

Lori Epler,
Chair
Cumberland County

Roy Turner,
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

August 10, 2010

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Walter Clark,
Sara E. Piland,
Cumberland County

Benny Pearce,
Town of Eastover

Donovan McLaurin
Wade, Falcon, & Godwin

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for August 17, 2010 Board Meeting

P10-33: REZONING OF .43+/- ACRES FROM R10 RESIDENTIAL TO R6A RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 2826 GEORGE OWEN ROAD, SUBMITTED BY TERESA BAREFOOT SPELL (OWNER).

The Planning & Inspections Staff recommends approval of the R6A Residential district for this request based on the following:

1. Although the request is not consistent with location criteria for "medium density residential" because public sewer is not available, it is consistent with the 2030 Growth Vision Plan, which calls for "urban" at this location;
2. The request for the residential zoning district is a logical extension of the R6A district; and
3. The request is consistent with the surrounding land use.

There are no other districts considered suitable for this request.

Attachments:

- 1 – Site Profile
- 2 – Sketch Map

P10-33
SITE PROFILE

P10-33: REZONING OF .43+/- ACRES FROM R10 RESIDENTIAL TO R6A RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 2826 GEORGE OWEN ROAD, SUBMITTED BY TERESA BAREFOOT SPELL (OWNER).

Site Information:

Frontage & Location: 117.00'+/- on SR 1133 (George Owen Road)

Depth: 188.00'+/-

Jurisdiction: Cumberland County

Adjacent Property: Yes, east of subject property

Current Use: vacant

Initial Zoning: R10 – November 17, 1975 (Area 4)

Nonconformities: None

Zoning Violation(s): None

Surrounding Zoning: North: C3 (Hope Mills), C(P) (Hope Mills), C1(P) (Hope Mills), RR, R10 & R6A; South: C3, C(P), RR, R10, & R6A; East: C(P), RR, R10 & R6A; West: R10 & R6A

Surrounding Land Use: Residential (including manufactured dwellings), manufactured home park (2) & golf course

2030 Land Use Plan: Urban

Special Flood Hazard Area (SFHA): None

Water/Sewer Availability: PWC/Septic

Soil Limitations: None

School Capacity/Enrolled: Cumberland Mills Elementary: 525/643; Ireland Drive Middle (6): 340/332; Douglas Byrd Middle (7-8): 600/644; Douglas Byrd High: 1,280/1,311

Subdivision/Site Plan: If approved, any future development may require a review

Municipal Influence Area: Town of Hope Mills

Average Daily Traffic Count (2008): No data available for SR 1133 (George Owen Road); 13,000 on SR 1003 (Camden Road) & 29,000 on NC 59 (N Main Street)

Recreation Area: Hope Mills Park & Recreation Center located 2.80+/- miles away

Highway Plan: There are no road improvements/constructions specified for this area. This case has no impact on the current Highway Plan or Transportation Improvement Program

Notes:

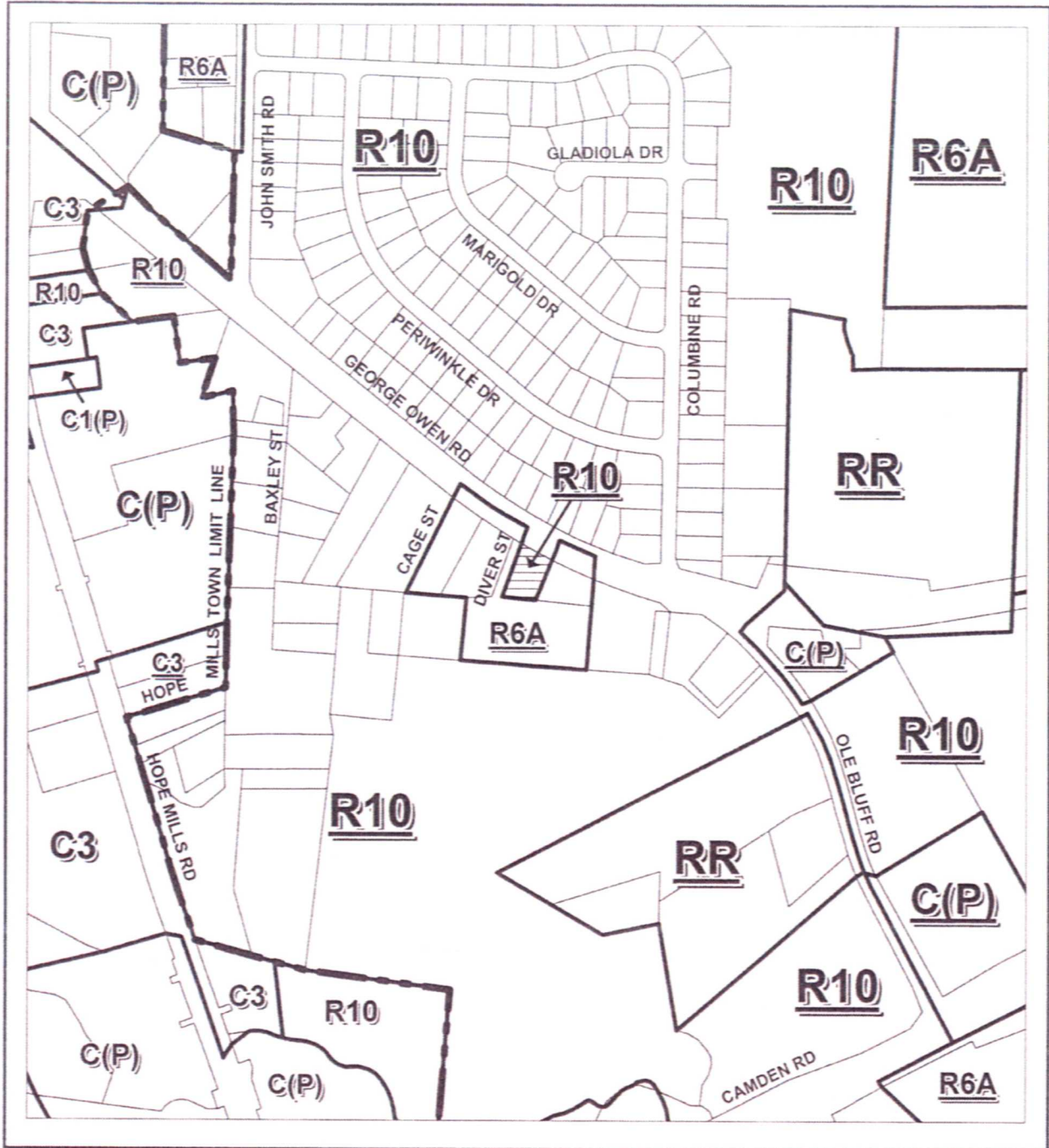
1. Density:
R10 – 3 lots/units
R6A – 4 lots/units

2. Minimum Yard Setback Regulations:

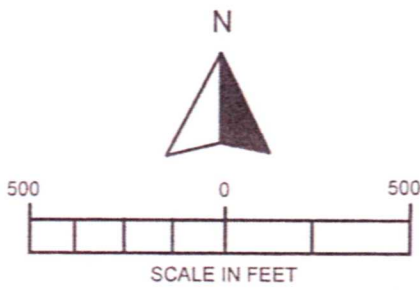
<u>R10</u>	<u>R6A</u>
Front yard: 30'	Front yard: 25'
Side yard: 10'	Side yard: 10'
Rear yard: 35'	Rear yard: 15'

First Class and Record Owners' Mailed Notice Certification

A certified copy of the tax record owner(s) of the subject and adjacent properties and their tax record mailing address is contained within the case file and is incorporated by reference as if delivered herewith. The record owners' acknowledgement of notice is also included in the case file.



REQUESTED REZONING R10 TO R6A



PIN: 0415-11-3853

ACREAGE: 0.43 AC.+/-		HEARING NO: P10-33	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

Lori Epler,
Chair
Cumberland County

Roy Turner,
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

August 10, 2010

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Walter Clark,
Sara E. Piland,
Cumberland County

Benny Pearce,
Town of Eastover

Donovan McLaurin
Wade, Falcon, & Godwin

MEMORANDUM

TO: Cumberland County Joint Planning Board
FROM: Planning & Inspections Staff
SUBJECT: Staff Recommendation for August 17, 2010 Board Meeting

P10-34: REZONING OF 12.38+/- ACRES FROM A1 AGRICULTURAL TO R15 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE SOUTH SIDE OF SR 2238 (SAND HILL ROAD), EAST OF SR 2376 (SOUTH FORTY DRIVE); SUBMITTED BY MARY L. MONTGOMERY (OWNER).

The Planning & Inspections Staff recommends denial of the request for R15 Residential district but approval of R20 Residential district based on the following:

1. The request for R15 Residential is not consistent with the location criteria for "low density residential" as listed in the Land Use Policies Plan of the 2030 Growth Vision Plan as public sewer is required, the recommendation of R20 Residential does meet the location criteria for the Policies Plan;
2. The request is consistent with surrounding zoning and land uses.

The R30 and R40 Residential districts could also be considered suitable for this request.

The applicant has verbally agreed to the Staff recommendation of R20 Residential.

Attachments:

- 1 – Site Profile
- 2 – Sketch Map

P10-34
SITE PROFILE

P10-34: REZONING OF 12.38+/- ACRES FROM A1 AGRICULTURAL TO R15 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE SOUTH SIDE OF SR 2238 (SAND HILL ROAD), EAST OF SR 2376 (SOUTH FORTY DRIVE); SUBMITTED BY MARY L. MONTGOMERY (OWNER).

Site Information:

Frontage & Location: 669.92'+/- on SR 2238 (Sand Hill Road)

Depth: 1,793.38'+/-

Jurisdiction: Cumberland County

Adjacent Property: No

Current Use: Vacant

Initial Zoning: A1 – June 25, 1980 (Area 13)

Nonconformities: None

Zoning Violation(s): None

Surrounding Zoning: North: R20/DD/CUD (72 residential lot development), R20, R6A & A1; South and East: RR, R15 & A1; West: R20 & A1

Surrounding Land Use: Residential (including manufactured dwellings) & woodlands

2030 Land Use Plan: Urban

Special Flood Hazard Area (SFHA): None

Water/Sewer Availability: PWC/Septic

Soil Limitations: None

School Capacity/Enrolled: Alderman Road Elementary: 750/697; Gray's Creek Middle: 1,000/861; Gray's Creek High: 1,270/1,219

Subdivision/Site Plan: Review required prior to development

Average Daily Traffic Count (2008): 6,400 on SR 2238 (Sand Hill Road)

Recreation Area: Proposed Gray's Creek Park 3.3+/- miles away

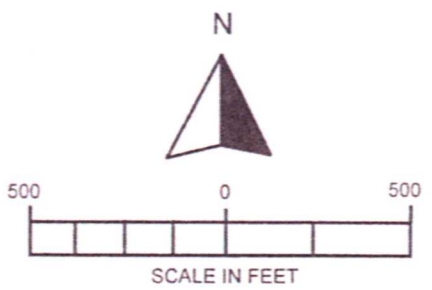
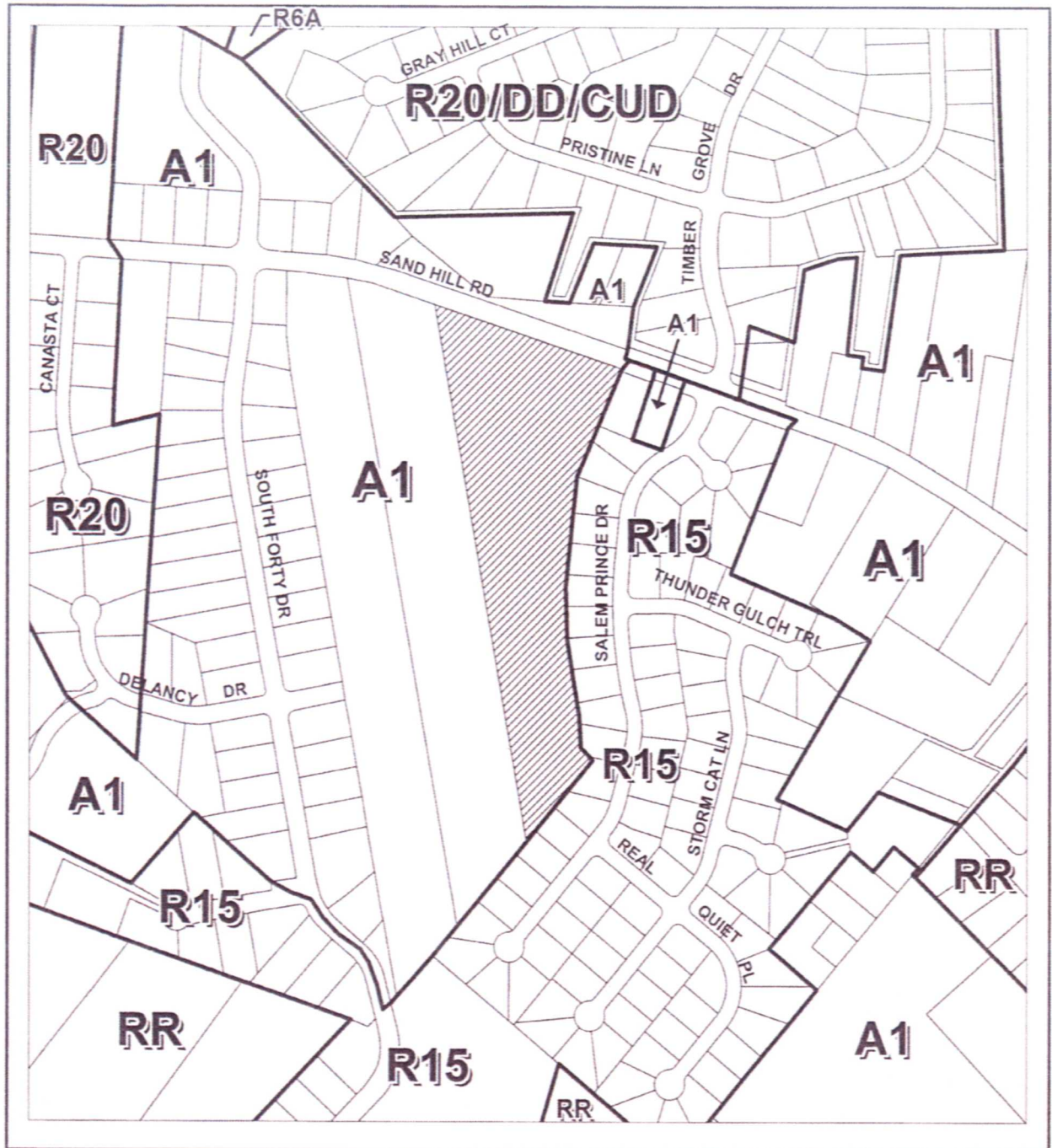
Highway Plan: Sand Hill Road is identified in the Highway Plan as a major thoroughfare. The plan calls for widening to a multi-lane facility. This is a priority #2 in the Highway Portion of the LRTP

