

Roy Turner,
Chair
Cumberland County

Walter Clark,
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

Lori Epler,
Sara E. Piland,
Cumberland County

Benny Pearce,
Town of Eastover

Donovan McLaurin,
Wade, Falcon & Godwin

July 12, 2011

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for July 19, 2011 Board Meeting

P11-30: REZONING OF 14.40+/- ACRES FROM CD CONSERVANCY AND RR RURAL RESIDENTIAL TO R7.5 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED NORTHWEST OF SR 1003 (CAMDEN ROAD), SOUTHWEST OF ARISTOCRAT LANE; SUBMITTED BY K. DOUGLAS BARFIELD ON BEHALF OF CAMDEN GLEN DEVELOPMENT, LLC; NC DEPARTMENT OF TRANSPORTATION AND CAMDEN GLEN DEVELOPMENT (OWNERS).

The Planning & Inspections Staff recommends approval of the R7.5 Residential district based on the following:

1. The district requested is consistent with the 2030 Growth Vision Plan, which calls for "urban fringe" at this location, as well as meeting the location criteria for Low Density Residential development as listed in the Land Use Policies Plan;
2. The request is consistent with surrounding zoning and land uses; and
3. Public utilities are available to the subject property.

The R15 Residential district could also be considered suitable for this request.

Attachments:

- 1 – Site Profile
- 2 – Sketch Map

P11-30
SITE PROFILE

P11-30: REZONING OF 14.40+/- ACRES FROM CD CONSERVANCY AND RR RURAL RESIDENTIAL TO R7.5 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED NORTHWEST OF SR 1003 (CAMDEN ROAD), SOUTHWEST OF ARISTOCRAT LANE; SUBMITTED BY K. DOUGLAS BARFIELD ON BEHALF OF CAMDEN GLEN DEVELOPMENT, LLC; NC DEPARTMENT OF TRANSPORTATION AND CAMDEN GLEN DEVELOPMENT (OWNERS).

Site Information:

Frontage & Location: 50.00' +/- on Ritson Lane

Depth: 2230.00' +/-

Jurisdiction: Cumberland County

Adjacent Property: Yes, northwest of subject property

Current Use: Vacant residential

Initial Zoning: CD & RR – February 6, 1976 (Area 5)

Nonconformities: None

Zoning Violation(s): None

Surrounding Zoning: North: RR & CD; South: RR, R10, R7.5 & CD; East: RR & R10; West: RR, R7.5 & CD

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

2030 Land Use Plan: Urban fringe

Special Flood Hazard Area (SFHA): None

Water/Sewer Availability: PWC/PWC

Soil Limitations: None

School Capacity/Enrolled: Stoney Point Elementary: 900/684; John R. Griffin Middle: 1,340/1,256; Jack Britt High: 1,870/1,834

Subdivision/Site Plan: If approved, plan review and approval required prior to development

Municipal Influence Area: City of Fayetteville

Average Daily Traffic Count (2008): 5,100 on SR 1003 (Camden Road)

Highway Plan: Camden Road is identified in the Highway Plan as a major thoroughfare. This proposal calls for widening to a multi-lane facility (4 lane divide). Road improvements are not included in the 2009-2015 MTIP; Fayetteville Outer Loop is identified in the Highway Plan as a major thoroughfare. This proposal calls for a multi-lane facility (U-2519) with a right-of-way of 250 feet. Road improvements are included in the 2009-2015 MTIP. This property will be directly impacted by the Fayetteville Outer Loop (located inside of the 1,000ft. corridor)

Notes:

