

Walter Clark,  
Chair  
Cumberland County

Patricia Hall,  
Vice-Chair  
Town of Hope Mills

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



**CUMBERLAND**  
★ **COUNTY** ★  
NORTH CAROLINA

*Planning & Inspections Department*

**2013**

**JOINT PLANNING BOARD**

**DEADLINE/MEETING SCHEDULE**

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

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

Benny Pearce,  
Town of Eastover

Donovan McLaurin,  
Wade, Falcon & Godwin

**Application Deadline**

**Meeting Date (Tuesdays)**

Thursday, December 6, 2012

January 15, 2013 & February 5, 2013

Tuesday, January 15, 2013

February 19, 2013 & March 5, 2013

Wednesday, February 13, 2013

March 19, 2013 & April 2, 2013

Tuesday, March 12, 2013

April 16, 2013 & May 7, 2013

Wednesday, April 17, 2013

May 21, 2013 & June 4, 2013

Tuesday, May 14, 2013

June 18, 2013 & July 2, 2013

Tuesday, June 11, 2013

July 16, 2013 & August 6, 2013

Wednesday, July 17, 2013

August 20, 2013 & September 3, 2013

Tuesday, August 13, 2013

September 17, 2013 & October 1, 2013

Wednesday, September 11, 2013

October 15, 2013 & November 5, 2013

Monday, October 14, 2013

November 19, 2013 & December 3, 2013

Friday, November 8, 2013

December 17, 2013 & January 7, 2014

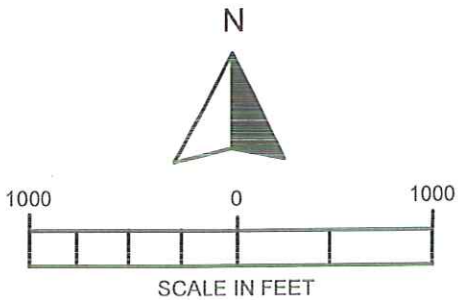
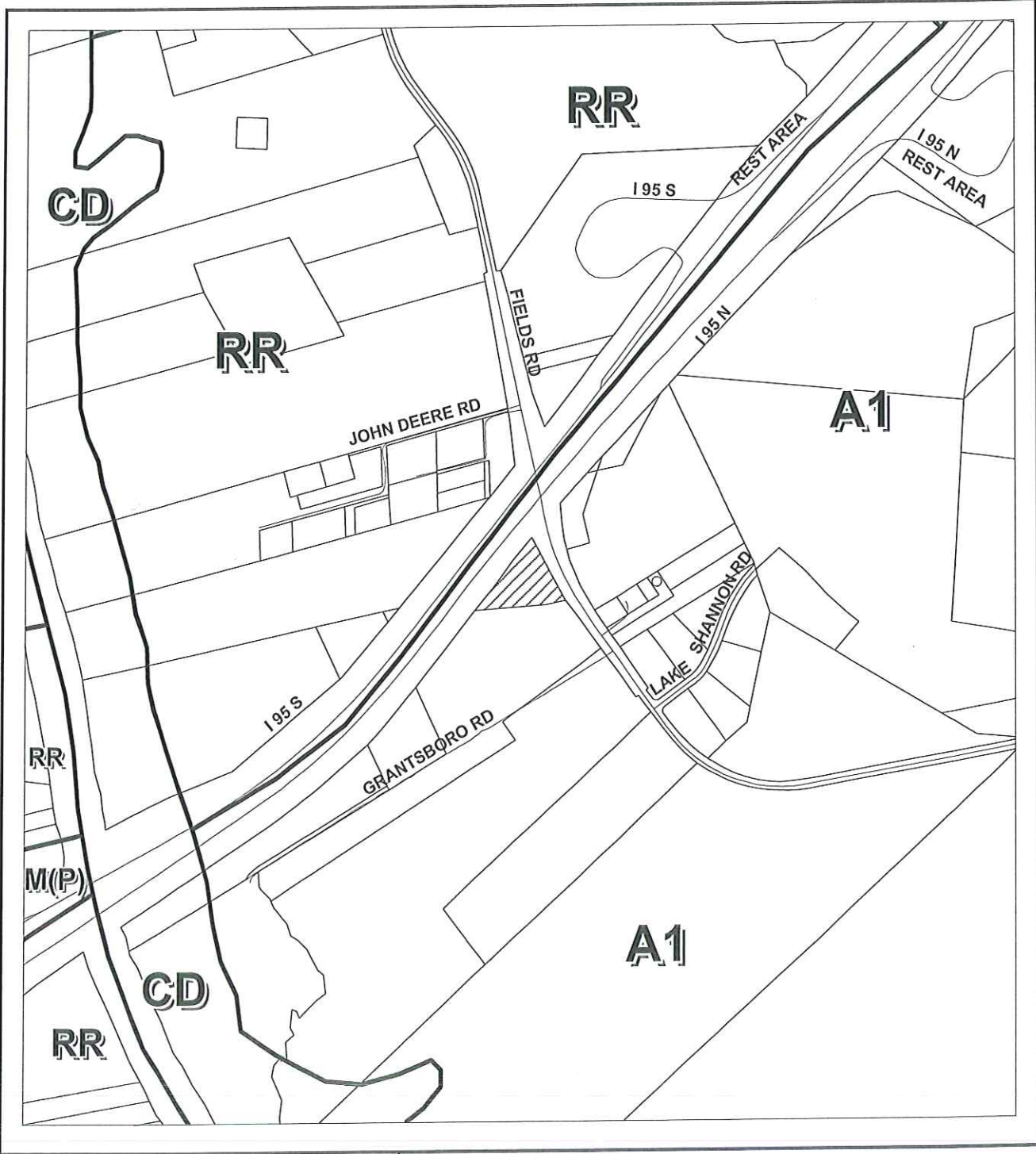
Thursday, December 12, 2013

January 21, 2014 & February 4, 2014

**NOTE: Deadlines are set 24 working days prior to the Board meeting date.**

Revised Oct 2012

NOTE: IN AOD AREA



## REQUESTED REZONING A1 TO R40A

<b>ACREAGE: 3.07 AC.+/-</b>	<b>HEARING NO: P12-67</b>	
ORDINANCE: COUNTY	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

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## COUNTY *of* CUMBERLAND

### *Planning & Inspections Department*

October 9, 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 and Inspections Staff

**SUBJECT:** Staff Recommendation for the October 16, 2012 Board Meeting

**P12-73:** ADOPTION AND ESTABLISHMENT OF ARTICLE III ZONING DISTRICT CLASSIFICATIONS AND ARTICLE IV PERMITTED, CONDITIONAL AND SPECIAL USES APPLICABLE TO PROPERTIES WITHIN THE CORPORATE LIMITS OF THE TOWN OF EASTOVER BY CREATING ZONING ORDINANCE STANDARDS TO BE IMPLEMENTED WITHIN THE TOWN AS A SUPPLEMENT TO THE COUNTY ZONING ORDINANCE PROVISIONS UNTIL SUCH TIME THAT THE TOWN ADOPTS A COMPLETE EASTOVER ZONING ORDINANCE. (EASTOVER)

The Planning and Inspections Staff recommends approval of the proposed text amendments establishing Articles III and IV, which create the zoning districts and establish the permitted, conditional and special uses (including the use matrix) for the Town of Eastover Zoning Ordinance, based on the following:

1. A town committee, working with the staff, created the use matrix while working on the recently adopted Eastover Commercial Core Overlay district;
2. The proposed amendments are a part of an ongoing process with the ultimate goal being the establishment of the Eastover Zoning Ordinance; and
3. The provisions as proposed are relatively consistent with the county's provisions which will prevent nonconformities when properties are annexed.

The Town Manager has reviewed the proposed text amendments.

Attachment: P12-73 Town of Eastover Zoning Ordinance Text Amendments, Articles III & IV



## **ARTICLE III ZONING DISTRICT CLASSIFICATIONS**

### **SECTION 301. ESTABLISHMENT OF DISTRICTS.**

For the purpose of this ordinance, the areas shown on the town's zoning map are divided into the following general classes of districts.

### **SECTION 302. CONSERVANCY DISTRICT.**

CD Conservancy District. This district is designed to preserve and protect identifiable natural resources. The general intent of the district is to provide open area uses for such resource areas that will continue to provide limited development potential while preserving existing conditions to the extent feasible. Areas to be zoned in this district shall be identifiable as swamp, marsh, flood land, poor or very severe soils areas or managed and unmanaged woodland on USGS (Geological Survey) maps, soil maps prepared by the USDA (Department of Agriculture) Soil Conservation Service or other appropriate sources.

### **SECTION 303. AGRICULTURAL DISTRICT.**

A1 Agricultural District. This district is designed to promote and protect agricultural lands, including woodland, within the town. The general intent of the district is to permit all existing agricultural uses to exist free from most private urban development except for large lot, single-family development. Some public and/or semi-public uses as well as a limited list of convenient commercial uses are permitted to ensure essential services for the residents.

### **SECTION 304. RESIDENTIAL DISTRICTS.**

Residential districts are composed of certain existing residential areas of the town and certain areas where similar residential development should be encouraged to occur. The regulations for these districts are designed to stabilize and protect the essential characteristics of each district by promoting and encouraging a suitable environment for family life and prohibiting certain incompatible activities of a commercial or industrial nature. To these ends, development is limited to dwellings that provide homes for the residents plus certain additional such uses as schools, parks, recreation facilities and certain other public facilities. This system of classification optimizes orderly development by providing a variety of living environments based on different levels of permitted population density, facilitating the adequate provision of transportation and other public services.



A. R40 Residential District. A district designed primarily for single-family dwelling units with a lot area of 40,000 square feet or above.

B. R40A Residential District. A district designed primarily for single-family dwelling units including the use of manufactured homes on individual lots with a lot area of 40,000 square feet or above.

C. R30 Residential District. A district designed primarily for single-family dwelling units with a lot area of 30,000 square feet or above.

D. R30A Residential District. A district designed primarily for single-family dwelling units and Class A manufactured homes with a lot area of 30,000 square feet or above.

E. R20 Residential District. A district designed primarily for single-family units with a lot area of 20,000 square feet or above.

F. R20A Residential District. A district designed primarily for single-family units and Class A manufactured homes with a lot area of 20,000 square feet or above.

G. RR Rural Residential District. A district for traditional rural use with lots of 20,000 square feet or above. The principal use of the land is for residential, including manufactured housing units, and agricultural purposes. This district are intended to ensure that residential development not having access to public water supplies and dependent upon septic tanks for sewage disposal will occur at a sufficiently low density to provide for a healthful environment.

H. R15 Residential District. A district designed primarily for single-family dwelling units with a lot area of 15,000 square feet or above.

I. R7.5 Residential District. A district designed primarily for single-family dwellings on lots with a lot area of 7,500 square feet or above.

J. R6 Residential District. A district designed for a mix of single- and multi-family dwellings.

K. R6A Residential District. A district designed for a mix of single- and multi-family dwellings including the use of manufactured homes on individual lots and in manufactured home parks.

L. R5A Residential District. A district designed primarily for multi-family dwelling units with a maximum density of 13 ½ dwelling units per net acre.

**SECTION 305. PLANNED PROFESSIONAL DISTRICT.**

O&I(P) Planned Office and Institutional District. This district is designed primarily for agencies and offices rendering services in the professions, finance, real estate and brokerage, as well as both public and private institutional functions, public assembly, religious and certain cultural and recreational activities and group housing. The uses in this district classification may be characterized generally as having no retail or wholesale trade, except as incidental uses. The district is often situated between business and residential areas and may also consist of a mix of limited business and residential uses. The regulations are designed for maintaining more compatibility with nearby residential districts than a commercial district would provide. To promote the essential design features with the O&I(P) district, plan approval is a requirement.

**SECTION 306. PLANNED COMMERCIAL DISTRICTS.**

A. C1(P) Planned Local Business District. This district is designed to cater to the ordinary shopping needs of the immediate neighborhood with emphasis on convenience goods. This district is customarily located adjacent to an arterial street and generally surrounded by residential areas. To promote the essential design features with the C1(P) district, plan approval is a requirement.

B. C2(P) Planned Service and Retail District. This district is designed to allow for the non-residential development of land with service and retail uses not typically considered intrusive to neighboring residential properties or in areas generally requiring a greater degree of restrictions regarding the commercial use of properties.

C. C(P) Planned Commercial District. This district is designed to assure the grouping of buildings on a parcel of land so as to constitute a harmonious, efficient and convenient retail shopping area. Site plans assure traffic safety and the harmonious and beneficial relations between the commercial area and contiguous land. To promote the essential design features with the C(P) district, plan approval is a requirement.

**SECTION 307. PLANNED INDUSTRIAL DISTRICTS.**

A. M1(P) Planned Light Industrial District. This district is designed for a wide variety of light industrial operations involving manufacturing, processing and fabrication of materials, operations involving wholesaling and bulk storage, other non-retail uses and certain public assembly and recreational uses. The general intent of the district is to prohibit residential, retail and heavy industrial uses of the land. By their nature, the uses permitted in this district are generally not compatible with residential or shopping center uses. To promote the essential design features with the M1(P) district, site plan approval is a requirement.



B. M(P) Planned Industrial District. This district is designed primarily for basic manufacturing and processing industries, all of which normally create a high degree of nuisance and are not generally compatible with surrounding or abutting residential or commercial areas. The general intent of this district is to permit uses confined to service, wholesaling, manufacturing, fabrication and processing activities that can be carried on in an unobtrusive manner characterized by low concentration and limited external effects with suitable open spaces, landscaping, parking and service areas. This district is customarily located on larger tracts of land with good highway and rail access buffered from residential districts by other more compatible uses. Commercial activities are not permitted except those having only limited contact with the general public and those not involving the sale of merchandise at retail except for items produced on the premises or for the purpose of serving employees, guests and other persons who are within the district with an industrial activity. To promote the essential design features within the M(P) district, site plan approval is a requirement.

