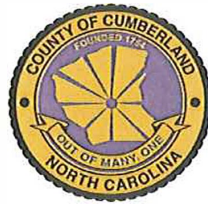


Members:
George Lott, Chairman
George Turner, Vice-Chair
Alfonso Ferguson Sr.
Winton McHenry
Gregory Parks



Alternates:
Robert E Davis
Nathan Galbreath
Stacy Michael Long
Vacant
Vacant

CUMBERLAND COUNTY BOARD OF ADJUSTMENT

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

TENTATIVE AGENDA
SEPTEMBER 20, 2018
7:00 PM

A meeting of the Cumberland County Board of Adjustment is to be held on Thursday, September 20, 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. INVOCATION & PLEDGE OF ALLEGIANCE
2. OATH OF OFFICE
3. ROLL CALL
4. SWEAR IN STAFF
5. ADJUSTMENTS TO THE AGENDA
6. APPROVAL OF THE JUNE 21, 2018 MINUTES
7. APPROVE 2019 DEADLINE/MEETING SCHEDULE
8. ABSTENTIONS BY BOARD MEMBERS/BOARD MEMBER DISCLOSURES (SITE VISITS AND/OR PERSONAL AFFILIATIONS)
9. PUBLIC HEARING DEFERRALS/WITHDRAWALS
10. POLICY STATEMENT REGARDING APPEAL PROCESS
11. PUBLIC HEARING(S):
 - **P97-14-C:** MODIFICATION OF A SPECIAL USE PERMIT FOR A TELECOMMUNICATIONS TOWER IN A R10 RESIDENTIAL DISTRICT ON 0.10 +/- ACRES TO ALLOW A 50KW AC GENERATOR WITH A 211 GALLON DIESEL TANK ON A 4 FOOT BY 8 FOOT CONCRETE PAD, LOCATED AT 6341 CICADA STREET, SUBMITTED BY SRW BUILDERS INC (OWNER) AND DENISE L VILET ON BEHALF OF TOWER ENGINEERING PROFESSIONALS INC AND JEFFREY BELL ON BEHALF OF CROWN CASTLE (AGENTS).
12. DISCUSSION/UPDATE(S)
13. 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
June 21, 2018
7:00 PM

Members Present

George Lott
George Turner
Alfonso Ferguson Sr.
Winton McHenry
Gregory Parks

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.

1. INVOCATION

Chairman Lott

PLEDGE OF ALLEGIANCE

Recited by all.

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.

2. ROLL CALL

Mrs. Page called the roll and stated a quorum was present. For the audience Mrs. Page introduced non-voting alternate members Mr. Robert Davis, Mr. Stacy Long and Mr. Robert Hasty, Assistant County Attorney.

3. SWEAR IN STAFF

Chair Lott swore in staff.

4. ADJUSTMENTS TO THE AGENDA

There were none from staff.

5. APPROVAL OF THE MAY 17, 2018 MINUTES

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

Mr. Ferguson made a motion to approve the minutes from the May 17, 2018 meeting, seconded by Mr. Turner. The motion passed unanimously.

	IN FAVOR
LOTT	YES
FERGUSON	YES
MCHENRY	YES
TURNER	YES
PARKS	YES

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

There were none.

7. PUBLIC HEARING DEFERRALS/WITHDRAWALS

There were none.

8. POLICY STATEMENT REGARDING APPEAL PROCESS

Mrs. Page read the policy statement.

9. PUBLIC HEARING(S)

P18-04-C: CONSIDERATION OF A SPECIAL USE PERMIT TO ALLOW A RECREATION VEHICLE PARK AND/OR CAMPGROUND IN AN A1 AGRICULTURAL DISTRICT ON 11.81+/- ACRES, LOCATED AT 1965 JOHN MCMILLAN ROAD, SUBMITTED BY SHANE TAYLOR (OWNER) AND STEPHEN M. CAIN (AGENT).

Chair Lott read the case heading for Case No. P18-04-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 Section 921 recreation vehicle park or campground which are referencing on pages 101 - 103. The application submitted by the owner is complete and the owner has agreed to all the ordinance related conditions that were included in your packet. Staff asked when making a motion if you could make the motion subject to the findings of facts located behind the special use tab in your binder.

MR. TURNER: You said there is no sewer in there?

MRS. PAGE: No sir there is not.

CHAIR LOTT: Is it served by County water?

MRS. PAGE: It's a well. The applicant is here if you need to make that clear.

CHAIR LOTT: Shane Taylor?

MR. TAYLOR: Yes sir.

CHAIR LOTT: If you would approach the podium give us your name and address for the record please.

MR. TAYLOR: My name is Shane Taylor. We live at Paradise Acres, 1965 John McMillan Rd.

CHAIR LOTT: Okay.

MRS. PAGE: Excuse me sir, if you could, will you swear him in?

CHAIR LOTT: Swear him in?

MRS. PAGE: Yes sir.

CHAIR LOTT: Do you swear to tell the truth, the whole truth and nothing but the truth so help you God?

MR. TAYLOR: Yes sir.

CHAIR LOTT: Thank you. Mr. Taylor, do you have anything to say before we ask you any questions?

