

REQUESTED REZONING RR & RR/CU TO C2(P)

ACREAGE: 10.28 AC.+/-	HEARING NO: P12-06	
ORDINANCE: COUNTY	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

PIN: 0466-77-4852

AM

Withdrawn

Walter Clark,
Chair
Cumberland County

Patricia Hall,
Vice-Chair
Town of Hope Mills

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



COUNTY of CUMBERLAND

Planning & Inspections Department

August 14, 2012

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

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: County Planning Staff

SUBJECT: Staff Recommendation for the August 21, 2012 Board Meeting

P12-47: INITIAL ZONING OF 4.02+/- ACRES TO CD CONSERVANCY, RR RURAL RESIDENTIAL AND M(P) PLANNED INDUSTRIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 440 W MANCHESTER ROAD, OWNED BY MARY ODOM CAUDLE. (SPRING LAKE)

The County Planning Staff recommends approval of the initial zoning to the CD Conservancy, RR Rural Residential and M(P) Planned Industrial Districts of the subject property as shown on the attached sketch map, based on the following:

1. The districts requested are consistent with the 2030 Growth Vision Plan, which calls for “urban” and “conservation area” at this location, as well as meeting the location criteria for “suburban density residential” and “heavy industrial/manufacturing” development as listed in the Land Use Policies Plan;
2. The districts requested are reasonable as public utilities are available to the subject property; and
3. The request was submitted by the Town of Spring Lake.

The effective date of annexation was August 13, 2012. There are no other suitable districts to be considered for this request.

Attachments:

- 1 – Site Profile
- 2 – Sketch Map

P12-47
SITE PROFILE

P12-47: INITIAL ZONING OF 4.02+/- ACRES TO CD CONSERVANCY, RR RURAL RESIDENTIAL AND M(P) PLANNED INDUSTRIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 440 W MANCHESTER ROAD, OWNED BY MARY ODOM CAUDLE. (SPRING LAKE)

Site Information:

Frontage & Location: 61.68'+/- on SR 1451 (W Manchester Road)

Depth: 1,110.00'+/-

Jurisdiction: Town of Spring Lake (annexation effective August 13, 2012)

Adjacent Property: No

Current Use: Residential

Initial Zoning: CD, RR & M(P) – January 7, 1977 (Area 11)

Nonconformities: Existing residential structure do not appear to meet side yard setbacks

Zoning Violation(s): None

Surrounding Zoning: North: RR (Spring Lake) & R10 (Spring Lake); South: M(P), C(P) & RR (Spring Lake); East: M(P), M2 (Spring Lake), C3, RR & CD; West: C3 (Spring Lake), C2(P), RR, R6A & CD

Surrounding Land Use: Residential (including manufactured homes), open storage, lodge, repair, motor vehicle repair, bar, industrial operations not otherwise permitted (2) & woodlands

2030 Land Use Plan: Urban & Conservation Area

Spring Lake Land Use Plan: Planned Commercial & Open Space

Special Flood Hazard Area (SFHA): Yes; base flood is 151.5 msl (NAVD)

Water/Sewer Availability: Spring Lake/Spring Lake

Soil Limitations: Yes, hydric – CH Chewacla loam & WmB Wickham fine sandy

School Capacity/Enrolled: Manchester Elementary: 340/375; Spring Lake Middle: 700/466; Pine Forest High: 1,750/1,570

Subdivision/Site Plan: If approved, new construction may require a review and approval

RLUAC: Does not object to the request but suggests the use of additional insulation in any new construction as the property has high noise levels (65-70 dB). Subject property is also within the Accident Potential Zone (APZ) of Pope Army Airfield.

Average Daily Traffic Count (2010): 10,000 on SR 1451 (W Manchester Road)

US Fish & Wildlife: No objection to rezoning; however, concerned about loss of trees for dispersal corridor for red-cockaded woodpeckers

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

Note:

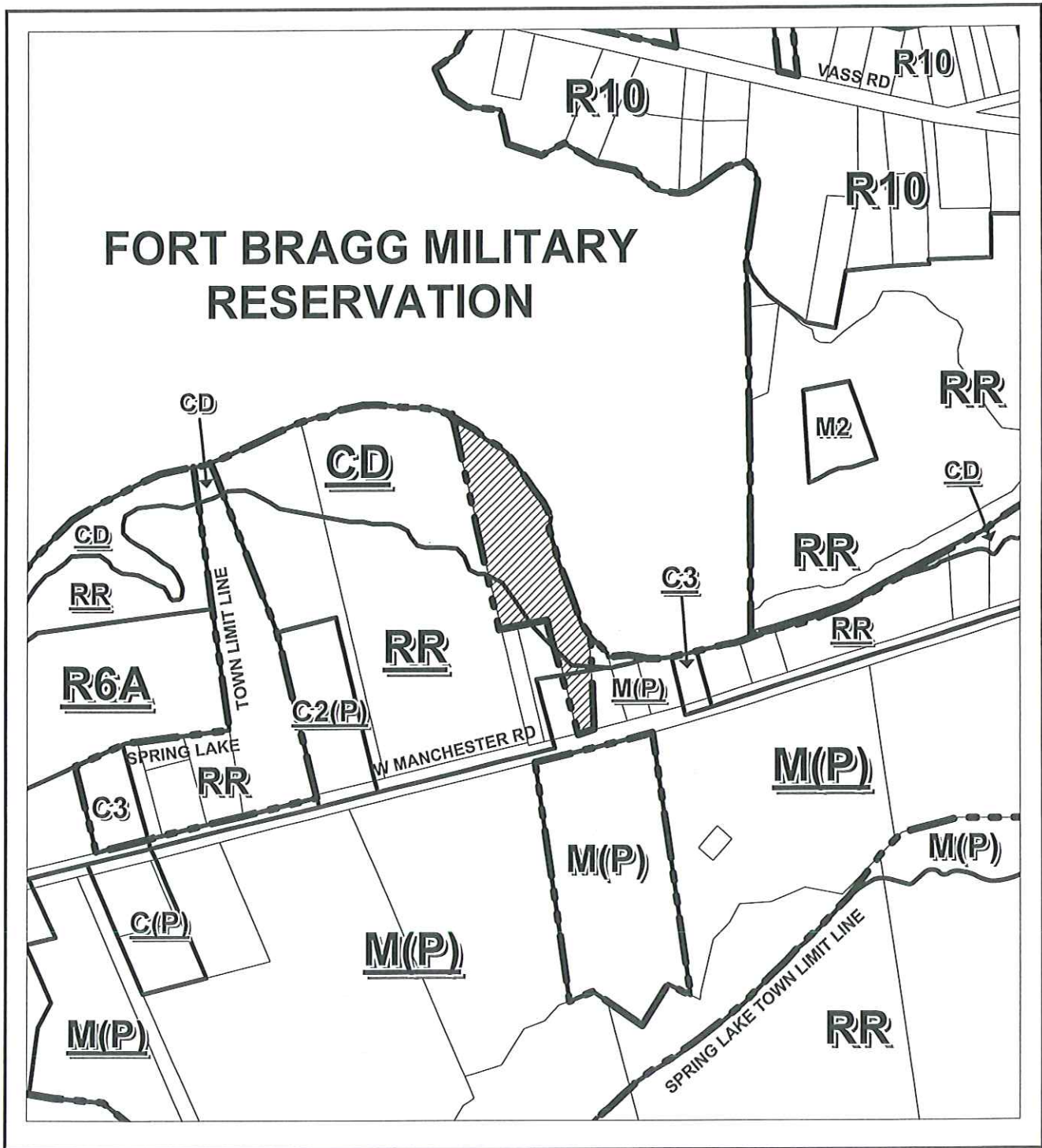
Minimum Yard Setback Regulations:

<u>RR</u>	<u>M(P)</u>
Front yard: 30'	Front yard: 100'
Side yard: 15'	Side yard: 50'
Rear yard: 35'	Rear yard: 50'

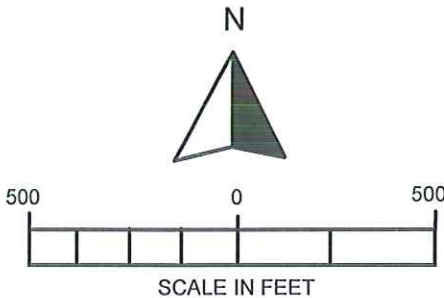
First Class and Record Owners' Mailed Notice Certification

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.

FORT BRAGG MILITARY RESERVATION



INITIAL ZONING TO CD, RR & M(P)



ACREAGE: 4.02 AC.+/-		HEARING NO: P12-47	
ORDINANCE: SPRING LAKE	HEARING DATE	ACTION	
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

Walter Clark,
Chair
Cumberland County

Patricia Hall,
Vice-Chair
Town of Hope Mills

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



COUNTY *of* CUMBERLAND

Planning & Inspections Department

August 14, 2012

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Director

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Lori Epler,
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 the August 21, 2012 Board Meeting

P12-49: REZONING 4.41+/- ACRES FROM A1 AGRICULTURAL TO R40A RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 5455 THROUGH 5515 MATT HAIR ROAD, SUBMITTED BY WILLIAM FRANK AND VIRGINIA KAY SKIPPER (OWNERS).

The Planning & Inspections Staff recommends approval of the R40A Residential district based on the following:

1. The district requested is consistent with the 2030 Growth Vision Plan, which calls for "rural" at this location, as well as meeting the location criteria for "rural density residential" development as listed in the Land Use Policies Plan; and
2. The location and character of the use is reasonable and will be in harmony with the surrounding area.

There are no other districts considered suitable for this request.

Attachments:

- 1 – Site Profile
- 2 – Sketch Map

P12-49
SITE PROFILE

P12-49: REZONING 4.41+/- ACRES FROM A1 AGRICULTURAL TO R40A RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 5455 THROUGH 5515 MATT HAIR ROAD, SUBMITTED BY WILLIAM FRANK AND VIRGINIA KAY SKIPPER (OWNERS).

Site Information:

Frontage & Location: 358.72'+/- on SR 2229 (Matt Hair Road)

Depth: 630.00'+/-

Jurisdiction: Cumberland County

Adjacent Property: No

Current Use: 2 residential structures

Initial Zoning: A1 – September 3, 1996 (Area 17A)

Nonconformities: Yes, lot was created by deed on April 30, 1987

Zoning Violation(s): None

Surrounding Zoning: North: R40A, RR, A1 & CD; South: A1/CU (2) (to allow trucking businesses), M2, A1 & CD; East: R40A & A1; West: A1 & CD

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

2030 Land Use Plan: Rural

Special Flood Hazard Area (SFHA): None

Water/Sewer Availability: Well/Septic

Soil Limitations: Yes, hydric – RO Roanoke and Wahee loams

School Capacity/Enrolled: J.W. Seabrook Elementary: 340/283; Mac Williams Middle: 1,270/1,210; Cape Fear High: 1,425/1,585

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

Average Daily Traffic Count (2010): 190 on SR 2229 (Matt Hair 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:

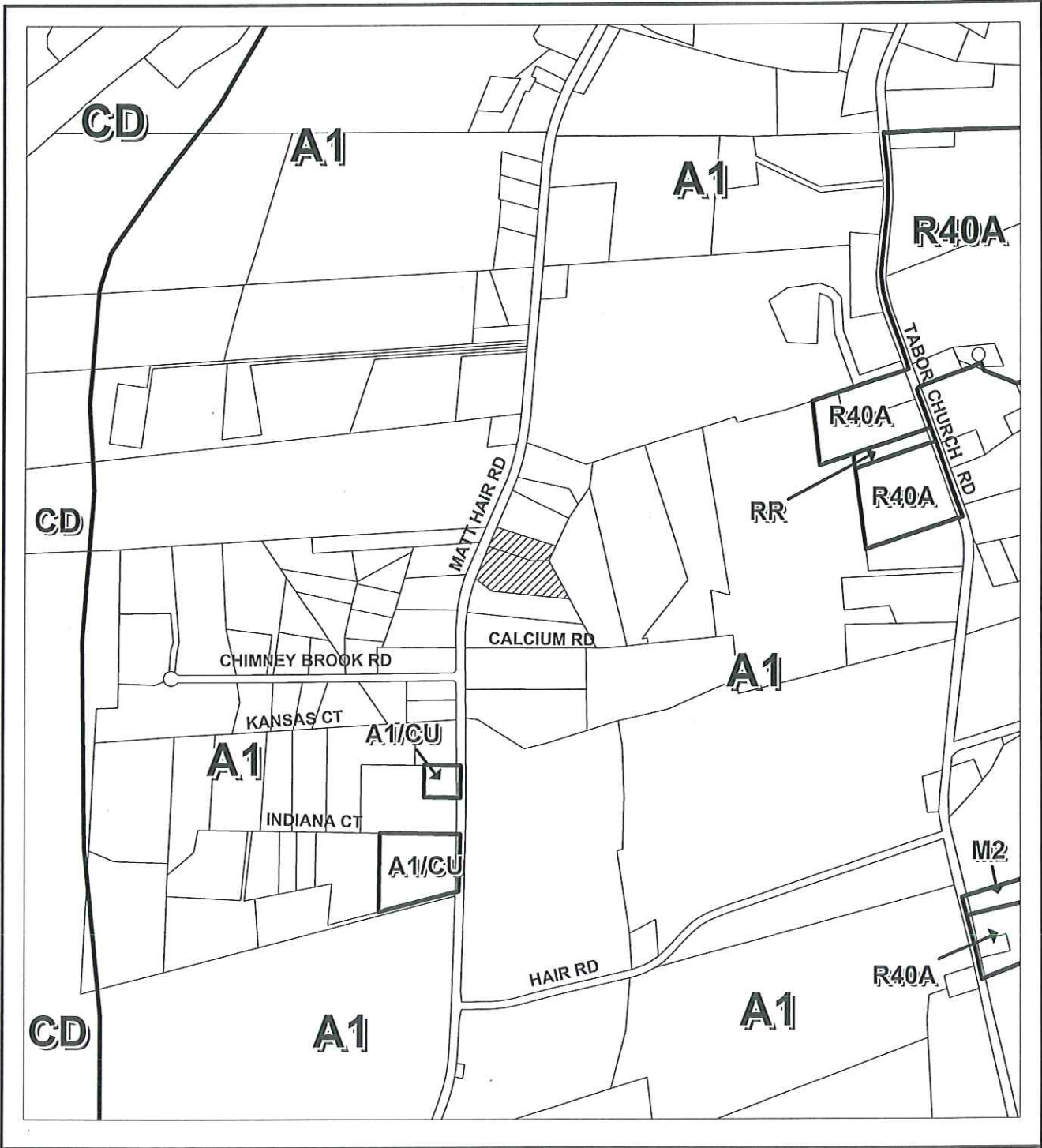
1. Density:
A1 – 2 lots/units
R40A – 5 lots/units

2. Minimum Yard Setback Regulations:

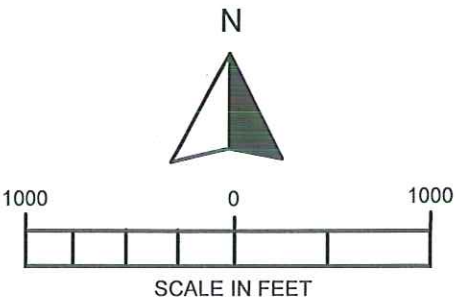
<u>A1</u>	<u>R40A</u>
Front yard: 50'	Front yard: 30'
Side yard: 20'	Side yard: 15'
Rear yard: 50'	Rear yard: 35'

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.



