

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



CUMBERLAND
★ **COUNTY** ★
NORTH CAROLINA

Planning & Inspections Department

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Lori Epler,
Sara E. Piland,
Vikki Andrews,
Cumberland County

Benny Pearce,
Town of Eastover

Donovan McLaurin,
Wade, Falcon & Godwin

TENTATIVE AGENDA

December 18, 2012

7:00 P.M.

- I. INVOCATION AND PLEDGE OF ALLEGIANCE
- II. APPROVAL OF/ADJUSTMENTS TO AGENDA
- III. PUBLIC HEARING DEFERRAL

P12-68: REZONING OF 6.55+/- ACRES FROM C1(P) PLANNED LOCAL BUSINESS AND R6 RESIDENTIAL TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 140 FARMERS ROAD AND ON THE NORTH SIDE OF SR 1612 (FARMERS ROAD), WEST SIDE OF US 401 (RAMSEY STREET); SUBMITTED BY BUTCH DUNLAP ON BEHALF OF GCMMB LLC. (OWNER). **DEFERRED UNTIL FEBRUARY 19, 2013**

- IV. ABSTENTIONS BY BOARD MEMBERS
- V. POLICY STATEMENT REGARDING PUBLIC HEARING TIME LIMITS
- VI. APPROVAL OF THE MINUTES OF NOVEMBER 20, 2012
- VII. PUBLIC HEARING CONSENT ITEMS

REZONING CASES

- A. **P12-76:** REZONING OF 2.57+/- ACRES FROM M(P) PLANNED INDUSTRIAL TO M1(P) PLANNED LIGHT INDUSTRIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 1069 WILKES ROAD, SUBMITTED BY GENE ROGERS ON BEHALF OF NC NATURAL GAS CORPORATION (OWNER) AND ROBERT RUFFO.
- B. **P12-78:** REZONING OF 6.92+/- ACRES FROM R6A RESIDENTIAL TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 1220 W MANCHESTER ROAD, SUBMITTED BY PAUL KIRBY ON BEHALF OF PRESERVE LLC. (OWNER) AND MIKE ADAMS.

CONDITIONAL ZONING DISTRICT

- C. **P12-77:** REZONING OF .85+/- ACRE FROM A1 AGRICULTURAL TO C(P) PLANNED COMMERCIAL/CZ CONDITIONAL ZONING DISTRICT FOR SECOND HAND SALES, BOOK SALES, INDOOR RECREATION FOR PROFIT, BARBERING AND HAIRDRESSING, DAY CARE, MOTOR VEHICLE PARTS SALES AND

MOTOR VEHICLE SALES OR TO A MORE RESTRICTIVE ZONING DISTRICT;
LOCATED AT 7064 MAXWELL ROAD; SUBMITTED BY LEIBURN RALPH
STRICKLAND (OWNER) AND MICHAEL TATE.

VIII. PUBLIC HEARING CONTESTED ITEMS

REZONING CASE

- D. **P12-75:** REZONING OF 3.35+/- ACRES FROM RR RURAL RESIDENTIAL TO R6A RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 4228 AND 4232 NC HWY 210 SOUTH, SUBMITTED BY JESUS G. IRIZARRY (OWNER) AND ROBERT M. BENNETT.

CONDITIONAL ZONING DISTRICT

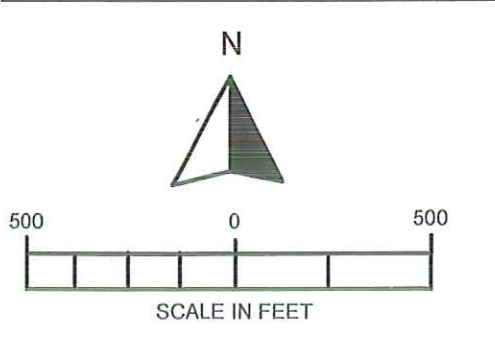
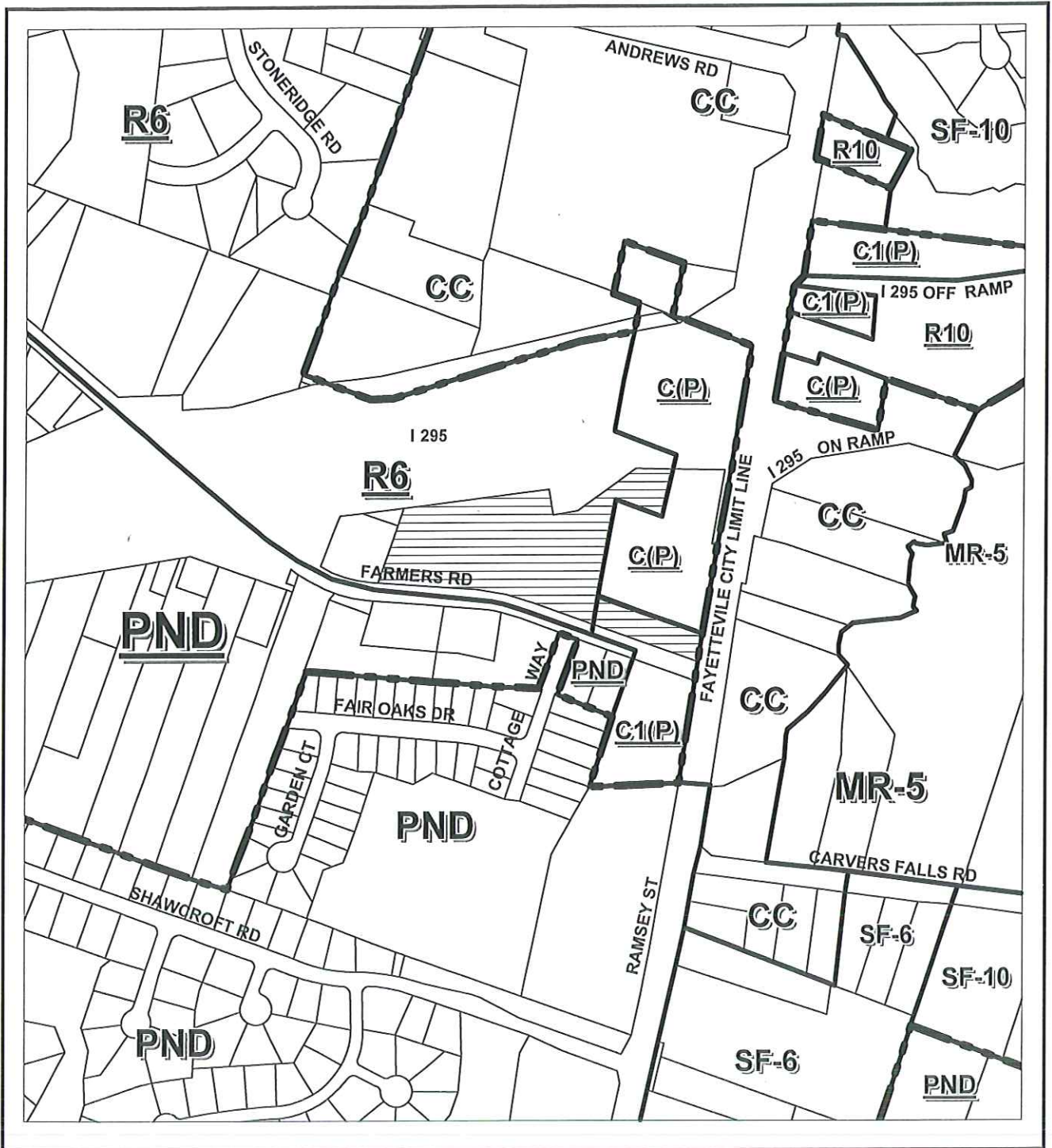
- E. **P12-72:** REZONING OF .23+/- ACRE FROM R6A RESIDENTIAL (CCO COMMERCIAL CORE OVERLY) TO R6A RESIDENTIAL (CCO COMERCIAL CORE OVERLAY)/CZ CONDITIONAL ZONING DISTRICT FOR GROUP QUARTERS OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 1716 EDWARDS STREET, SUBMITTED BY SEUNG K. AND HEE SOOK CHAI (OWNERS). (EASTOVER)

IX. DISCUSSION

DIRECTOR'S UPDATE

- CHRISTMAS LUNCHEON
- MIA UPDATE

X. ADJOURNMENT



REQUESTED REZONING R6 & C1(P) TO C(P)

ACREAGE: 6.55 AC.+/-		HEARING NO: P12-68	
ORDINANCE: COUNTY	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



CUMBERLAND
★ **COUNTY** ★
NORTH CAROLINA

Planning & Inspections Department

December 11, 2012

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Lori Epler,
Sara E. Piland,
Vikki Andrews,
Cumberland County

Benny Pearce,
Town of Eastover

Donovan McLaurin,
Wade, Falcon & Godwin

MEMORANDUM

TO: Cumberland County Joint Planning Board
FROM: Planning and Inspections Staff
SUBJECT: Staff Recommendation for the December 18, 2012 Board Meeting

P12-76: REZONING OF 2.57+/- ACRES FROM M(P) PLANNED INDUSTRIAL TO M1(P) PLANNED LIGHT INDUSTRIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 1069 WILKES ROAD, SUBMITTED BY GENE ROGERS ON BEHALF OF NC NATURAL GAS CORPORATION (OWNER) AND ROBERT RUFFO.