Notes:

1.	<u>Density:</u>	<u>Density minus 15% for R/W:</u>
	A1 – 6 lots/units	A1 – 5 lots/units
	R40 – 14 lots/units	R40 – 12 lots/units
	R30 – 18 lots/units	R30 – 15 lots/units
	R20 – 27 lots/units	R20 – 23 lots/units
	R15 – 36 lots/units	R15 – 31 lots/units

First Class and Record Owners' Mailed Notice Certification

A certified copy of the tax record owner(s) of the subject and adjacent properties and their tax record mailing address is contained within the case file and is incorporated by reference as if delivered herewith. The record owners' acknowledgement of notice is also included in the case file.



REQUESTED REZONING A1 TO R15

ACREAGE: 12.38 AC.+/-	HEARING NO: P10-34	
ORDINANCE: COUNTY	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

PIN: 0433-61-8321

Lori Epler,
Chair
Cumberland County

Roy Turner,
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

August 10, 2010

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Walter Clark,
Sara E. Piland,
Cumberland County

Benny Pearce,
Town of Eastover

Donovan McLaurin
Wade, Falcon, & Godwin

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

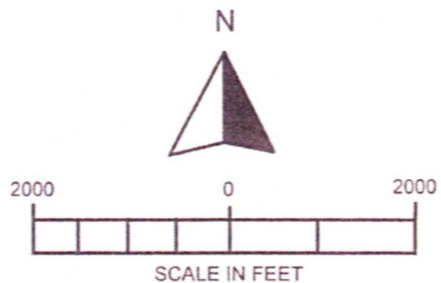
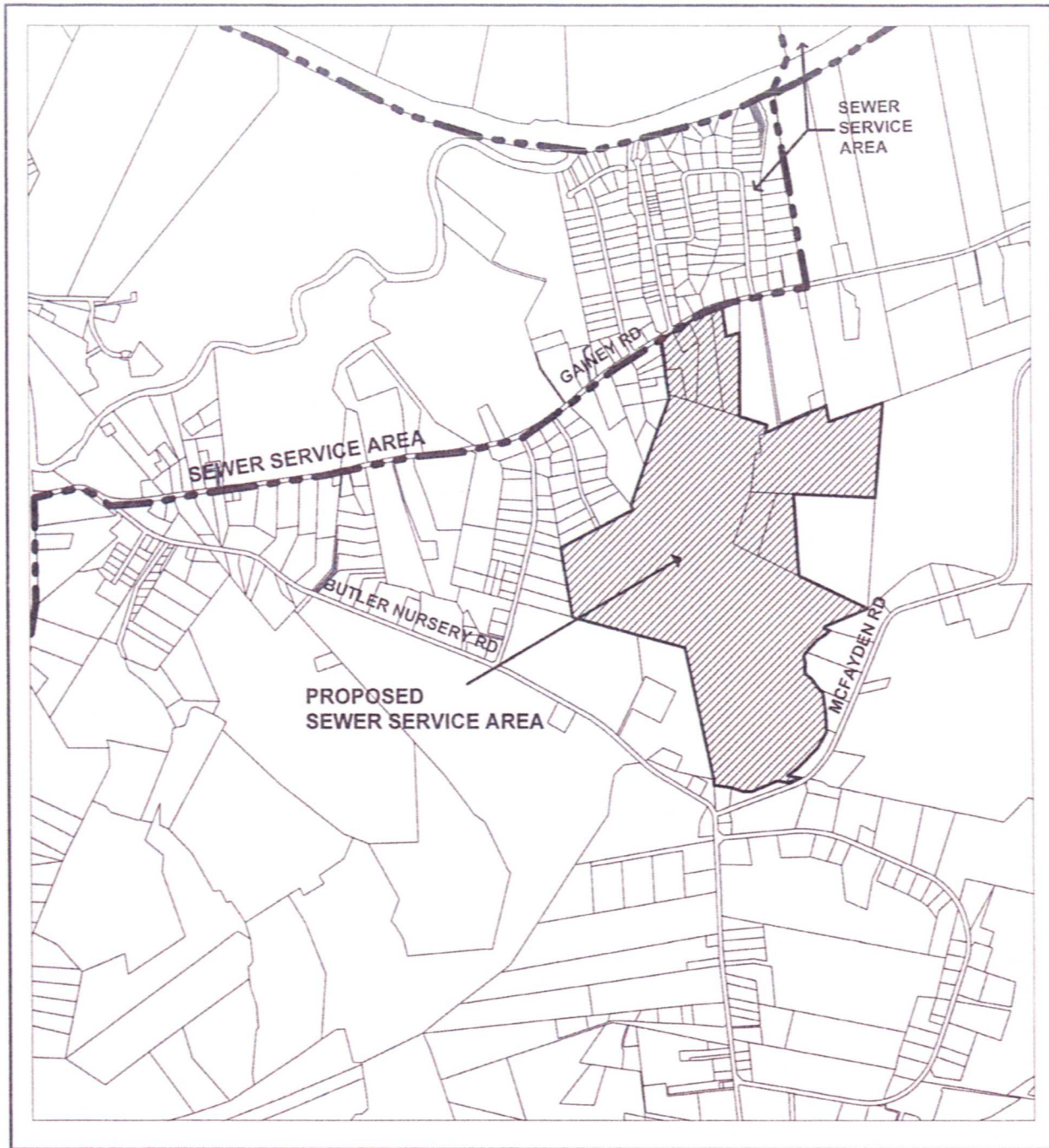
SUBJECT: Staff Recommendation for August 17, 2010 Board Meeting

P10-36. CONSIDERATION OF A REQUEST FOR EXPANSION OF THE SEWER SERVICE AREA TO INCLUDE 302 +/- ACRES CONSISTING OF NINE PARCELS ON THE SOUTH SIDE OF SR 2221 (GAINEY ROAD), WEST OF SR 2223 (MCFAYDEN ROAD) WITH PROPOSED PUBLIC SEWER PROVIDED BY A REGIONAL LIFT STATION TO BE SERVED BY THE GRAYS CREEK WATER AND SEWER DISTRICT; SUBMITTED BY LAWRENCE H. WALSH, PRESIDENT OF RIVER LANDING CENTER, LLC.

The Planning & Inspections Staff recommends approval of the request for expansion of the Sewer Service Area, based on the following:

1. The request is consistent with the 2030 Growth Vision Plan, specifically the portions of the plan addressing infrastructure, and complies with the terms of the agreement that established the Sewer Service Area;
2. The request is consistent with the County Commissioners' commitment to ensure that public water is available to all residents throughout Cumberland County;
3. Allowing the expansion of public water and sewer, fully funded by the developer, will allow for other property owners in the immediate area the opportunity to connect to the public utilities;
4. If the request is approved, the utilities lines will initiate the availability of public water and sewer in the recently created Grays Creek Water and Sewer District, which is intended to serve rural development.
5. Ownership of both the water and sewer lines will belong to the Grays Creek Water and Sewer District.

Attachment:
– Sketch Map



REQUESTED EXPANSION SEWER SERVICE AREA

ACREAGE: 302.0 AC.+/-

HEARING NO: P10-36

ORDINANCE: COUNTY

HEARING DATE

ACTION

STAFF RECOMMENDATION

PLANNING BOARD

GOVERNING BOARD

PIN: 0453-68-6036, 2283, 57-7216, 79-1150
 PIN: 0454-50-9332-,6363,3341,2121,4617

Lori Epler,
Chair
Cumberland County

Roy Turner,
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

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Walter Clark,
Sara E. Piland,
Cumberland County

Benny Pearce,
Town of Eastover

Donovan McLaurin
Wade, Falcon, & Godwin

August 10, 2010

MEMORANDUM

TO: Cumberland County Joint Planning Board
FROM: Planning & Inspections Staff
SUBJECT: Staff Recommendation for August 17, 2010 Board Meeting

P10-37: REZONING OF 302+/- ACRES FROM A1 AGRICULTURAL AND R40 RESIDENTIAL TO R20 RESIDENTIAL/CUD CONDITIONAL USE DISTRICT FOR A 565 LOT RESIDENTIAL DEVELOPMENT AND THE PERMIT OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE SOUTH SIDE OF SR 2221 (GAINEY ROAD), WEST OF SR 2223 (MCFAYDEN ROAD); SUBMITTED BY MOORMAN, KIZER & REITZEL, INC., ROBERT L. TOWNSEND, WELDON J. JACKSON AND SARAH J. MATTHEWS (OWNERS) AND JOHN KOENIG FOR RIVER LANDING CENTER, LLC.

The Planning & Inspections Staff recommends approval of the requested rezoning to R20 Residential/ Conditional Use District (R20/CUD) for a 565 lot residential development based on the following:

1. The request for an average lot size of 20,000 square feet is consistent with the 2030 Growth Vision Plan, which calls for "rural areas" at this location; and
2. The request is reasonable because with the voluntary extension of public water and sewer it exceeds the location criteria for "suburban density residential" as listed in the Land Use Policies Plan of the 2030 Growth Vision Plan and would meet the criteria of the plan without the extension of public sewer – the location criteria supports approval of up to 664 residential lots for this tract.

The Planning & Inspections Staff also recommends approval of the Conditional Use Permit based on the following:

1. The use will not materially endanger the public health or safety if located according to the plan submitted, the proposed site layout is designed in such a manner that at a minimum the development standards of the ordinances are met or exceeded;

2. The use and proposed development will meet or exceed all required conditions and specifications if developed according to the site plan, application and the attached *Ordinance Related Conditions*;
3. The use will maintain or enhance the value of adjoining or abutting properties if developed as proposed, this proposal is for a high quality residential development on approximately one half acre lots, including neighborhood amenities such as a regulation sized soccer field, clubhouse, neighborhood pool and the preservation of approximately 33 percent of the tract (97+/- acres) as green space;
4. 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 – most residential lots in the general area range from one half acre to one acre lots - and in general will be developed in conformance with the development ordinances and adopted planning policies.

There are no other suitable zoning districts to be considered for this site.

All attached *Ordinance Related Conditions* have been agreed to.

Attachments:

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

P10-37
SITE PROFILE

P10-37: REZONING OF 302+/- ACRES FROM A1 AGRICULTURAL AND R40 RESIDENTIAL TO R20 RESIDENTIAL/CUD CONDITIONAL USE DISTRICT FOR A 565 LOT RESIDENTIAL DEVELOPMENT AND THE PERMIT OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE SOUTH SIDE OF SR 2221 (GAINNEY ROAD), WEST OF SR 2223 (MCFAYDEN ROAD); SUBMITTED BY MOORMAN, KIZER & REITZEL, INC., ROBERT L. TOWNSEND, WELDON J. JACKSON AND SARAH J. MATTHEWS (OWNERS) AND JOHN KOENIG FOR RIVER LANDING CENTER, LLC.