REQUESTED REZONING A1 TO R40A



ACREAGE: 4.41 AC.+/-	HEARING NO: P12-49	
ORDINANCE: COUNTY	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

PIN: 0451-98-3706
PIN: 0451-98-2587

AM

Walter Clark,
Chair
Cumberland County

Patricia Hall,
Vice-Chair
Town of Hope Mills

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



COUNTY of CUMBERLAND

Planning & Inspections Department

August 14, 2010

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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 the August 21, 2012 Board Meeting

P12-46: REZONING OF 1.94+/- ACRES FROM R6A RESIDENTIAL TO C2(P) PLANNED SERVICE AND RETAIL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 3955 DUNN ROAD, SUBMITTED BY HAROLD G. FURR ON BEHALF OF CAM PROPERTIES OF FAYETTEVILLE, LLC. (OWNER) AND 4D SITE SOLUTIONS, INC. (EASTOVER)

On August 16, 2012 the property owner amended the original application and is now requesting your consideration of a favorable recommendation for a C2(P) Planned Service and Retail/CZ Conditional Zoning district [C2(P)/CZ] for the allowed uses in the C2(P) district. The Planning & Inspections Staff recommends approval of the requested rezoning to C2(P) Planned Service and Retail/CZ Conditional Zoning district for the C2(P) allowed uses, after receiving feedback from the Town Manager based on the following:

1. Although the request is not entirely consistent with the Eastover Area Detailed Land Use Plan, which calls for "medium density residential" at this location, the subject area is currently under consideration to be placed in a Commercial Core Overlay District that is intended to accommodate for small-scale, low-intensity and convenience retail and services for the Town of Eastover;
2. The district requested is reasonable as it is consistent with the 2030 Growth Vision Plan, which calls for "community growth area" at this location, as well as meeting the location criteria for "light commercial development" as listed in the Land Use Policies Plan;
3. The location and character of the use will be in harmony with the surrounding area; and
4. Public utilities are available to the subject property.

There are no other zoning districts suitable as related to this request. At the time of printing this recommendation, the property owner has not agreed to all Ordinance Related Conditions.

Attachments:

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

P12-46
SITE PROFILE

P12-46: REZONING OF 1.94+/- ACRES FROM R6A RESIDENTIAL TO C2(P) PLANNED SERVICE AND RETAIL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 3955 DUNN ROAD, SUBMITTED BY HAROLD G. FURR ON BEHALF OF CAM PROPERTIES OF FAYETTEVILLE, LLC. (OWNER) AND 4D SITE SOLUTIONS, INC. (EASTOVER)

Site Information:

Frontage & Location: 312.00'+/- on Dunn Road (US 301)

Depth: 291.14'+/-

Jurisdiction: Eastover

Adjacent Property: No

Current Use: Vacant residential

Initial Zoning: R6A – December 14, 1979 (Area 10); initially zoned to R6A December 4, 2007 (Town of Eastover incorporated July 26, 2007)

Nonconformities: None

Zoning Violation(s): None

Surrounding Zoning: North: C3, C(P), RR, R15 & R6A; South: M(P), C(P), C1(P), RR, R10 & R6A; East: C(P), C1(P), RR & R6A; West: RR & R6A (all referenced districts are in Eastover)

Surrounding Land Use: Residential (including manufactured homes & multi-family), substation, mini-warehousing, variety sales (2), motor vehicle repair, barbering, assembly hall & office

2030 Growth Vision Plan: Community Growth Area

Eastover Area Detailed Land Use Plan: Medium Density Residential

Special Flood Hazard Area (SFHA): None

Water/Sewer Availability: ESD/ESD

Soil Limitations: None

School Capacity/Enrolled: Armstrong Elementary: 450/444; Mac Williams Middle: 1,270/1,210; Cape Fear High: 1,425/1,585

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

Average Daily Traffic Count (2010): 5,100 on Dunn Road (US 301)

Highway Plan: Dunn Road is identified in the Highway Plan as a Major Thoroughfare. The plan calls for widening to a multi-lane facility. No road improvements are included in the 2012-2018 MTIP

Notes:

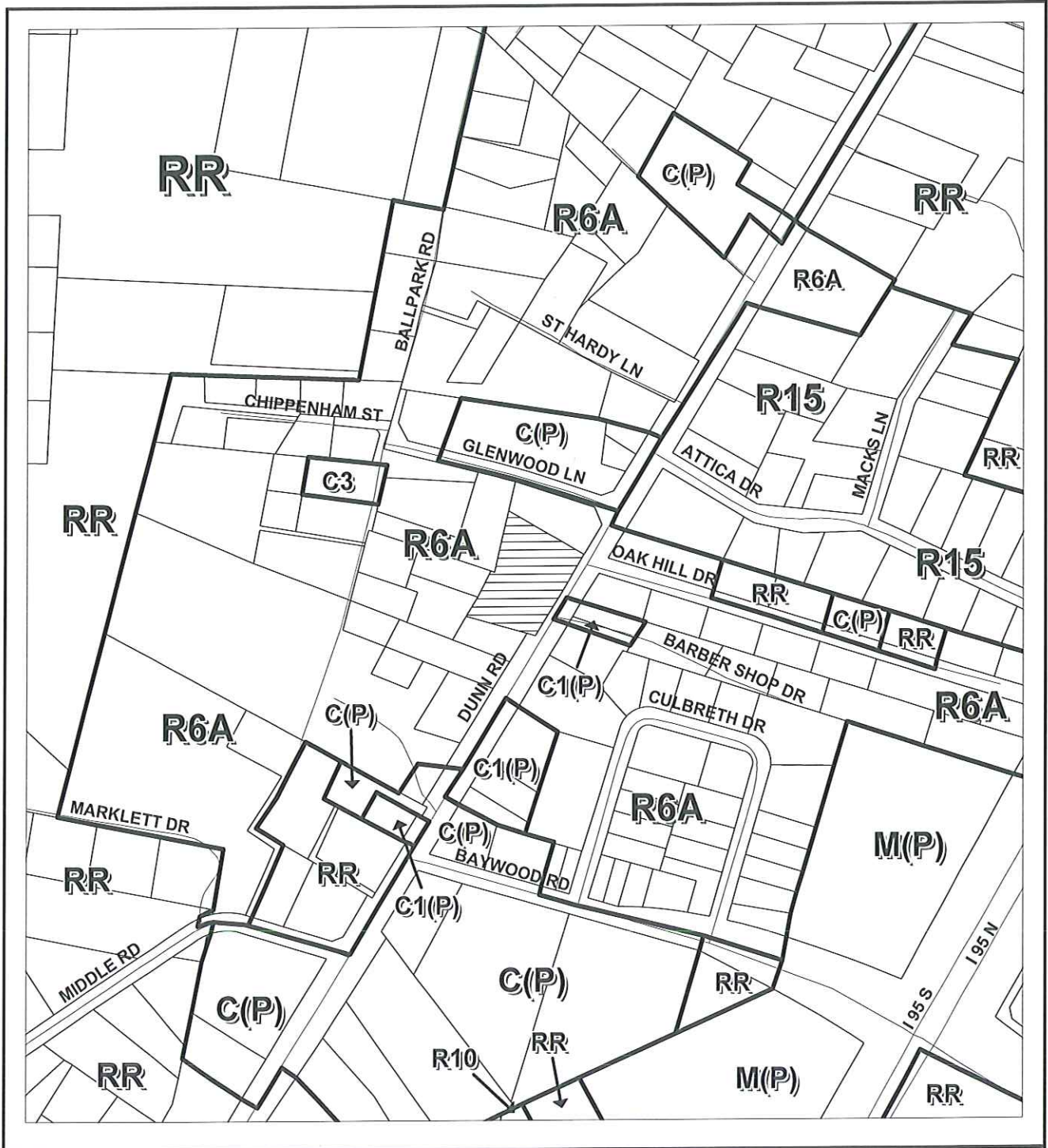
1. Density:
R6A – 20 lots/units

2. Minimum Yard Setback Regulations:

<u>R6A</u>	<u>C2(P)</u>
Front yard: 25'	Front yard: 50'
Side yard: 10'	Side yard: 30'
Rear yard: 15'	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' certified receipt of notice is also included.



REQUESTED REZONING R6A TO C2(P)/CZ

ACREAGE: 1.94 AC.+/-

HEARING NO: P12-46

ORDINANCE: EASTOVER

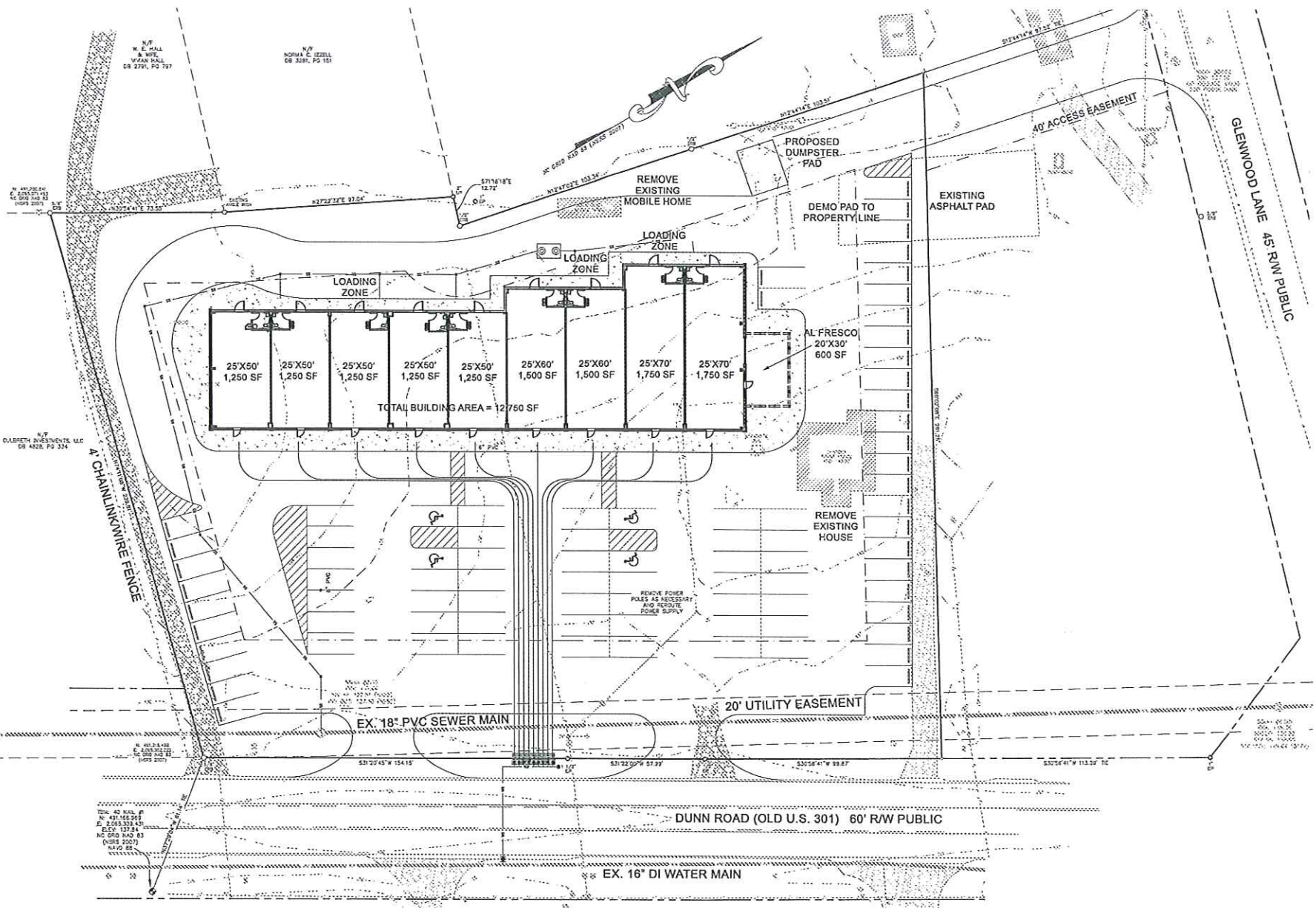
HEARING DATE

ACTION

STAFF RECOMMENDATION

PLANNING BOARD

GOVERNING BOARD



CONDITIONAL ZONING DISTRICT
REQUEST: ALLOWED USES IN C2(P)
CASE: P12-46 ACREAGE: 1.94 AC +/-
SCALE: NTS PARKING: 83 SPACES ZONED: R6A
 *SCALED DETAILED SITE PLAN IN FILE AVAILABLE FOR REVIEW UPON REQUEST

Conditional Zoning District

DRAFT

Ordinance Related Conditions

Note: A committee representing the Town of Eastover is currently preparing draft ordinance standards for the *Eastover Commercial Core Overlay District*. The developer is encouraged to consider implementing as many of the standards as possible if the proposed *Eastover Commercial Core Overlay District* provisions are published prior to submission for permit application.

Pre- Permit Related:

1. Prior to any permit being issued the developer must submit five copies of a revised site plan for staff review and approval; the revised plan must include the following changes:
 - a. The site plan must show the required buffer around the side and rear property lines and the buffer must be labeled as to the location, type and size.
 - b. The calculation for the required parking spaces in the site data box must be changed to reflect $13,350/200 = 67$. (Note: The 600 sq. ft. area along the northern end of the building must be included in the total building area. The 67 required parking spaces must be located outside the required 25 foot reservation area – see “1.c” below.)
 - c. The site plan must be revised to reflect the required reservation of 25 feet of right-of way along US HWY 301 (Dunn Road) and the metes and bounds for the reservation must be 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)
 - d. 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:
 - (1) Six large shade trees or 12 small ornamental trees within the front yard setback area along US HWY 301 (Dunn Road);
 - (2) Five ornamental trees and 51 shrubs are required in the building yard area;
 - (3) Four large shade trees or eight small ornamental trees are required within the parking area.

Note: All required landscaping must be located outside the required 25 foot reservation area along US HWY 301 (Dunn Road).

In addition:

- (1) Required plant materials shall be maintained by the property owner, including replacing dead or unhealthy trees and shrubs; and
 - (2) All yard and planting areas shall be maintained in a neat, orderly, and presentable manner and kept free of weeds and debris.
- e. If any freestanding signs are proposed to be located on this development, the location, setback and size of the signs must be reflected on the revised site plan. A freestanding sign will not be allowed at the proposed entrance at SR 2828 (Glenwood Lane) since that property is not part of this development. (Note: Any freestanding signs must be located outside the required 25 foot reservation area – see “1.c” above.)
 - f. The dumpster area must be screened on a minimum of three sides and must be reflected on the site plan.