### **SECTION 308. CONDITIONAL ZONING DISTRICTS.**

A. Companion Districts. Each district includes a companion Conditional Zoning district (e.g. A1 has A1/CZ) where no uses are permitted by right. This district is designed for the development and use of the property subject to predetermined ordinance standards and rules imposed as part of the legislative decision creating the district and applying it to the particular property. (Article V)

B. Mixed Use Development – Conditional Zoning District (MXD/CZ). The purpose of this district is to encourage innovative development on a conditional basis by providing use flexibility while maintaining quality design standards tempered with proper controls regarding buffering, landscaping, open space designation, density and other conditions. (Article VI)

C. *Reserved for future use.*

D. Density Development – Conditional Zoning District (DD/CZ). The purpose of this district is to promote the preservation of open space through permanent restriction of development on a percentage of a tract, buffering, and clustering of lots, while at the same time providing for the residential development of land. (Article VIII)

### **SECTION 308.1. OVERLAY DISTRICTS.**

Overlay districts establish area-specific provisions which are in addition to the regulations applying to the underlying general and Conditional Zoning districts and in addition to the minimum requirements of this ordinance for Special Uses.

A. Commercial Core Overlay District (CCO). The purpose of this overlay district is to preserve and enhance the small-scale commercial character of a certain area within the town while providing for low-impact business opportunities and allowing for consistency of development within the overlay area as it continues to be developed or redeveloped. The district is intended to accommodate small-scale, low-intensity and convenience retail and service uses that provide goods and services to the town's residents and their guests.

B. Reserved for future use.

### **SECTION 309. DORMANT/CORRESPONDING ZONING DISTRICTS.**

This ordinance makes dormant certain previously existing zoning districts created under the County Zoning Ordinance of July 3, 1972, and subsequent amendments. The following previously existing zoning districts now correspond to current districts as indicated:

A. HS(P) Planned Highway Services District shall correspond to the C(P) Planned Commercial District;

B. C3 Heavy Commercial District shall correspond to the C(P) Planned Commercial District; and

C. *Reserved for future use.*

D. R10 Residential District shall correspond to R7.5 Residential District.

### **SECTION 310. ZONING DISTRICTS MAP.**

The boundaries of the districts are shown on a map in digital format, which is to be considered a part of this ordinance and made a part hereof entitled "Official Zoning Map, Town of Eastover, North Carolina". The zoning map and all the notations, references and amendments thereto, and other information shown thereon, are hereby made a part of this ordinance the same as if such information set forth on the map were all fully described and set out herein. The zoning map is a public record and shall be kept on file with the County Planning and Inspections Department, where it shall be available for inspection by the public.

Regardless of the existence of purported copies of the zoning map, which may from time to time be made or published, the zoning map on file with the Planning and Inspections Department and amendments thereto, as entered in the minutes of the Town Council, shall be the final authority as to the current zoning status of lands, buildings and other structures in the zoning districts.



**SECTION 311. INTERPRETATION OF DISTRICT BOUNDARIES.**

If dispute exists as to the boundaries of any district shown on the zoning maps, the following rules shall apply:

A. Extensions of Line. Where such district boundaries are indicated as approximately following a street or railroad rights-of-way, alley lines and lot lines, or extensions of such lines, those shall be considered to be such boundaries. Where district boundaries are indicated as approximately following the centerline of streambeds or riverbeds, or such centerlines extended, such centerlines shall be considered to be such boundaries.

B. Un-Developed Property. For un-developed property or where a district boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions shown on the map, shall be determined by the use of the scale of the map.

C. Natural, Developed, or Topographical Features. Where natural, developed, or topographical features existing on the ground are at variance with those shown on the zoning maps, or in other circumstances not covered by sub-sections A and B above, the Board of Adjustment shall interpret the district boundaries.

D. Jurisdiction After Annexation. When any portion of the territory subject to the County ordinance as shown on the zoning map shall be annexed into the corporate limits of the town, such area or areas shall remain subject to the provisions of the County Zoning Ordinance for a maximum period of 60 calendar days thereafter, or until such time that the area or areas are subject to the Eastover regulations, whichever occurs first.

## **ARTICLE IV PERMITTED, CONDITIONAL, AND SPECIAL USES**

### **SECTION 401. GENERAL.**

Within the various zoning districts established in Article III and subject to the requirements of this ordinance, no land, building or structure shall be used, and no building or structure shall be erected which is intended or designed to be used, in whole or in part for any use other than the uses allowed by the various districts established herein. The use regulations for the various districts are intended to be permissive in nature. Some land uses may be allowed through Conditional Zoning or by issuance of a Special Use Permit only upon findings that certain conditions exist or should be applied, and is requested and agreed to by the property owner. The establishment of these uses shall be allowed only after review through appropriate measures and approval of plans.

Permitted uses in the various districts are indicated in the appropriate column of the following matrix. Special Uses, with Board of Adjustment approval and issuance of the Permit, and some uses in Conditional Zoning districts, after Town Council approval are also indicated in the matrix. All proposed non-residential uses, including changes in an existing use, require site plan review and approval and shall be in compliance with the standards of this ordinance and the subdivision regulations.

### **SECTION 402. USES BY RIGHT.**

All uses of property are allowed as a use by right except where this ordinance specifies otherwise or where this ordinance specifically prohibits the use. In the event, a use of property is proposed that is not addressed by the terms of this ordinance, the minimum ordinance standards for the use addressed by this ordinance that is most closely related to the land use impacts of the proposed use shall apply. In addition, the Town Manager or the Planning & Inspections Director may initiate a text amendment addressing such proposed use, provided that the drafting and adoption of said amendment will not cause delay in the permitting of the proposed use.

### **SECTION 403. USE MATRIX.**

The matrix on the following pages indicates Permitted and Special uses as well as some uses allowed only in a Conditional Zoning district.



**SECTION 403 USE MATRIX**

P = PERMITTED USE  
 S = SPECIAL USE (Sec. 1606 – Bd of Adj approval required)  
 Z = CONDITIONAL ZONING (Art V – Town Council approval required)

LAND USES	ZONING CLASSIFICATIONS																			
	CD	A1	R40	R40A	R30	R30A	RR	R20	R20A	R15	R7.5	R6	R6A	R5A	O&I(P)	C1(P)	C2(P)	C(P)	M1(P)	M(P)
ACCESSORY USES, incidental to any permitted use (Sec. 1002)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
ADDRESSING SERVICE/BULK MAILING																		P	P	P
AGRICULTURAL OR RURAL FARM USE	P	P	P	P	P	P	P	P	P											
AIRPORT OPERATIONS, minor (Sec. 902)		S																	S	S
AIRPORT OPERATIONS, major																				P
ALCOHOLIC BEVERAGE CONTROL SALES																		P		
APPAREL AND ACCESSORY SALES																P	P	P		
ASSEMBLIES, Community, assembly hall, armory, stadium, coliseum, community center, fairgrounds etc. (Sec. 916)		P	S	S	S	S	S								P	P	P	P	P	P
AUCTION SALES, excluding livestock auctioning & motor vehicles																		P	P	P
BAKERY PRODUCTION AND WHOLESALE SALES																		P	P	P
BAKING, on premises and retail only																P	P	P		
BANKS, SAVINGS AND LOAN COMPANY AND OTHER FINANCIAL ACTIVITIES															P	P	P	P		
BARBERING AND HAIRDRESSING SERVICES/SALONS (Sec.916)		S														P	P	P		
BARS & NIGHT CLUBS, except as regulated by Sec. 924																		P		
BED AND BREAKFAST (Sec. 903), except as regulated by Sec. 924		P	P	P	P	P	P	P	P	P	P						P	P		
BILLBOARDS (SEC 1307)																				S
BINGO																		S		
BOOKS & PRINTED MATTER SALES, except as regulated by Sec. 924															P	P	P	P	P	P
BORROW SOURCE OPERATIONS (Sec. 904)																				S
BOTTLED GAS DISTRIBUTING, bulk storage																			P	P
BOTTLING																				P
BUILDING SUPPLY																	P	P	P	P
BUS STATION ACTIVITIES, storage terminal activities																		P	P	P

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	CD	A1	R40	R40A	R30	R30A	RR	R20	R20A	R15	R7.5	R6	R6A	R5A	O&I(P)	C1(P)	C2(P)	C(P)	M1(P)	M(P)
CABINET MAKING AND OTHER WOODWORKING																		S	P	P
CALL CENTER																				P
CEMETERY, public (Sec. 916)		P	S	S			S										P	P	P	P
CLUB OR LODGE (Sec. 905), except as regulated by Sec. 924		S	S	S	S	S	S								S	P	S	P		
CONVENIENCE CONTAINER AND RECYCLING FACILITY (Sec. 905.1)		S	S	S	S	S	S										P	P	P	P
CONVENIENCE RETAIL W/ GASOLINE SALES, including drive thru motor vehicle washing ( Sec 916)		P														P	P	P	P	P
COTTON GIN (Sec. 916)		P																	P	P
CREMATORIUM																		P	P	P
DAY CARE FACILITY (Sec. 906)		S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P	S <sup>1</sup>	S <sup>1</sup>
DETENTION FACILITIES/PRISONS (Sec. 907)																				Z
DRY CLEANING AND LAUNDRY COLLECTION, no cleaning on premises except in conjunction with service counter, provided not more than 2500 square feet are devoted to these processes																P	P	P		
DRY CLEANING/LAUNDRY, self service																	P	P		
DRY CLEANING OR LAUNDRY, commercial																		P	P	P
DWELLING, SINGLE & MULTIPLE FAMILY		P	P	P	P	P	P	P	P	P	P	P	P	P	S <sup>2</sup>	S <sup>2</sup>	S <sup>2</sup>	S <sup>2</sup>		
EXTERMINATING SERVICES																	P	P	P	P
EQUESTRIAN FACILITIES		P	P	P	P	P	P	S	S											
FARM SUPPLIES MERCHANDISING & MACHINERY SALES/SERVICING (Sec. 916)		P															P	P	P	P
FARMER'S MARKET, OPEN AIR		P					S											P		
FIRE STATION OPERATIONS/EMERGENCY SERVICES (Sec. 916)		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
FISH HATCHERY (Sec. 916)	P	P														P	P	P	P	P
FLOWER SHOP/FLORIST																			P	P
FOOD PROCESSING																			P	P
FOOD PRODUCTION, with on premises retail sales of product																	P	P		



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	CD	A1	R40	R40A	R30	R30A	RR	R20	R20A	R15	R7.5	R6	R6A	R5A	O&I(P)	C1(P)	C2(P)	C(P)	M1(P)	M(P)
FOOD PRODUCTION/WHOLESALE SALES																		P	P	P
FOOD SALES/GROCERY STORES (Sec. 916)																P	P	P		
FUNERAL HOME (no crematory)		P													P	P	P	P		
GOLF COURSES (Sec. 908)		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
GROUP HOME, six or less clients (Sec. 909)		P	P	P	P	P	P	P	P	P	P	P	P	P						
GROUP QUARTERS (Sec. 910)		S	S	S	S	S	S	S	S	S	S	S	S	S						
HARDWARE, PAINT & GARDEN SUPPLY SALES																P	P	P		
HAZARDOUS WASTE STORAGE/ DISPOSAL FACILITY (Sec. 911)																			S	S
HOME FURNISHING AND APPLIANCE SALES																	P	P		
HOME OCCUPATIONS, Incidental (Sec. 1002A)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P					
HOTEL/MOTEL, except as regulated by Sec. 924																	P	P		
INDUSTRIAL OPERATIONS NOT OTHERWISE PROHIBITED																				P
INDUSTRIAL SALES OF EQUIPMENT OR REPAIR SERVICE																			P	P
INTERNET CAFÉ/VIDEO GAMING (Sec. 911.1)																		P		
JANITORIAL SERVICE																	P	P	P	P
KENNEL OPERATIONS (Sec. 912)		S															P	P	P	P
LABORATORY OPERATIONS, medical or dental															P	P	P	P		
LABORATORY, RESEARCH (no animals)															P	P	P	P	P	P
LANDFILL, DEMOLITION/INERT DEBRIS																			P	P
LIBRARY (SEC. 916)		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
LIVESTOCK SALES & AUCTIONING (SEC. 916)		P																	P	P
LOCKSMITH																P	P	P	P	
MACHINE TOOL MANUFACTURING OR WELDING																				P

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LAND USES	ZONING CLASSIFICATIONS																			
	CD	A1	R40	R40A	R30	R30A	RR	R20	R20A	R15	R7.5	R6	R6A	R5A	O&I(P)	C1(P)	C2(P)	C(P)	M1(P)	M(P)
MANUFACTURED HOME CLASS A, for residential occupancy		P		P		P	P		P				P <sup>4</sup>							
MANUFACTURED HOME CLASS B, for residential occupancy		P		P			P						P <sup>4</sup>							
MANUFACTURED HOME CLASS C, for residential occupancy (Sec. 913)													P <sup>4</sup>							
MANUFACTURED HOME PARK, excluding any manufactured home sales													P							
MANUFACTURED HOME SALES																		P	P	P
MASSAGE & BODYWORKS THERAPY																P	P	P		
MILLING OR GRINDING GRAIN AND SEED INTO FOOD (SEC. 916)		P																	P	P
MINI-WAREHOUSING (SELF-STORAGE FACILITY) (no outside commercial storage of motor vehicles (Sec. 914)		P												S	Z	Z	P	P	P	P
MINI-WAREHOUSING (SELF-STORAGE FACILITY) (including outside commercial storage of motor vehicles)		S																P	P	P
MONUMENT SALES																		P	P	P
MONUMENT WORKS																			P	P
MOTOR VEHICLE STORAGE YARD																			P	P
MOTOR VEHICLE PARKING LOT, commercial															P	P	P	P		P
MOTOR VEHICLE PARTS AND ACCESSORIES SALES, contained within a building and without storage																P	P	P		
MOTOR VEHICLE REPAIR AND/OR BODY WORK (Sec. 916), excluding commercial wrecking/dismantling/storage of junked vehicles																		P	P	P
MOTOR VEHICLE RENTALS																	P	P	P	P
MOTOR VEHICLE SALES, new and used, including motor vehicle auctions																	P	P	P	P
MOTOR VEHICLE SERVICE STATION OPERATIONS (Sec. 916)																P	P	P	P	

<sup>3</sup>Reserved for future use

<sup>4</sup>Manufactured homes shall not be approved as the second unit for group developments in the R6A Residential district.