MR. TAYLOR: Yes sir. We've been at Paradise Acres, we bought the property back in 1985 and what we have there is we hold private parties, company/corporate events, weddings, family reunions and we also do the catering out there, we also cater off site also but the way the economy has hit everybody, it has hit us very hard so the last 17 years, since 9/11, its really hurt the corporate part of our business so now what I'm aiming to do is start back on the back property and just start out with four, six, eight camp spots and let's see how this thing goes. I've talked to the camping world. They said there is a big demand for overnight parking because we are only 3 miles from the camping world. He said he can get me a lot of business during the week. I'm just looking for extra income just to keep things going out there at Paradise Acres.

CHAIR LOTT: Questions by board?

MR. TURNER: How will you accommodate the sewer?

MR. TAYLOR: The sewer is septic tanks and I've already talked to Fred, I think his name is Hall, not for sure that's his last name, but I've already talked to him. He's down here at the inspectors. He actually came out and looked at the property. He's going to come out, I've got to pull a permit, it's like four hundred dollars for a permit but he said then we can grade it and kind of see what size septic tank we need to how many campers that you need. It might take one septic tank for two or three campers, it just depends on the soil. And the property that we're going to put that on we've been using for parking for thirty years. So it's solid ground, it drains well, we've not had no problems whatsoever out there. But we are going to put septic tanks in, power, water and everything.

MR. TURNER: So based on what they tell you to do, you'll be putting in one septic tank in for every two or three campers, something like that?

MR. TAYLOR: Exactly. Whatever he tells me I can do, that's what we going to go by. We've got several septic tanks on the property, I do have that mobile home on the property, we have two ponds on the property plus we have playground equipment, basketball, volleyball and all that. Later on down the road, I'm talking about ten years down the road, it might be a great place to be a destination for a campground, right now it's going to be more of an overnight, weekend stay, stuff like that. I know with the pipeline coming in through Fayetteville or Cumberland County, there's a big demand, even for nurses that travel. I want to make a nice campground. I'm going to have pads poured down, with ABC stone, rolled out and packed out. I'm going to start out small. The guy that surveyed this for me, he couldn't be here tonight, Steven King, he drew it up at the max. This is way down the road that we could do. I'm going to start out with four, six, as the money comes in and build it up but I'm going to continue doing my other business also that's why I'm starting back there in the back around the barn area and moving it out toward the parking lot.

MR. TURNER: Don't quit doing the barbeque, we all need that.

MR. TAYLOR: That's in my blood; I'm not going to stop that. I just need something to get some money rolling in; I need cash flow coming in to keep things going to be honest with you.

MR. TURNER: So you intend to build six spaces maybe?

MR. TAYLOR: Yes sir that would be ideal if I can six done and I want to see how it fills up and see it works.

MR. TURNER: Okay.

MR. TAYLOR: I'm not changing and going all out, I don't have the money and the funds to do that.

MR. TURNER: Okay. That's all I have.

CHAIR LOTT: Any other board member?

MR. PARKS: All I can say is the Taylor family always does everything first class whatever they do.

MR. TAYLOR: Thank you sir. Appreciate that.

MR. FERGUSON: Case facts.

CHAIR LOTT: The use will not materially endanger the public health or safety of located according to the plan submitted and recommended.

MRS. PAGE: Excuse me Chair, if you were done with Mr. Taylor, would you want to close the public hearing and precede with the hearing?

CHAIR LOTT: I'm sorry. Yes. Thank you. I made all these same mistakes last month.

MR. TURNER: Based on what you started we'll make a motion to approve. Is that what you were doing?

CHAIR LOTT: Yes sir. The use will not materially endanger the public health or safety of located according to the plan submitted and recommended.

MR. TURNER: It certainly wouldn't. It's very rural.

CHAIR LOTT: Plans are in order and would be approved by the County Health Department. The use meets all required conditions and specifications. Case facts.

MR. TURNER: Based on the plan he submitted here and they followed this plan, it would do that.

MR. FERGUSON: Did you say they agreed to everything that was needed?

MRS. PAGE: Yes sir they did agree to all the ordinance related conditions that were included in the packet.

CHAIR LOTT: The use will maintain or enhance the value of adjoining or abutting properties, or that the use is a public necessity.

MR. TURNER: I think the statement that he made to the potential for incoming labor or labor force to the area which will substantiate the use of a park in this vicinity, he owns the adjoining properties.

CHAIR LOTT: Yes he does. The location and character of the use, if developed according to the plan as submitted and recommended, will be in harmony with the area in which it is to be located and is in general conformity with Cumberland County's most recent Land Use Plan. That motion has been made is there a second?

Mr. Turner made a motion to approve Case P18-04-C consideration of a special use permit to allow a recreation vehicle park and/or campground in an A1 Agricultural District, subject to the finding of facts and ordinance related conditions, Mr. Ferguson seconded. The motion passed unanimously.

	IN FAVOR
TURNER	YES
FERGUSON	YES
MCHENRY	YES
LOTT	YES
PARKS	YES

CHAIR LOTT: Thank you Mr. Taylor.

MR. PARKS: There's a big demand for that around here. They're having to go up towards Dunn to stay, there's nothing around here.

MR. TURNER: Just a few months ago we approved the one in Dunn.

MR. PARKS: Is that a KOA up there? KOA type?

MR. TURNER: Yeah.

CHAIR LOTT: The next case is a Water Supply Watershed.

