


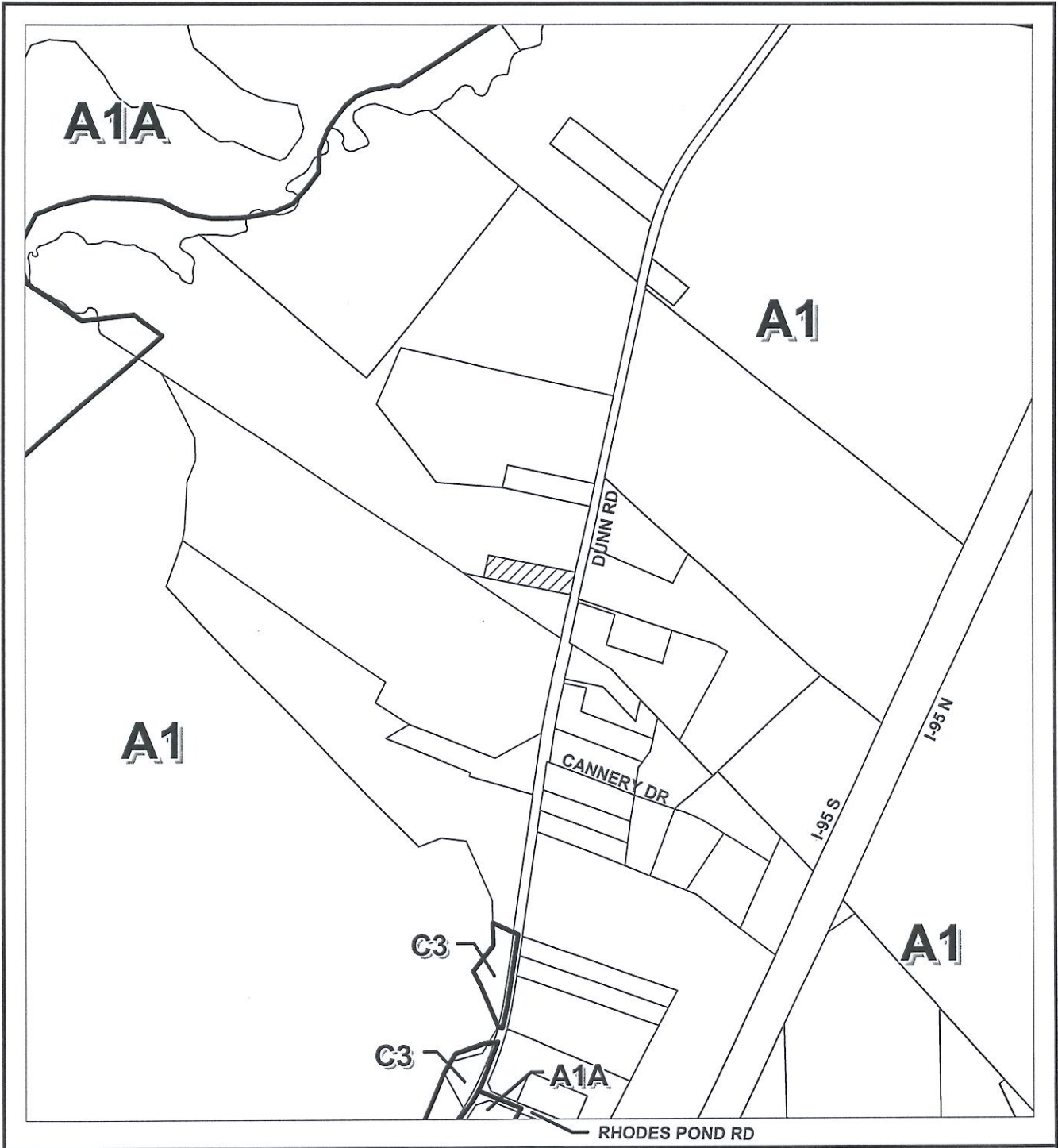
Thursday, March 12, 2009
Taraschuk
11519 Dunn Rd
Dunn, NC 28334

Cumberland County Planning & Inspections Department,

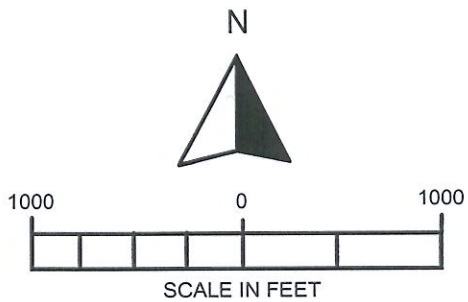
It would be greatly appreciated if you could postpone our Tuesday March 17, 2009 meeting for Case No. P09-02, for one month. We will be ready for an inspection around April 17 and the next meeting on April 21, 2009. I apologize for the delay

Thank You
Gregory Taraschuk





REQUESTED REZONING A1 TO A1A



PIN: 1504-51-8765

ACREAGE: 2.00 AC.+/-		HEARING NO: P09-02	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

Donovan McLaurin,
Chair
Wade, Falcon & Godwin

Lori Epler,
Vice-Chair
Cumberland County

Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman
Patricia Hall,
Town of Hope Mills
Charles C. Morris,
Town of Linden



Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Walter Clark,
Roy Turner,
Sara E. Piland,
Cumberland County

Benny Pearce,
Town of Eastover

COUNTY of CUMBERLAND

Planning & Inspections Department

March 10, 2009

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for the March 17, 2009 Board Meeting

P09-07. CONSIDERATION OF THE ADOPTION AND ENACTMENT OF THE TOWN OF WADE COMMUNITY STANDARDS ORDINANCE, ESTABLISHING ACCEPTABLE MINIMUM STANDARDS FOR APPEARANCE OF PROPERTIES WITHIN THE CORPORATE LIMITS OF THE TOWN AND ENFORCEMENT OF THE SAME.

The Planning and Inspections Staff recommends approval of the *Town of Wade Community Standards Ordinance* as proposed with one exception. The staff recommends the Board consider adding the term *noxious weed* as defined below, inserting the same in Section 103, Definitions, in alphabetical order:

Noxious weed: Any plant designated by a Federal, State or local government as injurious to public health, agriculture, recreation, wildlife or property and is also commonly defined as a plant that grows out of place and is competitive, persistent, and pernicious. (Source: <http://plants.usda.gov/java/noxiousDriver>) For purposes of this ordinance, the Town shall determine weeds to be noxious if complying with the above definition and included on the U.S. Department of Agriculture, Natural Resources Conservation Service's *Noxious Weeds List*.

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P09-07

AN ORDINANCE REGULATING THE MINIMUM ACCEPTABLE STANDARDS FOR APPEARANCE AND SOME USES OF PROPERTIES LOCATED WITHIN THE CORPORATE LIMITS OF THE TOWN OF WADE AND ENFORCEMENT OF THE SAME.

BE IT ORDAINED BY THE TOWN OF WADE BOARD OF COMMISSIONERS THAT THE BOARD OF COMMISSIONERS ADOPTS AND ENACTS THE FOLLOWING:

TOWN OF WADE COMMUNITY STANDARDS

ARTICLE I ADMINISTRATIVE PROVISIONS

Sec. 101. Authority.

This ordinance is adopted pursuant to North Carolina General Statute 160A-174 *et seq.*, and for the purpose of defining, prohibiting, regulating, or abating acts, omissions, or conditions, detrimental to the health, safety or welfare of its citizens and the peace and dignity of the Town.

Sec. 102. Generally.

A. *Intent statement.* It is the intent of the Board of Commissioners of the Town of Wade, by adopting this ordinance, to establish acceptable standards for appearance and quality of life issues for the Wade community. The standards contained within this ordinance are intended to preserve the character and integrity, protect the property values, and to promote and preserve the visual and economic interests of the Town while protecting the public health, safety and welfare of the citizens. It is the Board's belief that this can be accomplished through uniformity of appearance and proper maintenance of the properties within the Town while ensuring the equitable application of these standards to its citizens.

B. *Legislative finding.* It is hereby found and determined that there exist within the area subject to the zoning jurisdiction of the Town premises that, because of the existence of the conditions herein determined to be unlawful, constitute a visual blight and detriment upon the surrounding neighborhood and create substantial and unreasonable interferences with the reasonable and lawful use and enjoyment of other premises in the neighborhood, or such conditions inhibit property values, deter tourism,

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interfere with the public health and safety, or otherwise discourage the comfort, happiness, emotional stability and general welfare of all citizens.

C. *Ordinance administrator.* This ordinance shall be administered and enforced by the County's Director of Planning and Inspections or the Director's designee. This official or their representative shall have the right to enter upon the premises in any manner authorized by law as required to carry out the necessary duties for the fair and impartial enforcement of this ordinance. All questions arising in connection with enforcement and interpretation of this ordinance shall be presented first to the County's Code Enforcement Coordinator who is charged with the day-to-day enforcement of this ordinance. If the County's Planning and Inspections Director finds that they are not authorized to make a determination or judgment or that the issue is questionable, the matter will be referred to the County Board of Adjustment in the same manner as established for the board's hearing of administrative appeals.

Sec. 103. Definitions.

For purposes of interpreting the provisions of this ordinance, certain words or terms are herein defined. Unless otherwise stated, the following words shall for the purpose of this ordinance have the meaning herein indicated:

Dead plant material: Any trees, shrubs or ground covers that show an absence of living tissue, such as stems or leaves, during a full growth cycle (spring to spring).

Junk: Any material or substance stored in the open or not enclosed in a building which does not serve, nor is intended to serve, any useful purpose or the purpose for which it was originally intended, including but not limited to: refuse; empty cans; bottles; debris; used furniture; used appliances; machinery parts; motor vehicle parts; remnants of wood; decayed, weathered or broken construction material no longer usable; metal; or any cast off materials.