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	C D	A1	R40	R40A	R30	R30A	RR	R20	R20A	R15	R7.5	R6	R6A	R5A	O&I(P)	C1(P)	C2(P)	C(P)	M1(P)	M(P)
MOTOR VEHICLE WASHING																	P	P	P	P
MOTOR VEHICLE WRECKING YARDS AND JUNKYARDS (Sec. 915) including sale of parts																			S	P
NURSERY OPS/PLANT HUSBANDRY/GREENHOUSES (SEC. 916)	P	P					P										P	P	P	P
NURSING HOME/CONVALESCENT HOME/HOSPITAL/RETIREMENT HOME, etc. (Sec. 917)		S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P		
OFFICE SUPPLIES & EQUIPMENT SALES & SERVICE/MAILBOX SERVICE																	P	P		
OFFICE USE – doctor, dentist, osteopath, chiropractor, optometrist, physiotherapist, or other medically oriented profession, clinics (Sec. 916)															P	P	P	P		
OFFICE USE – with no on-premises stock or goods for sale to the general public & the operations & services of which are customarily conducted & concluded by means of written, verbal or mechanically reproduced communications material															P	P	P	P		
PET SALES, excluding kennel activities or outside storage of animals																	P	P		
PHOTOGRAPHY STUDIO															P	P	P	P		
PRINTING AND REPRODUCTION SMALL SCALE, <4000 sq. ft.															P	P	P	P		
PRINTING AND REPRODUCTION LARGE SCALE, = > 4000 sq. ft.																		P	P	P
PUBLIC/COMMUNITY UTILITY STATIONS/SUBSTATIONS	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
PUBLIC UTILITY WORKS, SHOPS OR STORAGE YARDS (Sec. 918)		S															P	P	P	P
PUBLISHING																			P	P
QUARRY (Sec. 919)		Z																		Z
RADIO OR TELEVISION STUDIO ACTIVITIES ONLY															P	P	P	P		
RAILROAD STATION/OPERATIONS																		P	P	P

**SECTION 403 USE MATRIX**

P = PERMITTED USE  
 S = SPECIAL USE (Sec. 1606 – Bd of Adj approval required)  
 Z = CONDITIONAL ZONING (Art V – Town Council approval required)

LAND USES	ZONING CLASSIFICATIONS																			
	CD	A1	R40	R40A	R30	R30A	RR	R20	R20A	R15	R7.5	R6	R6A	R5A	O&I(P)	C1(P)	C2(P)	C(P)	M1(P)	M(P)
RECREATION/AMUSEMENT INDOOR (Sec. 920) conducted inside building for profit, not otherwise listed & not regulated by Sec. 924							P										P	P		
RECREATION/AMUSEMENT OUTDOOR (Sec. 920) conducted outside building for profit, not otherwise listed & not regulated by Sec. 924	P	P	S	S	S	S	S	S	S	S	S						S	P		
RECREATION/AMUSEMENT OUTDOOR (with mechanized vehicle operations) conducted outside building for profit, not otherwise listed & not regulated by Sec. 924		P																P		
RECREATION OR AMUSEMENT PUBLIC/PRIVATE (Sec. 920) not operated as a business for profit including playgrounds, neighborhood center buildings, parks, museums, swimming pools, etc., & not regulated by Sec. 924	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
RECREATION VEHICLE PARK AND/OR CAMPGROUNDS (Sec. 921)	S	S					S										P	P		
RELIGIOUS WORSHIP ACTIVITIES		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
REPAIR, RENTAL AND/OR SERVICING, of any product the retail sale of which is a use by right in the same district																P	P	P	P	P
RESIDENTIAL HABILITATION SUPPORT FACILITY (Sec. 922)		S		S			S								P	P		P		
RESTAURANT, operated as commercial enterprise, except as regulated by Section 924																P	P	P		
RETAILING OR SERVICING, LARGE SCALE (greater than 15,000 sq ft) and not otherwise listed																	P	P		
RETAILING OR SERVICING, SMALL SCALE (15,000 sq ft base bldg area or 65% of total land area, whichever is less) with operations conducted & merchandise stored entirely within a building & not otherwise listed herein															Z	Z	P	P		



**SECTION 403 USE MATRIX**

P = PERMITTED USE  
 S = SPECIAL USE (Sec. 1606 – Bd of Adj approval required)  
 Z = CONDITIONAL ZONING (Art V – Town Council approval required)

LAND USES	ZONING CLASSIFICATIONS																			
	CD	A1	R40	R40A	R30	R30A	RR	R20	R20A	R15	R7.5	R6	R6A	R5A	O&(P)	C1(P)	C2(P)	C(P)	M1(P)	M(P)
SANITARIUM																		P		
SAWMILL AND/OR PLANING OPERATION (Sec. 916)	P	P																	P	P
SCHOOL, business and commercial for nurses or other medically oriented professions, trade, vocational & fine arts															P	P	P	P		
SCHOOLS, public, private, elementary or secondary (Sec. 916)		P	P	P	P	P	P	P	P	P	P	P	P	P	P					
SECOND-HAND, PAWN AND FLEA MARKET (Sec. 923)																		P		
SEPTAGE DISPOSAL SITE		P																	P	P
SEXUALLY ORIENTED BUSINESSES (Sec. 924)																				S
SHEET METAL FABRICATION																				P
SOLID WASTE DISPOSAL FAC. (Sec. 925)		S																		S
SPECIAL INFORMATION SIGNS (Sec. 1304 D)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
STORAGE-FLAMMABLE																				P
STORAGE-OPEN																				P
STORAGE-WAREHOUSE																				P
SWIMMING POOLS, incidental to a principal use, (Sec. 1002C)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	S	S	P	P	P	P
TAILORING ((Dressmaking)																P	P	P		
TAXICAB STAND OPERATION																	P	P		
TELEPHONE SWITCHING/BOOSTER STATION		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
THEATER PRODUCTIONS, indoor, which show only films previously submitted to & rated by the Motion Picture Association of America & not including theaters regulated by Section 924																P	P	P		
THEATER PRODUCTIONS, outdoor (Sec. 926) , which show only films previously submitted to & rated by the Motion Picture Association of America & not including theaters regulated by Section 924		S					S										S	P		
TIRE RECAPPING																				P
TOWER (Sec. 927)	S	S	S	S	S	S	S	S	S	S	S	S	S	S			S	P	P	P

**SECTION 403 USE MATRIX**

P = PERMITTED USE  
 S = SPECIAL USE (Sec. 1606 – Bd of Adj approval required)  
 Z = CONDITIONAL ZONING (Art V – Town Council approval required)

LAND USES	ZONING CLASSIFICATIONS																			
	CD	A1	R40	R40A	R30	R30A	RR	R20	R20A	R15	R7.5	R6	R6A	R5A	O&I(P)	C1(P)	C2(P)	C(P)	M1(P)	M(P)
TRADES CONTRACTOR ACTIVITIES, with or without outside storage of equipment or supplies																	P	P	P	P
TRAILER RENTALS, including terminal activities, hauling and/or storage, incidental to same, but excluding mini-warehousing as defined herein																		P	P	p
TRUCK TERMINAL ACTIVITIES, repair & hauling and/or storage																		P	P	P
UPHOLSTERING OR FURNITURE REFINISHING																	P	P	P	P
VARIETY, GIFT AND HOBBY SUPPLY SALES																P	P	P		
VENDING MACHINE RENTAL																		P	P	P
VETERINARIAN (Sec. 916)		P	P	P			P									P	P	P		
WHOLESALE SALES, with operations conducted and merchandise stored entirely within a building and not otherwise listed herein																		P	P	P
WIRELESS COMMUNICATIONS & ACCESSORY SALES																P	P	P		



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Chair  
Cumberland County

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Town of Hope Mills

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



**CUMBERLAND**  
★ **COUNTY** ★  
NORTH CAROLINA

*Planning & Inspections Department*

October 9, 2012

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

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

Benny Pearce,  
Town of Eastover

Donovan McLaurin,  
Wade, Falcon & Godwin

**MEMORANDUM**

**TO:** Cumberland County Joint Planning Board  
**FROM:** Planning and Inspections Staff  
**SUBJECT:** Staff Recommendation for the October 16, 2012 Board Meeting

**P12-27:** REZONING OF 2.97+/- ACRES FROM C3 HEAVY COMMERCIAL AND RR RURAL RESIDENTIAL TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 3893 AND 3899 CLINTON ROAD AND NORTHWEST OF SR 1006 (CLINTON ROAD), SOUTHEAST OF SUNNYVIEW LANE; SUBMITTED BY CATHERINE L. AND DONNIE HARE MCLAURIN (OWNERS) AND WILLIAM B. SNIVELY, PLS.

The Planning and Inspections Staff recommends approval of the C(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 “suburban” at this location, as well as meeting most of the location criteria for “heavy commercial” development as listed in the Land Use Policies Plan;
2. Connection to public water and sewer is the location criteria not met; however, mandating connection to public utilities at this location will force the property owner to petition for annexation with the City of Fayetteville;
3. The C(P) Planned Commercial district is consistent with the zoning for adjacent property and the request for commercial zoning is a logical extension of the C(P) district; and
4. The location and character of the use is reasonable and will be in harmony with the immediate surrounding area.

There are no other districts considered suitable for this request.

Attachments:

- 1- Site Profile
- 2- Sketch Map

**P12-27**  
**SITE PROFILE**

**P12-27:** REZONING OF 2.97+/- ACRES FROM C3 HEAVY COMMERCIAL AND RR RURAL RESIDENTIAL TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 3893 AND 3899 CLINTON ROAD, AND NORTHWEST OF SR 1006 (CLINTON ROAD), SOUTHEAST OF SUNNYVIEW LANE; SUBMITTED BY CATHERINE L. AND DONNIE HARE MCLAURIN (OWNERS) AND WILLIAM B. SNIVELY, PLS.

**Site Information:**

**Frontage & Location:** 228.03'+/- on SR 1006 (Clinton Road) & 187.19' on Sunnyview Lane

**Depth:** 640.00'+/-

**Jurisdiction:** Cumberland County

**Adjacent Property:** No

**Current Use:** vacant commercial structure & woodlands

**Initial Zoning:** C3 & RR – April 26, 1979 (Area 8)

**Nonconformities:** None

**Zoning Violation(s):** None

**Surrounding Zoning:** North: RR & R10; South: C3/CU (manufactured home), M2, C3, RR, R15 & SF-10 (Fayetteville); East: C3, RR & R10; West: M2, RR & R6A

**Surrounding Land Use:** Residential (including manufactured homes), trade contractor, tower, barbering & woodlands

**2030 Growth Vision Plan:** Suburban

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

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

**Soil Limitations:** Yes, hydric – WO Woodington loamy sand & LE Leon sand

**School Capacity/Enrolled:** Sunnyside Elementary: 300/362; Mac Williams Middle: 1,274/1,221; Cape Fear High: 1,400/1,575

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

**Municipal Influence Area:** City of Fayetteville

**Average Daily Traffic Count (2010):** 4,400 on SR 1006 (Clinton Road)

**Highway Plan:** Clinton Road is identified in the Highway Plan as a Major Thoroughfare with adequate right-of-way.

**Note:**

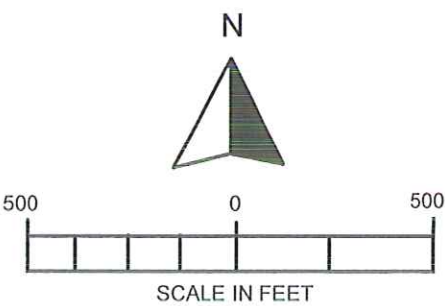
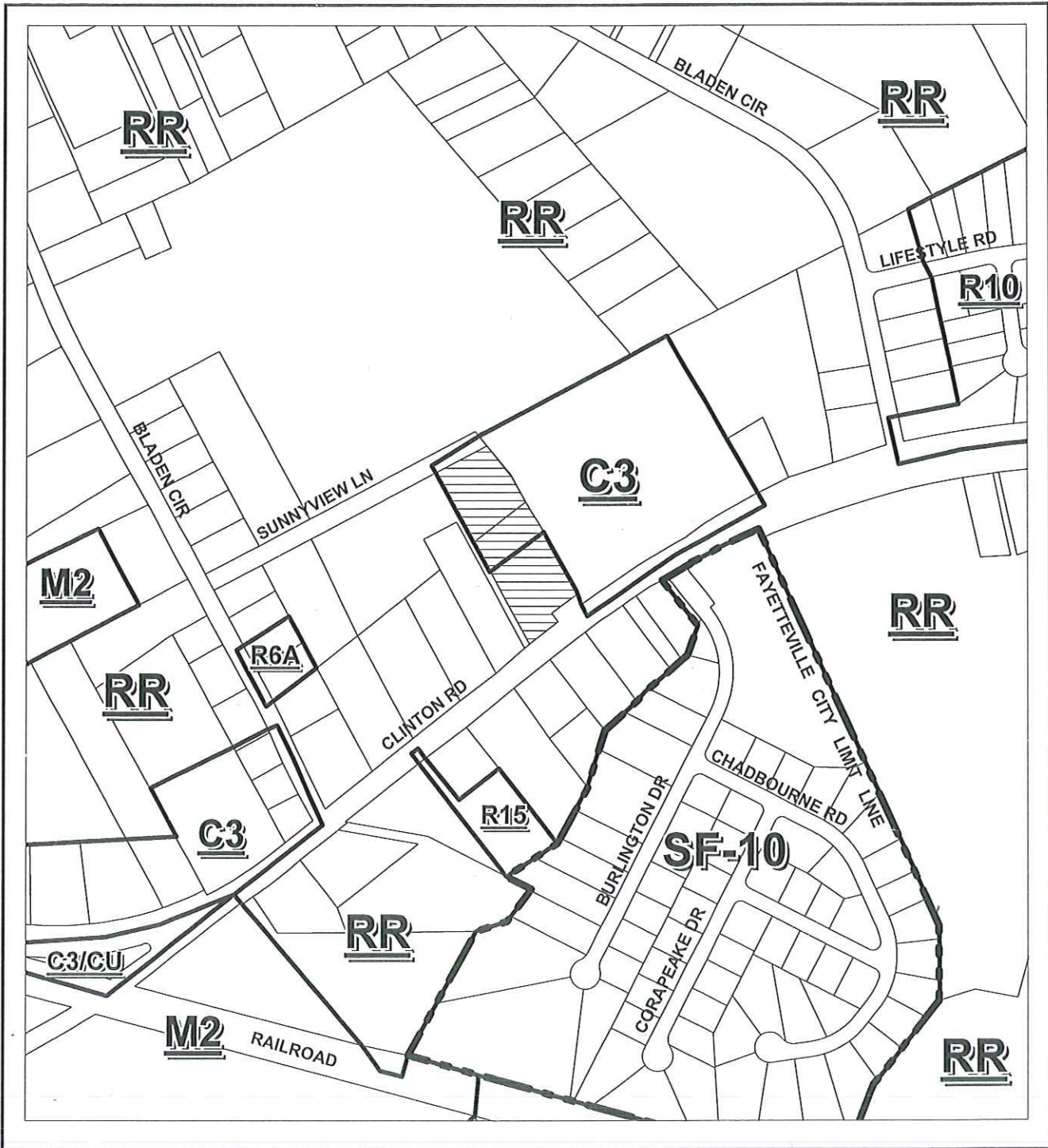
**Minimum Yard Setback Regulations:**

<b><u>RR</u></b>	<b><u>C1(P)</u></b>	<b><u>C2(P) &amp; C(P)</u></b>
Front yard: 30'	Front yard: 45'	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.*





## REQUESTED REZONING C3 & RR TO C(P)

<b>ACREAGE: 2.97 AC.+/-</b>		<b>HEARING NO: P12-27</b>	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

PIN: 0466-38-8041  
PIN: 0466-37-9834

Walter Clark,  
Chair  
Cumberland County

Patricia Hall,  
Vice-Chair  
Town of Hope Mills

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



**CUMBERLAND**  
★ **COUNTY** ★  
NORTH CAROLINA

*Planning & Inspections Department*

October 9, 2012

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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 October 16, 2012 Board Meeting

**P12-58:** REZONING OF 2.41+/- ACRES FROM A1 AGRICULTURAL TO R40A RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 6370 MURPHY ROAD, SUBMITTED BY DOENE CARTER (OWNER).

