHAIR LOTT: No they're not here.

MRS. PAGE: No they're not here in opposition, and we had no phone calls either in regards to this case.

MS. SPEICHER: And they were notified of the meeting.

CHAIR LOTT: Then number one is it's the board's conclusion that no unnecessary hardship will result from the strict application of the ordinance thus findings based on the follow conditions.

MR. TURNER: Based on the ordinance you couldn't do this at all.

CHAIR LOTT: No.

MR. TURNER: See I mean, you, I don't know if any unnecessary hardships will result.

CHAIR LOTT: From what I understand the staff recommends this for approval under the conditions.

MS. SPEICHER: On this type of case, we don't make a recommendation.

CHAIR LOTT: I understand.

MR. FERGUSON: I don't see where it's any hardship, and if nobody in the neighborhood complained that they were going to put it there I think that, if it's something for their use of their property then we should go ahead with their right to use their property cause if I was living next door and I didn't want it I would been here and had a bunch of people here, you know?

CHAIR LOTT: Also too, a carport is open; it doesn't give you that closed in effect that, or an obstruction of view from the house.

MR. FERGUSON: They can still look over there and see what they doing.

CHAIR LOTT: Still have a motion? Any more questions?

MR. TURNER: A lot of this issue amounts to the lot is only 54 feet in the back kind of a triangle shaped lot which the size of the lot makes it impossible to put a garage anywhere where a carport.

CHAIR LOTT: That's true and the rear is – you could get cut off.

MR. TURNER: You're looking at 10 feet on either side. Comes into the back of the garage.

MS. SPEICHER: And if we could, we could add into evidence we have the plot plan for the septic in the case file, that septic tank is in the rear of the home.

MR. DAVIS: Thought it was PWC sewer.

MRS. PAGE: No sir, it was an error on the site profile it does state PWC however it is septic, I did verify that.

MR. TURNER: You shown that on here, is that what we're seeing?

MS. SPEICHER: It's not on that site plan but we do have the Health Department's site plan with the septic if you would like to see it.

MR. TURNER: No I trust you. Long as we don't park a car in it we're okay.

MS. SPEICHER: Right.

MR. MCHENRY: My primary concern is that the people didn't object so...

MR. TURNER: No, so it will not create a hardship.

MR. MCHENRY: and they're the ones next door.

CHAIR LOTT: And number 2 is that the board's conclusion that a hardship results from conditions that are particularly to this property such as location, size and topography define is based on the following conditions. That would not be a problem, I don't think in this case for number 2.

MR. TURNER: Really there is no other place to put it because of the odd size of the lot.

CHAIR LOTT: True. And number 3 is this Boards conclusion that the hardship did not result from actions taken by the applicant or property owner the finding is based on the following conditions. The lot has been that way, I'm sure a great number of years, the creation of this lot being the last one on the street?

MRS. PAGE: It's been, if I may Chair, since 1975.

CHAIR LOTT: It's our conclusion that the requested variances consistent with this hearing, purpose and intent of the ordinance, public safety is secure, substantial justice is achieved based on all the conditions listing above.

MR. TURNER: We are not affecting anyone.

CHIAR LOTT: Right.

MR. FERGUSON: Right.

MR. TURNER: No one will be affected by this except the property owner gets the benefit, no one else; no one has a negative to it.

CHAIR LOTT: No one's here to speak against it.

MR. FERGUSON: Right.

MR. TURNER: It's true.

CHAIR LOTT: Therefore

MR. TURNER: All those came together as a motion, didn't they?

MR. FERGUSON: Yes.

CHAIR LOTT: We have the motion now, are we ready for a second?

MR. TURNER: I'll second.

CHAIR LOTT: Motion's been made and accepted, all in favor? (Unanimous)

**Mr. Turner made a motion to approve the application for the variance as written, incorporating the findings of facts, Mr. Davis seconded and the vote was unanimous.**

	<b>IN FAVOR</b>
LOTT	YES
FERGUSON	YES
MCHENRY	YES
TURNER	YES
DAVIS	YES

- B. **P97-31-C: REVOCATION OF A SPECIAL USE PERMIT (NEÉ SPECIFIED CONDITIONAL USE PERMIT) TO ALLOW A SOLID WASTE DISPOSAL FACILITY IN A RR DISTRICT ON 14.56 +/- ACRES, LOCATED WEST OF SR 2212 (DOC BENNETT ROAD), SOUTH OF I-95 BYPASS; STAFF SUBMITTAL.**

Chair Lott read the case heading for Case No. P97-31-C.

MRS. PAGE: Yes chair, this case is being presented before the board, it is a revocation. I've spoken with the present owner, and they are in agreement with this, basically it is an administrative clean-up of the files. This site was closed down by the North Carolina Department of Environmental Quality in 2017. And the site is no longer being operated as inert debris and it is to make sure all the bookkeeping and all the administrative files match. I do have a presentation prepared if the Board chooses to see it or if the Board chooses you are able to make a motion and go from there.

CHAIR LOTT: What's the pleasure of the board? I don't care about seeing it.

MR. TURNER: Let me ask you this, you're saying this wasn't operating for 20 years?

MRS. PAGE: Yes sir. It was an inter debris site and in March 16, 1997 and its no longer operating.

MR. TURNER: But it operated for 20 years and the state shut it down?

MRS. PAGE: It operated yes, November 15, 2017 and it was shut down according to Plat Book & map 0140 Page 059 recorded in the Register of Deeds. In speaking with the current owner she has been made aware that this was coming before the Board and she was in agreement with whatever the Board chooses to decide.

MR. TURNER: With the state shutting down, this Special Use Permit is kind of useless, isn't it?

MRS. PAGE: That's why we're here to revoke it just to clean up the paperwork, right.

MR. TURNER: And the present owner is the one who operated the land fill?

MRS. PAGE: The present owner was the one who operated it, she thought everything was complete and when she received the notification in the mail, I did speak with her and let her know it was primarily to make our staff records match the current records that are currently ex in the file right now. currently exist on file right now.

MR. DAVIS: So you need a motion to make revocation of the Special Permit Use?

CHAIR LOTT: Yes.

CHAIR LOTT: I make that motion.

MR. FERGUSON: Second.

CHAIR LOTT: Motion made and seconded, all in favor say, Aye.

**Mr. Davis made a motion to accept the staff recommendation to revoke the special use permit, Mr. Ferguson seconded and the vote was unanimous. The motion passed unanimously.**

	<b>IN FAVOR</b>
LOTT	YES
FERGUSON	YES
MCHENRY	YES
TURNER	YES
DAVIS	YES

10. DISCUSSION/UPDATES

MRS. PAGE: Yes chair. Staff did not receive any applications in by our February deadline for March. So there will be no Board of Adjustment meeting in March.

MR. HASTY: I do have an update on the Hampton Range case. It's been in the court of appeals for about a year and they finally gave us a decision in December. Their decision was a 2 to 1 decision, basically sending it back to this board for additional findings with the order. The majority said they didn't think there weren't enough findings. We disagree with that because we believe the case was very simple, they were required to have a permit, they didn't have one, they were given the citation, but in any event that was sort of a win for us if you will. They just sent it back here for a new order. The dissenting opinion agrees with the Hampton's; they should be allowed to continue use as a shooting range without the permit basically.

CHAIR LOTT: So it's coming back to us?

MR. HASTY: No not yet. There's more to the story. The Hampton's appealed that case they first had to ask the entire court of appeals, all fifteen members to hear the case, and the court of appeals as a whole, said they were not going to consider it again they were stuck with the three judge panel. And so a week or two ago the Hampton's did appeal that case to the North Carolina Supreme Court, so that's where it is now. They are meeting again at the end of March, so it is going to be seven more months before further resolution. The Court of Appeals may send it back here. That's it.

MR. TURNER: They were allowing other people to shoot?



MR. HASTY: Right, without a permit, they were operating a shooting range the planning staff gave them a notice of violation to stop that and they are allowed to shoot within the accordance to the ordinance which is property owners only, sighting the weapons, occasional target practice, turkey shoot, and so they appealed all that.

MR. TURNER: They were charging folks to go out there, weren't they?

MR. HASTY: They said they were not, that's the testimony they offered and we didn't have any proof they were charging. That was our initial understanding.

MR. TURNER: Then by not charging, it's not okay for them to do that?

MR. HASTY: The ordinance does not say anything about charging or not charging, its actual use of the land. And that was the issue. The officer who gave them the citation in the hearing testified that he thought it was commercial and wouldn't have cited them if it wasn't but that really was mistaken.

CHAIR LOTT: They never really applied for a permit to run the ground

MR. HASTY: The never applied at all.

MR. TURNER: But in light of that if I had a friend who had a couple acres of land and he was in the county, and he had a mound of dirt in the back, and I went over to his house and we went in the back and shot, is that not okay?

MR. HASTY: I don't believe so. Under the ordinance, the property owner can shoot but it doesn't say anything about friends or neighbors.

CHAIR LOTT: It seems like in reality maybe that law should be reconsidered to include something like invited

MS. SPEICHER: You have to realize in a zone violation you have to give the property owner thirty days to remedy the violation. So if you're over there every day for thirty plus days then you would be in violation and you would be in violation once logistically your friend couldn't be cited.

MR. TURNER: These folks were kind of doing it on a everyday basis?

MR. HASTY: They were teaching classes, concealed carry.

MS. SPEICHER: Facebook page, offering classes.

**Mr. Lott made a motion to adjourn, seconded by Mr. Turner. The motion passed unanimously. Meeting adjourned at 8:15pm.**

	<b>IN FAVOR</b>
LOTT	YES
FERGUSON	YES
MCHENRY	YES
TURNER	YES
DAVIS	YES

---

Dena L Smith, Clerk to the Board

---

George Lott, Chairman

# SITE PROFILE: P18-02-C

**P18-02-C: CONSIDERATION OF A SPECIAL USE PERMIT TO ALLOW A BORROW SOURCE IN AN A1 AGRICULTURAL & CD CONSERVANCY DISTRICT ON 103.90+/- ACRES, LOCATED SOUTHEAST OF I-95, WEST OF SR 2215 (FIELDS ROAD), SUBMITTED BY DEBORAH BROWNING ON BEHALF OF WINTER PARK APARTMENTS INC (OWNER) AND MICHAEL BLAKLEY ON BEHALF OF DRAFTING AND DESIGN SERVICES INC (AGENT).**

**Cumberland County Zoning Ordinance Reference: Section 904 Borrow Source Operation (Pg. 84)**

**Notes:**

Requesting use for borrow source operation  
 Number of employees: Ten  
 Day and Time of Operation: Monday – Friday; Time: 7am – 6pm

Owner has agreed to the attached ordinance related conditions

Based on aerial photos, it does not appear that there is an active borrow source within 1 ½ miles.



