

REQUESTED REZONING A1 TO R40A

ACREAGE: 3.06 AC.+/-		HEARING NO: P12-39	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

PIN: 0421-42-4249

6/19/12
AM

Roy Turner,
Chair
Cumberland County

Walter Clark,
Vice-Chair
Cumberland County

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



COUNTY *of* CUMBERLAND

Planning & Inspections Department

July 10, 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 and Inspections Staff

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

P12-43: REZONING OF 26.34+/- ACRES FROM C(P)/CU PLANNED COMMERCIAL/CONDITIONAL USE OVERLAY FOR OPEN STORAGE OF EQUIPMENT AND SUPPLIES TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 3459 THROUGH 3555 GILLESPIE STREET, SUBMITTED BY CLYDE RAY SR. AND HELEN R. WEAVER (OWNERS) AND ZEB GARDNER.

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

1. Although the request is not entirely consistent with the location criteria for "heavy commercial", which calls for public water and sewer – sanitary sewer is not available, the request is reasonable as the 2030 Growth Vision Plan designates this area as urban;
2. The C(P) Planned Commercial district is consistent with the zoning in the general area;
and
3. The location and character of the use 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

P12-43
SITE PROFILE

P12-43: REZONING OF 26.34+/- ACRES FROM C(P)/CU PLANNED COMMERCIAL/CONDITIONAL USE OVERLAY FOR OPEN STORAGE OF EQUIPMENT AND SUPPLIES TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 3459 THROUGH 3555 GILLESPIE STREET, SUBMITTED BY CLYDE RAY SR. AND HELEN R. WEAVER (OWNERS) AND ZEB GARDNER.

Site Information:

Frontage & Location: 880.00'+/- on SR 2273 (Gillespie Street)

Depth: 1,290.00'+/-

Jurisdiction: Cumberland County

Adjacent Property: Yes, southeast of subject property

Current Use: 2 churches, 3 commercial businesses, open storage & vacant commercial; all existing uses on the subject property are allowed in the requested district

Initial Zoning: C(P) – March 15, 1979 (Area 6); rezoned to C(P)/CU for open storage of equipment & supplies on August 16, 1999

Nonconformities: None

Zoning Violation(s): None

Surrounding Zoning: North: C(P), O&I(P), R10 & R6A; South: M(P), C(P), RR, R10 & R6A; East: R10; West: C(P) & R6A

Surrounding Land Use: Residential (including manufactured homes & multi-family), manufactured home park, substation, second hand sales, retailing (3), servicing, industrial sales of equipment (2), motor vehicle body work, convenience retail w/ gasoline sales, vacant commercial, motor vehicle parts & accessories sales, nursery, motor vehicle repair

2030 Land Use Plan: Urban

Special Flood Hazard Area (SFHA): None

Water/Sewer Availability: PWC/Septic

Soil Limitations: None

School Capacity/Enrolled: Alderman Road Elementary: 764/675; South View Middle: 822/817; South View High: 1,800/1,837

Subdivision/Site Plan: If approved, review and approval required

Municipal Influence Area: City of Fayetteville

Average Daily Traffic Count (2010): 20,000 on I-95 Business

Highway Plan: US 301 (Gillespie Street) is identified in the Highway Plan as a Major Thoroughfare. The plan calls for widening to a multi-lane facility

Note:

Minimum Yard Setback Regulations:

C(P)