The Planning and Inspections Staff recommends approval of the M1(P) Planned Light Industrial district for this request based on the following:

1. The district requested is consistent with the 2030 Growth Vision Plan, which calls for “urban” at this location, as well as meeting the location criteria for “light industrial/manufacturing” as listed in the Land Use Policies Plan;
2. The location and character of the use is reasonable and will be in harmony with the surrounding area; and
3. Public utilities are available to the subject property.

There are no other districts considered suitable for this request.

Attachments:

- 1- Site Profile
- 2- Sketch Map

P12-76
SITE PROFILE

P12-76: REZONING OF 2.57+/- ACRES FROM M(P) PLANNED INDUSTRIAL TO M1(P) PLANNED LIGHT INDUSTRIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 1069 WILKES ROAD, SUBMITTED BY GENE ROGERS ON BEHALF OF NC NATURAL GAS CORPORATION (OWNER) AND ROBERT RUFFO.

Site Information:

Frontage & Location: 474.00'+/- on SR 2337 (Wilmington Highway) & 235.00'+/- on SR 2210 (Wilkes Road)

Depth: 474.00'+/-

Jurisdiction: Cumberland County

Adjacent Property: No

Current Use: Natural gas fueling facility

Initial Zoning: M(P) – March 15, 1979 (Area 6)

Nonconformities: None

Zoning Violation(s): None

Surrounding Zoning: North: HI (Fayetteville), M(P) & C3; South: M(P) & RR; East & West: M(P)

Surrounding Land Use: Residential, religious worship, hazardous waste storage/disposal facility, bottled gas distributing, paving company & woodlands

2030 Land Use Plan: Urban

Special Flood Hazard Area (SFHA): None

Water/Sewer Availability: PWC/ PWC

Soil Limitations: Yes, hydric – RO Roanoke and Wahee loams, RU Roanoke-Urban land complex & WNB Wickham-Urban land

School Capacity/Enrolled: Cumberland Road Elementary: 457/466; Ireland Drive Middle (6): 340/406; Douglas Byrd Middle (7-8): 600/731; Douglas Byrd High: 1,280/1,232

Subdivision/Site Plan: If approved, site plan review and approval may be required

Municipal Influence Area: City of Fayetteville

Average Daily Traffic Count (2010): 2,400 on SR 2337 (Wilmington Highway) & 2,000 on SR 2210 (Wilkes 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

Note:

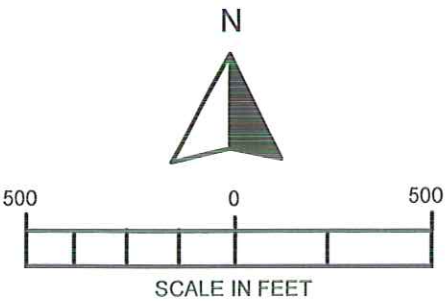
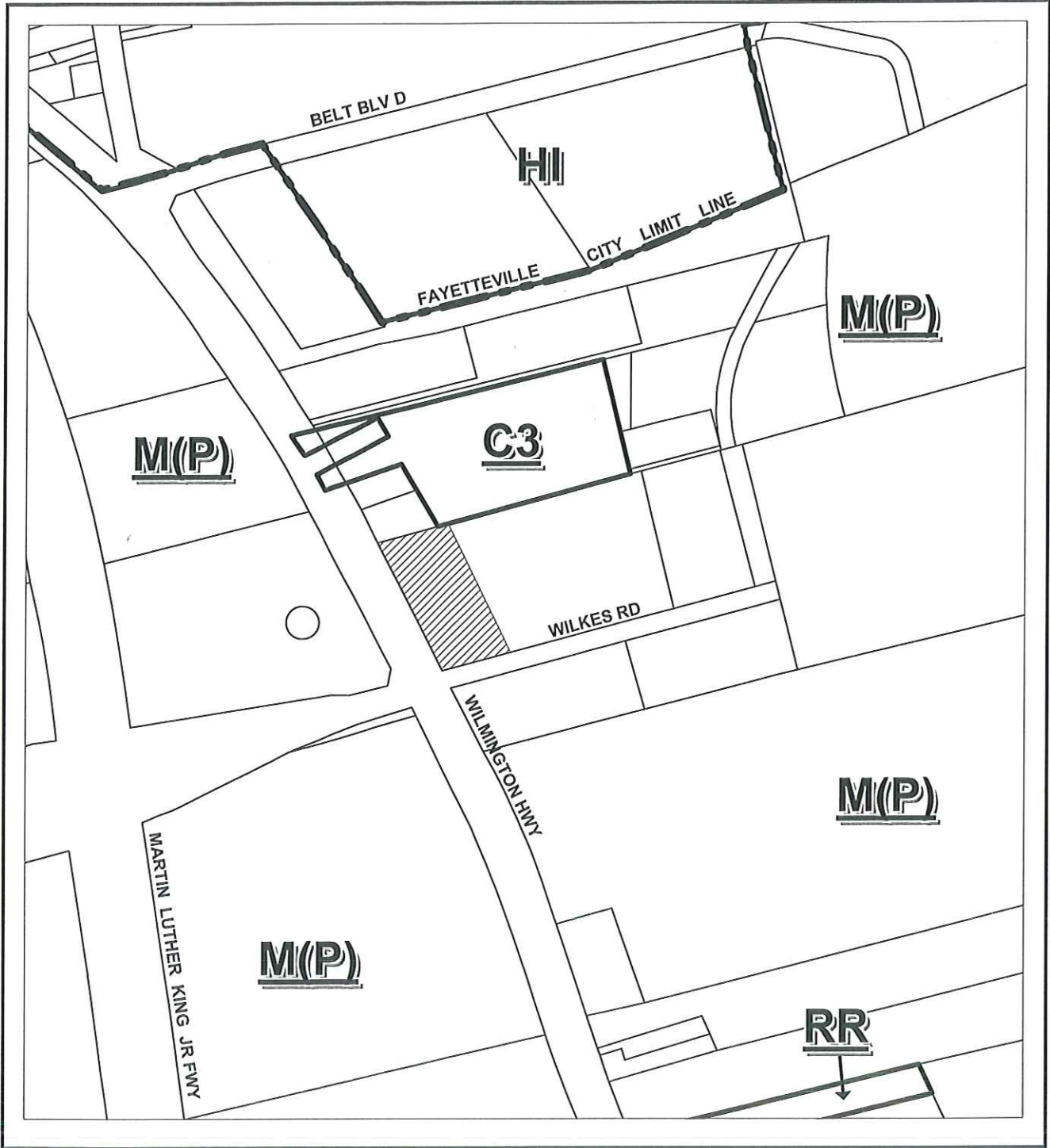
Minimum Yard Setback Regulations:

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

First Class and Record Owners' Mailed Notice Certification

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

NOTE: IN AOD AREA



REQUESTED REZONING M(P) TO M1(P)

ACREAGE: 2.57 AC.+/-		HEARING NO: P12-76	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

PORT OF PIN: 0436-94-6468

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



CUMBERLAND
★ **COUNTY** ★
NORTH CAROLINA

Planning & Inspections Department

December 11, 2012

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Lori Epler,
Sara E. Piland,
Vikki Andrews,
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 December 18, 2012 Board Meeting

P12-78: REZONING OF 6.92+/- ACRES FROM R6A RESIDENTIAL TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 1220 W MANCHESTER ROAD, SUBMITTED BY PAUL KIRBY ON BEHALF OF PRESERVE LLC. (OWNER) AND MIKE ADAMS.