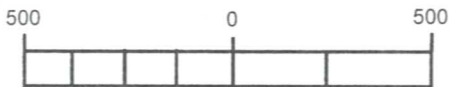
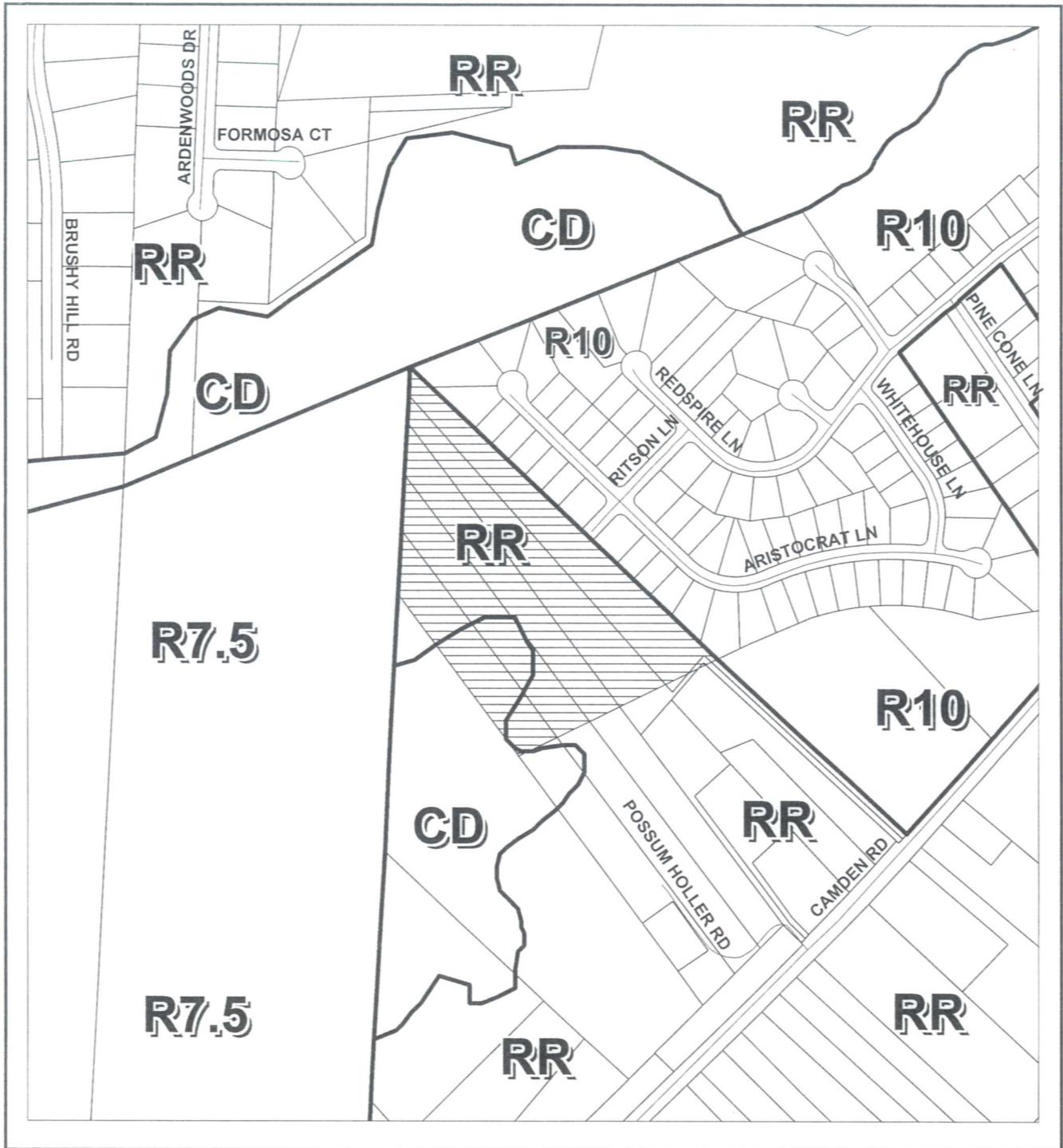
1. Density minus 15% for R/W:
RR & R20 – 27 lots/units R15 – 36 lots/units R7.5 – 71 lots/units

2. Minimum Yard Setback Regulations:

<u>RR & R20</u>	<u>R15 & R7.5</u>
Front yard: 30'	Front yard: 30'
Side yard: 15'	Side yard: 10'
Rear yard: 35'	Rear yard: 35'

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' certified receipt of notice is also included.



SCALE IN FEET

REQUESTED REZONING CD & RR TO R7.5

ACREAGE: 14.40 AC.+/-

HEARING NO: P11-30

ORDINANCE: COUNTY

HEARING DATE

ACTION

STAFF RECOMMENDATION

PLANNING BOARD

GOVERNING BOARD

PIN: 9494-13-3453, 4678
 PORT. OF PIN: 9494-13-6271
 6693, 7745

WL

Roy Turner,
Chair
Cumberland County

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Wade, Falcon & Godwin

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for July 19, 2011 Board Meeting

P11-34: REZONING OF 40.19+/- ACRES FROM A1 AGRICULTURAL TO M(P) PLANNED INDUSTRIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE EAST SIDE OF SR 1714 (RIVER ROAD), NORTH OF SR 1730 (UNDERWOOD ROAD); SUBMITTED BY MARK GILBERT AND JANIE S. SMITH ON BEHALF OF GILBERT SMITH FAMILY, LLC (OWNERS).

The Planning & Inspections Staff recommends approval of the requested rezoning to M(P) Planned Industrial district except where the Special Flood Hazard (SFHA) is present, and CD Conservancy for the portion of the subject property located within the SFHA, based on the following:

1. Although the request is not entirely consistent with the Eastover Land Use Plan, adopted in 2000, which calls for one acre residential lots and open space at this location, the request does meet the location criteria for "heavy industrial/manufacturing" as listed in the Land Use Policies of the 2030 Growth Vision Plan;
2. The recommendation of CD Conservancy District for that portion of the subject property located within SFHA is intended to preserve and protect the perennial stream running along the eastern portion of the subject property and would be consistent with the Land Use Policies location criteria for this area; and
3. Public utilities (Eastover Sanitary District) are available to the subject property.

There are no other districts considered suitable for this request.

Attachments:

- 1 - Site Profile
- 2 - Sketch Map

P11-34
SITE PROFILE

P11-34: REZONING OF 40.19+/- ACRES FROM A1 AGRICULTURAL TO M(P) PLANNED INDUSTRIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE EAST SIDE OF SR 1714 (RIVER ROAD), NORTH OF SR 1730 (UNDERWOOD ROAD); SUBMITTED BY MARK GILBERT AND JANIE S. SMITH ON BEHALF OF GILBERT SMITH FAMILY, LLC (OWNERS).

Site Information:

Frontage & Location: 1,280.00'+/- on SR 1714 (River Road) & 130.00'+/- on SR 1730 (Underwood Road)

Depth: 1,750.00'+/-

Jurisdiction: Cumberland County

Adjacent Property: Yes, north and east of subject property

Current Use: Farmland

Initial Zoning: A1 – December 14, 1979 (Area 10)

Nonconformities: None

Zoning Violation(s): None

Surrounding Zoning: North: RR, A1 & CD; South: M(P), C3 (Fay), R40, RR, AR (Fay) & A1; East & West: A1

Surrounding Land Use: Residential (including manufactured dwellings), milling or grinding, farmland & woodlands

Eastover Land Use Plan: One acre residential lots & open space

Special Flood Hazard Area (SFHA): Yes; base flood is 83 msl (NAVD)