- g. The size of the loading spaces must loading space must be reflected on the site plan. (Note: Loading spaces must be a minimum of 12' x 25'.)
- h. NC Department of Transportation (NCDOT) will require turn lanes for this development. If the turn lanes will require any changes to the sign plan then those changes must be reflected on the revised plans.
- i. In the event the NC Department of Transportation (NCDOT) has not approved the location of the three access points shown on the site plan and the NCDOT requirements cause changes to the site layout, these changes must be reflected on the revised plan.

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. Connection to public water and sewer is required, the Eastover Sanitary District must approve water and sewer plans prior to application for any permits. A copy of the Eastover Sanitary 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)
- 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 C(P) zoning district, the Conditional Zoning (CZ) application and the site plan must be complied with, as applicable.
- 9. This conditional approval is not approval of any freestanding signs – see Condition No. “1.e” above. If a freestanding sign is desired, re-submittal of the site plan is required prior to application for any freestanding sign permits. Attached signage for this development must be in accordance with the applicable sign regulations as set forth in Article XIII of the County Zoning Ordinance and that the proper permit(s) must be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is **not** approval of the size, shape, or location of any signs.)
- 10. 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)
- 11. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision Ordinance)

12. 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.
13. 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.
14. Turn lanes will be required by the NC Department of Transportation (NCDOT).
15. 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.
16. A solid buffer must be provided and maintained along the side and rear property lines where this tract/site abuts residentially zoned properties 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.)
17. All required off-street parking spaces shall be a minimum of 9' x 20'; a minimum of 67 off-street parking spaces are required for this development.
18. A minimum of one off-street loading spaces(s) measuring 12' x 25' with 14' overhead clearance must be provided for the retail commercial shops.
19. 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.

Other Related Conditions:

20. The applicant is advised to consult an expert on wetlands before proceeding with any development.
21. The owner/developer is responsible for ensuring easements which may exist on the subject property are accounted for, not encumbered and that no part of this development is violating the rights of the easement holder.

Thank you for building and doing business in the Town of Eastover and Cumberland County!

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

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

Subdivision/Site Plan/Plat	Ed Byrne	678-7609
Code Enforcement (Permits):	Ken Sykes	321-6654
County Engineer's Office:	Wayne Dudley	678-7636
County Health Department:		
Food & Lodging Env. Health:	Tony Ferguson	433-3678
Eastover Sanitary District:	Morgan Johnson	323-3973
Town of Eastover:	Matt Rooney (Staff Rep)	678-7625
Town of Eastover	Jane Fairecloth (Town Clerk)	323-0707
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
Transportation Planning:	Bobby McCormick	678 7632
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 CAM Properties of Fayetteville, LLC
2. Address: 327 Dick Street, Fayetteville, NC Zip Code 28301
3. Telephone: (Home) 910-391-3877 (Work) 910-424-3877
4. Location of Property: south of intersection of Glenwood Lane and Dunn Road
in Eastover
5. Parcel Identification Number (PIN #) of subject property: 0469-51-2460
(also known as Tax ID Number or Property Tax ID)
6. Acreage: 1.94 Frontage: 312 Depth: 291
7. Water Provider: Eastover Sanitary District
8. Septage Provider: Eastover Sanitary District
9. Deed Book 8528, Page(s) 569, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
10. Existing use of property: single family residential
11. Proposed use(s) of the property: Commercial shopping center

NOTE: Be specific and list all intended uses.

12. It is requested that the foregoing property be rezoned FROM: R6A

TO: (Select one)

- Conditional Zoning District, with an underlying zoning district of C2 (P)
(Article IV)
- Mixed Use District/Conditional Zoning District (Article VI)
- Planned Neighborhood District/Conditional Zoning District (Article VII)
- Density Development/Conditional Zoning District, at the _____ Density
(Article VIII)

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

APPLICATION FOR
CONDITIONAL ZONING

1. PROPOSED USE(S):

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

Commercial shopping center

- 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.

100% of land will be commercial. See site plan.

2. DIMENSIONAL REQUIREMENTS:

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

Dimensional setbacks for C2(P) per the zoning ordinance

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

64 spaces required; 83 provided. All parking will be on asphalt.
See site plan.

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.

Sign will comply with the current zoning regulations per 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.**

Will comply with Section 1102 Paragraph N. See site plan. Landscape plan will be submitted at a later date.

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

Solid buffer with vegetation for all sides abutting residential zoning. See site plan. Will comply with section 1102 paragraph G.

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.

See site plan.

6. SITE PLAN REQUIREMENTS:

The application must 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. STATEMENT OF ACKNOWLEDGMENT:

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

It is the responsibility of the petitioner (personally or by agent) to submit to the Planning and Inspections Department a valid request, 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 Zoning District, they must find from the evidence presented at their respective 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 ordinance related prior to the first hearing on the case. 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.

CAM Properties of Fayetteville, LLC
NAME OF OWNER(S) (PRINT OR TYPE)

327 Dick Street, Fayetteville, NC 28301
ADDRESS OF OWNER(S)

FurrProperties@embarqmail.com
E-MAIL

910-391-3877 910-424-3877
HOME TELEPHONE WORK TELEPHONE

SIGNATURE OF OWNER(S) SIGNATURE OF OWNER(S)

The undersigned understands 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.

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.

CAM Properties of Fayetteville, LLC

NAME OF OWNERS (PRINT OR TYPE)

327 Dick Street, Fayetteville, NC 28301

ADDRESS OF OWNER(S)

910-391-3877

HOME TELEPHONE #

910-424-3877

WORK TELEPHONE #

CAM Properties of Fayetteville, LLC

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

same as above

ADDRESS OF AGENT, ATTORNEY, APPLICANT

910-484-6833

HOME TELEPHONE #

910-424-3877

WORK TELEPHONE #

SIGNATURE OF OWNER(S)

SIGNATURE OF AGENT, ATTORNEY
OR APPLICANT

SIGNATURE OF OWNER(S)

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

Walter Clark,
Chair
Cumberland County

Patricia Hall,
Vice-Chair
Town of Hope Mills

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



COUNTY of CUMBERLAND

Planning & Inspections Department

August 14, 2012

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

MEMORANDUM

TO: Cumberland County Joint Planning Board
FROM: Planning & Inspections Staff
SUBJECT: Staff Recommendation for August 21, 2012 Board Meeting

P12-48: REZONING OF 86.22+/- ACRES FROM CD CONSERVANCY AND RR RURAL RESIDENTIAL TO R7.5 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE EAST SIDE OF MCKINNON FARM ROAD AND SOUTH OF SR 1107 (FISHER ROAD); SUBMITTED BY LORRAINE MOHLER ON BEHALF OF MWH GROUP, LLC. (OWNER) AND 4D SITE SOLUTIONS, INC.

On August 16, 2012 the property owner amended the original application and is now requesting your consideration of a favorable recommendation for a R15 Residential/CZ Conditional Zoning district [R15/CZ] for a 176 lot residential subdivision. The Planning and Inspections Staff recommends approval of the R15 Residential/CZ Conditional Zoning district for a 176 lot residential subdivision except for that area in the *Special Flood Hazard Area* to remain/become CD Conservancy based on the following:

1. The district requested is consistent with the 2030 Growth Vision Plan, which calls for “urban and conservation area” at this location, as well as meeting the location criteria for Low Density Residential development as listed in the Land Use Policies Plan;
2. Public utilities are available to the subject properties;
3. The request is reasonable as the subject property is entirely surrounded by RR Rural Residential and R10 Residential and approval of this request would allow for the comparable lot sizes but more restrictive land uses and will only allow an increase of 16 lots over the current zoning; and
4. Approval of the increase of 16 lots will afford the NC Department of Transportation the opportunity to require some road improvements to this segment of Fisher Road.

There are no other suitable zoning districts to be considered for this request. At the time of printing this recommendation the property owner has not agreed to all Ordinance Related Conditions.

Attachments:

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

P12-48
SITE PROFILE

P12-48: REZONING OF 86.22+/- ACRES FROM CD CONSERVANCY AND RR RURAL RESIDENTIAL TO R7.5 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE EAST SIDE OF MCKINNON FARM ROAD AND SOUTH OF SR 1107 (FISHER ROAD); SUBMITTED BY LORRAINE MOHLER ON BEHALF OF MWH GROUP, LLC. (OWNER) AND 4D SITE SOLUTIONS, INC.

Site Information:

Frontage & Location: 1,070.00'+/- on Mckinnon Farm Road

Depth: 2,200.00'+/-

Jurisdiction: Cumberland County

Adjacent Property: No

Current Use: 1 residential structure, 2 accessory buildings & woodlands

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

Nonconformities: None

Zoning Violation(s): None

Surrounding Zoning: North: RR/CU (to allow R10 density), M2, C(P), RR, SF-10 (Fayetteville), R10 & R6A; South: RR, R10, R6A (Hope Mills) & CD; East: C(P), R10 (Hope Mills) & CD; West: R10

Surrounding Land Use: Residential & woodlands

2030 Land Use Plan: Urban & Conservation Area

Special Flood Hazard Area (SFHA): Yes; base flood varies from 118.5 msl (NAVD) to 121.2 msl (NAVD)

Water/Sewer Availability: PWC/PWC

Soil Limitations: Yes, hydric – PA Pactolus loamy sand, JT Johnston loam & TR Torhunta and Lynn Haven soils

School Capacity/Enrolled: E. Melvin Honeycutt Elementary: 1,045/738; John Griffin Middle: 1,274/1,212; Jack Britt High: 1,870/1,872

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

Municipal Influence Area: Town of Hope Mills

Average Daily Traffic Count (2010): 8,700 on SR 1107 (Fisher 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:

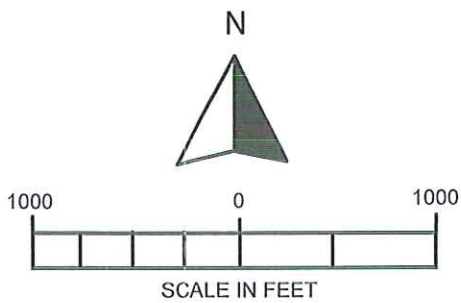
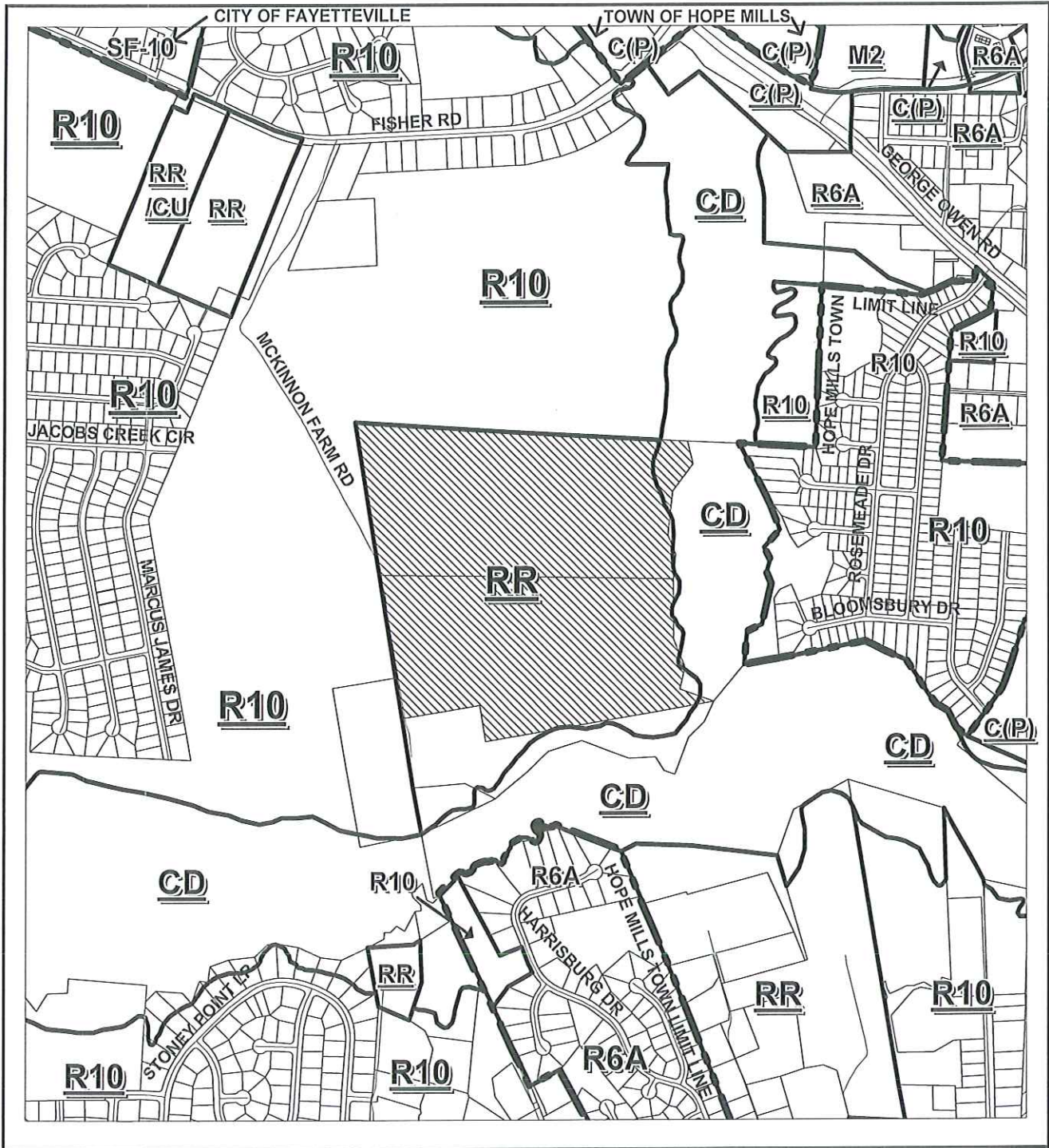
1. Density minus (15% for R/W):
RR, R20 & R20A – 160 lots/units
R15 – 213 lots/units
R7.5 – 426 lots/units

2. Minimum Yard Setback Regulations:

<u>RR, R20 & R20A</u>	<u>R15 & R7.5</u>
Front yard: 30'	Front yard: 30'
Side yard: 15'	Side yard: 10'
Rear yard: 35'	Rear yard: 35'