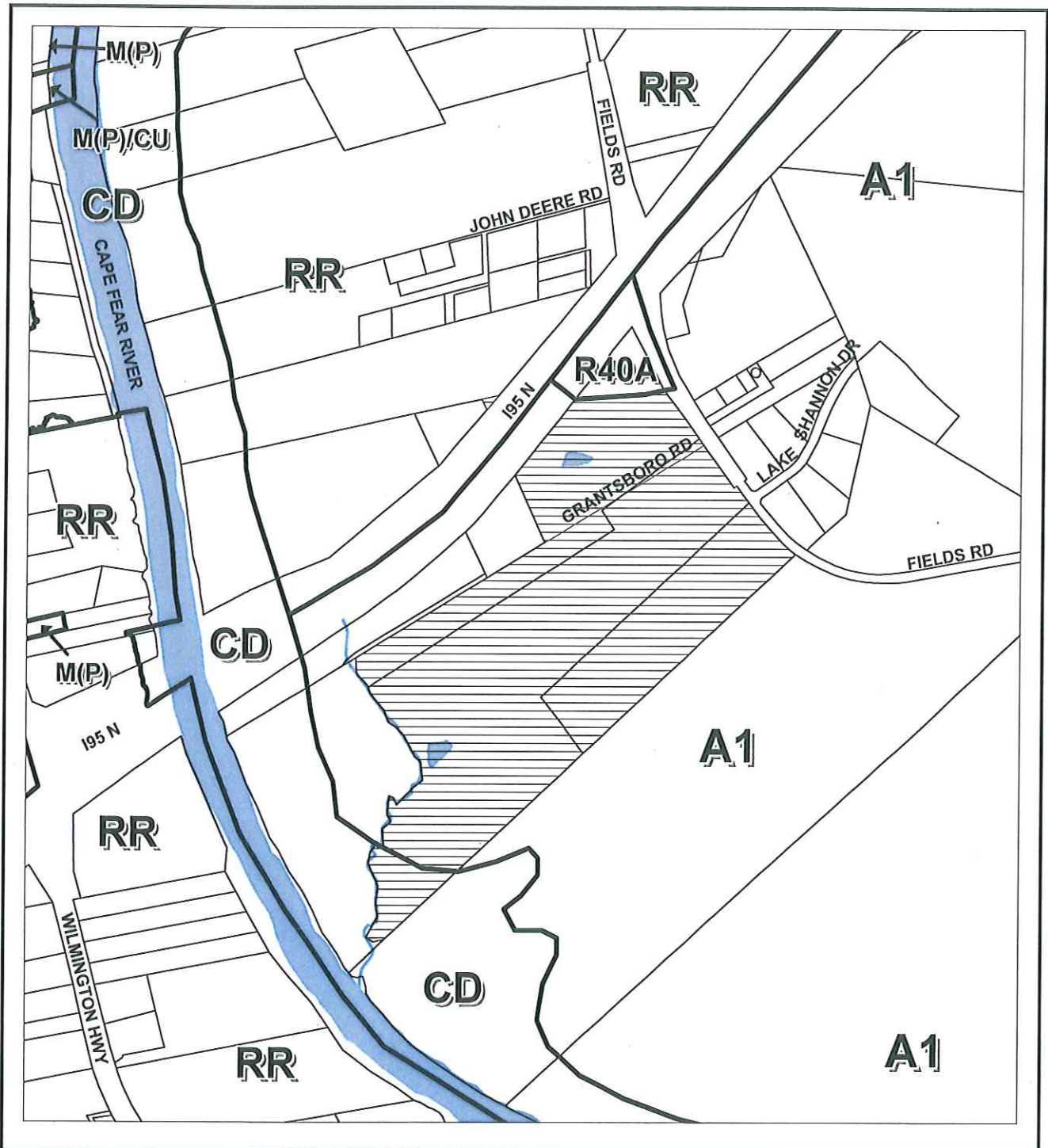
<p><b>INITIAL ZONING</b> A1 &amp; CD – September 14, 1979 (Area 9)</p> <p><b>JURISDICTION</b> County</p> <p><b>MUNICIPAL INFLUENCE AREA</b> Fayetteville</p>	<p><b>ADJACENT PROPERTY</b> None</p> <p><b>CURRENT USE</b> 3 Vacant Lots</p>	<p><b>NONCONFORMITIES</b> None</p> <p><b>ZONING VIOLATIONS</b> None</p>	<p><b>WATER/SEWER AVAILABILITY</b> Private Water/Sewer</p> <p><b>SOIL LIMITATIONS</b> Yes Hydric: Le – Leon Sand Ro – Roanoake &amp; Wahee Loams Inclusion: WmB - Roanoke</p> <p><b>WATERSHED</b> No</p> <p><b>SPECIAL FLOOD HAZARD AREA</b> Yes 100 yr Floodplain shown on site plan</p>	<p><b>SIZE OF PROPERTY</b></p> <p><b>Frontage &amp; Location:</b> 640' +/- I95-N 1420' +/- Fields Rd (SR2215)</p> <p><b>Depth:</b> 3820' +/-</p>
--	--	---	---	--

<p><b>SURROUNDING ZONING</b></p> <p><b>North:</b> R40A, RR, M(P), M(P)/CU – (CU for Airport Overlay District)  <b>West:</b> CD, RR, CD, M(P)  <b>East:</b> A1, CD  <b>South:</b> CD, A1, RR</p> <p>*All surrounding zoning is in the County, unless otherwise noted*</p>	<p><b>SURROUNDING LAND USE:</b></p> <p>Residential (including manufactured homes)                  Cell Tower                  Cape Fear River</p>
<p><b>COMPREHENSIVE PLANNING:</b></p> <p>Parcels: 0444-89-0613 and 0444-86-7855                  Vander Area Plan: Agricultural; 2030 Growth Strategy Plan: Urban</p> <p>Parcel: 0444-78-8419; Vander Area Plan: Agricultural                  2030 Growth Strategy Plan: Conservation Area</p>	<p><b>TRANSPORTATION PLANNING:</b></p> <p>The subject property lies on Fields Road. Fields Road is identified as a Local Road in the 2040 Metropolitan Transportation Plan with no constructions/improvements planned. The subject property will have no impact on the Transportation Improvement Plan.</p>

**OTHER PROPERTY INFO:**

**School Capacity/Enrolled:** Seabrook Elementary School 310/254; Mac Williams Middle School 1270/1104; Cape Fear High School 1450/1482  
**Subdivision/Site Plan:** See ordinance related conditions.  
**Average Daily Traffic Count (2016):** 51,000 on I95N; 150 on SR2215 (Fields Rd)  
**US Fish & Wildlife:** No comments related to red-cockaded woodpecker recovery efforts.

