

Patricia Hall,  
Chair  
Town of Hope Mills

Charles Morris,  
Vice-Chair  
Town of Linden

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

Donovan McLaurin,  
Wade, Falcon & Godwin



Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

Vikki Andrews,  
Diane Wheatley,  
Carl Manning,  
Walter Clark  
Cumberland County

Benny Pearce,  
Town of Eastover

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

*Planning & Inspections Department*

**TENTATIVE AGENDA**

July 15, 2014

7:00 P.M.

- I. INVOCATION AND PLEDGE OF ALLEGIANCE
- II. APPROVAL OF/ADJUSTMENTS TO AGENDA
- III. PUBLIC HEARING DEFERRAL/WITHDRAWAL
- IV. ABSTENTIONS BY BOARD MEMBERS
- V. POLICY STATEMENT REGARDING PUBLIC HEARING TIME LIMITS
- VI. APPROVAL OF THE MINUTES OF JUNE 17, 2014
- VII. PUBLIC HEARING ITEM

TEXT AMENDMENT

- A. **P14-38.** REVISION AND AMENDMENT TO THE CUMBERLAND COUNTY ZONING ORDINANCE, BY AMENDING ARTICLE II INTERPRETATIONS, CALCULATIONS, AND DEFINITIONS, SECTION 203. DEFINITIONS OF SPECIFIC TERMS AND WORDS, INSERTING IN ALPHABETICAL ORDER THE TERM *VOCATIONAL SCHOOL*, DEFINING THE SAME, AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE.

VIII. PUBLIC HEARING CONSENT ITEMS

REZONING CASES

- B. **P14-30.** REZONING OF 2.65+/- ACRES FROM R6 RESIDENTIAL TO C2(P) PLANNED SERVICE AND RETAIL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 1223 ANDREWS ROAD, SUBMITTED BY JACQUELINE C. ANDREWS (OWNER).
- C. **P14-31.** REZONING OF 5.62+/- ACRES FROM A1 AGRICULTURAL/CU CONDITIONAL USE OVERLAY AND THE PERMIT TO ALLOW A TRUCKING BUSINESS AND STORAGE OF EQUIPMENT TO A1 AGRICULTURAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 2690 INDIANA COURT AND 5742 MATT HAIR ROAD, SUBMITTED BY DOLMAN P. AND MARY L. GARCES (OWNERS) AND CARLA EMMONS.

- D. **P14-32.** REZONING OF 4.75+/- ACRES FROM M(P) PLANNED INDUSTRIAL TO A1 AGRICULTURAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 2679 WILMINGTON HWY; SUBMITTED BY CHARLES T. GARDNER ON BEHALF OF INDOOR WAREHOUSE STORAGE, LLC. (OWNER).
- E. **P14-34.** REZONING OF 1.93+/- ACRES FROM R10 RESIDENTIAL TO C1 LOCAL BUSINESS OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED 2230 N BRAGG BLVD; SUBMITTED BY DAVID B. FRAZELLE AND CAROLYN R. ARMSTRONG ON BEHALF OF CBMM PROPERTIES, LLC AND CJR HOLDINGS, LLC RESPECTIVELY (OWNERS). (SPRING LAKE)
- F. **P14-35.** REZONING OF 2.23+/- ACRES FROM A1 AGRICULTURAL TO R40A RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 879 AND 883 REMLEY COURT, SUBMITTED BY BRYAN THOMAS LAWRENCE (OWNER).

#### CONDITIONAL ZONING DISTRICT

- G. **P14-33.** REZONING OF .52+/- ACRE FROM R6A RESIDENTIAL TO C2(P) PLANNED SERVICE AND RETAIL/CZ CONDITIONAL ZONING DISTRICT FOR OVERFLOW COMMERCIAL PARKING LOT OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 3925 DUNN ROAD; SUBMITTED BY HAROLD G. FURR ON BEHALF OF FURR PROPERTIES, LLC. (OWNER). (EASTOVER)
- H. **P14-37.** REZONING OF 12.20+/- ACRES FROM C(P) PLANNED COMMERCIAL/CUD CONDITIONAL USE DISTRICT FOR A CREMATORY AND THE PERMIT AND A1 AGRICULTURAL TO C(P) PLANNED COMMERCIAL/CZ CONDITIONAL ZONING FOR A CREMATORIUM, OFFICE, MEDITATION ROOM, GAZEBO AND DISPLAY OF EQUIPMENT AND SERVICES OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 6761 AND 6765 SANDY CREEK ROAD, SUBMITTED BY KAREN L. CAMPBELL (OWNER).

#### IX. PUBLIC HEARING CONTESTED ITEMS

##### MODIFICATION OF CONDITIONAL ZONING

- I. **P13-45.** MODIFICATION OF A CONDITION FOR AN APPROVED A1 AGRICULTURAL/CZ CONDITIONAL ZONING FOR AN OUTDOOR FIRING RANGE AND AGRICULTURAL USES CONSISTING OF 978.40 +/- ACRES, ALLOWING FOR HOURS OF OPERATION NOT APPLY TO LAW ENFORCEMENT QUALIFICATION AND TRAINING; LOCATED AT 2850 TIGERSWAN DRIVE; SUBMITTED BY D. STEWART PRECYTHE ON BEHALF OF PRECYTHE PROPERTIES, LLC. (OWNER) AND STEVEN M. SWIERKOWSKI ON BEHALF OF THE RANGE COMPLEX.

#### X. DISCUSSION

##### DIRECTOR'S UPDATE

- MIA DISCUSSION

#### XI. ADJOURNMENT





Patricia Hall,  
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*Planning & Inspections Department*

July 8, 2014

**MEMORANDUM**

**TO:** Cumberland County Joint Planning Board  
**FROM:** Planning and Inspections Staff  
**SUBJECT:** Staff Recommendation for the July 15, 2014 Board Meeting

**P14-38.** REVISION AND AMENDMENT TO THE CUMBERLAND COUNTY ZONING ORDINANCE, BY AMENDING ARTICLE II INTERPRETATIONS, CALCULATIONS, AND DEFINITIONS, SECTION 203. DEFINITIONS OF SPECIFIC TERMS AND WORDS, INSERTING IN ALPHABETICAL ORDER THE TERM *VOCATIONAL SCHOOL*, DEFINING THE SAME, AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE.

**CONSISTENCY WITH LAND USE PLAN**

The proposed amendment is consistent with the 2030 Growth Vision Plan, in particular with the Policies and Actions of:

- Policy Area 1: A More Diversified Local Economy
- Policy Area 2: Well Managed Growth and Development
- Policy Area 7: Preserved Open Space and Rural Character
- Policy Area 9: Compatible Commercial Development

The Planning and Inspections Staff recommends approval of the amendment because of the foregoing and based on the on the following:

1. If approved, the amendment will clearly define *vocational school* in the County Zoning Ordinance; and
2. The amendment was requested by the Cumberland County Board of Commissioners.

**Attachments:**

- 1 – P14-38 County Zoning Ordinance Text Amendment – Definitions
- 2 – Excerpt from Cumberland County Board of Commissioners minutes, dated February 3, 2014

**P14-38**  
**County Zoning Ordinance**  
**Text Amendment**  
**(Vocational School)**

REVISION AND AMENDMENT TO THE CUMBERLAND COUNTY ZONING ORDINANCE, BY AMENDING ARTICLE II INTERPRETATIONS, CALCULATIONS, AND DEFINITIONS, SECTION 203. DEFINITIONS OF SPECIFIC TERMS AND WORDS, INSERTING IN ALPHABETICAL ORDER THE TERM *VOCATIONAL SCHOOL*, DEFINING THE SAME, AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE.