10. WATER SUPPLY WATERSHED

WS18-01: HIGH DENSITY REVIEW OF THE GRAYS CREEK VOLUNTEER FIRE DEPARTMENT FOR UP TO 35% IMPERVIOUS LAND AREA UNDER THE TERMS OF THE COUNTY WATER SUPPLY WATERSHED MANAGEMENT AND PROTECTION ORDINANCE, SECTION 31A-60; HIGH DENSITY DEVELOPMENTS; ZONING: A1; TOTAL ACREAGE: 4.01 +/-; LOCATED AT 6975 FIRE DEPARTMENT ROAD (SR 2255); OWNERS: GRAYS CREEK VOLUNTEER DEPARTMENT.

MR. BARNILL: There was a typo in the acreage it was incorrect in the packet it was not 2.16 it is 4.01.

CHAIR LOTT: Please repeat?

MR. BARNHILL: There was a typo in the acreage it is not 2.16 it is 4.01.

Mr. Barnhill reviewed the zoning, sketch map, and land use of the area surrounding subject property. He briefly reviewed board packet material.

MS. SPEICHER: If I could address the Board just to clarify this is not a variance, it is not a request for rezoning, we apologize for our slide, it is a watershed case.

MR. TURNER: We don't get many of those, is there anything you should tell us that we don't know?

MS. SPEICHER: Jeff is our watershed person and he will answer your questions.

Mr. Barnhill continued his presentation of the case.

MR. BARNHILL: The watershed ordinance states that no more than 70% of the site can be covered with impervious surface material. Impervious surface materials are anything that doesn't allow water to get through like concrete, asphalt, buildings. The developer must use these designs to contain and control his runoff on site by basins or in this case infiltration trenches will be used. The goal is to not have pollutants getting off the site basically containing all pollutants on site, so it doesn't make it to streams where they pull drinking water. The infiltration trenches themselves – there are six on this sight, various widths and depths and they will be used instead of a pond. They will be used to filter the water on site.

MR. TURNER: Tell me again what they are.

MR. BARNHILL: Infiltration trenches.

MR. TURNER: Okay.

MR. PARKS: Let me ask you, is this Fire Department proposing to put a Fire Department here and that's the reason?

MR. BARNHILL: They have an existing one already across the street.

MR. PARKS: Okay. They're trying to go across the street and build a new volunteer fire department?

MR. BARNHILL: Yes sir. Right.

CHAIR LOTT: And you're making them?

MR. BARNHILL: They are in a watershed area so these are steps they have to take.

MR. PARKS: I understand.

MR. BARNHILL: This is a location map of the watershed itself, the watershed that we are dealing with now is the Bladen Bluff watershed which actually is in Bladen County but the ten mile protection area extends upstream from the intake line which they pull water for Smithfield hog plant, so anything ten miles upstream from that would fall under the protected area and that you see there, the blue hatch pattern coming up from the County line down there, that is where it is coming up extending into Cumberland County from Bladen County. The other two are up off of Ramsey Street, you got the PO Harper water intake plant, and you've got the Granville Lake water where PWC pulls water as well so ten miles upstream from them as well falls under protective area. Like I said the infiltration trenches themselves basically consist of a foot or so of pea gravel on top, with 57 stone below that, wrapped in filter fabric and below that would be clean sand to filter the water as it drains thru. I would also like to read you some approvals we had with this case. The storm water control structure system must meet the standards of the watershed ordinance; plans have been reviewed by the County Engineers office and were approved on May 31st, 2018. Cost estimate for the storm water system must be a sufficient amount to complete the project. County Engineer's office verified the sufficiency of the amount proposed in a letter dated May 31st, 2018. Legal documents for the ownership and maintenance of the storm water control system must meet the standards of the watershed ordinance. Legal documents have been found to be legally sufficient by the County Attorney's office on May 29th, 2018. The project must meet the standards of the Zoning and Subdivision ordinance. The Planning and Inspection staff has reviewed the project and listed the conditions of approval on the conditions sheet dated May 24th, 2018, Case No. 18-023, a copy of which is in the case file. The Operational Maintenance plan must be satisfactory and comply with at least the minimum standards and intent of the ordinance. The Watershed Review Officer for the Planning and Inspection staff and the County Engineer has reviewed and conditionally approved this plan on June 1st, 2018. The project must have an approved soil erosion and sedimentation control plan. The North Carolina Department of Environmental Quality Division has approved the soil erosion and sedimentation control plan on April 4th, 2018. In addition to any other requirements provided by the Water Supply Watershed ordinance the Board may designate additional conditions and requirements on the proposal to assure the use will be harmonious with the area in which the project is to be located and with the spirit of the ordinance. I would be happy to answer any questions.

CHAIR LOTT: I really think that in lieu of what you've told us, and all the conditions that they've agreed to, and the plans been approved, that they meet all our conditions set forth. I'm open for a motion.

MR. TURNER: I make a motion we approve. Do we need to do findings of fact with that?

MS. SPEICHER: No.

MR. TURNER: Just approve.

CHAIR LOTT: Motion made and seconded, all in favor say, Aye. Thank you Board Members.

Mr. Turner made a motion to approve case WS18-01 High Density Review of the Grays Creek Volunteer Fire Department, Mr. Ferguson seconded. The motion passed unanimously.

	IN FAVOR
LOTT	YES
FERGUSON	YES
MCHENRY	YES
TURNER	YES
PARKS	YES

MR. PARKS: So why was this even brought to us, why was this watershed thing even brought to us?