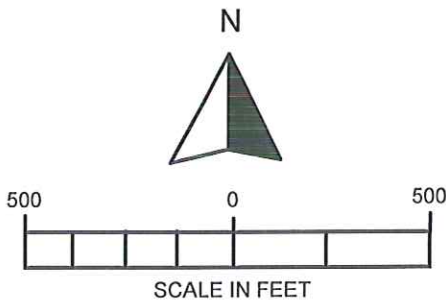
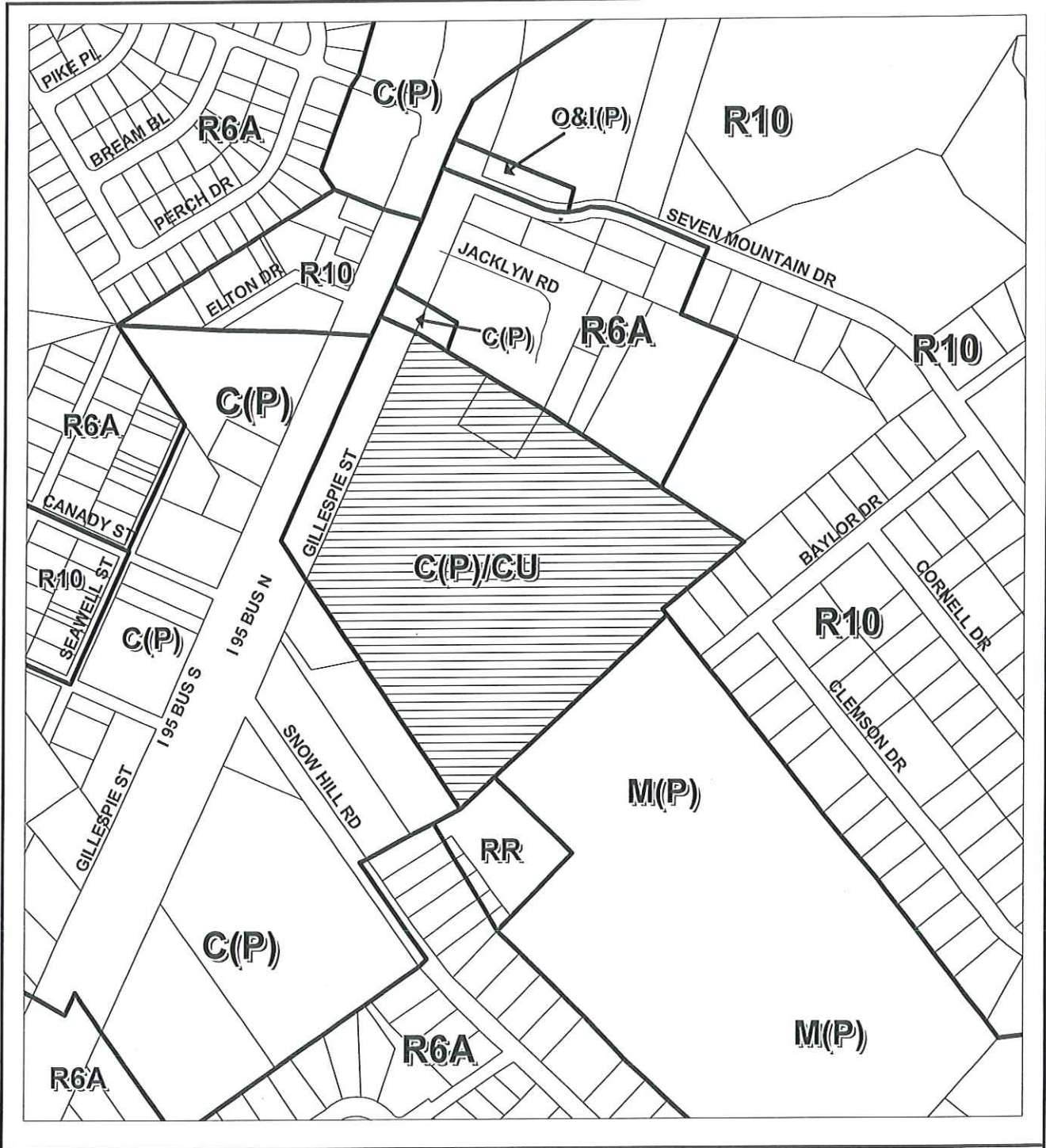
Front yard: 50'

Side yard: 30'

Rear yard: 30'

First Class and Record Owners' Mailed Notice Certification

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



REQUESTED REZONING C(P)/CU TO C(P)

ACREAGE: 26.34 AC.+/-		HEARING NO: P12-43	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

PIN: 0424-88-8615
0424-89-8123

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,
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COUNTY *of* CUMBERLAND

Planning & Inspections Department

July 10, 2012

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Deputy Director

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Sara E. Piland,
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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 July 17, 2012 Board Meeting

P12-44: REZONING OF 2.18+/- ACRES FROM R15 RESIDENTIAL/CUD CONDITIONAL USE DISTRICT FOR A 312 LOT RESIDENTIAL SUBDIVISION (PORTION OF) AND THE PERMIT TO A1 AGRICULTURAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 1801 TOM STARLING ROAD, SUBMITTED BY BOYD DALE JR. AND MAE SMITH PARSONS (OWNERS).

The Planning and Inspections Staff recommends approval of the A1 Agricultural district for this request based on the following:

The portion of the subject property zoned R15 Residential/CUD Conditional Use District is the result of a mapping error related to the approval and digitizing of case P10-09 (RR and A1 to R15/CUD & CD/CUD approved on 04/19/2010). This request is reasonable and consistent as it is simply a correction returning that portion of the subject property to its original zoning classification of A1 Agricultural and in no way affects the density of Case No. P10-09.

There are no other districts considered suitable for this request.