Litter: Any discarded or abandoned, used or unconsumed substance or waste, including but not limited to: garbage, trash, refuse, debris, rubbish, newspaper, magazines, paper, plastic or paper containers or other packaging.

Nuisance: Any condition detrimental to the public health, safety and welfare that violate the rules and regulations of the Town and/or the County Public Health Department.

Open places: Areas of properties or portions thereof that are open to the exterior, including building openings of residential dwelling units, such as carports or porches and any other exterior portions of properties ordinarily exposed to the outside and/or public view, including front, side and rear yards.

Public view: Any location within a normal range of vision as seen by the public from the right-of-way or a publicly owned property.

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Rubbish: The miscellaneous waste materials resulting from housekeeping, mercantile enterprises, trades, manufacturing, and offices, including other waste matter, such as yard debris and trimmings, tree branches, slag, stone, broken concrete, fly ash, ashes, tin cans, glass, scrap metal, rubber, paper, rags, chemicals or any similar or related combinations thereof.

Structure: That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

Visible: Capable of being seen without visual aid by a person of normal visual acuity.

ARTICLE II NUISANCES

The existence of any of the following conditions on any parcel of land, including vacant lots within the Town limits is hereby declared to be dangerous and prejudicial to the public health or safety and to constitute a public nuisance.

Sec. 201. Structural.

A. *Structures.* All unsafe or deteriorated structures to include but not limited to storage buildings, sheds, and other similar structures shall not be permitted. In addition,

1. All structures shall be maintained in safe and substantial condition, in good structural condition and appearance, free from deterioration, rot, rust, or weathering; and

2. All unsafe or deteriorated structures as determined by the Code Enforcement Coordinator, or the Coordinator's designee, shall be repaired or removed within 30 calendar days of proper notice to the property owner.

B. *Fences and Walls.* All fences, retaining walls or similar features including landscape features that are not firmly anchored to the ground, maintained in good structural condition and appearance, or free of deterioration shall not be permitted. Wooden or other fence features subject to deterioration or weathering shall be properly maintained to retard deterioration or provide protection from the weather. Deteriorated features shall be replaced or repaired, or shall be completely removed and properly discarded. Electric fences or fences that are electrically charged, and fences that are constructed of barbed or razor wire shall be prohibited. This prohibition shall not apply to fences used to enclose livestock on a bona fide farm and those serving a public or

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quasi-public institution for public safety or security purposes as approved by the Code Enforcement Coordinator, or the Coordinator's designee.

Fence material is limited to wood, masonry, chain link, wrought iron, vinyl or a comparable material as approved by the Code Enforcement Coordinator, or the Coordinator's designee. Permitted material excludes material never intended for a fence. Any support or bracing shall face toward the interior of the property. Permitted fence colors are to be subtle and should not call negative or undue attention to its presence.

Sec. 202. Environment and grounds.

A. *Firewood.* Firewood, except when such storage is neither in excess of a total area of 100 square feet not stacked to a height more than four feet above ground, shall not be visible to the public view.

B. *Overgrown lots/yards.* The uncontrolled growth of noxious weeds or grass to a height in excess of 12 inches causing or threatening to cause a hazard to the public health or safety.

C. *Allowing dead animals to remain on property.* It shall be unlawful and is hereby declared to be a nuisance for any person to allow the dead carcass of any animal to remain upon any property longer than 15 hours.

D. *Noxious or offensive matter.* Emission or effluence of noxious or offensive particulate matter, dust, sludge and other materials or substances which tend to pollute or contaminate land, water or air, rendering or tending to render it injurious to human health, habitation or welfare, to animal or plant life, to property, or interfering or tending to interfere with the enjoyment of life or property; provided, however, that this subsection shall be construed consistent with and supplementary to, and not in conflict with, applicable state and federal laws and regulations.

E. *Litter.* Any junk, waste materials, unusable building materials, trash, garbage, oily rags, barrels, cans, papers, bricks, refuse, rubbish, or similar matter which is scattered, cast, placed or deposited in a yard or yards, so as to constitute an accumulation or concentration in an open area or causing or threatening to cause the inhabitation therein of rats, mice, snakes, or vermin of any kind which is or may be dangerous or prejudicial to the public health.

F. *Presence, accumulation, storage or placement of junk.* Junk, including but not limited to, deteriorated, unusable or inoperative furniture, furniture intended to be indoors, appliances, machinery, equipment, building materials, worn out and unused automobiles or parts, tires, or any other man-made items which are either in whole or in part, wrecked, junked, unused, worn out, dismantled or inoperative shall not be permitted on any property within the Town, unless said storage of junk has been

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otherwise approved under the regulations and ordinances of the Town and is not visible to the public view. In addition,

1. Storage of junk shall only be allowed on any properties used for non-residential purposes and if in compliance with all other Town regulations and ordinances, or if not addressed by a Town regulation or ordinance, storage of junk shall be completely enclosed within a building or otherwise evenly placed or neatly stacked and concealed by a solid fence, cover or other means so as to not be visible at the property line from abutting properties or any right-of-way;

2. Storage of junk shall only be allowed on any property used for residential purposes if completely stored in an enclosed building or limited to 200 square feet or less in area and completely concealed by a solid fence, cover or other means so as not to be visible from public view, concentrated in one area within the rear yard and neatly arranged or stacked so as not to exceed four feet in height; and

3. Whether stored on a residential or non-residential property such storage of junk shall be maintained in such a manner so as to prevent overgrown grass or weeds or an infestation of wild animals, reptiles and rodents.

G. *Parking on public rights-of-way and public-owned property.* Parking on any public right-of-way or other publicly owned property within the Town's corporate limits is prohibited.

H. *Open burning.* Open burning of off-site collected debris, plant material, litter, rubbish, etc. within the Town's corporate limits shall be prohibited.

Sec. 203. Abandoned/junked vehicles.

The Town Board of Commissioners adopts through incorporation by reference the *Abandoned, Nuisance, and Junked Motor Vehicle Ordinance*, Article III of the Cumberland County Code, in its entirety, to include the enforcement and violation provisions. In addition to the items enumerated under Section 9-47, Exceptions, of the Cumberland County Code, the Town also "excepts" all non-tagged, non-registered vehicles of Armed Forces Service members that are deployed in support of military operations for a duration of six months or longer provided that the following conditions have been complied with:

A. The service member has notified the Town of their military-ordered absence and the expected duration of absence;

B. The service member has taken prudent actions to ensure the vehicle is protected and not left in an "abandoned" state; and

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C. The service member has positioned the vehicle so that it is not visible from any public right-of-way and located in the side or rear yard of the service member's property.

Sec. 204. Noise.

The Town Board of Commissioners adopts through incorporation by reference the *Cumberland County Noise Ordinance*, Article II, Section 9.5-21 et seq. of the Cumberland County Code, in its entirety, to include the enforcement and violation provisions, with the following exceptions to Section 9.5-26(1), Exemptions from Section 9.5-24:

A. To establish hours for Sunday as 12:00 pm to 6:00 pm. The remaining hours are to be as stated in the County Code; and

B. To allow any Town-related function which has been approved and/or sanctioned by the Town Board of Commissioners.

ARTICLE III LEGAL PROVISIONS

Sec. 301. Compliance.

All public and private land within the Town of Wade shall be in compliance with the provisions set forth in this ordinance within a six month period after the effective date of this ordinance, or within a six month period after the effective date of annexation into the Town of Wade or otherwise being made subject to this ordinance.

Sec. 302. Penalties.

The violation of any provision of this ordinance shall be a misdemeanor, punishable upon conviction by a fine of not more than \$50.00 per week as provided in N.C. GEN. STAT. § 14-4 and except as otherwise provided in this ordinance, each violation of this ordinance shall constitute a separate and distinct offense. The Town Board of Commissioners reserve the right to reduce or eliminate the fine on a case by case basis upon the board's consideration of any extenuating circumstance(s) presented to the board by the property owner and in this instance, the fine shall be established by motion upon the majority vote of the board members present at the board meeting in which the extenuating circumstance(s) are presented. If the Code Enforcement Coordinator, or the Coordinator's designee, finds that any provision of this ordinance is being violated, the Code Enforcement Coordinator, or the Coordinator's designee, shall cause to be served upon the offender or its agent, by certified mail, return receipt requested, or by personal service, a notice of civil citation. The notice of civil citation shall indicate the

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the violation and order the action necessary to correct it. The citation shall also state the monetary penalty and the right of the offender to appeal the violation that is the basis of the citation to the County Board of Adjustment in the same manner as set forth for administrative hearings in the County Zoning Ordinance within ten days from the date of service of the citation.

Sec. 303. Amendments.

Amendments to the regulatory codes adopted by reference herein, which are from time to time adopted and published by the responsible Cumberland County agency referred to herein, shall be effective in the Town at the time such amendments are considered and adopted by the Town Board of Commissioners and subsequently filed with the Town Clerk.

Sec. 304. Severability.

If any provision herein is declared void or unenforceable by a court of competent jurisdiction or by legislation of the State, those portions not in conflict shall remain valid and in force.

Sec. 305. Effective date.

This ordinance, the *Town of Wade Community Standards Ordinance*, shall be in full force and effect from and after its passage by the Town of Wade Board of Commissioners. Adopted this _____ day of _____, 2009.