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

**Vocational School:** A specialized instructional establishment that provides on-site training of business, commercial, and/or trade skills primarily within classrooms or work sites enclosed in buildings to prepare individuals to enter the workforce; to obtain a two-year degree and transfer to a four-year college or university after graduation; or to seek a diploma or certificate program to quickly obtain knowledge and expertise in specialized areas. Incidental instructional services in conjunction with a principal use listed in Section 403 shall not be considered a vocational school and nor shall any use that includes an outdoor shooting range be considered a vocational school.



CUMBERLAND COUNTY BOARD OF COMMISSIONERS  
MONDAY, FEBRUARY 3, 2014 – 9:00 AM  
117 DICK STREET, 1<sup>ST</sup> FLOOR, ROOM 118  
REGULAR MEETING  
MINUTES



PRESENT: Commissioner Jeannette Council, Chair  
Commissioner Kenneth Edge, Vice Chair  
Commissioner Charles Evans  
Commissioner Marshall Faircloth  
Commissioner Jimmy Keefe  
Commissioner Billy King  
Commissioner Ed Melvin  
James Martin, County Manager  
Amy Cannon, Deputy County Manager  
James Lawson, Assistant County Manager  
Quentin McPhatter, Assistant County Manager  
Rick Moorefield, County Attorney  
Melissa Cardinali, Finance Director  
Sally Shutt, Public Information Director  
Brenda Reed Jackson, Department of Social Services Director  
Candice H. White, Clerk to the Board  
Kellie Beam, Deputy Clerk to the Board  
Press

Chairman Council called the meeting to order.

INVOCATION AND PLEDGE OF ALLEGIANCE – Chairman Council provided the invocation followed by the Pledge of Allegiance to the American Flag.

Recognition of Retired County Employee:

Violet Baker-Johnson  
Cumberland County Department of Social Services

On behalf of the Board of Commissioners, Commissioner Melvin recognized Violet Baker-Johnson with a plaque honoring her thirty-two years of service with Cumberland County.

James Martin, County Manager, requested an amendment to Item 2.C. so the listing period for taxpayers for the 2014 tax year is extended to February 10, 2014 at 5:00 p.m.

MOTION: Commissioner King moved to approve the amendment to Item 2.C. as requested.

SECOND: Commissioner Melvin

VOTE: UNANIMOUS (7-0)

1. Approval of Agenda

MOTION: Commissioner Melvin moved to approve the agenda.

SECOND: Commissioner King

VOTE: UNANIMOUS (7-0)

1. The request for A1 Agricultural and the use as an outdoor firing range coupled with the continued farming of the subject property is consistent with the 2030 Growth Vision Plan and Growth Strategy Map, which designates the area where the subject property is located as "rural" and is also consistent with the mandated location criteria for "agricultural" as listed in the Land Use Policies Plan of the 2030 Growth Vision Plan;
2. The specific requested use of an outdoor firing range, evidenced by the application, site plan and supplemental documents, along with the attached Ordinance Related Conditions is reasonable as all of the provisions listed in the text amendment approved by the County Commissioners on June 17, 2013, including all other zoning ordinance standards, for outdoor firing ranges is met or exceeded; and
3. If developed according to the recommended plan, the use will not materially endanger the public health or safety as it is designed and constructed to be consistent with the safety guidelines of the US Department of Energy's Range Design Criteria as documented by a licensed professional engineer and included with the application and the range complex is in harmony with the area in which it is to be located.

SECOND: Commissioner Edge


DISCUSSION: Commissioner Evans stated the motion contradicts what citizens in that area want.

VOTE: PASSED (4-3) (Commissioners Edge, Council, King and Keefe voted in favor; Commissioners Evans, Faircloth and Melvin voted in opposition)

MOTION: Commissioner Keefe moved that in case number P13-45, the Board ratifies and confirms its action taken on October 21, 2013, to follow the recommendation of the Joint Planning Board to approve A1/CZ for outdoor firing range and agricultural uses with conditions and to specifically adopt and approve all of the Planning Board's findings of reasonableness and consistency with the LUP and to impose the additional condition regarding hours of operation as consented to by the applicant.

SECOND: Commissioner Edge

VOTE: PASSED (4-3) (Commissioners Edge, Council, King and Keefe voted in favor; Commissioners Evans, Faircloth and Melvin voted in opposition)

7. Consideration of Recommendation from County Attorney to Define "Vocational School" in the Cumberland County Zoning Ordinance 


BACKGROUND:

The judge in the second TigerSwan lawsuit ruled that the TigerSwan facility was a vocational school under the county ordinance. That decision has been appealed to the Court of Appeals, the ordinance has been amended to define outdoor firing range, and that definition clearly applies

to the TigerSwan facility; however; the plaintiffs in the third suit still argue that the facility is a vocational school. In order to minimize further litigation on this issue, the county attorney recommends that the Board requests the Planning Board to recommend a definition of vocational school in the zoning ordinance that makes it clear that the Board of Commissioners intended that an outdoor firing range be a separate and distinct use from a vocational school.

RECOMMENDATION/PROPOSED ACTION:

Consider whether to request the Planning Board to recommend a definition of vocational school in the zoning ordinance to make it clear that an outdoor firing range and a vocational school are intended to be separate and distinct uses.

MOTION: Commissioner King moved that a definition of vocational school in the zoning ordinance be made to make it clear that an outdoor firing range and a vocational school are intended to be separate and distinct uses. 

SECOND: Chairman Council.

VOTE: PASSED (5-2) (Commissioners Edge, Council, Faircloth, King and Keefe voted in favor; Commissioners Evans and Melvin voted in opposition)

8. Nominations to Boards and Committees

A. Cape Fear Valley Hospital System Board of Trustees (2 Vacancies)

Commissioner Keefe nominated Earnest Curry.

Commissioner King nominated Wilson Lacy.

Commissioner Evans nominated Michael Williford.

9. Appointments to Boards and Committees

A. Minimum Housing Appeals Board (2 Vacancies)

Nominee(s): Eric F. Jones (Reappointment)  
Veronica Langston (Reappointment)

There being an equal number of vacancies and nominees,

MOTION: Commissioner Edge moved to appoint by acclamation the nominees to the Minimum Housing Appeals Board.

SECOND: Chairman Council

VOTE: UNANIMOUS (7-0)

10. Closed Session: No closed session was held.

MOTION: Commissioner Edge moved to recess the Board of Commissioners meeting to the Cumberland County Detention Center located at 204 Gillespie Street at 10:20 a.m. for the dedication ceremony of the Detention Center expansion.

SECOND: Chairman Council





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*Planning & Inspections Department*

July 8, 2014

**MEMORANDUM**

**TO:** Cumberland County Joint Planning Board  
**FROM:** Planning and Inspections Staff  
**SUBJECT:** Staff Recommendation for the July 15, 2014 Board Meeting

**P14-30.** REZONING OF 2.65+/- ACRES FROM R6 RESIDENTIAL TO C2(P) PLANNED SERVICE AND RETAIL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 1223 ANDREWS ROAD, SUBMITTED BY JACQUELINE C. ANDREWS (OWNER).