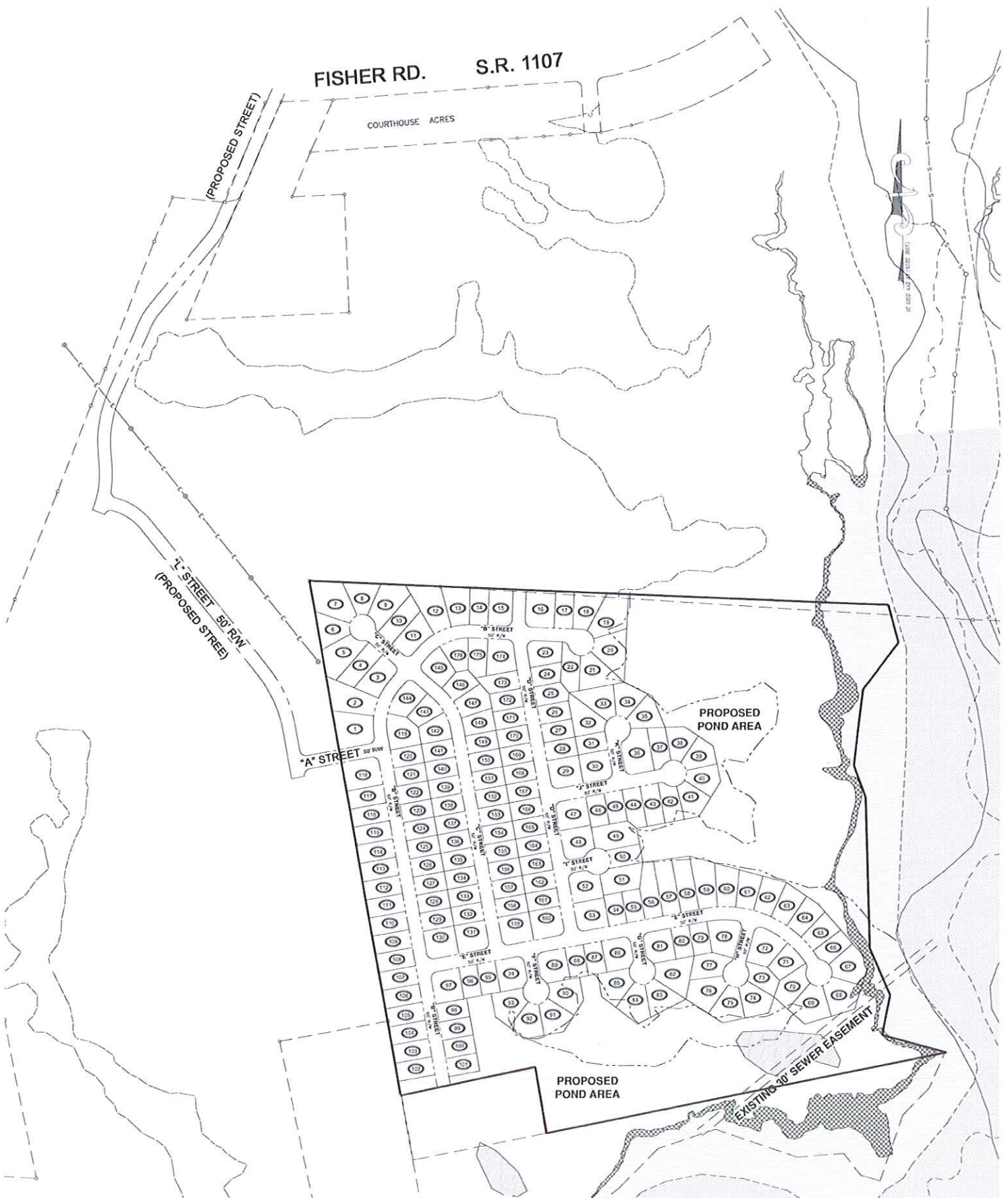
First Class and Record Owners' Mailed Notice Certification

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.



REQUESTED REZONING CD & RR TO R15/CZ

ACREAGE: 86.22 AC.+/-	HEARING NO: P12-48	
ORDINANCE: COUNTY	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		



CONDITIONAL ZONING PERMIT
REQUEST: 176 LOT RESIDENTIAL SUBDIVISION
CASE NO.: P12-48 ACREAGE: 86.22 AC. +/-
ZONED: CD & RR SCALE: NTS

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

Conditional Zoning District

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 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.

3. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
4. 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.
5. For any new development where the developer disturbs or intends to disturb more than one acre of land, the developer must provide the Code Enforcement Section with an approved NC Department of 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.
6. The *Special Flood Hazard Area* (SFHA) exists on this tract; any development within SFHA must have first flood elevations, including all mechanical and electrical equipment above base flood elevation (BFE) plus two feet of freeboard. Proper flood plain development permits are required, issued by the County Engineer, prior to any building/permit application. A copy of the approved flood plain permit must be provided to Code Enforcement at the time of building/zoning permit applications.
7. 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.
8. A review of the data available to the Army Corp of Engineers indicates that jurisdictional waters are likely to be present on this property and therefore are likely to be impacted by the proposed project. However, without an official Jurisdictional Determination at the property, these findings cannot be confirmed.

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

9. The developer must formally notify the NC Department of Transportation once construction of the public streets is 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 80% 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:

10. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Zoning Ordinances for the R15/CZ & CD/CZ zoning districts, the contents of the application and the site plan must be complied with, as applicable.
11. All corner lots and lots fronting more than one street must provide front yard setbacks from each street.
12. This conditional approval is not approval of any freestanding signs. If a freestanding sign is desired, re-submittal of the site plan is required prior to application for any freestanding sign permits. Attached signage for this development must be in accordance with the applicable sign regulations as set forth in Article XIII of the County Zoning Ordinance and that the proper permit(s) must be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is **not** approval of the size, shape, or location of any signs.)
13. All applicable provisions of Section 2401, "Group Developments", County Subdivision Ordinance, must be complied with.
14. Curbs and gutters must meet the NC Department of Transportation's (NCDOT) standards and specifications. Rolled concrete curb, if required, must not be less than 24 inches in width. (Section 2304 B.4, Curbs and Gutters, County Subdivision Ordinance)
15. For any new development, an adequate drainage system must be installed by the developer in accordance with the NC Department of Environment and Natural Resources' (NCDENR) *Manual on Best Management Practices* and all drainage ways must be kept clean and free of debris. (Section 2306 D, County Subdivision Ordinance)
16. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision Ordinance)
17. In the event a stormwater utility structures 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.
18. This review does not constitute a "subdivision" approval by NC Department of Transportation (NCDOT). A separate submittal to NCDOT will be required prior to consideration for addition to the system of any street within this development.
19. The developer must obtain a driveway permit from the NC Department of Transportation (NCDOT). **A copy of the approved driveway permit must be provided to Code Enforcement at the time of application for building/zoning permits. Road improvements to SR 1107 (Fisher Road) most likely will be required by the NCDOT prior to commencement of this development.**
20. 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.
21. Turn lanes most likely will be required by the NC Department of Transportation (NCDOT) along SR 1107 (Fisher Road).

Plat-Related:

22. Prior to submission for final plat approval of any portion of this development, the public street right-of-way connecting directly to SR 1107 (Fisher Road) must be finally approved and recorded with the Cumberland County Register of Deeds.
23. The final plat must be labeled as a "Zero Lot Line" development.
24. The open space/recreation and pond area must also be labeled as "Common area" on the final plat.
25. The open space/recreation and pond lot area must be provided a minimum of 20 feet of road frontage and that must be reflected on the final plat.

26. Prior to submission for final plat approval, fire 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)
27. 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.
28. 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 the common area, to include: stormwater ponds and open space/recreational areas, 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.

29. The final plat must reflect the approved street names. The developer must contact the Location Services Section of the Planning & Inspections Department to get the street name approval.
30. The street name signs, in compliance with the County Street Sign Specifications, must be installed prior to final plat approval. The developer should contact Location Services 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 Location Services Section for sign installation or of satisfactory inspection prior to the approval of the final plat.
31. 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.
32. 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.
33. A 10' x 70' sight distance easement is required at the intersection of SR 1107 (Fisher Road) with proposed Street "L" and must be reflected on the final plat.
34. 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)
35. 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.
36. 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)
37. 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.)

38. 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:

39. 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/development/recombination plat.”

40. Because the streets in this development have been approved as “public” streets and the streets do not yet qualify for acceptance by the NC Department of Transportation to the State system for maintenance purposes, the following statement is required to be included on the final plat:

“The streets shown on this plat though labeled as “public” – unless otherwise noted – have not been accepted by the NC Department of Transportation as of the date of this recording. Until such time that the streets are accepted and formally added to the State system, maintenance and liability of the streets are the responsibility of the developer and any future lot owner(s).”

Other Relevant Conditions:

41. 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.
42. 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.
43. 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.
44. The developer is encouraged to retain as many existing trees as possible when preparing the site for development.

Thank you for developing in Cumberland County and the Hope Mills area!

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

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

Watershed Officer/Improvements:	Jeff Barnhill	678-7765
Subdivision/Site Plan/Plat	Ed Byrne	678-7609
Code Enforcement (Permits):	Ken Sykes	321-6654
County Engineer’s Office:	Wayne Dudley	678-7636
PWC:	Heidi Maly	223-4737
Town of Hope Mills:		424-4555*
Asst. Town Manager/Town Clerk:		
Chief Building Inspector:	Mike Bailey	
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

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

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

cc: Mike Bailey, Town of Hope Mills

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 MWH Group, LLC
2. Address: 7670 Raeford Road, Fayetteville, NC Zip Code 28304
3. Telephone: (Home) 910-303-1507 (Work) 910-221-9901
4. Location of Property: east side of McKinnon Farm Road off of Fisher Road
5. Parcel Identification Number (PIN #) of subject property: 0405-52-1954 & 0405-51-2958
(also known as Tax ID Number or Property Tax ID)
6. Acreage: 44.6 & 41.6 Frontage: N/A Depth: 1,010
7. Water Provider: PWC
8. Septage Provider: PWC
9. Deed Book 8830, Page(s) 617 & 620, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
10. Existing use of property: undeveloped residential property
11. Proposed use(s) of the property: single family residential

NOTE: Be specific and list all intended uses.

12. It is requested that the foregoing property be rezoned FROM: RR & CD
TO: (Select one)

- Conditional Zoning District, with an underlying zoning district of R7.5 **R15**
(Article IV)
- Mixed Use District/Conditional Zoning District (Article VI) **PSS**
- Planned Neighborhood District/Conditional Zoning District (Article VII) **8-16-12**
- Density Development/Conditional Zoning District, at the _____ Density
(Article VIII)

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

APPLICATION FOR
CONDITIONAL ZONING

1. PROPOSED USE(S):

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

Single family residential

- 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.

100% of land will be residential. Total of 176 lots.

2. DIMENSIONAL REQUIREMENTS:

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

Dimensional setbacks for R7.5 zero lot line development

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

No off street parking is proposed or required for single family lots.
All parking will be within the individual lots.

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.

Sign will comply with the current zoning regulations per 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.**

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

No buffer is required or proposed.

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 must 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.

The undersigned understands 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.

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.

↓
MWH Group, LLC

NAME OF OWNERS (PRINT OR TYPE)

7670 Raeford Road, Fayetteville, NC 28304

ADDRESS OF OWNER(S)

910-303-1507

HOME TELEPHONE #

910-221-9901

WORK TELEPHONE #

MWH Group, LLC

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

same as above

ADDRESS OF AGENT, ATTORNEY, APPLICANT

HOME TELEPHONE #

WORK TELEPHONE #

↓
 - Lorraine Mohler
SIGNATURE OF OWNER(S)

SIGNATURE OF AGENT, ATTORNEY
OR APPLICANT

SIGNATURE OF OWNER(S)

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

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



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

COUNTY of CUMBERLAND

Planning & Inspections Department

August 14, 2012

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning and Inspections Staff

SUBJECT: Staff Recommendation for the July 17, 2012 Board Meeting

P12-37: REZONING OF 24.73+/- ACRES FROM A1 AGRICULTURAL AND C(P) PLANNED COMMERCIAL TO C2(P) PLANNED SERVICE AND RETAIL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 3435 MURPHY ROAD AND NORTHEAST OF SR 1832 (MURPHY ROAD), SOUTHEAST OF I-95; SUBMITTED BY SANDRA F. AUTRY, MARY J. SWANN, SHARON A. PENNY AND MARSHA D. AUTRY AS THE MARGARET MURPHY AUTRY HEIRS (OWNERS) AND JAMES SHERRILL, REMAX HOMEOWNERS LTD. (EASTOVER)

At the July 17, 2012 Planning Board Meeting, the Board asked the property owners if they would consider connecting to public sewer within one year of sewer becoming available for the commercial use on lot number 2. Previously at the June 19, 2012 Planning Board Meeting, the Board asked the property owners if they would consider modifying their request to Conditional Zoning and agree to extend and connect to public sewer. On June 21, 2012 the property owners amended the original application and are now requesting your consideration of a favorable recommendation for a C2(P) Planned Service and Retail/CZ Conditional Zoning District [C2(P)/CZ] for all permitted uses listed for the C2(P) Planned Service and Retail District on the subject property. However, the property owners are requesting approval of the staff numbered lot 2 to be permitted to install a private septic system, with development on the remaining lots being conditioned upon extension and connection to the public sewer system. The property owners agreed to all "Ordinance Related Conditions" on July 2, 2012.

As the amended request and agreed upon "Ordinance Related Conditions" are more restrictive than the original request, the Staff Recommendation remains unchanged.

Attachments:

- 1 – Original Staff Recommendation dated June 12, 2012
- 2 – Site Profile
- 3 – Sketch Map
- 4 – Site Plan
- 5 – Site Plan Detail
- 6 – Ordinance Related Conditions
- 7 – Application

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



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

COUNTY *of* CUMBERLAND

Planning & Inspections Department

June 12, 2012

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for the June 19, 2012 Board Meeting

P12-37: REZONING OF 24.73+/- ACRES FROM A1 AGRICULTURAL AND C(P) PLANNED COMMERCIAL TO C2(P) PLANNED SERVICE AND RETAIL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 3435 MURPHY ROAD AND NORTHEAST OF SR 1832 (MURPHY ROAD), SOUTHEAST OF I-95; SUBMITTED BY SANDRA F. AUTRY, MARY J. SWANN, SHARON A. PENNY AND MARSHA D. AUTRY AS THE MARGARET MURPHY AUTRY HEIRS (OWNERS) AND JAMES SHERRILL, REMAX HOMEOWNERS LTD. (EASTOVER)

The Planning & Inspections Staff recommends approval of the C2(P) Planned Service and Retail district for this request based on the following:

1. The district requested is consistent with the Eastover Area Detailed Land Use Plan, which calls for "activity node" at this location; the request is also consistent with the 2030 Growth Vision Plan, which calls for "community growth" and "conservation area" at this location, as well as meeting the location criteria for light commercial development as listed in the Land Use Policies Plan;
2. The requested district is reasonable due to the subject property's proximity to I-95; and
3. Public utilities (water) are available to the subject property.

There are no other districts considered suitable for this request.

