

## REQUESTED REZONING RR & C1(P)/CU TO RR

<b>ACREAGE: 0.95 AC.+/-</b>		<b>HEARING NO: P12-24</b>	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

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*

April 17, 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:** Donovan McLaurin, Chairman, Land Use Codes Committee

*DEM 1 of 3*

**SUBJECT:** **P12-32.** REVISION AND AMENDMENT TO THE CUMBERLAND COUNTY ZONING ORDINANCE, CREATING STANDARDS FOR RIPARIAN BUFFERS BY AMENDING ARTICLE II INTERPRETATIONS, CALCULATIONS, AND DEFINITIONS, SECTION 203 DEFINITIONS OF SPECIFIC TERMS AND WORDS; AMENDING ARTICLE IX INDIVIDUAL USES, SECTION 901. DEVELOPMENT STANDARDS FOR INDIVIDUAL USES, SUB-SECTION D; AMENDING ARTICLE XI LOT AND YARD REGULATIONS, SECTION 1102. YARD REGULATIONS, SUB-SECTION G. BUFFER REQUIREMENTS AND SUB-SECTION H. RESERVED FOR FUTURE USE; AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE.

The Land Use Codes Committee has considered the above referenced text amendment to the County Zoning Ordinance and recommends approval of the proposed amendment as attached.

The proposed amendment will help in protecting the water resources of the Cape Fear and South rivers, and Rockfish, Little Rockfish, Little and Lower Little creeks. This proposed amendment intends to protect the rivers and creeks from nonpoint source pollution by ensuring adequate area for sufficient filtering of stormwater runoff prior to the runoff reaching the surface water. Leaving the trees and other vegetation undisturbed along the water's edge will provide for bank stabilization thus preventing erosion, and also allow for regulation of water temperature and light control preserving the aquatic and wildlife habitat.

The two-tiered buffer as proposed is consistent with the minimum standard recommended by the NC Department of Environment and Natural Resources for certain river basins in North Carolina, specifically the Neuse and Tar-Pamlico. This buffer consists of two zones: Zone One is proposed to be 30 feet in width and in this zone, the existing vegetation cannot be disturbed; Zone Two is proposed to be 20 feet in width where vegetation can be cleared, but the area must remain grassed. The amendment proposes to exempt pre-existing lots of two acres or less in size.

Please contact me with any questions at 910-850-1800, email: [dmclaurin@outdrs.net](mailto:dmclaurin@outdrs.net) or Patti Speicher at 910-678-7605 or email: [pspeicher@co.cumberland.nc.us](mailto:pspeicher@co.cumberland.nc.us).

**P12-32**  
**County Zoning Ordinance**  
**Text Amendment**  
**(Riparian Buffers)**

DEM 2 of 3

**P12-32:** REVISION AND AMENDMENT TO THE CUMBERLAND COUNTY ZONING ORDINANCE, CREATING STANDARDS FOR RIPARIAN BUFFERS BY AMENDING ARTICLE II INTERPRETATIONS, CALCULATIONS, AND DEFINITIONS, SECTION 203 DEFINITIONS OF SPECIFIC TERMS AND WORDS; AMENDING ARTICLE IX INDIVIDUAL USES, SECTION 901. DEVELOPMENT STANDARDS FOR INDIVIDUAL USES, SUB-SECTION D; AMENDING ARTICLE XI LOT AND YARD REGULATIONS, SECTION 1102. YARD REGULATIONS, SUB-SECTION G. BUFFER REQUIREMENTS AND SUB-SECTION H. RESERVED FOR FUTURE USE; AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE.

**AMEND Article II Interpretations, Calculations, and Definitions, Section 203. Definitions of Specific Terms and Words, by INSERTING in alphabetical order the term BUFFER, RIPARIAN with the definition as follows:**

**Buffer, Riparian:** A strip of land adjacent to and extending parallel with certain rivers or creeks in Cumberland County consisting of vegetation or woodlands or a combination thereof for purposes of filtering stormwater and providing wildlife habitat. (Section 1102.H)

**AMEND Article II Interpretations, Calculations, and Definitions, Section 203. Definitions of Specific Terms and Words, by AMENDING the term BUFFER as indicated below:**

**Buffer, Screening:** An opaque fence, wall, berm, hedge or other natural planting, or a combination thereof, which will restrict the view from adjoining streets and/or abutting properties. (Section 1102.G)

**AMEND Article IX Individual Uses, Section 901. Development Standards for Individual Uses, sub-section D. as indicated below:**

D. When any non-residential use is adjacent to residentially ~~property~~ zoned properties ~~for residential uses~~, a screening buffer shall be provided in accordance with Section 1102.G of this ordinance;

**AMEND the title of Article XI Lot and Yard Regulations, Section 1102. Yard Regulations, sub-section G. Buffer Requirements as indicated below:**

G. Screening Buffer Requirements.

**AMEND Article XI Lot and Yard Regulations, Section 1102. Yard Regulations, sub-section H. *Reserved for future use* as indicated below:**

H. Riparian Buffer. ~~Reserved for future use.~~ For purposes of protecting the aquatic and wildlife habitat and to ensure bank stabilization, the Cape Fear River.

Little River, Lower Little River, Rockfish Creek, Little Rockfish Creek and South River shall be protected from development by means of riparian buffer. The riparian buffer shall consist of two zones, a combined width of 50 feet, as follows:

1. Zone One.

a. Zone One shall include the existing vegetated area that is undisturbed except for minimal encroachment for purposes of river or creek access, provided that residential developments shall have no more than one such access point. Where Zone One has been or is to be disturbed for purposes of utility installation, the area disturbed shall count as the access point.

b. The location of Zone One shall begin at the common property line with the river or creek, or at the top of the bank and where the top of the bank is not easily discernable Zone One shall begin at the root growth area closest to the surface water, and extend landward a distance of 30 feet on all sides of the surface water, measured horizontally on a line perpendicular to a vertical line marking the top of the bank or the root growth area closest to the surface water.

2. Zone Two.

a. Zone Two shall consist of a stable, vegetated area that is preferably left undisturbed; however, grading and revegetating in Zone Two is allowed provided that the health of the vegetation in Zone One is not compromised.

b. Zone Two shall begin at the outer edge of Zone One and extend landward 20 feet as measured horizontally on a line perpendicular to the surface water.

Developments proposed and adjacent to the aforementioned rivers and creeks shall have the riparian buffer designated as "common area" with maintenance and upkeep by the owners' association in the same manner as required for common areas in zero lot line developments – see Section 2402, County Subdivision Ordinance. Each zone shall be demarcated on the ground, shown on the preliminary plan and final plat, in addition to the declaration of covenants addressing the purpose of the riparian buffer zones and maintenance requirements.

The provisions of this sub-section are not intended to supersede or minimize the buffer areas required for high density developments – see Section 31A-23, County Water Supply Watershed Management and Protection Ordinance. In addition, lots with single-family dwelling units consisting of two acres or less in area that pre-exist the adoption date of this amendment (<add date>) shall be exempt from these riparian buffer provisions.

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



## COUNTY of CUMBERLAND

### *Planning & Inspections Department*

May 8, 2012

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

Lori Epler,  
Sara E. Piland,  
Cumberland County

Benny Pearce,  
Town of Eastover

Donovan McLaurin,  
Wade, Falcon & Godwin

### MEMORANDUM

**TO:** Cumberland County Joint Planning Board

**FROM:** Planning & Inspections Staff

**SUBJECT:** Staff Recommendation for the May 15, 2012 Board Meeting

**P12-31** REZONING OF 7.06+/- ACRES FROM A1 AGRICULTURAL TO O&I(P) PLANNED OFFICE AND INSTITUTIONAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 2736 CEDAR CREEK ROAD, SUBMITTED BY CUMBERLAND COUNTY (OWNER) AND FAYETTEVILLE-CUMBERLAND COUNTY CHAMBER OF COMMERCE.

The Planning & Inspections Staff recommends approval of the O&I(P) Planned Commercial 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 Office & Institutional development as listed in the Land Use Policies Plan;
2. The request is reasonable because the location and character of the use will serve as a buffer between industrial and residential development; and
3. Public water and sewer is available to the subject property.

There are no other districts considered suitable for this request.

**Attachments:**

- 1- Site Profile
- 2- Sketch Map

**P12-31**  
**SITE PROFILE**

**P12-31** REZONING OF 7.06+/- ACRES FROM A1 AGRICULTURAL TO O&I(P) PLANNED OFFICE AND INSTITUTIONAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 2736 CEDAR CREEK ROAD, SUBMITTED BY CUMBERLAND COUNTY (OWNER) AND FAYETTEVILLE-CUMBERLAND COUNTY CHAMBER OF COMMERCE.