MR. HASTY: Because it's in the ordinance.

MR. PARKS: Okay.

11. DISCUSSION/UPDATES

- DELEGATION OF WATERSHED AUTHORITY

MS. SPEICHER: Under discussion, the staff is begging this for just in the essence of saving taxpayer time, money, county resources, to delegate to the Planning Director, the authority for the watershed review approval. It's on the very back page of your copy of this packet. We put the ordinance. And the very last paragraph is the section in the ordinance adopted by the County Commissioners that authorizes you to delegate it to the Planning Director. And the reason for that, is you saw tonight all you're doing is saying yes, everything was approved, everything was done, I mean it's all done at staff level anyway, to search out and make sure we have a complete application, a complete packet, and all the necessary approvals and we have those before we can bring it to you. So it's just an extreme waste of time for the property owner, in this case the fire department and a lot of paper.

CHAIR LOTT: So would it be proper for me to ask for a motion to that effect?

MS. SPEICHER: Yes.

MR. PARKS: Let me ask a question, it's not going to affect the motion but why hasn't this been done before? Why haven't you come to this Board, if we're the person that made the decision and say hey . . .

MS. SPEICHER: The watershed ordinance was adopted in '94 Jeff?

MR. BARNHILL: '93.

MS. SPEICHER: '93 by Cumberland County. It was mandated from the EPA to the State to local government.

MR. PARKS: Right.

MS. SPEICHER: And at that time or since that time we've had less than ten, High Density Watershed's. It's very rare that we're here but we did ask previous Boards. Sometimes when Boards are given a power it's hard to get that Board to give it up and we've had previous Board's that we've had to go through some process and we've asked.

MR. TURNER: Any egos here?

MR. PARKS: No I don't think so. Also, when I was reading part of the thing at home before I came tonight I saw a figure of \$35,000 for something. What was that?

MS. SPEICHER: The developer has to post a bond as a guarantee that the storm water structure for the watershed will be constructed as designed and proposed by the engineer. In the County we hold that bond and then Jeff releases it in increments over time up to a year.

CHAIR LOTT: He gets is back pretty quick, I think.

MR. PARKS: And that's what I'm thinking. You've got a Volunteer Fire Department out there trying to do the best they can. You know what I mean. Give me a break.

MS. SPEICHER: But the last one I believe we had was Progress Energy site in Wade. We went through same thing trying to get the Board to you know because we have to make sure we have the documentation attached to the application or like the legal documents, we process that through the County Attorney's office. And we have to have all the approvals before we can even bring it here by ordinance. In the event, of course in the event that a rule wasn't going to be followed or they were going to apply for a variance it would be here. In in the case of a variance, regardless of what this Board rules, then we have to take it to the State, to Raleigh, to process a variance. So the watershed ordinance it mimics the storm water ordinance but it's only designated for certain areas of the County. We have written the legislatures, we've told them it's all redundant, the entire county is subject to phase II storm water, why do we continue to do this? So until the laws change, we will.

MR. PARKS: Can I make a motion that we give the staffers in the county the authority and power to handle the watershed situation in the future?

CHAIR LOTT: So made, second on that?

MR. FERGUSON: Second.

MS. SPEICHER: Thank you. Thank you so much.

CHAIR LOTT: Thank you staff.

Mr. Parks made a motion to approve the Watershed authority to staff level. Mr. Ferguson seconded and the vote was unanimous. The motion passed unanimously.

	IN FAVOR
LOTT	YES
FERGUSON	YES
MCHENRY	YES
TURNER	YES
PARKS	YES

MRS. PAGE: I do have one thing under discussion, an update; the Board of Adjustment did not receive a case by the June deadline so there will be no meeting in July. I don't know if Mr. Hasty has anything?

MR. HASTY: I don't have anything.

CHAIR LOTT: Have a happy 4th.

12. ADJOURNMENT

Mr. Ferguson made a motion to adjourn, seconded by Mr. Parks. The motion passed unanimously. Meeting adjourned at 7:30pm.

	IN FAVOR
LOTT	YES
FERGUSON	YES
MCHENRY	YES
TURNER	YES
PARKS	YES

Dena L Smith, Clerk to the Board

George Lott, Chairman

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 2019

COUNTY BOARD OF ADJUSTMENT

DEADLINE/MEETING SCHEDULE

Application Deadline

Monday, December 6, 2018

Thursday, January 15, 2019

Friday, February 13, 2019

Friday, March 13, 2019

Thursday, April 11, 2019

Thursday, May 14, 2019

Thursday, June 11, 2019

Friday, July 12, 2019

Thursday, August 13, 2019

Friday, September 11, 2019

Thursday, October 15, 2019

Wednesday, November 8, 2019

Friday, December 9, 2019

Meeting Date

Thursday, January 17, 2019

Thursday, February 21, 2019

Thursday, March 21, 2019

Thursday, April 18, 2019

Thursday, May 16, 2019

Thursday, June 20, 2019

Thursday, July 18, 2019

Thursday, August 15, 2019

Thursday, September 19, 2019

Thursday, October 17, 2019

Thursday, November 21, 2019

Thursday, December 19, 2019

Thursday, January 16, 2020

NOTE: Generally, deadlines are set 24 working days prior to the Board meeting date.