Attached: Sketch map, Site plan, Application, Conditions, 1000' Mail list



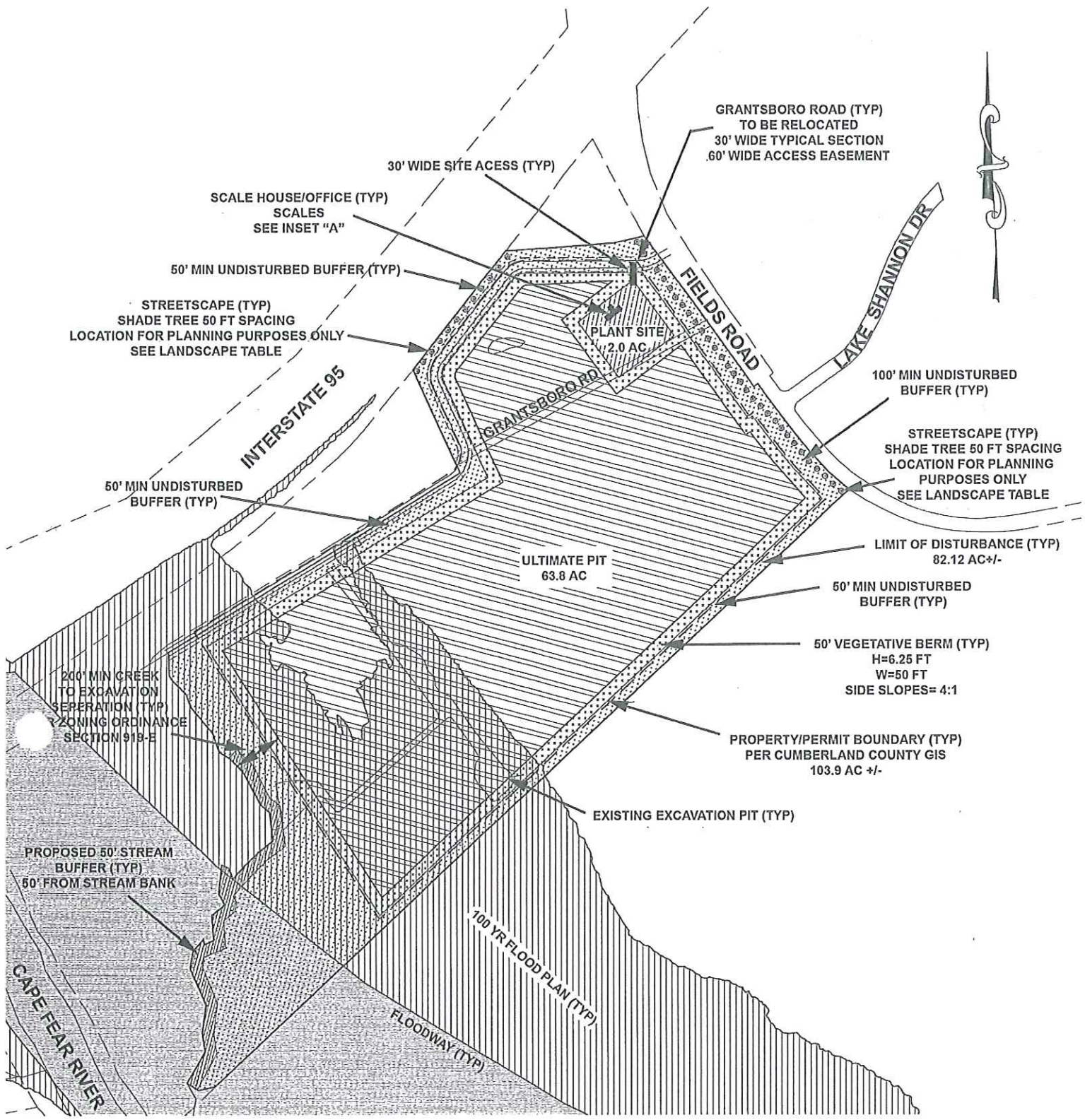
SCALE IN FEET

## BOARD OF ADJUSTMENT SPECIAL USE PERMIT

<b>ACREAGE: 103.90 AC.+/-</b>	<b>HEARING NO: P18-02-C</b>	
ORDINANCE: COUNTY	HEARING DATE	ACTION
GOVERNING BOARD		

PIN: 0444-89-0613,  
 PIN: 0444-78-8419  
 PIN: 0444-88-7855

MB  
04-23/18



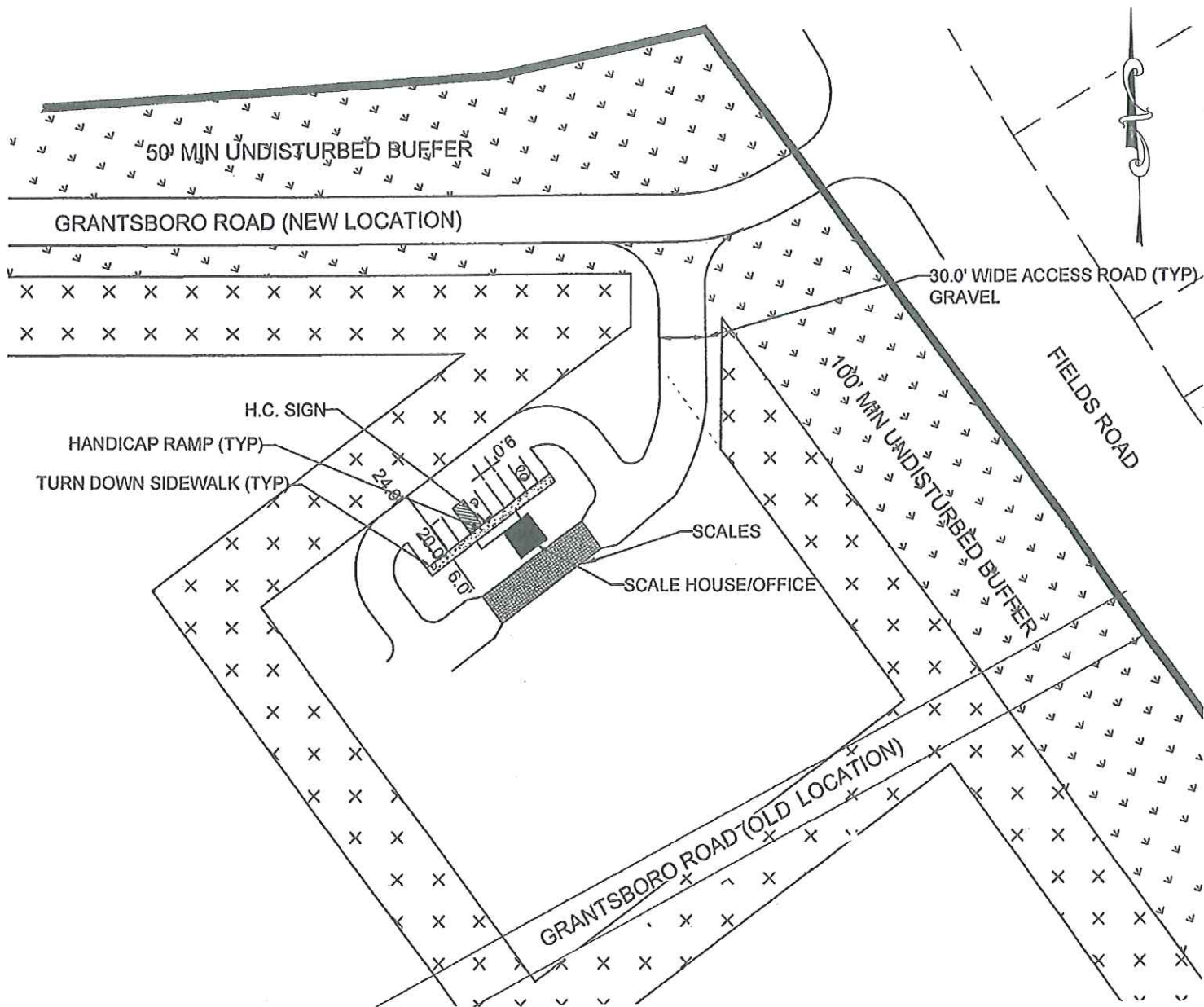
# BOARD OF ADJUSTMENT SPECIAL USE PERMIT

REQUEST: TO ALLOW A BORROW SOURCE

CASE: P18-02-C ACREAGE: 103.90 +/-

ZONED: A1, & CD SCALE: NTS

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



INSET "A"  
SITE ENTRANCE & SCALE HOUSE/OFFICE W/PARKING

**BOARD OF ADJUSTMENT  
SPECIAL USE PERMIT  
REQUEST: TO ALLOW A BORROW SOURCE  
CASE: P18-02-C ACREAGE: 103.90 +/-  
ZONED: A1, & CD SCALE: NTS  
PARKING: 10 SPACES**

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

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

*Special Use Permit*

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

1. Applicant/Agent Drafting and Design Services, Inc. - Michael Blakley
2. Address: 6728 Caribnton Road - Sanford, NC Zip Code 27330
3. Telephone: (Home) \_\_\_\_\_ (Work) (919) 499-8759
4. Location of Property: Intersection of Grantsboro Road & Fields Road
5. Parcel Identification Number (PIN #) of subject property: 0444-89-0613, 0444-78-8419,  
(also known as Tax ID Number or Property Tax ID) 0444-88-7855
6. Acreage: 103.9 Frontage: 1389 FT Fields Rd Depth: 3788 FT MAX
7. Water Provider: private well Septage Provider: private septic
8. Deed Book 4672, 3752, 3691, Page(s) 0207, 0225, 0160, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
9. Existing use of property: Agriculture
10. Proposed use(s) of the property: Quarry - Sand & Gravel - Borrow Source  
*per Brian Rayner 3-27-18*

**NOTE: Be specific and list all intended uses.** *PSB*

11. Do you own any property adjacent to, including across the street from, the property being submitted for rezoning? Yes \_\_\_\_\_ No X
12. Has a violation been issued on this property? Yes \_\_\_\_\_ No X
13. It is requested that the foregoing property be rezoned FROM: A1

~~TQ: (Select one)~~

- ~~Conditional Zoning District, with an underlying zoning district of A1-CZ (Article V)~~
- ~~Mixed Use District/Conditional Zoning District (Article VI)~~
- ~~Planned Neighborhood District/Conditional Zoning District (Article VII)~~
- ~~Density Development/Conditional Zoning District, at the \_\_\_\_\_ Density (Article VIII)~~

APPLICATION FOR  
~~CONDITIONAL ZONING~~  
Special Use

1. PROPOSED USE(S):

A. List the use(s) proposed for the <sup>Special Use Permit</sup> ~~Conditional Zoning~~. (Use of the underlying district will be restricted only to the use(s) specified in this application if approved.) The proposed use for the <sup>Site</sup> ~~Conditional Zoning~~ is for <sup>a borrow source</sup> quarrying sand and gravel. The proposed project is for 103.9 ac site which includes an ultimate pit with a proposed plant site. The operation will employ 10 employees on one shift. The proposed operation will operate between the hours of 7 am to 6 pm Monday through Friday.

B. Density: List the amount of acreage that will be residential, commercial, and/or open space, and the number of lots and/or dwelling units proposed, and the square footage of the non-residential units. Parking - 1 space/employee x 10 = 10 spaces  
Commercial Areas are all 4 phases  
Pit Area = 63.8 ac  
Plant Site = 2.0 ac  
Berm Area = 10.4 ac  
Buffer Area = 27.7 ac

2. DIMENSIONAL REQUIREMENTS:

A. Reference either the dimensional requirements of the district, Sec. 1104 or list the proposed setbacks. Per M(P) District  
Setbacks  
Front = 100 ft from R/W  
Side = 50  
Rear = 50

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

1 space/300 sf or employee - 10 spaces proposed

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.  
M(P) District

7. STATEMENT OF ACKNOWLEDGMENT:

It is understood by the undersigned that the official zoning map, as originally adopted and subsequently amended, is presumed to be appropriate to the property involved and that the burden of proof for a zoning amendment (rezoning) rest with the petitioner.

It is the responsibility of the petitioner (personally or by agent) to submit to the Planning and Inspections Department a valid request within a complete application.

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

WINTER PARK APARTMENTS INC - C/O DEBORAH BROWNING

NAME OF OWNER(S) (PRINT OR TYPE)

65 GLEN RD, Unit/Apt 182 - GARNER, NC 27529

ADDRESS OF OWNER(S)

Browningdeb@aol.com

E-MAIL

HOME TELEPHONE

919 616-6776

WORK TELEPHONE

Winter Park Apartments, Inc

SIGNATURE OF OWNER(S)

SIGNATURE OF OWNER(S)

by Deborah J. Browning, Secretary

Drafting and Design Services, Inc. - Michael Blakley

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

6728 Carbonton Road - Sanford, NC 27330

ADDRESS OF AGENT, ATTORNEY, APPLICANT

HOME TELEPHONE

(919) 499-8759

WORK TELEPHONE

draftinganddesign@ymail.com

E-MAIL ADDRESS

FAX NUMBER

Mir A

SIGNATURE OF AGENT, ATTORNEY, OR APPLICANT



## Special Use Permit – Board of Adjustment

**DRAFT**

### **Ordinance Related Conditions**

*Borrow Source*

#### **Pre- Permit Related:**

1. A recombination plat (also known as a “No Approval Required” or “NAR”) is required to combine the three properties into one parcel. The proposed 60 foot wide relocated access easement should be reflected on the recombination plat must be submitted to Land Use Codes for review and approval for recording with the County Register of Deeds, and the plat must be recorded prior to any permit application for any structure and/or prior to the sale of any lot or unit within this development.
2. Prior to application for permits, Land Use Codes must be provided documentation from the North Carolina Department of Transportation (NCDOT) that the public thoroughfare to which the borrow source operation has access, has sufficient load carrying capacity to support the proposed traffic generated by the borrow source operation or that load limits are acceptable.

#### **Permit-Related:**

3. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the County Zoning Ordinance and permits required to place any structure within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. For additional information, the developer should contact a Code Enforcement Officer.
4. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
5. For any new development where the developer disturbs or intends to disturb more than one acre of land, the developer must provide the Code Enforcement Section with an approved NC Department of Environmental Quality (NCDEQ) sedimentation and erosion control plan (S&E). (Note: If any retention/detention basins are required for state approval of this plan, three copies of a revised plan must be submitted and approved by Planning & Inspections.)
6. 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. Landscaping must be provided in accordance with Section 1102 N, Landscaping, County Zoning Ordinance and/as shown on the site plan. Three copies of a revised site plan depicting the landscaping must be submitted to Land Use Codes. The following are the minimum standards for the required landscaping of this site:
  - Forty-two large shade trees or 83 small ornamental trees within the front yard setback area along I-95 North and SR 2215 (Fields Road).

In addition:

- a. Required plant materials shall be maintained by the property owner, including replacing dead or unhealthy trees and shrubs; and
  - b. All yard and planting areas shall be maintained in a neat, orderly, and presentable manner and kept free of weeds and debris.
8. A review of the data available to the Army Corp of Engineers indicates that jurisdictional waters are likely to be present on this property and therefore are likely to be impacted by the proposed project. However, without an official Jurisdictional Determination at the property, these findings cannot be confirmed.

A permit will be required for this project if construction will involve the temporary and/or permanent placement of fill in waters of the United States including wetlands. If a permit is required, the applicant will be required to avoid and minimize impacts to wetland/waters of the United States and may need to provide compensatory mitigation for unavoidable impacts.

9. The developer must obtain a driveway permit from the NC Department of Transportation (NCDOT). A copy of the approved driveway permit must be provided to Code Enforcement at the time of application for building/zoning permits. Permits MUST be secured prior to the change or alteration of existing or proposed property use. Failure to secure required permits prior to construction or change in property usage may result in the removal of the driveway or street connections at the property owner's expense. For additional information contact the Division 6 / District 2 office at the number listed on the bottom of this conditional approval.