Site Information:

Frontage & Location: 936.00'+/- on SR 2221 (Gainney Road)

Depth: 6,400.00'+/-

Jurisdiction: Cumberland County

Adjacent Property: No

Current Use: 1 dwelling, 1 manufactured dwelling, farmland & woodlands

Initial Zoning: A1 & R40 – March 1, 1994 (Area 17)

Nonconformities: None

Zoning Violation(s): None

Surrounding Zoning: North: RR, R20 & A1; South: R40, R40A & A1; East: R40 & A1; West: C3, R40, R40A & RR

Surrounding Land Use: Residential (including manufactured dwellings), farmland and woodlands

2030 Land Use Plan: Rural and Conservation

Special Flood Hazard Area (SFHA): Yes; base flood varies from 74 msl to 77 msl (NAVD)

Water/Sewer Availability: Grays Creek Water & Sewer District

Sewer Service Area: Applicant has applied to expand the SSA to include subject properties

Soil Limitations: Yes, hydric – RO Roanoke and Wahee loams and WmB Wickham fine sandy loam

School Capacity/Enrolled: Alderman Road Elementary: 750/697; Gray's Creek Middle 1,000/861; Gray's Creek High 1,270/1,219

Subdivision/Site Plan: If approved, "Ordinance Related Conditions" apply

Average Daily Traffic Count (2008): 1,100 on SR 222 (Gainney Road)

Recreation Area: Arnette Park located 4.21+/- miles away

Highway Plan: There are no road improvements/constructions specified for this area. This case has no impact on the current Highway Plan or Transportation Improvement Program

Notes:

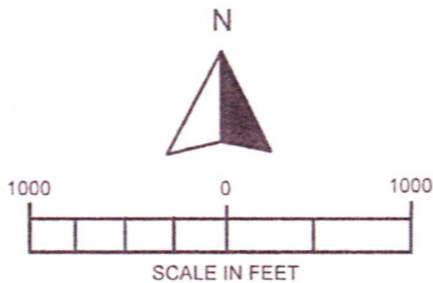
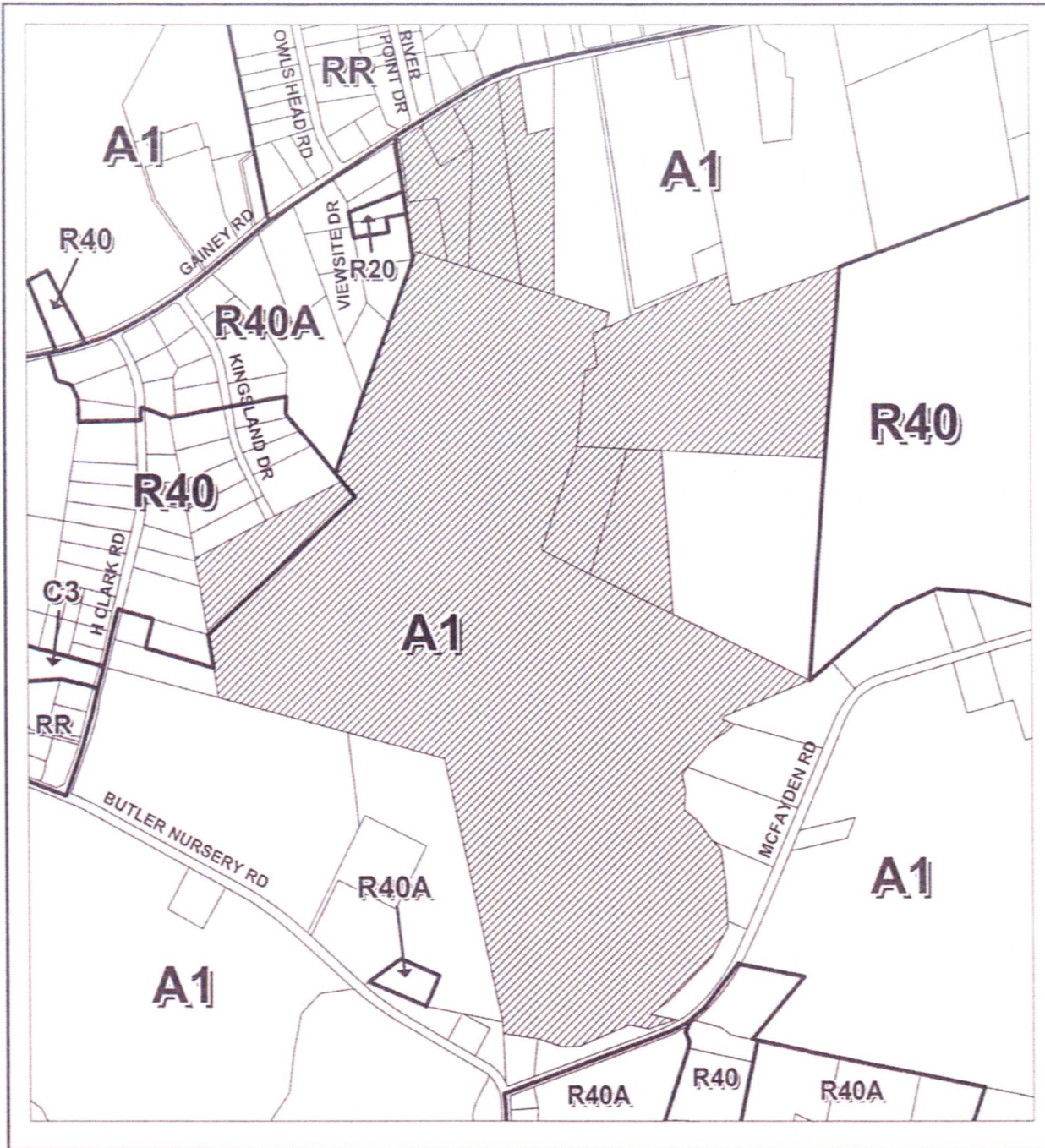
1. a. R20/CUD with the Permit restricting the site to 565 lots (1.9 units per acre); and
b. Total open space (common area): 97 +/- acres (approximately 33% of the 302+/- acre tract)
2. Density (minus 15% for r/w*):

A1 – 128 lots	R20 & RR – 559 lots
R40 – 280 lots	R15 – 746 lots
R30 – 373 lots	R7.5 – 1,491 lots

* Developer's request accounts for 14% of land in right-of-way
3. Minimum 20' buffer surrounding site
4. Amenities include clubhouse, pool, soccer field and lake

First Class and Record Owners' Mailed Notice Certification

A certified copy of the tax record owner(s) of the subject and adjacent properties and their tax record mailing address is contained within the case file and is incorporated by reference as if delivered herewith. The record owners' acknowledgement of notice is also included in the case file.



PIN: 0453-68-6036,2283, 57-7216, 79-1150
 PIN: 0454-50-9332,6363,3341,2121,4617

REQUESTED REZONING A1 & R40 TO R20/CUD

ACREAGE: 302.0 AC.+/-		HEARING NO: P10-37	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

R20/Conditional Use District & Permit

DRAFT

Ordinance Related Conditions

Permit-Related:

1. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the County Zoning Ordinance and permits required to place any structure within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. For additional information, the developer should contact a Code Enforcement Officer.
2. Connection to public water and sewer is required, the Gray's Creek Water & Sewer District must approve water and sewer plans prior to application for any permits. A copy of the Grays Creek Water & Sewer District's approval must be provided to Code Enforcement at the time of application for building/zoning permits. (Section 2306 A.1, Public Water and Sewer Systems County Subdivision Ordinance)
3. New development where the developer will disturb or intends to disturb more than one acre of land is subject to the Post-Construction Stormwater Management Permitting Program (Phase II Stormwater Management Requirements) administered by the Division of Water Quality, North Carolina Department of Environment and Natural Resources. If one acre or more of land is to be disturbed, prior to the issuance of any building/zoning permits for this site, a copy of the State's *Post-Construction Permit* must be provided to County Code Enforcement.
4. For any new development where the developer disturbs or intends to disturb more than one acre of land, the developer must provide the Code Enforcement Section with an approved NC Department of Environment and Natural Resources (NCDENR) sedimentation and erosion control plan (S&E) prior to any application for permits. (Note: If any retention/detention basins are required for state approval of this plan, then three copies of a revised plan must be submitted and approved by Planning & Inspections prior to application for any building/zoning permits.) A copy of the NCDENR approval must be provided to Code Enforcement at the time of application for any building/zoning permits.
5. The *Special Flood Hazard Area* (SFHA) exists on this tract; any development within SFHA must have first flood elevations, including all mechanical and electrical equipment above base flood elevation (BFE) plus two feet of freeboard. Proper flood plain development permits are required, issued by the County Engineer, prior to any building/permit application. A copy of the approved flood plain permit must be provided to Code Enforcement at the time of building/zoning permit applications.
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.
7. The developer must formally notify the NC Department of Transportation once construction of the public streets are complete and initiate the process of transferring the responsibility of road maintenance to the NCDOT. If application to the NCDOT District Engineer has not been formally submitted by the time building permits have been issued for 75% of the lots shown on the platted portion of the development, no additional building permits can be issued until the NCDOT District Engineer notifies this department of the receipt of the application.

Site-Related:

8. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Zoning Ordinances for the R20/CUD zoning district and the conditions of the Permit must be complied with, as applicable.
9. All corner lots and lots fronting more than one street must provide front yard setbacks from each street.
10. This conditional approval is not approval of any freestanding signs. If a freestanding sign is desired, re-submittal of the site plan is required for staff review and approval 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.)

If the developer desires a subdivision entrance sign within the median at the entrance to this development, the NC Department of Transportation must grant their approval prior to construction or emplacement of the sign.

11. All applicable provisions of Section 2401, "Group Developments", County Subdivision Ordinance, must be complied with.
12. The proposed swimming pool cannot be located closer than 50 feet from any property line or street right-of-way and must have a fence erected to a minimum height of four feet that completely encloses the portion of yard containing the pool and include a gate that can be securely fastened. The horizontal/vertical spacing in the fence is required to be a maximum of four inches and at a minimum the fence must comply with the guard opening limitations for spacing established in the NC Building Code § R312.2 (2006) or later versions as amended.
13. For any new development, an adequate drainage system must be installed by the developer in accordance with the NC Department of Environment and Natural Resources' (NCDENR) *Manual on Best Management Practices* and all drainage ways must be kept clean and free of debris. (Section 2306 D, County Subdivision Ordinance)
14. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision Ordinance)
15. The proposed stormwater utility structures required by the NC Department of Environment and Natural Resources (NCDENR) must be secured with a minimum four foot high fence with a lockable gate, and are required to be maintained, including keeping them clear of debris and taking measures for the prevention of insect and rodent infestation.
16. 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.
17. The developer must obtain a driveway permit from the NC Department of Transportation (NCDOT). The NCDOT has indicated that a Traffic Impact Analysis (TIA) will be required. A copy of the approved driveway permit must be provided to Code Enforcement at the time of application for building/zoning permits.
18. The NC Department of Transportation (NCDOT) must approve the street plans and the street(s) are required to be constructed to the NCDOT standards for secondary roads.
19. Turn lanes will be required by the NC Department of Transportation (NCDOT).

Plat-Related:

20. Prior to submission for final plat approval, a concrete sidewalk must be constructed along one side of all streets and along any abutting existing collector street. (Section 2305, Sidewalks, County Subdivision Ordinance) (*Also see related Condition No. 36 below.*)
21. If it is determined that the Grays Creek Water and Sewer District is capable of supplying sufficient water pressure to operate fire hydrants, hydrants must be installed along all proposed streets and drives; hydrants must be located no further than 1,000 feet apart and at a maximum of 500 feet from any lot. (Section 2306 B, Fire hydrants, County Subdivision Ordinance) (*Also see related Condition No. 36 below.*)
22. The proposed development is located in a Special Flood Hazard Area (SFHA). The final plat must show the limits of the SFHA; information may be obtained from the County Engineer's office or the Federal Emergency Management Agency's (FEMA) website at www.ncfloodmaps.com. Any development within the SFHA is subject to the requirements of the County Flood Damage Prevention Ordinance administered by the County Engineering Department.
23. The proposed road which is stubbed along the eastern side of this development either stub directly to the parcel identified by PIN: 0453-77-3945 (Goforth Tract) or pulled back and properly ended with a cul-de-sac or a hammerhead turnaround.

24. The developer is required to submit to Land Use Codes:

- a. Three copies of proposed covenants, by-laws and articles of incorporation for the proposed development designating responsibility for maintenance and up keep of the recreational/open space areas, clubhouse, and detention ponds by the owners' association for the development;
- b. One copy of the deeds proposed for recordation conveying all common area to the proposed owners association;
- c. One copy of any proposed supplemental covenants if the proposed development is to be submitted for final approval in phases; and
- d. Two copies of each proposed final plat prior to the submission for final approval – can be a phase of the approved development or the complete development as approved.

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.

25. The developer must contact Street Naming and Addressing for approval of proposed street names for this development. The approved street names must be reflected on the final plat(s).
26. 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 and Addressing 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.
27. "Kingsland Drive" be labeled as "SR 3922 (Kingsland Drive)" on the final plat.
28. 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.
29. 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.
30. All lots within this development must be served by the internal street system and a "no access" easement must be reflected on the final plat along SR 2221 (Gainey Road) on the open space area.
31. A 10' x 70' sight distance easement is required at the intersection of SR 2221 (Gainey Road) with the proposed street entrance and must be reflected on the final plat.
32. 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)
33. The median strip right-of-way entrance must be designed so that the minimum right-of-way width is not less than 70 feet and the median strip cannot be less than 10 feet wide.
34. 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.
35. 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)
36. 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.)