Huell Aekins, Mayor

ATTEST:

Cindy Burchett, Town Clerk

Donovan McLaurin,
Chair
Wade, Falcon & Godwin

Lori Epler,
Vice-Chair
Cumberland County

Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman
Patricia Hall,
Town of Hope Mills
Charles C. Morris,
Town of Linden



COUNTY of CUMBERLAND

Planning & Inspections Department

March 9, 2009

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Walter Clark,
Roy Turner,
Sara E. Piland,
Cumberland County

Benny Pearce,
Town of Eastover

MEMORANDUM

TO: Joint Planning Board

FROM: Edward M. Byrne, Land Use Codes

SUBJECT: CASE NO. 09-017. CONSIDERATION OF THE DAVID LEE PROPERTY, GROUP DEVELOPMENT REVIEW; REQUEST FOR WAIVER FROM SECTION 2303.C, COUNTY SUBDIVISION ORDINANCE, REGARDING 20 FEET OF ROAD FRONTAGE ALONG A PUBLIC OR PRIVATE STREET; ZONING: RR; ACREAGE: 10.01 +/-; LOCATED SOUTH OF SR 1848 (FAIRCLOTH BRIDGE ROAD), EAST OFF OF MCCALL ROAD.

The developer is requesting a waiver from the requirement for actual road frontage for a second dwelling unit on an existing 10.01 acre tract, which uses a 60 foot ingress/egress easement for access. The 60 foot deeded easement is recorded in Plat book 96, page 60 and is known as Arch Jordan Road. The proposed dwelling is a double-wide manufactured home. The existing platted lot is an exempt lot from the definition of subdivision and would not typically be subject to the requirement for road frontage under the terms of Subdivision Ordinance; however, the second dwelling unit proposed qualifies the request as a group development and the standards for actual road frontage for the lot is required.

In accordance with Section 2601, Waivers, Cumberland County Subdivision Ordinance, the Planning Board may waive the requirements of this Ordinance, where it finds by resolution that:

- a. **Because of the size of the tract to be subdivided, its topography, the condition or nature of the adjoining areas, or the existence of other unusual physical conditions, strict compliance with the provisions of this Ordinance would cause a special hardship to the property owner and be inequitable, and**
- b. **The public purposes of the Subdivision Ordinance and the Zoning Ordinance would be served to an equal or greater degree, and**
- c. **The property owner would not be afforded a special privilege denied to others.**

The Planning and Inspections Staff recommends approval of the waiver request based on the following:

- a. Because of the size of the existing lot of record, 10.01 +/- acres, it would be inequitable not to allow a second unit on such a large tract, and strict compliance with the provisions of the ordinances would cause a special and unnecessary hardship if the developer were required to upgrade the ingress/egress easement to "street" status given that the majority of the land area in which the easement crosses is not under the current property owners' control;
- b. The purposes of the County's Subdivision and Zoning Ordinances are being served to an equal or greater degree, in that there is an existing platted 60 foot ingress/egress easement, assigned a street name for emergency services purposes that assures access to this lot and adjacent lots within the area;
- c. The property owner is not being afforded a special privilege denied to others since the Planning Board has approved similar requests when there has been comparable facts and circumstances.

Attached you will find the waiver application, recommended conditions of approval, group development sketch plan, aerial photo and vicinity map. If you have any questions, please contact me at 910-678-7609, email: ebyrne@co.cumberland.nc.us or Patti Speicher at 910-678-7605, email: pspeicher@co.cumberland.nc.us.

cc: David Lee, Developer
Grainger Barrett, County Attorney
Patti Speicher, Land Use Codes



Date Request Submitted: 2-10-09

Planning Board Meeting Date: 3-17-09

Received by: EMB

Cumberland County Subdivision Ordinance

Request for Waiver

Case No.: 09-017 Case Name: DAVID LEE

Related Ordinance Section Number(s): 2303.C

Summary of Request: Request use of 60' Easement
Per second dwelling

Section 6.1 of the County Subdivision Ordinance governs the Planning Board's authority to waiver provisions of the Subdivision Ordinance. This section reads as follows:

Section 6.1. Waivers

The Planning Board may waive the requirements of this Ordinance where it finds by resolution that:

- a. Because of the size of the tract to be subdivided, its topography, the condition or nature of adjoining areas, problems of access, or the existence of other unusual physical conditions, strict compliance with the provisions of this ordinance would cause a special hardship to the property owner and be inequitable, and*
- b. The public purposes of the Subdivision Ordinance and the Zoning Ordinance would be served to an equal or greater degree, and*
- c. The property owner would not be afforded a special privilege denied to others.*

In granting waivers, the Planning Board may require such conditions as will secure, in so far as practicable, the objectives of the requirements waived. Any waiver, thus granted, is required to be entered in writing in the minutes of the Planning Board and the reasoning upon which departure was justified set forth.

The applicant is strongly encouraged to read the above provisions and relate the written waiver request as closely as possible to the criteria contained within. All supporting documentation for the request shall be submitted along with this request for waiver. For example, if the request is based on topography or soils, the applicant is the responsible

party to submit as evidence 'topo' and/or soils maps or if the request is based on the "condition or nature of adjoining property", the applicant will be required to submit evidence supporting this as basis for the request.

My request should receive favorable consideration by the Planning Board based on the following summary of the basis for this request:

1. Because of the size of the tract to be subdivided, its topography, the condition or nature of adjoining areas, problems of access, or the existence of other unusual physical conditions (at least one of the preceding basis must be addressed in this request), strict compliance with the provisions of this Ordinance would cause a special hardship to the property owner and be inequitable, due to:

To request assess to 60' Easement for
2nd dwelling on a 10 acres lot

2. The public purposes of the County Subdivision and County Zoning Ordinances would be served to an equal or greater degree and the applicant agrees to:

Existing easement already serving the purpose

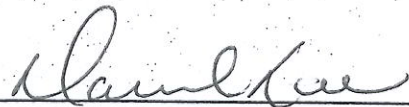
3. The property owner would not be afforded a special privilege denied to others, because:

People with similar situation have been
granted privilege for access.

By signing this request, the applicant is signifying that all statements contained within this request are accurate and true to the best of their knowledge.

David Lee
Printed Name of Applicant/Agent

583-9727
Daytime Phone Number


Signature of Applicant/Agent

Feb 10, 2009
Date Signed

Donovan McLaurin,
Chair
Wade, Falcon & Godwin

Lori Epler,
Vice-Chair
Cumberland County

Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman
Patricia Hall,
Town of Hope Mills
Charles C. Morris,
Town of Linden



COUNTY of CUMBERLAND
Planning and Inspections Department

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Walter Clark,
Roy Turner,
Sara E. Piland,
Cumberland County

Benny Pearce,
Town of Eastover

STAFF REVIEW: 02-19-09

PLANNING BOARD DECISION: 03-17-09

CASE NO: 09-017

NAME OF DEVELOPMENT: DAVID LEE PROPERTY.

MIA: N/A

GROUP DEVELOPMENT REVIEW

LOCATION: SOUTH OF SR 1848 (FAIRCLOTH BRIDGE ROAD),

ZONING: RR

EAST OFF OF MCCALL DRIVE.

PIN: 0497-64-1513-

OWNERS / DEVELOPER: DAVID LEE

ENGINEER OR DESIGNER: N/A

PLANNING & INSPECTIONS DEPARTMENT ACTION:

- PRELIMINARY
- EXTENSION REVISION
- APPROVED CONDITIONALLY
- DENIED

PLANNING BOARD DECISION:

- PRELIMINARY
- EXTENSION REVISION
- APPROVED CONDITIONALLY
- DENIED

The development plat/plan you submitted to this office is conditionally approved. Your approval is subject to the following conditions:

Permit-Related:

1. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the County Zoning Ordinance and permits required to place any structure within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. For additional information, the developer should contact a Code Enforcement Officer.
2. The County Health Department must approve water and sewer plans prior to application for any permits. Site and soil evaluations must be conducted on the property by the County Environmental Health Department prior to application for permits. A copy of the Health Department approval must be provided to Code Enforcement at the time of application for any building/zoning permits. (Note: All Health Department requirements must be met prior to issuance of final permits.) (Section 2306 A, Water and Sewer, County Subdivision Ordinance)
3. New development that will disturb one acre or more of land or is part of a larger plan that will disturb at least an acre of land is subject to the Post-Construction Stormwater Management Permitting Program (Phase II Stormwater Management Requirements) administered by the Division of Water Quality, North Carolina Department of Environment and Natural Resources. If one acre or more of land is to be disturbed, prior to the issuance of any building/zoning permits for this site, a copy of the State's *Post-Construction Permit* must be provided to County Code Enforcement.

4. For any new development that will disturb one acre or more of land or is part of a larger plan that will disturb at least an acre of land, the developer must/may have to provide the Code Enforcement Section with an approved NC Department of Environment and Natural Resources (NCDENR) sedimentation and erosion control plan (S&E) prior to any application for permits. (Note: If any retention/detention basins are required for state approval of this plan, then three copies of a revised plan must be submitted and approved by Planning & Inspections prior to application for any building/zoning permits.) A copy of the NCDENR approval must be provided to Code Enforcement at the time of application for any building/zoning permits.
5. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
6. The 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:

7. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Zoning Ordinances for the RR zoning district must be complied with, as applicable.
8. For any new development, an adequate drainage system must be installed by the developer in accordance with the NC Department of Environment and Natural Resources' (NCDENR) *Manual on Best Management Practices* and all drainage ways must be kept clean and free of debris. (Section 2306 D, County Subdivision Ordinance)
9. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision Ordinance)

Other Relevant Conditions:

10. Under current standards, no more than two manufactured homes can be permitted on this tract.
11. Under current standards, additional principal structures and/or division of the subject property cannot be approved until such time that the subject tract is served by and has direct access to an approved private street or a public street.
12. The applicant is advised to consult an expert on wetlands before proceeding with any development.
13. 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.
14. The owner/developer be aware that every deed created for a lot being served by an on-site water and/or sewer system must contain the following disclosure when filed with the County Register of Deeds:

“Public water and/or sewer services are not available as of the date of the recording of this deed. On-site sewer disposal systems must be approved by the County Health Department.”