The Planning & Inspections Staff recommends approval of the request for the C(P) Planned Commercial district based on the following:

1. Although the request is not entirely consistent with the 2030 Growth Vision Plan, which calls for “urban fringe” at this location, as public water and sewer are required and sewer is not available, approval of the request is consistent with the objectives of the Land Use Policies Plan by promoting efforts in this area that encourage new commercial development that have the least impact on residential and other uses incompatible with the military operations;
2. Although the request is not entirely consistent with the Spring Lake Area Detailed Land Use Plan, which calls for “suburban” at this location, approval of the C(P) Planned Commercial district is consistent with the Air Installation Compatible Use Zone (AICUZ) study of Pope Army Airfield;
3. The subject property is located within the Accident Potential Zone and the noise contour. Department of Defense guidelines recommend against certain uses (residential, retail trade, some manufacturing, etc.) dependent upon the densities of people and/or structures; and
4. The request is reasonable as commercial operations at this location would be more appropriate than residential uses due to the high noise levels (65 dBA) of military aircraft.

There are no other districts considered suitable for this request.

Attachments:

- 1 – Site Profile
- 2 – Sketch Map

P12-78
SITE PROFILE

P12-78: REZONING OF 6.92+/- ACRES FROM R6A RESIDENTIAL TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 1220 W MANCHESTER ROAD, SUBMITTED BY PAUL KIRBY ON BEHALF OF PRESERVE LLC. (OWNER) AND MIKE ADAMS.

Site Information:

Frontage & Location: 16'.00+/- on SR 1451 (W Manchester Road)

Depth: 605.15'+/-

Jurisdiction: Cumberland County

Adjacent Property: No

Current Use: 1 residential structure, 1 manufactured home & 3 park model homes

Initial Zoning: R6A – January 7, 1977 (Area 11)

Nonconformities: Yes, park model homes are not permitted in the R6A district

Zoning Violation(s): None issued, pending outcome of zoning

Surrounding Zoning: North: R6A & CD; South, East & West: R6A

Surrounding Land Use: Residential (including manufactured homes & multi-family),
manufactured home park & woodlands

2030 Land Use Plan: Urban Fringe

Spring Lake Area Detailed Plan: Suburban

Special Flood Hazard Area (SFHA): None

Water/Sewer Availability: Town of Spring Lake/Septic

Soil Limitations: None

School Capacity/Enrolled: Manchester Elementary: 340/371; Spring Lake Middle: 700/498;
Pine Forest High: 1,750/1,639

Subdivision/Site Plan: If approved, new construction will 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 (65dB) due to military aircraft. Subject property is also within the Accident Potential Zone (APZ) of Pope Army Airfield

Municipal Influence Area: Town of Spring Lake

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

Notes:

1. Density minus 15% for R/W:
R6A – 63 lots/units

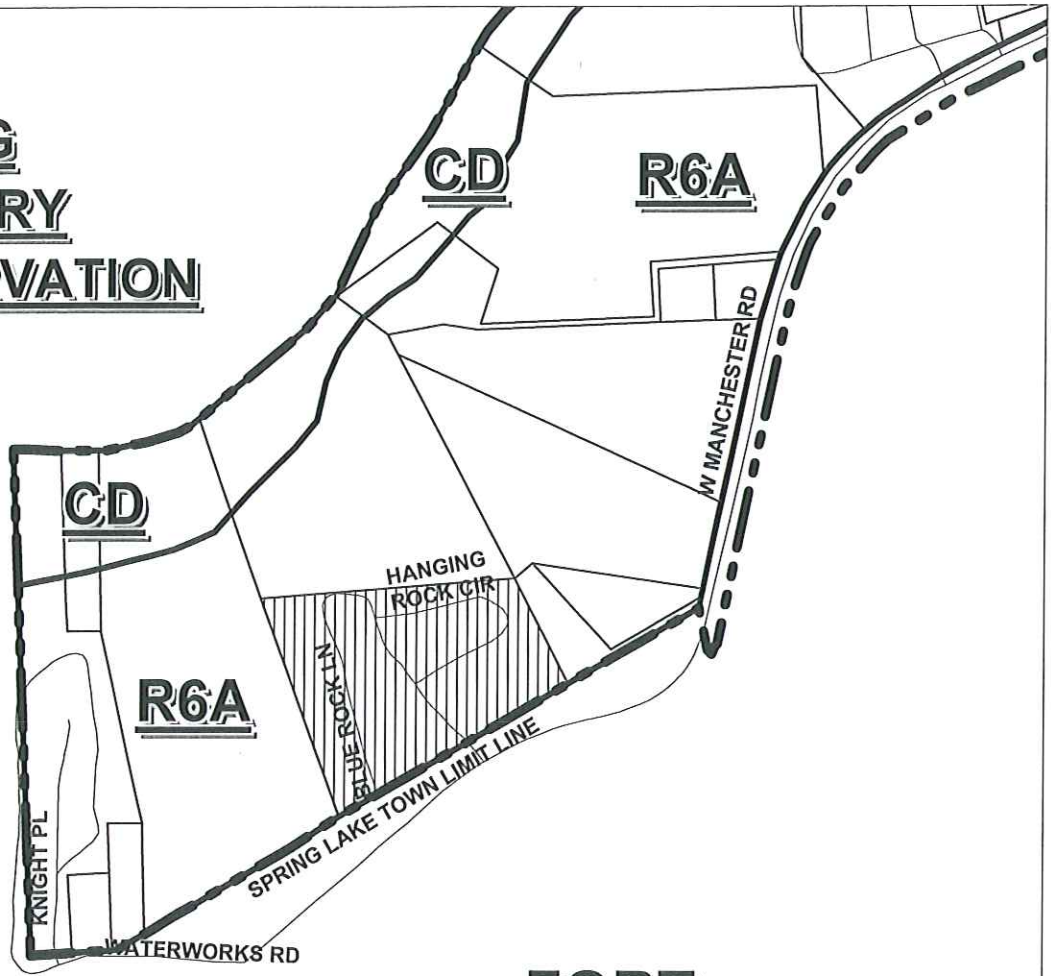
2. Minimum Yard Setback Regulations:

<u>R6A</u>	<u>C1(P)</u>	<u>C2(P) & C(P)</u>
Front yard: 25'	Front yard: 45'	Front yard: 50'
Side yard: 10'	Side yard: 15'	Side yard: 30'
Rear yard: 15'	Rear yard: 20'	Rear yard: 30'

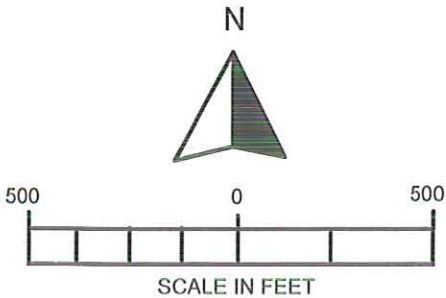
First Class and Record Owners' Mailed Notice Certification

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

**FORT
BRAGG
MILITARY
RESERVATION**



**FORT
BRAGG
MILITARY
RESERVATION**



**REQUESTED REZONING
R6A TO C(P)**

ACREAGE: 6.92 AC.+/-		HEARING NO: P12-78	
ORDINANCE: COUNTY		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



CUMBERLAND
★ **COUNTY** ★
NORTH CAROLINA

Planning & Inspections Department

December 11, 2012

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Lori Epler,
Sara E. Piland,
Vikki Andrews,
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 December 18, 2012 Board Meeting

P12-77: REZONING OF .85+/- ACRE FROM A1 AGRICULTURAL TO C(P) PLANNED COMMERCIAL/CZ CONDITIONAL ZONING DISTRICT FOR SECOND HAND SALES, BOOK SALES, INDOOR RECREATION FOR PROFIT, BARBERING AND HAIRDRESSING, DAY CARE, MOTOR VEHICLE PARTS SALES AND MOTOR VEHICLE SALES OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 7064 MAXWELL ROAD; SUBMITTED BY LEIBURN RALPH STRICKLAND (OWNER) AND MICHAEL TATE.

The Planning & Inspections Staff recommends approval of the requested rezoning to C(P) Planned Commercial /CZ Conditional Zoning district for second hand sales, book sales, indoor recreation for profit, barbering and hairdressing, day care, motor vehicle parts sales and motor vehicle sales based on the following:

1. Although the request is not entirely consistent with the 2030 Growth Vision Plan, which calls for "rural" at this location, as public water and sewer are required and sewer is not available, the approval of the requested uses would be consistent with the plan by promoting the re-development of a commercial area as the subject property contains a commercial structure previously used as a convenience store;
2. The requested uses are consistent with the objectives for commercial development listed in the Land Use Policies Plan, specifically by promoting sufficiently zoned commercial areas to accommodate the needs of County residents and locating commercial development at major intersections with the least impact on residential and other non-compatible uses; and
3. The location and character of the uses, if developed according to the plan as submitted and the recommended Ordinance Related Conditions, are reasonable as they will be in harmony with the area in which they are to be located.