Water/Sewer Availability: ESD/ESD

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

School Capacity/Enrolled: Armstrong Elementary: 450/432; Mac Williams Middle: 1,270/1,208; Cape Fear High: 1,425/1,555

Subdivision/Site Plan: If approved, new development will require a review and approval

Municipal Influence Area: City of Fayetteville

☆ **RLUAC:** Encourages the developer to make every possible effort to preserve as much of the existing forest as possible when the property is built upon

Average Daily Traffic Count (2008): 710 on SR 1714 (River Road) & 530 on SR 1730 (Underwood Road)

Highway Plan: River Road is identified in the Highway Plan as a Major Thoroughfare. The plan calls for a multi-lane facility with a right-of-way of 110 feet. No road improvements are included in the 2009-2015 MTIP

Notes:

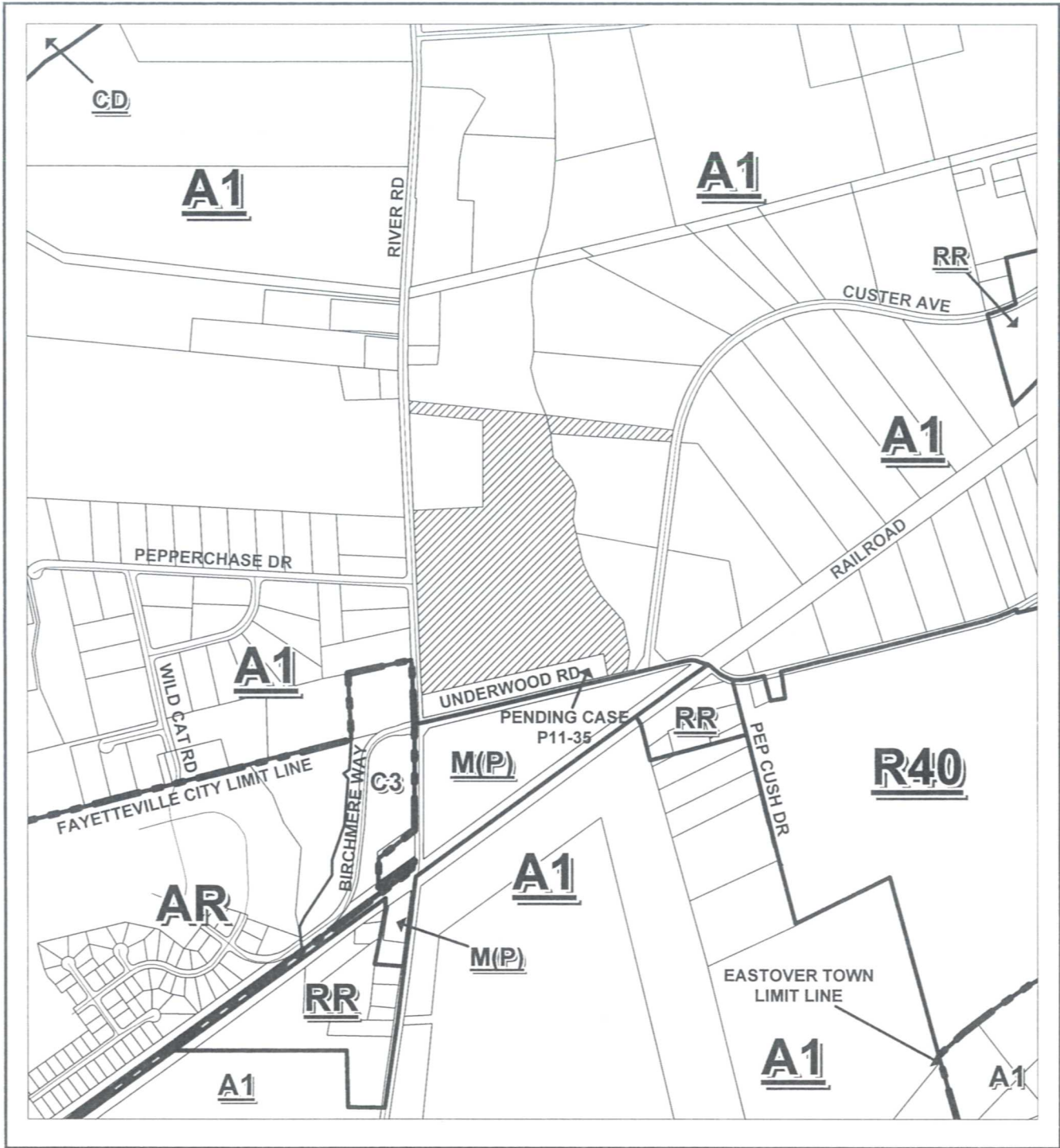
1. Density minus 15% for R/W:
A1 – 17 lots/units (residential)

2. Minimum Yard Setback Regulations:

<u>A1</u>	<u>M1(P)</u>	<u>M(P)</u>
Front yard: 50'	Front yard: 50'	Front yard: 100'
Side yard: 20'	Side yard: 30'	Side yard: 50'
Rear yard: 50'	Rear yard: 30'	Rear yard: 50'

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 M(P)

ACREAGE: 40.19 AC.+/-

HEARING NO: P11-34

ORDINANCE: COUNTY

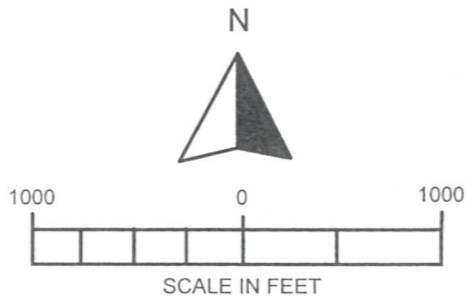
HEARING DATE

ACTION

STAFF RECOMMENDATION

PLANNING BOARD

GOVERNING BOARD



PORT. OF PIN: 0448-68-0414
PORT. OF PIN: 0448-69-7166

Roy Turner,
Chair
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—◆—
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Benny Pearce,
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Donovan McLaurin,
Wade, Falcon & Godwin