Attachments:

- 1 – Site Profile
- 2 – Sketch Map

P12-44
SITE PROFILE

P12-44: REZONING OF 2.18+/- ACRES FROM R15 RESIDENTIAL/CUD CONDITIONAL USE DISTRICT FOR A 312 LOT RESIDENTIAL SUBDIVISION (PORTION OF) AND THE PERMIT TO A1 AGRICULTURAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 1801 TOM STARLING ROAD, SUBMITTED BY BOYD DALE JR. AND MAE SMITH PARSONS (OWNERS).

Site Information:

Frontage & Location: 170.00'+/- on SR 2220 (Tom Starling Road)

Depth: 319.58'+/-

Jurisdiction: Cumberland County

Adjacent Property: No

Current Use: 1 residential structure

Initial Zoning: A1 – March 15, 1979 (Area 6); portion rezoned to RR on October 25, 1994; portion rezoned to R15/CUD on April 19, 2010

Nonconformities: None

Zoning Violation(s): None

Surrounding Zoning: North: R15/CD/CUD (for 312 lot subdivision), RR & A1; South & West: A1; East: RR & A1

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

2030 Growth Strategy Map: Urban

Special Flood Hazard Area (SFHA): None

Water/Sewer Availability: Well/Septic

Soil Limitations: Yes, hydric – WmB Wickham fine sandy

School Capacity/Enrolled: Alderman Road Elementary: 764/675; Gray's Creek Middle: 1,000/953; Gray's Creek High: 1,270/1,284

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

Average Daily Traffic Count (2010): 2,800 on SR 2220 (Tom Starling Road)

Highway Plan: Tom Starling Road is identified in the Highway Plan as a Major Thoroughfare. The plan calls for a multi-lane facility with a right-of-way of 100 feet. No road improvements are included in the 2012-2018 MTIP

Notes:

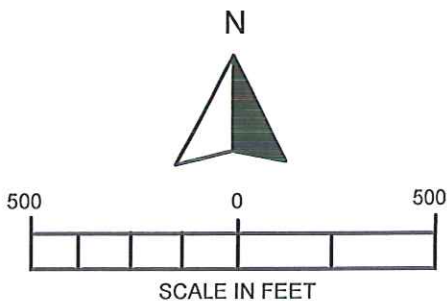
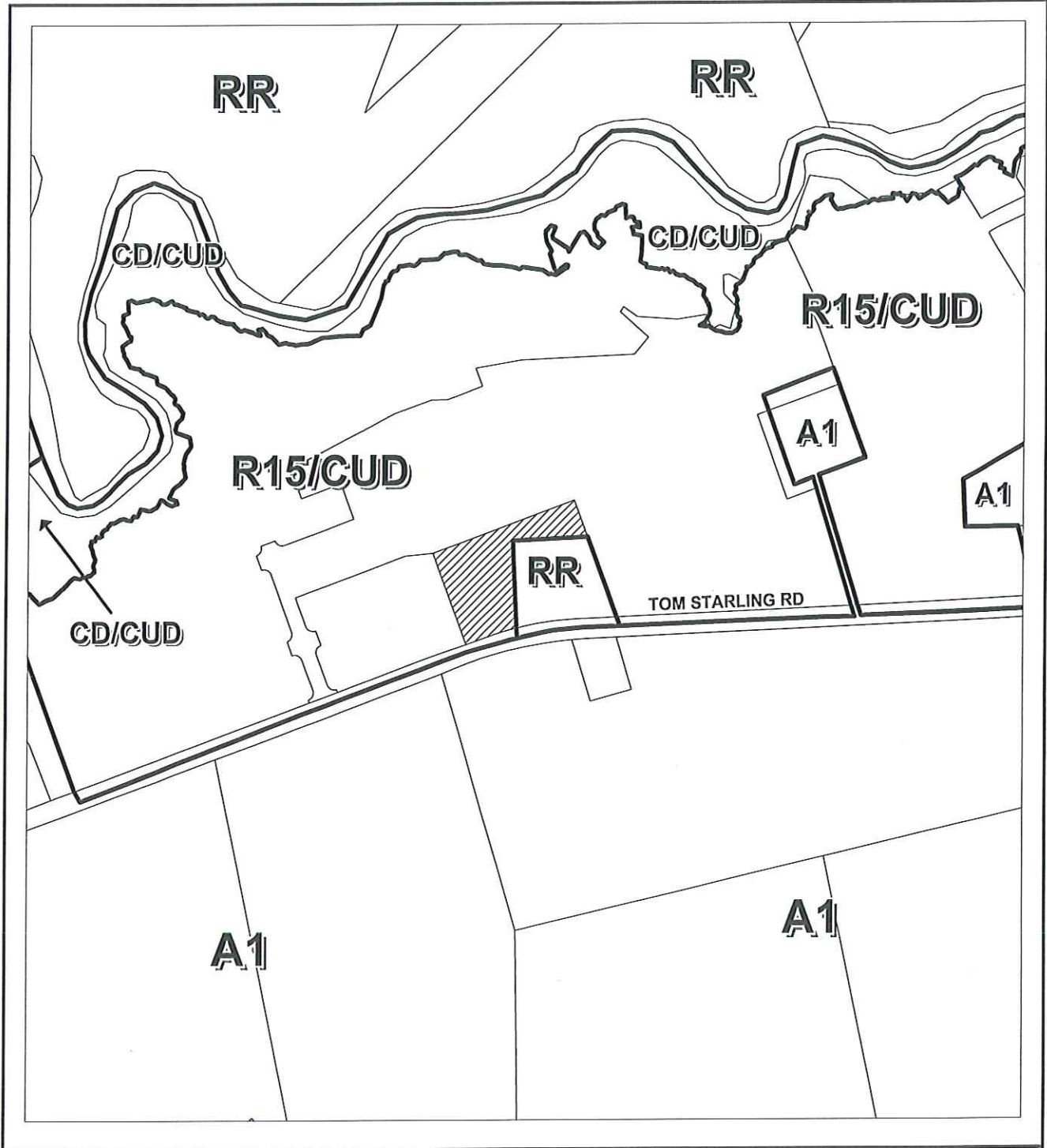
1. Density:
A1 – 1 lot/unit