There are no other zoning districts suitable as related to this request. The applicant has verbally agreed to all Ordinance Related Conditions.

Attachments:

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

P12-77
SITE PROFILE

P12-77: REZONING OF .85+/- ACRE FROM A1 AGRICULTURAL TO C(P) PLANNED COMMERCIAL/CZ CONDITIONAL ZONING DISTRICT FOR SECOND HAND SALES, BOOK SALES, INDOOR RECREATION FOR PROFIT, BARBERING AND HAIRDRESSING, DAY CARE, MOTOR VEHICLE PARTS SALES AND MOTOR VEHICLE SALES OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 7064 MAXWELL ROAD; SUBMITTED BY LEIBURN RALPH STRICKLAND (OWNER) AND MICHAEL TATE.

Site Information:

Frontage & Location: 165.00'+/- on SR 1006 (Maxwell Road) & 129.01'+/- on SR 1826 (Wade Stedman Road)

Depth: 210.00'+/-

Jurisdiction: Cumberland County

Adjacent Property: Yes, southwest of subject property

Current Use: Vacant commercial structure

Initial Zoning: A1 – September 3, 1996 (Area 20)

Nonconformities: Yes, if approved, the structure would not be able to meet front yard setbacks on the Wade Stedman Road side (due only to the 20' reservation & dedication required by DOT)

Zoning Violation(s): None

Surrounding Zoning: North: C(P), R40A, R40, RR & A1; South: R40, RR & A1; East: RR; West: R40 & A1

Surrounding Land Use: Residential (including manufactured homes), motor vehicle sales, fire station, convenience retail w/ gasoline sales, club, farmland & woodlands

2030 Growth Strategy Map: Rural

Special Flood Hazard Area (SFHA): None

Water/Sewer Availability: ESD/Septic

Soil Limitations: None

School Capacity/Enrolled: Stedman Primary (K-1): 200/162; Stedman Elementary (2-5): 300/288; Mac Williams Middle: 1,270/1,231; Cape Fear High: 1,425/1,589

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

Average Daily Traffic Count (2010): 5,100 on SR 1006 (Maxwell Road) & 3,100 on SR 1826 (Wade Stedman Road)

Highway Plan: Wade Stedman Road is identified in the Highway Plan as a Major Thoroughfare. The plan calls for widening to a multi-lane facility with a right-of-way of 110. It will also require a dedication of 10 feet and reservation of 10 feet. No road improvements are included in the 2012-2018 MTIP

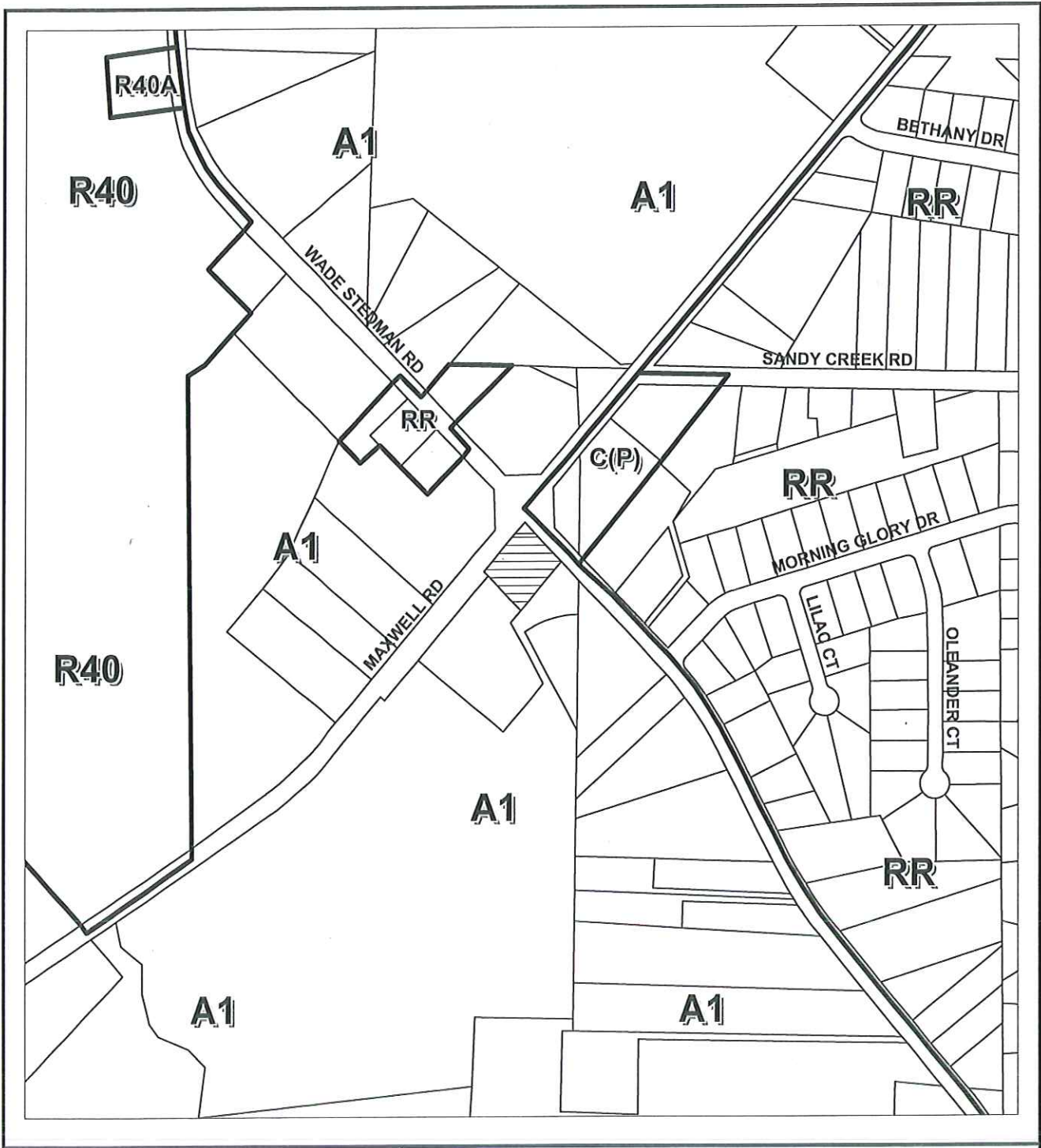
Note:

Minimum Yard Setback Regulations:

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

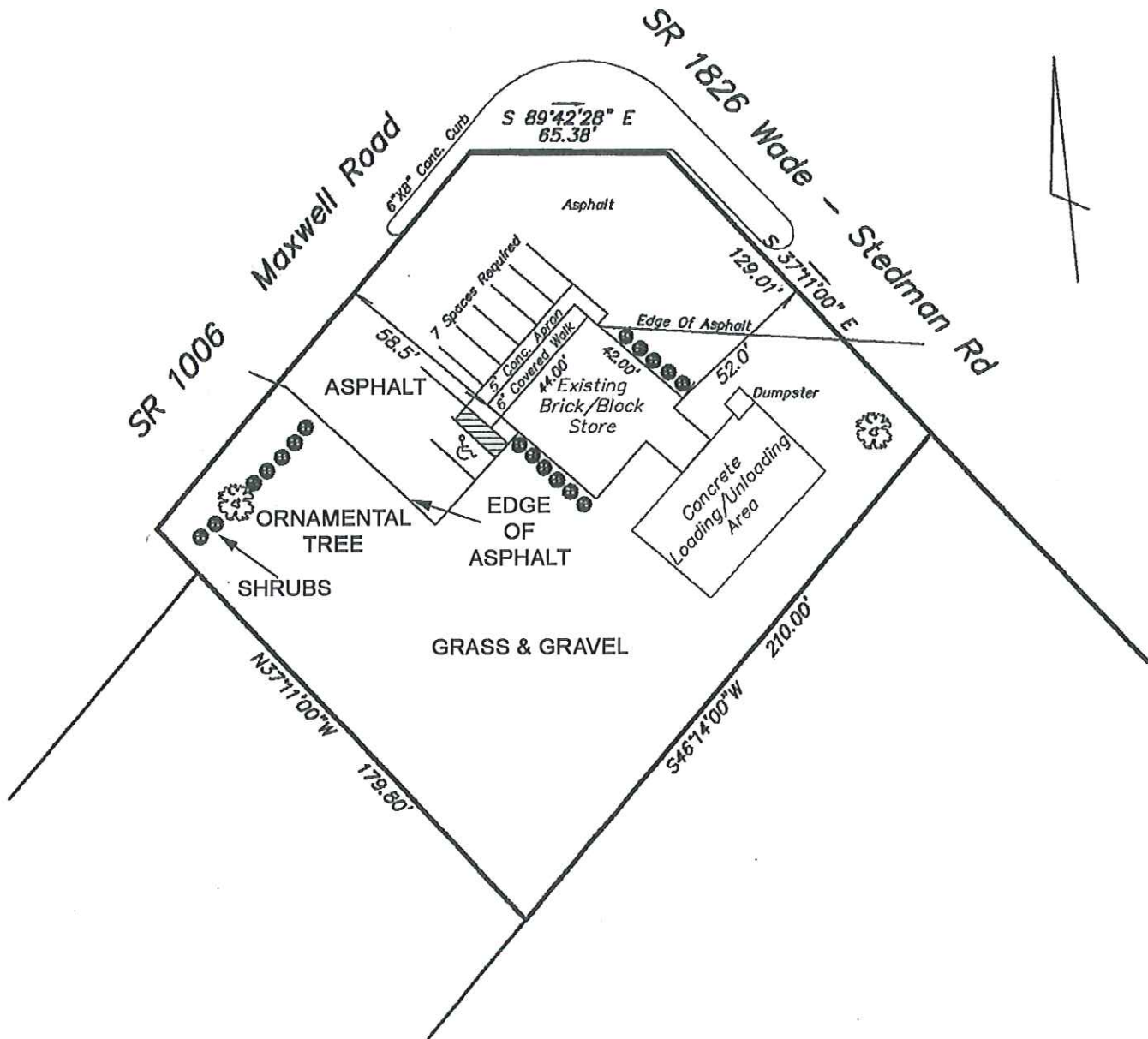
First Class and Record Owners' Mailed Notice Certification