July 12, 2011

MEMORANDUM

TO: Cumberland County Joint Planning Board
FROM: Planning & Inspections Staff
SUBJECT: Staff Recommendation for July 19, 2011 Board Meeting

P11-35: REZONING OF 3.98 ACRES FROM A1 AGRICULTURAL TO M(P) PLANNED INDUSTRIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 1575 AND 1615 UNDERWOOD ROAD, SUBMITTED BY DONALD B. CAMDEN ON BEHALF OF CARGILL INC. (OWNERS).

The Planning & Inspections Staff recommends approval of the M(P) Planned Industrial district based on the following:

1. Although the request is not entirely consistent with the Eastover Land Use Plan which calls for one acre residential lots at this location, the request does meet the location criteria for "heavy industrial/manufacturing" as listed in the 2030 Growth Vision Plan;
2. The Planned Industrial is consistent with the zoning for adjacent property under the same ownership; and
3. Public utilities (Eastover Sanitary District) are available to the subject property.

There are no other districts considered suitable for this request.

Attachments:
1 - Site Profile
2 - Sketch Map

P11-35
SITE PROFILE

P11-35: REZONING OF 3.98 ACRES FROM A1 AGRICULTURAL TO M(P) PLANNED INDUSTRIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 1575 AND 1615 UNDERWOOD ROAD, SUBMITTED BY DONALD B. CAMDEN ON BEHALF OF CARGILL INC. (OWNERS).

Site Information:

Frontage & Location: 1,200.00'+/- on SR 1730 (Underwood Road) & 150.00'+/- on SR 1714 (River Road)

Depth: 150.00'+/-

Jurisdiction: Cumberland County

Adjacent Property: Yes, south of subject property

Current Use: motor vehicle/equipment storage, lab analysis

Initial Zoning: A1 – December 14, 1979 (Area 10)

Nonconformities: Current manufacturing/industrial uses not permitted in A1

Zoning Violation(s): None

Surrounding Zoning: North: RR & A1; South: M(P), C3 (Fay), R40, RR, AR (Fay) & A1; East & West: A1

Surrounding Land Use: Residential (including manufactured dwellings), milling or grinding, farmland & woodlands

Eastover Land Use Plan: One acre residential lots

Special Flood Hazard Area (SFHA): None

Water/Sewer Availability: ESD/ESD

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

School Capacity/Enrolled: Armstrong Elementary: 450/432; Mac Williams Middle: 1,270/1,208; Cape Fear High: 1,425/1,555

Subdivision/Site Plan: If approved, new development will require review and approval and recombination with adjacent property due to setbacks

Municipal Influence Area: City of Fayetteville

Average Daily Traffic Count (2008): 530 on SR 1730 (Underwood Road) & 710 on SR 1714 (River Road)

Highway Plan: River Road is identified in the Highway Plan as a Major Thoroughfare. The plan calls for a multi-lane facility with a right-of-way of 110 feet. No road improvements are included in the 2009-2015 MTIP

Notes:

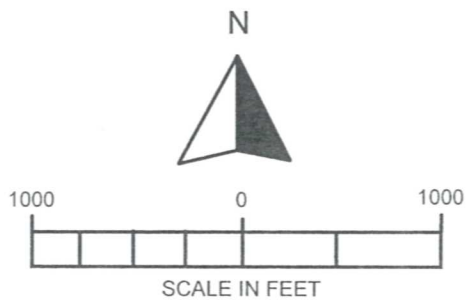
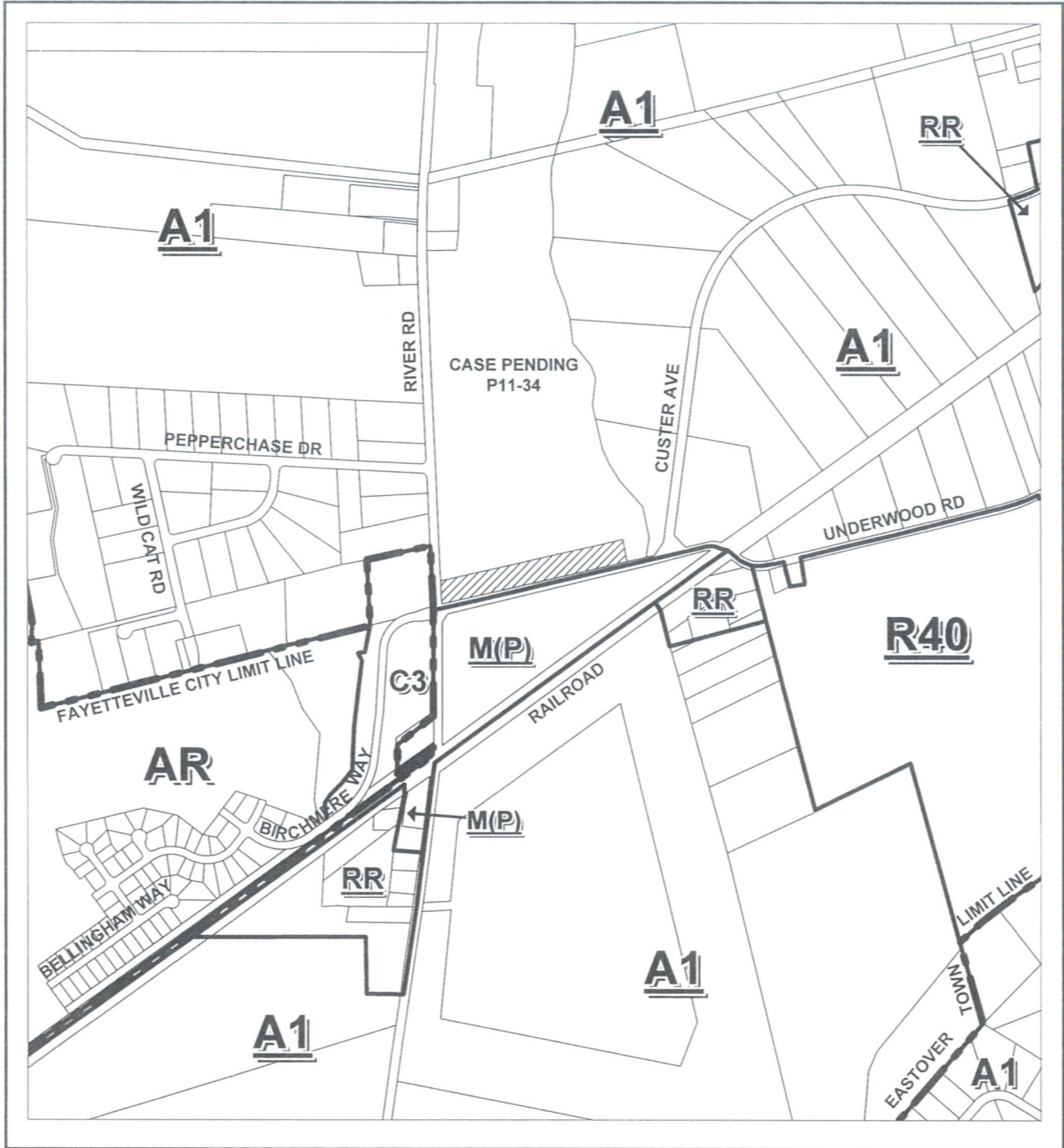
1. Density:
A1 – 2 lots/units