**CONSISTENCY WITH LAND USE PLAN STATEMENT**

The district requested is consistent with the 2030 Growth Vision Plan, which calls for “urban” at this location, as well as meeting the location criteria for “heavy commercial” development as listed in the Land Use Policies Plan. Although the request is not entirely consistent with the North Fayetteville Land Use Plan, which calls for “medium density residential” at this location, the request is consistent with the objectives for commercial development listed in the Land Use Policies Plan by promoting the re-development of a commercial area as the subject property contains a commercial structure previously used for trade contracting activities.

**REASONABLENESS & IN THE PUBLIC INTEREST**

Consideration of the C2(P) Planned Service and Retail district for the subject property is reasonable and in the public interest because the requested district will be in harmony with surrounding area.

The Planning and Inspections Staff recommends approval of the C2(P) Planned Service and Retail district because of the foregoing and based on the following:

1. Public utilities are available to the subject property; and
2. The subject property is adjacent to heavy commercial.

There are no other districts considered suitable for this request.

**Attachments:**

- 1 – Site Profile
- 2 – Sketch Map

**P14-30**  
**SITE PROFILE**

**P14-30.** REZONING OF 2.65+/- ACRES FROM R6 RESIDENTIAL TO C2(P) PLANNED SERVICE AND RETAIL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 1223 ANDREWS ROAD, SUBMITTED BY JACQUELINE C. ANDREWS (OWNER).

**Site Information:**

**Frontage & Location:** 20.00'+/- on SR 1611 (Andrews Road)

**Depth:** 1,000.00'+/-

**Jurisdiction:** Cumberland County

**Adjacent Property:** No

**Current Use:** Trade contractor, servicing w/ outside storage

**Initial Zoning:** R6 – August 21, 1972 (Area 1)

**Nonconformities:** Trade contractor & service related activities not permitted in the R6 district

**Zoning Violation(s):** None issued

**Surrounding Zoning:** North: M(P), R10 & R6; South: C1(P)/CU (thrift store), C1(P)/CU (motor vehicle sales), C(P), C1(P), LC (Fay), OI (Fay), RR, R6 & R6A; East: PND & R6; West: C(P)/CU (mini-warehousing), C(P), LC (Fay), R6 & R6A

**Surrounding Land Use:** Residential (including multi-family), mini-warehousing, second hand sales, motor vehicle repair, barbering, restaurant & woodlands

**2030 Land Use Plan:** Urban

**North Fayetteville Land Use Plan:** Medium density residential

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

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

**Soil Limitations:** Yes, hydric – JT Johnston loam

**Watershed:** Yes

**School Capacity/Enrolled:** Howard Hall Elementary: 550/586; Pine Forest Middle: 820/760; Pine Forest High: 1,750/1,642

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

**Municipal Influence Area:** City of Fayetteville

**Average Daily Traffic Count (2010):** 13,000 on SR 1611 (Andrews Road)

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

**Notes:**

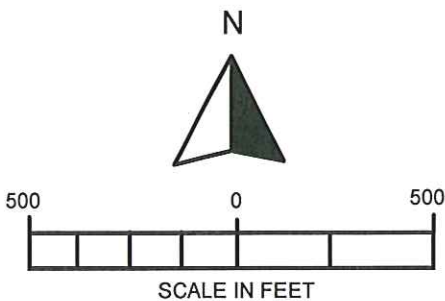
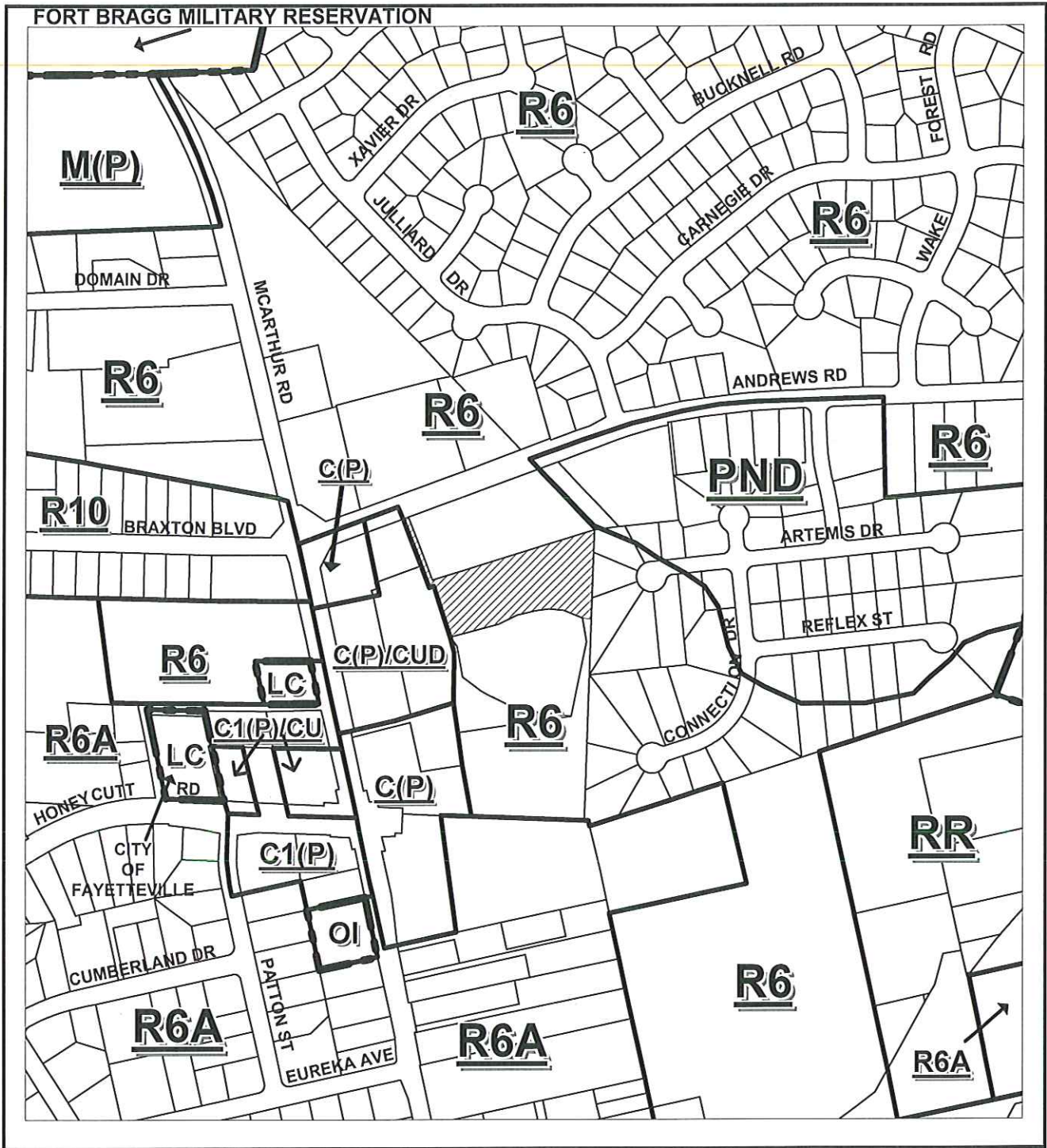
1. Density (minus 15% for ROW) :  
R6 – 62 lots/units (53 lots/units)

2. Minimum Yard Setback Regulations:

<u>R6</u>	<u>C1(P)</u>	<u>C2(P)</u>
Front yard: 25'	Front yard: 45'	Front yard: 50'
Side yard: 10'	Side yard: 15'	Side yard: 30'
Rear yard: 30'	Rear yard: 20'	Rear yard: 30'

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

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



PORT. PIN: 0521-60-8185

## REQUESTED REZONING R6 TO C2(P)

<b>ACREAGE: 2.65 AC.+/-</b>	<b>HEARING NO: P14-30</b>	
ORDINANCE: COUNTY	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		



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*Planning & Inspections Department*

July 8, 2014

**MEMORANDUM**

**TO:** Cumberland County Joint Planning Board

**FROM:** Planning and Inspections Staff

**SUBJECT:** Staff Recommendation for the July 15, 2014 Board Meeting

**P14-31.** REZONING OF 5.62+/- ACRES FROM A1 AGRICULTURAL/CU CONDITIONAL USE OVERLAY AND THE PERMIT TO ALLOW A TRUCKING BUSINESS AND STORAGE OF EQUIPMENT TO A1 AGRICULTURAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 2690 INDIANA COURT AND 5742 MATT HAIR ROAD, SUBMITTED BY DOLMAN P. AND MARY L. GARCES (OWNERS) AND CARLA EMMONS.