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

1. Although the request is not entirely consistent with the Eastover Area Detailed Land Use Plan, which calls for "farmland" at this location, the district requested is consistent with the 2030 Growth Vision Plan, which calls for "rural" at this location, as well as meeting the location criteria for "rural density residential" development as listed in the Land Use Policies Plan; and
2. The location and character of the use is reasonable and will be in harmony with the surrounding area.

There are no other districts considered suitable for this request.

**Attachments:**

- 1 – Site Profile
- 2 – Sketch Map



**P12-58**  
**SITE PROFILE**

**P12-58:** REZONING OF 2.41+/- ACRES FROM A1 AGRICULTURAL TO R40A RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 6370 MURPHY ROAD, SUBMITTED BY DOENE CARTER (OWNER).

**Site Information:**

**Frontage & Location:** 165.83'+/- on SR 1832 (Murphy Road)

**Depth:** 504.46'+/-

**Jurisdiction:** Cumberland County

**Adjacent Property:** No

**Current Use:** 1 residential structure

**Initial Zoning:** A1 – August 19, 1994 (Area 19)

**Nonconformities:** None

**Zoning Violation(s):** None

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

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

**2030 Growth Strategy Map:** Rural

**Eastover Land Use Plan:** Farmland

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

**Water/Sewer Availability:** ESD/Septic

**Soil Limitations:** Yes, hydric – NA Nahunta loam

**School Capacity/Enrolled:** Eastover-Central Elementary: 540/470; Mac Williams Middle: 1,270/1,223; Cape Fear High: 1,425/1,595

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

**Average Daily Traffic Count (2010):** 700 on SR 1832 (Murphy Road)

**Highway Plan:** Murphy Road is identified in the Highway Plan as a Major Thoroughfare. This proposal calls for a multi-lane facility with a right-of-way of 110 feet. Road improvements are not included in the 2012-2018 MTIP

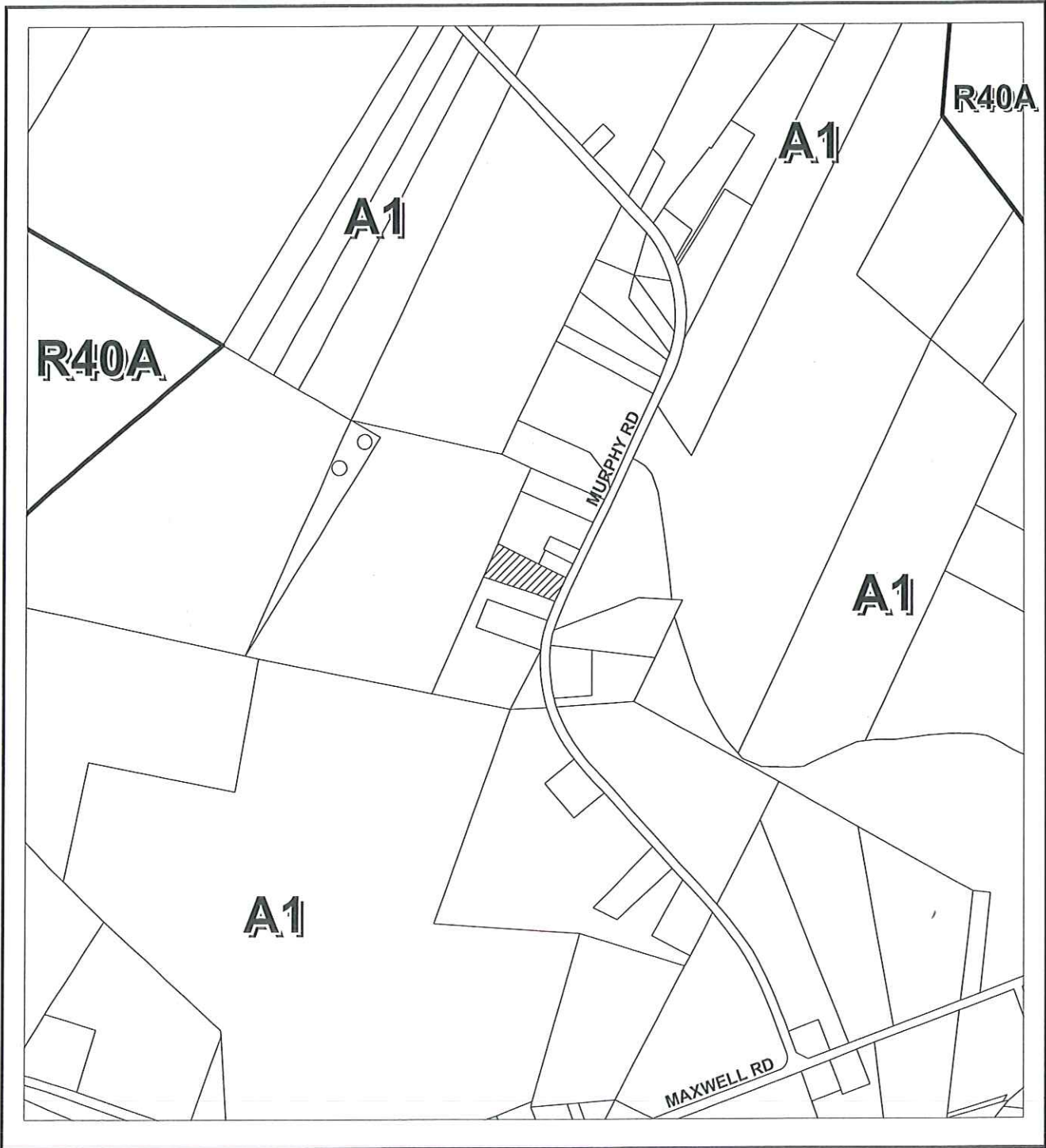
**Notes:**

1. Density:  
A1 – 1 lot/unit  
R40A – 3 lots/units
  
2. Minimum Yard Setback Regulations:

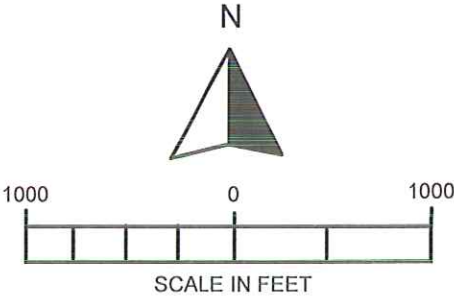
<u>A1</u>	<u>R40A</u>
Front yard: 50'	Front yard: 30'
Side yard: 20'	Side yard: 15'
Rear yard: 50'	Rear yard: 35'

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

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



## REQUESTED REZONING A1 TO R40A



PIN: 0487-37-1517

<b>ACREAGE: 2.41 AC.+/-</b>		<b>HEARING NO: P12-58</b>	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			



Walter Clark,  
Chair  
Cumberland County

Patricia Hall,  
Vice-Chair  
Town of Hope Mills

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



**CUMBERLAND**  
★ **COUNTY** ★  
NORTH CAROLINA

*Planning & Inspections Department*

October 9, 2012

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Director

Cecil P. Combs,  
Deputy Director

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

Benny Pearce,  
Town of Eastover

Donovan McLaurin,  
Wade, Falcon & Godwin

**MEMORANDUM**

**TO:** Cumberland County Joint Planning Board  
**FROM:** County Planning Staff  
**SUBJECT:** Staff Recommendation for October 16, 2012 Board Meeting

**P12-59:** INITIAL ZONING OF THE COUNTY PORTION OF GATES FOUR (IRONGATE) SUBDIVISION, CONTAINING 780.68+/- ACRES TO CD CONSERVANCY, R5A RESIDENTIAL AND R7.5 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED BETWEEN SR 1108 (LAKEWOOD DRIVE) AND SR 1109 (DUNDLE ROAD), NORTH OF SR 1112 (STONE POINT ROAD); SUBMITTED BY CUMBERLAND COUNTY.

The County Planning Staff recommends approval of the initial zoning to the CD Conservancy, R5A Residential and R7.5 Residential Districts of the subject properties as shown on the attached sketch map, based on the following:

1. The districts requested are consistent with the 2030 Growth Vision Plan, which calls for “urban” and “conservation area” at this location, as well as meeting the location criteria for “low” and “medium” density development as listed in the Land Use Policies Plan. The request is also consistent with the newly proposed Southwest Cumberland Land Use Plan which calls for “low” and “medium” density residential and “open space” at this location;
2. The request is reasonable as public utilities are available to the subject properties; and
3. This request is the result of House Bill 5, adopted by the North Carolina General Assembly, which de-annexes the major portion of the Gates Four (Irongate) community from the City of Fayetteville.

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

Attachments:

- 1 – Site Profile
- 2 – Sketch Map

**P12-59**  
**SITE PROFILE**

**P12-59:** INITIAL ZONING OF THE COUNTY PORTION OF GATES FOUR (IRONGATE) SUBDIVISION, CONTAINING 780.68+/- ACRES TO CD CONSERVANCY, R5A RESIDENTIAL AND R7.5 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED BETWEEN SR 1108 (LAKEWOOD DRIVE) AND SR 1109 (DUNDLE ROAD), NORTH OF SR 1112 (STONE POINT ROAD); SUBMITTED BY CUMBERLAND COUNTY.

**Site Information:**

**Frontage & Location:** 60.00'+/- on SR 1108 (Lakewood Drive), 420.00'+/- on SR 1109 (Dundle Road) & 580.00'+/- on SR 1104 (Strickland Bridge Road)

**Depth:** 8,300.00'+/-

**Jurisdiction:** Cumberland County (City of Fayetteville de-annexation effective July 1, 2012)

**Adjacent Property:** No

**Current Use:** Residential (to include multi-family), golf course & club house

**Initial Zoning:** CD, RR, R10 & R5A – February 6, 1976 (Area 5)

**Nonconformities:** None

**Zoning Violation(s):** None

**Surrounding Zoning:** North: MU/C (F), LC (F), SF-15 (F), SF-10 (F), AR (F) & CD (F);

South: MXD/CUD (HM), C2(P), C1(P), NC (F), RR, SF-10 (F), R10, SF-6 (F) & AR (F); East:

MR-5/C (F), LC (F), OI (F), RR, SF-10 (F), R10, SF-6 (F), MR-5 (F), R5A, AR (F) & CD;

West: AR/MHO (F), NC (F), SF-15 (F), SF-10 (F) & SF-6 (F) (unofficial database)

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

**2030 Land Use Plan:** Urban & Conservation Area

**Proposed South West Cumberland Land Use Plan:** Low & medium density residential & open space

**Special Flood Hazard Area (SFHA):** Yes; base flood varies from 131 msl (NAVD) to 141 msl (NAVD)

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

**Soil Limitations:** Yes, hydric – RA Rains sandy loam, JT Johnston loam & TR Torhunta and Lynn Haven soils

**School Capacity/Enrolled:** Stoney Point Elementary: 900/725; John R. Griffin Middle: 1,274/939; Jack Britt High: 1,870/1,940

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

**Average Daily Traffic Count (2010):** 7,700 on SR 1108 (Lakewood Drive), 9,400 on SR 1104 (Strickland Bridge Road) & 5,400 on SR 1109 (Dundle Road)

**Highway Plan:** There are no road improvements/constructions specified for this area. This case has no impact on the current Highway Plan or Transportation Improvement Program