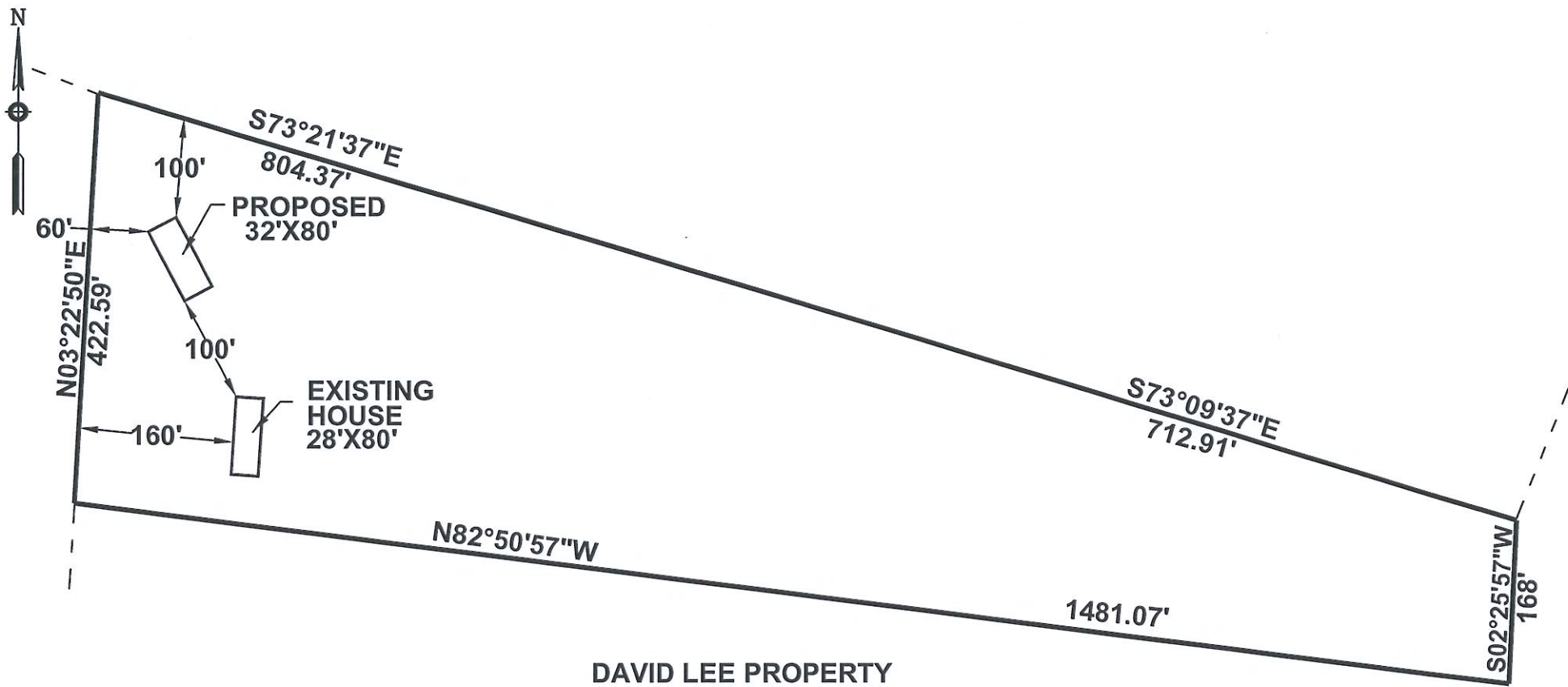
15. The developer is requesting a waiver from Section 2303.C, Cumberland County Subdivision Ordinance regarding the minimum 20 foot access ordinance standard. This case will be heard by the Cumberland County Joint Planning Board on March 17, 2009. The Planning & Inspections Staff recommends approval of this request – see attached memorandum for staff reasoning.

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

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

Subdivision/Site Plan/Plat	Ed Byrne	678-7609
Code Enforcement (Permits):	Ken Sykes	321-6654
County Health Department:	Daniel Ortiz	433-3680
Ground Water Issues:	Matt Rooney	678-7625
County Public Utilities/NORCRESS:	Tom Cooney	678-7682

Corp of Engineers (wetlands):	Ronnie Smith	(910) 251-4829
NCDENR (E&S):	Sally McKinney	433-3300
E911 Site-Specific Address:	Ron Gonzales	678-7616
Tax Parcel Numbers:		678-7549
NCDOT (driveways/curb-cuts):	Gary Burton	486-1496
N.C. Division of Water Quality:	Mike Randall	(919) 733-5083 ext. 545



DAVID LEE PROPERTY
GROUP DEVELOPMENT REVIEW
REQUEST: ACCESS WAIVER
CASE: 09-017 ACREAGE: 10.01±
ZONED: RR SCALE: NTS

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



SUBJECT PROPERTY

**PLATTED
EASEMENT**

MCCALL DR

LINA DR

HALLINA DR

FAIRCLOTH BRIDGE RD

ARCH JORDAN RD

**CASE: 09-017
AERIAL PHOTO**



60



VICINITY MAP
NO SCALE

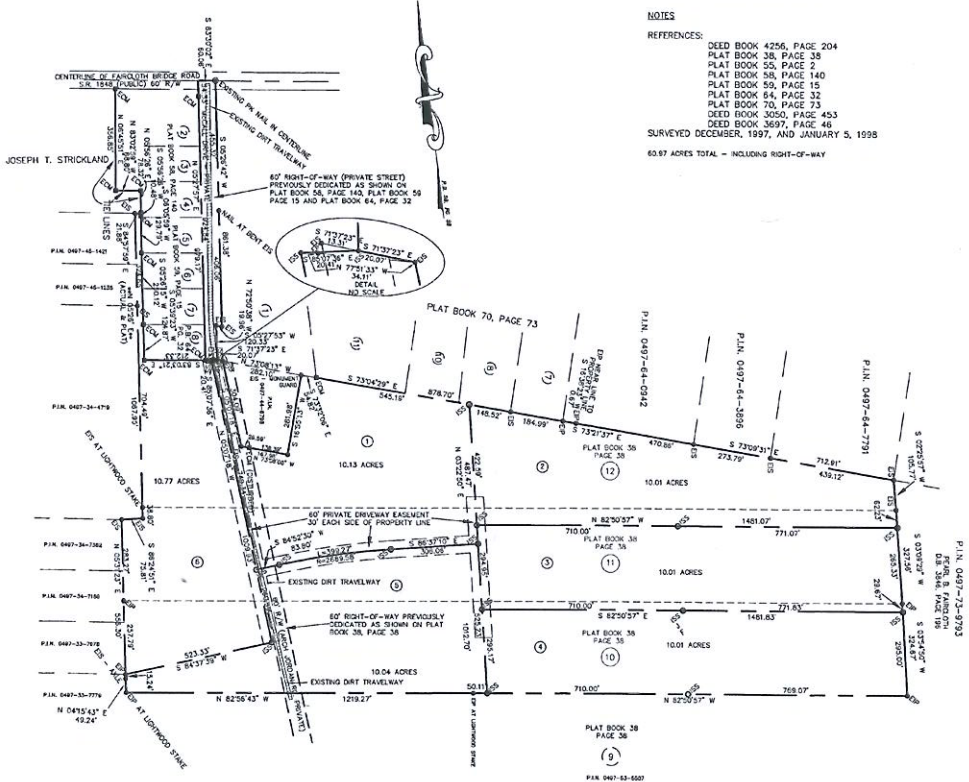
- LEGEND**
- PROPERTY LINE - SURVEYED
 - PROPERTY LINE - NOT SURVEYED
 - RIGHT-OF-WAY LINE
 - CENTERLINE
 - RIGHT-OF-WAY LINE - PLAT BOOK 38, PAGE 38
 - PRIVATE DRIVEWAY EASEMENT LINE
 - OLD LOT LINE
 - ES - E - EXISTING IRON STAKE
 - EP - E - EXISTING IRON PIPE
 - IS - S - IRON STAKE SET
 - EM - M - EXISTING CONCRETE MONUMENT

NOTES

REFERENCES:

- DEED BOOK 4256, PAGE 204
- PLAT BOOK 38, PAGE 38
- PLAT BOOK 55, PAGE 2
- PLAT BOOK 58, PAGE 140
- PLAT BOOK 59, PAGE 15
- PLAT BOOK 64, PAGE 32
- PLAT BOOK 70, PAGE 73
- DEED BOOK 3050, PAGE 453
- DEED BOOK 3697, PAGE 46
- SURVEYED DECEMBER, 1997, AND JANUARY 5, 1998

63.97 ACRES TOTAL - INCLUDING RIGHT-OF-WAY



NORTH CAROLINA CUMBERLAND COUNTY
 I, MARK R. SEFFELS, PLS. NO. L-3533 CERTIFY THAT THIS MAP WAS
 DRAWN BY ME FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION
 FROM PLATS AND DEEDS OF RECORD AS NOTED; THAT THE RATIO OF
 PRECISION AS CALCULATED BY LATITUDES AND DEPARTURES IS 1/20,890;
 THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-20 AS AMENDED;
 THAT THE SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECONSTRUCTION OF EXISTING
 PARCELS, A COURT ORDERED SURVEY, OR OTHER EXCEPTION TO THE DEFINITION
 OF SUBDIVISION, WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL.