**CONSISTENCY WITH LAND USE PLAN STATEMENT**

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.

**REASONABLENESS & IN THE PUBLIC INTEREST**

The location and character of the district is reasonable and in the public interest by allowing for lot sizes and uses comparable to those in the surrounding area.

The Planning and Inspections Staff recommends approval of the A1 Agricultural district because of the foregoing and based on the following:

- If approved, the rezoning would remove the conditional use overlay district allowing for a trucking business and storage of equipment that is no longer in use.

There are no other districts considered suitable for this request.

**Attachments:**

- 1 – Site Profile
- 2 – Sketch Map

**P14-31**  
**SITE PROFILE**

**P14-31.** REZONING OF 5.62+/- ACRES FROM A1 AGRICULTURAL/CU CONDITIONAL USE OVERLAY AND THE PERMIT TO ALLOW A TRUCKING BUSINESS AND STORAGE OF EQUIPMENT TO A1 AGRICULTURAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 2690 INDIANA COURT AND 5742 MATT HAIR ROAD, SUBMITTED BY DOLMAN P. AND MARY L. GARCES (OWNERS) AND CARLA EMMONS.

**Site Information:**

**Frontage & Location:** 385.73'+/- on SR 2229 (Matt Hair Road) & 530.92'+/- on Indiana Court

**Depth:** 554.05'+/-

**Jurisdiction:** Cumberland County

**Adjacent Property:** No

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

**Initial Zoning:** A1 – September 3, 1996 (Area 17A); rezoned to A1/CU for a trucking business and storage of equipment on February 17, 2004

**Nonconformities:** None

**Zoning Violation(s):** None

**Surrounding Zoning:** North: A1/CU (trucking business), R40A, RR, CD & A1; South & West: CD & A1; East: A1

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

**2030 Growth Strategy Map:** Rural & conservation (where SFHA exists)

**Special Flood Hazard Area (SFHA):** Yes, base flood is 70.5 msl (NAVD)

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

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

**School Capacity/Enrolled:** J.W. Seabrook Elementary: 310/281; Mac Williams Middle: 1,270/1,163; Cape Fear High: 1,425/1,570

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

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

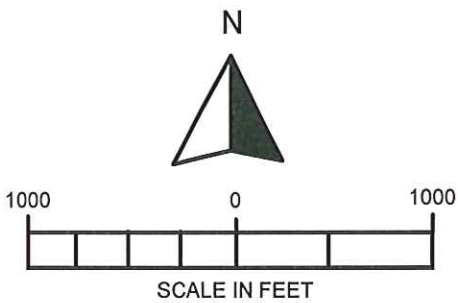
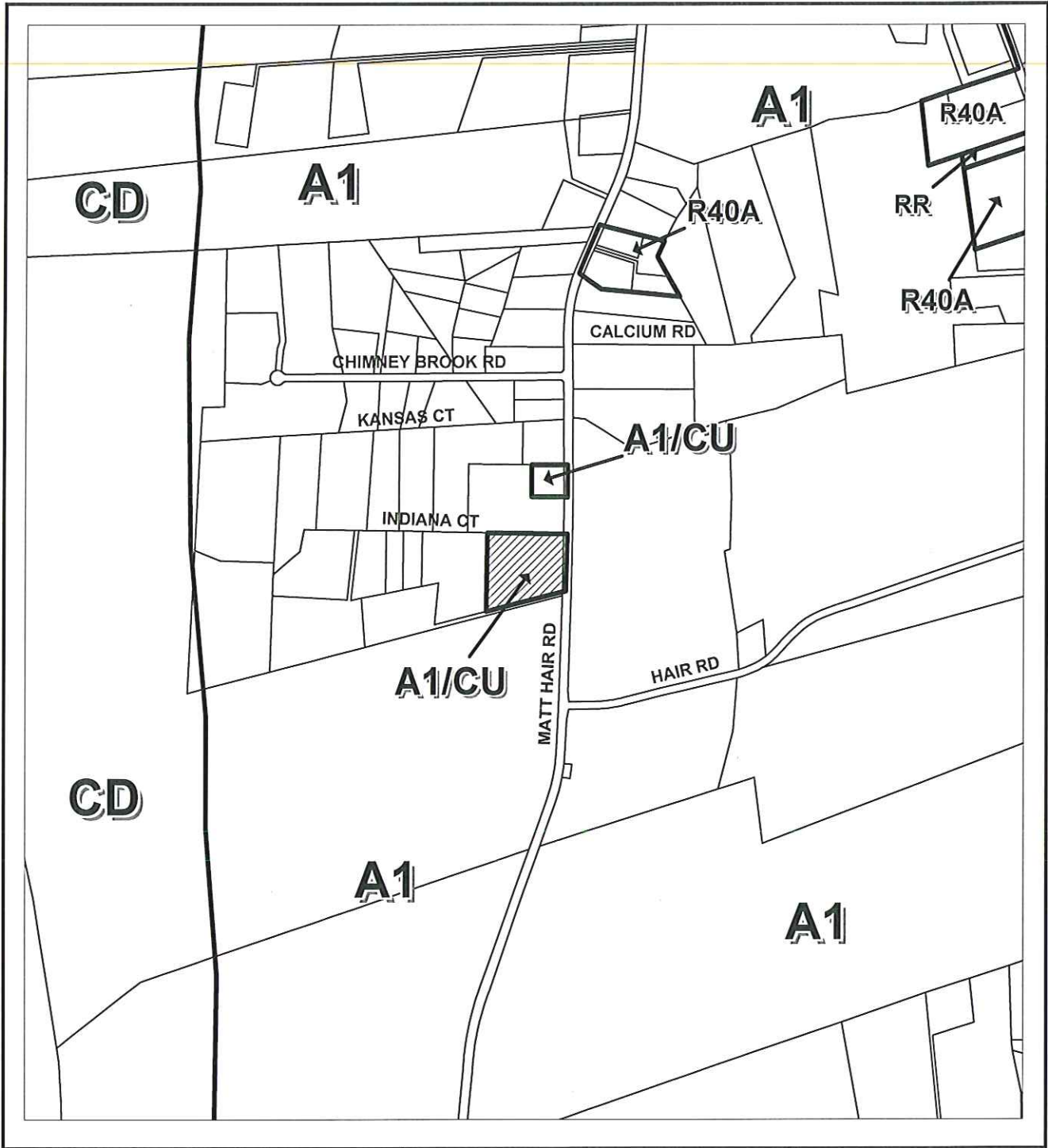
**Highway Plan:** There are no road improvements/constructions specified for this area. This case has no impact on the current Highway Plan or Transportation Improvement Program

**Notes:**

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

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

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



## REQUESTED REZONING A1/CU TO A1

<b>ACREAGE: 5.62 AC.+/-</b>	<b>HEARING NO: P14-31</b>	
ORDINANCE: COUNTY	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

PIN: 0451-86-5695

AM





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*Planning & Inspections Department*

July 8, 2014

**MEMORANDUM**

**TO:** Cumberland County Joint Planning Board

**FROM:** Planning and Inspections Staff

**SUBJECT:** Staff Recommendation for the July 15, 2014 Board Meeting

**P14-32.** REZONING OF 4.75+/- ACRES FROM M(P) PLANNED INDUSTRIAL TO A1 AGRICULTURAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 2679 WILMINGTON HWY; SUBMITTED BY CHARLES T. GARDNER ON BEHALF OF INDOOR WAREHOUSE STORAGE, LLC. (OWNER).