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

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

10. Because the subject property is located within the Airport Overlay District and in the event any structure on the site is or is proposed to be greater than 200 feet in height, the developer will be required to provide a FCC Form 7460-1 to Code Enforcement at the time of permit application. This form must be acknowledged by the FCC that the structure is not a hazard or obstruction to air traffic.
11. New development where the developer will disturb or intends to disturb more than one acre of land is subject to the Post-Construction Stormwater Management Permitting Program (Phase II Stormwater Management Requirements) administered by the Division of Water Quality, North Carolina Department of Environmental Quality. If one acre or more of land is to be disturbed, a copy of the State's *Post-Construction Permit* must be provided to County Code Enforcement prior to the issuance of the Certificate of Occupancy. (Note: If any retention/detention basins are required for state approval of this plan, three copies of a revised plan must be submitted and approved by Planning & Inspections.)
12. The County Health Department must approve water and sewer plans. Site and soil evaluations must be conducted on the property by the County Environmental Health Department. A copy of the Health Department approval must be provided to Code Enforcement. (Note: All Health Department requirements must be met prior to issuance of final permits.) (Section 2306 A, Water and Sewer, County Subdivision and Development Ordinance)
13. The final inspection cannot be accomplished until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans.

**Site-Related:**

14. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Development Ordinance and Zoning Ordinances for a borrow source approved as a Special Use Permit in the A1 Agricultural and CD Conservancy zoning and the Airport Overlay districts, to include the contents of the application and site plan, must be complied with, as applicable.
15. A fire department access road must be maintained as required by the Fire Code.
16. This conditional approval is not approval of any freestanding signs. If a freestanding sign is desired, re-submittal of the site plan (and \$25.00 revision fee) is required prior to application for any freestanding sign permits. Attached signage for this development must be in accordance with the applicable sign regulations as set forth in Article XIII of the County Zoning Ordinance and that the proper permit(s) must be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is **not** approval of the size, shape, or location of any signs.)
17. "Fields Road" must be labeled as "SR 2215 (Fields Road)" on all future plans.
18. For any new development, an adequate drainage system must be installed by the developer in accordance with the NC Department of Environmental Quality (NCDEQ) *Manual on Best Management Practices* and all drainage ways must be kept clean and free of debris. (Section 2306 D, County Subdivision and Development Ordinance)

19. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision and Development Ordinance)
20. In the event a stormwater utility structure is required by the NC Department of Environmental Quality (NCDEQ), the owner/developer must secure the structure with a four foot high fence with a lockable gate, and is required to maintain the detention/retention basin, keeping it clear of debris and taking measures for the prevention of insect and rodent infestation.
21. All lighting is required to be directed internally within this development and comply with the provisions of Section 1102 M, Outdoor Lighting, County Zoning Ordinance.
22. While in transit, trucks are to use appropriate load covers, and water trucks or other means that may be necessary are to be utilized to prevent dust from leaving the borrow source operation.
23. As included on the site plan, existing vegetation, or stabilized, vegetated earthen berms to serve as buffers and to prevent soil erosion, is required to be maintained between the borrow source operation and adjacent residences and public thoroughfares to screen the operation from the public.
24. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.
25. All required off-street parking spaces are required to be a minimum of 9' x 20' and surfaced, with a permanent material such as asphalt or concrete, and striped prior to application for the building final inspection. A minimum of ten off-street parking spaces is required for this development.
26. The owner/developer is responsible and liable for maintenance and upkeep of this site, all structures, and appurtenances, to include ensuring that the site is kept free of litter and debris, all grass areas mowed, all buffers and shrubbery kept trim and maintained, so that the site remains in a constant state of being aesthetically and environmentally pleasing.

**Plat-Related:**

27. The proposed development is located in a Special Flood Hazard Area (SFHA). The recombination 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 100 year County Flood Damage Prevention Ordinance administered by the County Engineering Department.
28. In the event the developer relocates the 60' wide access easement as indicated on the site, the easement holder (owners' of the tract abutting the Cape Fear River) must also sign the recombination plat indicating their consent to the easement relocation. These owners' signatures also must be notarized.
29. "Fields Road" must be labeled as "SR 2215 (Fields Road)" on the recombination plat.
30. Any/All easements must be reflected on the recombination plat and labeled as to type of easement, reference number for document creating the easement, and the name of the agency, individual, etc. who holds the easement.
31. The notarized signature(s) of all current tax record owner(s) and notary certifications appear on the recombination plat when submitted for approval for recording. (Section 2503 D, Certificate of Ownership and Dedication, County Subdivision and Development Ordinance)
32. The recombination plat must be submitted to Land Use Codes for review and approval for recording with the County Register of Deeds, and the plat must be recorded prior to any permit application for any structure and/or prior to the sale of any lot or unit within this development.

**Plat-Required Statements:**

33. Since this development does not have public water/sewer, the following disclosure statement is required to be provided on the recombination plat (Section 2504 C, On-Site Water and/or Sewer Disclosure, County Subdivision and Development Ordinance):

“The individual lots in this development do not have public sewer and/or water services available, and no lots have been approved by the Health Department for on-site sewer services or been deemed acceptable for private wells at the date of this recording.”

34. 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 recombination plat (Section 8.101.E, Notice and Disclosure of Noise Impact Disclosure, 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.”

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

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

**Advisories:**

36. The subject property lies on Fields Road. Fields Road is identified as a Local Road in the 2040 Metropolitan Transportation Plan with no constructions/improvements planned. The subject property will have no impact on the Transportation Improvement Plan. For questions related to this comment, please contact Transportation Planning.
37. The applicant is advised to consult an expert on wetlands before proceeding with any development. There may be wetlands located in the project area that are subject to the permit requirements of Section 404 of the Clean Water Act. To avoid a violation of federal and/or state law, it is recommended the developer contact the Office of the Army Corp of Engineers or hire an environmental consultant to identify and delineate any wetlands in the project area prior to construction. A Section 404 permit will be required if the applicant needs to fill wetlands and the permit must be obtained prior to any construction on this site.
38. An internal street system most likely will be required to serve any future divisions of the subject property.
39. 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.
40. This conditional approval is not to be construed as all encompassing of the applicable rules, regulations, etc. which must be complied with for any development. Other regulations, such as building, environmental, health and so forth, may govern the specific development. The developer is the responsible party to ensure full compliance with all applicable Federal, State, and local regulations.
41. Because the subject property is located within the Airport Overlay District, the developer is strongly encouraged to discuss their development plans with Land Use Codes Section and/or the Fayetteville Regional Airport Director early in the planning stage to ensure that the proposed height of any proposed structure can be found to be no obstruction or hazard to air navigation.

*Thank you for choosing Cumberland County for your business location!*

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

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

Subdivision/Site Plan/Plat	Ed Byrne	678-7609	<a href="mailto:ebyrne@co.cumberland.nc.us">ebyrne@co.cumberland.nc.us</a>
Code Enforcement (Permits):	Scott Walters	321-6654	<a href="mailto:swalters@co.cumberland.nc.us">swalters@co.cumberland.nc.us</a>
County Engineer’s Office:	Wayne Dudley	678-7636	<a href="mailto:wdudley@co.cumberland.nc.us">wdudley@co.cumberland.nc.us</a>
County Health Department:	Daniel Ortiz	433-3680	<a href="mailto:dortiz@co.cumberland.nc.us">dortiz@co.cumberland.nc.us</a>
Ground Water Issues:	Daniel Ortiz	678-7625	<a href="mailto:dortiz@co.cumberland.nc.us">dortiz@co.cumberland.nc.us</a>
Fayetteville Airport Director	Brad Whited	433-1160	<a href="mailto:bwhited@ci.fay.nc.us">bwhited@ci.fay.nc.us</a>
County Public Utilities:	Amy Hall	678-7637	<a href="mailto:ahall@co.cumberland.nc.us">ahall@co.cumberland.nc.us</a>
US Postal Service	Jonathan R. Wallace	(704) 393-4412	<a href="mailto:jonathan.r.wallace@usps.gov">jonathan.r.wallace@usps.gov</a>

Corp of Engineers (wetlands):	Liz Hair	(910) 251-4049	<a href="mailto:hair@usacr.army.mil">hair@usacr.army.mil</a>
NCDEQ (E&S):	Leland Cottrell	(910) 433-3393	<a href="mailto:leland.cottrell@ncdenr.gov">leland.cottrell@ncdenr.gov</a>
US Fish & Wildlife Services	Susan Ladd Miller	(910) 695-3323	<a href="mailto:susan_miller@fws.gov">susan_miller@fws.gov</a>
Location Services:			
Site-Specific Address:	Will Phipps	678-7616	<a href="mailto:wphipps@co.cumberland.nc.us">wphipps@co.cumberland.nc.us</a>
Street Naming/Signs:	Diane Shelton	678-7665	<a href="mailto:nameit2@co.cumberland.nc.us">nameit2@co.cumberland.nc.us</a>
Tax Parcel Numbers:		678-7549	
NCDOT (driveways/curb-cuts):	Troy Baker	364-0601	<a href="mailto:tlbaker@ncdot.gov">tlbaker@ncdot.gov</a>
NCDOT (subdivision roads):	Earl C. Locklear	364-0601	<a href="mailto:elocklear@ncdot.gov">elocklear@ncdot.gov</a>
Transportation Planning:	Greg Shermeto	678 7615	<a href="mailto:gshermeto@co.cumberland.nc.us">gshermeto@co.cumberland.nc.us</a>
N.C. Division of Water Quality:	Mike Randall	(919) 807-6374	<a href="mailto:mike.randall@ncdenr.gov">mike.randall@ncdenr.gov</a>