2. Minimum Yard Setback Regulations:
A1
Front yard: 50'
Side yard: 20'
Rear yard: 50'

3. This case has no impact on the previously approved R15/CUD and CD/CUD for a 312 lot residential subdivision (Case P10-09) surrounding the subject property.

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.



PORT OF PIN: 0443-26-4707

REQUESTED REZONING R15/CUD TO A1

ACREAGE: 2.18 AC.+/-	HEARING NO: P12-44	
ORDINANCE: COUNTY	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

Roy Turner,
Chair
Cumberland County

Walter Clark,
Vice-Chair
Cumberland County

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Town of Stedman
Patricia Hall,
Town of Hope Mills
Charles C. Morris,
Town of Linden



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July 10, 2012

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Sara E. Piland,
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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 July 17, 2012 Board Meeting

P12-45: INITIAL ZONING OF 14.11+/- ACRES TO R40A RESIDENTIAL, O&I OFFICE AND INSTITUTIONAL AND M INDUSTRIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 7743, 7761 AND 7793 GODWIN FALCON ROAD AND ON THE SOUTH SIDE OF SR 1810 (GODWIN FALCON ROAD), WEST OF SR 1806 (SHERRILL BAGGETT ROAD); OWNED BY GODWIN FALCON FIRE DEPT. INC., DAVID B. AND MARGARET HUDSON AND JAMES W. AND DIANE M. DORMAN. (FALCON)

The County Planning Staff recommends approval of the initial zoning to the R40A Residential, O&I Office and Institutional and M Industrial Districts of the subject properties as shown on the attached sketch map, based on the following:

1. The request is consistent with the Northeast Cumberland Detailed Area Plan, which calls for "medium density residential" and "commercial development" at these locations, as well as meeting the location criteria for "community growth area" as listed in the Land Use Polices of the 2030 Growth Vision Plan;
2. The districts requested are reasonable as public utilities are available to the subject properties; and
3. The request was submitted by the Town of Falcon.

The effective date of annexation was July 1, 2012. There are no other suitable districts to be considered for this request.

Attachments:

- 1 – Site Profile
- 2 – Sketch Map

P12-45
SITE PROFILE

P12-45: INITIAL ZONING OF 14.11+/- ACRES TO R40A RESIDENTIAL, O&I OFFICE AND INSTITUTIONAL AND M INDUSTRIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 7743, 7761 AND 7793 GODWIN FALCON ROAD AND ON THE SOUTH SIDE OF SR 1810 (GODWIN FALCON ROAD), WEST OF SR 1806 (SHERRILL BAGGETT ROAD); OWNED BY GODWIN FALCON FIRE DEPT. INC., DAVID B. AND MARGARET HUDSON AND JAMES W. AND DIANE M. DORMAN. (FALCON)

Site Information:

Frontage & Location: 887.50'+/- on SR 1810 (Godwin Falcon Road) & 621'.29'+/- on SR 1806 (Sherrill Baggett Road)

Depth: 637.37'+/-

Jurisdiction: Town of Falcon (annexation effective July 1, 2012)

Adjacent Property: No

Current Use: 2 residential stick built structures & 1 firehouse

Initial Zoning: A1 – November 25, 1980

Nonconformities: Yes, firehouse does not appear to meet front or rear setbacks but would become less nonconforming if approved

Zoning Violation(s): None

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

Surrounding Land Use: Residential (including manufactured homes & multi-family), religious worship, substation, group quarters, farmland & woodlands