**CONSISTENCY WITH LAND USE PLAN STATEMENT**

The district requested is consistent with the 2030 Growth Vision Plan, which calls for “urban” and “conservation” at this location, as well as meeting the location criteria for “rural density residential” development as listed in the Land Use Policies Plan.

**REASONABLENESS & IN THE PUBLIC INTEREST**

The location and character of the district is reasonable and in the public interest by allowing for lot sizes and uses comparable to those in the surrounding area.

The Planning and Inspections Staff recommends approval of the A1 Agricultural district and CD Conservancy district where the floodway exists because of the foregoing and based on the following:

- The request is logical as the subject and surrounding properties were initially zoned M(P) in 1979 but have mostly remained legal nonconforming residential or are undeveloped.

The applicant has verbally agreed with the staff recommendation. There are no other districts considered suitable for this request.

**Attachments:**

- 1 – Site Profile
- 2 – Sketch Map

**P14-32**  
**SITE PROFILE**

**P14-32.** REZONING OF 4.75+/- ACRES FROM M(P) PLANNED INDUSTRIAL TO A1 AGRICULTURAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 2679 WILMINGTON HWY; SUBMITTED BY CHARLES T. GARDNER ON BEHALF OF INDOOR WAREHOUSE STORAGE, LLC. (OWNER).

**Site Information:**

**Frontage & Location:** 199.92'+/- on SR 2337 (Wilmington Hwy)

**Depth:** 632.10'+/-

**Jurisdiction:** Cumberland County

**Adjacent Property:** No

**Current Use:** Vacant land

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

**Nonconformities:** None

**Zoning Violation(s):** None

**Surrounding Zoning:** North: M(P)/CU (church), C1(P)/CU (church), M(P), M2, C1(P), RR, R15, R6A, CD & A1; South: M(P), RR, CD, M/A (military/agricultural Fay) & A1; East: RR & CD; West: M(P) & RR

**Surrounding Land Use:** Residential (including manufactured dwellings), religious worship, farmland & woodlands

**2030 Land Use Plan:** Urban & conservation (where SFHA exists)

**Special Flood Hazard Area (SFHA):** Yes, base flood is 80 msl (NAVD)

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

**Soil Limitations:** Yes – RO Roanoke & Wahee loams

**School Capacity/Enrolled:** Elizabeth Cashwell Elementary: 800/707; Ireland Drive Middle (6): 340/364; Douglas Byrd Middle (7-8): 702/743; Douglas Byrd High: 1,280/1,225

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

**Fayetteville Regional Airport:** Does not object to the request but advises that there will be aircraft traffic and noise as the subject property is just outside the approach to RW 28 and is on the downwind leg of RW 22

**Municipal Influence Area:** City of Fayetteville

**Average Daily Traffic Count (2010):** 1,500 on SR 2337 (Wilmington Hwy)

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

**Notes:**

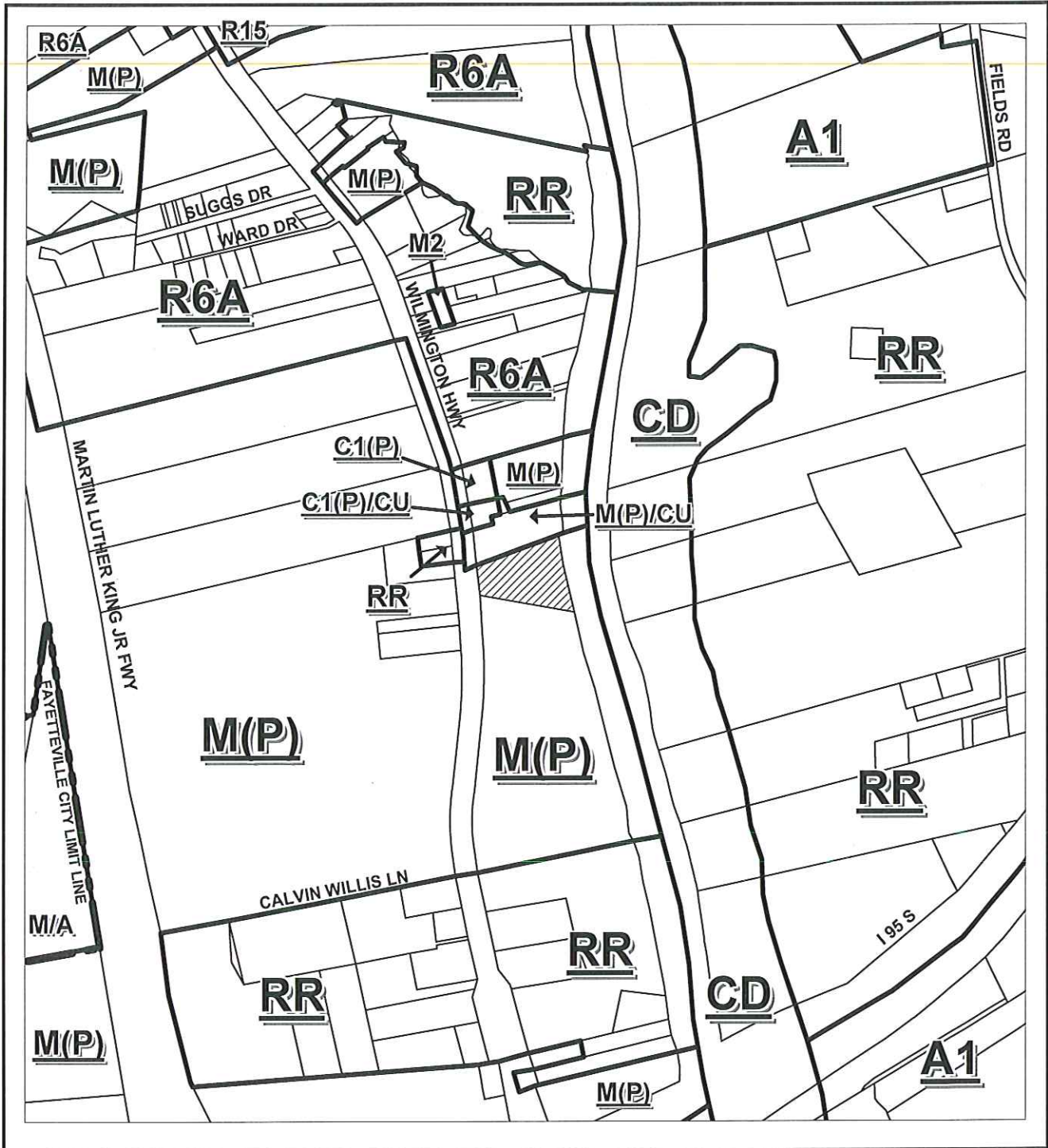
1. Density:  
A1 – 2 lots/units
  
2. Minimum Yard Setback Regulations:

<u>A1</u>	<u>M(P)</u>
Front yard: 50'	Front yard: 100'
Side yard: 20'	Side yard: 50'
Rear yard: 50'	Rear yard: 50'