2. Minimum Yard Setback Regulations:

<u>A1</u>	<u>M1(P)</u>	<u>M(P)</u>
Front yard: 50'	Front yard: 50'	Front yard: 100'
Side yard: 20'	Side yard: 30'	Side yard: 50'
Rear yard: 50'	Rear yard: 30'	Rear yard: 50'

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 M(P)

ACREAGE: 3.98 AC.+/-	HEARING NO: P11-35	
ORDINANCE: COUNTY	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

PIN: 0448-67-1236

Roy Turner,
Chair
Cumberland County

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Donovan McLaurin,
Wade, Falcon & Godwin

MEMORANDUM

TO: Cumberland County Joint Planning Board
FROM: Planning & Inspections Staff
SUBJECT: Staff Recommendation for July 19, 2011 Board Meeting

P11-31: REZONING OF 1.72+/- ACRES FROM A1 AGRICULTURAL TO C2(P) PLANNED SERVICE AND RETAIL/CZ CONDITIONAL ZONING DISTRICT FOR A SWEEPSTAKES/INTERNET CAFÉ OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 3451 CHICKEN FOOT ROAD, SUBMITTED BY MANLY ALAN AND JUDY S BOYKIN (OWNERS) AND CATHY PARKER.

The Planning & Inspections Staff recommends denial of the requested rezoning to C2(P) Planned Service and Retail/Conditional Zoning district [C2(P)/CZ] for a sweepstakes/internet café (for profit, indoor recreation) at this location based on the following:

1. The request is not consistent with the location criteria for light commercial as listed in the Land Use Policies of the 2030 Growth Vision Plan, specifically, public water and sewer is not available in this area; the zoning would not serve as a transition between heavy commercial, office & institutional or residential; and the use could not be considered as a "convenience good or service" for the surrounding neighborhood;
2. Although there is one existing light commercial [C1(P)] to the south of the subject property, that property was initially zoned as such and is a convenience store, which does provide "convenience goods and services" for the area and convenience stores are also an allowed use in the A1 zoning districts that is predominate in this area;
3. Consideration of the C2(P) district for the requested use at this location is arbitrary and would not serve a viable public purpose – the non-residential structure on the subject property was previously a feed store and the requested district and use are more appropriate in an urban area; and
4. The degree of difference in uses allowed on the immediate existing surrounding properties and the specific use requested qualify this request as being unreasonable 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

P11-31
SITE PROFILE

P11-31: REZONING OF 1.72+/- ACRES FROM A1 AGRICULTURAL TO C2(P) PLANNED SERVICE AND RETAIL/CZ CONDITIONAL ZONING DISTRICT FOR A SWEEPSTAKES/INTERNET CAFÉ OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 3451 CHICKEN FOOT ROAD, SUBMITTED BY MANLY ALAN AND JUDY S BOYKIN (OWNERS) AND CATHY PARKER.

Site Information:

Frontage & Location: 244.50'+/- on SR 2254 (Odom Road) & 280.50'+/- on SR 2252 (Chicken Foot Road)

Depth: 492.17'+/-

Jurisdiction: Cumberland County

Adjacent Property: Yes, north of subject property

Current Use: Sweepstakes/Internet Café

Initial Zoning: A1 – June 25, 1980 (Area13)

Nonconformities: Yes, current use not allowed in current zoning district

★ **Zoning Violation(s):** Yes, notice not issued due to this application being submitted

Surrounding Zoning: North: R40A & A1; South: C1(P) & A1; East & West: A1

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

2030 Land Use Plan: Rural

Special Flood Hazard Area (SFHA): None

Water/Sewer Availability: Well/Septic

Soil Limitations: None

School Capacity/Enrolled: Gray's Creek Elementary: 495/365; Gray's Creek Middle: 1,000/911; Gray's Creek High: 1,270/1,236

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

Average Daily Traffic Count (2008): 570 on SR 2254 (Odom Road) & 3,100 on SR 2252 (Chicken Foot Road.)