**Site Information:**

**Frontage & Location:** 626.33'+/- on NC 53 (Cedar Creek Road)

**Depth:** 937.71'+/-

**Jurisdiction:** Cumberland County

**Adjacent Property:** Yes, southeast of subject property

**Current Use:** 1 residential dwelling & 2 accessory structures

**Initial Zoning:** A1 – September 14, 1979 (Area 9)

**Nonconformities:** None

**Zoning Violation(s):** None

**Surrounding Zoning:** North: A1/CU (motor vehicle sales), R40, A1 & R15; South: M(P) & A1; East: R20/DD/CUD (125 lot subdivision), M(P) & A1; West: A1

**Surrounding Land Use:** Residential, religious worship, farmland & woodlands

**2030 Land Use Plan:** Urban

**Special Flood Hazard Area (SFHA):** None

**Water/Sewer Availability:** PWC/PWC

**Soil Limitations:** Yes, hydric – ST Stallings loamy sand

**School Capacity/Enrolled:** J.W. Seabrook Elementary: 340/283; Mac Williams Middle: 1,274/1,221; Cape Fear High: 1,400/1,575

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

**Average Daily Traffic Count (2010):** 9,500 on NC 53 (Cedar Creek Road)

**Highway Plan:** Cedar Creek Road is identified in the Highway Plan as a Major Thoroughfare. The plan calls for widening to a multi-lane facility with a proposed right-of-way of 100 feet. Road improvements are not included in the 2012-2018 MTIP

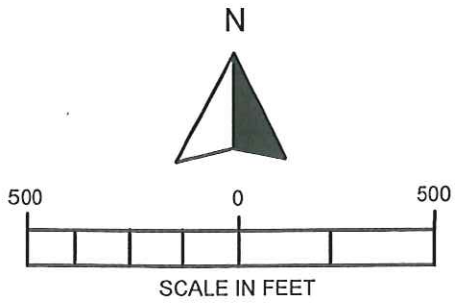
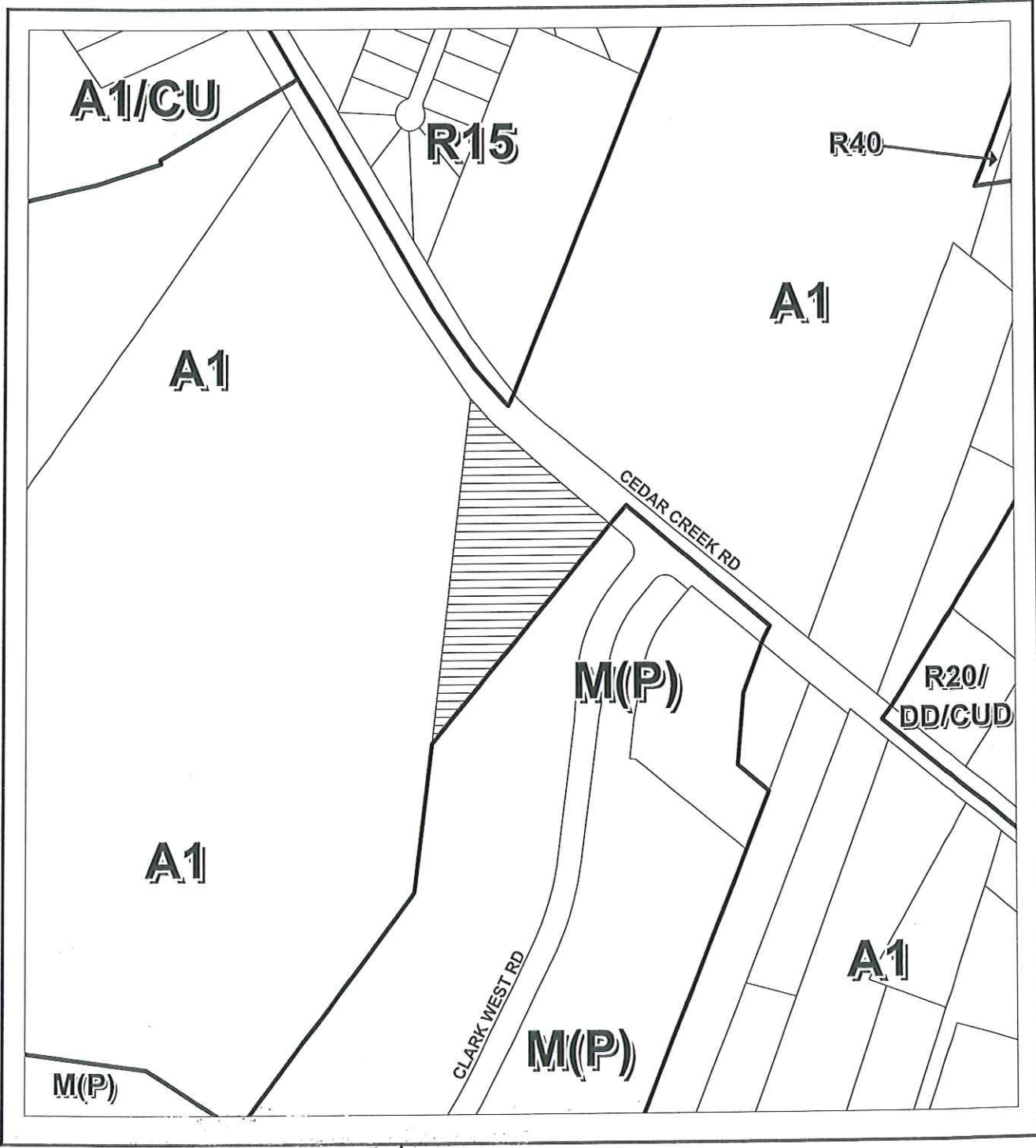
**Notes:**

1. Density:  
A1 – 3 lots/units
  
2. Minimum Yard Setback Regulations:

<u>A1</u>	<u>O&amp;I(P)</u>
Front yard: 50'	Front yard: 35'
Side yard: 20'	Side yard: 15'
Rear yard: 50'	Rear yard: 20'

**First Class and Record Owners' Mailed Notice Certification**

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



## REQUESTED REZONING A1 TO O&I(P)

<b>ACREAGE: 7.06 AC.+/-</b>		<b>HEARING NO: P12-31</b>	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

Roy Turner,  
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## COUNTY of CUMBERLAND

### Planning & Inspections Department

May 8, 2012

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#### MEMORANDUM

**TO:** Cumberland County Joint Planning Board  
**FROM:** Planning and Inspections Staff  
**SUBJECT:** Staff Recommendation for the May 15, 2012 Board Meeting

**P12-16:** REZONING OF 1.00+/- ACRE FROM A1 AGRICULTURAL AND A1/CU AGRICULTURAL/CONDITIONAL USE OVERLAY FOR A RESTAURANT AND CATERING BUSINESS TO A1 AGRICULTURAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 10785 DUNN ROAD, SUBMITTED BY DAVID AND SUSAN WALL (OWNERS).

On April 20, 2012 the property owner/applicant amended the original application and is now requesting your consideration of a favorable recommendation for an A1 Agricultural/CZ Conditional Zoning District [A1/CZ] for **assemblies, bed and breakfast, outdoor recreation (for profit) and religious worship** on the subject property. The Planning and Inspections Staff recommends approval of the requested rezoning to A1 Agricultural/CZ Conditional Zoning for assemblies, outdoor recreation (for profit) and religious worship but denial of the bed and breakfast use based on the following:

1. Although the request is not consistent with the 2030 Growth Vision Plan or the Northeast Cumberland Plan, which calls for conservation area/open space at this location, the request is consistent with an objective of the Land Use Policies Plan for agricultural areas in that the A1 zoning district is designed to preserve the rural character of the County;
2. The requested use of bed and breakfast is not consistent with Article IX Individual Uses of the county zoning code, section 903 which states "the use must be located in a structure originally constructed for use as a residence"; and
3. The request is reasonable because the uses conditionally approved (restaurant/catering) are no longer in operation at this location and rezoning to the A1 Agricultural/CZ Conditional Zoning district for assemblies, outdoor recreation and religious worship uses will ensure appropriate uses for the surrounding area.

There are no other zoning districts suitable as related to this request and the property owner/developer has verbally agreed to all attached Ordinance Related Conditions and this staff recommendation.

#### Attachments:

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



**P12-16**  
**SITE PROFILE**

**P12-16:** REZONING OF 1.00+/- ACRE FROM A1 AGRICULTURAL AND A1/CU AGRICULTURAL/CONDITIONAL USE OVERLAY FOR A RESTAURANT AND CATERING BUSINESS TO A1 AGRICULTURAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 10785 DUNN ROAD, SUBMITTED BY DAVID AND SUSAN WALL (OWNERS).