2030 Growth Vision Plan: Community Growth Area

Northeast Cumberland Plan: Medium Density Residential & Commercial

Special Flood Hazard Area (SFHA): None

Water/Sewer Availability: Town of Falcon/Norcross

Soil Limitations: Yes, hydric – RA Rains sandy loam

School Capacity/Enrolled: District 7 Elementary: 300/268; Mac Williams Middle: 1,270/1,210; Cape Fear High: 1,425/1,585

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

Average Daily Traffic Count (2010): 1,500 on SR 1810 (Godwin Falcon Road) & 770 on SR 1806 (Sherrill Baggett 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:

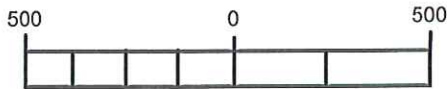
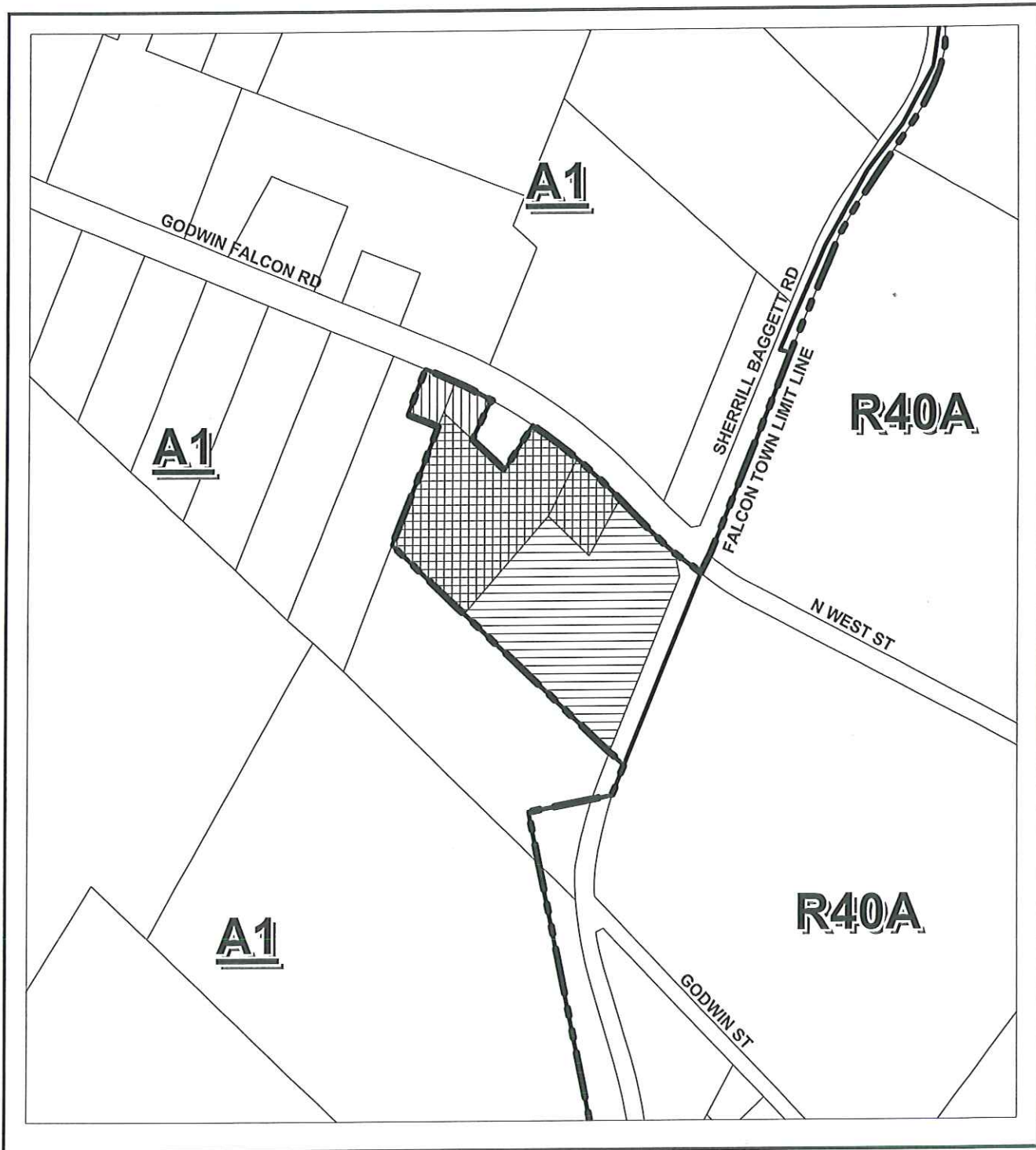
1. Density:
R40A – 7 lots/units

2. Minimum Yard Setback Regulations:

<u>R40A</u>	<u>O&I</u>	<u>M</u>
Front yard: 50'	Front yard: 35'	Front yard: 50'
Side yard: 15'	Side yard: 15'	Side yard: 30'
Rear yard: 35'	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' certified receipt of notice is also included.