**Note:**

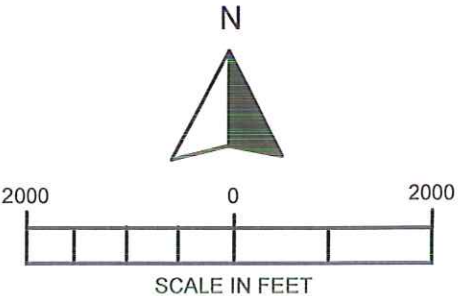
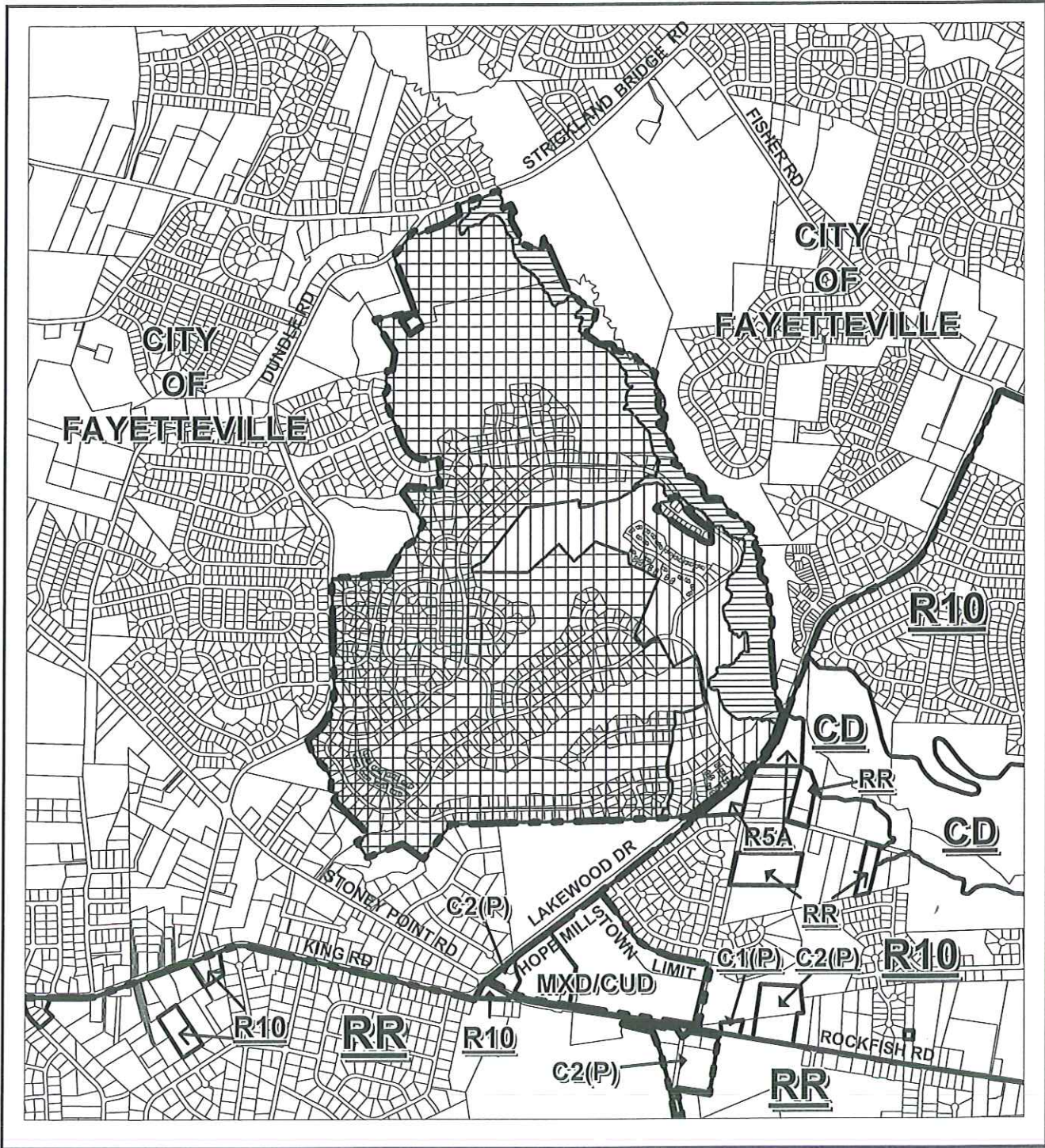
Minimum Yard Setback Regulations:

<u>R5A</u>	<u>R7.5</u>	<u>CD</u>
Front yard: 25'	Front yard: 30'	Front yard: 50'
Side yard: 10'	Side yard: 15'	Side yard: 50'
Rear yard: 35'	Rear yard: 35'	Rear yard: 50'

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

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





### INITIAL ZONING TO

 R7.5	 R5A	 CD
--	--	--

ACREAGE: 780.68 AC.+/-      HEARING NO: P12-59

ORDINANCE: COUNTY	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

PIN: SEE FILE



Walter Clark,  
Chair  
Cumberland County

Patricia Hall,  
Vice-Chair  
Town of Hope Mills

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



**CUMBERLAND**  
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NORTH CAROLINA

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Wade, Falcon & Godwin

**MEMORANDUM**

**TO:** Cumberland County Joint Planning Board

**FROM:** Planning & Inspections Staff

**SUBJECT:** Staff Recommendation for the October 16, 2012 Board Meeting

**P12-66:** REZONING OF 1.96+/- ACRES FROM A1 AGRICULTURAL TO R40A RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 3348 AND 3352 BLOSSOM ROAD, SUBMITTED BY DENNIS M. AND ANGELA E. ADDESSO (OWNERS).

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

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

There are no other districts considered suitable for this request.

Attachments:

- 1 – Site Profile
- 2 – Sketch Map



**P12-66**  
**SITE PROFILE**

**P12-66:** REZONING OF 1.96+/- ACRES FROM A1 AGRICULTURAL TO R40A RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 3348 AND 3352 BLOSSOM ROAD, SUBMITTED BY DENNIS M. AND ANGELA E. ADDESSO (OWNERS).

**Site Information:**

**Frontage & Location:** 218.08'+/- on SR 2234 (Blossom Road)

**Depth:** 461.18'+/-

**Jurisdiction:** Cumberland County

**Adjacent Property:** No

**Current Use:** 1 residential structure

**Initial Zoning:** A1 – March 1, 1994 (Area 17)

**Nonconformities:** None

**Zoning Violation(s):** None

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

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

**2030 Land Use Plan:** Rural

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

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

**Soil Limitations:** None

**School Capacity/Enrolled:** Alderman Road Elementary: 750/646; Gray's Creek Middle: 1,000/1,001; Gray's Creek High: 1,270/1,234

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

**Average Daily Traffic Count (2010):** 2,000 on SR 2234 (Blossom Road)

**Highway Plan:** There are no road improvements/constructions specified for this area. This case has no impact on the current Highway Plan or Transportation Improvement Program

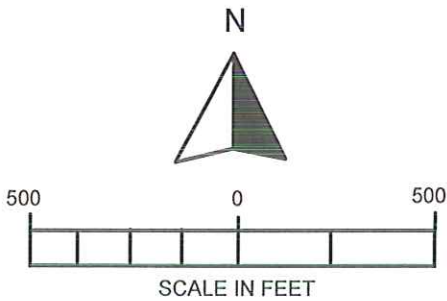
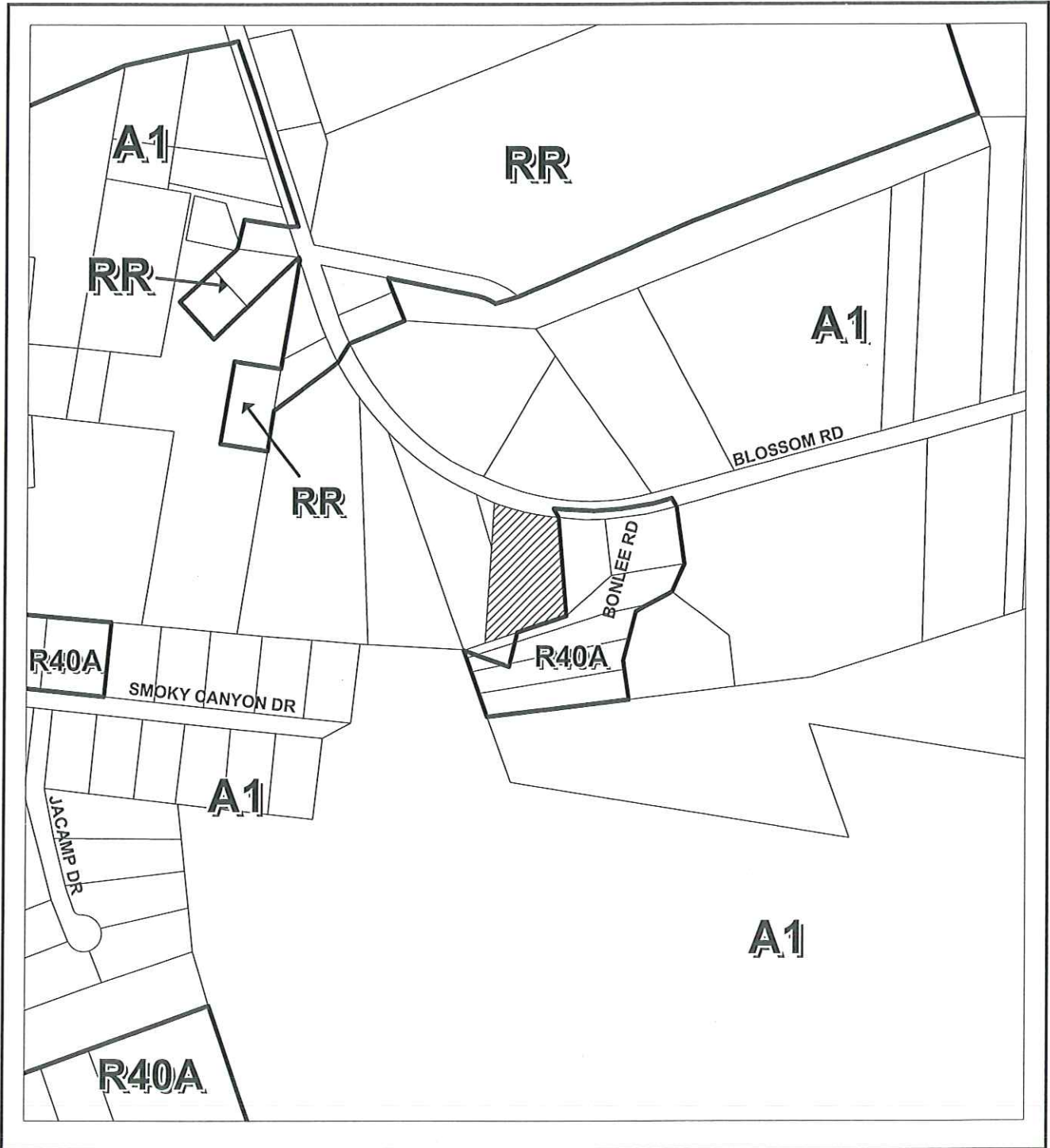
**Notes:**

1. Density:  
A1 – 1 lot/unit  
R40A – 2 lots/units
  
2. Minimum Yard Setback Regulations:

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

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

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



PIN: 0442-90-1773

## REQUESTED REZONING A1 TO R40A

<b>ACREAGE: 1.96 AC. +/-</b>	<b>HEARING NO: P12-66</b>	
ORDINANCE: COUNTY	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		



Walter Clark,  
Chair  
Cumberland County

Patricia Hall,  
Vice-Chair  
Town of Hope Mills

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



**CUMBERLAND**  
★ **COUNTY** ★  
NORTH CAROLINA

*Planning & Inspections Department*

October 9, 2012

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

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

Benny Pearce,  
Town of Eastover

Donovan McLaurin,  
Wade, Falcon & Godwin

**MEMORANDUM**

**TO:** Cumberland County Joint Planning Board  
**FROM:** Planning and Inspections Staff  
**SUBJECT:** Staff Recommendation for the October 16, 2012 Board Meeting

**P11-56:** REZONING OF 34.55+/- ACRES FROM A1 AGRICULTURAL TO R20 RESIDENTIAL/DD DENSITY DEVELOPMENT/CZ CONDITIONAL ZONING DISTRICT FOR A 56 LOT RESIDENTIAL SUBDIVISION OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED EAST OF SR 2252 (CHICKEN FOOT ROAD), SOUTHWEST OF SR 2233 (SCHOOL ROAD); SUBMITTED BY ROGER SHAH ON BEHALF OF OM NAMH SHIVAAY, LLC (OWNER).

This case was deferred from the board's April 17, 2012 meeting because the property owner amended the original application and is now requesting your consideration of a favorable recommendation for a R40 Density Development Conditional Zoning (R40/DD/CZ) for a 32 lot residential subdivision for the subject property. The Planning and Inspections Staff recommends approval of the request for the 32 residential lot R40 Density Development Conditional Zoning application based on the following:

1. The request is consistent with the location criteria for rural density as listed in the Land Use Policies of the 2030 Growth Vision Plan, specifically because this development has direct access to a public street, public well and septic systems are allowed, and development in this area should be limited to 1 unit per acre, with hydric and severe septic tank limitations soils;
2. The proposed development plan along with the ordinance related conditions provide a means of protecting and retaining the rural character of the area by providing the 40 foot wide front buffer, a 20 foot wide perimeter buffer and ensuring the permanent retention of 40 percent of the tract as open space;
3. Consideration of the R40/CZ district for the subject property is reasonable because the request is comparable to development and rezonings approved within the general area in the recent past.

There are no other suitable zoning districts to be considered for this request. The property owner has voluntarily agreed to this staff recommendation and all attached "Ordinance Related Conditions".

**Attachments:**

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

**P11-56**  
**SITE PROFILE**

**P11-56:** REZONING OF 34.55+/- ACRES FROM A1 AGRICULTURAL TO R20 RESIDENTIAL/DD DENSITY DEVELOPMENT/CZ CONDITIONAL ZONING DISTRICT FOR A 56 LOT RESIDENTIAL SUBDIVISION OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED EAST OF SR 2252 (CHICKEN FOOT ROAD), SOUTHWEST OF SR 2233 (SCHOOL ROAD); SUBMITTED BY ROGER SHAH ON BEHALF OF OM NAMH SHIVAAY, LLC (OWNER).