Attachments:

- 1- Site Profile
- 2- Sketch Map

P12-37
SITE PROFILE

P12-37: REZONING OF 24.73+/- ACRES FROM A1 AGRICULTURAL AND C(P) PLANNED COMMERCIAL TO C2(P) PLANNED SERVICE AND RETAIL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 3435 MURPHY ROAD AND NORTHEAST OF SR 1832 (MURPHY ROAD), SOUTHEAST OF I-95; SUBMITTED BY SANDRA F. AUTRY, MARY J. SWANN, SHARON A. PENNY AND MARSHA D. AUTRY AS THE MARGARET MURPHY AUTRY HEIRS (OWNERS) AND JAMES SHERRILL, REMAX HOMEOWNERS LTD. (EASTOVER)

Site Information:

Frontage & Location: 684.40'+/- on SR 1832 (Murphy Road)

Depth: 1,510.00'+/-

Jurisdiction: Eastover

Adjacent Property: No

Current Use: Woodlands

Initial Zoning: A1 – April 26, 1979 (Area 8); initially zoned to A1 December 4, 2007 (Town of Eastover incorporated July 26, 2007)

Nonconformities: None

Zoning Violation(s): None

Surrounding Zoning: North: M(P), C(P), C1(P), RR, R10, R6A & A1; South: HS(P)/CU (emergency personnel training), HS(P), C(P), R40 (Eastover), RR, R6A & A1; East: C(P), R40, RR & A1; West: C(P)/CU (trade contractor), C(P), C2(P), C1(P) & R6A (all referenced districts are in Eastover except south of subject)

Surrounding Land Use: Residential (including manufactured homes), garden supply, office, religious worship & woodlands

2030 Growth Vision Plan: Community Growth & Conservation Area

Eastover Area Detailed Land Use Plan: Activity Node

Special Flood Hazard Area (SFHA): Yes; base flood is 104 msl (NAVD)

Water/Sewer Availability: ESD/Septic

Soil Limitations: None

School Capacity/Enrolled: Armstrong Elementary: 450/444; Mac Williams Middle: 1,270/1,210; Cape Fear High: 1,425/1,585

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

Average Daily Traffic Count (2010): 4,200 on SR 1832 (Murphy 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:

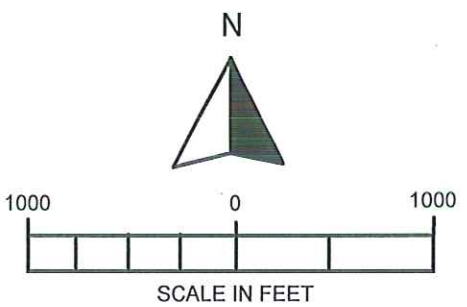
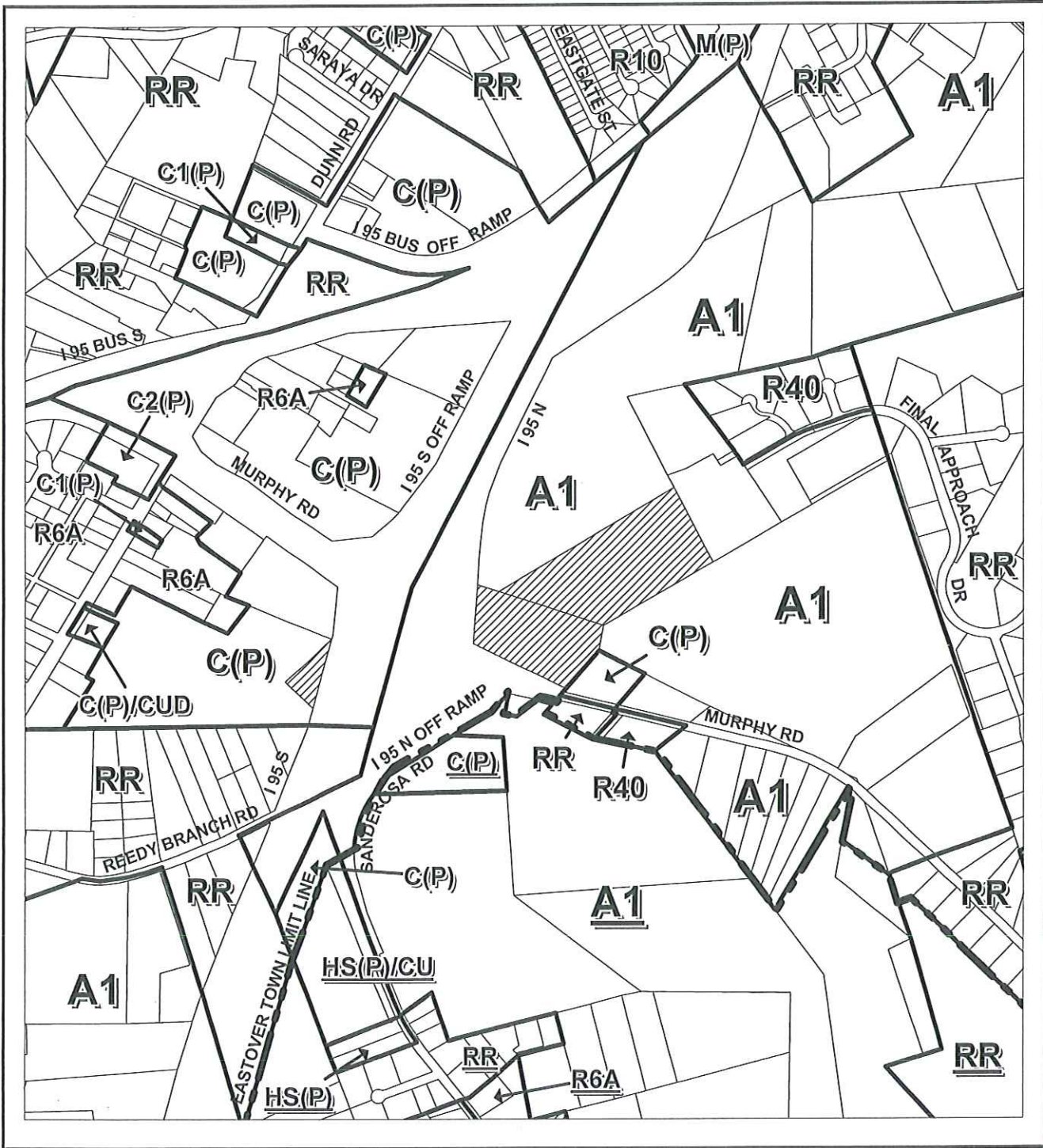
1. Density:
A1 – 12 lots/units

2. Minimum Yard Setback Regulations:

<u>A1</u>	<u>C2(P) & C(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' certified receipt of notice is also included.

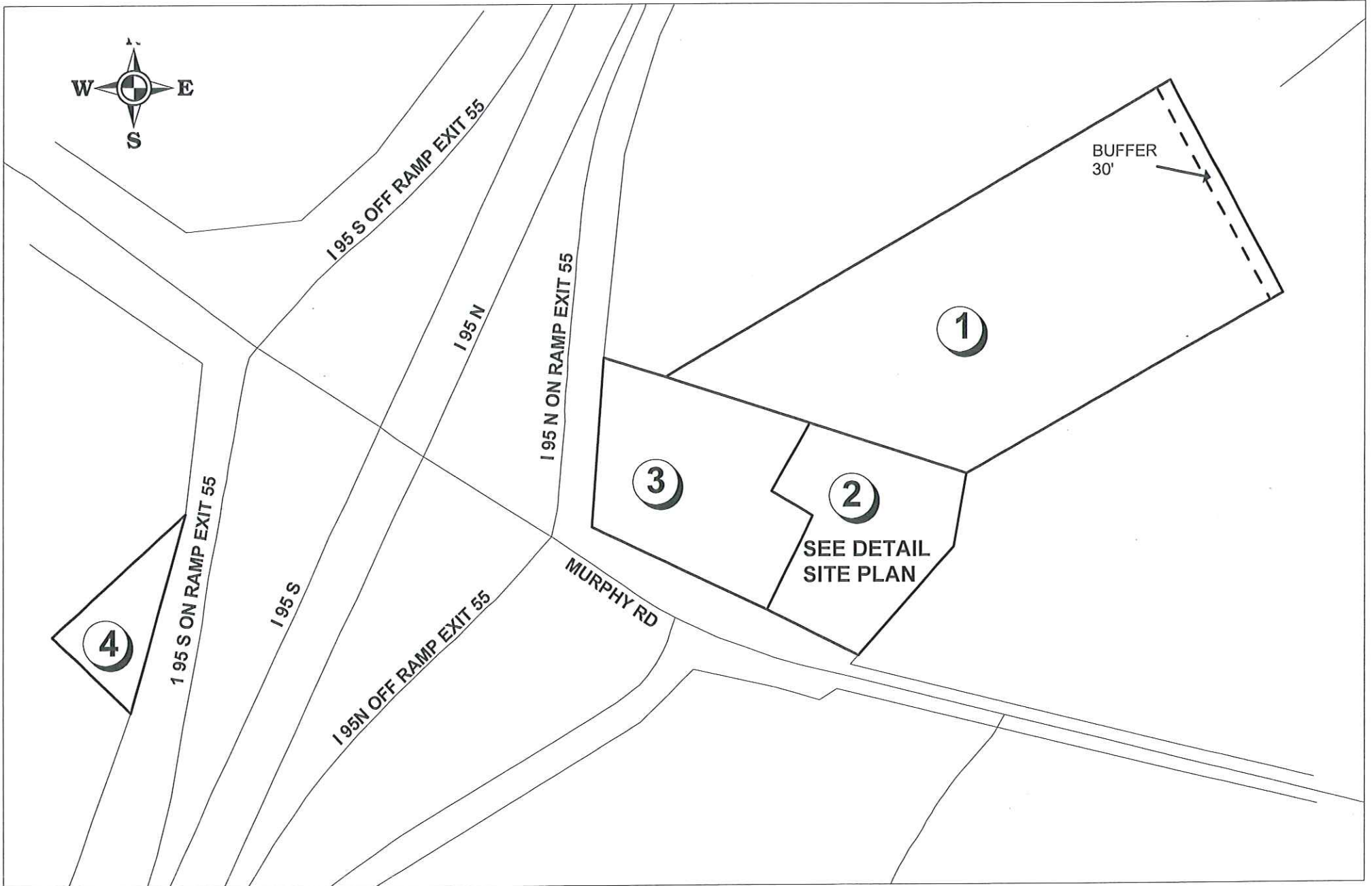


REQUESTED REZONING A1 & C(P) TO C2(P)/CZ

ACREAGE: 24.73 AC. +/-		HEARING NO: P12-37	
ORDINANCE: EASTOVER	HEARING DATE	ACTION	
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

PIN: 0468-44-6978
PIN: 0468-55-2406

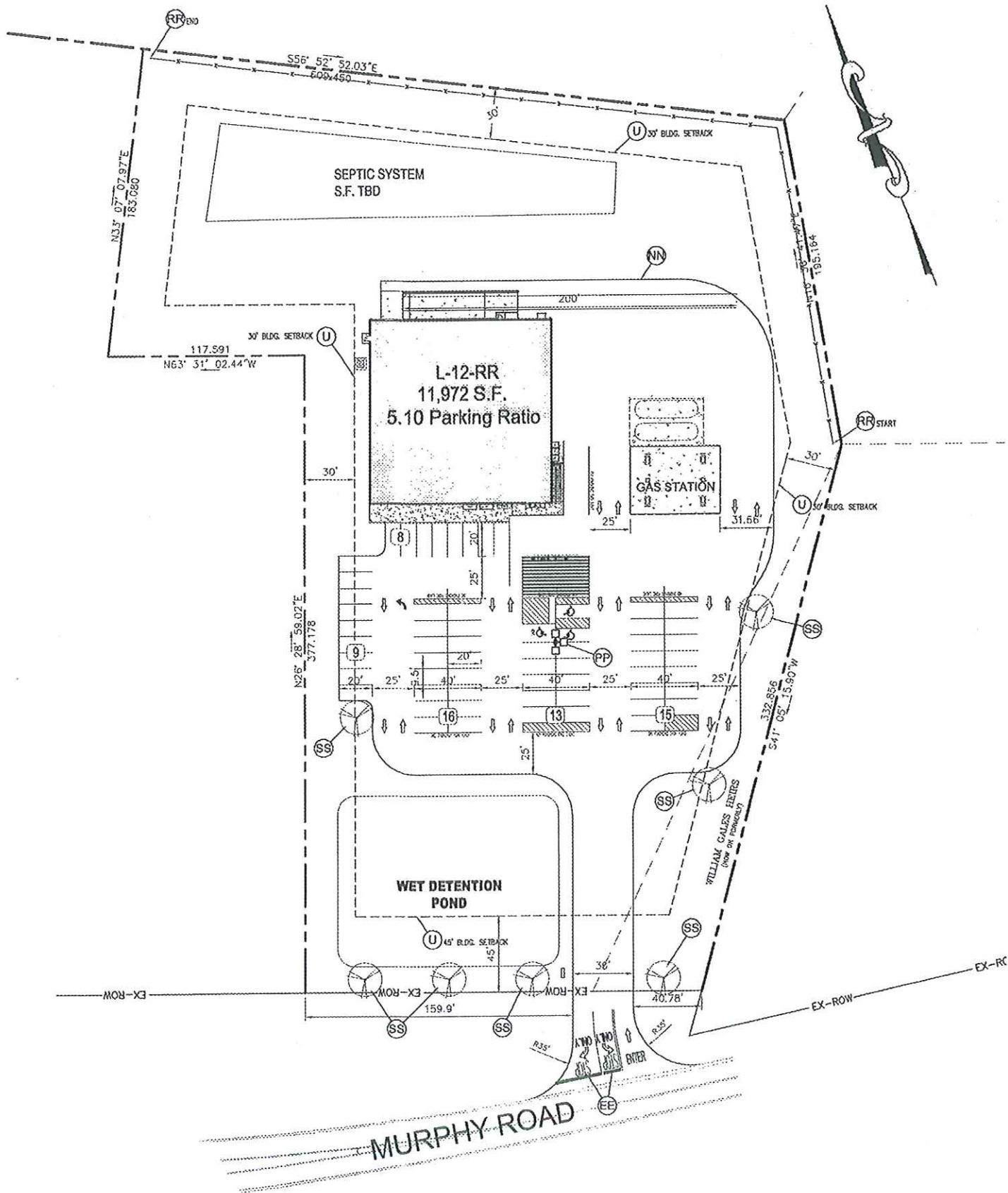
6/21/2012
AM



CONDITIONAL ZONING
REQUEST: TO ALLOW RETAIL SALES
CASE: P12-37 ACREAGE: 24.73 AC +/-
SCALE: 1"=300'

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

P12-37 SITE PLAN DETAIL



CONDITIONAL ZONING Ordinance Related Conditions

Note: A committee representing the Town of Eastover is currently preparing draft ordinance standards for the *Eastover Commercial Core Overlay District* – the staff numbered Lots 1 and 2 are within the area proposed to be made subject to these standards. Immediately prior to submission of any proposed site plan/subdivision, the developer is encouraged to inquire as to the status of the overlay provisions since once adopted, the provisions will apply to all future development of the subject property. The developer of Lot 2 is encouraged to consider implementing as many of the standards as possible if the proposed *Eastover Commercial Core Overlay District* provisions are published prior to submission for final plat approval and/or permit application.