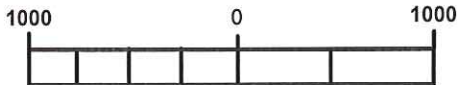
**First Class and Record Owners' Mailed Notice Certification**

*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.*





N



SCALE IN FEET

## REQUESTED REZONING M(P) TO A1

<b>ACREAGE: 4.75 AC.+/-</b>	<b>HEARING NO: P14-32</b>	
ORDINANCE: COUNTY	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		



Patricia Hall,  
Chair  
Town of Hope Mills

Charles C. Morris,  
Vice-Chair  
Town of Linden

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

Donovan McLaurin  
Wade, Falcon & Godwin



Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

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

◆  
*Planning & Inspections Department*

Vikki Andrews,  
Diane Wheatley,  
Carl Manning,  
Walter Clark,  
Cumberland County

Benny Pearce,  
Town of Eastover

July 8, 2014

**TO:** Cumberland County Joint Planning Board  
**FROM:** Planning and Inspections Staff  
**SUBJECT:** Staff Recommendation for July 15, 2014 Board Meeting

**P14-34.** REZONING OF 1.93+/- ACRES FROM R10 RESIDENTIAL TO C1 LOCAL BUSINESS OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED 2230 N BRAGG BLVD; SUBMITTED BY DAVID B. FRAZELLE AND CAROLYN R. ARMSTRONG ON BEHALF OF CBMM PROPERTIES, LLC AND CJR HOLDINGS, LLC RESPECTIVELY (OWNERS). (SPRING LAKE)

**CONSISTENCY WITH LAND USE PLAN STATEMENT**

The district requested is consistent with the 2030 Growth Vision Plan, which calls for “urban” at this location, as well as meeting the location criteria for “light commercial” development as listed in the Land Use Policies Plan. Although the request is not entirely consistent with Spring Lake Area Detailed Land Use Plan, which calls for “low density residential” at this location, more than half of the subject property has been zoned C1 Local Business since 1979.

**REASONABLENESS & IN THE PUBLIC INTEREST**

Consideration of the C1 Local Business district for the subject property is reasonable and in the public interest as the request will be in harmony with the surrounding area.

The Planning and Inspections Staff recommends approval of the C1 Local Business district because of the foregoing and also based on the following:

1. Public utilities are available to the subject property; and
2. The request is a logical extension of the C1 Local Business district.

There are no other districts considered suitable for this request.

**Attachments:**

- 1 – Site Profile
- 2 – Sketch Map

**P14-34**  
**SITE PROFILE**

**P14-34.** REZONING OF 1.93+/- ACRES FROM R10 RESIDENTIAL TO C1 LOCAL BUSINESS OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED 2230 N BRAGG BLVD; SUBMITTED BY DAVID B. FRAZELLE AND CAROLYN R. ARMSTRONG ON BEHALF OF CBMM PROPERTIES, LLC AND CJR HOLDINGS, LLC RESPECTIVELY (OWNERS). (SPRING LAKE)

**Site Information:**

**Frontage:** No frontage

**Depth:** 310.00'+/-

**Jurisdiction:** Town of Spring Lake

**Adjacent Property:** No

**Current Use:** Woodlands

**Initial Zoning:** R10 & C1 – May 28, 1979 (Spring Lake)

**Nonconformities:** None

**Zoning Violation(s):** None

**Surrounding Zoning:** North: C1(P), RR & R6A; South: C(P) (SL), C1 (SL), RR (SL), R10 (SL), R6 (SL), R5 (SL); East: R10 (SL); West: C(P) (SL) & C1(P) (SL)

**Surrounding Land Use:** Residential, convenience retail w/ gasoline sales & woodlands

**2030 Land Use Plan:** Urban

**Spring Lake Area Detailed Land Use Plan:** Low density residential

**Special Flood Hazard Area (SFHA):** No

**Water/Sewer Availability:** Spring Lake/Spring Lake

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

**School Capacity/Enrolled:** Manchester Elementary: 340/393; Spring Lake Middle: 700/457; Pine Forest High: 1,750/1,634

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

**Average Daily Traffic Count (2010):** 30,000 on NC Hwy 87 (N Bragg Blvd)

**Highway Plan:** N Bragg Blvd is identified in the Highway Plan as a Principal Arterial. There are no road improvements/constructions specified for this area. This case has no impact on the current Highway Plan or Transportation Improvement Program

**Notes:**

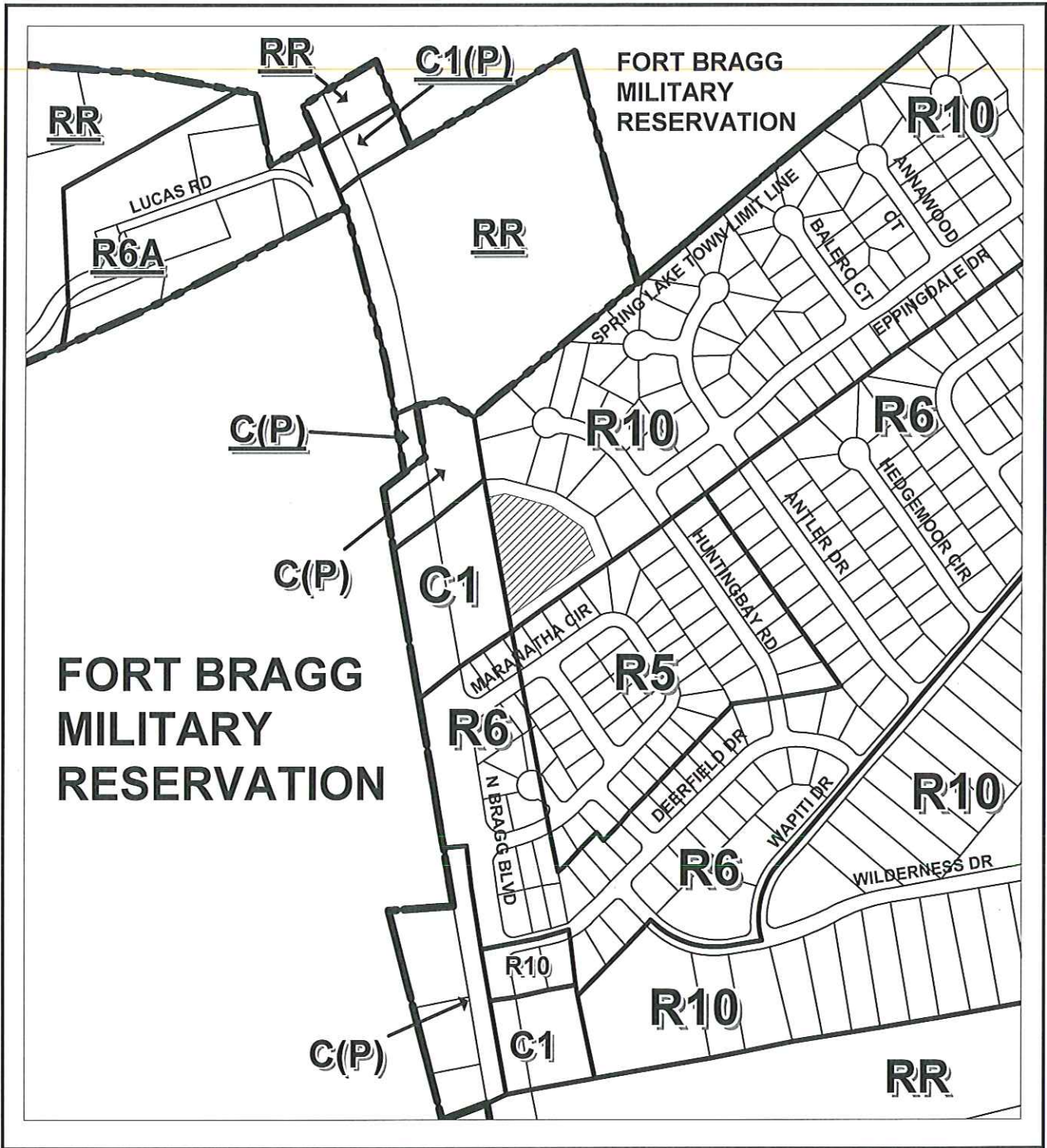
1. Density (minus 15% for ROW):  
R10 – 10 lots/units (8 lots/units)
  