**Site Information:**

**Frontage & Location:** 435.00'+/- on US 301 (Dunn Road)

**Depth:** 210.00'+/-

**Jurisdiction:** Cumberland County

**Adjacent Property:** No

**Current Use:** Vacant non-residential

**Initial Zoning:** A1 – November 25, 1980 (Area 14); rezoned to A1/CU for a restaurant on September 22, 1992; modified A1/CU to add a catering business on April 22, 2003

**Nonconformities:** None

**Zoning Violation(s):** None

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

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

**2030 Growth Vision Plan:** Conservation area

**Northeast Cumberland Plan:** Open space

**Special Flood Hazard Area (SFHA):** Yes, base flood is 134.40 MSL (NAVD)

**Water/Sewer Availability:** Falcon/Septic

**Soil Limitations:** Yes, hydric – JT Johnston loam & PA Pactolus loamy sand

**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, "Ordinance Related Conditions" apply

**Average Daily Traffic Count (2010):** 1,700 on US 301 (Dunn Road)

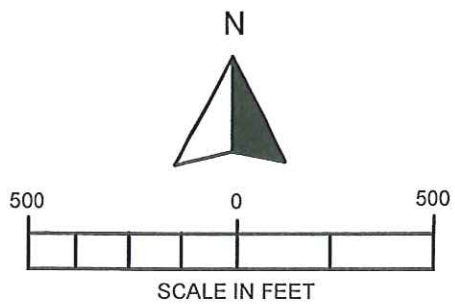
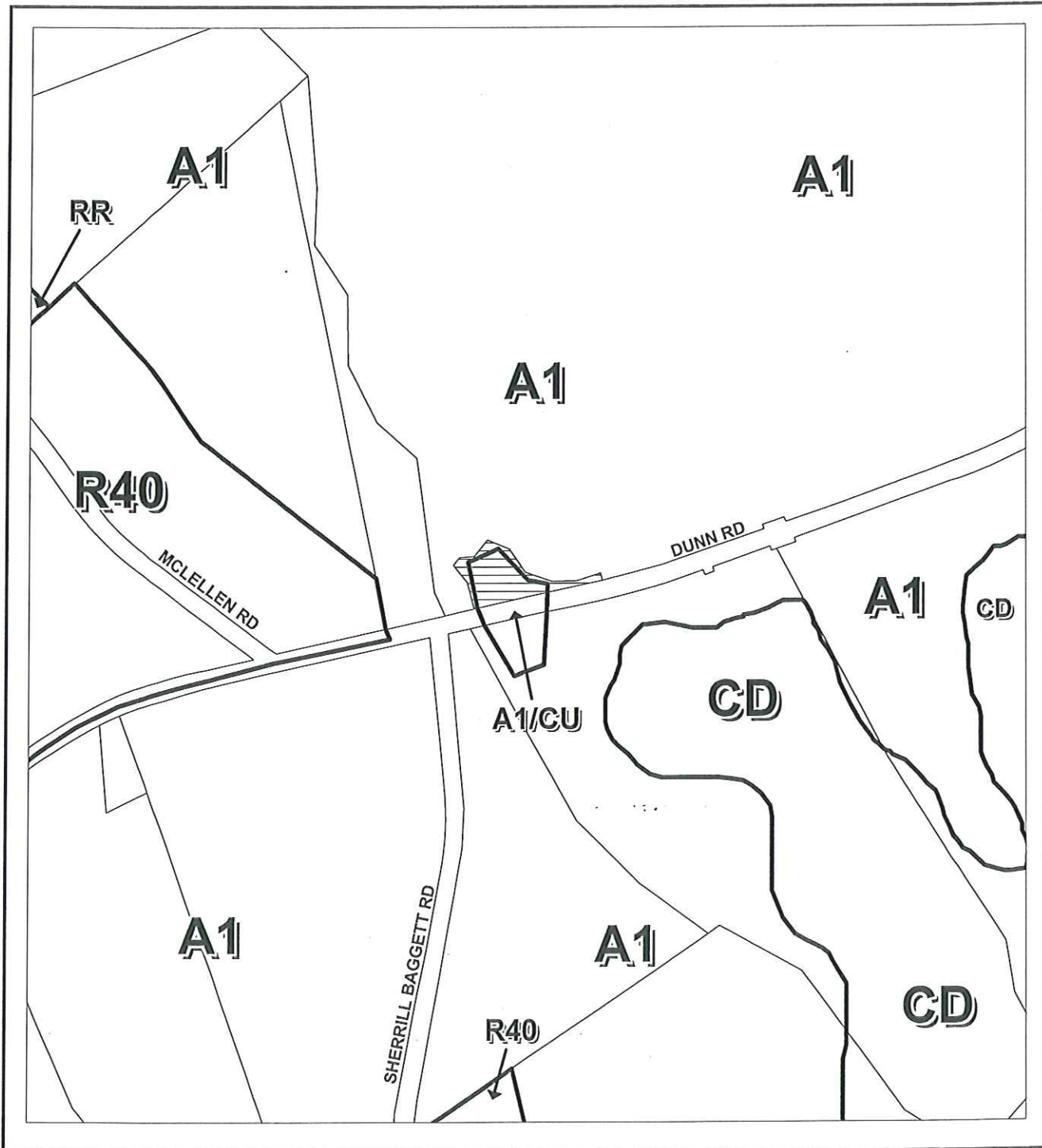
**Highway Plan:** Dunn Road is identified in the Highway Plan as a Major Thoroughfare. The plan calls for widening to a multi-lane facility with a ROW of 110 feet. There is a 25 foot reservation for this site. No road improvements are included in the 2012-2018 MTIP

**Notes:**

1. Density:  
A1 – 1 lot/unit
  
2. Minimum Yard Setback Regulations:  
A1  
Front yard: 50'  
Side yard: 20'  
Rear yard: 50'

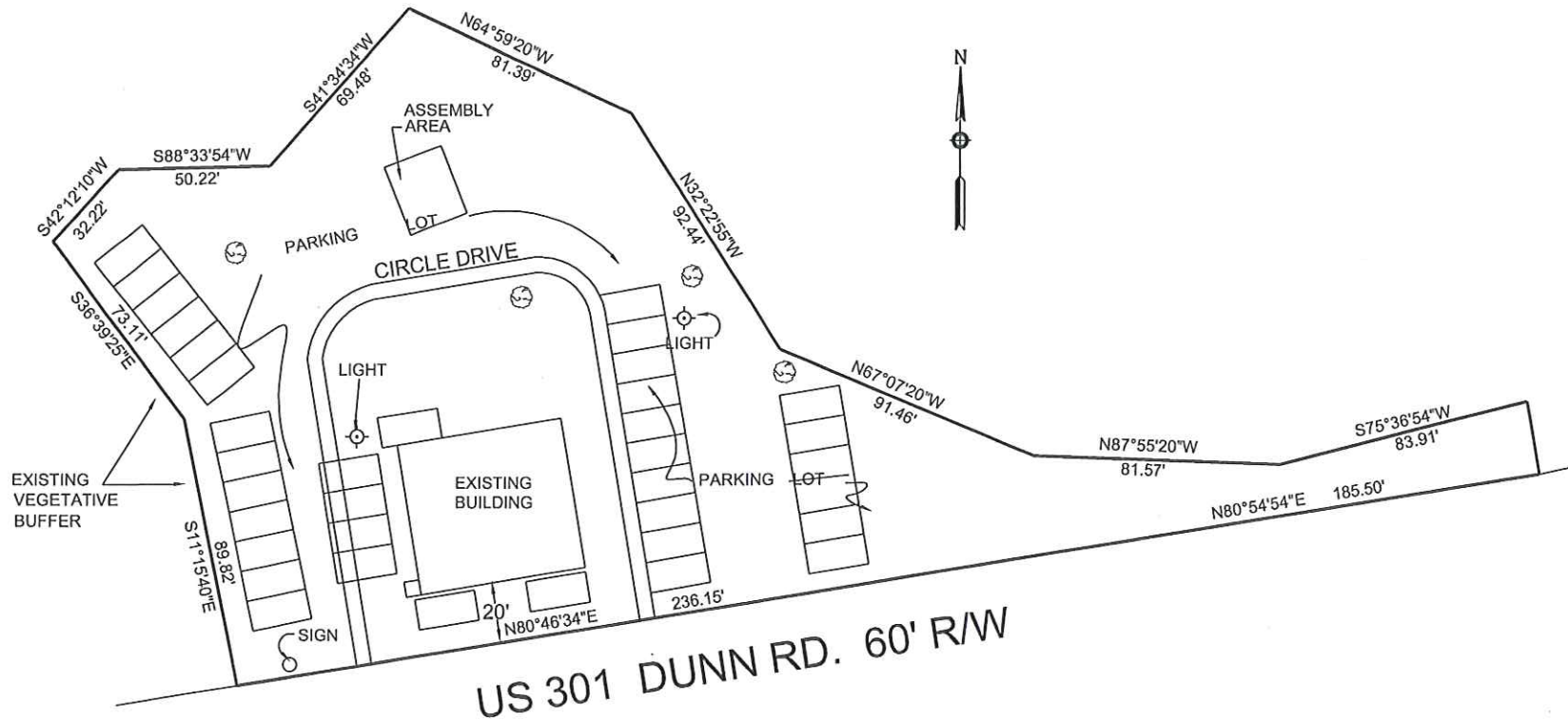
**First Class and Record Owners' Mailed Notice Certification**

*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/CU & A1 TO A1/CZ

<b>ACREAGE: 1.00 AC.+/-</b>		<b>HEARING NO: P12-16</b>	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			



**CONDITIONAL ZONING DISTRICT**

REQUEST: TO ALLOW FOR AN ASSEMBLIES, BED & BREAKFAST, OUTDOOR RECREATION AND RELIGIOUS WORSHIP ACTIVITIES

CASE: P12-16 ACREAGE: 1.00AC +/-

ZONED: A1/CU SCALE 1"=60'