Staff Numbered Lots 1, 3 and 4

1. Subdivision and/or site plan approval by the Eastover Town Council is required prior to further subdividing the subject property and prior to submission for any permits for Lots 1, 3, and 4. Additional conditions will apply upon submission of the subdivision and/or site plan.

Staff Numbered Lot 2

Pre- Permit Related:

2. The developer must submit five copies of a revised site plan to the Planning and Inspections Department addressing the following changes, and the revised plan must receive staff approval prior to issuance of permits:
 - a. The proposed driveway must be relocated to the area where the wet detention pond is shown on the preliminary plan. [Note: This requirement is from NC Department of Transportation (NCDOT) and the developer needs to contact NCDOT as to the exact driveway location.]
 - b. The NC Department of Transportation will required turn lanes for the retail store site and the developer needs to contact the NCDOT about the turn lane requirements and show any changes to the site plan that may be affected by the turn lanes.
 - c. A minimum of one off-street loading spaces(s) measuring 12' x 25' with 14' overhead clearance must be provided for the retail store and shown on the site plan.
 - d. Landscaping must be provided in accordance with Section 1102 N, Landscaping, County Zoning Ordinance and shown on the site plan. The following are the minimum standards for the required landscaping of this site:
 - Three large shade trees or six small ornamental trees within the front yard setback area along SR 1832 (Murphy Road);
 - Two ornamental trees and 22 shrubs are required in the building yard area;
 - Three large shade trees or six small ornamental trees are required within the off-street parking area.

In addition:

- Required plant materials shall be maintained by the property owner, including replacing dead or unhealthy trees and shrubs; and
- All yard and planting areas shall be maintained in a neat, orderly, and presentable manner and kept free of weeds and debris.

Permit-Related:

3. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the County Zoning Ordinance and permits required to place any structure within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. For additional information, the developer should contact a Code Enforcement Officer.
4. The County Health Department must approve 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)

Note: The property owner has been asked to consider and confirm voluntary agreement to the extension of and connection to the public sewer system for sewer service to the entire development.

5. Connection to public water is required, the Eastover Sanitary District (ESD) must approve water plans prior to application for any permits. A copy of the ESD 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)
6. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
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 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.
10. 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:

11. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Zoning Ordinances for the C2(P) zoning district must be complied with, as applicable.
12. 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.)

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 owner/developer must secure the stormwater utility structure with a minimum of 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.
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). A copy of the approved driveway permit must be provided to Code Enforcement at the time of application for building/zoning permits.
18. Turn lanes will be required by the NC Department of Transportation (NCDOT).
19. All lighting is required to be directed internally within this development and comply with the provisions of Section 1102 M, Outdoor Lighting, County Zoning Ordinance.
20. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.
21. All required off-street parking spaces shall be a minimum of 9' x 20'; a minimum of 60 off-street parking spaces are required for this development.

Plat-Related:

22. If the setbacks for this development are going to be reflected on the final plat then the correct setbacks for the C2(P) zoning district must be reflected. The front yard setback of 45 feet along SR 1832 (Murphy Road) is incorrect and must be changed to the minimum of 50 feet on the final plat. The side and rear yard setbacks of 30 feet are correct.
23. If the remaining portion of the 10.93 acre tract (staff numbered Lots 1 and 4) is not included on the initial final plat, that portion of the subject property is required to be platted prior to application for any permits and all lots must be drawn with solid property line with the bearing and distances, acreage and lot identifier reflected on the final plat.
24. "Murphy Road" must be labeled as "SR 1832 (Murphy Road)" on the final plat.
25. 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.
26. 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.
27. 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)
28. 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:

29. If applicable and if public sewer service is not available, the following disclosure statement is required to be provided on the final plat (Section 2504 C, On-Site Water and/or Sewer Disclosure, County Subdivision Ordinance):

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

30. 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 plat.”

Staff Numbered Lots 1, 2, 3 and 4

Other Relevant Conditions:

31. The NC Department of Transportation (NCDOT) is currently conducting a feasibility study of the I-95 corridor and future improvements may occur. This is only in a planning stage at this point.
32. The applicant is advised to consult an expert on wetlands before proceeding with any development.
33. An internal street system most likely will be required by the NC Department of Transportation (NCDOT) to serve any future divisions of the parent tract.
34. 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.
35. If applicable and if public sewer service is not available, the owner/developer be aware that every deed created for a lot being served by an on-site sewer system must contain the following disclosure when filed with the County Register of Deeds:

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

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

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

Subdivision/Site Plan/Plat	Ed Byrne	678-7609
Code Enforcement (Permits):	Ken Sykes	321-6654
County Health Department:	Daniel Ortiz	433-3680
Food & Lodging Env. Health:	Tony Ferguson	433-3678
Eastover Sanitary District:	Morgan Johnson	323-3973
Town of Eastover:	Matt Rooney (Staff Rep)	678-7625
Town of Eastover	Jane Faircloth (Town Clerk)	323-0707
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
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) 807-6374

cc: Jane Faircloth, Town of Eastover

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, the following facts are submitted:

1. Requested Rezoning from A1 + C(P)⁹⁶ to C2(P).
2. Address of Property to be Rezoned: 3435 Murphy Rd FAX, NC 28312
3. Location of Property: Murphy Rd At I95 Exit 55, NE
corner along the I95 northbound on-ramp
4. Parcel Identification Number (PIN #) of subject property: 0468-44-6978
(also known as Tax ID Number or Property Tax ID) 0468-55-2406
5. Acreage: 24.73 Frontage: 700 Depth: 1455
6. Water Provider: Well PWC Other (name) Eastover
8. Septage Provider: Septic Tank PWC
9. Deed Book 188, 3258, Page(s) 226, 668, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
10. Existing use of property: RAW LAND
11. Proposed use(s) of the property: Retail Commercial
12. Do you own any property adjacent to or across the street from this property?
Yes No If yes, where? _____
13. Has a violation been issued on this property? Yes No

A copy of the recorded deed(s) and/or recorded plat map(s) must be provided. If the area is a portion of a parcel, a written legal description by metes and bounds, showing acreage must accompany the deed and/or plat. If more than one zoning classification is requested, a correct metes and bounds legal description, including acreage, for each bounded area must be submitted.

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

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 _____
2. Address: _____ Zip Code _____
3. Telephone: (Home) _____ (Work) _____
4. Location of Property: _____

5. Parcel Identification Number (PIN #) of subject property: _____
(also known as Tax ID Number or Property Tax ID)
6. Acreage: _____ Frontage: _____ Depth: _____
7. Water Provider: _____
8. Septage Provider: _____
9. Deed Book _____, Page(s) _____, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
10. Existing use of property: _____
11. Proposed use(s) of the property: _____

NOTE: Be specific and list all intended uses.

12. It is requested that the foregoing property be rezoned FROM: A1 AND CP
TO: (Select one)
 Conditional Zoning District, with an underlying zoning district of C2P
(Article IV)
 Mixed Use District/Conditional Zoning District (Article VI)
 Planned Neighborhood District/Conditional Zoning District (Article VII)
 Density Development/Conditional Zoning District, at the _____ Density
(Article VIII)

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

APPLICATION FOR
CONDITIONAL ZONING

1. PROPOSED USE(S):

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

Retail Store

- B. Density: List the amount of acreage that will be residential, commercial, and/or open space, and the number of lots and/or dwelling units proposed, and the square footage of the non-residential units.

See site PLAN

2. DIMENSIONAL REQUIREMENTS:

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

See site PLAN

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

See site PLAN

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.

See site PLAN

4. LANDSCAPE AND BUFFER REQUIREMENTS:

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

See Site Plan

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

See Site Plan

5. MISCELLANEOUS:

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

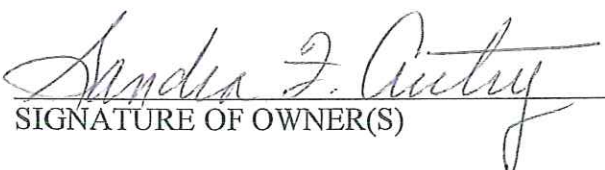

6. SITE PLAN REQUIREMENTS:

The application must 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.

The undersigned understands 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.

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.

↓
SANDRA F. AUTRY
NAME OF OWNERS (PRINT OR TYPE)
1302 CANAL COVE ROAD, LAKE WACCAMAW, NC 28450
ADDRESS OF OWNER(S)
910-646-4873 910-625-6999
HOME TELEPHONE # WORK TELEPHONE #
CELL

↓
James Sherrill RE/MAX Homeowners LTD
NAME OF AGENT, ATTORNEY, APPLICANT (PRINT OR TYPE)
5509 YADKIN Rd FAY, NC 28303
ADDRESS OF AGENT, ATTORNEY, APPLICANT
910-263-0870 910-867-2116
HOME TELEPHONE # WORK TELEPHONE #
 
SIGNATURE OF OWNER(S) SIGNATURE OF AGENT, ATTORNEY
OR APPLICANT

SIGNATURE OF OWNER(S)

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

The undersigned understands 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.

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.

↓ MARY J. SWANN
NAME OF OWNERS (PRINT OR TYPE)

P.O. Box 3087, TOPSAIL BEACH, NC 28445
ADDRESS OF OWNER(S)

910-329-4771
HOME TELEPHONE #

WORK TELEPHONE #

↓ James Sherrill RE/MAX HomeOWNERS LTD
NAME OF AGENT, ATTORNEY, APPLICANT (PRINT OR TYPE)

5509 YADKIN RD FAY, NC 28303
ADDRESS OF AGENT, ATTORNEY, APPLICANT

910-263-0870
HOME TELEPHONE #

910-867-2116
WORK TELEPHONE #

Mary J. Swann
SIGNATURE OF OWNER(S)

James Sherrill
SIGNATURE OF AGENT, ATTORNEY
OR APPLICANT

SIGNATURE OF OWNER(S)

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

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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.

✓ SHARON A. PENNY
NAME OF OWNERS (PRINT OR TYPE)
153 COUNTRY CLUB ROAD, WHITEVILLE, NC 28412
ADDRESS OF OWNER(S)
910-840-0914 910-862-4136
HOME TELEPHONE # WORK TELEPHONE #

✓ JAMES SHERRILL RE/MAX HOMEOWNERS LTD
NAME OF AGENT, ATTORNEY, APPLICANT (PRINT OR TYPE)
5509 YADKIN RD FAY, NC 28303
ADDRESS OF AGENT, ATTORNEY, APPLICANT
910-263-0870 910-867-2116
HOME TELEPHONE # WORK TELEPHONE #

Sharon A Penny James Sherrill
SIGNATURE OF OWNER(S) SIGNATURE OF AGENT, ATTORNEY OR APPLICANT

SIGNATURE OF OWNER(S)

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The undersigned understands 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.

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.

↓ MARSHA D. AUTRY
NAME OF OWNERS (PRINT OR TYPE)
1416 ANN STREET, WHITEVILLE, NC 28472
ADDRESS OF OWNER(S)
910-642-0196 (910) 770-9918
HOME TELEPHONE # WORK TELEPHONE #

↓ James Sherrill RE/MAX Homeowners LTD
NAME OF AGENT, ATTORNEY, APPLICANT (PRINT OR TYPE)
5509 YADKIN Rd FAY, NC 28303
ADDRESS OF AGENT, ATTORNEY, APPLICANT
910-263-0870 910-867-2116
HOME TELEPHONE # WORK TELEPHONE #

Marsha D. Autry
SIGNATURE OF OWNER(S)
James Sherrill
SIGNATURE OF AGENT, ATTORNEY OR APPLICANT

SIGNATURE OF OWNER(S)

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

12-099
SITE PROFILE

CASE NO. 12-099. CONSIDERATION OF THE ROSIE FORD PROPERTY; GROUP DEVELOPMENT REVIEW; REQUEST FOR A WAIVER FROM THE REQUIREMENT TO HAVE A MINIMUM OF 20 FEET OF STREET FRONTAGE ABUTTING EITHER A PUBLIC OR PRIVATE STREET; COUNTY SUBDIVISION ORDINANCE, SECTION 2302.A MUNICIPAL INFLUENCE AREAS (MIA) AND SECTION 2401.D STREET ACCESS; ZONED: A1; TOTAL ACREAGE: 5.20+/-; LOCATED AT 3700 HARDEEWOOD DRIVE; SUBMITTED BY ROSIE H. FORD (OWNER) AND GARY LEE FORD. (HOPE MILLS MIA/COUNTY JURISDICTION)

Summary of Request

The developer is requesting a waiver from the requirement to have a minimum of 20 feet of street frontage along either an approved private street or public street for the placement of a second dwelling unit. The existing lot was created by deed on January 5, 1981 (Deed Bk. 2800, Pg. 105) prior to the adoption of subdivision regulations and is landlocked. The developer stated that they will acquire a 20 foot wide ingress/egress easement for access to the Hardeewood Drive street stub located in the Legion Hills subdivision; the recorded copy of the easement will be required to be submitted to Code Enforcement at the time of application for permits. The developer currently accesses this property down a E911 dirt trail (Named Hardeewood Drive), which comes off of Hardeewood Drive (Publicly dedicated street – non-State maintained) paved street within the subdivision.

Site Information:

Frontage & Location: 0.00' +/- 540.00' +/- off of Hardeewood Drive

Trail frontage: 765.00' +/- along both sides of E911 trail named Hardeewood Drive

Depth: 600.00' +/-

Jurisdiction: Cumberland County

Municipal Influence Area (MIA): Hope Mills

Adjacent Property: Yes – parcels 0415-90-7920- & 0415-90-9965-

Nonconformities: Yes – lot created by deed prior to August 22, 1984 without street frontage. Since the lot existed prior to the subdivision regulations being enforced, the lot is a legal but nonconforming.