**Property Owners within 1000' Radius**

0445-90-9267-  
ALPHIN, JONATHON K & WIFE  
700 MILL BAY DR  
STEDMAN NC 28391

0444-75-1269-  
CAVINESS, WILLIAM ROBERT & WIF  
3489 WILMINGTON HWY  
FAYETTEVILLE NC 28306

0445-90-6393-  
COKOR, ZEBULON C &  
2115 LAKE SHANNON DR  
FAYETTEVILLE NC 28312

0444-99-7771-  
DEVAULT, BILL E & WIFE BETTY J  
2124 LAKE SHANNON DR  
FAYETTEVILLE NC 28312

0445-71-2291-  
HORNE, ALTON JR & WIFE  
2006 JOHN DEERE RD  
FAYETTEVILLE NC 28312

0445-71-7305-  
HORNE, WILLIAM K & WIFE  
2101 GASTON VILLAGE LN  
FAYETTEVILLE NC 28312

0445-81-0130-  
PIRINGER, BERTHA LIFE ESTATE  
2116 GASTON VILLAGE LN  
FAYETTEVILLE NC 28312

0445-60-1894-  
SIMMONS, CAROL C  
2099 JOHN DEERE RD  
FAYETTEVILLE NC 28312

0445-81-0433-  
TAYLOR, KYLE & WIFE KIRA  
2133 GASTON VILLAGE LN  
FAYETTEVILLE NC 28312

0445-90-6659-  
VANN, LONNIE & WIFE  
2817 FIELDS RD  
FAYETTEVILLE NC 28312

0444-79-6478-  
CARLSON, AXEL ROBERT  
2155 GRANTSBORO RD  
FAYETTEVILLE NC 28312

0444-56-8348-  
CLARK, DAVID B & WIFE  
3367 WILMINGTON HWY  
FAYETTEVILLE NC 28306

0445-80-5504-  
COSAND, ALLEN B & WIFE  
2742 FIELDS RD  
FAYETTEVILLE NC 28312

0454-09-5603-  
FOWLER, DELLA E  
503 CHARLESTON PL  
FAYETTEVILLE NC 28303

0445-81-0232-  
HORNE, CARL K  
2100 GASTON VILLAGE LN  
FAYETTEVILLE NC 28312

0444-56-4938-  
MCFAYDEN, DANIEL GREGORY  
511 WOODMONT DR  
CHARLOTTESVILLE VA 22901

0455-00-3328-  
PNC BANK N A  
6750 MILLER RD  
BRECKSVILLE OH 44141

0445-70-0889-  
SIMMONS, DAVID S  
2066 JOHN DEERE RD  
FAYETTEVILLE NC 28312

0445-60-7435-  
TAYLOR, ROBERT LEWIS  
2146 GASTON VILLAGE LN  
FAYETTEVILLE NC 28312

0444-57-3502-  
WATTS, PHILLIP & WIFE LINDA  
3256 WILMINGTON HWY  
FAYETTEVILLE NC 28306

0444-67-5703-  
CATLETT, JOSEPH NEWTON JR &  
344 COURTYARD LN  
FAYETTEVILLE NC 28303

0444-65-0815-  
CLARK, DAVID BENJAMIN & WIFE  
3363 WILMINGTON HWY  
FAYETTEVILLE NC 28306

0445-90-4190-  
CULLISON, HAROLD ADRIAN & WIFE  
2109 LAKE SHANNON DR  
FAYETTEVILLE NC 28312

0445-90-2332-  
HAYWOOD, LINDA  
2505 HAYWOOD VANN RD  
FAYETTEVILLE NC 28312

0445-81-2460-  
HORNE, EVELYN C HEIRS  
PO BOX 40  
GODWIN NC 28344

0445-91-3014-  
P T E INC  
2124 LAKE SHANNON DR  
FAYETTEVILLE NC 28312

0445-80-8907-  
SANCHEZ, LUIS A & WIFE  
2729 FIELDS RD  
FAYETTEVILLE NC 28312

0444-56-4894-  
STARLING, SUSAN BARBOUR  
3265 WILMINGTON HWY  
FAYETTEVILLE NC 28306

0445-90-0333-  
VANN, BERTHA  
2801 FIELDS RD  
FAYETTEVILLE NC 28312

0444-57-3190-  
WHEATLEY, ALFRED  
9774 RAMSEY ST  
LINDEN NC 28356

0444-56-5730-  
WILLIS, JAMES SCOTT & WIFE  
8740 CARTER CIR  
ANCHORAGE AK 99407

0444-78-8419-  
WINTER PARK APARTMENTS INC  
65 GLEN RD  
GARNER NC 27529

0444-69-2677-  
WRIGHT, ED & HEIRS  
893 SOUTHVIEW CIR  
FAYETTEVILLE NC 28311

0444-78-0970-  
WRIGHT, ED HEIRS, JOSEPH  
2500 VILLAGE DR  
FAYETTEVILLE NC 28304

0445-90-1481-  
WRIGHT, EUNICE V  
2501 HAYWOOD VANN DR  
FAYETTEVILLE NC 28312

Drafting & Design Services, Inc  
Michael Blakley  
6728 Carbonton Road  
Sanford, NC 27330

**P18-03-C:** CONSIDERATION OF A SPECIAL USE PERMIT TO ALLOW A DAYCARE FACILITY IN A R10 RESIDENTIAL DISTRICT ON 5.90+/- ACRES, LOCATED AT 1620 LILLINGTON HWY, SUBMITTED BY WANDA CHAVIS ON BEHALF OF UNITED PENTECOSTAL CHURCH OF SPRING LAKE (OWNER).

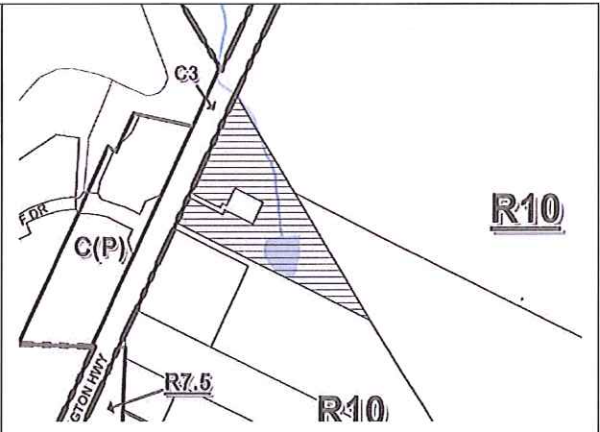
**Cumberland County Zoning Ordinance Reference:** Section 906 Daycare Facility (Pg. 86)

**Notes:**

Requesting before and after daycare facility for private school students  
 Number of employees: Ten  
 Day and Time of Operation:  
 Monday – Friday; Time: 7am – 8am and 3pm – 6pm

Ordinance related conditions attached

Private school approved on April 24, 2018, Case No. 2006-164, by staff as a permitted use.



<b>INITIAL ZONING</b> R10 – Area 11 January 1, 1977	<b>ADJACENT PROPERTY</b> None	<b>NONCONFORMITIES</b> None	<b>WATER/SEWER AVAILABILITY</b> Spring Lake	<b>SIZE OF PROPERTY</b> Frontage & Location: 600+/- Lillington HWY
<b>JURISDICTION</b> County	<b>CURRENT USE</b> Religious Worship Activities & Private School	<b>ZONING VIOLATIONS</b> None	<b>SOIL LIMITATIONS</b> No	<b>Depth:</b> 1080'+/-
<b>MUNICIPAL INFLUENCE AREA</b> Spring Lake			<b>WATERSHED</b> No	
			<b>SPECIAL FLOOD HAZARD AREA</b> Small stream standards	

<b>SURROUNDING ZONING</b>  North: R10, C1(P), RR; <i>Spring Lake</i> – R5A West: <i>Spring Lake</i> – C3, C(P), R5A, M1 East: R10, R6A, RR South: R7.5, R6A, C3, RR, R10  *All surrounding zoning is in the County, unless otherwise noted*	<b>SURROUNDING LAND USE:</b>  Spring Lake Veterans of Foreign Wars (VFW) Residential (including multi-family dwellings) Cell tower
<b>COMPREHENSIVE PLANNING:</b>  Spring Lake Plan: Low Density Residential 2030 Growth Strategy Plan: Urban	<b>TRANSPORTATION PLANNING:</b>  The subject property lies on Lillington Highway. Lillington Highway is identified as an Expressway Needing Improvement in the 2040 Metropolitan Transportation Plan with no constructions/improvements planned. The subject property will have no impact on the Transportation Improvement Plan.

**OTHER PROPERTY INFO:**

**School Capacity/Enrolled:** Lillian Black Elementary School 265/223; Spring Lake Middle School 700/459; Pine Forest High School 1750/1557  
**Subdivision/Site Plan:** See ordinance related conditions  
**Average Daily Traffic Count (2016):** 19,000 on NC 210 (Lillington Hwy)  
**US Fish & Wildlife:** See ordinance related conditions

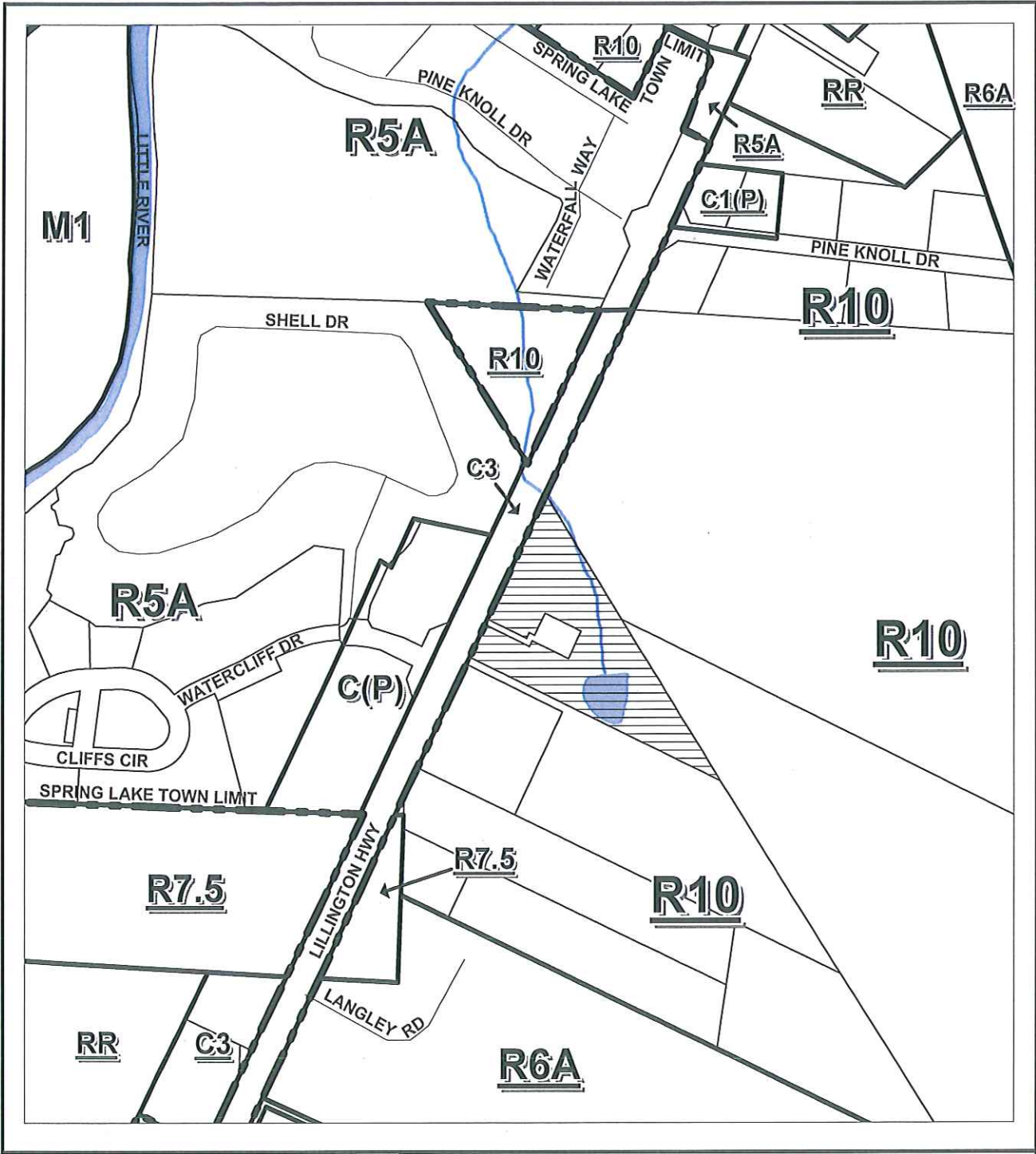
Attachments: Sketch map, site plan, application, conditions

*All documentation required by the ordinance is attached to the application or contained within the case file, and is available for review upon request.*