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' acknowledgement of notice is also included in the case file.



REQUESTED REZONING A1 TO C(P)/CZ

ACREAGE: 0.85 AC.+/-	HEARING NO: P12-77	
ORDINANCE: COUNTY	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		



REQUEST: CONDITIONAL ZONING DISTRICT FOR SECOND HAND SALES, BOOK SALES, INDOOR RECREATION FOR PROFIT, BARBERING AND HAIRDRESSING, DAYCARE, MOTOR VEHICLE PARTS SALES AND MOTOR VEHICLE SALES OR TO A MORE RESTRICTIVE ZONING DISTRICT

CASE: P12-77 ACREAGE: 0.85 AC.+/-

ZONED: A1 SCALE: NTS PARKING: 7 SPACES

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

Conditional Zoning District

DRAFT

Ordinance Related Conditions

Pre- Permit Related:

1. This conditional approval is for the use of the structure as a “consignment shop” (second hand store). Prior to permit issuance for any other approved use, the property owner must submit five copies of a site plan indicating the proposed change in use, along with \$25, for staff review and approval. The revised plan will be reviewed for ordinance related requirements for the proposed change in use, such as parking, signage, landscaping.

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 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. Connection to public water is required, the Eastover Sanitary District must approve water plans prior to application for any permits. A copy of the Eastover’s approval must be provided to Code Enforcement at the time of application for building/zoning permits. (Section 2306 A.1, Public Water and Sewer Systems County Subdivision Ordinance)
5. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
6. Landscaping must be provided in accordance with Section 1102 N, Landscaping, County Zoning Ordinance and/as shown on the site plan. In addition:
 - a. Required plant materials shall be maintained by the property owner, including replacing dead or unhealthy trees and shrubs; and
 - b. All yard and planting areas shall be maintained in a neat, orderly, and presentable manner and kept free of weeds and debris.
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)/CZ zoning district, including the contents of the application and site plan, must be complied with, as applicable. The approved uses as listed on the application are: consignment shop (second hand), book store, meeting and party place (assembly), beauty/barber shop, day care facility, motor vehicle parts sales, and motor vehicle sales (used).
9. All corner lots and lots fronting more than one street must provide front yard setbacks from each street.

10. This conditional approval is not approval of any freestanding signs. If a freestanding sign is desired, re-submittal of the site plan for staff review and approval 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.)
11. Reservation of 20 feet of right-of way along SR 1826 (Wade-Stedman Road) is required 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)
12. 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)
13. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision Ordinance)
14. 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.
15. Turn lanes may be required by the NC Department of Transportation (NCDOT).
16. 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.
17. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.
18. All required off-street parking spaces shall be a minimum of 9' x 20'; a minimum of seven off-street parking spaces are required for the second hand shop. Additional off-street parking may be required for any change in use.

Advisories:

19. The applicant is advised to consult an expert on wetlands before proceeding with any development.
20. 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.

Other Relevant Conditions:

21. 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:	Connie Spell	229-3716
County Public Utilities/NORCRESS:	Amy Hall	678-7637

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 Leiburn Ralph Strickland
2. Address: 2354 Cedar Creek Rd, ^{Fay} NC Zip Code 28312
3. Telephone: (Home) _____ (Work) 910-484-5972
4. Location of Property: 7064 Maxwell Rd
Stedman, NC 28391
5. Parcel Identification Number (PIN #) of subject property: 0497.07.8964
(also known as Tax ID Number or Property Tax ID)
6. Acreage: .85 Frontage: 160 Maxwell Depth: 180' Maxwell
130 Wade Stedman 210 Wade-Stedman
7. Water Provider: Eastover
8. Septage Provider: Septic Tank
9. Deed Book 8154, Page(s) 0424, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
10. Existing use of property: Vacant
11. Proposed use(s) of the property: 1-Consignment Shop, 2-Book Store (Christian),
3-Meeting and for Party Hall, 4-Beauty/Barber Shop, 5-Day Care
6-Auto Parts
7-Used Car Sales
12. It is requested that the foregoing property be rezoned FROM: A1

- TO: (Select one)
- Conditional Zoning District, with an underlying zoning district of C(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.)

1- Consignment Shop (2nd hand) 6- Auto Parts
2- Book Store (Christian) 7- Used car sales
3- Meeting and/or Party place
4- Beauty and/or Barber Shop
5- Day Care

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

1.85 AC Commercial

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.

Attached to building as per zoning.

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.**

shown on site plan.

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

No buffer required.

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.

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.

✓ Leiburn Ralph Strickland
NAME OF OWNER(S) (PRINT OR TYPE)

2354 Cedar Creek Rd., Fayetteville, NC 28312
ADDRESS OF OWNER(S)

solcitac @ embarqmail.com
E-MAIL

N/A
HOME TELEPHONE

910-484-5972
WORK TELEPHONE

x Leiburn Ralph Strickland
SIGNATURE OF OWNER(S) SIGNATURE OF OWNER(S)

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

2354 Cedar Creek Rd, Fayetteville, NC 28312
ADDRESS OF AGENT, ATTORNEY, APPLICANT

N/A HOME TELEPHONE 910-484-5972 WORK TELEPHONE

jokita@Embarqmail.com E-MAIL ADDRESS 484-6279 FAX NUMBER

Leiburn Ralph Strickland
SIGNATURE OF AGENT, ATTORNEY,
OR APPLICANT

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

**CUMBERLAND COUNTY ZONING ORDINANCE
FEE SCHEDULE**

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

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

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



CUMBERLAND
★ **COUNTY** ★
NORTH CAROLINA

Planning & Inspections Department

December 11, 2012

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Lori Epler,
Sara E. Piland,
Vikki Andrews,
Cumberland County

Benny Pearce,
Town of Eastover

Donovan McLaurin,
Wade, Falcon & Godwin

MEMORANDUM

TO: Cumberland County Joint Planning Board
FROM: Planning and Inspections Staff
SUBJECT: Staff Recommendation for December 18, 2012 Board Meeting

P12-75: REZONING OF 3.35+/- ACRES FROM RR RURAL RESIDENTIAL TO R6A RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 4228 AND 4232 NC HWY 210 SOUTH, SUBMITTED BY JESUS G. IRIZARRY (OWNER) AND ROBERT M. BENNETT.