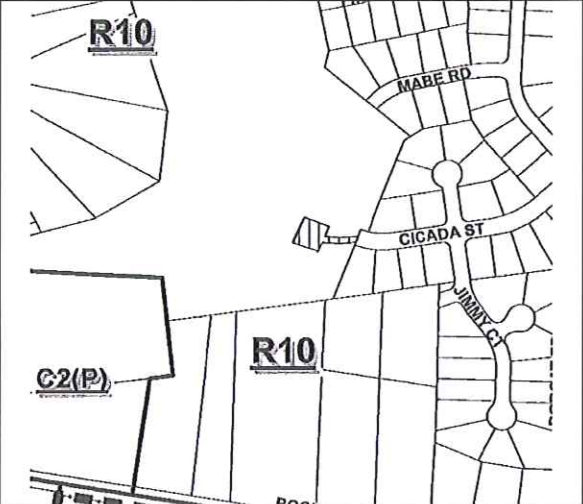
P97-14-C: MODIFICATION OF A SPECIAL USE PERMIT FOR A TELECOMMUNICATIONS TOWER IN A R10 RESIDENTIAL DISTRICT ON 0.10 +/- ACRES TO ALLOW A 50KW AC GENERATOR WITH A 211 GALLON DIESEL TANK ON A 4 FOOT BY 8 FOOT CONCRETE PAD, LOCATED AT 6341 CICADA STREET, SUBMITTED BY SRW BUILDERS INC (OWNER) AND DENISE L VILET ON BEHALF OF TOWER ENGINEERING PROFESSIONALS INC AND JEFFREY BELL ON BEHALF OF CROWN CASTLE (AGENTS).

Cumberland County Zoning Ordinance References:
 Section 927 Towers (pgs. 106-109) and Section 1606 Special Use Permit; Sub-Section F. Modification of Plans (Pg. 184)

Notes:

In 1997 a special use permit was granted for a 180' monopole telecommunications tower, the modification request is to allow a proposed 50KW ac generator with a 211 gallon diesel tank on a 4 foot by 8 foot concrete pad and other equipment for an existing telecommunications tower site

Owner has agreed to the attached ordinance related conditions

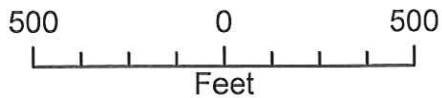
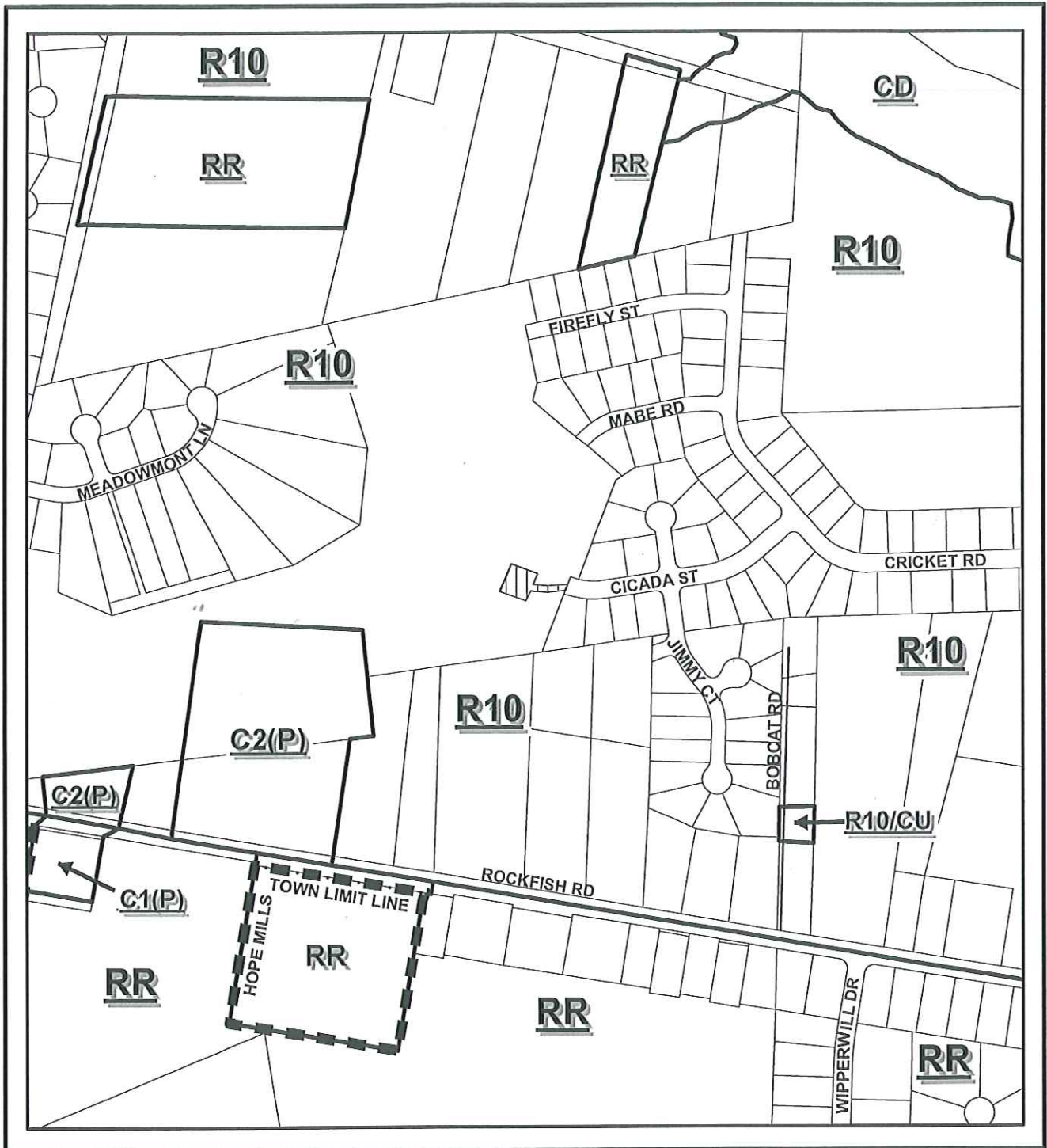