PARKING: 35 SPACES

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

## Conditional Zoning District

DRAFT

### Ordinance Related Conditions

(Assembly, For Profit Outdoor Recreation & Religious Worship Activities)

#### 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 open for business and/or 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. 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)
3. Connection to public water is required, the Town of Falcon must approve water plans prior to application for any permits. A copy of the Town of Falcon's approval must be provided to Code Enforcement at the time of application for building/zoning permits. (Section 2306 A.1, Public Water and Sewer Systems County Subdivision Ordinance)
4. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
5. New development where the developer will disturb or intends to disturb more than one acre of land is subject to the Post-Construction Stormwater Management Permitting Program (Phase II Stormwater Management Requirements) administered by the Division of Water Quality, North Carolina Department of Environment and Natural Resources. If one acre or more of land is to be disturbed, prior to the issuance of any building/zoning permits for this site, a copy of the State's *Post-Construction Permit* must be provided to County Code Enforcement.
6. For any new development where the developer disturbs or intends to disturb more than one acre of land, the developer must provide the Code Enforcement Section with an approved NC Department of Environment and Natural Resources (NCDENR) sedimentation and erosion control plan (S&E) prior to any application for permits. (Note: If any retention/detention basins are required for state approval of this plan, then three copies of a revised plan must be submitted and approved by Planning & Inspections prior to application for any building/zoning permits.) A copy of the NCDENR approval must be provided to Code Enforcement at the time of application for any building/zoning permits.
7. The *Special Flood Hazard Area* (SFHA) exists on this tract; any development within SFHA must have first flood elevations, including all mechanical and electrical equipment above base flood elevation (BFE) plus two feet of freeboard. Proper flood plain development permits are required, issued by the County Engineer, prior to any building/permit application. A copy of the approved flood plain permit must be provided to Code Enforcement at the time of building/zoning permit applications. **Note: Flood information - 134.40 MSL (NAVD) Base Flood Elevation; 136.40 MSL (NAVD) Regulatory Flood Elevation (2 foot freeboard).**
8. Landscaping must be provided in accordance with Section 1102 N, Landscaping, County Zoning Ordinance and/as shown on the site plan. The following are the minimum standards for the required landscaping of this site:
  - a. Two large shade trees or three small ornamental trees are required within the parking area.

In addition:

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

**Site-Related:**

10. All uses (assembly, for profit outdoor recreation and religious worship), dimensions, setbacks and other related provisions of the County Subdivision and Zoning Ordinances for the A1/CZ zoning district must be complied with, as applicable.
11. This conditional approval is not approval of any new freestanding signs. Attached signage for this development must be in accordance with the applicable sign regulations as set forth in Article XIII of the County Zoning Ordinance and that the proper permit(s) must be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is not approval of the size, shape, or location of any signs.)
12. "US 301 Dunn Rd." must be labeled as "US HWY 301 (Dunn Road)" on all future plans.
13. Reservation of 25 feet of right-of way along US HWY 301 (Dunn 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)
14. For any new development, an adequate drainage system must be installed by the developer in accordance with the NC Department of Environment and Natural Resources' (NCDENR) *Manual on Best Management Practices* and all drainage ways must be kept clean and free of debris. (Section 2306 D, County Subdivision Ordinance)
15. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision Ordinance)
16. If driveways are changed or added, the developer must obtain a driveway permit from the NC Department of Transportation (NCDOT). If required, a copy of the approved driveway permit must be provided to Code Enforcement at the time of application for building/zoning permits.
17. Turn lanes may be required by the NC Department of Transportation (NCDOT).
18. All lighting is required to be directed internally within this development and comply with the provisions of Section 1102 M, Outdoor Lighting, County Zoning Ordinance.
19. All dumpster, garbage, and utility areas are required to be located on concrete pads and screened on a minimum of three sides.
20. All required off-street parking spaces shall be a minimum of 9' x 20'. A minimum of 35 off-street parking spaces is required for the assembly and outdoor recreational uses. This is based on the occupancy of 140 as stated in the application. The religious worship activities are based on one off-street parking space for each five seats, 35 parking spaces will allow for a maximum of 175 persons.
21. Noise levels shall not exceed 60 dB(A) between the hours of 10:00 pm and 7:00 am. In any event, the noise level, regardless of the time of day, shall not become a nuisance to neighboring properties and strict compliance with the County's Noise Ordinance is required.

**Other Relevant Conditions:**

22. Under current standards, if the existing structure is ever removed or destroyed more than 50%, any replacement structure must meet the setback requirement for the A1 district and the front yard must be setback an additional 25 feet due to the reservation of the right-of-way – see Condition No. 13.

23. The applicant is advised to consult an expert on wetlands before proceeding with any development. There may be wetlands located in the project area that are subject to the permit requirements of Section 404 of the Clean Water Act. To avoid a violation of federal and/or state law, it is recommended the developer contact the Office of the Army Corp of Engineers or hire an environmental consultant to identify and delineate any wetlands in the project area prior to construction. A Section 404 permit will be required if the applicant needs to fill wetlands and the permit must be obtained prior to any construction on this site.
24. The owner/developer is responsible for ensuring easements which may exist on the subject property are accounted for, not encumbered and that no part of this development is violating the rights of the easement holder.

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

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

Subdivision/Site Plan/Plat	Ed Byrne	678-7609
Code Enforcement (Permits):	Ken Sykes	321-6654
County Engineer's Office:	Wayne Dudley	678-7636
County Health Department:	Daniel Ortiz	433-3680
Food & Lodging Env. Health:	Tony Ferguson	433-3678
Town of Falcon:	Belinda White (Town Clerk)	980-1355
County Public Utilities/NORCRESS:	Amy Hall	678-7682
Corp of Engineers (wetlands):	Crystal C. Amschler	(910) 251-4170
NCDENR (E&S):	Sally Castle	433-3300
Location Services:		
Site-Specific Address:	Ron Gonzales	678-7616
Tax Parcel Numbers:		678-7549
NCDOT (driveways/curb-cuts):	Gary Burton	486-1496
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 Susan Wall
2. Address: 615 East H Street, Erwin, NC Zip Code 28339
3. Telephone: (Home) 910-242-0495 (Work) 919-795-4902
4. Location of Property: 10785 Dunn Rd, Dunn, NC 28334
5. Parcel Identification Number (PIN #) of subject property: 1503-27-9048  
(also known as Tax ID Number or Property Tax ID)
6. Acreage: 1 Frontage: 240 Depth: 155
7. Water Provider: Falcon Water
8. Septage Provider: Septic tank
9. Deed Book 08779, Page(s) 0587-0588, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
10. Existing use of property: vacant - non-residential
11. Proposed use(s) of the property: \_\_\_\_\_

**NOTE: Be specific and list all intended uses.**

12. It is requested that the foregoing property be rezoned FROM: A1/cu + A1  
TO: (Select one)  
 Conditional Zoning District, with an underlying zoning district of A1  
(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 PERMIT

1. PROPOSED USE(S):

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

*Assemblies  
Bed + Break  
Outdoor Recreation  
Religious Worship Activities*

- 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.

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.

*Sun. - Sat. 10am - 12pm.*

*Max. occ 140*

*no employees*

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.

Susan + David Wall  
NAME OF OWNER(S) (PRINT OR TYPE)

615 East H. Street, Erwin, NC 28339  
ADDRESS OF OWNER(S)

Susan @ SusanWall.com  
E-MAIL

910-292-0495                      919-795-4902  
HOME TELEPHONE                      WORK TELEPHONE

Susan L Wall                      David Wall  
SIGNATURE OF OWNER(S)                      SIGNATURE OF OWNER(S)

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*

May 8, 2011

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 May 15, 2012 Board Meeting

**P12-15:** REZONING OF 1.05+/- ACRES FROM R10 RESIDENTIAL TO C2(P) PLANNED SERVICE AND RETAIL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT THE SOUTHWEST QUADRANT OF SR 1003 (CAMDEN ROAD) AND SR 1113 (WALDOS BEACH ROAD), SUBMITTED BY RUTH MASON CURL (OWNER).

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

1. The district requested is inconsistent with the location criteria for "light commercial" as listed in the Land Use Policies Plan of the 2030 Growth Vision Plan as it would not serve as a transition between heavy commercial, office and institutional or residential development;
2. The request, if approved, would be "spot zoning" initiating the encroachment of commercial into a residential area without a legitimate public interest and would benefit one owner at the expense of the community; and
3. The request is not reasonable as it is not in character with immediate surrounding land uses.

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

**Attachments:**

- 1 – Site Profile
- 2 – Sketch Map

**P12-15**  
**SITE PROFILE**

**P12-15:** REZONING OF 1.05+/- ACRES FROM R10 RESIDENTIAL TO C2(P) PLANNED SERVICE AND RETAIL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT THE SOUTHWEST QUADRANT OF SR 1003 (CAMDEN ROAD) AND SR 1113 (WALDOS BEACH ROAD), SUBMITTED BY RUTH MASON CURL (OWNER).