The Planning and Inspections Staff recommends denial of the request for the R6A Residential district based on the following:

1. The district requested is inconsistent with the location criteria for “medium density residential” as listed in the Land Use Policies Plan of the 2030 Growth Vision Plan as the subject property will not serve as a transition between non-residential, higher density and lower density residential areas, is not within two miles of a public recreation area; and cannot be served by public water and sewer since public sewer is not available;
2. Although the subject property is located within an “urban” area on the 2030 Growth Strategy Map, the request is not reasonable because the property is at the extreme southeastern edge of the designated urban area where the zoning and lot sizes are one half acre or greater per dwelling unit. Note the existing R6A shown on the site plan was adopted during the initial zoning of the general area and intended to ensure a pre-existing manufactured home park was not made nonconforming;
3. The soils in this area, including approximately three-fourths of the subject property, though not classified as “hydric” have been determined to be unsuitable for conventional septic systems due to soil wetness within 30 inches of the ground surface by County Environmental Health.

The R20 residential district could be considered suitable for this area of the County.

Attachments:

- 1 – Site Profile
- 2 – Sketch Map

P12-75
SITE PROFILE

P12-75: REZONING OF 3.35+/- ACRES FROM RR RURAL RESIDENTIAL TO R6A RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 4228 AND 4232 NC HWY 210 SOUTH, SUBMITTED BY JESUS G. IRIZARRY (OWNER) AND ROBERT M. BENNETT.

Site Information:

Frontage & Location: 62.57'+/- on NC Hwy 210 S

Depth: 693.32'+/-

Jurisdiction: Cumberland County

Adjacent Property: No

Current Use: Vacant woodlands

Initial Zoning: RR – September 3, 1996 (Area 20)

Nonconformities: None

Zoning Violation(s): None

Surrounding Zoning: North: R40A, R40, RR, R6A & A1; South: R40A, RR & A1; East: R40A, RR & A1; West: R40A & RR

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

2030 Land Use Plan: Urban

Special Flood Hazard Area (SFHA): None

Water/Sewer Availability: PWC/Septic

Soil Limitations: Yes, hydric – BY Byars loam & LE Leon sand

School Capacity/Enrolled: J. W. Seabrook Elementary: 310/272; Mac Williams Middle: 1,270/1,231; Cape Fear High: 1,425/1,589

Subdivision/Site Plan: If approved, any new development may require review and approval

Average Daily Traffic Count (2010): 3,600 on NC Hwy 210 S

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:

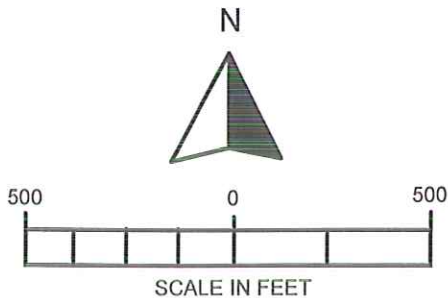
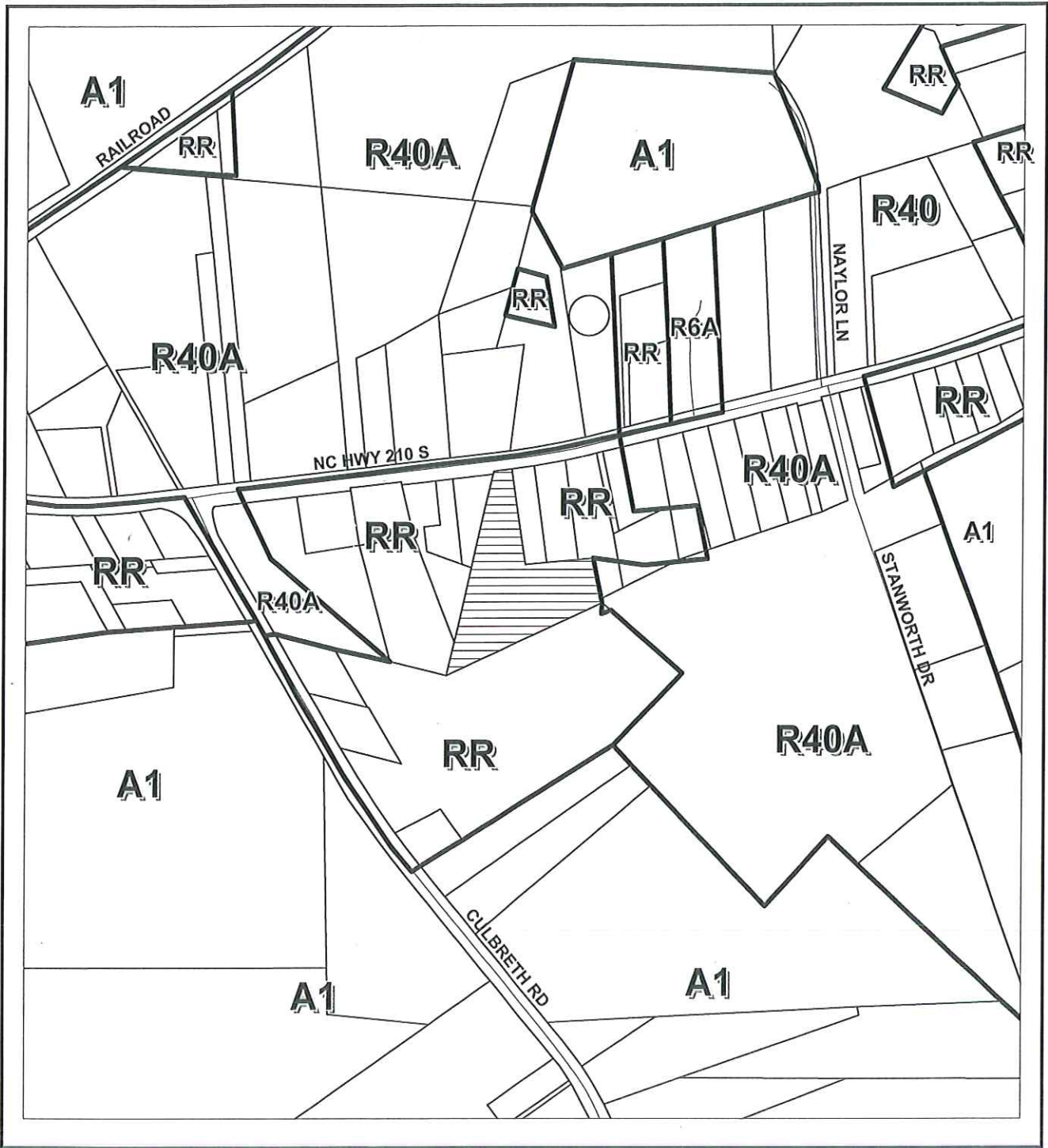
1. Density minus (15% for R/W):
RR/R20 – 6 lots/units
R15 – 8 lots/units
R7.5 – 17 lots/unit
R6A – 30 lots/units

2. Minimum Yard Setback Regulations:

<u>RR & R20</u>	<u>R15 & R7.5</u>	<u>R6A</u>
Front yard: 30'	Front yard: 30'	Front yard: 25'
Side yard: 15'	Side yard: 10'	Side yard: 10'
Rear yard: 35'	Rear yard: 35'	Rear yard: 15'

First Class and Record Owners' Mailed Notice Certification

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



REQUESTED REZONING RR TO R6A

ACREAGE: 3.35 AC.+/-	HEARING NO: P12-75	
ORDINANCE: COUNTY	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



CUMBERLAND
★ **COUNTY** ★
NORTH CAROLINA

Planning & Inspections Department

December 11, 2012

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Lori Epler,
Sara E. Piland,
Vikki Andrews,
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 December 18, 2012 Board Meeting

P12-72: REZONING OF .23+/- ACRE FROM R6A RESIDENTIAL (CCO COMMERCIAL CORE OVERLY) TO R6A RESIDENTIAL (CCO COMERCIAL CORE OVERLAY)/CZ CONDITIONAL ZONING DISTRICT FOR GROUP QUARTERS OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 1716 EDWARDS STREET, SUBMITTED BY SEUNG K. AND HEE SOOK CHAI (OWNERS). (EASTOVER)

The Planning & Inspections Staff recommends denial of the requested rezoning to R6A Residential (Commercial Core Overlay)/CZ Conditional Zoning district for group quarters based on the following:

1. The request is not consistent with the policies and actions of the 2030 Growth Vision Plan, which specifically encourages development patterns and facilities such as the requested use to be located in areas with convenient transportation options and other public services intended to serve users of the facility (Policy Area 15);
2. The requested use is not reasonable especially because proposed expansion to the existing nonconforming residential structure increases the inability for the subject property to contain sufficient land area for compliance with the provisions of the recently adopted Eastover Commercial Core Overlay district – specifically the pedestrian areas with amenities and grassed/landscaped strips along the rights-of-way ; and
3. The basic infrastructure at the subject property's location does not support the requested use – this assertion is particularly based on the status of Edwards Street, which is unimproved at this time.