37. The final plat must be submitted to Land Use Codes for review and approval for recording with the County Register of Deeds, and the plat must be recorded prior to any permit application for any structure and/or prior to the sale of any lot or unit within this development.

Plat-Required Statements:

38. 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:

39. The applicant is advised to consult an expert on wetlands before proceeding with any development. There may be wetlands located in the project area that are subject to the permit requirements of Section 404 of the Clean Water Act. To avoid a violation of federal and/or state law, it is recommended the developer contact the Office of the Army Corp of Engineers or hire an environmental consultant to identify and delineate any wetlands in the project area prior to construction. A Section 404 permit will be required if the applicant needs to fill wetlands and the permit must be obtained prior to any construction on this site.
40. 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.
41. The developer(s) and any future lot owners are responsible for the maintenance and upkeep of the streets until such time the streets are added to the State system by the NC Department of Transportation (NCDOT) for maintenance purposes. The developer is advised to give notice of the street status to any future lot owners in the event the lots are conveyed prior to the NCDOT's acceptance.

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):

Improvements Inspections:	Jeff Barnhill	678-7765
Subdivision/Site Plan/Plat	Ed Byrne	678-7609
Code Enforcement (Permits):	Ken Sykes	321-6654
County Engineer's Office:	Wayne Dudley	678-7636
County Utilities/Grays Creek W&S District:	Tom Cooney	678-7682
Corp of Engineers (wetlands):	Crystal C. Amschler	(910) 251-4170
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):	David Plummer	486-1496
N.C. Division of Water Quality:	Mike Randall	(919) 733-5083 ext. 545

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: River Landing Center, LLC. (John Koenig & Larry Walsh)
2. ADDRESS: 6200 Ramsey Street, Fayetteville, NC ZIP CODE: 28311
3. TELEPHONE: (Home) _____ (Work) 910-391-2977
4. Location of Property: North of McFayden Road & South of Gainey Road at the terminus of Kings Land Drive. Over 900 feet of frontage on Gainey Road.
5. Parcel Identification Number (PIN #) of subject property: 0453-68-6036, 0453-79-1150, 0453-57-7216, 0453-68-2283, 454-50-9332, 454-50-6363, 454-50-3341, 454-50-2121, 454-50-4617
(also known as Tax ID Number or Property Tax ID)
6. Acreage: ±305.53 Ac. Frontage: 936 feet Depth: Varies
7. Water Provider: Proposed PWC
8. Septage Provider: Proposed PWC
9. Deed Book 1) 2381 2) 2335 3) 2586 1) 700 2) 068 3) 782 4) 3508 5) 7093 6) 2359, Page(s) 4) 740 5) 182 6) 246, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
10. Existing use of property: Existing Woodlands
11. Proposed use(s) of the property: A single family residential community with open space and an amenity center with a pool and soccer field.

NOTE: Be specific and list all intended uses.

12. It is requested that the foregoing property be rezoned FROM: R40 & A1

TO: (select one)

- X Conditional Use District, with an underlying zoning district of R-20
(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)

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.)

- Single family residential lots
- Open space
- Stormwater control facilities
- Clubhouse with parking (Only for use of residents)
- Swimming pool
- Soccer field

- 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.

Approximate Area Usage

1) Single family lots & streets -----±190 ac.
2) Stormwater treatment facilities-----±19 ac.
3) Open space & amenity center area----±97 ac.
Proposed residential density
Considering 15% for roadways-----565 Units

2. DIMENSIONAL REQUIREMENTS:

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

Front – 30'
Rear – 35'
Side – 5'

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

N/A

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.

Signs as allowed in Section 1306-A-2

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.**

N/A

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

-A minimum of 20 feet wide existing trees & vegetation shall remain around the entire community. Most areas have wider buffers.

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.

N/A

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.

✓ 1) Moorman, Kizer & Reitzel, Inc., Profit Sharing Trust, James M. Kizer & Jeffrey B Reitzel, Trustees
 ✓ 2) Robert L. Townsend
 ✓ 3) Weldon J. Jackson and Sarah J. Matthews

 NAME OF OWNERS (PRINT OR TYPE)

✓ 1) PO Box 53774, Fayetteville, NC 28305 4) Matthews-820-3 Sage Creek Ln, Fayetteville, NC 28305
 ✓ 2) RT. 1, Box 384, St. Pauls, NC 28384
 ✓ 3) Jackson-9615 Rockfish Rd, Raeford, NC 28376

 ADDRESS OF OWNER(S)

1) 910-484-5191

HOME TELEPHONE #

WORK TELEPHONE #

✓ James M. Kizer, Trustee

 SIGNATURE OF OWNER(S)

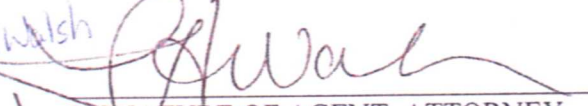
✓ Jeffrey B. Reitzel, Trustee

 SIGNATURE OF OWNER(S)

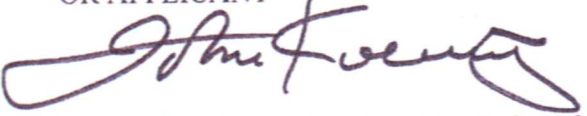
↓ River Landing Center, LLC. (John Koenig & Larry Walsh)
 NAME OF AGENT, ATTORNEY, APPLICANT (by assign) (PRINT OR TYPE)

6200 Ramsey Street, Fayetteville, NC 28311
 ADDRESS OF AGENT, ATTORNEY, APPLICANT

910-480-2728 HOME TELEPHONE # 910-391-2977 WORK TELEPHONE #

Lawrence Walsh


↓ SIGNATURE OF AGENT, ATTORNEY OR APPLICANT



 910-865-5036

Sarah P. Matthews 483-0932
William J. ... 483-5905

- * 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.

Lori Epler,
Chair
Cumberland County

Roy Turner,
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

August 10, 2010

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Walter Clark,
Sara E. Piland,
Cumberland County

Benny Pearce,
Town of Eastover

Donovan McLaurin
Wade, Falcon, & Godwin

MEMORANDUM

TO: Cumberland County Joint Planning Board
FROM: Planning & Inspections Staff
SUBJECT: Staff Recommendation for August 17, 2010 Board Meeting

P10-35: REZONING OF 2.36+/- ACRES FROM R10 RESIDENTIAL TO O&I(P) PLANNED OFFICE AND INSTITUTIONAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON BOTH SIDES OF SR 2950 (BUIE AVENUE), NORTHWEST OF SR 1132 (LEGION ROAD); SUBMITTED BY WILLIAM VINES ON BEHALF OF CHURCH OF GOD OF PROPHECY (OWNER) AND BETTY ALLEE.

The Planning & Inspections Staff recommends denial of the O&I(P) Planned Office and Institutional district based on the following:

1. The district requested is not consistent with the location criteria for Office and Institutional development as listed in the Land Use Policies Plan of the 2030 Growth Vision Plan as it does not serve as a transition between commercial and residential use;
2. The request, if approved, will allow for the encroachment of non-residential zoning into a residential area;
3. The request, if approved, would lead to strip non-residential development going south down Legion Road with no logical end until Ireland Drive; and
4. The request is not consistent with the surrounding land use.

There are no other districts considered suitable for this request.

Attachments:

- 1 – Site Profile
- 2 – Sketch Map

P10-35
SITE PROFILE

P10-35: REZONING OF 2.36+/- ACRES FROM R10 RESIDENTIAL TO O&I(P) PLANNED OFFICE AND INSTITUTIONAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON BOTH SIDES OF SR 2950 (BUIE AVENUE), NORTHWEST OF SR 1132 (LEGION ROAD); SUBMITTED BY WILLIAM VINES ON BEHALF OF CHURCH OF GOD OF PROPHECY (OWNER) AND BETTY ALLEE.

Site Information:

Frontage & Location: 300.33'+/- on SR 1132 (Legion Road) & 306.94'+/- on SR 2950 (Buie Avenue)

Depth: 306.94'+/-

Jurisdiction: Cumberland County

Adjacent Property: Yes, northeast of subject property

Current Use: Day Care Facility

Initial Zoning: R10 – November 17, 1975 (Area 4)

Nonconformities: None

Zoning Violation(s): None

Surrounding Zoning: North: M(P)/CU (to allow M2 setbacks), C(P)/CUD (to allow an ice house), M(P), C(P), C1(P), RR & R10; South: R5A/CU (to allow an insurance office), R10, R5 & R5A; East: R10/CU (to allow hairdressing) & R10; West: R10 & R6A

Surrounding Land Use: Residential, recycling facility, trade contractor, restaurant, exterminating services, barbering, substation, office & religious worship

2030 Land Use Plan: Urban

Special Flood Hazard Area (SFHA): None

Water/Sewer Availability: PWC/ Septic

Soil Limitations: None

School Capacity/Enrolled: Elizabeth Cashwell Elementary: 675/769; South View Middle: 900/725; South View High: 1,800/1,838

Subdivision/Site Plan: If approved, any future development will require a review

Municipal Influence Area: City of Fayetteville

Average Daily Traffic Count (2008): 15,000 on SR 1132 (Legion Road)

Highway Plan: Legion Road is identified in the highway plan as a major thoroughfare. This proposal calls for a multi-lane facility (U-2809) with a right-of-way of 100 feet. Road improvements are included in the 2009-2015 MTIP

Notes:

1. Site plan conditional approval on 08-05-10 for total of 29 employees and 242 children; Previous SUP approval granted for 13 employees, 92 children

2. Minimum Yard Setback Regulations:

R10

Front yard: 30'

Side yard: 10'

Rear yard: 35'

O&I(P)

Front yard: 35'

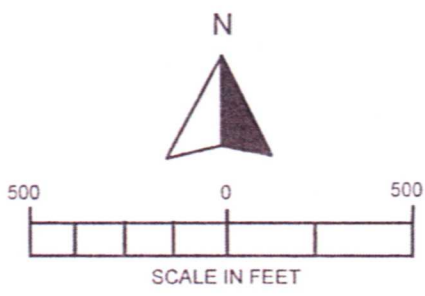
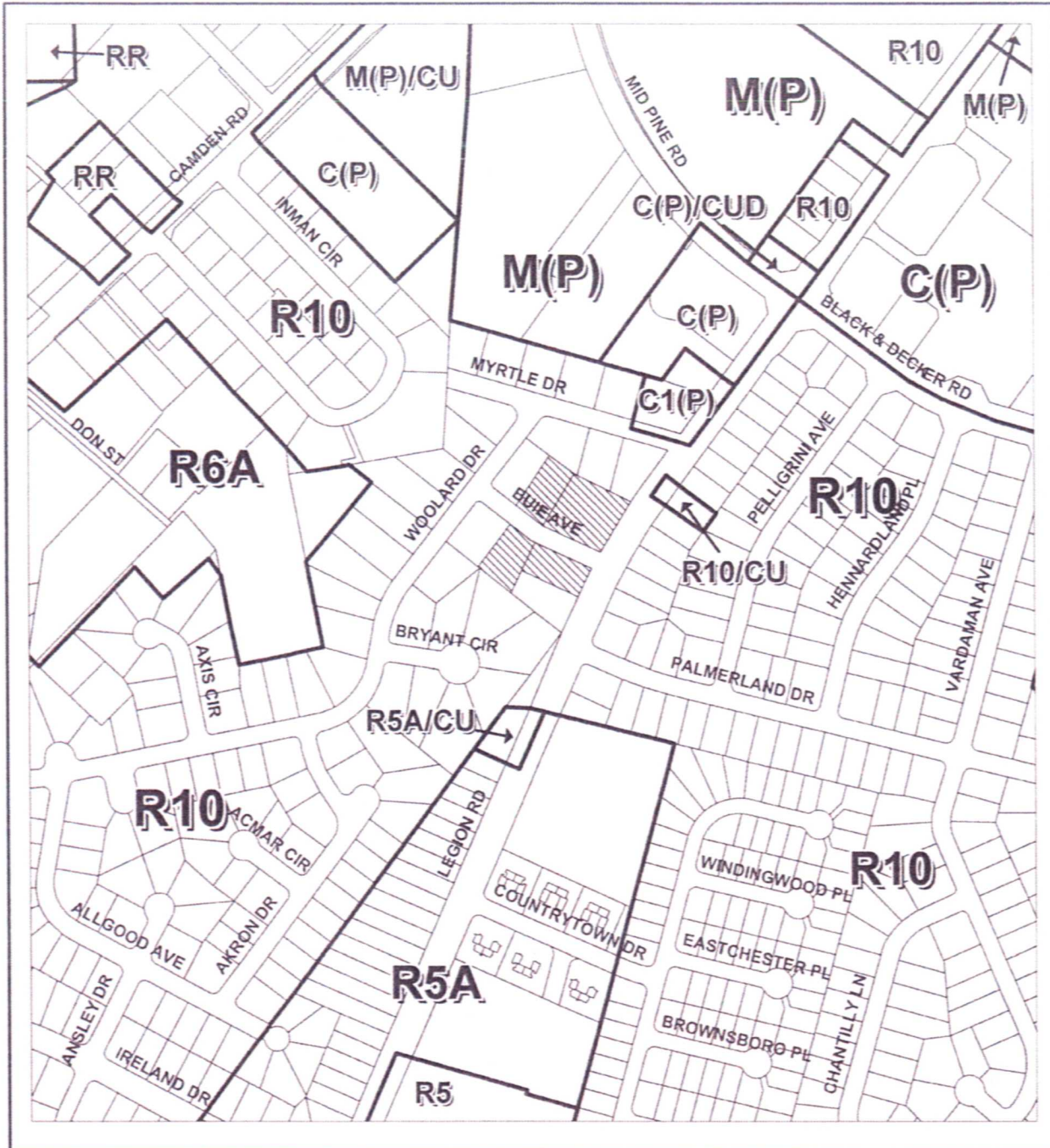
Side yard: 15'

Rear yard: 20'

First Class and Record Owners' Mailed Notice Certification

A certified copy of the tax record owner(s) of the subject and adjacent properties and their tax record mailing address is contained within the case file and is incorporated by reference as if delivered herewith. The record owners' acknowledgement of notice is also included in the case file.