Mark R. Seffels
 MARK R. SEFFELS, PLS. No. L-3533
 JANUARY 6, 1998

"THE UNDERSIGNED HEREBY ACKNOWLEDGES THAT THIS PLAT IS MY FREE ACT AND DEED"

Joseph T. Strickland
Ricky L. Strickland
 OWNERS

CUMBERLAND COUNTY, NORTH CAROLINA
 I, *William J. Williams*, A NOTARY PUBLIC OF THE COUNTY AND STATE
 AFORESAID, CERTIFY THAT *Joseph T. Strickland* AND *Ricky L. Strickland*
 PERSONALLY APPEARED BEFORE ME THIS DAY AND
 ACKNOWLEDGED THE EXECUTION OF THE FOREGOING INSTRUMENT, WITNESS MY HAND AND
 OFFICIAL STAMP OR SEAL, THIS *11* DAY OF *January*, 1998.
 MY COMMISSION EXPIRES *11-2-98*

William J. Williams
 NOTARY PUBLIC

000 906

RECEIVED
 1-7-1998 PM 2:57
 REGISTRY OF DEEDS
 CUMBERLAND CO., N.C.
 BK. 96 PG. 60

STATE OF NORTH CAROLINA
 COUNTY OF CUMBERLAND
 I, *Donna McCalister*, Notary Public of
 the State of North Carolina, do hereby certify that
 the within and foregoing certificate is a true and
 correct copy of the original instrument as filed
 with me on this day.

Donna McCalister
 Notary Public
 Date: 1-07-98

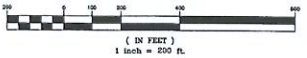


McCALL FARMS

PROPERTY OF: JOSEPH T. STRICKLAND
 CEDAR CREEK TOWNSHIP
 NEAR STEDMAN NORTH CAROLINA
 CUMBERLAND COUNTY

DRAWN BY: M.R. SEFFELS	DATE: JANUARY 6, 1998
CHECKED BY: M.R. SEFFELS	DRAWING NO: MCCL110
JOB NO:	SHEET 1 OF 1

GRAPHIC SCALE



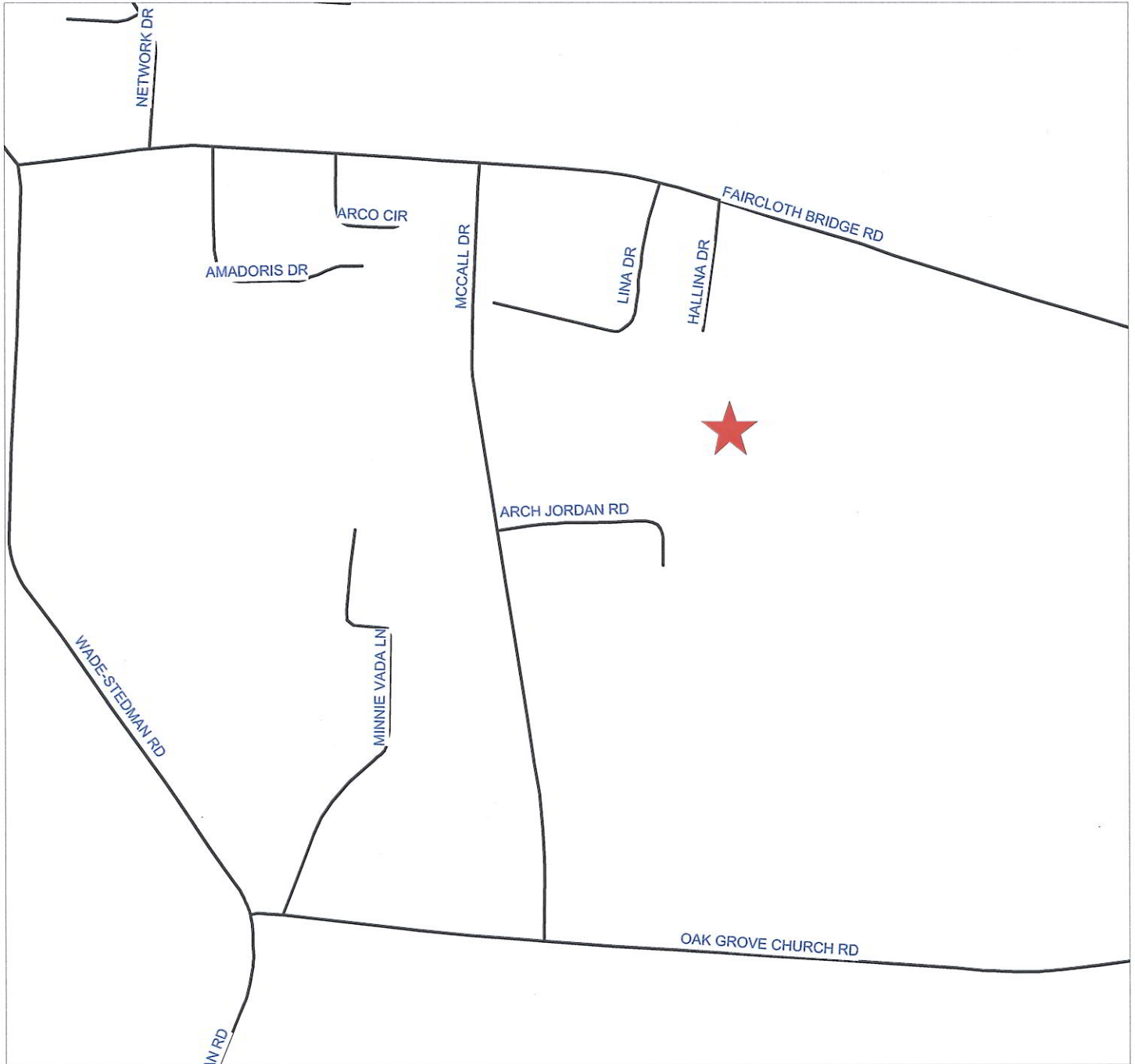
Averette Engineering Co., P.A.



1717 SWAIN STREET
 FAYETTEVILLE, NORTH CAROLINA 28333
 PHONE (704) 483-2654

96/60

**DAVID LEE PROPERTY
GROUP DEVELOPMENT REVIEW
CASE NO. 09 - 017**



PIN(S): 0497-64-1513-
Prepared by EMB - CCJPB
FEBRUARY 17, 2009

Map not to scale



Donovan McLaurin,
Chair
Wade, Falcon & Godwin

Lori Epler,
Vice-Chair
Cumberland County

Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman
Patricia Hall,
Town of Hope Mills
Charles C. Morris,
Town of Linden



Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Walter Clark,
Roy Turner,
Sara E. Piland,
Cumberland County

Benny Pearce,
Town of Eastover

COUNTY of CUMBERLAND

Planning & Inspections Department

March 10, 2009

MEMORANDUM

TO: Cumberland County Joint Planning Board
FROM: Planning & Inspections Staff
SUBJECT: Staff Recommendation for March 17, 2009 Board Meeting

P09-06: REZONING OF 99.63+/- ACRES FROM PND PLANNED NEIGHBORHOOD DEVELOPMENT AND R6 RESIDENTIAL TO MXD MIXED USE DEVELOPMENT/CUD CONDITIONAL USE DISTRICT AND THE PERMIT OR TO A MORE RESTRICTIVE ZONING DISTRICT LOCATED ON THE SOUTH SIDE OF SR 1611 (ANDREWS ROAD) AND WEST OF SR 1612 (FARMERS ROAD), SUBMITTED BY ATTORNEY AND GENERAL MANAGER ALFRED E. CLEVELAND, OWNED BY ANDREWS ROAD COMPANY, LLC.

The Planning & Inspections Staff recommends approval of the request for MXD Mixed Use Development/CUD Conditional Use District based on the following:

1. Although, the MXD/CUD is inconsistent with the North Fayetteville Land Use Plan, which calls for open space at this location, the recommendation is reasonable because the proposed development is in harmony with the surrounding existing development;
2. Approval of this district will protect the surrounding area from strip non-residential development; and
3. The request is reasonable because the district and uses proposed are in character with the current zoning and land uses of adjacent properties and would allow for development that is consistent within the existing development in the surrounding area.

The PND Planned Neighborhood Development/CUD Conditional Use District & Permit could also be found suitable at this location.

The Planning & Inspections Staff also recommends approval of the Conditional Use Permit, if the developer provides an inter-connecting right-of-way access between the residential portions of this development, based on the following:

1. The requested use will not materially endanger the public health and safety if located according to the site plan submitted and recommended;
2. The use will meet all required conditions and specifications if constructed according to the site plan, application and conditions – a copy of the *Ordinance-Related Conditions* pertaining to this site is attached;
3. The use will maintain or enhance the value of adjoining or abutting properties in that the subject property is currently undeveloped thus a quality well-planned development, if developed as submitted, would enhance the value of the general area; and
4. The location and character of the use, if developed according to the site plan as submitted, will be in harmony with the area in which it is to be located.

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

P09-06
SITE PROFILE

P09-06: REZONING OF 99.63+/- ACRES FROM PND PLANNED NEIGHBORHOOD DEVELOPMENT AND R6 RESIDENTIAL TO MXD MIXED USE DEVELOPMENT/CUD CONDITIONAL USE DISTRICT AND THE PERMIT OR TO A MORE RESTRICTIVE ZONING DISTRICT LOCATED ON THE SOUTH SIDE OF SR 1611 (ANDREWS ROAD) AND WEST OF SR 1612 (FARMERS ROAD), SUBMITTED BY ATTORNEY AND GENERAL MANAGER ALFRED E. CLEVELAND, OWNED BY ANDREWS ROAD COMPANY, LLC.