Water & Sewer: Well & Septic

Special Flood Hazard Area (SFHA): No

Applicable County Subdivision Ordinance Provisions

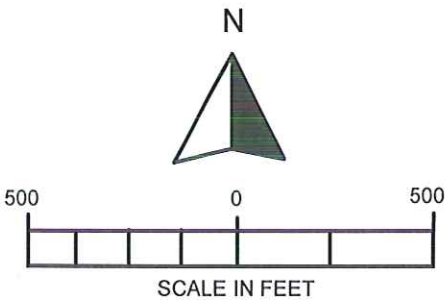
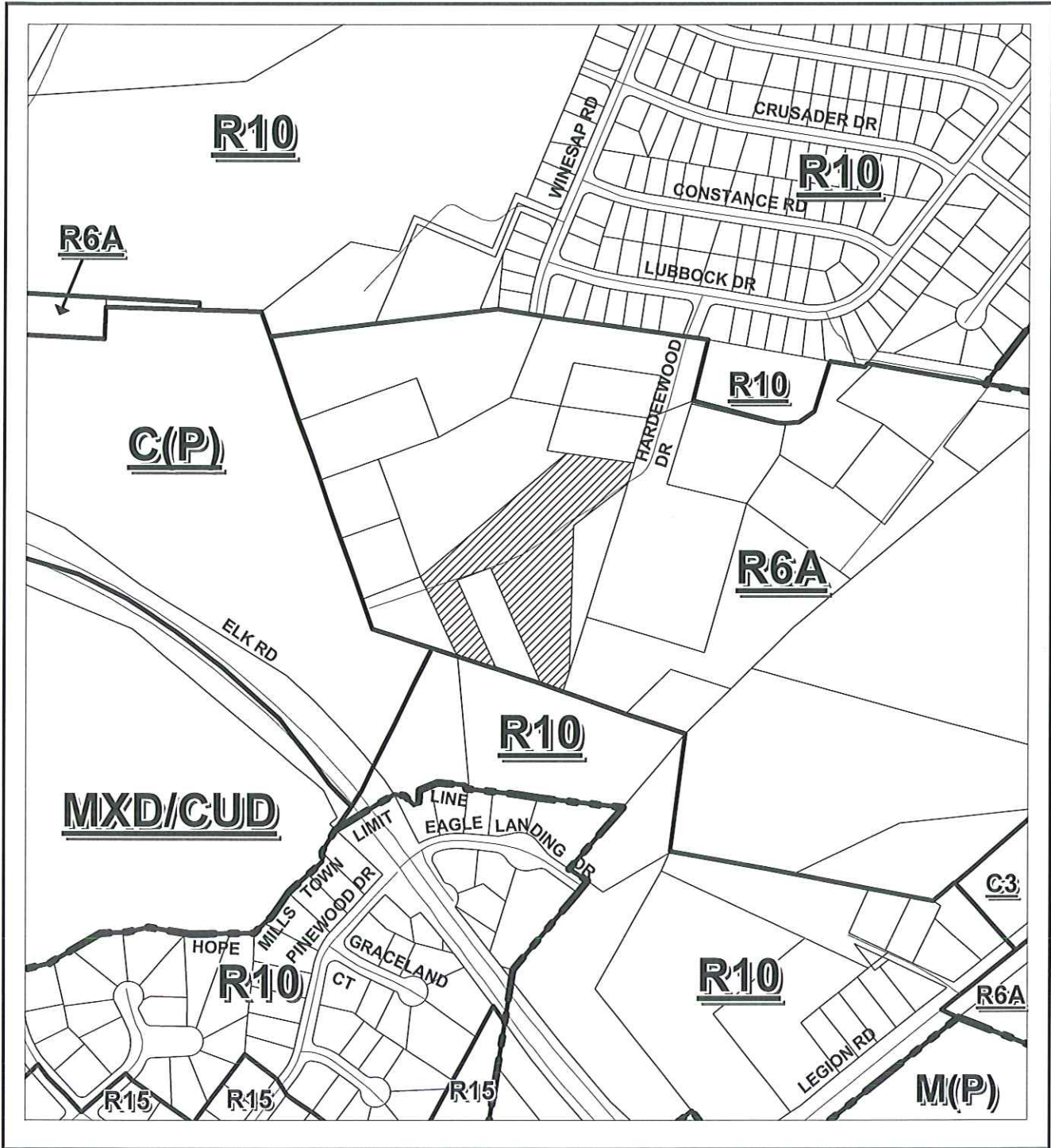
Section 2302 AREA-SPECIFIC STANDARDS, A, *Municipal Influence Areas.* The Board of Commissioners by interlocal agreement may approve and establish a Municipal Influence Area (MIA) for a municipality. All development located within a municipality's MIA shall be developed in accordance with the subdivision design standards officially adopted by the affected governing bodies. The development standards for each municipality are attached to this ordinance as "Exhibit 5" and entitled MIA Development Standards. The official MIA map – see Exhibit 4 – shall be maintained by the Planning and Inspections Department and kept on file with the office of the Clerk to the County Board of Commissioners.

Section 2401 GROUP DEVELOPMENTS, D, *Street access.* The property to be developed must have a boundary line or lines contiguous with and giving direct vehicular access to and from one or more public streets, or private streets with public access approved in accordance with Section 2304. Group developments in the form of apartment complexes or unit ownership (i.e., condominium or townhouse) developments with owners' associates legally obligated to maintain vehicular access and circulation drives shall not be subject to the street standards specified in Section 2304.

Attachments

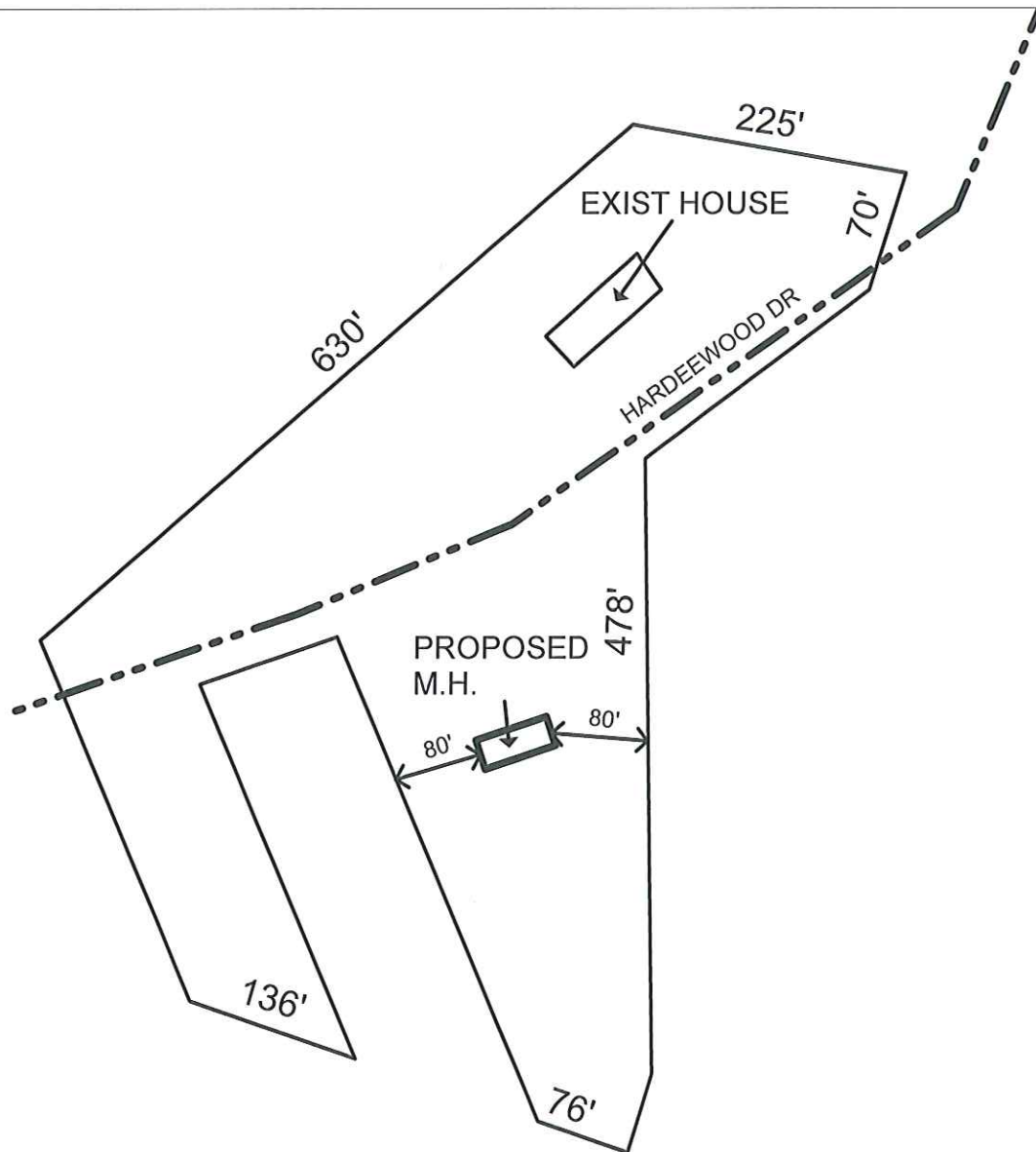
- 1 - Sketch Map
- 2 - Group Development Site Plan
- 3 - Aerial Photo

- 4 - Application for Waiver
- 5 - Conditions of Approval
- 6 - Hope Mills Recommendation



COUNTY SUBDIVISION ORDINANCE WAIVER

ACREAGE: 5.20 AC.+/-		HEARING NO: 12-099	
ORDINANCE: COUNTY		HEARING DATE	ACTION
GOVERNING BOARD			



ROSIE FORD PROPERTY
 GROUP DEVELOPMENT REVIEW
 REQUEST: A WAIVER FROM SECTION 2302.A "MUNICIPAL
 INFLUENCE AREA" AND SECTION 2401.D
 "STREET ACCESS"
 CASE: 12-099 ACREAGE: 5.20 AC +/-
 ZONED: R6A SCALE: NTS

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



SUBJECT PROPERTY

**AERIAL PHOTO
CASE NO: 12-099**



**TO THE CUMBERLAND COUNTY JOINT PLANNING BOARD,
FAYETTEVILLE, NORTH CAROLINA:**

I (We), the undersigned, hereby submit this application, and petition the Cumberland County Joint Planning Board to waive [vary] certain adopted provisions of the County's Subdivision Ordinance as specified below and provided for under the terms of the Subdivision Ordinance. In support of this petition, the following facts are submitted:

LOCATION OF PROPERTY: 3711 HARDEEWOOD DR.
OWNER: ROSIE H. FORD
ADDRESS: 4073 S. MAIN ST. HOPE MILLS ZIP CODE: 28348
TELEPHONE: HOME 425-0181 WORKCELL 910-978-3674
AGENT: GARY FORD
ADDRESS: 4023 S. MAIN ST. HOPE MILLS, N.C. 28348
TELEPHONE: HOME 425-0181 WORKCELL 910-977-3673

**APPLICATION FOR A WAIVER [VARIANCE]
As required by the Subdivision Ordinance**

- A. Parcel Identification Number (PIN #) of subject property: 0425-01-1027
(also known as Tax ID Number or Property Tax ID)
- B. Acreage: 5.20 Frontage: _____ Depth: _____
- C. Water Provider: WELL WATER
- D. Septage Provider: SEPTIC TANK
- E. Deed Book 2800, Page(s) 105, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
- F. Existing and/or proposed use of property: RESIDENT
- G. Section and provision of the Cumberland County Subdivision Ordinance from which a waiver [variance] is requested:
5 SECTION 2401-D

H. Nature and extent of hardship involved in strict application of the County Subdivision Ordinance – attach additional sheet if necessary:

GOING TO LIVE AT THIS HOME. WIFE
HAS CANCER I HAVE HEART CONDITION.
SON LIVES IN OTHER HOUSE FOR HELP.

Walter Clark,
Chair
Cumberland County

Patricia Hall,
Vice-Chair
Town of Hope Mills

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



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

COUNTY of CUMBERLAND

Planning & Inspections Department

DRAFT

STAFF REVIEW: 07-20-12 PLANNING BOARD DECISION: 08-21-12

CASE NO: 12-099 NAME OF DEVELOPMENT: ROSIE FORD PROPERTY

MIA: HOPE MILLS GROUP DEVELOPMENT REVIEW

LOCATION: 3700 HARDEEWOOD DRIVE ZONING: R6A (AOD)

PIN: 0425-01-1027-

OWNERS / DEVELOPER: ROSIE FORD ENGINEER OR DESIGNER: N/A

PLANNING & INSPECTIONS DEPARTMENT ACTION:

- PRELIMINARY
- EXTENSION REVISION
- APPROVED CONDITIONALLY
- DENIED

PLANNING BOARD DECISION:

- PRELIMINARY
- EXTENSION REVISION
- APPROVED CONDITIONALLY
- DENIED

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

Pre-Permit Related:

1. The owner/developer(s) must provide a recorded copy of the ingress/egress access easement with a minimum width of 20 feet to Code Enforcement at the time of permit application.

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 R6A zoning district and the provisions related to the Airport Overlay District (AOD) must be complied with, as applicable.
9. 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)
10. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision Ordinance)

Other Relevant Conditions:

11. The applicant is advised to consult an expert on wetlands before proceeding with any development.
12. An internal street system will be required to serve any future divisions of this tract.
13. The owner/developer is responsible for ensuring easements which may exist on the subject property are accounted for, not encumbered and that no part of this development is violating the rights of the easement holder.
14. Because the subject property is located within the Airport Overlay District, the developer is strongly encouraged to discuss their development plans with Land Use Codes Section and/or the Fayetteville Regional Airport Director early in the planning stage to ensure that the proposed height of any proposed structure can be found to be no obstruction or hazard to air navigation.
15. The developer submitted a request for a waiver from Section 2302.A "Municipal Influence Area" and Section 2401.D "Street Access" for the requirement to have a minimum of 20 feet of street frontage. The Cumberland County Joint Planning Board will hear this case on August 21, 2012.

Note: If the waiver request is approved, it is specific to the current application only and will not apply to any future development.

Thank you for making Cumberland County and the Hope Mills area your home!

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

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

Subdivision/Site Plan/Plat	Ed Byrne	678-7609
Code Enforcement (Permits):	Ken Sykes	321-6654
County Health Department:	Daniel Ortiz	433-3680

Ground Water Issues:	Matt Rooney	678-7625
Town of Hope Mills:		424-4555*
Town Clerk:	Melissa P. Adams	
Chief Building Inspector:	Mike Bailey	
County Public Utilities:	Amy Hall	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) 807-6374

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

cc: Mike Bailey, Town of Hope Mills



TOWN OF HOPE MILLS

5770 ROCKFISH ROAD • HOPE MILLS, NORTH CAROLINA 28348-1848
TELEPHONE (910) 424-4555 • FAX (910) 424-4902

August 7, 2012

County of Cumberland
Planning & Inspections Department
Post Office Box 1829
Fayetteville, NC 28302

Re: Case No. 12-099. Rosie Ford Property (Group Development Review)

Dear Sirs:

The Board of Commissioners at its meeting on August 6, 2012 recommended approval of the waiver request from the requirement to have a minimum of 20 feet of street frontage abutting either a public or private street to the County Board of Commissioners.

If you have any questions, or require additional information, please contact me for further assistance.

Sincerely,

Natasha McCants
Deputy Town Clerk

cc: John W. Ellis, III, Town Manager
Melissa Adams, Town Clerk
Mike Bailey, Chief Building Inspector
Ed Byrne, Cumberland County Planning

12-100
SITE PROFILE

CASE NO. 12-100. CONSIDERATION OF THE ISSAC YOUNG PROPERTY; GROUP DEVELOPMENT REVIEW; REQUEST FOR A WAIVER FROM THE REQUIREMENT TO HAVE A MINIMUM OF 20 FEET OF STREET FRONTAGE ABUTTING EITHER A PUBLIC OR PRIVATE STREET; COUNTY SUBDIVISION ORDINANCE, SECTION 2401.D STREET ACCESS; ZONED: A1; TOTAL ACREAGE: 14.07+/-; LOCATED AT 4439 CLAUDE LEE ROAD; SUBMITTED BY ISAAC YOUNG (OWNER) AND CELINDA FAIRCLOTH. (FAYETTEVILLE SSA/COUNTY JURISDICTION)

Summary of Request

Developer is requesting a waiver from the requirement to have a minimum of 20 feet of street frontage along either an approved private street or public street for the placement of a second dwelling unit. The existing lot was created by deed on October 6, 1969 (Deed Bk. 2179, Pg. 343) prior to being subject to the subdivision regulations and is landlocked. The developer stated that they have an existing recorded ingress/egress easement for access to the SR 2341 (Claude Lee Road).