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:

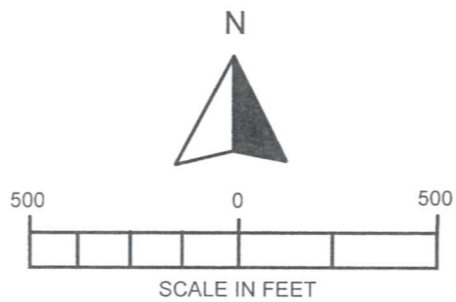
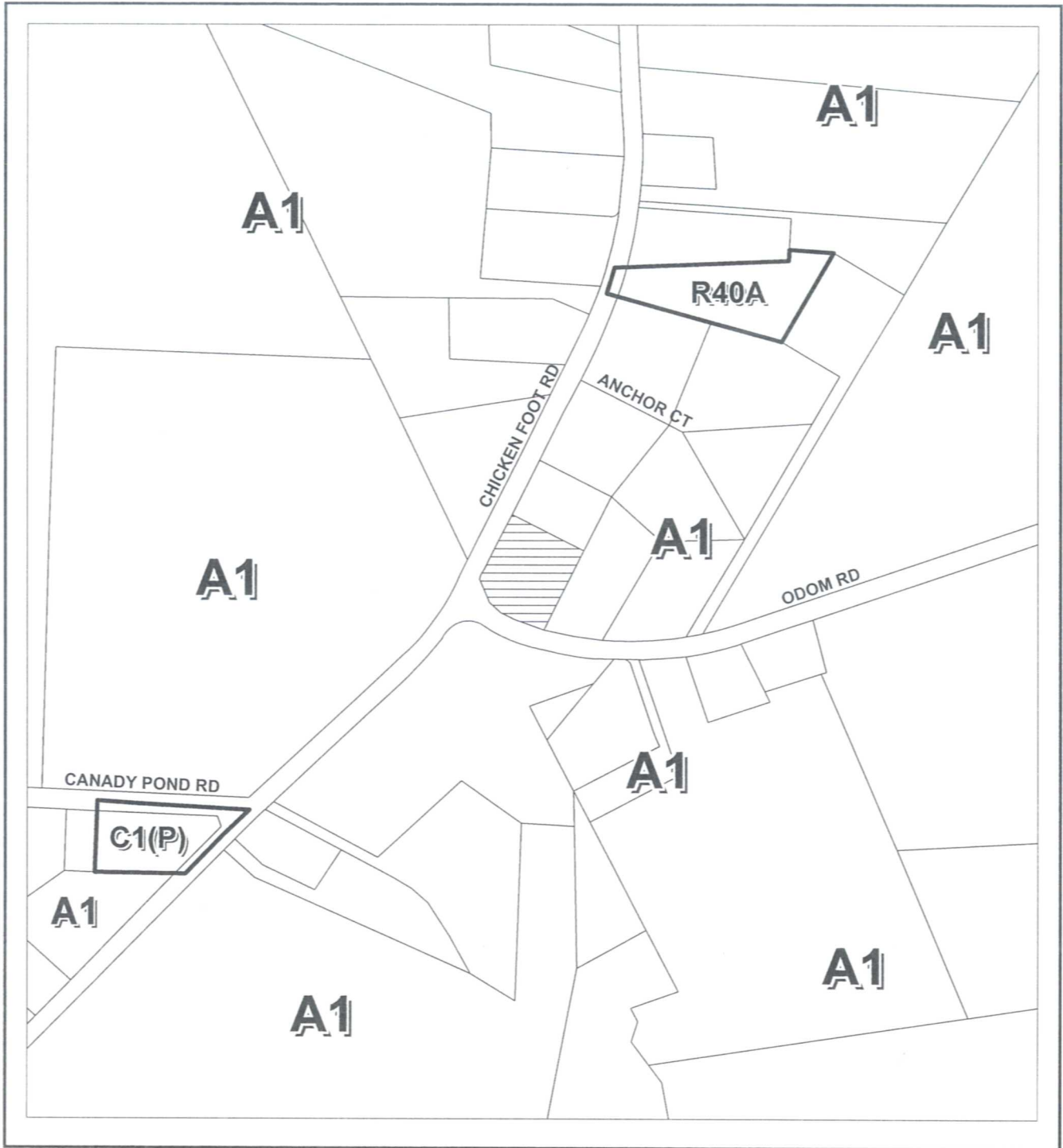
1. Density:
A1 – 1 lot/unit

2. Minimum Yard Setback Regulations:

<u>A1</u>	<u>C2(P)</u>
Front yard: 50'	Front yard: 50'
Side yard: 20'	Side yard: 30'
Rear yard: 50'	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.