**Site Information:**

**Frontage & Location:** 200.00'+/- on SR 1003 (Camden Road) & 190.00'+/- on SR 1113 (Waldos Beach Road)

**Depth:** 213.88'+/-

**Jurisdiction:** Cumberland County

**Adjacent Property:** No

**Current Use:** Vacant

**Initial Zoning:** RR – February 6, 1976 (Area 5); rezoned to R10 on October 16, 2006

**Nonconformities:** None

**Zoning Violation(s):** None

**Surrounding Zoning:** North: C2(P) (Hope Mills), RR, R10 & R5 (Hope Mills); South & East: RR & R10; West: R10

**Surrounding Land Use:** Residential (including multi-family), school, farmland & woodlands

**2030 Land Use Plan:** Urban

**Special Flood Hazard Area (SFHA):** None

**Water/Sewer Availability:** PWC/ PWC

**Soil Limitations:** None

**School Capacity/Enrolled:** Stoney Point Elementary: 865/683; John Griffin Middle: 1,274/1,212; Jack Britt High: 1,870/1,872

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

**Municipal Influence Area:** Town of Hope Mills

**Average Daily Traffic Count (2010):** 7,900 on SR 1003 (Camden Road)

**Highway Plan:** Camden Road is identified in the Highway Plan as a major thoroughfare. This proposal calls for a multi-lane facility (U-3422) with a right-of-way of 100 feet. Road improvements are included in the 2012-2018 MTIP

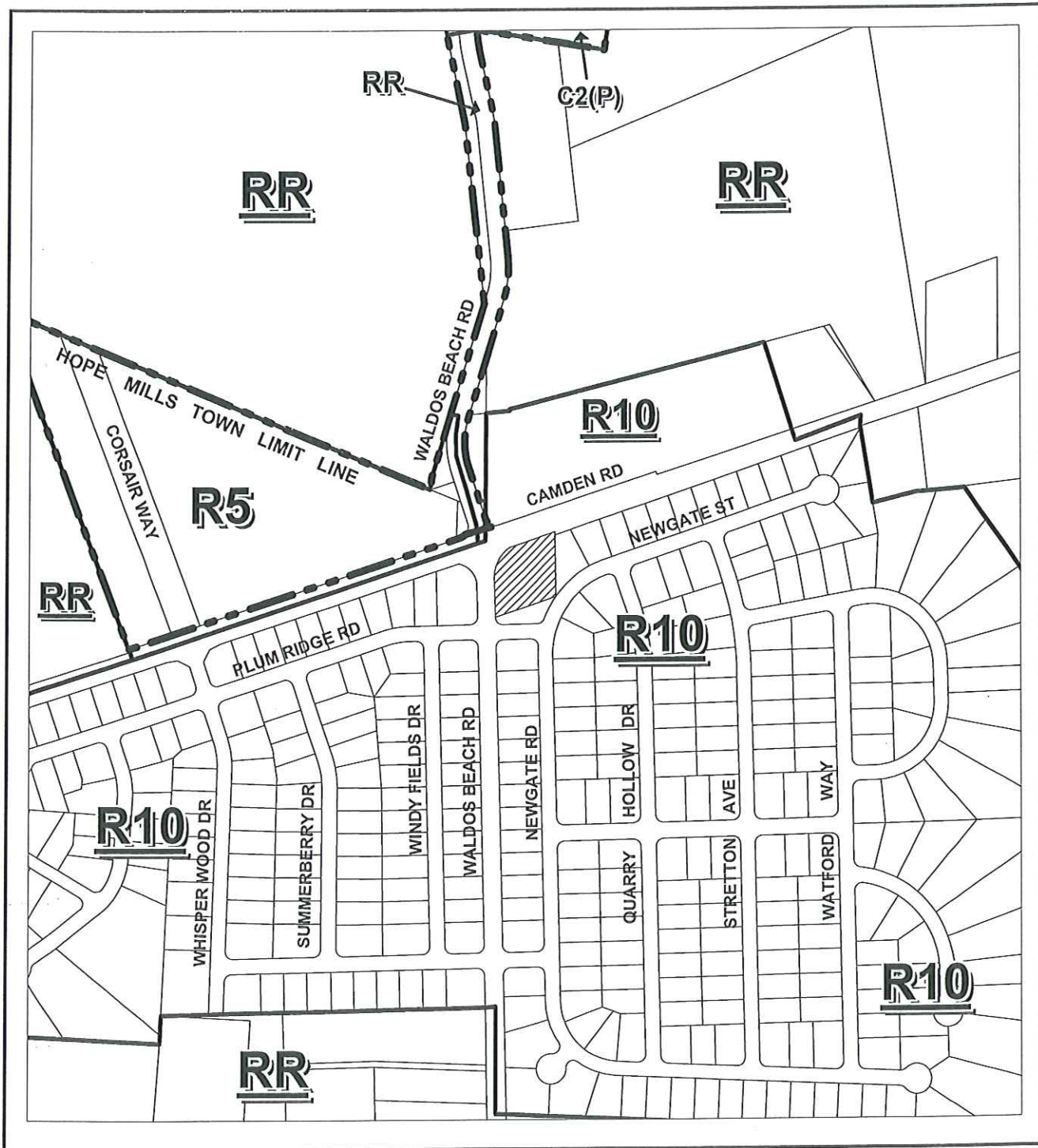
**Notes:**

1. Density:  
R7.5 – 6 lots/units
  
2. Minimum Yard Setback Regulations:

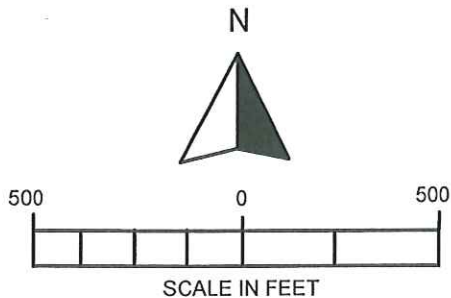
<u>R7.5</u>	<u>C1(P)</u>	<u>C2(P)</u>
Front yard: 30'	Front yard: 45'	Front yard: 50'
Side yard: 10'	Side yard: 15'	Side yard: 30'
Rear yard: 35'	Rear yard: 20'	Rear yard: 30'

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



## REQUESTED REZONING R10 TO C2(P)



<b>ACREAGE: 1.05 AC.+/-</b>		<b>HEARING NO: P12-15</b>	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

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*

May 8, 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 May 15, 2012 Board Meeting

**P12-23:** REZONING OF 10.75+/- ACRES FROM R10 RESIDENTIAL TO C3 HEAVY COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 6678 CLINTON ROAD, SUBMITTED BY BRUCE J. AND WANDA L. TEETS ON BEHALF OF MAGNOLIA ROAD PROPERTIES, LLC. (OWNER). (STEDMAN)

The Planning and Inspections Staff recommends denial of the request for the C3 Heavy Commercial district but approval of the C(P) Planned Commercial district based on the following:

1. The request and the recommendation for the C3 zoning district are generally consistent with the location criteria for "heavy commercial," as listed in the Land Use Policies Plan of the 2030 Growth Vision Plan and the Stedman Area Detailed Land Use Plan; however, the recommended C(P) district will require site plan approval ensuring that development of the site is appropriate along an entrance corridor to the Town of Stedman; and
2. Although the request is not consistent with the Stedman Detailed Land Use Plan which calls for "low density residential, the request is reasonable because the area has significantly transitioned to commercial since the plan's adoption and this can be attributed to the imminent improvements of NC Hwy 24.

The C1(P) & C2(P) districts could also be considered suitable for this request.

The applicant has not agreed to the recommendation for the C(P) Planned Commercial district.

#### Attachments:

- 1 - Site Profile
- 2 - Sketch Map

**P12-23**  
**SITE PROFILE**

**P12-23:** REZONING OF 10.75+/- ACRES FROM R10 RESIDENTIAL TO C3 HEAVY COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 6678 CLINTON ROAD, SUBMITTED BY BRUCE J. AND WANDA L. TEETS ON BEHALF OF MAGNOLIA ROAD PROPERTIES, LLC. (OWNER). (STEDMAN)

**Site Information:**

**Frontage & Location:** 220.90'+/- on NC 24 (Clinton Road)

**Depth:** 1,190.55'+/-

**Jurisdiction:** Stedman

**Adjacent Property:** Yes, west of subject property

**Current Use:** Residential

**Initial Zoning:** R10 – September 15, 1987 (Stedman)

**Nonconformities:** None

**Zoning Violation(s):** None

**Surrounding Zoning:** North: C3 (Stedman), C2(P), C1 (Stedman), RR, R15 (Stedman), R10 (Stedman) & A1; South: A1; East: C3 (Stedman), RR & R10 (Stedman); West: C1(P), R10 (Stedman) & A1

**Surrounding Land Use:** Residential (including manufactured homes), vacant commercial building, day care, motor vehicle sales & woodlands

**2030 Land Use Plan:** Community Growth Area

**Stedman Land Use Plan:** Low density residential (plan adopted April 1, 1999)

**Special Flood Hazard Area (SFHA):** None

**Water/Sewer Availability:** Stedman/Stedman

**Soil Limitations:** Yes, hydric – RA Rains sandy loam

**School Capacity/Enrolled:** Stedman Primary (K-1): 200/178; Stedman Elementary (2-5): 300/282; Mac Williams Middle: 1,270/1,221; Cape Fear High: 1,425/1,585

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

**Average Daily Traffic Count (2010):** 13,000 on NC 24 (Clinton Road)

**Highway Plan:** Clinton Road is identified in the Highway Plan as a major thoroughfare. The plan calls for widening to a multi-lane facility with a proposed right-of-way of 110 feet. Road improvements are not included in the 2012-2018 MTIP.