SCALE IN FEET

PIN: 1502-17-8239, 8654
4694, 4957, &
1502-18-3040

INITIAL ZONING

-  TO O&I (7.34 +/-)
-  TO R40A (6.02 +/-)
-  TO M (0.75 +/-)

ACREAGE: 14.11 AC.+/-		HEARING NO: P12-45	
ORDINANCE: FALCON	HEARING DATE	ACTION	
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

WL

Roy Turner,
Chair
Cumberland County

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Vice-Chair
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COUNTY *of* CUMBERLAND

Planning & Inspections Department

July 10, 2012

Thomas J. Lloyd,
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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 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 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 **retailing** 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



COUNTY of CUMBERLAND

Planning & Inspections Department

June 12, 2012

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Lori Epler,
Sara E. Piland,
Cumberland County

Benny Pearce,
Town of Eastover

Donovan McLaurin,
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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:

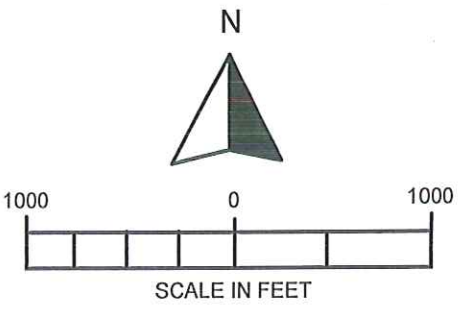
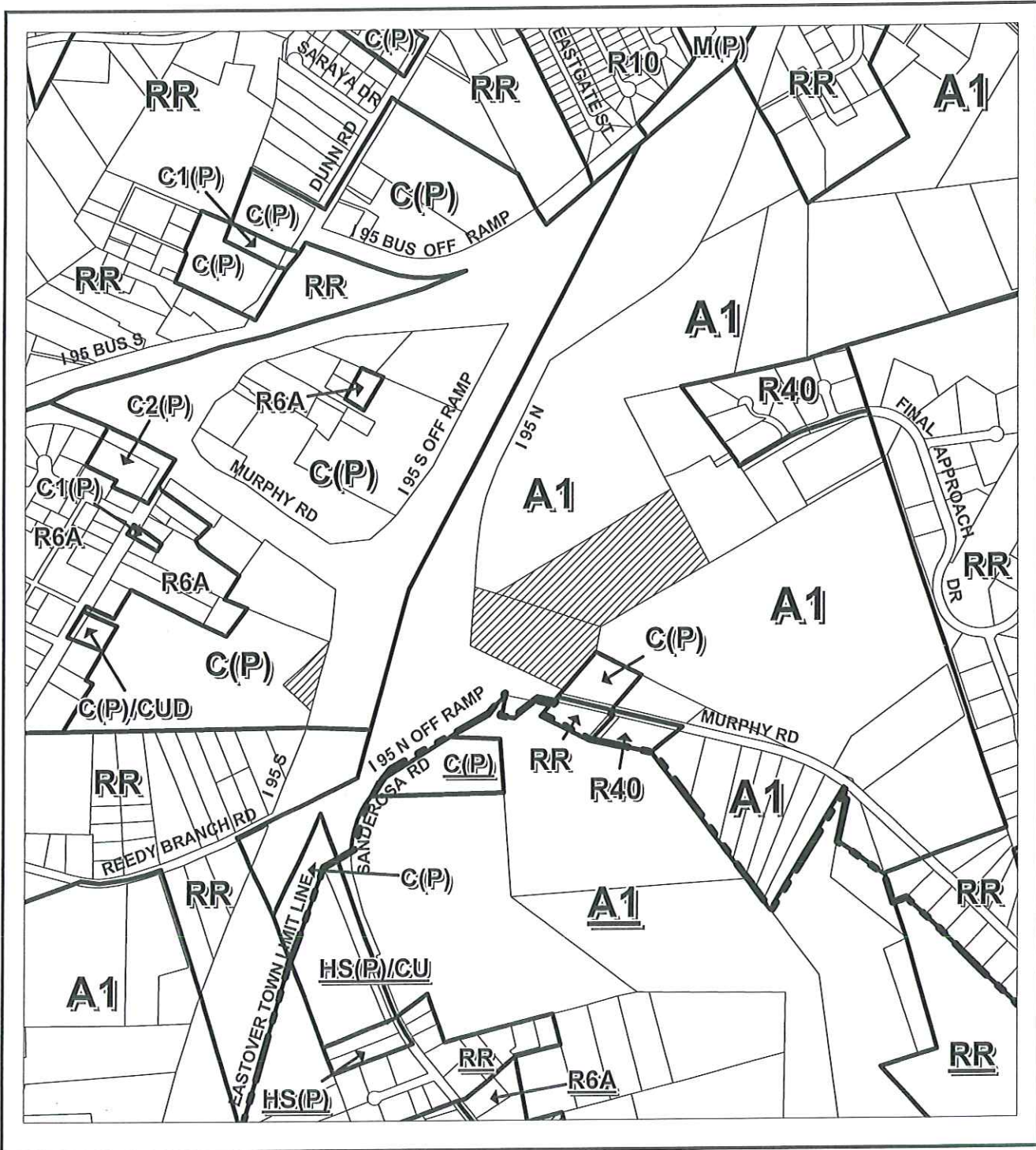
1. Density:
A1 – 12 lots/units