<p>INITIAL ZONING R10 – February 6, 1976 (Area 5)</p> <p>JURISDICTION County</p> <p>MUNICIPAL INFLUENCE AREA Hope Mills</p>	<p>ADJACENT PROPERTY None</p> <p>CURRENT USE Telecommunications Tower Site</p>	<p>NONCONFORMITIES None</p> <p>ZONING VIOLATIONS None</p>	<p>WATER/SEWER AVAILABILITY PWC/PWC</p> <p>SOIL LIMITATIONS Yes Hydric Soil: TR – Torhunta and Lynn Haven</p> <p>WATERSHED No</p> <p>SPECIAL FLOOD HAZARD AREA None</p>	<p>SIZE OF PROPERTY</p> <p>Frontage & Location:</p> <ol style="list-style-type: none"> 665' +/- Cicada St (SR4002); 387' +/- Mabe Rd (SR3493); 412 +/- Firefly St (SR3494) <p>Frontage Total: 1464'</p> <p>Depth: 758' +/-</p>
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<p>SURROUNDING ZONING North: RR, R10, CD East: R10, R10/CU (CU – to allow manufactured dwelling) South: R10, C1(P), C2(P), RR; (Hope Mills): RR, C2(P) West: R10, RR, C2(P)</p> <p>*All surrounding zoning is in the County, unless otherwise noted*</p>	<p>SURROUNDING LAND USE: Residential (including manufactured homes) Cell Tower Office Use Religious Worship Facility Woodlands</p>
<p>COMPREHENSIVE PLANNING: South Central Land Use Plan: Low Density Residential/Heavy Commercial 2030 Growth Strategy: Urban</p>	<p>TRANSPORTATION PLANNING: The subject property lies on Rockfish Road. Rockfish Road is identified as a thoroughfare needing improvement in the 2040 Metropolitan Transportation Plan. Rockfish Road, Transportation Improvement Plan as U-5857 is planned to be widen with Right-of-Way acquisition beginning in Fiscal Year 2020.</p>

OTHER PROPERTY INFO:
 School Capacity/Enrolled: Comment requested, none received
 Subdivision/Site Plan: See Ordinance Related Conditions
 Average Daily Traffic Count (2016): No value reported (Cicada St; SR4002)
 US Fish & Wildlife: No comments related to red-cockaded woodpecker recovery efforts

Attached. Sketch Map. Site Plan. Written Modification of Special Use Permit Request. Conditions