Site Information:

Frontage & Location: 0.00'+/- 230.00' +/- off of SR 2341 (Claude Lee Road)

Depth: 1,160.00'+/-

Jurisdiction: Cumberland County

Municipal Influence Area (MIA): N/A

Sewer Services Area (SSA): Yes

Adjacent Property: No

Nonconformities: Yes – lot created by deed prior to August 22, 1984 with out street frontage. Since the lot existed prior to the subdivision regulations being enforced, the lot is legal but nonconforming.

Water & Sewer: Well & Septic

Special Flood Hazard Area (SFHA): Yes

Applicable County Subdivision Ordinance Provisions

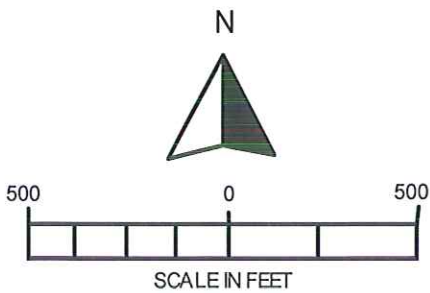
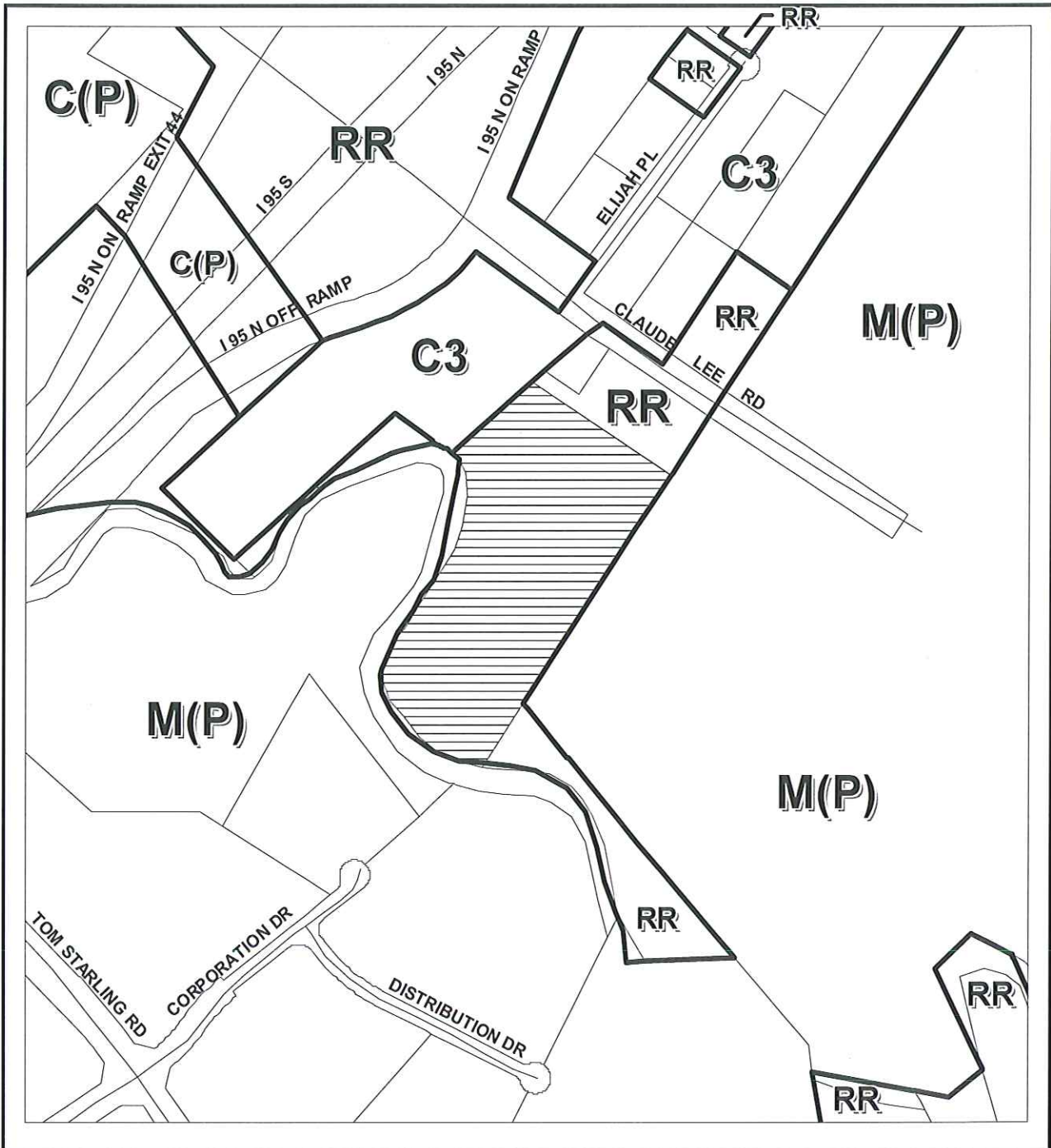
Section 2401 GROUP DEVELOPMENTS, D, *Street access.* The property to be developed must have a boundary line or lines contiguous with and giving direct vehicular access to and from one or more public streets, or private streets with public access approved in accordance with Section 2304. Group developments in the form of apartment complexes or unit ownership (i.e., condominium or townhouse) developments with owners' associates legally obligated to maintain vehicular access and circulation drives shall not be subject to the street standards specified in Section 2304.

Attachments

- 1 - Sketch Map
- 2 - Group Development Site Plan
- 3 - Aerial Photo

- 4 - Application for Waiver
- 5 - Conditions of Approval

NOTE: PROP. IN AOD AREA

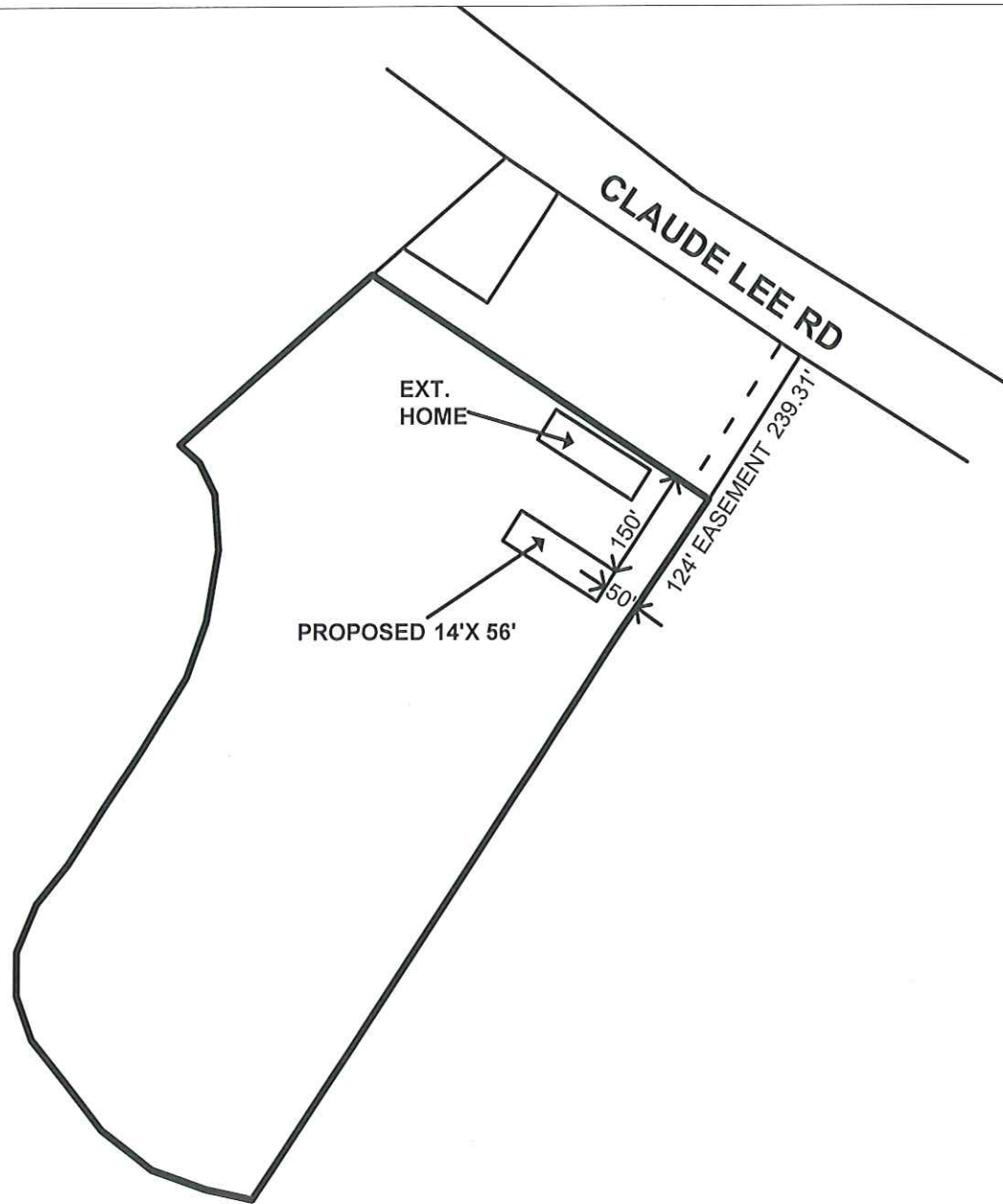


COUNTY SUBDIVISION ORDINANCE WAIVER

ACREAGE: 14.07 AC.+/-		HEARING NO: 12-100	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
GOVERNING BOARD			

PIN: 0433-39-6751

AM



ISAAC YOUNG PROPERTY
GROUP DEVELOPMENT REVIEW
REQUEST: A WAIVER FROM SECTION 2401.D "STREET ACCESS"
CASE: 12-100 ACREAGE: 14.07 AC +/-
ZONED: A1 SCALE: NTS

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

SUBJECT PROPERTY



**AERIAL PHOTO
CASE NO: 12-100**



**TO THE CUMBERLAND COUNTY JOINT PLANNING BOARD,
FAYETTEVILLE, NORTH CAROLINA:**

I (We), the undersigned, hereby submit this application, and petition the Cumberland County Joint Planning Board to waive [vary] certain adopted provisions of the County's Subdivision Ordinance as specified below and provided for under the terms of the Subdivision Ordinance. In support of this petition, the following facts are submitted:

LOCATION OF PROPERTY: Claude Lee Rd
OWNER: Isaac Young
ADDRESS: 4439 Claude Lee Rd ZIP CODE: 28306
TELEPHONE: HOME 910-425-7556 WORK _____
AGENT: Celinda Fairclath
ADDRESS: 4458 Claude Lee Rd
TELEPHONE: HOME 910-425-7556 WORK _____

**APPLICATION FOR A WAIVER [VARIANCE]
As required by the Subdivision Ordinance**

- A. Parcel Identification Number (PIN #) of subject property: 0433-39-6751
(also known as Tax ID Number or Property Tax ID)
- B. Acreage: 14.07 Frontage: 0 Depth: 1052
- C. Water Provider: Well
- D. Septage Provider: Sep-tank
- E. Deed Book 2510, Page(s) 73, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
- F. Existing and/or proposed use of property: Residential

G. Section and provision of the Cumberland County Subdivision Ordinance from which a waiver [variance] is requested:
SECTION 2401.0 "STREET ACCESS"
Existing access easement

H. Nature and extent of hardship involved in strict application of the County Subdivision Ordinance – attach additional sheet if necessary:
Large track of land, is greater than 10 acres and
we also have access easement for the road, that will
provide emergency and personal services for the road.

Walter Clark,
Chair
Cumberland County

Patricia Hall,
Vice-Chair
Town of Hope Mills

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



COUNTY of CUMBERLAND
Planning and 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

STAFF REVIEW: 07-26-12 PLANNING BOARD DECISION: 08-21-12

CASE NO: 12-100 NAME OF DEVELOPMENT: ISAAC YOUNG PROPERTY

MIA: N/A (FAY SSA) GROUP DEVELOPMENT REVIEW

LOCATION: 4458 CLAUDE LEE ROAD (SR 2341) ZONING: RR

PIN: 0433-39-6751

OWNERS / DEVELOPER: ISAAC YOUNG ENGINEER OR DESIGNER: N/A

PLANNING & INSPECTIONS DEPARTMENT ACTION:

- PRELIMINARY
- EXTENSION REVISION
- APPROVED CONDITIONALLY
- DENIED

PLANNING BOARD DECISION:

- PRELIMINARY
- EXTENSION REVISION
- APPROVED CONDITIONALLY
- DENIED

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

Pre- Permit Related:

1. The owner/developer(s) must provide a recorded copy of the ingress/egress access easement with a minimum width of 20 feet to Code Enforcement at the time of permit application.

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. At the time of application for permits, the developer must provide to Code Enforcement approval from the entity that owns and/or regulates the type water and sewer serving the proposed development.
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 *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.

Note: The SFHA is not in the area where the proposed manufactured home is to be located.

8. The building final inspection cannot be accomplished until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans.

Site-Related:

9. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Zoning Ordinances for the RR zoning district must be complied with, as applicable.
10. 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)
11. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision Ordinance)
12. If driveways are changed or added, the developer must obtain a driveway permit from the NC Department of Transportation (NCDOT). If required, a copy of the approved driveway permit must be provided to Code Enforcement at the time of application for building/zoning permits.

Other Relevant Conditions:

13. The applicant is advised to consult an expert on wetlands before proceeding with any development.
14. 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.
15. Because the subject property is located within the Airport Overlay District, the developer is strongly encouraged to discuss their development plans with Land Use Codes Section and/or the Fayetteville Regional Airport Director early in the planning stage to ensure that the proposed height of any proposed structure can be found to be no obstruction or hazard to air navigation.
16. The developer submitted a request for a waiver from Section 2401.D "Street Access" for the requirement to have a minimum of 20 feet of street frontage. The Cumberland County Joint Planning Board will hear this case on August 21, 2012.

Note: If the waiver request is approved, it is specific to the current application only and will not apply to any future development.

Thank you for making Cumberland County your home!

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

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

Watershed Officer/Improvements:	Jeff Barnhill	678-7765
Subdivision/Site Plan/Plat	Ed Byrne	678-7609
Code Enforcement (Permits):	Ken Sykes	321-6654
County Engineer's Office:	Wayne Dudley	678-7636
County Health Department:	Daniel Ortiz	433-3680
Ground Water Issues:	Matt Rooney	678-7625
PWC:	Heidi Maly	223-4737
Fayetteville Planning:	Marsha Bryant	433-1416
County Public Utilities:	Amy Hall	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) 807-6374

cc: Marsha Bryant, City of Fayetteville