Site Information:

Frontage & Location: 3871.19'+/- on SR 1611 (Andrews Road)

Depth: 1050.00'+/-

Jurisdiction: Cumberland County

Adjacent Property: Yes, two tracts south of subject property

Current Use: Vacant woodlands

Initial Zoning: PND & R6 – August 21, 1972 (Area 1)

Nonconformities: None

Zoning Violation(s): None

Surrounding Zoning: North & East: PND (County & Fayetteville); South: PND, RR, R6/CU (to allow a manufactured home), R6/CU (to allow a double-wide manufactured home), R6A & R6 (County & Fayetteville) R10; West: PND & R6

Surrounding Land Use: 2- public schools, religious worship facility, 2- utility substations, cell tower, residential (including 2- multifamily and manufactured home); and woodlands

North Fayetteville Area Detailed Land Use Plan: Open space

Special Flood Hazard Area (SFHA): None

Water/Sewer Availability: PWC/PWC

Watershed: Yes

Soil Limitations: Yes, hydric: JT Johnston loam (open space area)

School Capacity/Enrolled: Howard Hall Elementary: 550/587; Pine Forest Middle: 820/838; Pine Forest High: 1750/1603

Subdivision/Site Plan: See attached “Ordinance-Related Conditions”

RLUAC: No objection to this case

Municipal Influence Area: City of Fayetteville

Average Daily Traffic Count (2006): 17,500 on SR 1611 (Andrews Road)

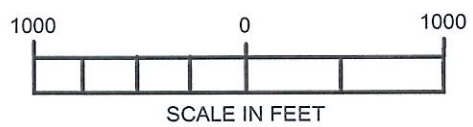
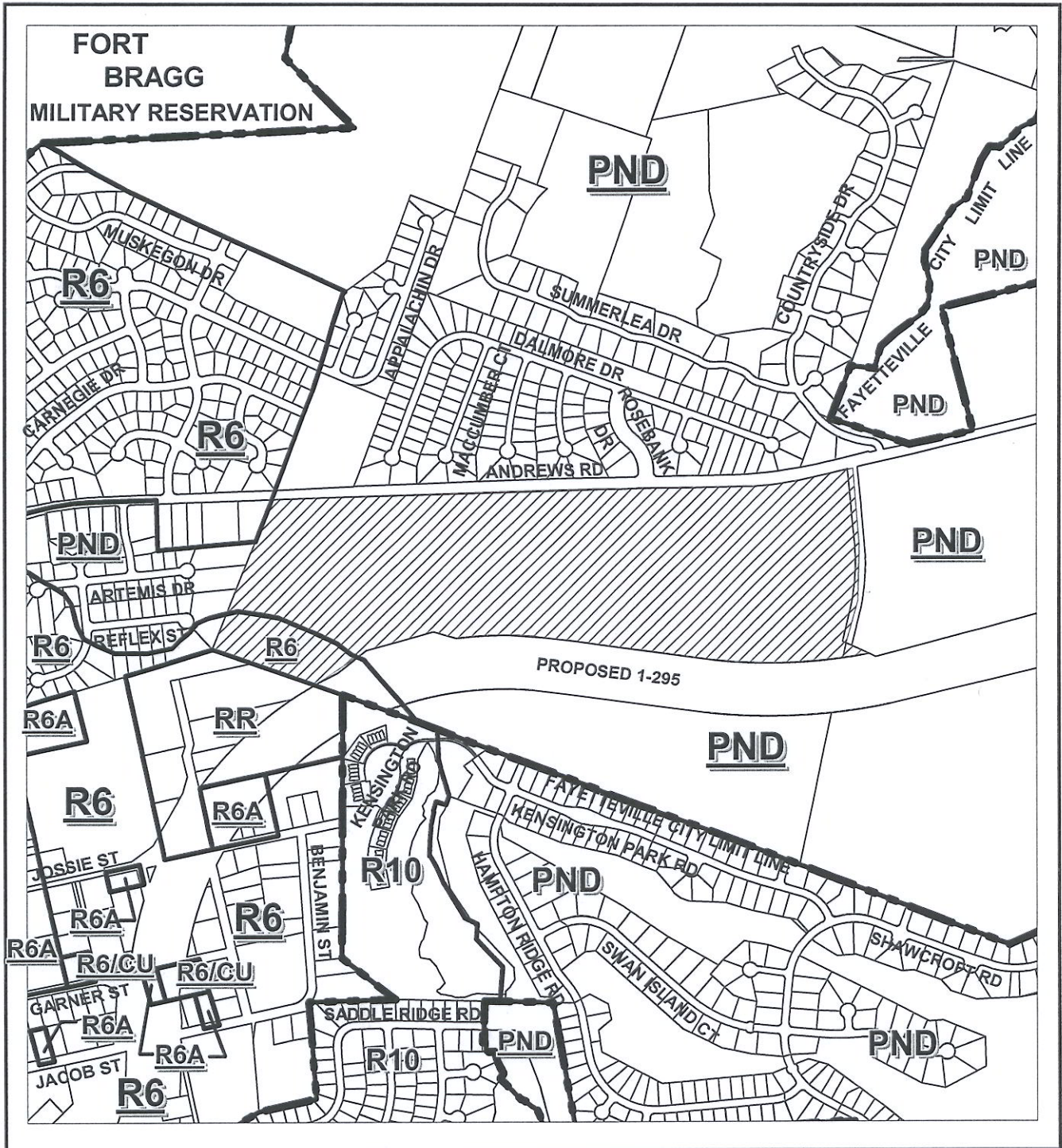
Highway Plan: Fayetteville Outer Loop is identified in the Highway Plan as a major thoroughfare. This proposal calls for a multi-lane facility (U-2519) with a right-of-way of 250 feet. Andrew Road is identified in the Highway Plan as a major thoroughfare. This proposal calls for widening to a multi-lane facility (4 lane divided). Andrews Road improvements are not included in the 2009-2015 MTIP. This road calls for a 90 foot right-of-way with a dedication of 10 feet and reservation of 5 feet. This is a Priority One Project under the LRTP. This property is located adjacent to the Fayetteville Outer Loop and Andrew Road.

Note:

Density (minus 15% r/w) for PND (R7.5): 491 lots/ 492 units

First Class Mailed Notice Certification

A certified copy of the tax record owner(s) and their tax record mailing address is contained within the case file and is incorporated by reference as if delivered herewith.



REQUESTED REZONING PND & R6 TO MXD/CUD

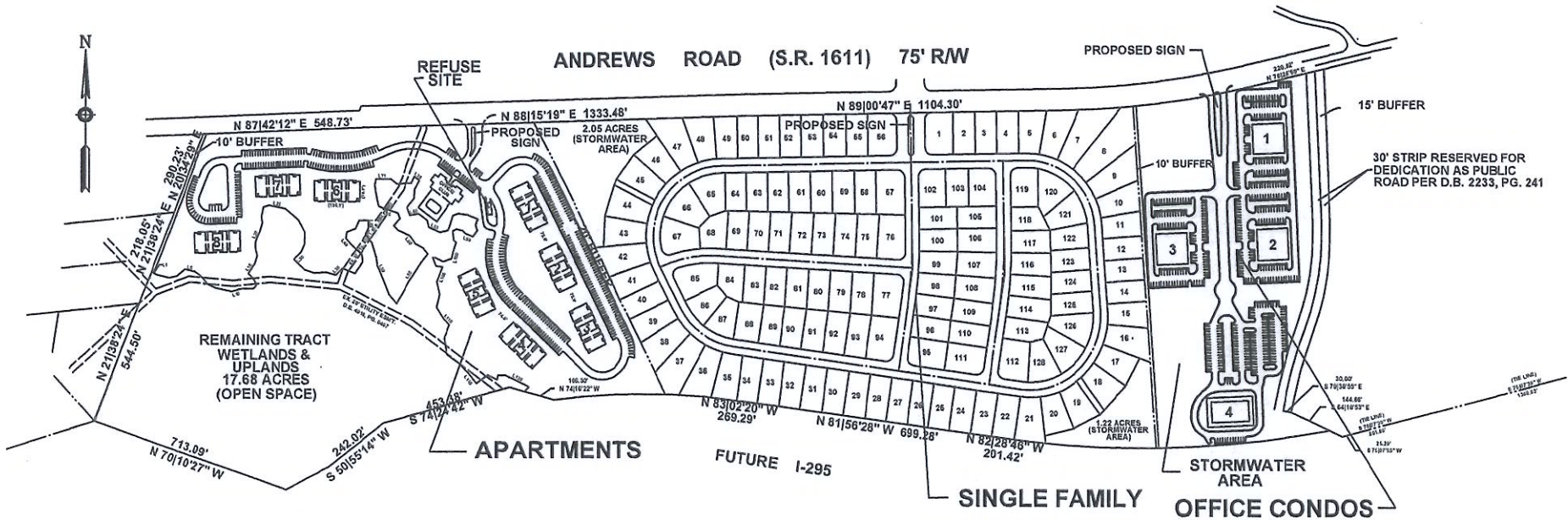
ACREAGE: 99.63 AC.+/-		HEARING NO: P09-06	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

PORT OF PIN: 0531-00-6612
 PORT OF PIN: 0530-39-4583

OF SINGLE FAMILY: 128 LOTS
OF APARTMENTS: 192 UNITS, (8 EACH,
 3-STORY, 24 UNIT BLDGS)
OF STORIES FOR OFFICE CONDOS: 3 STORIES PER BLDG
 (4 BLDGS, 124,950 SQ. FT. TOTAL)

*Calculation based on total land area 99.63± acres
 18% Open Space - 17.68± acres

*Calculations based on net land area of 81.95 acres
 56% Single Family - 45.86± Acres
 24% Apartments - 20.06± Acres
 20% Professional (Office Condos) - 16 ± Acres



MIXED USE DEVELOPMENT - CONDITIONAL USE DISTRICT & PERMIT
CASE: P09-06 ACREAGE: 99.63±
SCALE: NTS

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

2/26/2009
 3/10/2009

Mixed Use Development - Conditional Use District & Permit

Ordinance-Related Conditions

Watershed-Related:

1. An application for watershed approval must be submitted to the Watershed Review Officer (WRO) and plans must be approved by the WRO prior to final plat approval and/or prior to application for any building/zoning permits. (Note: This approval may require additional conditions restricting the development of this property.) A copy of the WRO's approval of this plat/plan must be submitted to Code Enforcement at the time of application for any permits.
2. Prior to application for the building final inspection, a Watershed Occupancy Permit must be issued for each lot/tract within this development.