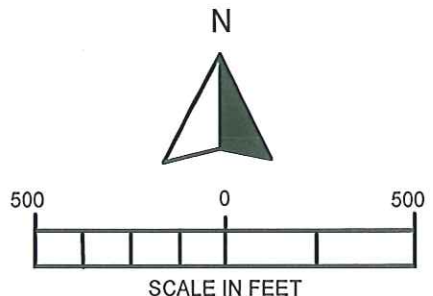
*First Class and Record Owners' Mailed Notice Certification*

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





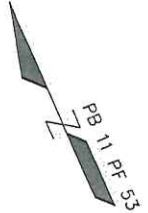
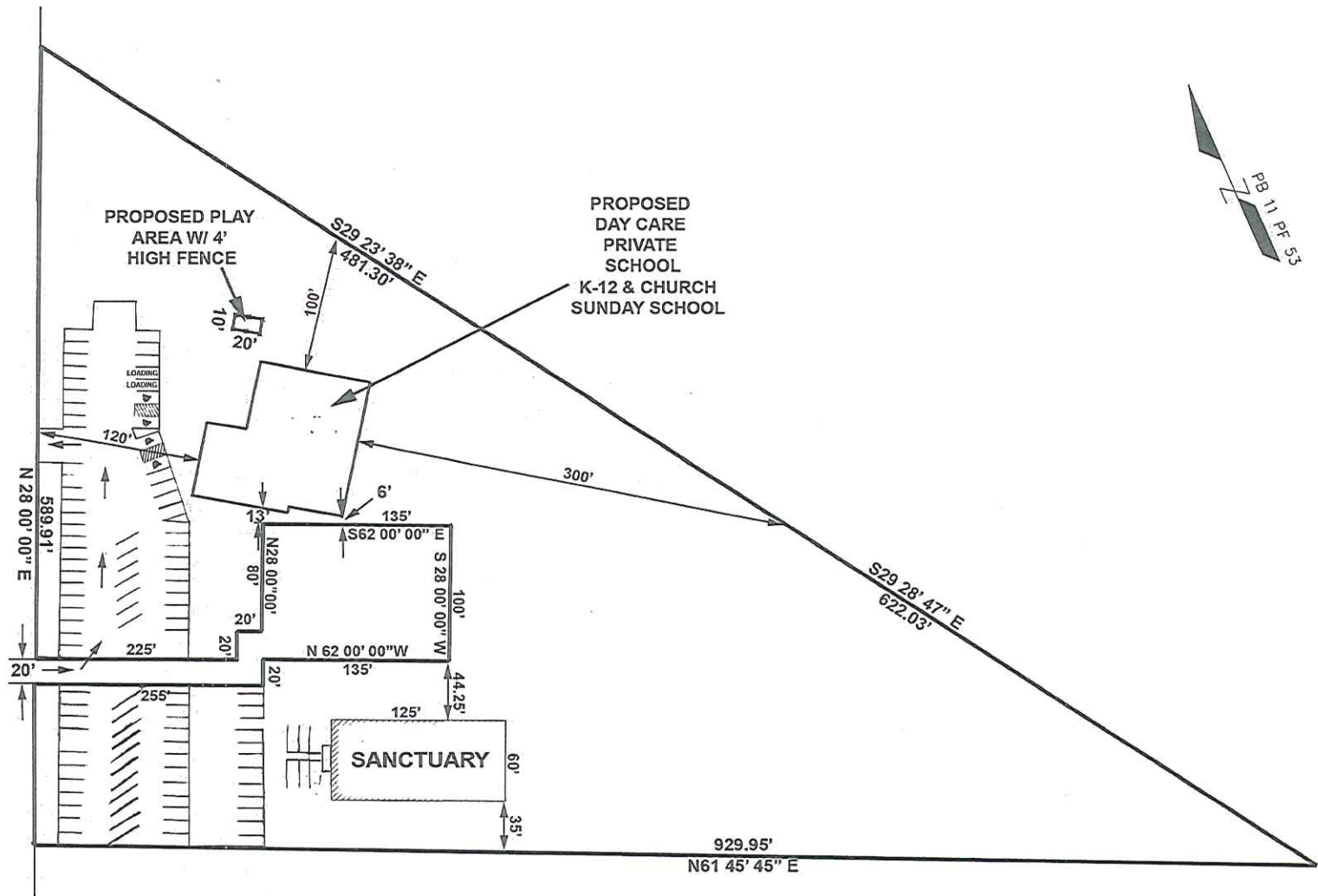
# BOARD OF ADJUSTMENT SPECIAL USE PERMIT



<b>ACREAGE: 5.90 AC.+/-</b>		<b>HEARING NO: P18-03-C</b>	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
GOVERNING BOARD			

04/16/18  
MB

LILLINGTON / HWY 210



**BOARD OF ADJUSTMENT  
SPECIAL USE PERMIT  
REQUEST: TO ALLOW A DAYCARE FACILITY  
CASE: P18-03-C ACREAGE: 5.90 +/-  
ZONED: R10 SCALE: NTS  
PARKING: 94 PARKING SPACES**

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

**BOARD OF ADJUSTMENT**

LOCATION OF PROPERTY: 1620 Lillington Hwy Spring Lake NC 28390  
OWNER: United Pentecostal Church of Spring Lake  
ADDRESS: 1620 Lillington Hwy ZIP CODE: 28390  
TELEPHONE: HOME 910.497.5195 WORK \* 910.489.6349  
AGENT: Wanda W Chavis  
ADDRESS: 1301 Rue Knoll Dr Spring Lake NC 28390  
TELEPHONE: HOME 910.497.4099 WORK \* 910.580.2077  
E-MAIL: chavisfire6@gmail.com

**APPLICATION FOR A SPECIAL USE PERMIT**  
**As required by the Zoning Ordinance**

- A. Parcel Identification Number (PIN #) of subject property: 0512-25-9306  
(also known as Tax ID Number or Property Tax ID)
- B. Acreage: 5.9 Frontage: -570 +/- Depth: 930
- C. Water Provider: Spring Lake
- D. Septage Provider: Septic
- E. Deed Book 2824, Page(s) 217 - 218, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
- F. Existing use of property: Religious / church private school
- G. It is proposed that the property will be put to the following use: (Describe proposed use/activity in detail including hours of operation, number of employees, signage, parking, landscaping, etc.)  
Primetime after school care for Private School Students  
10 employees  
7-8am to 3-6pm

The undersigned hereby acknowledge that the County Planning Staff has conferred with the petitioner or assigns, and the application as submitted is accurate and correct.

Spring Lake United Pentecostal Church - Wanda N Chavis  
NAME OF OWNER(S) (PRINT OR TYPE)

11620 Lillington Hwy Spring Lake NC 28390  
ADDRESS OF OWNER(S)

chavisfire6@gmail.com  
E-MAIL

910.497.5195  
HOME TELEPHONE #

#910.580.2077  
WORK TELEPHONE #

\_\_\_\_\_  
NAME OF AGENT, ATTORNEY, APPLICANT (PRINT OR TYPE)

\_\_\_\_\_  
ADDRESS OF AGENT, ATTORNEY, APPLICANT

\_\_\_\_\_  
E-MAIL

\_\_\_\_\_  
HOME TELEPHONE #

\_\_\_\_\_  
WORK TELEPHONE #

Wanda N Chavis  
SIGNATURE OF OWNER(S)

\_\_\_\_\_  
SIGNATURE OF AGENT, ATTORNEY OR APPLICANT

\_\_\_\_\_  
SIGNATURE OF OWNER(S)

**The contents of this application, upon submission, become "public record."**

**STATEMENT OF ACKNOWLEDGMENT**

Regarding appearance before the Board of Adjustment, the undersigned owner(s), agents, or their assigns, by virtue of their signature(s) to this application, hereby acknowledge the following:

- That although appearance before the board is not required, it is strongly encouraged;
- The board will hear any and all argument for and against this matter before them and such relevant facts will be given under sworn testimony;
- At the public hearing the board has the authority to approve, deny, or defer the request for additional information to be provided;
- If the petitioner or their representative for this application does not appear personally before the board, whether there is opposition or not, the board has full authority to consider the case.
- If the board's decision is to deny the matter before them, the aggrieved party shall file a **"Notice to Intent to Appeal" with the Planning & Inspections Staff on the next business day following the meeting in which the board's decision was made final, or the next business day following receipt of the written copy thereof.**
- Any petition for review by Superior Court shall be file with the Clerk of Superior Court within 30 days after the decision of the board is made final.

Signed acknowledgment that the Planning and Inspections Staff has explained the application process and procedures regarding this request and the public hearing procedure stated above.

SIGNATURE OF OWNER(S) Wanda N. Charis

PRINTED NAME OF OWNER(S) Wanda N Charis

DATE 4/16/18

## Special Use Permit – Board of Adjustment

**DRAFT**

### **Ordinance Related Conditions**

#### *Day Care Facility*

#### Pre-Permit Related:

1. Prior to submittal of application for permits, the developer must submit to Code Enforcement Office a copy of the acceptance of the cavity tree survey for this property from the U.S. Fish & Wildlife Service (Service). The Service has evaluated the proposed request in relation to the property's importance to the conservation interests in the Fort Bragg/Fayetteville area. This property lies within the half-mile forage partition for active red-cockaded woodpecker cluster FB901 and there are cavity trees located on the adjacent property. Sustaining mature pine habitat is important to ensure that we retain habitat for the red-cockaded woodpecker groups that are located near this property. Additionally, it's important that Fort Bragg be able to retain its status as a *recovered* population for this species since this allows the military to train to standard without additional restrictions. That is why Fort Bragg, the Service and The Nature Conservancy *have* been working with other partners to ensure the long-term sustainability of the remaining forested tracts in this area.

The Service requests that the County take steps to ensure that a cavity tree survey is conducted BEFORE any habitat is removed and retain as many mature pines as possible on this property. In this way, we can retain a forest canopy sufficient to sustain foraging habitat for red-cockaded woodpeckers in this area. The Service does not object to the proposed development of this parcel if the project proponent takes measures to retain canopy height pine trees on the property to ensure the long-term integrity of the red-cockaded woodpecker habitat. A link to the survey protocol from the red-cockaded woodpecker *recovery* plan is available here: [https://www.fws.gov/rcwrecovery/files/RecoveryPlan/survey\\_protocol.pdf](https://www.fws.gov/rcwrecovery/files/RecoveryPlan/survey_protocol.pdf).

#### Permit-Related:

2. 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.
3. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
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 Environmental Quality (NCDEQ) sedimentation and erosion control plan (S&E). (Note: If any retention/detention basins are required for state approval of this plan, three copies of a revised plan must be submitted and approved by Planning & Inspections.)
5. A review of the data available to the Army Corp of Engineers indicates that jurisdictional waters are likely to be present on this property and therefore are likely to be impacted by the proposed project. However, without an official Jurisdictional Determination at the property, these findings cannot be confirmed.

A permit will be required for this project if construction will involve the temporary and/or permanent placement of fill in waters of the United States including wetlands. If a permit is required, the applicant will be required to avoid and minimize impacts to wetland/waters of the United States and may need to provide compensatory mitigation for unavoidable impacts.

6. **Driveway Permit required.** Roadway improvements (i.e., right turn lane) may be required. Additional internal review by the NC Department of Transportation (NCDOT) necessary.