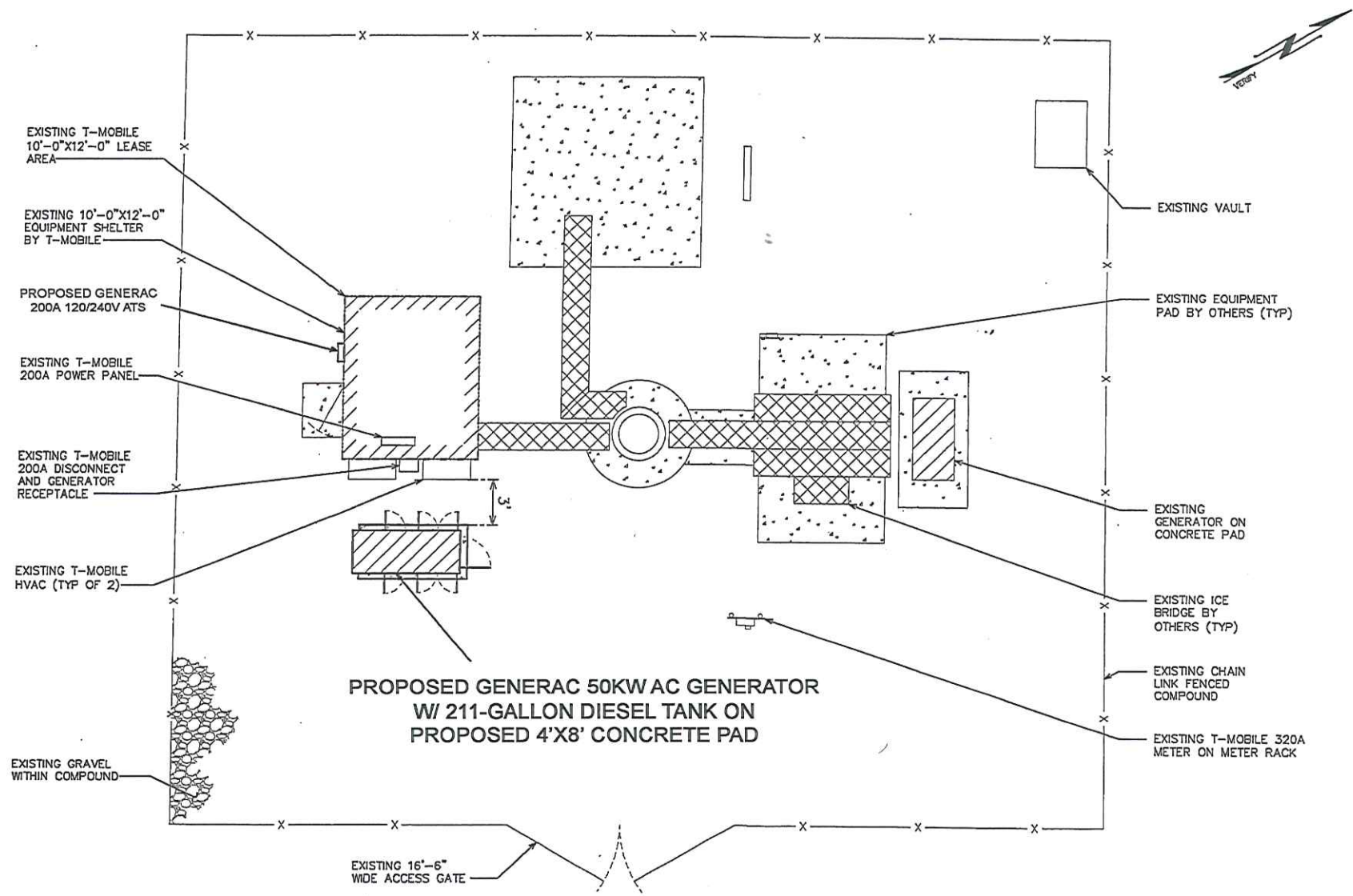


BOARD OF ADJUSTMENT MODIFICATION SPECIAL USE PERMIT

ACREAGE: 0.10 AC. +/-	HEARING NO: P97-14-C
ORDINANCE: COUNTY	
GOVERNING BOARD	

PIN: 9494-88-9518

MB
8/24/18



**MODIFICATION OF
SPECIAL USE PERMIT**

REQUEST: TO ALLOW A 50KW AC GENERATOR WITH A 211
GALLON DIESEL TANK ON A NEW 4' X 8' CONCRETE PAD
CASE: P97-14-C ACREAGE: 0.10 AC+/-
ZONED: R10 SCALE: NTS
*SCALED DETAILED SITE PLAN AVAILABLE FOR REVIEW UPON REQUEST



August 1, 2018

Cumberland County Board of Adjustment

Proposed Modification

Site Address: 6341 Cicada Street, Fayetteville, NC 28306
T-Mobile Site ID: 5FA0742A
Crown Site ID: 813288
Pin: 9494-88-9518
Owner: Crown Castle

To whom it may concern:

T-Mobile is in the process of installing emergency back-up power equipment that supports its wireless telecommunications network. As part of this effort, T-Mobile will be installing a 50KW AC Diesel Generator. The Generator will be installed on a new 4 feet by 8-feet concrete pad within the existing fenced compound and within T-Mobile's existing lease area.

Crown Castle is respectfully requesting the Board's approval to accept the attached site plan, which adds the referenced generator, as a supplement to the original site plan submitted and approved in 1997.

Regards,

A handwritten signature in black ink, appearing to read 'Jeffrey Ball'.

Jeffrey Ball

Project Manager

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3530 Toringdon Way, Suite 300
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Special Use Permit – Board of Adjustment

DRAFT

Ordinance Related Conditions

Proposed Generator & Other Equipment to Existing Telecommunications Tower Site

Pre- Permit Related:

1. All conditions of the April 17, 1997 County Board of Adjustment approval to include the contents of the original application and site plan must be complied with.
2. Prior to permit application, the developer must provide to the Code Enforcement Section documentation of NC Department of Environmental Quality Division of Energy, Mineral and Land Resources' (NCDEQ DEMLR) approval of the Sedimentation and Erosion control plan for this project. NCDEQ DEMLR requires a Sedimentation and Erosion control plan be submitted and approved 30 days prior to land disturbing activities if said land disturbing activity will exceed one acre.

If a plan is not required, per 15ANCAC 04B.0105 "Person conducting land disturbing activity shall take all reasonable measures to protect public and private property from damage cause by such activities." Sedimentation and erosion control measures will need to be installed to protect adjacent properties.

[Sec. 4-8(b)(6), County Code; originally under County jurisdiction relinquished to NCDEQ around 2000]

Permit-Related:

3. The owner/developer(s) of these lots must obtain detailed instructions from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street on provisions of the County Zoning Ordinance and any permits that may be required to place any structure within this development or to commence any use of the subject property. For additional information, the developer should contact a Code Enforcement Officer. (Chpt. 4, County Code & Sec. 107, County Zoning Ord.)
4. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application. [Sec. 4-8(b)(2), County Code]
5. Construction of any new connection or alteration of any existing connection may require an approved Driveway Permit. For additional information contact the NC Department of Transportation's (NCDOT) Division 6/District 2 office.

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

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

Note: In the event the NCDOT driveway permit process alters the site plan in any manner, three copies of a revised site plan (and \$25.00 revision fee) 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.