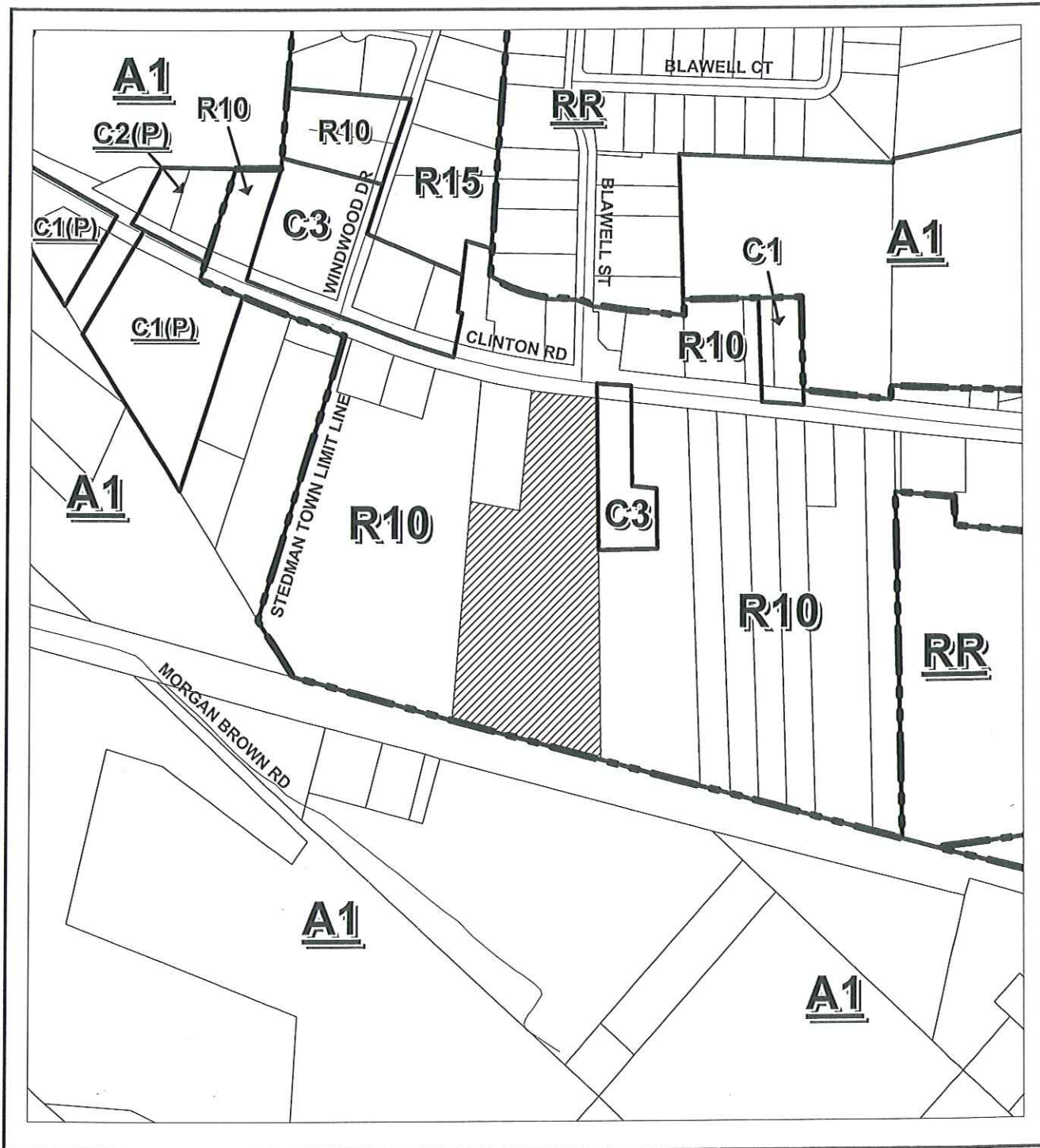
**Notes:**

1. Density minus 10% for R/W:  
R10 – 62 lots/units
  
2. Minimum Yard Setback Regulations:

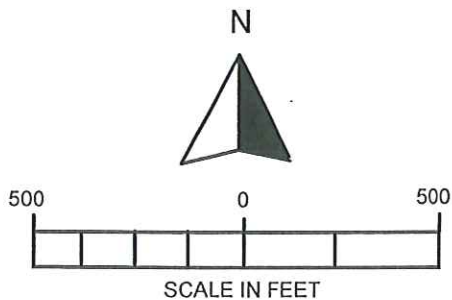
<u>R10</u>	<u>C3</u>
Front yard: 30'	Front yard: 45'
Side yard: 10'	Side yard: 15'
Rear yard: 35'	Rear yard: 20'

**First Class and Record Owners' Mailed Notice Certification**

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



## REQUESTED REZONING R10 TO C3



<b>ACREAGE: 10.75 AC.+/-</b>		<b>HEARING NO: P12-23</b>	
<b>ORDINANCE: STEDMAN</b>	<b>HEARING DATE</b>	<b>ACTION</b>	
<b>STAFF RECOMMENDATION</b>			
<b>PLANNING BOARD</b>			
<b>GOVERNING BOARD</b>			



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*

May 8, 2012

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

Lori Epler,  
Sara E. Piland,  
Cumberland County

Benny Pearce,  
Town of Eastover

Donovan McLaurin,  
Wade, Falcon & Godwin

#### MEMORANDUM

**TO:** Cumberland County Joint Planning Board  
**FROM:** Planning & Inspections Staff  
**SUBJECT:** Staff Recommendation for May 15, 2012 Board Meeting

**P12-26:** REZONING OF 1.75+/- ACRES FROM C1(P) PLANNED LOCAL BUSINESS AND A1 AGRICULTURAL TO C(P) PLANNED COMMERCIAL/ CZ CONDITIONAL ZONING DISTRICT FOR A CONVENIENCE STORE, RESTAURANT AND FOR PROFIT INDOOR RECREATION/AMUSEMENT OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 3634 CHICKEN FOOT ROAD, SUBMITTED BY DHARMESH PATEL ON BEHALF OF GRAYS CREEK GROCERIES, LLC. (OWNER).

The Planning & Inspections Staff recommends denial of the requested rezoning to C(P) Planned Commercial /CZ Conditional Zoning district [C(P)/CZ] for a convenience store, restaurant and indoor recreation for profit at this location based on the following:

1. The request is not consistent with the location criteria for heavy commercial as listed in the Land Use Policies of the 2030 Growth Vision Plan, specifically, public water and sewer is not available in this area;
2. The request is not reasonable because the proposed additional use of "for profit indoor recreation" can be used to permit internet café/video gaming which the Codes Committee is currently proposing an amendment to regulate; and
3. Consideration of this request for this location is arbitrary and would not serve a viable public purpose – the non-residential structure on the subject property is currently an existing convenience store and restaurant that are permitted uses in the C1(P) zoning district.

There are no other zoning districts suitable as related to this request.

#### Attachments:

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

**P12-26**  
**SITE PROFILE**

**P12-26:** REZONING OF 1.75+/- ACRES FROM C1(P) PLANNED LOCAL BUSINESS AND A1 AGRICULTURAL TO C(P) PLANNED COMMERCIAL/ CZ CONDITIONAL ZONING DISTRICT FOR A CONVENIENCE STORE, RESTAURANT AND FOR PROFIT INDOOR RECREATION/AMUSEMENT OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 3634 CHICKEN FOOT ROAD, SUBMITTED BY DHARMESH PATEL ON BEHALF OF GRAYS CREEK GROCERIES, LLC. (OWNER).