NOTE: IN AOD AREA



REQUESTED REZONING R10 TO O&I(P)

ACREAGE: 2.36 AC.+/-		HEARING NO: P10-35	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

PIN: 0425-45-2399, 0425-45-1433,
0425-45-4508, 0425-45-2665

08/10/10
WL

Lori Epler,
Chair
Cumberland County

Roy Turner,
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

August 10, 2010

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Walter Clark,
Sara E. Piland,
Cumberland County

Benny Pearce,
Town of Eastover

Donovan McLaurin
Wade, Falcon, & Godwin

MEMORANDUM

TO: Cumberland County Joint Planning Board
FROM: County Planning Staff
SUBJECT: Staff Recommendation for August 17, 2010 Board Meeting

P10-28: REZONING OF 1.05+/- ACRES FROM R6 RESIDENTIAL TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 612 MONT DRIVE; SUBMITTED BY CHARLES W. AND GWENDOLYN B. WORTHY (OWNERS). (SPRING LAKE)

At the July 20, 2010 Joint Planning Board meeting, the property owner voluntarily agreed to a deferral in order to give him time to consider amending the request for rezoning to a Conditional Use District and Permit (CUD) application. Since that time the property owner has submitted the amended application and is now requesting approval of a C(P)/CUD for a towing / motor vehicle storage business and approval of the Permit. The County Planning Staff recommends denial of the requested rezoning to C(P) Planned Commercial/CUD based on the following:

1. Approval of the request for the area in which the subject property is located is not consistent with the location criteria for heavy commercial uses as listed in the Land Use Policies Plan of the 2030 Growth Vision Plan – subject property does not have direct access to a collector street, is located in an area that is primarily residential, and is not located within an Activity Node – and is not consistent with the Spring Lake Area Detailed Land Use Plan which calls for medium density residential at this location;
2. The nearby existing commercially zoned properties front on and take access from NC Hwy 87 N, which is a major thoroughfare, Mont Drive and Hickory Street, still town owned and maintained streets, were not designed to serve heavy commercial traffic and are not designated business streets;
3. Consideration of the C(P) district at this location is arbitrary and would not serve a viable public purpose, rather if approved would allow for the encroachment of commercial zoning into a residential area; and
4. The degree of difference in uses allowed on the immediately existing surrounding properties served by the same streets and the uses allowed in the requested district qualify this request as being unreasonable.

The County Planning Staff also recommends denial of the Conditional Use Permit based on the following:

1. The location and character of the use, if developed according to the plan as submitted and recommended, will not be in harmony with the area in which it is to be located and will not be developed in conformance with the development ordinances – the immediate area is zoned for and used as residential properties served by

residential streets and although the adjacent property is under the same ownership, the owner is requesting to deviate from the buffer requirements between the subject property and the adjacent lot;

2. The request for the subject property is not in accordance with the adopted Land Use Policies location criteria for heavy commercial, specifically: subject property does not have direct access to a collector street, is located in an area that is primarily residential, and is not located within an Activity Node;
3. This development most likely would endanger the public safety if located according to plan submitted because neither Mont Drive nor Hickory Street are major or minor thoroughfares, both streets provide access for residential properties and therefore, are not suitable nor intended to serve commercial operations;
4. The use is not in harmony with the area in which it is located, the subject property and the immediate adjacent properties are served by residential streets that were not designed or intended to serve commercial traffic, while the nearby commercial properties are served by a major thoroughfare; and
5. The degree of difference in this specific use requested and the site layout as related to the existing surrounding residential uses on residential streets qualifies this request as being unreasonable.

There are no other suitable zoning districts to be considered for this site.

Attachments:

- 1 – Site Profile
- 2 – Rezoning Sketch Map
- 3 – Site Plan
- 4 – Draft Ordinance Related Conditions (only use if considered for approval)
- 5 – Application

P10-28
SITE PROFILE

P10-28: REZONING OF 1.05+/- ACRES FROM R6 RESIDENTIAL TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 612 MONT DRIVE; SUBMITTED BY CHARLES W. AND GWENDOLYN B. WORTHY (OWNERS). (SPRING LAKE)

Site Information:

Frontage: 135.55'+/- on Mont Drive and 198.92' on Hickory Street

Depth: 292.00'+/-

Jurisdiction: Town of Spring Lake

Adjacent Property: Yes, south of subject property

Current Use: Vacant

Initial Zoning: R6 – January 10, 1972 (Spring Lake)

Nonconformities: Accessory structure on subject property with no primary residence

Zoning Violation(s): None

Surrounding Zoning: North: PND, C3, C(P), R10, R6, R6A, R5 & R5A; South: PND, M2, C3, C(P), C1, O&I, R10, R6 & R6A; East: R6 & R6A; West: PND, C3 & C(P)

Surrounding Land Use: Residential (including manufactured homes and multi-family), convenience retail w/ gasoline sales, motor vehicle sales, dry cleaning, motor vehicle washing, retailing (2), bank, pawn shop, second-hand shop, mini-warehousing, vacant commercial, day care, manufactured home park & woodlands

Spring Lake Area Detailed Land Use Plan: Medium density residential

Special Flood Hazard Area (SFHA): No

Water/Sewer Availability: Spring Lake/Spring Lake

Soil Limitations: None

School Capacity/Enrolled: Lillian Black Elementary: 265/177; Spring Lake Middle: 700/438; Pine Forest High: 1,750/1,494

Subdivision/Site Plan: Review required prior to new development

Average Daily Traffic Count (2008): 35,000 on NC 87 (N Bragg Boulevard) – No data available for Mont Drive or Hickory Street

POPE AFB: No objection, property not located within an Accident Potential Zone (APZ) or critical noise area.

Highway Plan: This portion of Bragg Blvd. is identified as an existing Expressway that needs improvements. It is part of the NC Strategic Highway Corridors network. The corridor is not included in the Transportation Improvement Program

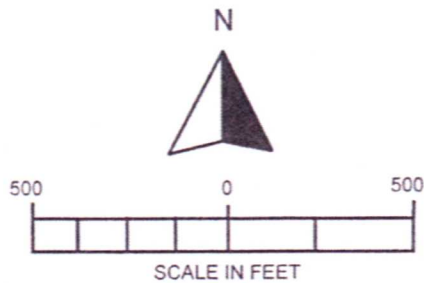
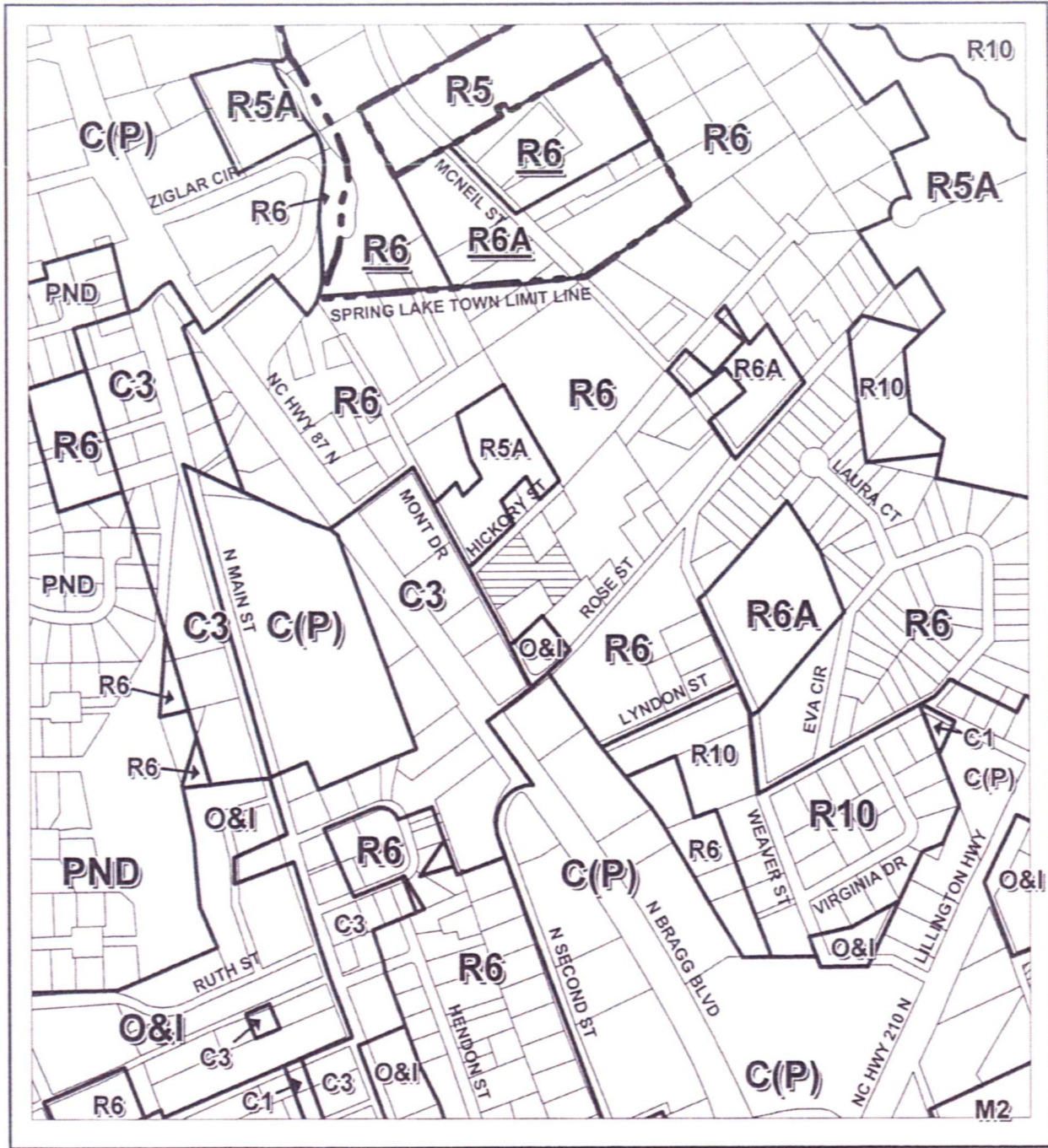
Notes:

1. Density:
R6 – 10 lots/units

2. C(P) Minimum Yard Setback Regulations:
 - Front yard: 50'
 - Side yard: 30'
 - Rear yard: 30'

First Class and Record Owners' Mailed Notice Certification

A certified copy of the tax record owner(s) of the subject and adjacent properties and their tax record mailing address is contained within the case file and is incorporated by reference as if delivered herewith. The record owners' acknowledgement of notice is also included in the case file.