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.

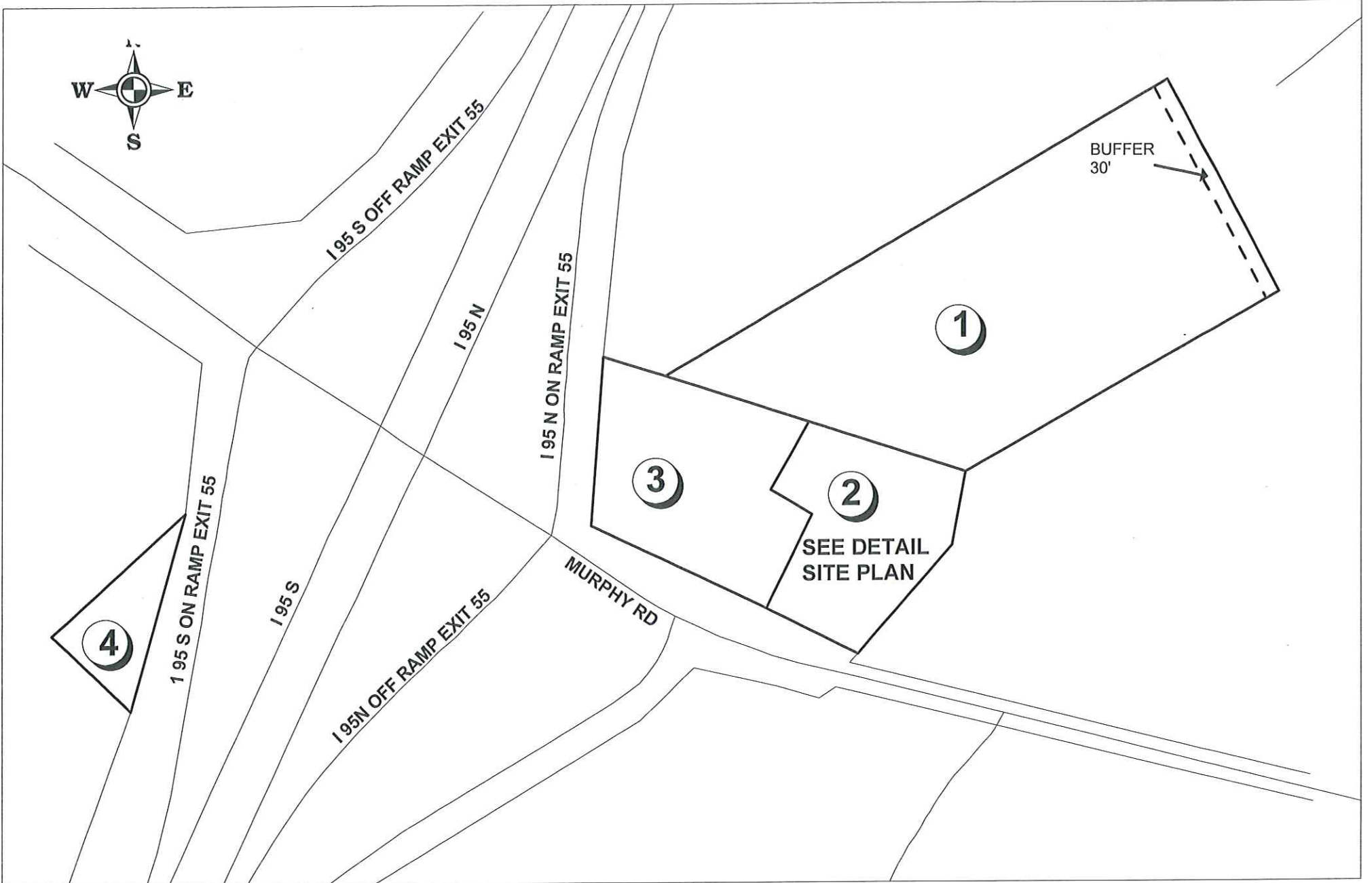


REQUESTED REZONING A1 & C(P) TO C2(P)/CZ

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

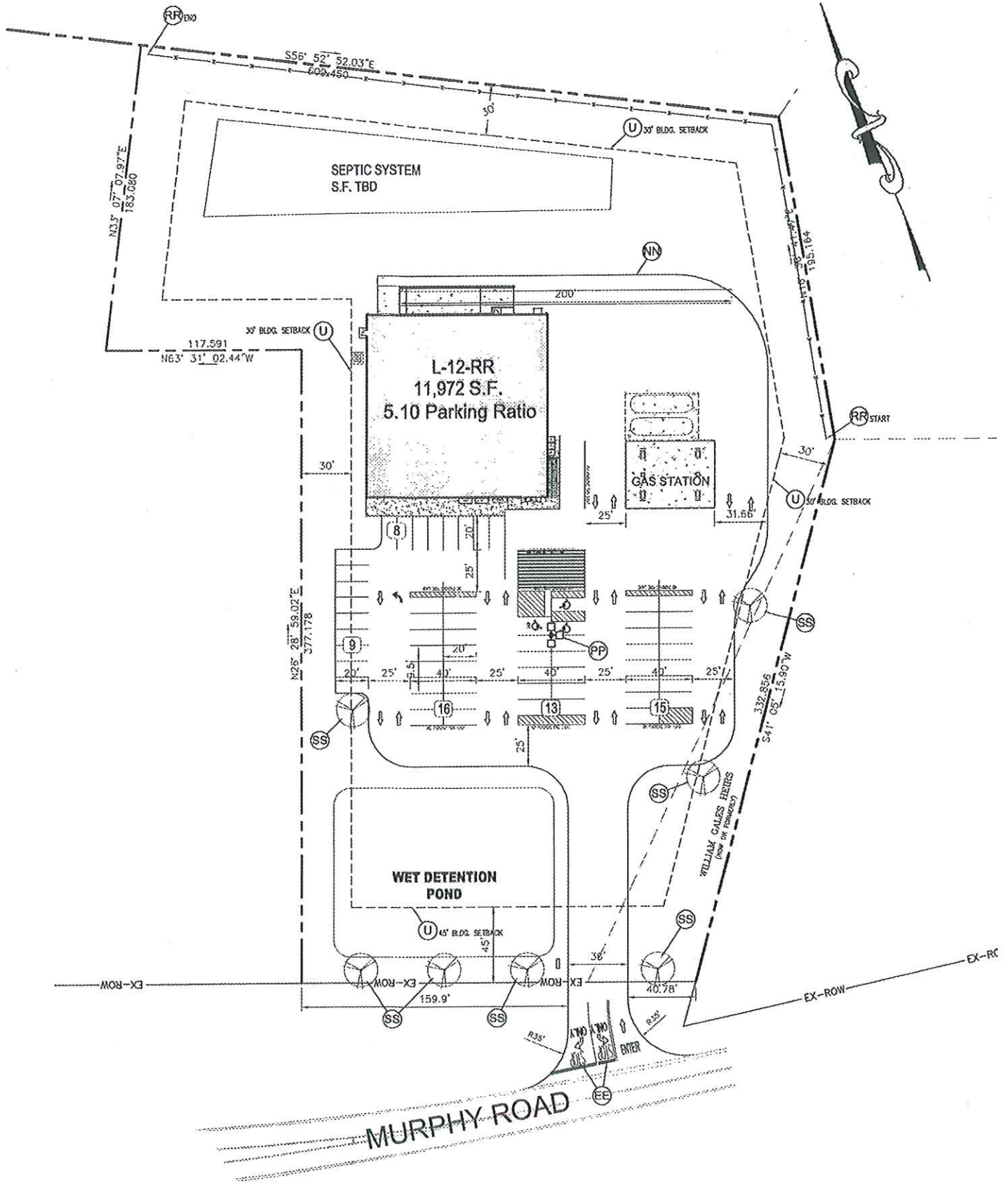
6/21/2012
AM



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 REVIEW 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) ^{of} 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: AL 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.

↓ 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 28472
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 Jay Sherrill
SIGNATURE OF OWNER(S) SIGNATURE OF AGENT, ATTORNEY OR APPLICANT

SIGNATURE OF OWNER(S)

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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.

↓ 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 REMAX 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 James Sherrill
SIGNATURE OF OWNER(S) SIGNATURE OF AGENT, ATTORNEY
OR APPLICANT

SIGNATURE OF OWNER(S)

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