Construction of any new connection or alteration of any existing connection may require an approved Driveway Permit. For additional information contact the Division 6/District 2 office.

Change of use of subject properties shall require an approved Driveway Permit. Permits MUST be secured prior to the change or alteration of existing or proposed property use. Failure to secure required permits prior to construction or change in property usage may result in the removal of the driveway or street connections at the property owner's expense. For additional information contact the Division 6/District 2 office.

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

7. Prior to application for the Certificate of Occupancy, connection to public water is required, the Town of Spring Lake must approve water plans. A copy of the town's approval must be provided to Code Enforcement. (Section 2306 A.1, Public Water and Sewer Systems, County Subdivision and Development Ordinance)
8. The County Health Department must approve sewer plans. Site and soil evaluations must be conducted on the property by the County Environmental Health Department. A copy of the Health Department approval must be provided to Code Enforcement. (Note: All Health Department requirements must be met prior to issuance of final permits.) (Section 2306 A, Water and Sewer, County Subdivision and Development Ordinance)
9. New development where the developer will disturb or intends to disturb more than one acre of land is subject to the Post-Construction Stormwater Management Permitting Program (Phase II Stormwater Management Requirements) administered by the Division of Water Quality, North Carolina Department of Environmental Quality. If one acre or more of land is to be disturbed, a copy of the State's *Post-Construction Permit* must be provided to County Code Enforcement prior to the issuance of the Certificate of Occupancy. (Note: If any retention/detention basins are required for state approval of this plan, three copies of a revised plan must be submitted and approved by Planning & Inspections.)
10. The building final inspection cannot be accomplished until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans.

**Site-Related:**

11. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Development Ordinance and Zoning Ordinances for a day care facility in the R10 zoning district, to include the contents of the application and site plan, must be complied with, as applicable.
12. Fire Department access road shall be maintained a minimum of 20ft wide and all portions of the building must be reached within 150 ft from the termination point of the access roads. Additionally, should the access road terminate at a point exceeding 150 ft in length, an approved hammer head or other turn around shall be installed for fire department apparatus.
13. This conditional approval is not approval of any new freestanding sign. If a new freestanding sign is desired, re-submittal of the site plan (plus \$25 revision fee) is required prior to application for any freestanding sign permits. Attached signage for this development must be in accordance with the applicable sign regulations as set forth in Article XIII of the County Zoning Ordinance and that the proper permit(s) must be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is **not** approval of the size, shape, or location of any signs.)
14. The small stream standards set forth in Section 6.5-44, County Flood Damage Prevention Ordinance, shall be complied with during construction and upon completion of development within this subdivision as enforced by the County Engineer's Office.
15. "Lillington Hwy" must be labeled as "NC HWY 210 (Lillington Hwy)" on all future plans.
16. For any new development, an adequate drainage system must be installed by the developer in accordance with the NC Department of Environmental Quality (NCDEQ) *Manual on Best Management Practices* and all drainage ways must be kept clean and free of debris. (Section 2306 D, County Subdivision and Development Ordinance)
17. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision and Development Ordinance)
18. In the event a stormwater utility structure is required by the NC Department of Environmental Quality (NCDEQ), the owner/developer must secure the structure with a four foot high fence with a lockable gate, and is required to maintain the detention/retention basin, keeping it clear of debris and taking measures for the prevention of insect and rodent infestation.
19. All lighting is required to be directed internally within this development and comply with the provisions of Section 1102 M, Outdoor Lighting, County Zoning Ordinance.

20. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.
21. All required off-street parking spaces are required to be a minimum of 9' x 20'; a minimum of two off-street parking spaces, plus one off-street parking space per employee, is required for this development.
22. A minimum of two paved off-street loading/unloading spaces (as shown on the site plan) as well as a sufficient paved driveway to accommodate at least two motor vehicles at one time for the purpose of loading and unloading passengers is required.
23. Enclosed play area with at least a four-foot-high fence and located only within the side and/or rear yards, provided the yards are not adjacent to a street. Horizontal/vertical spacing in the fence shall be a maximum of four inches and at a minimum the fence must comply with the guard opening limitations for spacing. (N.C. Building Code §R312.2 (2006))

**Advisories:**

24. Following an examination of the site plan review materials concerning the United Pentecostal Church special use permit for its day care facility by the RLUAC staff and Board of Directors and recognizing that the RLUAC findings are non-binding on Cumberland County, the RLUAC Board of Directors finds that:
  - The parcel listed for these requests is identified as suitable for URBAN development where the current facilities are located. However, along its back property line the Joint Land Use Study maps identify it as CRITICALLY IMPORTANT to conserve. This is due to its proximity to an identified red cockaded woodpecker forage area and the inclusion of cavity trees located on the adjacent property.
  - It contains no identified military impacts.
25. The subject property lies on Lillington Highway. Lillington Highway is identified as an Expressway Needing Improvement in the 2040 Metropolitan Transportation Plan with no constructions/improvements planned. The subject property will have no impact on the Transportation Improvement Plan. For questions related to this comment, please contact Transportation Planning.
26. The daycare will be located within the same building as the Sunday school classes and private school during the hours when the religious worship and the private school is not in operation.
27. The applicant is advised to consult an expert on wetlands before proceeding with any development. There may be wetlands located in the project area that are subject to the permit requirements of Section 404 of the Clean Water Act. To avoid a violation of federal and/or state law, it is recommended the developer contact the Office of the Army Corp of Engineers or hire an environmental consultant to identify and delineate any wetlands in the project area prior to construction. A Section 404 permit will be required if the applicant needs to fill wetlands and the permit must be obtained prior to any construction on this site.
28. An internal street system will be required to serve any future divisions of the subject property.
29. 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.
30. The US Postal Service most likely will require this development to have centralized cluster boxes for postal service to each lot or unit. The developer is advised contact the US Postal Growth Coordinator for the Mid-Carolinas District to determine the appropriate location for the cluster boxes. If the cluster box location requires changes to the subdivision or site plan, a revised preliminary/plan must be submitted to the Planning & Inspections Department for review and approval.
31. This conditional approval is not to be construed as all encompassing of the applicable rules, regulations, etc. which must be complied with for any development. Other regulations, such as building, environmental, health and so forth, may govern the specific development. The developer is the responsible party to ensure full compliance with all applicable Federal, State, and local regulations.

*Thank you for doing choosing to serve the citizens of Cumberland County and the Spring Lake area!*

**If you need clarification of any conditions, please contact Ed Byrne at 910-678-7609 or Hope Page at 910-678-7602 with the Land Use Codes Section; otherwise, contact the appropriate agency at the contact numbers below.**

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



Subdivision/Site Plan/Plat	Ed Byrne	678-7609	<a href="mailto:ebyrne@co.cumberland.nc.us">ebyrne@co.cumberland.nc.us</a>
Code Enforcement (Permits):	Scott Walters	321-6654	<a href="mailto:swalters@co.cumberland.nc.us">swalters@co.cumberland.nc.us</a>
County Building Inspections:	Michael Naylor	321-6657	<a href="mailto:mnaylo@co.cumberland.nc.us">mnaylo@co.cumberland.nc.us</a>
Fire Marshal – Emergency Services	Rodney Ward	321-6625	<a href="mailto:rward@co.cumberland.nc.us">rward@co.cumberland.nc.us</a>
County Engineer’s Office:	Wayne Dudley	678-7636	<a href="mailto:wdudley@co.cumberland.nc.us">wdudley@co.cumberland.nc.us</a>
County Health Department:	Daniel Ortiz	433-3680	<a href="mailto:dortiz@co.cumberland.nc.us">dortiz@co.cumberland.nc.us</a>
Town of Spring Lake:	Tom Cooney (Public Utilities)	436-0241*	<a href="mailto:tcooney@spring-lake.org">tcooney@spring-lake.org</a>
County Public Utilities:	Amy Hall	678-7637	<a href="mailto:ahall@co.cumberland.nc.us">ahall@co.cumberland.nc.us</a>
US Postal Service	Jonathan R. Wallace	(704) 393-4412	<a href="mailto:jonathan.r.wallace@usps.gov">jonathan.r.wallace@usps.gov</a>
Corp of Engineers (wetlands):	Liz Hair	(910) 251-4049	<a href="mailto:hair@usacr.army.mil">hair@usacr.army.mil</a>
NCDEQ (E&S):	Leland Cottrell	(910) 433-3393	<a href="mailto:leland.cottrell@ncdenr.gov">leland.cottrell@ncdenr.gov</a>
US Fish & Wildlife Services	Susan Ladd Miller	(910) 695-3323	<a href="mailto:susan_miller@fws.gov">susan_miller@fws.gov</a>
Location Services:			
Site-Specific Address:	Will Phipps	678-7616	<a href="mailto:wphipps@co.cumberland.nc.us">wphipps@co.cumberland.nc.us</a>
Street Naming/Signs:	Diane Shelton	678-7665	<a href="mailto:nameit2@co.cumberland.nc.us">nameit2@co.cumberland.nc.us</a>
Tax Parcel Numbers:		678-7549	
NCDOT (driveways/curb-cuts):	Troy Baker	364-0601	<a href="mailto:tlbaker@ncdot.gov">tlbaker@ncdot.gov</a>
NCDOT (subdivision roads):	Earl C. Locklear	364-0601	<a href="mailto:elocklear@ncdot.gov">elocklear@ncdot.gov</a>
Transportation Planning:	Greg Shermeto	678 7615	<a href="mailto:gshermeto@co.cumberland.nc.us">gshermeto@co.cumberland.nc.us</a>
N.C. Division of Water Quality:	Mike Randall	(919) 807-6374	<a href="mailto:mike.randall@ncdenr.gov">mike.randall@ncdenr.gov</a>

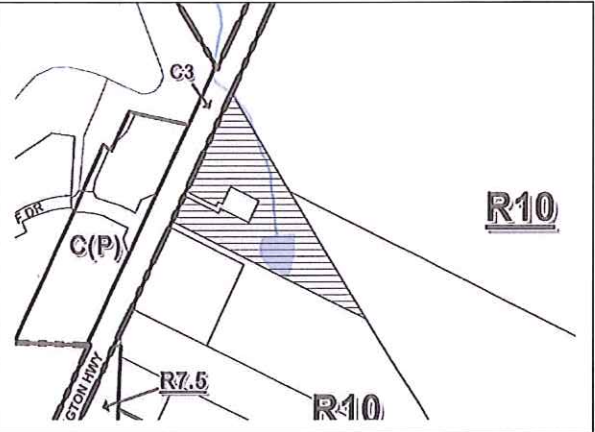
\*This is the main telephone number for the Town of Spring Lake; once connected, the caller will be directed to the various departments.

**P09-07-C:** REVOCATION OF A SPECIAL USE PERMIT TO ALLOW A DAYCARE FACILITY LOCATED AT 1620 LILLINGTON HWY IN A R10 RESIDENTIAL DISTRICT ON 5.90+/- ACRES, UNITED PENTECOSTAL CHURCH OF SPRING LAKE (OWNER), STAFF SUBMITTAL.

**Cumberland County Zoning Ordinance Reference:** Section 1609, C. Reversal/Revocation of Decision (Pg. 166)

**Notes:**

The property owner submitted a site plan showing that the building's use was changed. The revocation is clean administrative files.