[§ 136-18(29), NCGS]

6. If the proposed lease area for the proposed cell tower and accessory uses is to be recorded as lease lot and split out for tax or other purposes, prior to application for any permits, the developer must submit to the Planning and Inspections Department a subdivision review to subdivide the lease lot. (County Subdivision Ord. & Sec. 107, County Zoning Ord.)
7. 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 Department of Energy, Minerals and Land Resources, NC Department of Environmental Quality (DEMLR NCDEQ). 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 (and \$25 revision fee) must be submitted and approved by Planning & Inspections.) (Sec. 2306.D, County Subdivision Ord. & 2006-246, NC Session Law)

8. 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. (Sec. 107.B, County Zoning Ord.; & Secs. 2005 & 2007 County Subdivision Ord.)

Site-Related:

9. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Development Ordinance and Zoning Ordinances for the R10 zoning district for a tower and accompanying accessory uses, to include the contents of the application and site plan, must be complied with, as applicable.
10. This conditional approval is not approval of any freestanding signs. If a freestanding sign is desired, re-submittal of the site plan 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.) (Art. XIII, County Zoning Ord.)
11. "Cicada Street" must be labeled as "SR 4002 (Cicada Street)" on all future plans.
12. 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 2307.A, County Subdivision Ord.)
13. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306.C, County Subdivision Ord.)
14. 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.
15. The tower base shall be enclosed by a chain link fence that is at least 10 feet in height. (Section 927.E, County Zoning Ord.)
16. A 25 foot wide evergreen buffer area surrounding the tower compound is required to be planted and maintained. This buffer must shield the compound area from the entire remaining tract. No structures, including guyed wires or anchors, may be constructed within the buffer. The buffer area is required to be planted in accordance with Section 927.F, County Zoning Ordinance. The inner fringe of the buffer area shall be planted with an evergreen hedge with an initial height of three feet and an expected attainment of six feet in height within four years of planting. The buffer area shall be planted with evergreen trees that will attain a minimum height of 25 feet spaced no greater 20 feet apart. This buffer shall be maintained for the duration of the lease. Note: The developer is required to obtain an owner's statement granting permission to maintain this buffer area outside the actual lease lot area. (Section 927.F, County Zoning Ord.)

Note: It is likely that the existing vegetation is sufficient to satisfy this condition.

17. In the event the tower is not used for a period of six months, the tower shall be considered abandoned and must be removed. The owner of the tower is required to remove any abandoned, unused or structurally unsound tower within 90 days of receiving notice requiring removal. The Code Enforcement Coordinator may establish a shorter period of time for removal in the event the tower is determined to be structurally unsound. (Section 927.Q, Towers, County Zoning Ordinance.)

Advisories:

18. The subject property must maintain fire department access.
19. The subject property lies on Rockfish Road. Rockfish Road is identified as a thoroughfare needing improvement in the 2040 Metropolitan Transportation Plan. There are two projects planned in the area, with Rockfish Road improvements planned in the

State Transportation Improvement Plan as U-5857, a widening of Rockfish, with Right-of-Way acquisition beginning in Fiscal Year 2020. The second project is a Feasibility Study on intersection improvements for the Camden and Rockfish intersection. For questions related to this comment, please contact Transportation Planning.

20. The applicant is advised to consult an expert on wetlands before proceeding with any development. There may be wetlands located on the parcel 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.
21. Any revision or addition to this plan necessitates re-submission for review and approval prior to the commencement of the change.
22. An internal street system will most likely be required to serve any future division of the subject property.
23. The owner/developer is responsible for ensuring easements which may exist on the subject property are accounted for, not encumbered and that no part of this development is violating the rights of the easement holder.

Thank you for choosing 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 Code Enforcement (Permits):	Ed Byrne	678-7609	ebyrne@co.cumberland.nc.us
County Building Inspections:	Scott Walters	321-6654	swalters@co.cumberland.nc.us
Fire Marshal – Emergency Services	Michael Naylor	321-6657	mnaylo@co.cumberland.nc.us
PWC:	Kevin Lowther	321-6625	klowther@co.cumberland.nc.us
Town of Hope Mills:	Joe Glass	223-4740	joe.glass@faypwc.com
Town Clerk:	Jane Starling	424-4555*	jstarling@townofhopemills.com
Planner – Zoning Permits	Chancer McLaughlin		cmclaughlin@townofhopemills.com
Corp of Engineers (wetlands):	Liz Hair	(910) 251-4049	hair@usacr.army.mil
NCDEQ (E&S):	Leland Cottrell	(910) 433-3393	leland.cottrell@ncdenr.gov
US Fish & Wildlife Services	Susan Ladd Miller	(910) 695-3323	susan_miller@fws.gov
Location Services:			
Site-Specific Address:	Will Phipps	678-7616	wphipps@co.cumberland.nc.us
Street Naming/Signs:	Diane Shelton	678-7665	nameit2@co.cumberland.nc.us
Tax Parcel Numbers:		678-7549	
NCDOT (driveways/curb-cuts):	Troy Baker	364-0601	tlbaker@ncdot.gov
NCDOT (subdivision roads):	Earl C. Locklear	364-0601	elocklear@ncdot.gov
Transportation Planning:	Greg Shermeto	678 7615	gshermeto@co.cumberland.nc.us
N.C. Division of Water Quality:	Mike Randall	(919) 807-6374	mike.randall@ncdenr.gov

cc: Chancer McLaughlin, Town of Hope Mills