**Site Information:**

**Frontage & Location:** 60.00'+/- on SR 2252 (Chicken Foot Road) & 1891.01'+/- on SR 2233 (School Road)

**Depth:** 1,019.53'+/-

**Jurisdiction:** County

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

**Current Use:** 1 residential structure (not part of request) and farmland

**Initial Zoning:** A1 – June 25, 1980 (Area 13); portion rezoned to A1/CU (convenience store, car wash, mini-warehousing & outdoor storage) September 20, 2004

**Nonconformities:** None

**Zoning Violation(s):** None

**Surrounding Zoning:** North: A1/CU (35 lot subdivision), R40A, R40 & A1; South: R40A & A1; East & West: A1

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

**2030 Growth Strategy Map:** Rural

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

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

**Soil Limitations:** Yes, hydric – WO Woodington loamy sand

**School Capacity/Enrolled:** Gray's Creek Elementary: 495/422; Gray's Creek Middle: 1,000/1,001; Gray's Creek High: 1,270/1,24

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

**Average Daily Traffic Count (2010):** 5,600 on SR 2252 (Chicken Foot Road) & 1,600 on SR 2233 (School Road)

**Highway Plan:** There are no road improvements/constructions specified for this area. This case has no impact on the current Highway Plan or Transportation Improvement Program

**Notes:**

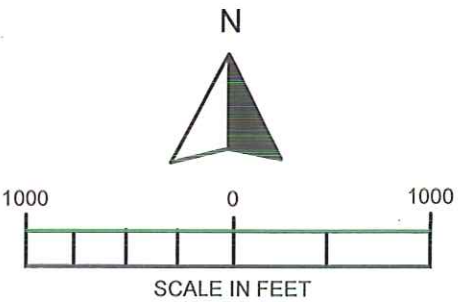
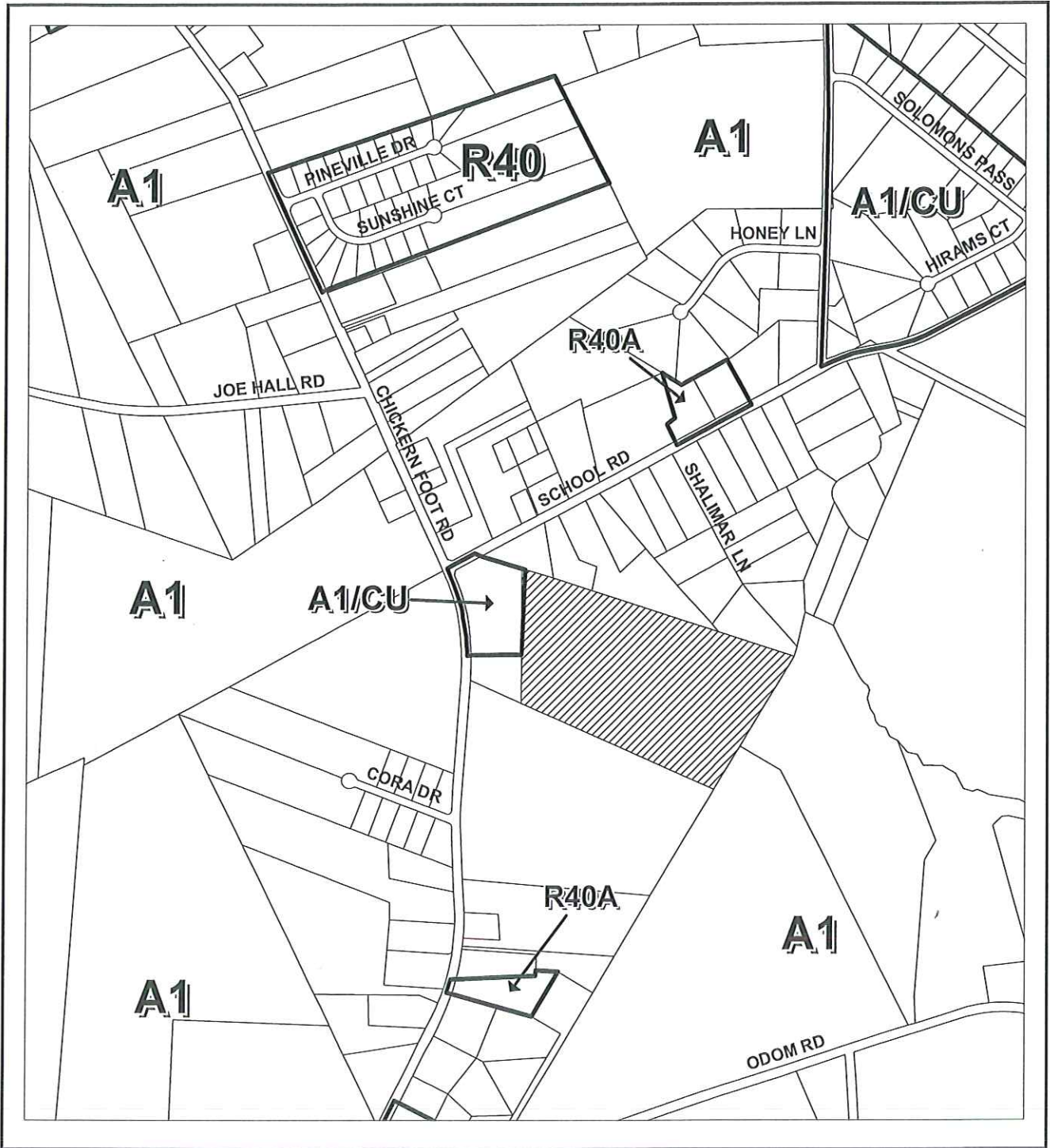
1. Density minus 4.6027 acres for R/W:  
A1 – 15 lots/units  
A1A – 30 lots/units  
R40 – 33 lots/units  
R30 – 44 lots/units  
R20 – 65 lots/units
  
2. Minimum Yard Setback Regulations:

<u>A1 &amp; A1A</u>	<u>R40, R30 &amp; R20</u>
Front yard: 50'	Front yard: 30'
Side yard: 20'	Side yard: 15'
Rear yard: 50'	Rear yard: 35'
  
3. Contents of Amended Application and Site Plan:
  1. Lot sizes range from 21,572 sq. ft to 23,841 sq. ft
  2. Requesting maximum 32 lots (33 lots allowed at R40)
  3. Site Plan provides 40.69% as open space where 40% is required
  4. 1.07 units per acre (minus 4.6027 acres for R/W)

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

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





## REQUESTED REZONING A1 TO R40/DD/CZ

<b>ACREAGE: 34.55 AC.+/-</b>	<b>HEARING NO: P11-56</b>	
<b>ORDINANCE: COUNTY</b>	<b>HEARING DATE</b>	<b>ACTION</b>
<b>STAFF RECOMMENDATION</b>		
<b>PLANNING BOARD</b>		
<b>GOVERNING BOARD</b>		

PORT. OF PIN: 0431-32-4901

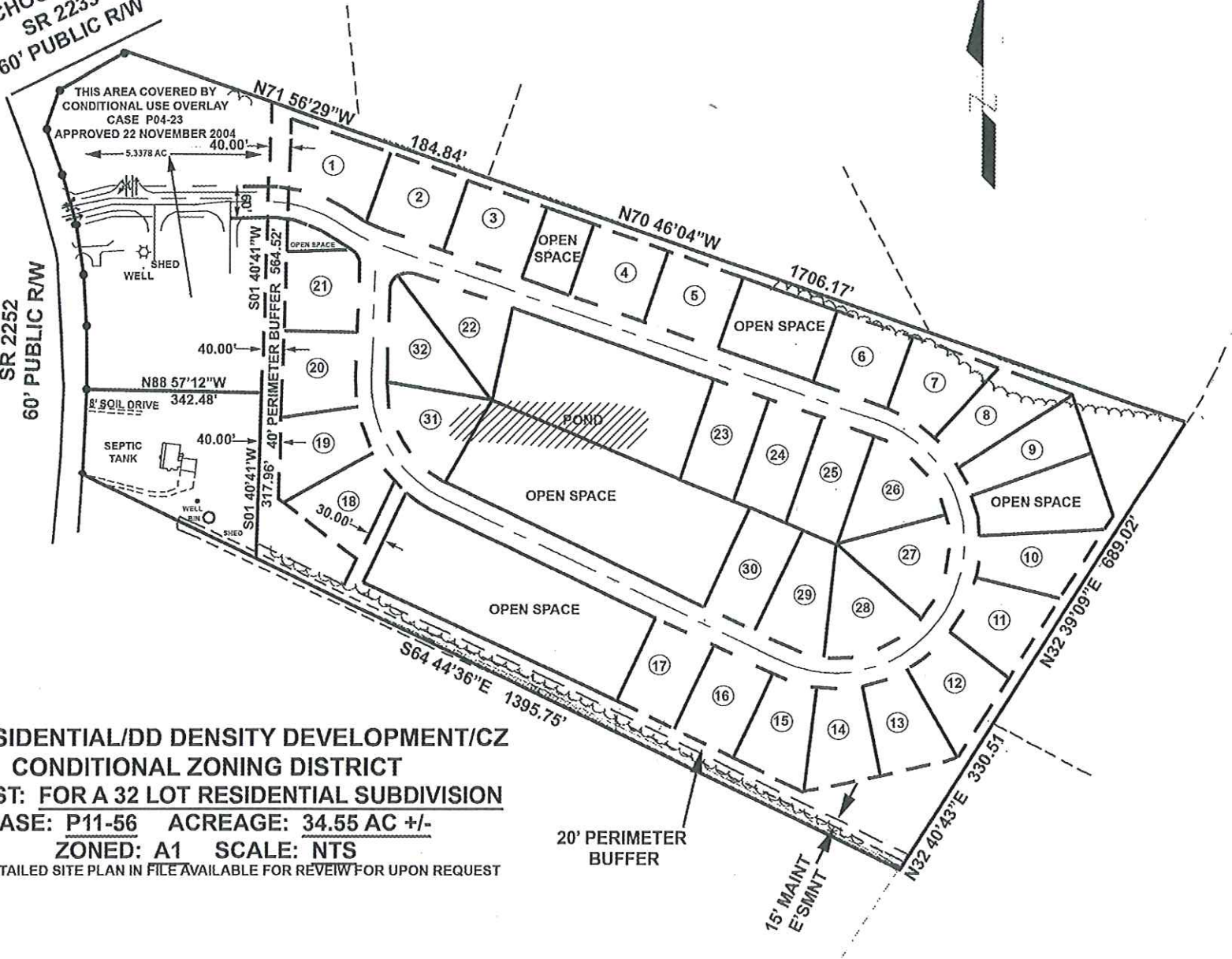
11/09/2011  
09/17/2012  
AM

SCHOOL ROAD  
SR 2233  
60' PUBLIC R/W

CHICKENFOOT ROAD  
SR 2252  
60' PUBLIC R/W

THIS AREA COVERED BY  
CONDITIONAL USE OVERLAY  
CASE P04-23  
APPROVED 22 NOVEMBER 2004

R40 RESIDENTIAL/DD DENSITY DEVELOPMENT/CZ  
CONDITIONAL ZONING DISTRICT  
REQUEST: FOR A 32 LOT RESIDENTIAL SUBDIVISION  
CASE: P11-56 ACREAGE: 34.55 AC +/-  
ZONED: A1 SCALE: NTS  
\*SCALED DETAILED SITE PLAN IN FILE AVAILABLE FOR REVIEW FOR UPON REQUEST





## R40 Density Development/Conditional Zoning District

DRAFT

### Ordinance Related Conditions

#### Pre-Plat/Permit Related:

1. Prior to submission for final plat approval of any portion of this development, the developer must submit a revised preliminary plan for staff review and approval. The developer must consult with the NC Department of Transportation (NCDOT) and the County Planning Staff and determine the safest location for the subdivision entrance due to the School Road (SR 2233) intersection and the curve in Chicken Foot Road (SR 2252) at this location – the relocation of the proposed development entrance must be reflected on the revision.

Note: The relocation of the entrance drive will also require a revised plan submitted for staff review and approval to the approved Conditional Use Overlay on the front portion of the tract – Case No. P04-23, approved on September 20, 2004.

#### Watershed-Related:

2. An application for watershed approval 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. (Note: This approval may require additional conditions restricting the development of this property.) 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 each lot/tract within this development.

#### 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.
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.

11. The developer must formally notify the NC Department of Transportation once construction of the public streets is complete and initiate the process of transferring the responsibility of road maintenance to the NCDOT. If application to the NCDOT District Engineer has not been formally submitted by the time building permits have been issued for 75% of the lots shown on the platted portion of the development, no additional building permits can be issued until the NCDOT District Engineer notifies this department of the receipt of the application.

**Site-Related:**

12. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Zoning Ordinances for the R40/DD/CZ zoning district, along with the site plan and the contents of the application, must be complied with, as applicable.
13. All corner lots and lots fronting more than one street must provide front yard setbacks from each street.
14. This conditional approval is not approval of 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.)

**(Note: The proposed entrance sign as addressed in the application will require a modification of the site plan for the previously approved Conditional Use Overlay district and the revised plan must be submitted to staff for review and approval prior to the permitting of the sign – see Case No. P04-023.)**

15. All applicable provisions of Section 2401, “Group Developments”, County Subdivision Ordinance, must be complied with.
16. 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)
17. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision Ordinance)
18. In the event a stormwater utility structure is required by the NC Department of Environment and Natural Resources (NCDENR), the owner/developer must secure the structure with a four foot high fence with a lockable gate, and is required to maintain the detention/retention basin, keeping it clear of debris and taking measures for the prevention of insect and rodent infestation.
19. 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.
20. 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.
21. The NC Department of Transportation (NCDOT) must approve the street plans and the street(s) are required to be constructed to the NCDOT standards for secondary roads.
22. Turn lanes may be required by the NC Department of Transportation (NCDOT).



23. The perimeter buffer (40' wide front/20' remainder) is required to be a vegetative strip which is required to be maintained in accordance with the provisions of Section 803 E, Perimeter Buffer, County Zoning Ordinance. (Note: If plantings are necessary to satisfy the buffer provisions, the plantings must be three feet at time of planting and capable of reaching a minimum height of six feet within three years as required in Section 803 E.1 of the County Zoning Ordinance.)

Note: The developer is encourage to retain as much existing vegetation as possible.

**Plat-Related:**

24. The final plat must be labeled as a "Zero Lot Line" development.
25. All open space/recreational/perimeter buffers areas must be labeled as "Common Area" on the final plat.
26. The developer is required to submit to Land Use Codes:
  - a. Three copies of proposed covenants, by-laws and articles of incorporation for the proposed development designating responsibility for the maintenance and upkeep of all common area, including the streets until such time as accepted for maintenance by the NC Department of Transportation by the owners' association for the development;
  - b. One copy of the deeds proposed for recordation conveying all common area to the proposed owners association;
  - c. One copy of any proposed supplemental covenants if the proposed development is to be submitted for final approval in phases; and
  - d. Two copies of each proposed final plat prior to the submission for final approval – can be a phase of the approved development or the complete development as approved.

These documents must be approved by the County Attorney prior to the sale of or submission for final plat approval of any lot or unit within this development.

27. The developer must contact the Location Services Section of the Planning & Inspection Department for approval of the proposed street names. The approved street names must be reflected on the final plat.
28. The street name signs, in compliance with the County Street Sign Specifications, must be installed prior to final plat approval. The developer should contact Location Services for inquiries regarding the County's policy for street sign installation or, if the sign is commissioned from a private source, to schedule an inspection of the street sign(s). Land Use Codes must receive notice of agreement with the Location Services Section for sign installation or of satisfactory inspection prior to the approval of the final plat.
29. If the developer proposes to obtain final approval of this development in phases or sections, each phase or section must contain sufficient land area to satisfy Section 2308, Parks, Recreation and Open Space, of the County Subdivision Ordinance for the number of lots in which the developer is seeking final approval – 800 square feet of common area per lot included on final plat.
30. The builder/developer must provide the buildable envelopes on the final plat: providing a five-foot maintenance easement along each side of all common internal lines with all other applicable setbacks being provided for; or at the time of permit application, the individual plot plans must be approved by Land Use Codes prior to issuance of any permits.
31. 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.
32. A 10' x 70' sight distance easement is required at the intersection of SR 2252 (Chicken Foot Road) with the proposed public street entrance to this development and must be reflected on the final plat.
33. A 25' right-of-way radius is required at all intersections and must be reflected on the final plat. (Section 2304.10.c, Street Design, County Subdivision Ordinance)
34. 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.