2. Minimum Yard Setback Regulations:

<b><u>R10</u></b>	<b><u>C1</u></b>
Front yard: 30'	Front yard: 45'
Side yard: 10'	Side yard: 15'
Rear yard: 35'	Rear yard: 20'

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

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

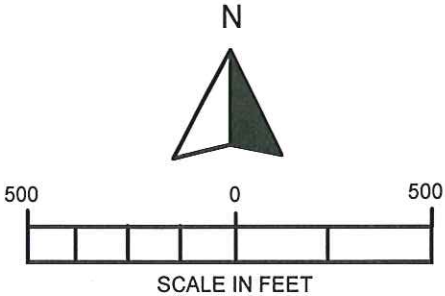




**FORT BRAGG  
MILITARY  
RESERVATION**

**FORT BRAGG  
MILITARY  
RESERVATION**

**REQUESTED REZONING  
R10 TO C1**



<b>ACREAGE: 1.93 AC.+/-</b>		<b>HEARING NO: P14-34</b>	
<b>ORDINANCE: SPRING LAKE</b>	<b>HEARING DATE</b>	<b>ACTION</b>	
<b>STAFF RECOMMENDATION</b>			
<b>PLANNING BOARD</b>			
<b>GOVERNING BOARD</b>			

PORT. OF PIN: 0502-39-0184

AM





Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

Patricia Hall,  
Chair  
Town of Hope Mills

Charles C. Morris,  
Vice-Chair  
Town of Linden

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

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Wade, Falcon & Godwin

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Carl Manning,  
Walter Clark,  
Cumberland County

Benny Pearce,  
Town of Eastover

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

—◆—  
*Planning & Inspections Department*

July 8, 2014

**MEMORANDUM**

**TO:** Cumberland County Joint Planning Board

**FROM:** Planning and Inspections Staff

**SUBJECT:** Staff Recommendation for the July 15, 2014 Board Meeting

**P14-35.** REZONING OF 2.23+/- ACRES FROM A1 AGRICULTURAL TO R40A RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 879 AND 883 REMLEY COURT, SUBMITTED BY BRYAN THOMAS LAWRENCE (OWNER).

**CONSISTENCY WITH LAND USE PLAN STATEMENT**

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.

**REASONABLENESS & IN THE PUBLIC INTEREST**

The location and character of the district is reasonable and in the public interest by allowing for lot sizes and uses comparable to those in the surrounding area.

The Planning and Inspections Staff recommends approval of the R40A Residential district because of the foregoing and based on the following:

- If approved, the rezoning would be consistent with recent rezonings in the general area.

There are no other districts considered suitable for this request.

**Attachments:**

- 1 – Site Profile
- 2 – Sketch Map

**P14-35**  
**SITE PROFILE**

**P14-35.** REZONING OF 2.23+/- ACRES FROM A1 AGRICULTURAL TO R40A RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 879 AND 883 REMLEY COURT, SUBMITTED BY BRYAN THOMAS LAWRENCE (OWNER).

**Site Information:**

**Frontage & Location:** 321.46'+/- on Remley Court

**Depth:** 304.27'+/-

**Jurisdiction:** Cumberland County

**Adjacent Property:** No

**Current Use:** 1 manufactured dwelling

**Initial Zoning:** A1 – June 25, 1980 (Area 13)

**Nonconformities:** None

**Zoning Violation(s):** None

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

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

**2030 Growth Strategy Map:** Rural

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

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

**Soil Limitations:** None

**School Capacity/Enrolled:** Gray's Creek Elementary: 495/440; Gray's Creek Middle: 1,100/1,067; Gray's Creek High: 1,270/1,271

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

**Average Daily Traffic Count (2010):** 770 on SR 2244 (John Mcmillan Road)

**Highway Plan:** Remley Court is identified in the Highway Plan as a Local Road. There are no road improvements/construction specified for this area. This case has no impact on the current Highway Plan or Transportation Improvement Program