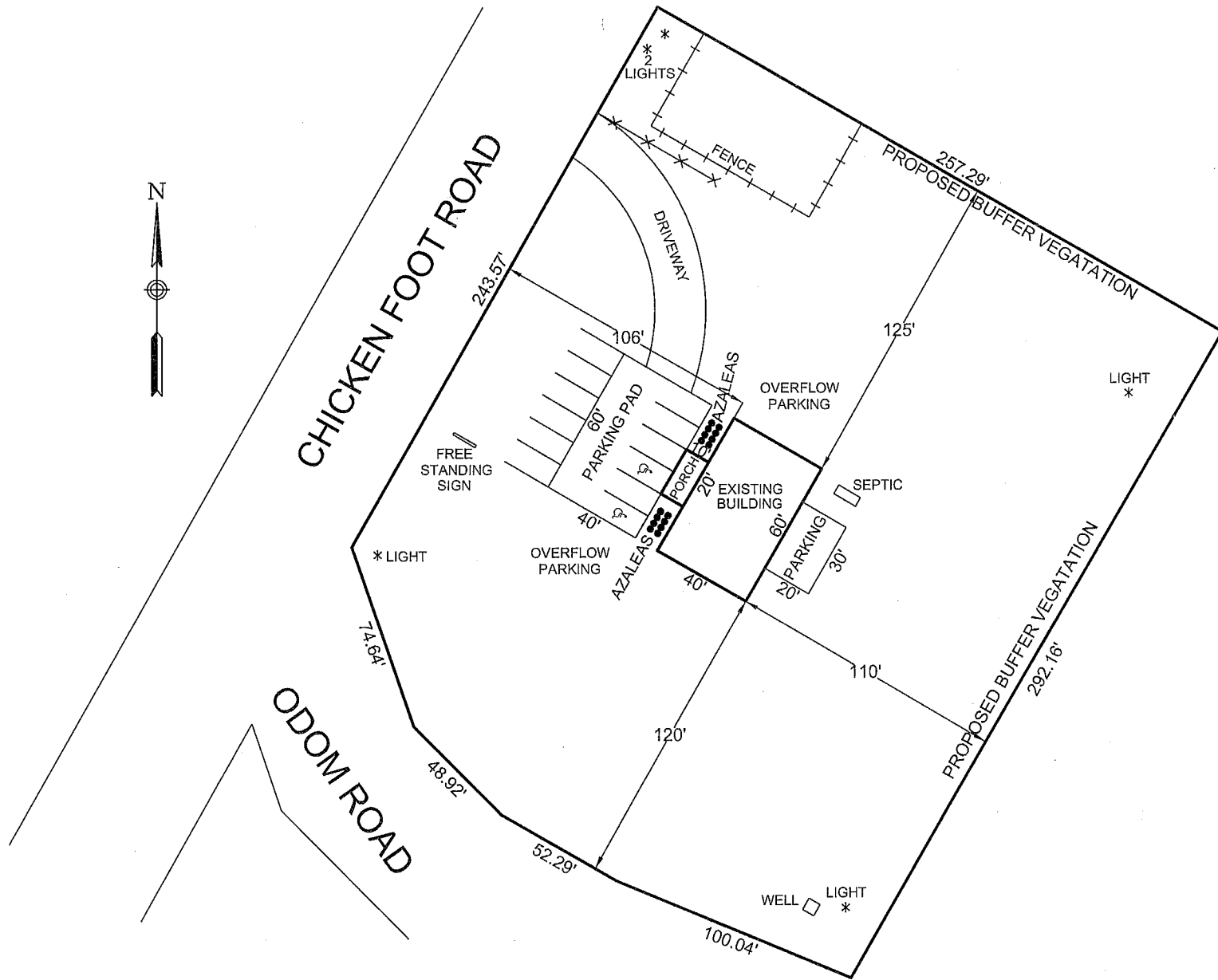


REQUESTED REZONING A1 TO C2(P)/CZ

ACREAGE: 1.72 AC.+/-	HEARING NO: P11-31	
ORDINANCE: COUNTY	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

PIN: 0430-19-9877

WL



CONDITIONAL ZONING DISTRICT & PERMIT
 REQUEST: FOR A SWEEPSTAKES/INTERNET CAFÉ
 CASE: P11-31 ACREAGE: 1.72 AC.+/- PARKING: AS SHOWN
 ZONED: A1 SCALE: 1" : 60'

*SCALED DETAILED SITE PLAN IN FILE FOR REVIEW UPON REQUEST

Conditional Zoning

(DRAFT)

Ordinance & Permit Related Conditions
Sweepstakes/Internet Café
(For Profit, Indoor Recreation/Amusement)

Watershed-Related:

1. An application for a Watershed “No Approval Required” development must be submitted to the Watershed Review Officer (WRO) and plans must be approved by the WRO prior to final plat approval and/or prior to application for any building/zoning permits, site plan approval is required. A copy of the WRO’s approval of this plat/plan must be submitted to Code Enforcement at the time of application for any permits.

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 County Health Department must approve water and sewer plans prior to application for any permits. Site and soil evaluations must be conducted on the property by the County Environmental Health Department prior to application for permits. A copy of the Health Department approval must be provided to Code Enforcement at the time of application for any building/zoning permits. (Note: All Health Department requirements must be met prior to issuance of final permits.) (Section 2306 A, Water and Sewer, County Subdivision Ordinance)
4. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
5. New development where the developer will disturb or intends to disturb more than one acre of land is subject to the Post-Construction Stormwater Management Permitting Program (Phase II Stormwater Management Requirements) administered by the Division of Water Quality, North Carolina Department of Environment and Natural Resources. If one acre or more of land is to be disturbed, prior to the issuance of any building/zoning permits for this site, a copy of the State’s *Post-Construction Permit* must be provided to County Code Enforcement.
6. For any new development where the developer disturbs or intends to disturb more than one acre of land, the developer must provide the Code Enforcement Section with an approved NC Department of Environment and Natural Resources (NCDENR) sedimentation and erosion control plan (S&E) prior to any application for permits. (Note: If any retention/detention basins are required for state approval of this plan, then three copies of a revised plan must be submitted and approved by Planning & Inspections prior to application for any building/zoning permits.) A copy of the NCDENR approval must be provided to Code Enforcement at the time of application for any building/zoning permits.
7. The building final inspection cannot be accomplished until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans.