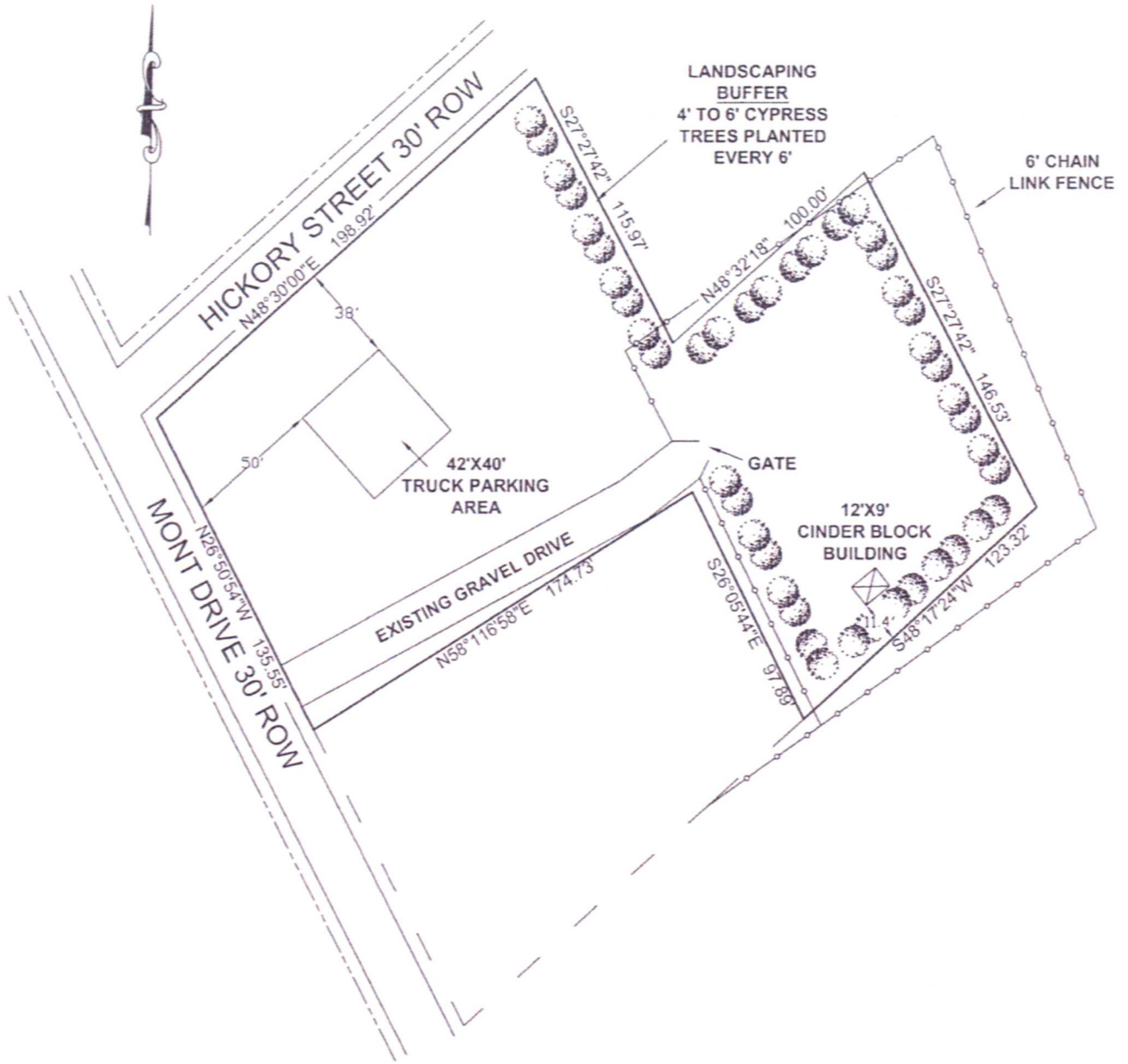


PIN: 0501-78-1475

REQUESTED REZONING R6 TO C(P)/CUD

ACREAGE: 1.05 AC.+/-	HEARING NO: P10-28	
ORDINANCE: SPRING LAKE	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

AF
6/17/10
7/23/10



CONDITIONAL USE DISTRICT & PERMIT
REQUEST: FOR AN AUTO TOWING AND STORAGE FACILITY
CASE: P10-28 ACREAGE: 1.05 AC+/-
SCALE: 1"=60' PARKING: AS SHOWN
 *SCALED DETAILED SITE PLAN IN FILE AVAILABLE FOR REVIEW UPON REQUEST

C(P) Conditional Use District & Permit

DRAFT

Ordinance Related Conditions:

Revision Required:

1. Landscaping must be provided in accordance with Section 156.088.1, Landscape Requirements, Spring Zoning Chapter. Four copies of a revised site plan depicting the landscaping must be submitted to the County Planning Department. The following are the minimum standards for the required landscaping of this site:
 - a. Three large shade trees or five small ornamental trees within the minimum six wide perimeter planting strip along Mont Drive;
 - b. Four large shade trees or eight small ornamental trees within the minimum six wide perimeter planting strip along Hickory Street;

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.

Permit-Related:

2. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the County Zoning Ordinance and permits required to place any structure within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. For additional information, the developer should contact a Code Enforcement Officer.
3. The Town's Plan Review Committee requirements must be complied with and in the event any significant changes to the site plan are necessary to satisfy the Plan Review Committee's requirements, re-submittal of the site plan may be required.
4. Any new connection to water or sewer then connection to public water and sewer is required, the Town of Spring Lake must approve water and sewer plans prior to application for any permits. A copy of the Town of Spring Lake's 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 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 Spring Lake Stormwater Department. 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 Town's *Post-Construction Permit* must be provided to Town's Inspections Department.
6. For any new development, the developer must provide the Spring Lake Inspections Department 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 County Planning Staff prior to application for any building/zoning permits.) A copy of the NCDENR approval must be provided to the Town Building Inspector at the time of application for any building/zoning permits.
7. The final occupancy inspection cannot be accomplished until a Town Inspector inspects the site and certifies that the site is developed in accordance with the approved plans.

Site-Related:

8. All uses, dimensions, setbacks and other related provisions of the Spring Lake Subdivision and Zoning Chapters for the C(P)/CUD zoning district must be complied with, as applicable.

Regarding the vehicle storage, not more than four motor vehicles can be located on the site at any one time and each vehicle cannot be stored on this site for a period longer than 30 calendar days. (See related Condition No. 16 below)

9. All corner lots and lots fronting more than one street must provide front yard setbacks from each street.
10. This conditional approval is not approval of any freestanding signs. Attached signage for this development must be in accordance with the applicable sign regulations as set forth in Section 156.110 – 156.121 of the Spring Lake Zoning Chapter and that the proper permit(s) must be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is **not** approval of the size, shape, or location of any signs.)
11. A concrete, or other approved surface material, sidewalks are required to be constructed along one side of all streets. The developer is responsible to contact the Spring Lake Building Inspector for a determination as to whether or not a sidewalk is required along the subject property side of Mont Drive and Hickory Street. If it is determined that sidewalks are required, the sidewalks must be in place prior to the final occupancy inspection.
12. For any new development, an adequate drainage system must be installed by the developer in accordance with good engineering practices and all drainage ways must be kept clean and free of debris with the standards of the Town of Spring Lake, Section 155.67(G), Spring Lake Subdivision Chapter.
13. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground.
14. The developer may be required to obtain a driveway permit from the Town of Spring Lake. If required, a copy of the approved driveway permit must be provided to Town's Inspections Department at the time of application for building/zoning permits.
15. All lighting is required to be directed internally within this development.
16. A solid buffer must be provided and maintained along the side, except for the property shown as Tract 1 (not part of the subject) where the developer has requested a buffer not be required for security purposes. In addition a solid buffer is required to shield any open storage of vehicles from view from the public streets and the surrounding residential properties in accordance with the provisions of Section 156.088.6, Buffers, Spring Lake Zoning Chapter.
17. All dumpsters shall be buffered by an opaque fence a minimum of one foot higher than the trash receptacle with a lockable fence as required by the Solid Waste Ordinance.
18. All required off-street parking spaces shall be a minimum of 8 1/2' x 20'.
19. This conditional approval is not approval of an automobile wrecking and junk and is not conditional approval for commercial storage of or long term parking for motor vehicles.
20. The owner/developer is responsible and liable for maintenance and upkeep of this site, all structures, and appurtenances, to include ensuring that the site is kept free of litter and debris, all grass areas mowed, all buffers and shrubbery kept trim and maintained, so that the site remains in a constant state of being aesthetically and environmentally pleasing.
21. All notes and calculations within the application and as shown on the site plan are to be considered as a part of this conditional approval.

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
Town of Spring Lake:	Paul Hoover (Inspections)	436-0241*
	Tom Spinks	
	Byron Blumenfield (Stormwater)	
	Rhonda Webb (Town Clerk)	
County Planning Spring Lake Rep:	Johnny Scott	678-7603
Corp of Engineers (wetlands):	Crystal C. Amschler	(910) 251-4170
NCDENR (E&S):	Sally McKinney	433-3300
E911 Site-Specific Address:	Ron Gonzales	678-7616
Tax Parcel Numbers:		678-7549

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

TO THE PLANNING BOARD AND THE SPRING LAKE BOARD OF ALDERMEN, SPRING LAKE, NC:

I (We), the undersigned, make application and petition the Board of Aldermen to amend the Zoning Ordinance and to change the zoning map of the Spring Lake as hereinafter requested. In support of this application, the following facts are shown:

The property sought to be rezoned is located:

- A. Address 612 Mont Pl. 28390
(Number, Street/Road Name, and Zip Code)
- B. Located on 612 Mont Pl. Spring Lake
(Name of Street Road)
- C. Tax Parcel Identification Number 0501-78-04-95 (obtain from Tax Supervisor's Office)
- D. Known as Lot(s) # _____ Frontage 116.3 feet Depth _____ Containing 1.05 acres.

The applicant must furnish a correct metes and bounds description of the area to be rezoned. If requesting more than one zoning classification, a metes and bounds description of each adjacent tract to be rezoned must be provided. (Attach a copy of deed(s) to be rezoned.)

The property sought to be rezoned is owned by Garndyn Worthy
Charles Worthy
as evidenced by deed from _____

recorded in Book No. 126, Page 160, Register of Cumberland County.

It is requested that the foregoing property be rezoned from R-6 to C-P ⁽²⁾

Proposed use of property requested for rezoning: _____

Note: This information is not to be used in the consideration of the rezoning request by the Planning Board and/or Board of Aldermen, but to ensure that the correct zoning district has been requested for the proposed or intended use of the property.

Existing use of the property (specify any structures and respective uses):

Existing and/or proposed water service (specify if community system): Town of Spring Lake

Existing and/or proposed sewer service (specify if community system): Town of Spring Lake

Towing operation

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.)

Tow operation + Storage Area 9-5
M-F

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.

N/A

2. DIMENSIONAL REQUIREMENTS (§ 156.087):

Reference either the dimensional requirements of the district or list the proposed setbacks.

SEE SITE PLAN

3. OFF-STREET PARKING AND LOADING (§ 156.100 *et. seq.*)

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

PER SITE PLAN

4. SIGN REQUIREMENTS (§ 156.110, *et. seq.*):

Reference the district sign dimensional regulations. The site plan must reflect any areas for proposed freestanding signs.

NONE

5. LANDSCAPE AND BUFFER REQUIREMENTS (§ 156.088.1, et. seq.):

- 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 - all required landscaping must be included on the site plan.

No Building

- B. Indicate the type of buffering and approximate location, width and setback from the property lines - all required buffering must be included on the site plan.

*Cypress trees. 4-6" every 6ft -
Request no buffer on existing Council Dr.*

6. MISCELLANEOUS:

List any special information related to this petition, such as: the days and hours of the operation, number of employees, exterior lighting, noise, odor and smoke, emission controls, etc.

*Storage operation Monday - Friday
9 AM - 5 PM*

7. SITE PLAN REQUIREMENTS:

The application shall include a site plan drawn to the specifications of § 156.071. If the proposed uses involve development subject to the Town's Subdivision Regulations, 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 Regulations, the site plan shall be of sufficient detail to allow the County Planning Staff, Town 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.

8. 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 County Planning Staff 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 Aldermen 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 Town's most recent 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 County Planning Staff has conferred with the petitioner or assigns, and the application as submitted is accurate and correct.

Charles & Susan Worley by Curtis Worley
NAME OF OWNERS (PRINT OR TYPE)

6370 Lynette Ln. Fayetteville, NC 28314
ADDRESS OF OWNER(S)

(910) 436-0264
HOME TELEPHONE #

(910) 888-3841
WORK TELEPHONE #

[Signature]
SIGNATURE OF OWNER(S)

[Signature]
SIGNATURE OF OWNER(S)

Charles & Susan Worley

Lori Epler,
Chair
Cumberland County

Roy Turner,
Vice-Chair
Cumberland County

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



COUNTY of CUMBERLAND
Planning & Inspections Department

August 10, 2010

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Walter Clark,
Sara E. Piland,
Cumberland County

Benny Pearce,
Town of Eastover

Donovan McLaurin
Wade, Falcon, & Godwin

MEMORANDUM

TO: Cumberland County Joint Planning Board
FROM: Planning & Inspections Staff
SUBJECT: Staff Recommendation for August 17, 2010 Board Meeting

P10-32: REZONING OF 20.87+/- ACRES FROM RR RURAL RESIDENTIAL, R10 RESIDENTIAL AND R6A RESIDENTIAL TO RR RURAL RESIDENTIAL/CUD CONDITIONAL USE DISTRICT FOR A RV PARK/CAMPGROUND AND THE PERMIT OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE SOUTHEAST SIDE OF SR 1003 (CAMDEN ROAD), SOUTHWEST OF NC HWY 162 (ELK ROAD); SUBMITTED BY ROY L. AND CHOM CHU DEAN (OWNERS).