35. 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)
36. The developer is reminded that the improvements must be in place (and note that **the perimeter buffer is a required "improvement"**) or that final plat approval will only be granted in accordance with Section 2502 B, C, or D, Final Plat – Guarantees of Improvements, Subdivision Ordinance. (Note: Once the improvements are in place, the developer is responsible for contacting Jeff Barnhill to schedule an inspection of the improvements.)
37. 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.
38. All notes and calculations as shown on the site plan are to be considered as a part of this conditional approval.
39. Any addition and/or revision to this development will require a modification to the approved conditional zoning district as allowed under Section 506 of the County Zoning Ordinance or may require re-submittal to the Board of Commissioners for public hearing prior to submission for final plat approval of any revised plan.

**Plat-Required Statements:**

40. Since this development does not have public water/sewer, the following disclosure statement is required to be provided on the final plat (Section 2504 C, On-Site Water and/or Sewer Discloser, County Subdivision Ordinance):

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

41. Since this development is located within the *Farmland Protection Area* as defined on the current Land Use Plan map, the following disclosure statement is required to be provided on the final plat (Section 2504 B, Farmland Protection Area Discloser, County Subdivision Ordinance):

“This property or neighboring property may be subject to inconvenience, discomfort, and the possibility of injury to property and health arising from normal and accepted farming and agricultural practices and operations, including but not limited to noise, odors, dust, the operation of any kind of machinery the storage and disposal of manure, and the application of fertilizers, soil amendments, herbicides, and pesticides.”

42. 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.”

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

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

**Other Relevant Conditions:**

44. This approval is not an approval for any changes to the existing Conditional Use Overlay located on the western portion of this property fronting on SR 2252 (Chicken Foot Road) which is not part of this request. The location of the proposed street is located



in the same location of the proposed drive which was shown on the approved site plan. All conditions of approval for the existing conditional use overlay still apply to that development.

45. 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.
46. 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.
47. The developer(s) and any future lot owners are responsible for the maintenance and upkeep of the streets until such time the streets are added to the State system by the NC Department of Transportation (NCDOT) for maintenance purposes. The developer is advised to give notice of the street status to any future lot owners in the event the lots are conveyed prior to the NCDOT's acceptance.
48. The owner/developer be aware that every deed created for a lot being served by an on-site water and/or sewer system must contain the following disclosure when filed with the County Register of Deeds:

“Public water and/or 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.”

*Thank you for developing in Cumberland County!*

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

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

Watershed Officer/Improvements:	Jeff Barnhill	678-7765
Subdivision/Site Plan/Plat	Ed Byrne	678-7609
Code Enforcement (Permits):	Ken Sykes	321-6654
County Health Department:	Daniel Ortiz	433-3680
Ground Water Issues:	Matt Rooney	678-7625
County Public Utilities:	Amy Hall	678-7637
Corp of Engineers (wetlands):	Crystal C. Amschler	(910) 251-4170
NCDENR (E&S):	Sally Castle	433-3300
Location Services:		
Site-Specific Address:	Ron Gonzales	678-7616
Street Naming/Signs:	Diane Shelton	678-7665
Tax Parcel Numbers:		678-7549
NCDOT (driveways/curb-cuts):	Gary Burton	486-1496
NCDOT (subdivision roads):	David Plummer	486-1496
N.C. Division of Water Quality:	Mike Randall	(919) 733-5083 ext. 545

**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 Mr Roger Shah
2. Address: 7590 Phillipi Ch Rd <sup>Raeford, NC</sup> Zip Code 28376
3. Telephone: (<sup>Cell</sup>Home) 910-578-8039 (Work) 910-875 2261
4. Location of Property: 3125 Chickenfoot Rd/SR2252
  
5. Parcel Identification Number (PIN #) of subject property: 0431-32-4901  
(also known as Tax ID Number or Property Tax ID)
6. Acreage: 34.547 Frontage: 60.00 ft Depth: 1550. ft
7. Water Provider: On site
8. Septage Provider: On site
9. Deed Book 6580, Page(s) 131, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
10. Existing use of property: Vacant
11. Proposed use(s) of the property: Residential, Single Family

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

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

TO: (Select one)

- Conditional Zoning District, with an underlying zoning district of R-40 DD/CZ  
(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 R-40 DD/CZ 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.)

*Residential, R-40 DD*

- 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.

*Total Ac - 34.547 Ac*

*Rights-of-way, 4.6027 Ac*

*Open Space, 12.1856 Ac (40.69%)*

*Residential Lots 29.9433 Ac (32 Lots)*

2. DIMENSIONAL REQUIREMENTS:

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

*R-40 Setbacks w/ELL*

*RMB*

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

*2 spaces per DU, Asph or Conc*

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.

*A subdivision sign near Chickenfoot Rd. is proposed - will comply with County Ordinance Sec 1305C*

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.

*Existing natural vegetation  
will remain in open areas*

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

*Perimeter Buffer: 40ft along side  
facing Chickenfoot Rd, 20ft  
around remainder of property  
Additional open spaces to remain  
natural*

5. MISCELLANEOUS:

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

*N/A*

6. SITE PLAN REQUIREMENTS:

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



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.

↓ Om Namit Shivday, LLC (Roger Shah)  
NAME OF OWNER(S) (PRINT OR TYPE)

7590 Phillipi Ch Rd, Raeford NC  
ADDRESS OF OWNER(S) 28326

E-MAIL

910 578-8039  
HOME TELEPHONE  
cell

910 875 2201  
WORK TELEPHONE

  
SIGNATURE OF OWNER(S)

\_\_\_\_\_  
SIGNATURE OF OWNER(S)

Walter Clark,  
Chair  
Cumberland County

Patricia Hall,  
Vice-Chair  
Town of Hope Mills

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



**CUMBERLAND**  
★ **COUNTY** ★  
NORTH CAROLINA

*Planning & Inspections Department*

October 9, 2012

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

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

Benny Pearce,  
Town of Eastover

Donovan McLaurin,  
Wade, Falcon & Godwin

**MEMORANDUM**

**TO:** Cumberland County Joint Planning Board  
**FROM:** Planning & Inspections Staff  
**SUBJECT:** Staff Recommendation for the October 16, 2012 Board Meeting

**P12-64:** REZONING OF 228.39+/- ACRES FROM A1 AGRICULTURAL TO A1 AGRICULTURAL/CZ CONDITIONAL ZONING DISTRICT FOR A QUARRY OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE NORTHEAST SIDE OF SR 1707 (CARLOS ROAD), SOUTHWEST OF SR 1706 (DURANT NIXON ROAD); SUBMITTED BY LUINDA C. BAILEY AND TERESA B. GILCHRIST ON BEHALF OF GLENARD W. BAILEY LIMITED PARTNERSHIP (OWNER) AND AMERICAN MATERIALS COMPANY LLC.

The Planning & Inspections Staff recommends approval of the requested rezoning to A1 Agricultural/CZ Conditional Zoning district for a quarry based on the following:

1. The request is consistent with the 2030 Growth Vision Plan, which calls for "rural" at this location, as well as meeting the location criteria for "rural density residential" development as listed in the Land Use Policies Plan;
2. Although the request is not entirely consistent with the North Central Cumberland Land Use Plan which calls for "farmland" at this location, the quarry will provide a vast open and undeveloped area which could be found consistent with farmland;
3. The use will meet all required conditions and specifications if constructed according to all federal, state and local mandates, and the attached Ordinance Related Conditions, the requirements of which are attached to this recommendation; and
4. The location and character of the use, if developed according to the plan as submitted, is reasonable as it will be in harmony with the area in which it is to be located.

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

Attachments:

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



**P12-64**  
**SITE PROFILE**

**P12-64:** REZONING OF 228.39+/- ACRES FROM A1 AGRICULTURAL TO A1 AGRICULTURAL/CZ CONDITIONAL ZONING DISTRICT FOR A QUARRY OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE NORTHEAST SIDE OF SR 1707 (CARLOS ROAD), SOUTHWEST OF SR 1706 (DURANT NIXON ROAD); SUBMITTED BY LINDA C. BAILEY AND TERESA B. GILCHRIST ON BEHALF OF GLENARD W. BAILEY LIMITED PARTNERSHIP (OWNER) AND AMERICAN MATERIALS COMPANY LLC.

**Site Information:**

**Frontage & Location:** 3,016.12'+/- on SR 1707 (Carlos Road) & 1,694.01 on SR 1706 (Durant Nixon Road)

**Depth:** 3,340.00'+/-

**Jurisdiction:** Cumberland County

**Adjacent Property:** No

**Current Use:** Farmland & woodlands

**Initial Zoning:** A1 – December 17, 2001 (Area 16)

**Nonconformities:** None

**Zoning Violation(s):** None

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

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

**2030 Growth Strategy Map:** Rural

**North Central Cumberland Land Use Plan:** Farmland

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

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

**Soil Limitations:** Yes, hydric – LD Lenoir, CF Cape Fear loam, RO Roanoke & Wahee loams, WMB Wickham fine sandy & DGA Dogue fine sandy loam

**School Capacity/Enrolled:** Raleigh Road Elementary (K-1): 220/230; Long Hill Elementary (2-5): 460/475; Pine Forest Middle: 820/760; Pine Forest High: 1,750/1,620

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

**Average Daily Traffic Count (2010):** 150 on SR 1707 (Carlos Road) & 510 on SR 1706 (Durant Nixon Road)

**Highway Plan:** There are no road improvements/constructions specified for this area. This case has no impact on the current Highway Plan or Transportation Improvement Program

**Note:**

**Minimum Yard Setback Regulations:**

**A1**

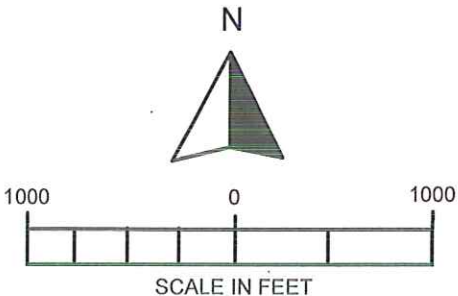
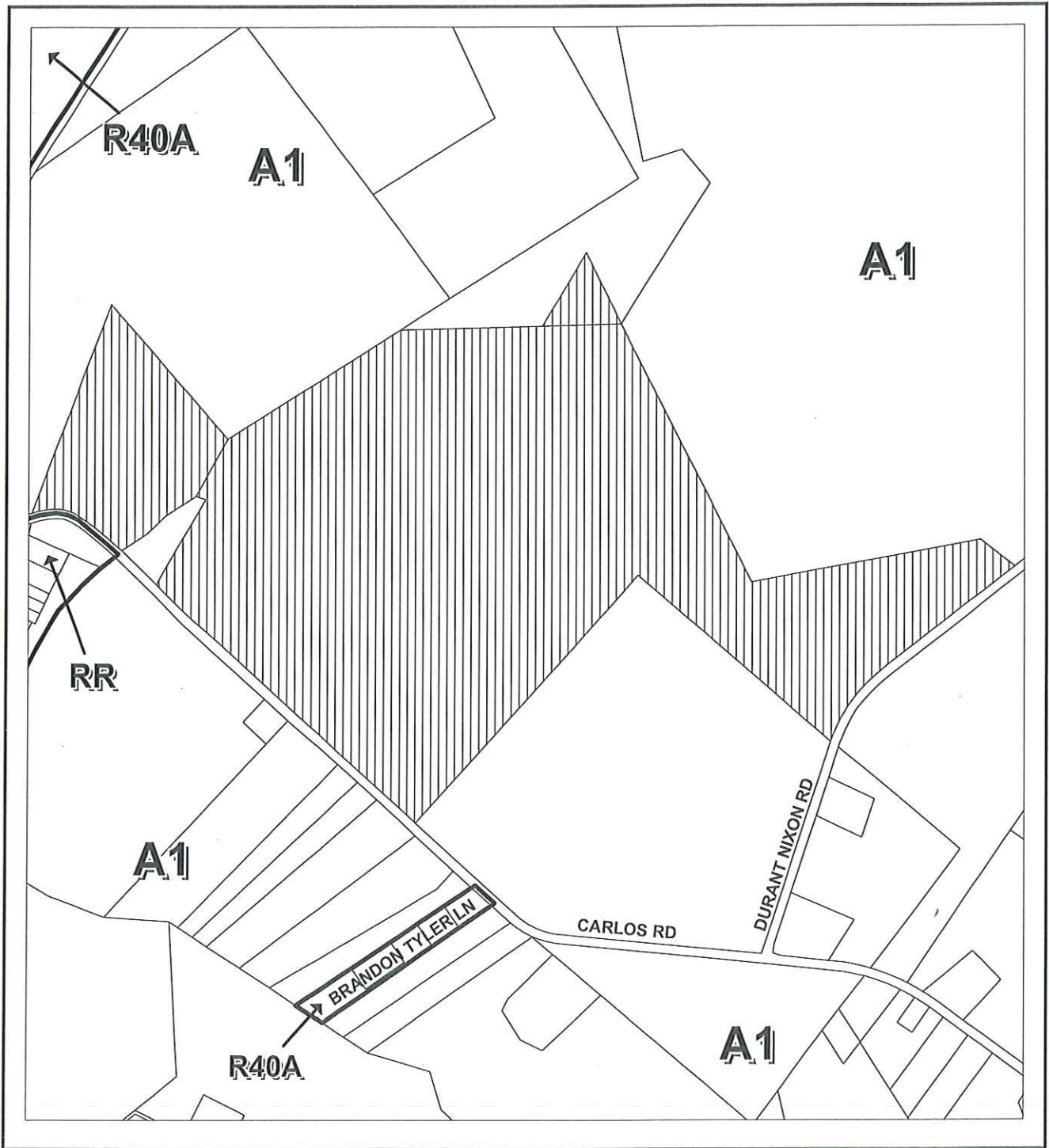
Front yard: 50'