**Site Information:**

**Frontage & Location:** 297.46'+/- on SR 2252 (Chicken Foot Road) & 396.13'+/- on SR 2249 (Canady Pond Road)

**Depth:** 396.13'+/-

**Jurisdiction:** Cumberland County

**Adjacent Property:** No

**Current Use:** Convenience retail w/ gasoline sales & deli

**Initial Zoning:** C1(P) – June 25, 1980 (Area 13)

**Nonconformities:** None

**Zoning Violation(s):** None

**Surrounding Zoning:** North: C2(P)/CZ (Internet Sweepstakes) & A1; South, East & West: A1

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

**2030 Land Use Plan:** Rural

**Special Flood Hazard Area (SFHA):** None

**Water/Sewer Availability:** Well/Septic

**Soil Limitations:** None

**School Capacity/Enrolled:** Gray's Creek Elementary: 495/393; Gray's Creek Middle: 1,000/953; Gray's Creek High: 1,270/1,284

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

**Average Daily Traffic Count (2010):** 3,100 on SR 2252 (Chicken Foot Road) & 800 on SR 2249 (Canady Pond Road)

**Highway Plan:** Chicken Foot 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 feet. There is a 25 foot reservation for this site. No road improvements are included in the 2012-2018 MTIP

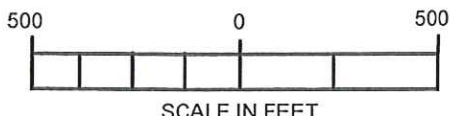
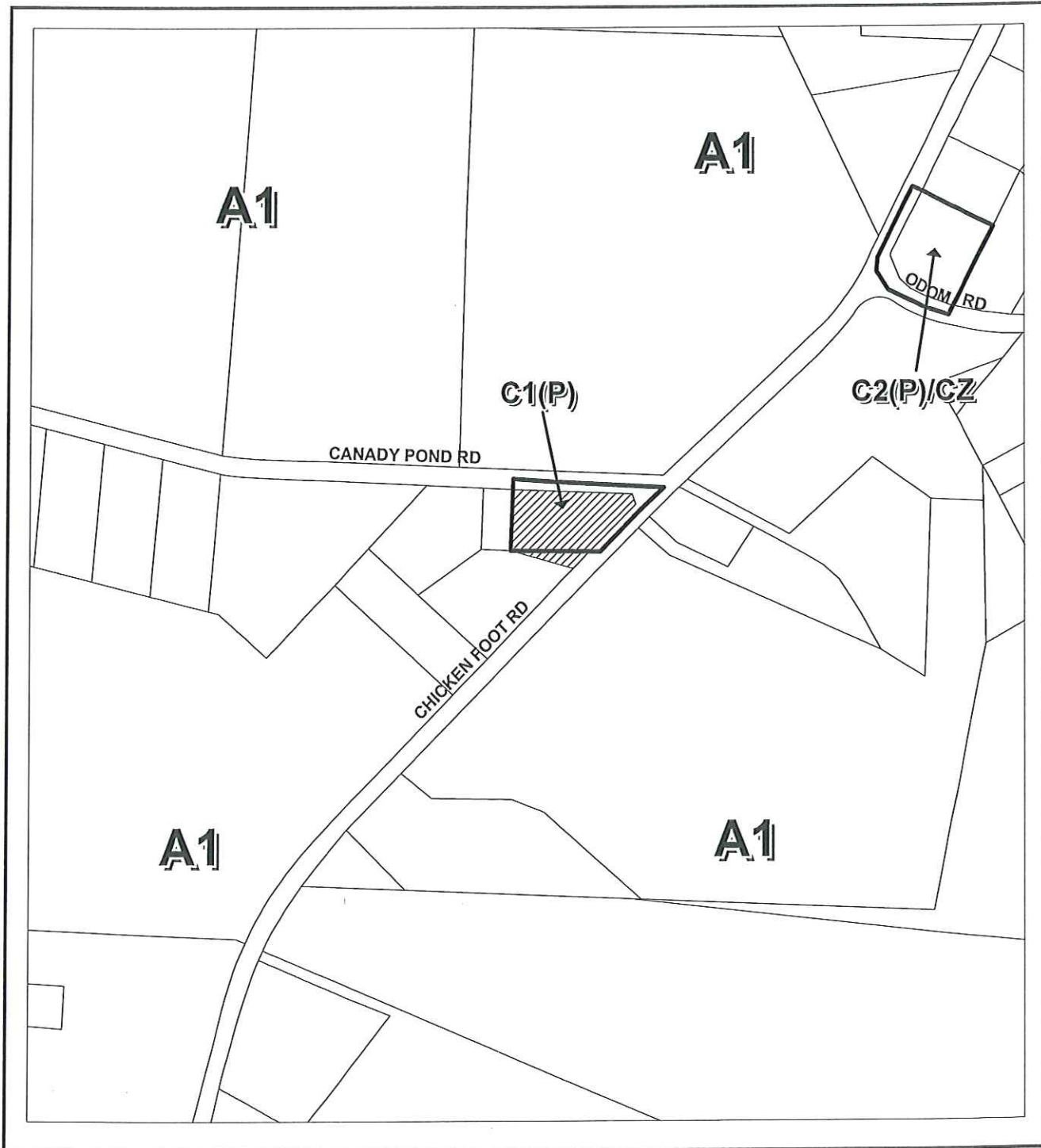
**Note:**

**Minimum Yard Setback Regulations:**

<b><u>C1(P)</u></b>	<b><u>C(P)</u></b>
Front yard: 45'	Front yard: 50'
Side yard: 15'	Side yard: 30'
Rear yard: 20'	Rear yard: 30'

**First Class and Record Owners' Mailed Notice Certification**

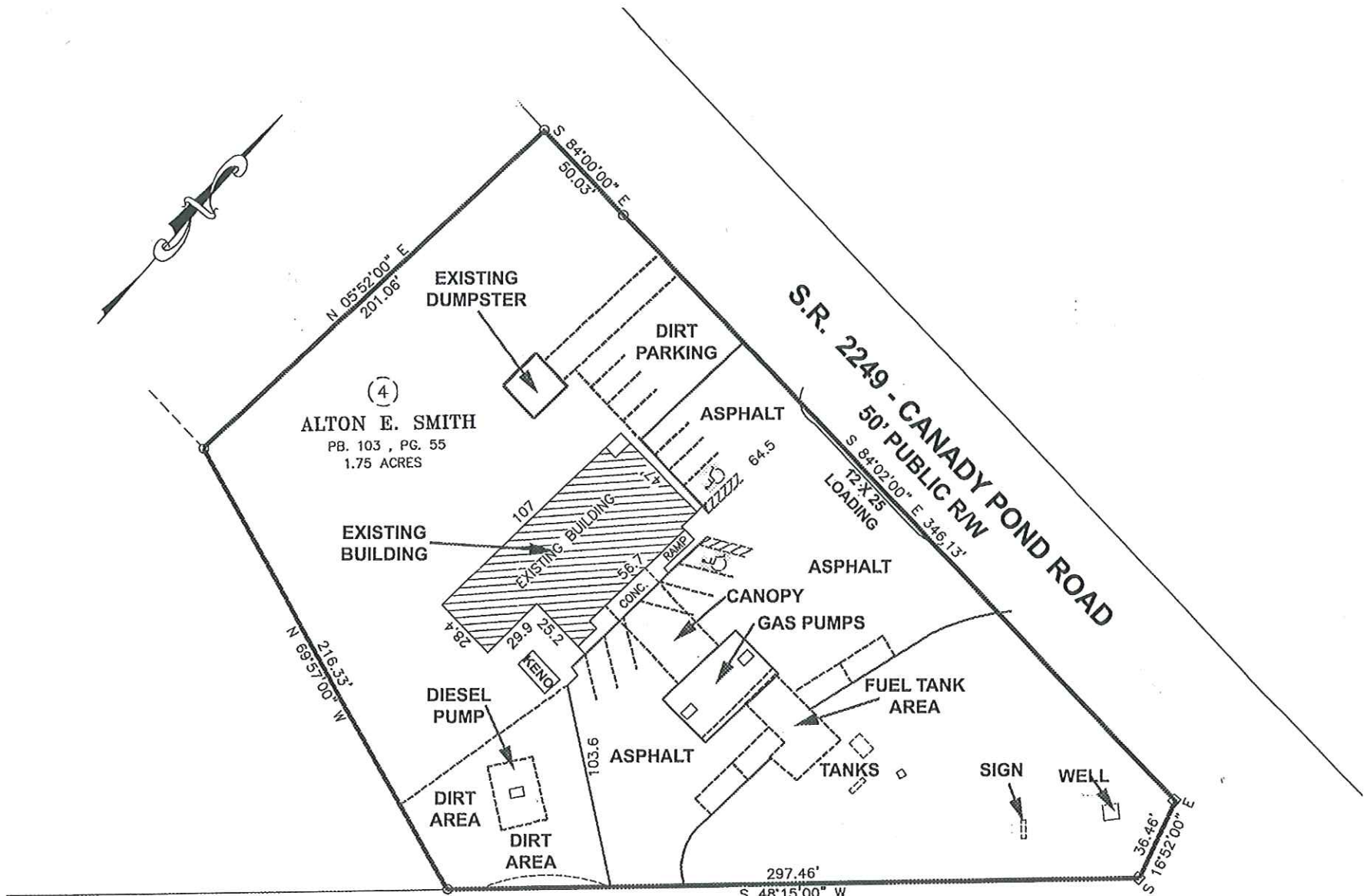
*A certified copy of the tax record owner(s) of the subject and adjacent properties and their tax record mailing address is contained within the case file and is incorporated by reference as if delivered herewith. The record owners' certified receipt of notice is also included.*



SCALE IN FEET

## REQUESTED REZONING A1 & C1(P) TO C(P)/CZ

<b>ACREAGE: 1.75 AC.+/-</b>	<b>HEARING NO: P12-26</b>	
<b>ORDINANCE: COUNTY</b>	<b>HEARING DATE</b>	<b>ACTION</b>
<b>STAFF RECOMMENDATION</b>		
<b>PLANNING BOARD</b>		
<b>GOVERNING BOARD</b>		



**S.R. 2252 - CHICKENFOOT ROAD**  
60' PUBLIC R/W

**CONDITIONAL ZONING DISTRICT**  
**REQUEST: A CONVENIENCE STORE, RESTAURANT AND**  
**FOR PROFIT INDOOR RECREATION/AMUSEMENT**

**CASE: P12-26 ACREAGE: 1.75AC+/-**  
**ZONED: A1 & C1(P) SCALE: NTS**  
**PARKING: AS SHOWN**

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

## **Conditional Zoning District**

DRAFT

### Ordinance Related Conditions

#### **Pre- Permit Related:**

1. A minimum of one off-street loading spaces(s) measuring 12' x 25' with 14' overhead clearance must be provided for this development. (Note: Three copies of a revised site plan depicting the required loading space(s) must be submitted and approved prior to application for any building/zoning permits.)