Site-Related:

8. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Zoning Ordinances for the A1/CZ zoning district 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 the permit for the freestanding signs. Attached signage for this development must be in accordance with the applicable sign regulations as set forth in Article XIII of the County Zoning Ordinance and that the proper

permit(s) must be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is **not** approval of the size, shape, or location of any signs.)

11. "Chicken Foot Rd." must be labeled as "SR 2252 (Chicken Foot Road)" on all future plans.
12. "Odom Rd." must be labeled as "SR 2254 (Odom Road)" on all future plans.
13. The developer must reserve area along SR 2252 (Chicken Foot Road) for a future concrete sidewalk. If this part of the County becomes urbanized at some future date then the reservation area will allow for the construction of the sidewalk. The reservation area must be at a minimum of 4 foot wide the entire length of the right-of-way. (Section 2305, Sidewalks, County Subdivision Ordinance)
14. 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)
15. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision Ordinance)
16. The 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.
17. Turn lanes may be required by the NC Department of Transportation (NCDOT).
18. 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.
19. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.
20. All required off-street parking spaces are required to be a minimum of 9' x 20'; a minimum of one off-street parking space for each four person of design capacity is required for this development. The current number of parking spaces shown on the site plan will allow for a maximum capacity 44 persons. The overflow parking area cannot be counted for the required parking. The developer must contact the County Fire Marshal office to get the design capacity for this building design. **(Note: The developer must provide the Code Enforcement information regarding the design capacity of the sweepstakes/internet café prior to permit application.)**
21. 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.
22. Noise levels shall not exceed 60 dB(A) between the hours of 10:00 pm and 7:00 am. In any event, the noise level, regardless of the time of day, shall not become a nuisance to neighboring properties and strict compliance with the County's Noise Ordinance is required.

Advisories:

23. The applicant is advised to consult an expert on wetlands before proceeding with any development.
24. 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.
25. This conditional approval is not to be construed as all encompassing of the applicable rules, regulations, etc. which must be complied with for any development. Other regulations, such as building, environmental, health and so forth, may govern the specific development. The developer is the responsible party to ensure full compliance with all applicable Federal, State, and local regulations.

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

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

Watershed Officer:	Jeff Barnhill	678-7765
Subdivision/Site Plan/Plat	Ed Byrne	678-7609
Code Enforcement (Permits):	Ken Sykes	321-6654
County Health Department:	Daniel Ortiz	433-3680
Ground Water Issues:	Matt Rooney	678-7625
County Public Utilities:		678-7682
Corp of Engineers (wetlands):	Crystal C. Amschler	(910) 251-4170
NCDENR (E&S):	Sally Castle	433-3300
Location Services:		
Site-Specific Address:	Ron Gonzales	678-7616
Tax Parcel Numbers:		678-7549
NCDOT (driveways/curb-cuts):	Gary Burton	486-1496
N.C. Division of Water Quality:	Mike Randall	(919) 733-5083 ext. 545

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: Cathy Parker
2. ADDRESS: 2001 Sageleaf Ct. Raleigh ZIP CODE: 27603
3. TELEPHONE: (Home) 910-527-6254 (Work) 910-425-9940
4. Location of Property: 3451 CHICKEN FOOT Rd
Hope Mills NC 28348
5. Parcel Identification Number (PIN #) of subject property: D43D-19-9877
(also known as Tax ID Number or Property Tax ID)
6. Acreage: 1.72 Frontage: 000' 110' Depth: 110'6
7. Water Provider: WELL
8. Septage Provider: SEPTIC TANK
9. Deed Book 5818, Page(s) 618, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
10. Existing use of property: Feed Store
11. Proposed use(s) of the property: sweepstakes/internet cafe

NOTE: Be specific and list all intended uses.

12. It is requested that the foregoing property be rezoned FROM: A-1

TO: (select one)

- Conditional Use District, with an underlying zoning district of C2(P)
(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.)

Sweepstakes / internet cafe

- 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.

1.72 acreage / commercial Lot 6
2400 Sq ft. Building

2. DIMENSIONAL REQUIREMENTS:

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

Front - 105'
Back - 110'
Left - 124'
right - 120'

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

Concrete parking
additional gravel area parking

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.

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.**

2 trees apt. 20' high
10 azaleas

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

Pine trees planted along entire rear property line,
apt. 284' X 20'.

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.

7 days 10am-2am-
7 employees
5 exterior lights

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.

MANLY Alan + JUDY BOYKIN
NAME OF OWNERS (PRINT OR TYPE)

8038 Saplin Dr. Hope Mills NC 28348
ADDRESS OF OWNER(S)

910-308-1912 HOME TELEPHONE # 910-624-2634 WORK TELEPHONE #

Manly Alan Boykin SIGNATURE OF OWNER(S) *Judy Boykin* SIGNATURE OF OWNER(S)

↓ Cathy Parker

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

2001 Sageleaf Ct Raleigh NC 27603

ADDRESS OF AGENT, ATTORNEY, APPLICANT

910-527-6254

HOME TELEPHONE #

910-425-9940

WORK TELEPHONE #

Cathy Parker

SIGNATURE OF AGENT, ATTORNEY
OR APPLICANT

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

CUMBERLAND COUNTY ZONING ORDINANCE
FEE SCHEDULE

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

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