The Planning & Inspections Staff recommends denial of the requested rezoning to RR Rural Residential/ Conditional Use District (RR/CUD) for a RV park/campground based on the following:

1. Although the area in which the subject property is located could be deemed consistent with the Land Use Policies Plan location criteria for "suburban density residential", the specific requested use - RV park/campground - is not consistent with "urban development" in which this area has been designated on the Growth Strategy Map of the 2030 Growth Vision Plan;
2. Consideration of the RR district for this use at this location is arbitrary and would not serve a viable public purpose, RV parks/campgrounds are more appropriate when located within an area that either provides recreational activities or near an interstate or other major road for travelers, not in close proximity to a growing urban area;
3. The degree of difference in uses allowed on the immediate existing surrounding properties and the specific use requested, coupled with the highly probable creation of the long term nonconformity of the existing manufactured home park, qualify this request as being unreasonable; and
4. Believing that RV parks, like other commercial entities are market driven, staff data shows that the mean vacancy rate in the six existing RV parks is 29 percent, thus no current public necessity exists.

Note: In the event the Planning Board considers granting this application a favorable recommendation, the staff requests the board's consideration of CD Conservancy zoning for all land within the Special Flood Hazard Area (SFHA).

The Planning & Inspections Staff also recommends denial of the Conditional Use Permit based on the following:

1. The use could materially endanger the public safety if located according to the plan submitted considering that a large portion of this site is located within a Special Flood Hazard Area (SFHA), has flooded in the past and is likely to flood in the future;
2. The use does not meet all required specifications – the property owner is requesting numerous deviations from the ordinance standards to include relief from proper turnarounds at street endings, numerous setback variances, and use of off-site vegetation to satisfy the on-site buffer requirements;
3. This development could likely diminish the value of adjoining or abutting properties with the creation of a nonconforming manufactured home park that is comingled with transient temporary housing and the use is not a public necessity since there are a total of six existing RV parks/campgrounds in Cumberland County with a occupancy rate of 29 percent, four of the six are located in the Hope Mills area; and
4. The location and character of the use if developed according to the plan as submitted will not be in harmony with the area in which it is to be located and will not be in conformity with the 2030 Growth Vision Plan and adopted planning policies as addressed above.

There are no other suitable zoning districts to be considered for this site.

Attachments:

- 1 – Site Profile
- 2 – Rezoning Sketch Map
- 3 – Site Plan
- 4 – Draft Ordinance Related Conditions (only use if considered for approval)
- 5 – Application

P10-32
SITE PROFILE

P10-32: REZONING OF 20.87+/- ACRES FROM RR RURAL RESIDENTIAL, R10 RESIDENTIAL AND R6A RESIDENTIAL TO RR RURAL RESIDENTIAL/CUD CONDITIONAL USE DISTRICT FOR A RV PARK/CAMPGROUND AND THE PERMIT OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE SOUTH EAST SIDE OF SR 1003 (CAMDEN ROAD) AND SOUTH WEST OF NC HWY 162 (ELK ROAD), SUBMITTED BY ROY L. AND CHOM CHU DEAN (OWNERS).

Site Information:

Frontage & Location: 680.00' +/- on SR 1003 (Camden Road)

Depth: 1,400.00' +/-

Jurisdiction: Cumberland County

Adjacent Property: No

Current Use: Manufactured Home Park

Initial Zoning: R10 – November 17, 1975 (Area 4); portion rezoned to R6 on June 25, 1985; portion rezoned to RR and CD on March 20, 2006

Nonconformities: If approved, existing manufactured home park will become nonconforming

Zoning Violation(s): None

Surrounding Zoning: North: C(P), RR, R10 & R5A; South: RR & R10; East: RR, R10 & CD; West: R10

Surrounding Land Use: Residential (including manufactured homes), manufactured home park, woodlands

2030 Land Use Plan: Urban & Conservation

Special Flood Hazard Area (SFHA): Yes; varies from 110.2 to 114.6 msl (NAVD)

Water/Sewer Availability: PWC/PWC

Soil Limitations: Yes, hydric – JT Johnston loam

School Capacity/Enrolled: C. Wayne Collier Elementary: 600/557; South View Middle: 900/725; South View High: 1,800/1,838

Subdivision/Site Plan: If approved, "Ordinance Related Conditions" apply

Municipal Influence Area: Town of Hope Mills

Average Daily Traffic Count (2008): 13,000 on SR 1003 (Camden Road)

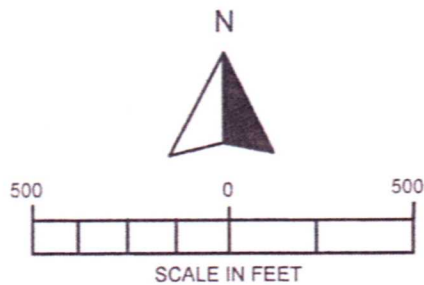
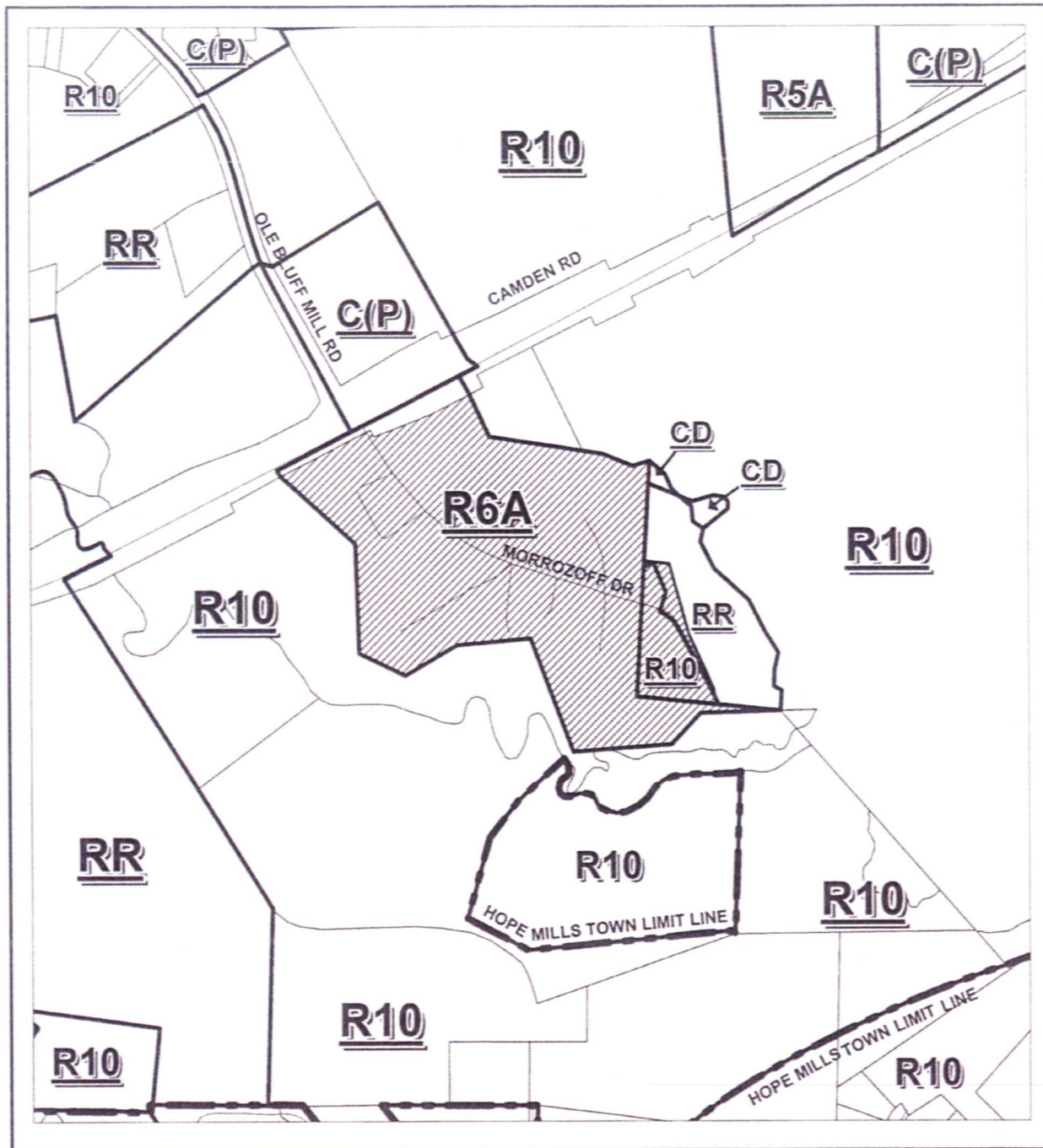
Highway Plan: Camden Road is identified in the highway plan as a major thoroughfare. This proposal calls for a multi-lane facility (U-2810) with a right-of-way of 110 feet. Road improvements are included in the 2009-2015 MTIP.

Notes:

1. Existing manufactured dwellings (once removed) are only to be replaced with RVs or Campers (90 Spaces).
2. In the *Special Flood Hazard Area*, Recreational Vehicles must adhere to North Carolina Floodplain Management standards as listed by the North Carolina Department of Crime Control and Public Safety.
3. Case number P06-06-C to allow RV Park/Campground (33 sites) on 4.02+/- acres approved on applicant's adjacent property on 05-18-06.
4. Applicant has requested three variances to the RV Park/Campground Standards:
 - Request that turnarounds on dead end streets not be required — 5 dead end streets
 - Request that manufactured home spaces that do not meet required setback do not cease to exist once the dwelling is removed; and
 - Request that vegetation on surrounding properties can be used to satisfy the on-site buffer requirements

First Class and Record Owners' Mailed Notice Certification

A certified copy of the tax record owner(s) of the subject and adjacent properties and their tax record mailing address is contained within the case file and is incorporated by reference as if delivered herewith. The record owners' acknowledgement of notice is also included in the case file.

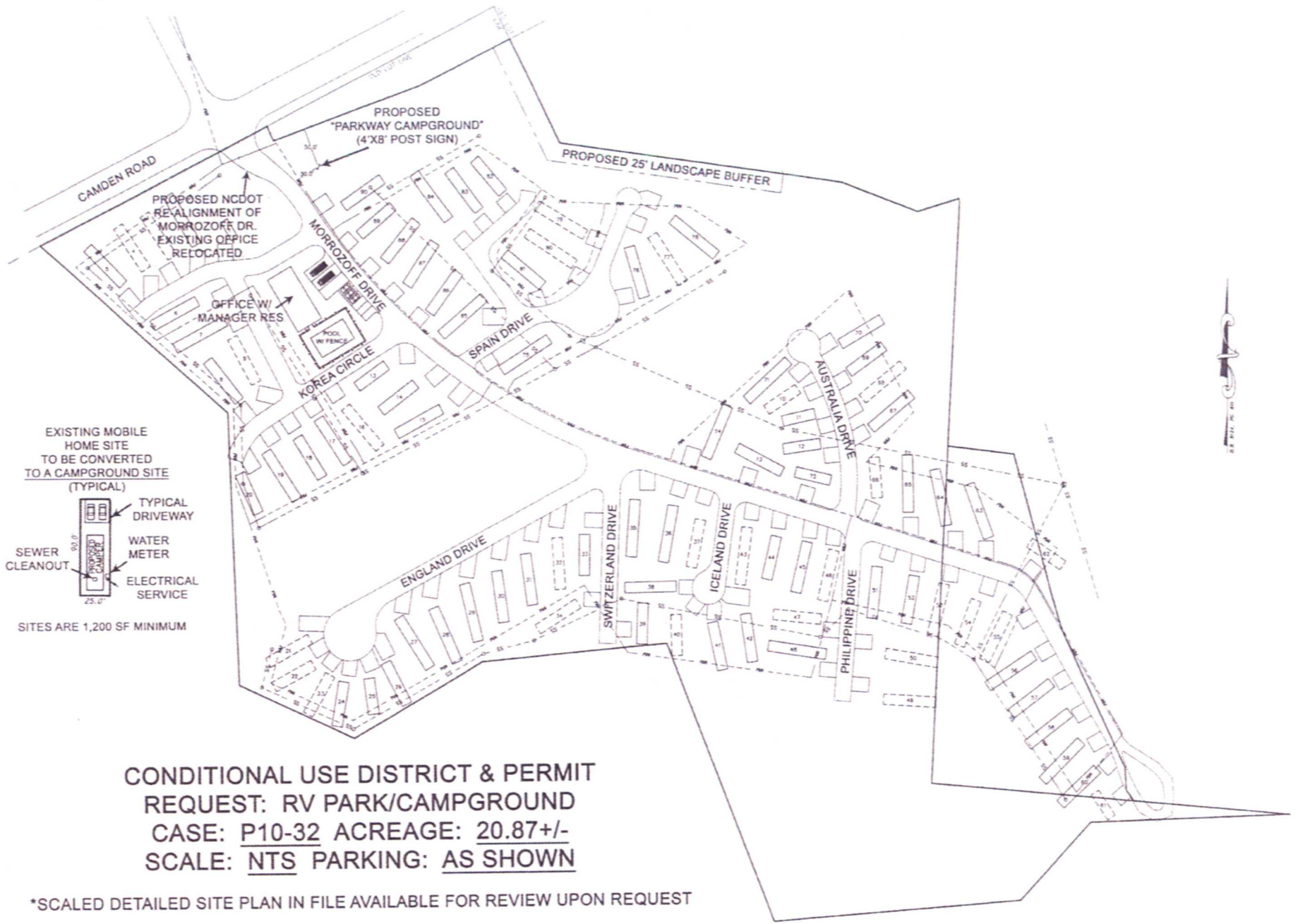


REQUESTED REZONING RR, R10 & R6A TO RR/CUD

ACREAGE: 20.87 AC.+/-	HEARING NO: P10-32	
ORDINANCE: COUNTY	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