There are no other zoning districts suitable as related to this request. If the board is inclined to favorably consider this request, the draft Ordinance Related Conditions are attached and the property owner has not agreed to all conditions at the time of the drafting of this recommendation.

Attachments:

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

P12-72
SITE PROFILE

P12-72: REZONING OF .23+/- ACRE FROM R6A RESIDENTIAL (CCO COMMERCIAL CORE OVERLY) TO R6A RESIDENTIAL (CCO COMERCIAL CORE OVERLAY)/CZ CONDITIONAL ZONING DISTRICT FOR GROUP QUARTERS OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 1716 EDWARDS STREET, SUBMITTED BY SEUNG K. AND HEE SOOK CHAI (OWNERS). (EASTOVER)

Site Information:

Frontage & Location: 99.99'+/- on SR 1868 (Jackson Avenue) & 99.88'+/- on Edwards Street

Depth: 100.20'+/-

Jurisdiction: Eastover

Adjacent Property: Yes, southeast of subject property

Current Use: Abandoned (boarded-up) residential structure

Initial Zoning: R6A – April 26, 1979 (Area 8); initially zoned to R6A December 4, 2007 (Town of Eastover incorporated July 26, 2007)

Nonconformities: Existing structure does not appear to meet front yard setbacks

Zoning Violation(s): None

Surrounding Zoning: North: C(P), C2(P), C1(P), RR, R6A & A1; South: C(P), RR, R6A & A1; East: C(P)/CUD (Trade Contractor), C(P) & R6A; West: RR & R6A (all referenced districts are in Eastover)

Surrounding Land Use: Residential (including manufactured homes & multi-family), wholesale sales, manufactured home park, nursing homes (2), trade contractor & woodlands

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: 450/420; Mac Williams Middle: 1,270/1,231; Cape Fear High: 1,425/1,589

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

Average Daily Traffic Count (2010): 3,400 on Dunn Road (US 301)

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:
R6A – 1 lot/unit

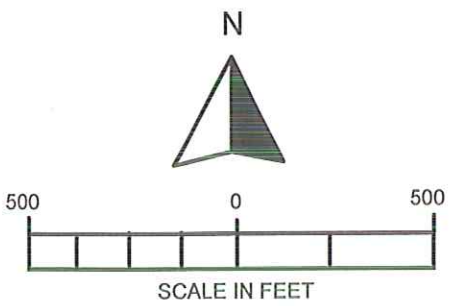
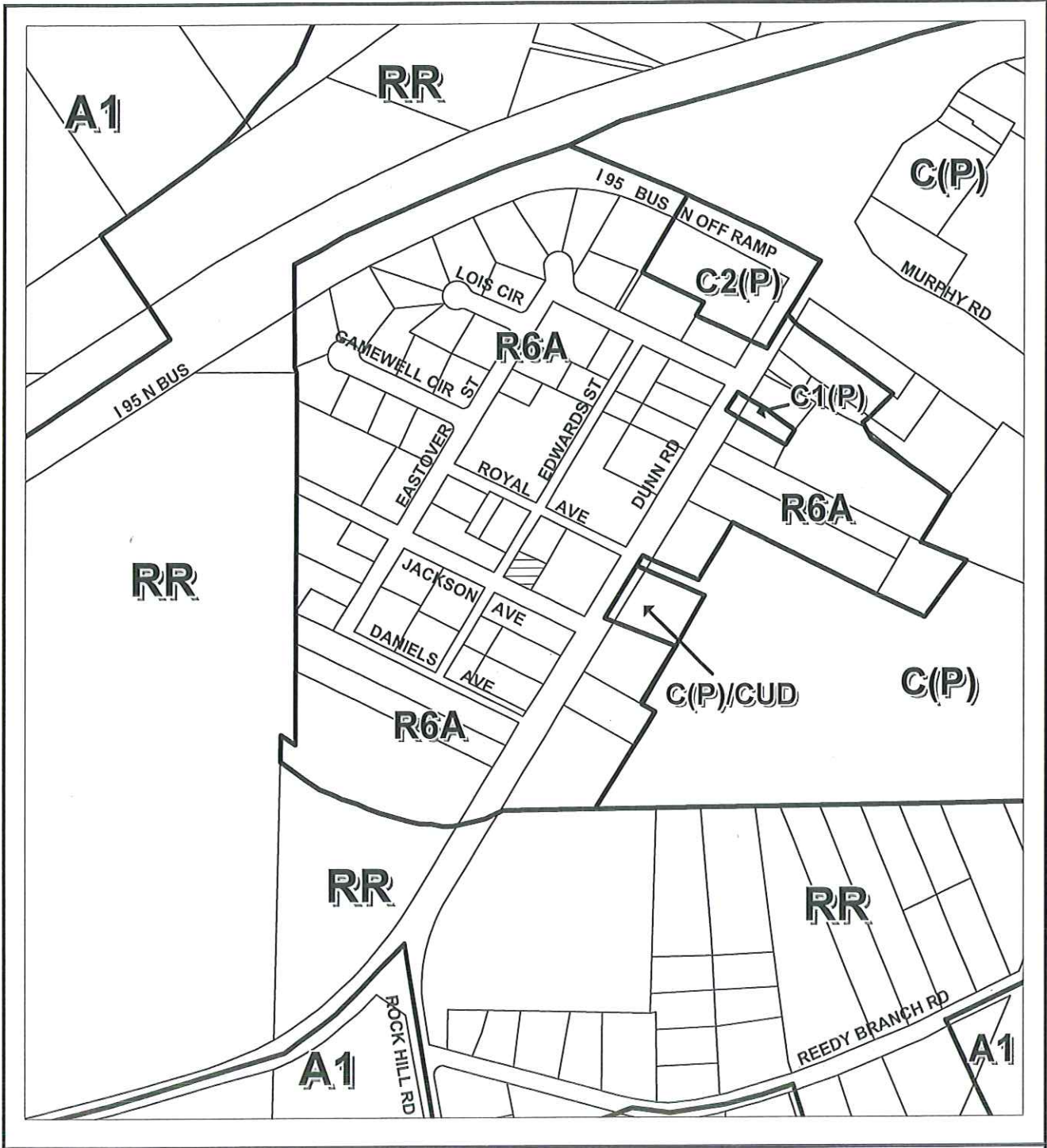
2. Minimum Yard Setback Regulations:
R6A
Front yard: 25'
Side yard: 10'
Rear yard: 15'

3. The applicant has requested relief from the front setbacks to Edwards Street, sidewalk and landscape strip requirements of the CCO district due to the subject property's small size.

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.

NOTE: IN CCOD AREA



REQUESTED REZONING R6A TO R6A/CZ

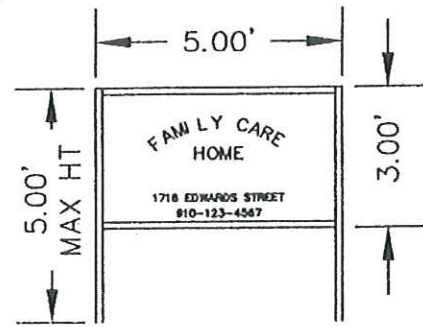
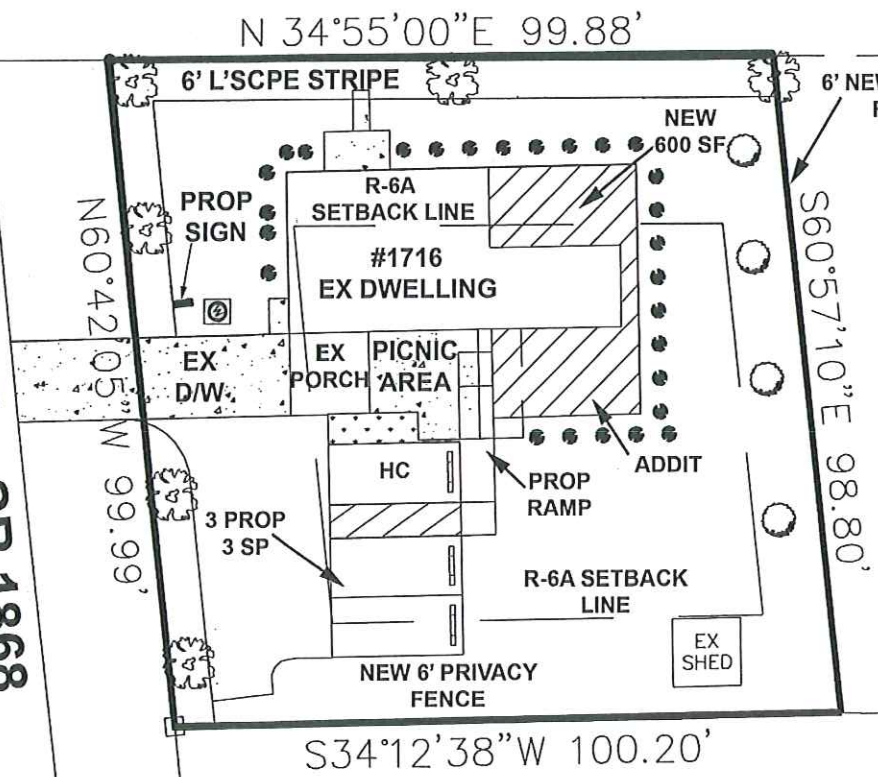
ACREAGE: 0.23 AC.+/-		HEARING NO: P12-72	
ORDINANCE: EASTOVER	HEARING DATE	ACTION	
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