#### **Watershed-Related:**

2. An application for a Watershed "No Approval Required" development must be submitted to the Watershed Review Officer (WRO) and plans must be approved by the WRO prior to final plat approval and/or prior to application for any building/zoning permits, site plan approval is required. A copy of the WRO's approval of this plat/plan must be submitted to Code Enforcement at the time of application for any permits.
3. Prior to application for the building final inspection, a Watershed Occupancy Permit must be issued for the site.

#### **Permit-Related:**

4. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the County Zoning Ordinance and permits required to place any structure within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. For additional information, the developer should contact a Code Enforcement Officer.
5. The County Health Department must approve water and sewer plans prior to application for any permits. Site and soil evaluations must be conducted on the property by the County Environmental Health Department prior to application for permits. A copy of the Health Department approval must be provided to Code Enforcement at the time of application for any building/zoning permits. (Note: All Health Department requirements must be met prior to issuance of final permits.) (Section 2306 A, Water and Sewer, County Subdivision Ordinance)
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.

#### **Site-Related:**

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

11. All corner lots and lots fronting more than one street must provide front yard setbacks from each street.
12. This conditional approval is not approval of any new freestanding signs. Attached signage for this development must be in accordance with the applicable sign regulations as set forth in Article XIII of the County Zoning Ordinance and that the proper permit(s) must be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is not approval of the size, shape, or location of any signs.)

This conditional approval is not approval of the current sign location. In the event the sign is removed or destroyed, any replacement sign will be required to meet the ordinance standards.

13. Reservation of 25 feet of right-of way along SR 2252 (Chicken Foot Road) is required and the metes and bounds for 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)
14. For any new development, an adequate drainage system must be installed by the developer in accordance with the NC Department of Environment and Natural Resources' (NCDENR) *Manual on Best Management Practices* and all drainage ways must be kept clean and free of debris. (Section 2306 D, County Subdivision Ordinance)
15. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision Ordinance)
16. If driveways are changed or added, the developer must obtain a driveway permit from the NC Department of Transportation (NCDOT). If required, a copy of the approved driveway permit must be provided to Code Enforcement at the time of application for building/zoning permits.
17. Turn lanes may be required by the NC Department of Transportation (NCDOT).
18. All lighting is required to be directed internally within this development and comply with the provisions of Section 1102 M, Outdoor Lighting, County Zoning Ordinance.
19. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.
20. All required off-street parking spaces shall be a minimum of 9' x 20'; a minimum of 17 off-street parking spaces are required for this development. [Note: This calculation is based on the 10 required spaces for the gas station and the 4 required spaces for the restaurant (12 seats) and 3 required spaces for the indoor recreation (6 person capacity - 6 machines).]
21. The owner/developer is responsible and liable for maintenance and upkeep of this site, all structures, and appurtenances, to include ensuring that the site is kept free of litter and debris, all grass areas mowed, all buffers and shrubbery kept trim and maintained, so that the site remains in a constant state of being aesthetically and environmentally pleasing.
22. Noise levels shall not exceed 60 dB(A) between the hours of 10:00 pm and 7:00 am. In any event, the noise level, regardless of the time of day, shall not become a nuisance to neighboring properties and strict compliance with the County's Noise Ordinance is required.

**Advisories:**

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

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

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

Watershed Review Officer:	Jeff Barnhill	678-7765
Subdivision/Site Plan/Plat	Ed Byrne	678-7609
Code Enforcement (Permits):	Ken Sykes	321-6654
County Health Department:	Daniel Ortiz	433-3680
Food & Lodging Env. Health:	Tony Ferguson	433-3678
Ground Water Issues:	Matt Rooney	678-7625
County Public Utilities:	Amy Hall	678-7682
Corp of Engineers (wetlands):	Crystal C. Amschler	(910) 251-4170
NCDENR (E&S):	Sally Castle	433-3300
Location Services:		
Site-Specific Address:	Ron Gonzales	678-7616
Tax Parcel Numbers:		678-7549
NCDOT (driveways/curb-cuts):	Gary Burton	486-1496
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: Dharmesh (Danny) Patel
  - 2. ADDRESS: 3634 Chickenfoot Road ZIP CODE: 28348
  - 3. TELEPHONE: <sup>Cell</sup> (Home) 803-460-9833 (Work) 910-425-0313
  - 4. Location of Property: 3634 Chickenfoot Road, Hope Mills, NC
  - 5. Parcel Identification Number (PIN #) of subject property: 0430-08-6805-(Part of)  
(also known as Tax ID Number or Property Tax ID)
  - 6. Acreage: 1.75 Frontage: 297' Depth: 216'
  - 7. Water Provider: Private well
  - 8. Septage Provider: Private septic tank
  - 9. Deed Book 7875, Page(s) 70, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
  - 10. Existing use of property: Convenience store, deli, games
  - 11. Proposed use(s) of the property: Convenience store, deli/kitchen, indoor recreation
- NOTE: Be specific and list all intended uses.**

12. It is requested that the foregoing property be rezoned FROM: C1P & A1 *Jeff Rudolph*

- TO: (select one)
- Conditional Use District, with an underlying zoning district of ~~CP~~ CP  
(Article V)
  - Mixed Use/Conditional Use District (Article VI)
  - Planned Neighborhood District/Conditional Use District (Article VII)
  - Density Development/Conditional Use District, at the \_\_\_\_\_ Density  
(Article VIII)



APPLICATION FOR  
CONDITIONAL USE PERMIT

1. PROPOSED USE(S):

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

Convenience store; deli; Kitchen; indoor recreation.

- 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 (100 sq. ft. detached)  
(210± Attached)

4. LANDSCAPE AND BUFFER REQUIREMENTS:

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

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

*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.

*Monday - Friday 6:00 am to 11:00 pm*

*Saturday - Sunday 6:00 am to 12:00 pm*

*Three employees*

6. SITE PLAN REQUIREMENTS:

The application shall include a site plan drawn to the specifications of Sec. 1402. If the proposed uses involve development subject to the County Subdivision Ordinance, the site plan required may be general in nature, showing a generalized street pattern, if applicable, and the location of proposed uses. If the proposed uses include development not subject to the Subdivision Ordinance, the site plan shall be of sufficient detail to allow the Planning and Inspections Staff and the Planning Board to analyze the proposed uses and arrangement of uses on the site. It shall also include the footprints of all buildings (proposed and existing), the proposed number of stories, location and number of off-street parking and loading spaces, proposed points of access to existing streets and internal circulation patterns. In addition, the location of all proposed buffers and fences and landscaping shall be included on the site plan.

7. ACKNOWLEDGEMENT:

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

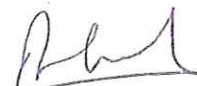
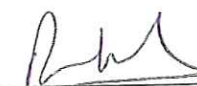
It is the responsibility of the petitioner (personally or by agent) to submit to the Planning and Inspections Department a valid request, not incompatible with existing neighborhood zoning patterns.

In order for the Planning Board to offer a favorable recommendation, and for the Board of Commissioners to approve, any Conditional Use District and Permit they must find from the evidence presented at their respective public hearing that:

- A. The use will not materially endanger the public health or safety if located according to the plan submitted and recommended;
- B. The use meets all required conditions and specifications;
- C. The use will maintain or enhance the value of adjoining or abutting properties, or that the use is a public necessity; and
- D. The location and character of the use, if developed according to the plan as submitted and recommended, will be in harmony with the area in which it is to be located and in general conformity with Cumberland County's most recent Comprehensive Land Use Plan and adopted planning policies.

I further understand I must voluntarily agree to all conditions proposed for the Conditional Use Permit.

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

✓ GRAYSCREEK GROCERIES LLC.  
NAME OF OWNERS (PRINT OR TYPE)  
7590 Phillipi church Road, Raeford, N.C 28376  
ADDRESS OF OWNER(S)  
910-578-8039 HOME TELEPHONE # 910-578-8039 WORK TELEPHONE #  
 SIGNATURE OF OWNER(S)  SIGNATURE OF OWNER(S)