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. Connection to public water and sewer is required, the Public Works Commission (PWC) must approve water and sewer plans prior to application for any permits. A copy of the PWC approval must be provided to Code Enforcement at the time of application for building/zoning permits. (Section 2306 A.1, Public Water and Sewer Systems County Subdivision Ordinance)
5. New development where the developer will disturb or intends to disturb more than one acre of land is subject to the Post-Construction Stormwater Management Permitting Program (Phase II Stormwater Management Requirements) administered by the Division of Water Quality, North Carolina Department of Environment and Natural Resources. If one acre or more of land is to be disturbed, prior to the issuance of any building/zoning permits for this site, a copy of the State's *Post-Construction Permit* must be provided to County Code Enforcement.
6. For any new development where the developer disturbs or intends to disturb more than one acre of land, the developer must provide the Code Enforcement Section with an approved NC Department of Environment and Natural Resources (NCDENR) sedimentation and erosion control plan (S&E) prior to any application for permits. (Note: If any retention/detention basins are required for state approval of this plan, then three copies of a revised plan must be submitted and approved by Planning & Inspections prior to application for any building/zoning permits.) A copy of the NCDENR approval must be provided to Code Enforcement at the time of application for any building/zoning permits.
7. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
8. Landscaping must be provided in accordance with Section 1102 N, Landscaping, County Zoning Ordinance and be shown on the site plan for the office area portion of this development. Three copies of a revised site plan for the office area depicting the landscaping must be submitted to Land Use Codes prior to application for any permits. The following are the minimum standards for the required landscaping for the office area portion of this development:
 - a. Fourteen large shade trees or 26 small ornamental trees within the front yard setback area along SR 1611 (Andrews Road);
 - b. Eight ornamental trees and 85 shrubs are required in the building yard area;
 - c. Twenty two large shade trees or 44 small ornamental trees are required within the parking area.

In addition:

- a. Required plant materials shall be maintained by the property owner, including replacing dead or unhealthy trees and shrubs; and
 - b. All yard and planting areas shall be maintained in a neat, orderly, and presentable manner and kept free of weeds and debris.
9. The building final inspection cannot be accomplished until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans.

Site-Related:

10. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Zoning Ordinances for the MXD/CUD zoning district must be complied with, as applicable. (Note: The setbacks for the periphery of this development must comply with those of the adjoining zoning districts and only those office uses allowed as specified in Section 603 of the County Zoning Ordinance shall be permitted within the "office" area as shown on the site plan.)
11. All corner lots and lots fronting more than one street must provide front yard setbacks from each street, except where access to the street has been denied.
12. This conditional approval is not approval of the permit for any freestanding signs. Attached signage for this development must be in accordance with the applicable sign regulations as set forth in Article XIII of the County Zoning Ordinance and that the proper permit(s) must be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is

not approval of the size, shape, or location of any signs.) The NC Department of Transportation (NCDOT) must also approve the sign location for those signs located within the median strips.

13. All applicable provisions of Section 2401, "Group Developments", County Subdivision Ordinance, must be complied with.
14. Concrete curbs and gutters complying with the City of Fayetteville standards and specifications are required. Rolled concrete curb, if allowed, must not be less than 24 inches in width. (Fayetteville MIA)
15. For any new development, an adequate drainage system must be installed by the developer in accordance with the NC Department of Environment and Natural Resources' (NCDENR) *Manual on Best Management Practices* and all drainage ways must be kept clean and free of debris. (Section 2306 D, County Subdivision Ordinance)
16. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision Ordinance)
17. The owner/developer shall secure and maintain the detention/retention basin, keeping it clear of debris and taking measures for the prevention of insect and rodent infestation.
18. This review does not constitute a "subdivision" approval by NC Department of Transportation (NCDOT). A separate submittal to NCDOT will be required prior to consideration for addition to the system of any street within this development.
19. 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.
20. The NC Department of Transportation (NCDOT) must approve the street plans and the street(s) are required to be constructed to the City of Fayetteville street standards or the NCDOT standards for secondary roads, if NCDOT is more restrictive.
21. The right-of-way width of the three median strips is required to be a minimum of 70 feet with the median strips not being less than 10 feet wide.
22. Turn lanes may be required by the NC Department of Transportation (NCDOT).
23. 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.
24. A solid buffer must be provided and maintained along the boundary of the multi-family and office areas within this development, except where these areas abut a right-of-way in accordance with the provisions of Section 1102 G, Buffer Requirements, County Zoning Ordinance. (Note: Chain link fencing cannot be used to satisfy the buffer requirement.)
25. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.
26. All required off-street parking spaces measuring a minimum of 9' x 20', are required to be surfaced, with a permanent material such as asphalt or concrete, and striped prior to application for the building final inspection. A minimum of 288 off-street parking spaces for the multi-family area and 416 spaces for the office area are required for this development.
27. All notes and calculations as shown on the site plan are to be considered as a part of this conditional approval.

Plat-Related:

28. The areas labeled as stormwater areas, wetlands & uplands (open space) and all other commonly owned property must be labeled as "common area" on the final plat.
29. A concrete walkway, minimum of 10 feet in width, must be constructed connecting this development with the County Board of Education property. The developer must contact the Board of Education regarding the preferred walkway location. ***PENDING CLARIFICATION FROM THE SCHOOL BOARD.***
30. Concrete or other approved surface material, sidewalks are required to be constructed along one side of all streets, to include along SR 1611 (Andrews Road). (5 or more du/ac). (Section 2305, Sidewalks, County Subdivision Ordinance)
31. Fire hydrants must be installed along the proposed streets and drives; hydrants must be located no further than 1,000 feet apart and at a maximum of 500 feet from any lot/unit. (Section 2306 B, Fire hydrants, County Subdivision Ordinance)
32. The developer is required to submit to Land Use Codes, three (3) copies of the legal documents specifically designating responsibility for maintenance and upkeep of all stormwater, recreational/open space and commons areas through an owners' association for this development. These documents must be approved by the County Attorney prior to the sale of or submission for final plat approval of any lot or unit within this development.
33. The developer must contact the Street Naming Section of the Planning & Inspection for approval of street names for the proposed streets and drives within this development. The approved street name must be reflected on the final plat for each section. (Note: The developer must provide the Land Use Code Section of the Planning & Inspection Department a copy of a site plan showing the approved street names on the plan.)
34. The street name signs, in compliance with the County Street Sign Specifications, must be installed prior to final plat approval. The developer should contact E911 Street Naming/Signs for inquiries regarding the County's policy for street sign installation or, if the sign is commissioned from a private source, to schedule an inspection of the street sign(s). Land Use Codes must receive

notice of agreement with the Street Naming & Addressing Section for sign installation or of satisfactory inspection prior to the approval of the final plat.

35. Dedication of 10 feet of right-of-way and reservation of 5 feet of right-of way along SR 1611 (Andrews Road) is required and the metes and bounds for both dedication and reservation is required to be shown on the final plat and/or reflected on any future site plans. The location of all improvements, required or otherwise, and all building setback lines are to be measured from the ultimate right-of-way line. (Section 2302 F, Planned Public Right-of-Way, County Subdivision Ordinance)
36. The builder/developer must provide the buildable envelopes on the final plat: providing a five-foot maintenance easement along each side of all common internal lines with all other applicable setbacks being provided for; or at the time of permit application, the individual plot plans must be approved by Land Use Codes prior to issuance of any permits.
37. Any/All easements must be reflected on the final plat and labeled as to type of easement, reference number for document creating the easement, and the name of the agency, individual, etc. who holds the easement.
38. Twenty foot wide utility easements must be provided and reflected on the final plat along all rear lot lines (10 feet on each side) for the residential portion of this development and also must be provided for the non-residential portion if deemed necessary by the City Engineer.
39. All lots within this development must be served by an internal street system and a “no access” easement must be reflected on the final plat where Lots 1-8 and 47 – 56 abut SR 1611 (Andrews Road).
40. A 10' x 70' sight distance easement is required at the intersection of SR 1611 (Andrew Road) with the proposed streets and drives and must be reflected on the final plat.
41. A 25' right-of-way radius is required at all intersections and must be reflected on the final plat. (Section 2304.10.c, Street Design, County Subdivision Ordinance)
42. The NC Department of Transportation (NCDOT) stamp must be affixed to the final plat prior to submission for final plat approval by Land Use Codes.
43. The notarized signature(s) of all current tax record owner(s) and notary certifications appear on the final plat when submitted for final approval. (Section 2503 D, Certificate of Ownership and Dedication, County Subdivision Ordinance)
44. The developer is reminded that the improvements must be in place or that final plat approval will only be granted in accordance with Section 2502 B, C, or D, Final Plat – Guarantees of Improvements, Subdivision Ordinance. (Note: Once the improvements are in place, the developer is responsible for contacting Jeff Barnhill to schedule an inspection of the improvements.)
45. The final plat must be submitted to Land Use Codes for review and approval for recording with the County Register of Deeds, and the plat must be recorded prior to any permit application for any structure and/or prior to the sale of any lot or unit within this development.