PIN: 0468-15-2187

10/30/2012
11/27/2012
AM

JACKSON AVENUE - SR 1868

EDWARDS STREET



SIGNAGE PLAN
 LOCATION: SEE PLAN VIEW
 MATERIALS: PRESSURE TREATED WOODED POSTS LAMINATED WOOD WITH WEATHERPROOF LAMINATE FACE
 ILLUMINATION: NONE
 SIZE: 3'X5' SIGN FACE
 15 SF PER SIDE
 LETTER STYLE: HELVETICA BOLD
 COLOR: BLACK LETTERS ON WHITE
 LETTER HEIGHT: 8-12 INCHES

**CONDITIONAL ZONING DISTRICT & PERMIT
 REQUEST: FOR GROUP QUARTERS
 CASE: P12-72 ACREAGE: 0.23 AC +/-
 ZONED: R6A SCALE: NTS**

*SCALED DETAILED SITE PLAN IN FILE AVAILABLE FOR REVIEW UPON REQUEST
 12/11/12

R6A Residential / CZ Conditional Zoning District
Eastover Commercial Core Overlay 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. For new development or upgrades to the existing connections are required, 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)
3. A fire protection plan approved by the County Fire Marshall must be submitted at the time of permit application.
4. Landscaping must be provided in accordance with Section 1102 N, Landscaping, County Zoning Ordinance and the provisions of the Eastover Commercial Core Overlay as shown on the site plan. The following are the minimum standards for the required landscaping of this site:
 - a. Three street trees within the six foot wide grass area along Edward Street are required. The street trees shall be a type as listed in the NC Department of Transportation's Guidelines for Planting within Highways Right-of-way;
 - b. Three street trees within the six foot wide grass area along SR 1868 (Jackson Avenue) are required. The street trees shall be a type as listed in the NC Department of Transportation's Guidelines for Planting within Highways Right-of-way; and
 - c. Three ornamental trees and 27 shrubs are required in the building yard.

In addition:

- a. Required plant materials shall be maintained by the property owner, including replacing dead or unhealthy trees and shrubs; and
 - b. All yard and planting areas shall be maintained in a neat, orderly, and presentable manner and kept free of weeds and debris.
5. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
6. Each room must have access to a hall or exterior door and is required to have a minimum of one bathroom, consisting of a bath or shower, and lavatory, for each two guestrooms. The guestrooms cannot be equipped with cooking facilities.
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/CZ zoning district and the provisions of the Eastover Commercial Core Overlay district, to include the contents of the application and site plan must be complied with, as applicable.

9. The proposed freestanding sign must be a ground sign and constructed as specifically approved by the Town Council – to include design, materials and location. The property owner is the responsible party to ensure the proper permits are obtained prior to installation of the freestanding sign. Attached signage is not approved for this request.
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. 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.
13. All pedestrian areas, including the off-street parking area are to be lighted with shielded, controlled lighting, and shall complement the proposed development in color and style while being consistent with existing lighting of adjacent or nearby developed non-residential properties. 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.
14. A solid buffer must be provided and maintained along the side and rear property lines where this tract/site abuts residentially zoned properties (and as shown on the site plan) 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.)
15. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.
16. All required off-street parking spaces shall be a minimum of 9' x 20'; a minimum of one space for each room to be utilized and one space for each employee/owner of off-street parking spaces are required for this group quarters facility.
17. The owner/developer is responsible and liable for maintenance and upkeep of this site, all structures, and appurtenances, to include ensuring that the site is kept free of litter and debris, all grass areas mowed, all buffers and shrubbery kept trim and maintained, so that the site remains in a constant state of being aesthetically and environmentally pleasing.
18. Noise levels shall not exceed 60 dB(A) between the hours of 10:00 pm and 7:00 am. In any event, the noise level, regardless of the time of day, shall not become a nuisance to neighboring properties and strict compliance with the County's Noise Ordinance is required.

Advisories:

19. The applicant is advised to consult an expert on wetlands before proceeding with any development.
20. 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.

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
Tax Parcel Numbers:		678-7549
NCDOT (driveways/curb-cuts):	Gary Burton	486-1496
N.C. Division of Water Quality:	Mike Randall	(919) 733-5083 ext. 545

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, as hereinafter requested, the following facts are submitted:

1. Applicant/Agent Seung Kwan Chai & wife, Hee Sook Chai
2. Address: 524 Davenport Rd, Rutherfordton NC Zip Code 28139
3. Telephone: (Home) 828-286-4749 (Work) 828-980-2599 *all*
4. Location of Property: 216 Edwards Street, Eastover NC

5. Parcel Identification Number (PIN #) of subject property: 0468-15-2187
(also known as Tax ID Number or Property Tax ID)
6. Acreage: 0.2273 Ac Frontage: 199.87 Depth: 100.20
7. Water Provider: ESD
8. Septage Provider: ESD
9. Deed Book 5742, Page(s) 683, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
10. Existing use of property: Residential
11. Proposed use(s) of the property: Assisted Living Facility

NOTE: Be specific and list all intended uses.

12. It is requested that the foregoing property be rezoned FROM: R-6A
TO: (Select one)
 Conditional Zoning District, with an underlying zoning district of R-6A
(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.)

Assisted Living Facility (6 beds)

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

1 lot 1 dwelling unit (6 beds)
1 storage shed existing (±100SF)

2. DIMENSIONAL REQUIREMENTS:

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

R-6A setbacks used (Front - 15' (2 sides))
(Side - 10' (1 story))
(Rear - 25')

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

3 proposed spaces (1 HC; van accessible) and 5' in loading
~~area~~ area for HC space; surfaced w/ asphalt

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.

1 small sign near west side of driveway; 6' from property line

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.**

1) See attached site plan.
2) New plantings: 3 large trees, 14 shrubs selected from approved County list.

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

6' Solid Fence along South and East Property line;
1' inside property

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.

24 hours facility, seven days week.
Two Full-time and Two part-time employees.
Residents not over 6 peoples.

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.

Seung Kwan Chai & Htee Sook Chai
NAME OF OWNER(S) (PRINT OR TYPE)

521 Daranport Rd, Rutherfordton NC 28139
ADDRESS OF OWNER(S)

hannachai488@gmail.com
E-MAIL

828-286-4749
HOME TELEPHONE

828-980-2599
WORK TELEPHONE


SIGNATURE OF OWNER(S)


SIGNATURE OF OWNER(S)



SEUNG KWAN (BOB) CHAI

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

521 Davenport Rd. Rutherfordton, NC 28139

ADDRESS OF AGENT, ATTORNEY, APPLICANT

(828) 286-4749

HOME TELEPHONE

(cell) 828-980-2599

WORK TELEPHONE

Hannah Chai 48@gmail.com (828) 288-6835

E-MAIL ADDRESS

FAX NUMBER

SIGNATURE OF AGENT, ATTORNEY, OR APPLICANT

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

**CUMBERLAND COUNTY ZONING ORDINANCE
FEE SCHEDULE**

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

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

Addendum to Application for
Hope Rest Home, Inc. Case #P12-72

Request relief from the sidewalk and landscape strip requirements in the CCO District, and in accordance with Article VIII.I, Section 801, ¶D, for the subject property for the following reasons:

1. The front sidewalk and landscape strips, measured from the edge of pavement along Edwards Street would cut across the front porch of the existing house.
2. The front sidewalk and landscape strips, measured from the edge of pavement along Jackson Avenue (SR 1868) would be entirely in the NCDOT right-of-way. If the sidewalk is moved on to the subject property, then upon completion of construction, it would have to be taken over by a municipal department and it would not be ADA Accessible.



Seung K. Chai, Owner