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



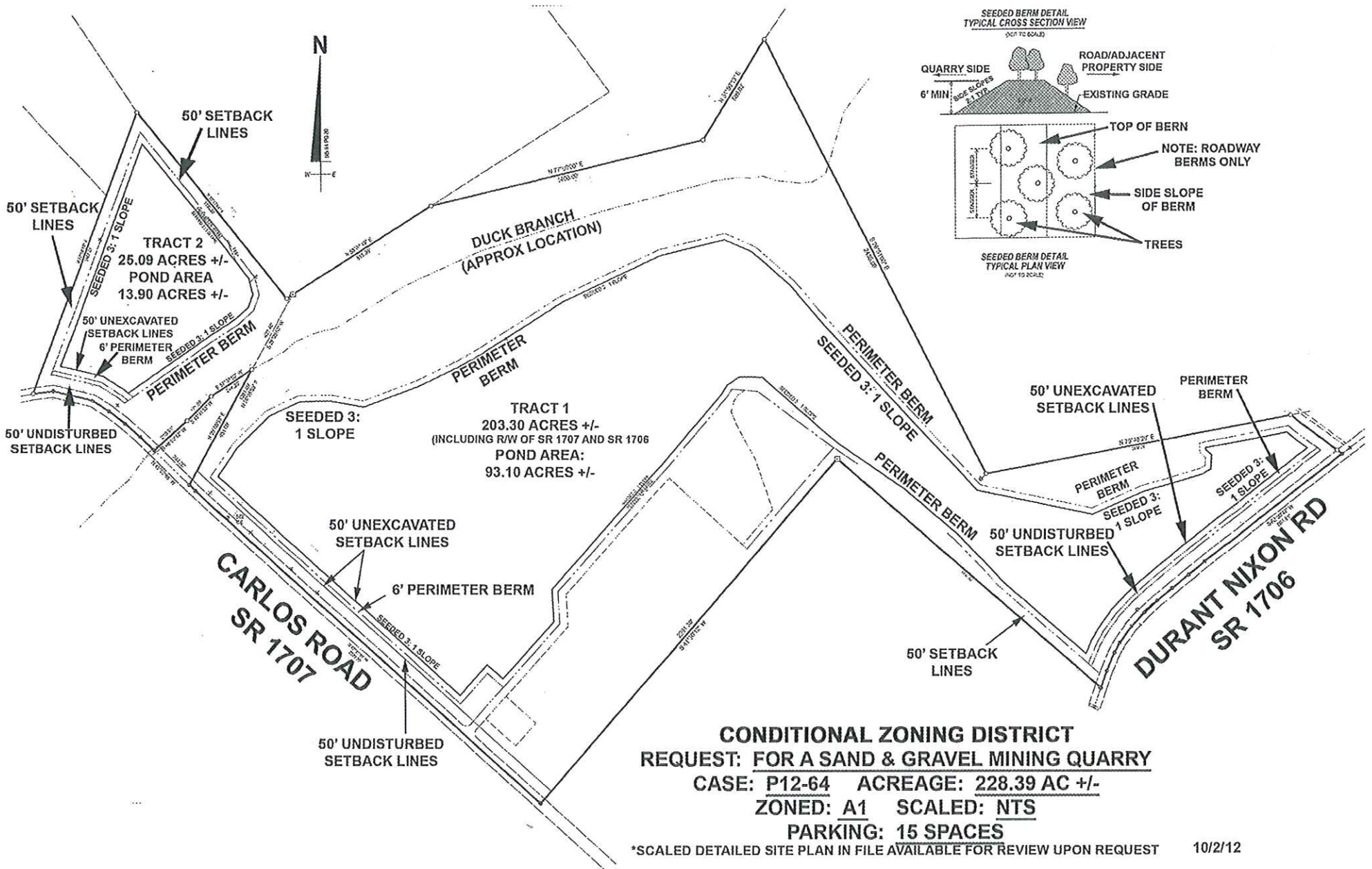
## REQUESTED REZONING A1 TO A1/CZ

<b>ACREAGE: 228.39 AC.+/-</b>		<b>HEARING NO: P12-64</b>
<b>ORDINANCE: COUNTY</b>	<b>HEARING DATE</b>	<b>ACTION</b>
<b>STAFF RECOMMENDATION</b>		
<b>PLANNING BOARD</b>		
<b>GOVERNING BOARD</b>		

PORT OF PIN: 0573-31-0470  
 PIN: 0573-02-5008  
 PORT OF PIN: 0573-33-9634(CONFLICT)

09/19/2012  
 AM





**CONDITIONAL ZONING DISTRICT**  
**REQUEST: FOR A SAND & GRAVEL MINING QUARRY**  
**CASE: P12-64 ACREAGE: 228.39 AC +/-**  
**ZONED: A1 SCALED: NTS**  
**PARKING: 15 SPACES**  
 \*SCALED DETAILED SITE PLAN IN FILE AVAILABLE FOR REVIEW UPON REQUEST 10/2/12

## A1Conditional Zoning District

### Quarry

DRAFT

#### Ordinance Related Conditions

#### Permit-Related:

1. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the County Zoning Ordinance and permits required to place any structure within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. For additional information, the developer should contact a Code Enforcement Officer. In addition applicant is responsible to obtain all other federal, state and local permits required for quarry operations.

Note: This conditional approval is not approval of the permitting of any structures for this site; re-submittal of the site plan for staff review and approval is required prior to application for permits for any structure to be located on this site.

2. The applicant must keep an updated copy of the state permit and conditions on record with the County Planning & Inspections Department.
3. Prior to issuance of a zoning permit, the applicant must provide to Code Enforcement an acknowledged copy – to include the County Manager James Martin - of the *Affidavit of Notification* which is required as part of the state application for a mining permit and a copy of the state mining permit application.
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 developer must provide the Code Enforcement Section with an approved NC Department of Environmental and Natural Resources (NCDENR) mining permit prior to any application for permits. A copy of the NCDENR approval must be provided to Code Enforcement at the time of application for any zoning permits. Proper erosion and sediment control measures shall be installed and maintained in accordance with North Carolina State standards during mining/quarry operations.
8. The 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.



9. 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:**

10. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Zoning Ordinances for the A1/CZ zoning district, including the contents of the application and site plan, must be complied with, as applicable.
11. All equipment used for excavation, quarrying and permitted processing shall be constructed, maintained and operated in such a manner as to eliminate, as far as practicable, noise, vibration, or dust which would injure or annoy persons living or working in the vicinity.
12. No excavation shall be made closer than 200 feet from the bank of any river, stream, creek or waterway except by submission of documentation, verified by the County Engineer, that such excavation or quarrying shall not impair the lateral support needed for permanent stream levees.
13. This conditional approval is not approval of any freestanding signs. If a freestanding sign is desired as stated in the written application, re-submittal of the site plan is required prior to application for any freestanding sign permits. Attached signage for this development must be in accordance with the applicable sign regulations as set forth in Article XIII of the County Zoning Ordinance and that the proper permit(s) must be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is **not** approval of the size, shape, or location of any signs.)
14. The small stream standards set forth in Section 6.5-44, County Flood Damage Prevention Ordinance, shall be complied with during construction and upon completion of development within this subdivision as enforced by the County Engineer's Office. No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of twenty (20) feet each side from top of bank or five times the width of the stream, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge. *Also see related Condition No. 11 above.*
15. For any new development, an adequate drainage system must be installed by the developer in accordance with the NC Department of Environment and Natural Resources' (NCDENR) *Manual on Best Management Practices* and all drainage ways must be kept clean and free of debris. (Section 2306 D, County Subdivision Ordinance)
16. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision Ordinance)
17. 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. All access ways or drives within the premises shall be maintained in a dust-free condition at all times during operation.
19. Turn lanes may be required by the NC Department of Transportation (NCDOT).
20. 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.
21. The proposed perimeter berm to be constructed around the excavated areas shall be a minimum of six feet in height and planted with a double row of quick growing vegetative landscaping in accordance with the provisions of Section 919.G, County Zoning Ordinance.

22. The owner/developer is responsible and liable for maintenance and upkeep of this site, to include ensuring that the site is kept free of litter and debris, all grass areas mowed, all buffers/berms and shrubbery kept trim and maintained, so that the site remains in a constant state of being aesthetically and environmentally pleasing.
23. 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.
24. The developer must contact the County Engineer's office at the conclusion of operation to inspect the site for compliance with the provisions of Section 919.J.3.c, County Zoning Ordinance and that the site must be reclaimed in accordance with the reclamation plan included in the case file.
25. All equipment must be removed within three months of the completion of the extraction of materials.

**Other Relevant Conditions:**

26. 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.
27. 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.
28. This conditional approval is contingent upon continued compliance with the County's Subdivision and Zoning Ordinances.

*Thank you for doing business in Cumberland County!*

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

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

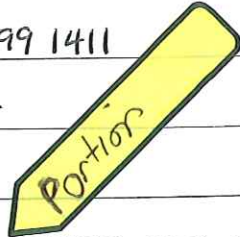
Subdivision/Site Plan/Plat	Ed Byrne	678-7609
Code Enforcement (Permits):	Ken Sykes	321-6654
County Engineer:	Jeff Brown	678-7633
County Engineer's Office:	Wayne Dudley	678-7636
County Health Department:	Daniel Ortiz	433-3680
Ground Water Issues:	Matt Rooney	678-7625
County Public Utilities:	Amy Hall	678-7637
Corp of Engineers (wetlands):	Crystal C. Amschler	(910) 251-4170
NCDENR (E&S):	Sally Castle	433-3300
Location Services:		
Site-Specific Address:	Ron Gonzales	678-7616
Tax Parcel Numbers:		678-7549
NCDOT (driveways/curb-cuts):	Gary Burton	486-1496
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 AMERICAN MATERIALS COMPANY, LLC
2. Address: 6131 OLEANDER DR., WILMINGTON, NC Zip Code 28403
3. Telephone: (Home) \_\_\_\_\_ (Work) 910 799 1411
4. Location of Property: NORTHWEST OF INTERSECTION OF CARLOS RD. AND DURANT NIXON RD.
5. Parcel Identification Number (PIN #) of subject property: 0573-31-0470, 0573-02;5008 (also known as Tax ID Number or Property Tax ID)
6. Acreage: 228.39 Frontage: 3058' - CARLOS RD Depth: APPROX 3000'  
1694' - DURANT-NIXON
7. Water Provider: \_\_\_\_\_
8. Septage Provider: \_\_\_\_\_
9. Deed Book 05972, Page(s) 00289, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
10. Existing use of property: AGRICULTURAL
11. Proposed use(s) of the property: QUARRYING - SAND + GRAVEL MINE



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

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

TO: (Select one)

- Conditional Zoning District, with an underlying zoning district of A-1 (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.)

QUARRYING

- SAND + GRAVEL MINE

- 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.

228.39 ACRES :- TOTAL TO BE USED FOR MINING AND  
UNDISTURBED BUFFERS

- APPROXIMATELY 1/3 OF TOTAL AREA TO BE  
LEFT AS BUFFER / SETBACK

2. DIMENSIONAL REQUIREMENTS:

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

50 FT. SETBACK (BUFFER) FROM PROPERTY LINES

100 FT. SETBACK (BUFFER) FROM ROADS

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

0.69 ACRE PARKING AREA ADJACENT TO ENTRANCE AND OFFICE

- UNPAVED, GRAVEL

- UNDESIGNATED PARKING SPACES

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.

CUMBERLAND COUNTY ZONING ORDINANCE

ARTICLE XIII, SECTION 1306, PART A; #4a

- ONE FREESTANDING SIGN

- 4 FT X 8 FT

- 15 FT. IN HEIGHT, 5 FT SETBACK FROM ROAD RIGHT OF WAY



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.

- AS REQUIRED IN ARTICLE IX, SECTION 919, PART G:

- A 6 FT HIGH BARRIER BERM WILL ENCLOSE THE MINE
- A "DOUBLE-ROW OF QUICK GROWING LANDSCAPING" WILL BE PLANTED ALONG BARRIER BERM
- TREES SPACED AT 25 FT, OR AS RECOMMENDED BY SPECIES

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

- 50 FT BUFFER - PARALLEL TO PROPERTY LINES - UNDISTURBED
- 100 FT BUFFER - PARALLEL TO ROADS - 50' UNDISTURBED, 50' UNEXCAVATED

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.

5-6 DAYS PER WEEK, DAWN TO DUSK

15 EMPLOYEES - ESTIMATED

DUST TO BE CONTROLLED BY WATER SPRAY

6. SITE PLAN REQUIREMENTS:

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- 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.

↓ GLENARD W. BAILEY LIMITED PARTNERSHIP  
NAME OF OWNER(S) (PRINT OR TYPE)

7800 TWIN PINES WAY FUQUAY-VARINA, NC 27526  
ADDRESS OF OWNER(S)

LuluBailey@me.com  
E-MAIL

919-434-3288  
HOME TELEPHONE

WORK TELEPHONE

Lulu Bailey  
SIGNATURE OF OWNER(S)

SIGNATURE OF OWNER(S)



7. STATEMENT OF ACKNOWLEDGMENT:

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Teresa Bailey Gilchrist  
NAME OF OWNER(S) (PRINT OR TYPE)

3681 Rock Bridge Dr. Conover, NC 28613  
ADDRESS OF OWNER(S)

fgilchrist@pruittmachinery.com  
E-MAIL

828.459.7900  
HOME TELEPHONE

828.328.2641  
WORK TELEPHONE

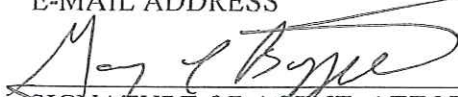
Teresa Bailey Gilchrist      Teresa Bailey Gilchrist  
SIGNATURE OF OWNER(S)      SIGNATURE OF OWNER(S)

✓ AMERICAN MATERIALS COMPANY, LLC - GARY T. BIZZELL  
NAME OF AGENT, ATTORNEY, APPLICANT (by assign) (PRINT OR TYPE)

6131 OLEANDER DR, WILMINGTON, NC 28403  
ADDRESS OF AGENT, ATTORNEY, APPLICANT

HOME TELEPHONE \_\_\_\_\_ WORK TELEPHONE 910 799 1411

TIMBIZZELL@AMERICANMATERIALSCO.COM  
E-MAIL ADDRESS FAX NUMBER

  
SIGNATURE OF AGENT, ATTORNEY,  
OR APPLICANT

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

**CUMBERLAND COUNTY ZONING ORDINANCE  
FEE SCHEDULE**

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

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