Plat-Required Statement:

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

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

Other Relevant Conditions:

47. The applicant is advised to consult an expert on wetlands before proceeding with any development.
48. 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.
49. This conditional approval is contingent upon all rights-of-way being “public”; if the developer intends to construct “private” streets to serve this development, five copies of a revised site plan shall be required to be submitted to Land Use Codes for review and approval prior to submission for final plat approval of any portion of this development.

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

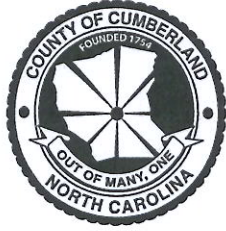
Contact Information (Area Code is 910 unless otherwise stated):

Watershed Officer/Improvements:	Jeff Barnhill	678-7765
Subdivision/Site Plan/Plat	Ed Byrne	678-7609
Code Enforcement (Permits):	Ken Sykes	321-6654
PWC:	Heidi Maly	223-4773
Fayetteville Planning:	Marsha Bryant	433-1416
Fayetteville Engineer:	Rusty Thompson	433-1660
Corp of Engineers (wetlands):	Ronnie Smith	(910) 251-4829
NCDENR (E&S):	Sally McKinney	433-3300
E911 Site-Specific Address:	Ron Gonzales	678-7616
E911 Street Naming/Signs:	Diane Shelton	678-7665
Tax Parcel Numbers:		678-7549
NCDOT (driveways/curb-cuts):	Gary Burton	486-1496

NCDOT (subdivision roads):
Transportation Planning:
N.C. Division of Water Quality:
County Schools Planner:

David Plummer
Bobby McCormick
Mike Randall
Mark Whitley

486-1496
678 7632
(919) 733-5083 ext. 545
678-2342



COUNTY of CUMBERLAND

Planning & Inspections Department

CASE #: PO9-06

PLANNING BOARD
MEETING DATE: 17 MAR 09

DATE APPLICATION
SUBMITTED: 3 FEB 09

RECEIPT #: 60522

RECEIVED BY: PBB

APPLICATION FOR CONDITIONAL USE DISTRICT & PERMIT REZONING REQUEST CUMBERLAND COUNTY ZONING ORDINANCE

Upon receipt of this application (petition), the Planning and Inspections Staff will present to the Planning Board the application at a hearing. In accordance with state law and Board's policy, a notice of the hearing will be mailed to the owners of the adjacent and surrounding properties, which may be affected by the proposed Conditional Use.

The Planning Board will make a recommendation to the Cumberland County Board of Commissioners concerning the request. The Board of Commissioners will schedule a public hearing and make a final decision on the matter. Generally, the Commissioners will hold a public hearing four weeks following the meeting of the Planning Board. The Conditional Use District and Permit shall not be made effective until the request is heard and received approval by the Board of Commissioners.

The following items are to be submitted with the completed application:

1. A copy of the recorded deed and/or plat;
2. If a portion of an existing tract, an accurate written legal description of only the area to be considered for rezoning;
3. A copy of a detailed site plan drawn to engineering scale, showing the location of all buildings, yard dimensions, driveways, fencing, lighting parking areas, landscaping, and all other pertinent data to the case; ^{\$500.00} Fees applied from withdrawn case #
4. A check made payable to "Cumberland County" in the amount of \$ 800.00 (See attached Fee Schedule). _{PO9-03}

NOTE: Any revisions, inaccuracies or errors to the application or site plan may cause the case to be delayed and will be scheduled for the next available Board meeting according to the Board's meeting schedule. Also, the application fee is *nonrefundable*.

The Planning and Inspections Staff is available for advice on completing this application; however, they are not available for completion of the application or preparation of the site plan.

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

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

1. APPLICANT/AGENT: JOHN KOENIG
2. ADDRESS: 1763 WILMINGTON HWY FAYETTEVILLE N.C. ZIP CODE: 28306
3. TELEPHONE: (Home) 910-323-2506 (Work) 910-391-2977
4. Location of Property: ANDREWS ROAD
5. Parcel Identification Number (PIN #) of subject property: 0531-00-6612
(also known as Tax ID Number or Property Tax ID)
6. ✓ Acreage: 99.63 Frontage: 3871.19 Depth: 1056'
7. Water Provider: PWC
8. Septage Provider: PWC
9. Deed Book 7898, Page(s) 325, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
10. Existing use of property: PND WOODLANDS
11. Proposed use(s) of the property: MIXED USE

O&I - RESIDENTIAL SINGLE FAMILY - MULTI-FAMILY - GREENSPACE
 NOTE: Be specific and list all intended uses.

12. It is requested that the foregoing property be rezoned FROM: ~~PND~~ PND *Bib? → OK to add to application per J. Koenig*

- TO: (select one)
- Conditional Use District, with an underlying zoning district of _____ (Article V)
 - Mixed Use/Conditional Use District (Article VI)
 - Planned Neighborhood District/Conditional Use District (Article VII)
 - Density Development/Conditional Use District, at the _____ Density (Article VIII)

INCLUDE PORTION OF: 0530-39-4583 LOCATED ABOVE THE PROPOSED I-95 IN THE NE CORNER

APPLICATION FOR
CONDITIONAL USE PERMIT

1. PROPOSED USE(S):

- A. List the use(s) proposed for the Conditional Use Permit. (Use of the underlying district will be restricted only to the use(s) specified in this application.)

See attached site plan

- 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.

See attached site plan

2. DIMENSIONAL REQUIREMENTS:

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

See attached site plan

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

See attached site plan

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.

Site plan

4. LANDSCAPE AND BUFFER REQUIREMENTS:

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

Site plan

- B. Indicate the type of buffering and approximate location, width and setback from the property lines.

Site plan

5. MISCELLANEOUS:

List any information not set forth above, such as the days and hours of the operation, number of employees, exterior lighting, noise, odor and smoke, emission controls, etc.

6. SITE PLAN REQUIREMENTS:

The application shall include a site plan drawn to the specifications of Sec. 1402. If the proposed uses involve development subject to the County Subdivision Ordinance, the site plan required may be general in nature, showing a generalized street pattern, if applicable, and the location of proposed uses. If the proposed uses include development not subject to the Subdivision Ordinance, the site plan shall be of sufficient detail to allow the Planning and Inspections Staff and the Planning Board to analyze the proposed uses and arrangement of uses on the site. It shall also include the footprints of all buildings (proposed and existing), the proposed number of stories, location and number of off-street parking and loading spaces, proposed points of access to existing streets and internal circulation patterns. In addition, the location of all proposed buffers and fences and landscaping shall be included on the site plan.

7. ACKNOWLEDGEMENT:

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 (change) rests 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, not incompatible with existing neighborhood zoning patterns.

In order for the Planning Board to offer a favorable recommendation, and for the Board of Commissioners to approve, any Conditional Use District and Permit they must find from the evidence presented at their respective public hearing that:

- A. The use will not materially endanger the public health or safety if located according to the plan submitted and recommended;
- B. The use meets all required conditions and specifications;
- C. The use will maintain or enhance the value of adjoining or abutting properties, or that the use is a public necessity; and
- D. 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 in general conformity with Cumberland County's most recent Comprehensive Land Use Plan and adopted planning policies.

I further understand I must voluntarily agree to all conditions proposed for the Conditional Use Permit.

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.

ANDREWS ROAD COMPANY LLC
NAME OF OWNERS (PRINT OR TYPE)

P.O. Box 87009 FAYETTEVILLE, N.C. 28304
ADDRESS OF OWNER(S)

910-323-2506
HOME TELEPHONE #

910-391-2977
WORK TELEPHONE #

SIGNATURE OF OWNER(S)

SIGNATURE OF OWNER(S)

ALFRED E. CLEVELAND, ATTORNEY AND GENERAL MANAGER
NAME OF AGENT, ATTORNEY, APPLICANT (by assign) (PRINT OR TYPE)

P.O. Box 87009 FAYETTEVILLE, N.C. 28304
ADDRESS OF AGENT, ATTORNEY, APPLICANT

HOME TELEPHONE #

910-483-8104
WORK TELEPHONE #



SIGNATURE OF AGENT, ATTORNEY
OR APPLICANT

- * **ALL record property owners must sign this petition.**
- * **The contents of this application, upon submission, becomes "public record."**

**CUMBERLAND COUNTY ZONING ORDINANCE
FEE SCHEDULE**

REQUESTED ZONING DISTRICTS ¹	LESS THAN 5 ACRES	5 TO 50 ACRES	50 TO 100 ACRES	100+ ACRES
CONDITIONAL USE DISTRICTS ² RESIDENTIAL DD/CUD	\$500	\$500	\$500	\$500
CONDITIONAL USE DISTRICTS ² NONRESIDENTIAL PND/CUD MXD/CUD	\$700	\$800	\$800	\$800

- 1 If more than one zoning district is requested in the same application, the highest fee for the district requested will apply.
- 2 If a general rezoning is requested and based on recommendations of the Planning Board or County Commissioners, the applicant desires to submit a Conditional Use District and Permit application, the original application fee will be credited towards the Conditional Use District and Permit application fee.