<b>INITIAL ZONING</b> R10 – Area 11 January 1, 1977	<b>ADJACENT PROPERTY</b> None	<b>NONCONFORMITIES</b> None	<b>WATER/SEWER AVAILABILITY</b> Spring Lake	<b>SIZE OF PROPERTY</b>  <b>Frontage &amp; Location:</b> 600+/- Lillington HWY  <b>Depth:</b> 1080'+/-
<b>JURISDICTION</b> County	<b>CURRENT USE</b> Religious Worship Activities & School	<b>ZONING VIOLATIONS</b> None	<b>SOIL LIMITATIONS</b> No	
<b>MUNICIPAL INFLUENCE AREA</b> Spring Lake			<b>WATERSHED</b> No	
			<b>SPECIAL FLOOD HAZARD AREA</b> Small stream standards	

<b>SURROUNDING ZONING</b>  North: R10, C1(P), RR; <i>Spring Lake</i> – R5A West: <i>Spring Lake</i> – C3, C(P), R5A, M1 East: R10, R6A, RR South: R7.5, R6A, C3, RR, R10  *All surrounding zoning is in the County, unless otherwise noted*	<b>SURROUNDING LAND USE:</b>  Spring Lake Veterans of Foreign Wars (VFW) Residential (including multi-family dwellings) Cell tower
<b>COMPREHENSIVE PLANNING:</b>  Spring Lake Plan: Low Density Residential 2030 Growth Strategy Plan: Urban	<b>TRANSPORTATION PLANNING:</b>  The subject property lies on Lillington Highway. Lillington Highway is identified as an Expressway Needing Improvement in the 2040 Metropolitan Transportation Plan with no constructions/improvements planned. The subject property will have no impact on the Transportation Improvement Plan.

**OTHER PROPERTY INFO:**

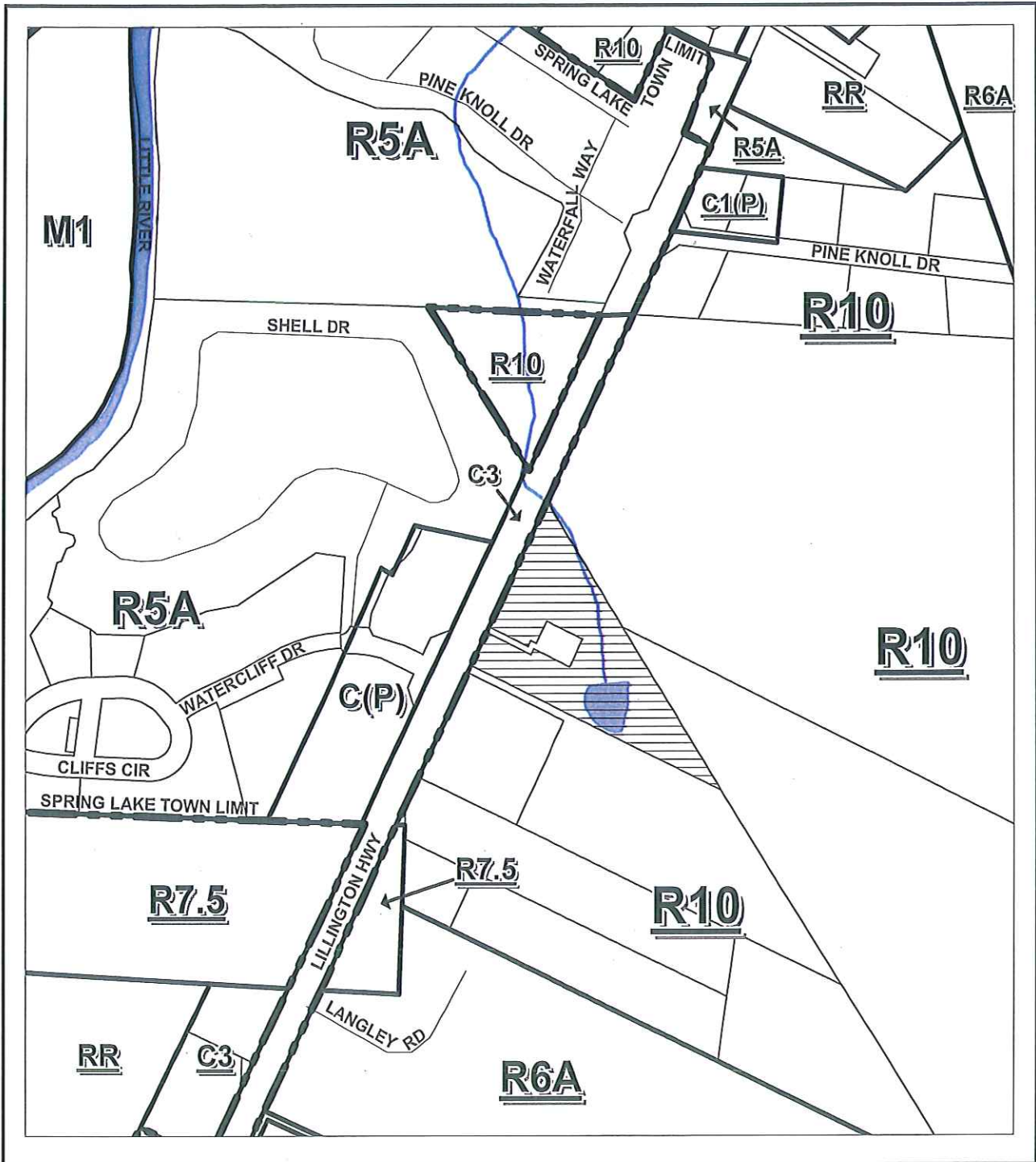
**School Capacity/Enrolled:** Lillian Black Elementary School 265/223; Spring Lake Middle School 700/459; Pine Forest High School 1750/1557  
**Subdivision/Site Plan:** No comment on revocation  
**Average Daily Traffic Count (2016):** 9,000 on NC 210 (Lillington Hwy)  
**US Fish & Wildlife:** No comment on revocation

Attachments: Sketch map, site plan

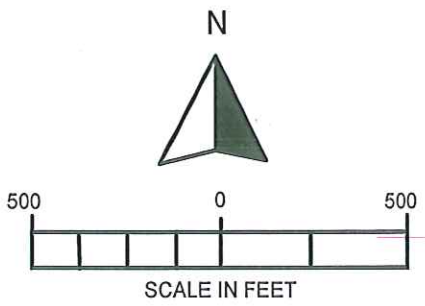
*All documentation required by the ordinance is attached to the application or contained within the case file, and is available for review upon request.*

*First Class and Record Owners' Mailed Notice Certification*

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

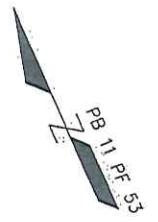


## BOARD OF ADJUSTMENT SPECIAL USE PERMIT

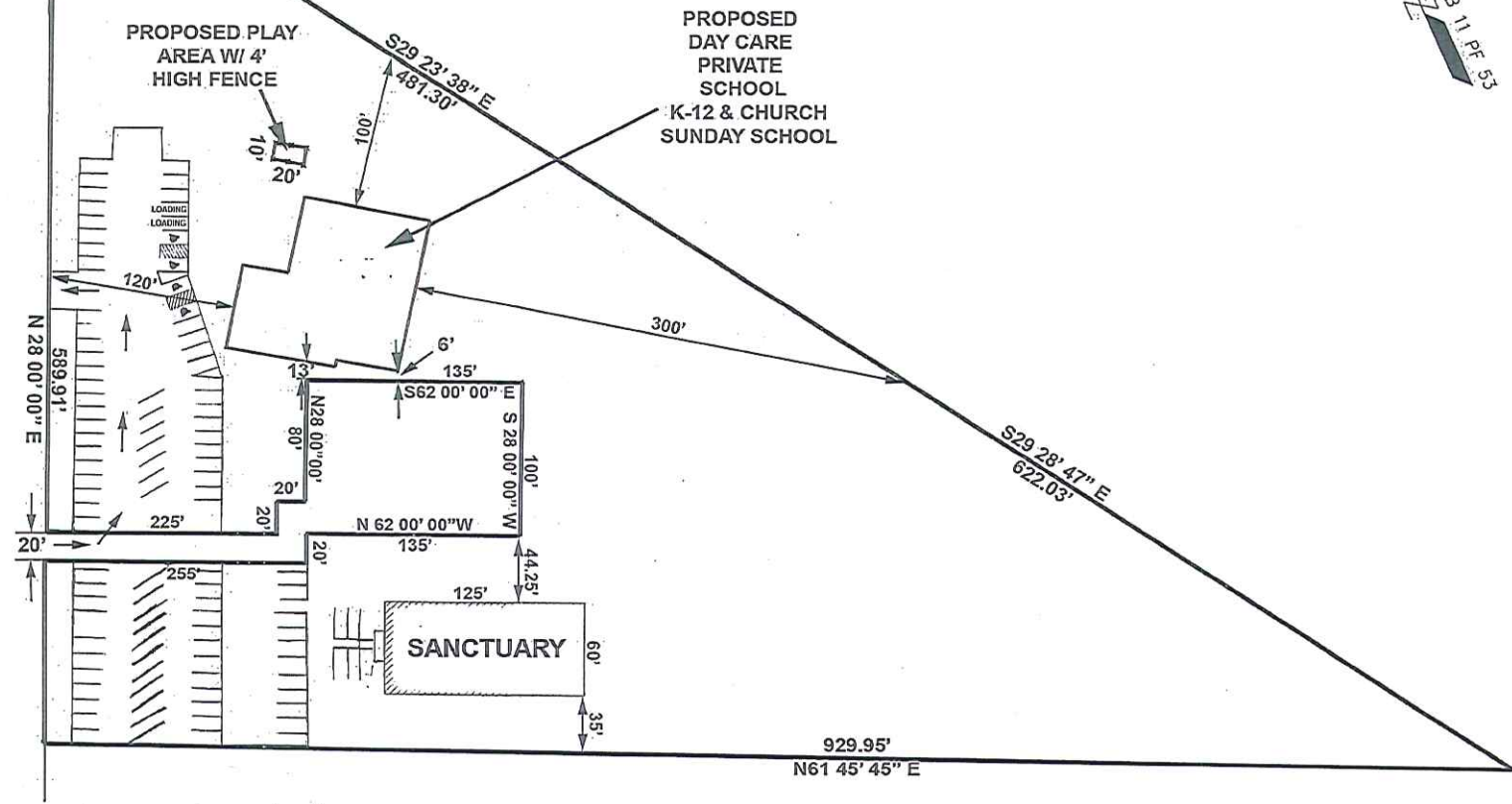


ACREAGE: 5.90 AC.+/-		HEARING NO: P18-03-C	
ORDINANCE: COUNTY		HEARING DATE	ACTION
GOVERNING BOARD			

04/16/18  
MB



LILLINGTON / HWY 210



**BOARD OF ADJUSTMENT  
SPECIAL USE PERMIT  
REQUEST: TO ALLOW A DAYCARE FACILITY  
CASE: P18-03-C ACREAGE: 5.90 +/-  
ZONED: R10 SCALE: NTS  
PARKING: 94 PARKING SPACES**

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