PIN: 0414-39-2895
 PORT. OF: 0414-39-8791

WL



**CONDITIONAL USE DISTRICT & PERMIT
 REQUEST: RV PARK/CAMPGROUND
 CASE: P10-32 ACREAGE: 20.87+/-
 SCALE: NTS PARKING: AS SHOWN**

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

Conditional Use District

DRAFT

Ordinance Related Conditions

Pre- Permit Related:

1. A recombination plat (also known as a "No Approval Required" or "NAR") 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 conversion of any space within the existing manufactured home park to a RV space or any permit application for any structure.
2. Three copies of a revised site plan depicting the landscaping must be submitted to Land Use Codes prior to application for any permit and/or prior to conversion of any manufactured home space to a RV space. Landscaping must be provided in accordance with Section 1102 N, Landscaping, County Zoning Ordinance - the following are the minimum standards for the required landscaping of this site:
 - a. Thirteen large shade trees or 26 small ornamental trees within the front yard setback area;
 - b. One ornamental tree and eight shrubs are required in the building yard 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.
3. Three copies of a revised site plan must be submitted to show a minimum turnaround area of 40 feet in diameter for all dead end drives and the turnarounds must be constructed with a minimum depth of six inch gravel base, with proper ditching, drainage, and seeding of slopes prior to use as a RV park. **VARIANCE REQUEST WITHIN APPLICATION**

Permit-Related:

4. 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.
5. As the existing manufactured homes are removed from this site, only recreational vehicles can be located on the vacated individual space. The approval of the Conditional Use District for a RV Park/Campground and the Permit will make the existing Manufactured Home Park nonconforming and any manufactured home removed from this development cannot be replaced.
6. 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)

Note: Due to an existing agreement between the PWC and the Town of Hope Mills, an annexation petition most likely will be required prior to the PWC's review of any utility plans.

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 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.

8. 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.
9. The *Special Flood Hazard Area* (SFHA) exists on this tract; any development within SFHA must have first flood elevations, including all mechanical and electrical equipment above base flood elevation (BFE) plus two feet of freeboard. Proper flood plain development permits are required, issued by the County Engineer, prior to any building/permit application. A copy of the approved flood plain permit must be provided to Code Enforcement at the time of building/zoning permit applications.

In the SFHA, RVs must be licensed and titled as an RV or park model (not a permanent residence), be built on a single chassis, have inflated wheels and be self-propelled or towable by light truck, have no attached deck, porch or shed, be used for temporary recreational, camping, travel or seasonal use, and have quick-disconnect sewage, water and electrical connectors. **Any RV that does not meet these conditions must be installed and elevated like a manufactured home, including permanent foundations and tie-downs.**

10. The building final inspection cannot be accomplished until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans.
11. A review of the data available to the Army Corp of Engineers indicates that jurisdictional waters are likely to be present on this property and therefore are likely to be impacted by the proposed project. However, without an official Jurisdictional Determination at the property, these findings cannot be confirmed.

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

Site-Related:

12. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Zoning Ordinances for the RR/CUD zoning district and the conditions of the Permit must be complied with, as applicable. This application is for the conversion of this site from a manufactured home park to a RV Park/Campground – upon the removal of any manufactured home, regardless of reason, no manufactured home can be used as a replacement structure.

This conditional approval is not approval of any vacated manufactured home spaces located adjacent to the right-of-way of SR 1003 (Camden Road) that cannot meet the 30 foot setback and is not approval of any space that is on or over the property line. Upon removal of any manufactured home from these spaces, the spaces will cease to exist. **VARIANCE REQUEST WITHIN APPLICATION**

13. This conditional approval is not approval of the permit for the freestanding sign. Attached signage for this development must be in accordance with the applicable sign regulations as set forth in Article XIII of the County Zoning Ordinance and that the proper permit(s) must be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is **not** approval of the size, shape, or location of any signs.)
14. “Camden Road” must be labeled as “SR 1003 (Camden Road)” on all future plans.
15. The pool area must be fenced with a minimum of a four foot high fence which can be securely fastened and meet all specifications of Section 1002.C, Swimming Pools, County Zoning Ordinance.
16. Each individual space is required to provide a stabilized vehicular pad of packed gravel, paving or other suitable material prior to use as a RV space.
17. The RV park cannot allow for permanent occupancy on the same site by the same occupant for any continuous period of time exceeding 90 days.

18. This conditional approval is not approval of any tent spaces within this RV park.
19. 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)
20. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision Ordinance)
21. In the event a stormwater utility structure is required by the NC Department of Environment and Natural Resources (NCDENR), the owner/developer must secure the structure with a four foot high fence with a lockable gate, and is required to maintain the detention/retention basin, keeping it clear of debris and taking measures for the prevention of insect and rodent infestation.
22. 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.
23. 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.
24. Turn lanes may be required by the NC Department of Transportation (NCDOT).
25. All spaces within this park are required to be served internally by the private drive; no direct access to SR 1003 (Camden Road) can be permitted.
26. 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.
27. A solid buffer must be provided and maintained onsite along the entire boundary of this property where this tract abuts residentially zoned properties and the buffer must be installed 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.)
VARIANCE REQUEST WITHIN APPLICATION
28. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.
29. All required off-street parking spaces shall be a minimum of 9' x 20'. All off-street parking spaces shall be maintained as reflected on the site plan.
30. The owner/developer is responsible and liable for maintenance and upkeep of this site, all structures, and appurtenances, to include ensuring that the site is kept free of litter and debris, all grass areas mowed, all buffers and shrubbery kept trim and maintained, so that the site remains in a constant state of being aesthetically and environmentally pleasing.
31. All notes and calculations as shown on the site plan are to be considered as a part of this conditional approval.
32. All Federal, State and other local regulations are to be complied with.

Plat-Related:

33. Prior to submission of the recombination plat for approval for recording, fire hydrants must be installed along all the private drives so that hydrants are located no further than 1,000 feet apart and at a maximum of 500 feet from any space. (Section 2306 B, Fire hydrants, County Subdivision Ordinance)
34. Prior to submission of the recombination plat for approval for recording, a concrete sidewalk must be constructed along SR 1003 (Camden Road) and the sidewalk must meet the specifications of the Hope Mills Street Department. [Co. Subdivision Ord., Sec. 2302, Area Specific Standards, A. Municipal Influence Area & Hope Mills Subdivision Ord., Sec. 86A-405 Sidewalks].

35. The recombined tract must be drawn with solid property lines, with the bearings and distances, acreage and lot identifier reflected on the recombination plat.
36. The proposed development is located in a Special Flood Hazard Area (SFHA). The final plat must show the limits of the SFHA; information may be obtained from the County Engineer's office or the Federal Emergency Management Agency's (FEMA) website at www.ncfloodmaps.com. Any development within the SFHA is subject to the requirements of the County Flood Damage Prevention Ordinance administered by the County Engineering Department.
37. "Camden Road" be labeled as "SR 1003 (Camden Road)" on the recombination plat.
38. Dedication of 15 feet of right-of-way and reservation of 5 feet of right-of way along SR 1003 (Camden 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)
39. Any/All easements must be reflected on the final plat and labeled as to type of easement, reference number for document creating the easement, and the name of the agency, individual, etc. who holds the easement.
40. The NC Department of Transportation (NCDOT) stamp must be affixed to the recombination plat prior to submission for approval for recording.
41. The notarized signature(s) of all current tax record owner(s) and notary certifications appear on the recombination plat when submitted for final approval. (Section 2503 D, Certificate of Ownership and Dedication, County Subdivision Ordinance)
42. The developer is reminded that the improvements must be in place or that approval for recording of the recombination plat 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.)
43. The recombination plat must be submitted to Land Use Codes for review and approval for recording with the County Register of Deeds, and the plat must be recorded prior to any permit application for any structure and/or prior to conversion of any manufactured home space to a RV space.

Plat-Required Statements:

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

"Nonconforming structures have not been created by this subdivision."

Other Relevant Conditions:

45. The applicant is advised to consult an expert on wetlands before proceeding with any development. There may be wetlands located in the project area that are subject to the permit requirements of Section 404 of the Clean Water Act. To avoid a violation of federal and/or state law, it is recommended the developer contact the Office of the Army Corp of Engineers or hire an environmental consultant to identify and delineate any wetlands in the project area prior to construction. A Section 404 permit will be required if the applicant needs to fill wetlands and the permit must be obtained prior to any construction on this site.
46. 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.
47. The property owner is strongly encouraged to retain as many existing trees as possible. The Town of Hope Mills has tree preservation provisions in their ordinance.

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):

Improvements Inspections:	Jeff Barnhill	678-7765
Subdivision/Site Plan/Plat	Ed Byrne	678-7609
Code Enforcement (Permits):	Ken Sykes	321-6654
County Engineer's Office:	Wayne Dudley	678-7636
County Health Department:	Daniel Ortiz	433-3680
PWC:	Heidi Maly	223-4737
Town of Hope Mills:		424-4555*
Asst. Town Manager/Town Clerk:	Connie Spell	
Chief Building Inspector:	Mike Bailey	
Corp of Engineers (wetlands):	Crystal C. Amschler	(910) 251-4170
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
Transportation Planning:	Bobby McCormick	678 7632
N.C. Division of Water Quality:	Mike Randall	(919) 733-5083 ext. 545

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

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: Roy Dear
2. ADDRESS: 6846 Harvest Ct. ZIP CODE: 28306
Fayetteville, NC
3. TELEPHONE: (Home) 424-3442 (Work) 818-2618
4. Location of Property: Norrozoff Drive + Camden Rd
5. Parcel Identification Number (PIN #) of subject property: 0414-39-2895
(also known as Tax ID Number or Property Tax ID) 0414-39-8771
6. Acreage: 20.87 total* Frontage: 686' Depth: 1270'
7. Water Provider: PWC
8. Septage Provider: PWC
9. Deed Book 3124, Page(s) 611, Cumberland County
3158 Registry. (Attach copy of deed of subject property as it appears in Registry).
10. Existing use of property: Mobile Home park
11. Proposed use(s) of the property: Campground

NOTE: Be specific and list all intended uses.

12. It is requested that the foregoing property be rezoned FROM: R6A + R1D to RR

TO: (select one)

- Conditional Use District, with an underlying zoning district of RR
(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)

* 4.02 Acres of Deed Bk 3158, Pg. 777 has been previously approved as a campground site (conditional use)

APPLICATION FOR
CONDITIONAL USE DISTRICT AND PERMIT

1. PROPOSED USE(S):

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

** In 2007, FEMA updated their maps resulting in a portion of this property falling into the 100 year Flood Zone. Therefore, if a mobile home is removed, the new mobile home brought in to replace it will have to be 1-foot above the flood*

- 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.

20.87 acres total of campground + open space to include streets, driveways + natural buffers

2. DIMENSIONAL REQUIREMENTS:

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

*~~The office front setback is 72'. Request it be allowed.~~ Prop. New office 15' setback > 100' CDD
Also, request existing setbacks for existing mobile homes be allowed for proposed campground sites. 07/09/10*

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

All Campground sites are provided with 2 parking spaces. ~ See typical Home Site.

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Sec. 1306. ~ See Site Plan

The sign was removed when Camden Rd. was widened. A new Campground Sign will be installed following the requirements of the Zoning Ordinance, Section 1306-A-2.

elevation requiring the new mobile home to be 4 feet above ex. ground. The new tenants do not want to do this and take their mobile home to an alternate location.

** Also, single wide mobile homes are not as widely used in Mobile Home Parks, so there is a decreased demand for mobile home spaces*

** As a result, the number of people seeking mobile home spaces has declined to almost nothing.*

4. LANDSCAPE AND BUFFER REQUIREMENTS:

- A. For all new non-residential and mixed use development abutting a public street, indicate the number of large or small ornamental trees used in the streetscape, yard space, and/or parking areas, plus the number of shrubs (Sec. 1102N).

NOTE: All required landscaping must be included on the site plan.

Landscape Buffer adjacent to residential lots on Camden Rd. All areas are to be buffered as its natural buffer of creeks + low lands.

- B. Indicate the type of buffering and approximate location.

Landscape - See 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.

Lighting to be directed internally.

Request DPW to include turnarounds be approved as they exist.

Pool & office w/ bathing facilities as shown on 07/09/10

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.

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

↓ Roy Dear Chon CHU DEAN
NAME OF OWNERS (PRINT OR TYPE)

6846 Harvest Ct. Fayetteville, NC 28306
ADDRESS OF OWNER(S)

424-3442 HOME TELEPHONE # 818-2618-mara WORK TELEPHONE #

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

ADDRESS OF AGENT, ATTORNEY, APPLICANT

HOME TELEPHONE # _____
WORK TELEPHONE #

↓ Roy Dear
SIGNATURE OF OWNER(S)

SIGNATURE OF AGENT, ATTORNEY
OR APPLICANT

Chon Chu
SIGNATURE OF OWNER(S)

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