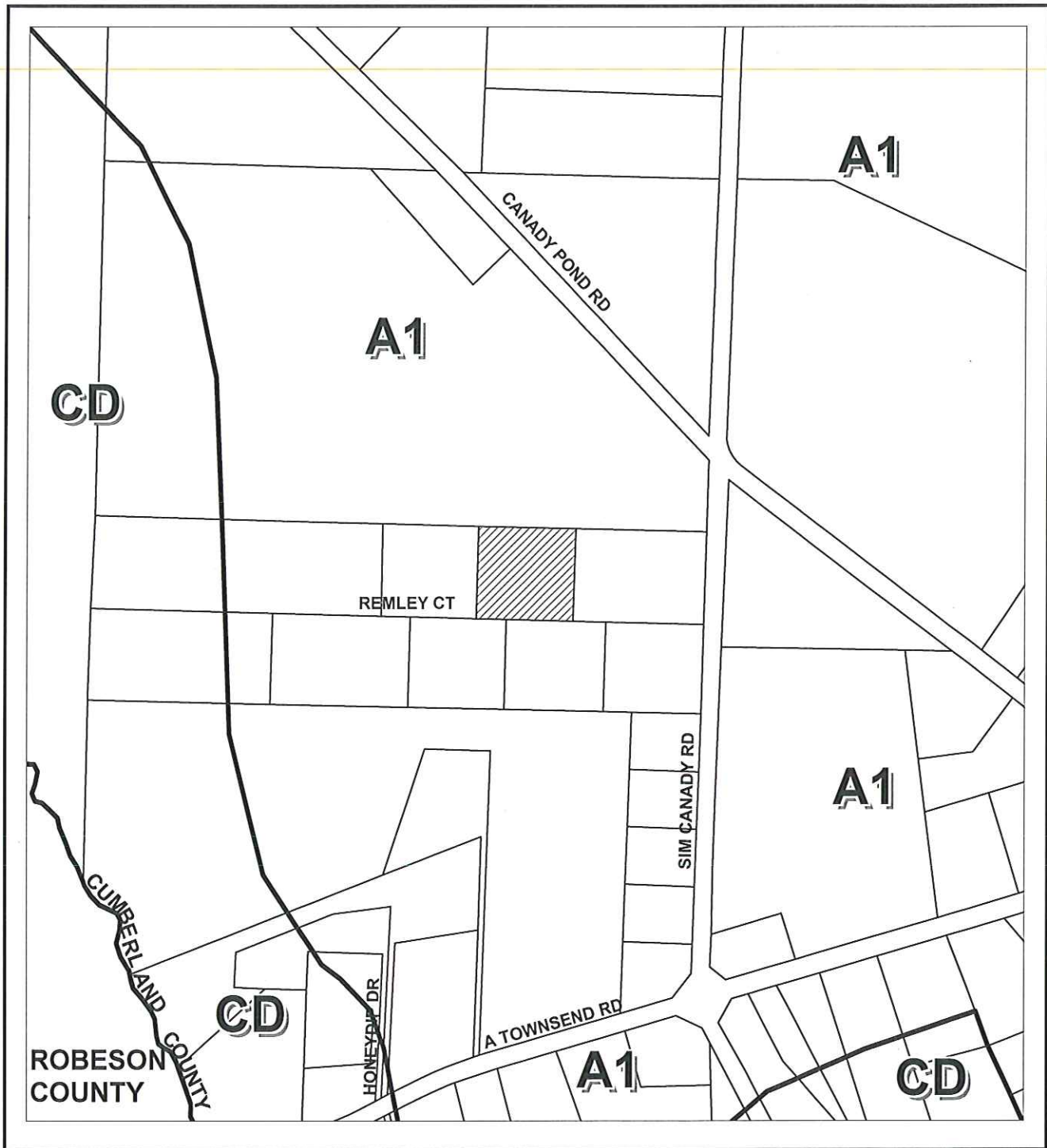
**Notes:**

1. Density:  
A1 – 1 lot/unit  
A1A – 2 lots/units  
R40 – 2 lots/units
  
2. Minimum Yard Setback Regulations:

<u>A1 &amp; A1A</u>	<u>R40</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.*



ROBESON COUNTY

CUMBERLAND COUNTY

## REQUESTED REZONING A1 TO R40A

**ACREAGE: 2.23 AC.+/-**

**HEARING NO: P14-35**

ORDINANCE: COUNTY

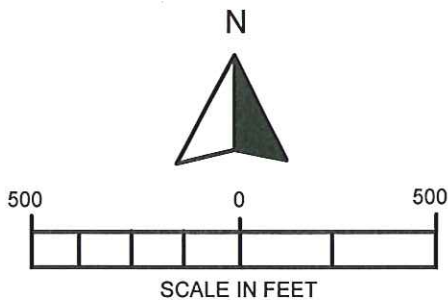
HEARING DATE

ACTION

STAFF RECOMMENDATION

PLANNING BOARD

GOVERNING BOARD



PIN: 0421-42-0360

AM



Patricia Hall,  
Chair  
Town of Hope Mills

Charles C. Morris,  
Vice-Chair  
Town of Linden

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

Donovan McLaurin  
Wade, Falcon & Godwin



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

*Planning & Inspections Department*

Thomas J. Lloyd,  
Director

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Deputy Director

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Diane Wheatley,  
Carl Manning,  
Walter Clark,  
Cumberland County

Benny Pearce,  
Town of Eastover

July 8, 2014

**MEMORANDUM**

**TO:** Cumberland County Joint Planning Board  
**FROM:** Planning and Inspections Staff  
**SUBJECT:** Staff Recommendation for the July 15, 2014 Board Meeting

**P14-33.** REZONING OF .52+/- ACRE FROM R6A RESIDENTIAL TO C2(P) PLANNED SERVICE AND RETAIL/CZ CONDITIONAL ZONING DISTRICT FOR OVERFLOW COMMERCIAL PARKING LOT OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 3925 DUNN ROAD; SUBMITTED BY HAROLD G. FURR ON BEHALF OF FURR PROPERTIES, LLC. (OWNER). (EASTOVER)

On June 3, 2014 the applicant submitted a rezoning request for C2(P) Planned Service and Retail/CZ Conditional Zoning district to allow for a commercial parking lot. However, the subject property is in the Eastover Commercial Core Overlay District which only allows for O&I(P)/CZ and C1(P)/CZ rezoning applications, an oversight by staff at the time of submittal. Consequently, staff's recommendation is based on the C1(P) Planned Local Business/CZ Conditional Zoning district which allows for commercial parking. The applicant has been made fully aware of the aforementioned and has verbally agreed to all Ordinance Related Conditions and with the following recommendation.

**CONSISTENCY WITH LAND USE PLAN STATEMENT**

The amended district requested is consistent with the 2030 Growth Vision Plan, which calls for "community growth area" at this location, as well as meeting the location criteria for "light commercial" development as listed in the Land Use Policies Plan. Although the request is not entirely consistent with the Eastover Area Detailed Land Use Plan, which calls for "medium density residential" at this location, the request is logical because the Eastover Plan was adopted prior to utilities being present, incorporation of the Town and adoption of the Eastover Commercial Core Overlay District.

**REASONABLENESS & IN THE PUBLIC INTEREST**

Consideration of the requested district for the subject property is reasonable and in the public interest because it will be in harmony with surrounding area.

The Planning and Inspections Staff recommends denial of the requested C2(P) Planned Service and Retail/CZ Conditional Zoning for a commercial parking lot but approval of the C1(P) Planned Local Business/CZ Conditional Zoning district for a commercial parking lot with the requested variance for paved parking because of the foregoing and based on the following:

1. Public utilities are available to the subject property; and
2. The request is a logical extension of adjacent commercially zoned property under the same ownership.

There are no other districts considered suitable for this request.

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

130 Gillespie Street - Post Office Box 1829 - Fayetteville, North Carolina 28302-1829 - (910) 678-7600 - Fax: (910) 678-7631

**P14-33**  
**SITE PROFILE**

**P14-33. REZONING OF .52+/- ACRE FROM R6A RESIDENTIAL TO C2(P) PLANNED SERVICE AND RETAIL/CZ CONDITIONAL ZONING DISTRICT FOR OVERFLOW COMMERCIAL PARKING LOT OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 3925 DUNN ROAD; SUBMITTED BY HAROLD G. FURR ON BEHALF OF FURR PROPERTIES, LLC. (OWNER). (EASTOVER)**

**Site Information:**

**Frontage & Location:** No frontage

**Depth:** 251.82'+/-

**Jurisdiction:** Eastover

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

**Current Use:** 1 residential structure

**Initial Zoning:** R6A – December 14, 1979 (Area 10); initially zoned to R6A December 4, 2007 (Town of Eastover incorporated July 26, 2007); Commercial Core Overlay District adopted on October 2, 2012

**Nonconformities:** If approved, residential structure and use will become nonconforming

**Zoning Violation(s):** None

**Surrounding Zoning:** North: C(P), RR, R15 & R6A; South: M(P), C(P), C1(P), RR, & R6A; East: C2(P)/CZ (for allowed uses), C(P), C1(P), RR & R6A; West: C3, RR & R6A (all referenced districts are in Eastover)

**Surrounding Land Use:** Residential (including manufactured dwellings & multi-family), motor vehicle repair, substation, variety sales (2), dance studio, strip mall, barbering, manufactured home park, assembly hall & office

**2030 Growth Vision Plan:** Community Growth Area

**Eastover Area Detailed Land Use Plan:** Medium Density Residential

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

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

**Soil Limitations:** None

**School Capacity/Enrolled:** Armstrong Elementary: 450/419; Mac Williams Middle: 1,270/1,163; Cape Fear High: 1,425/1,570

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

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

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

**Notes:**

1. Density (minus 15% for ROW):  
R6A – 5 lots/units (4 lots/units)
  
2. Minimum Yard Setback Regulations:

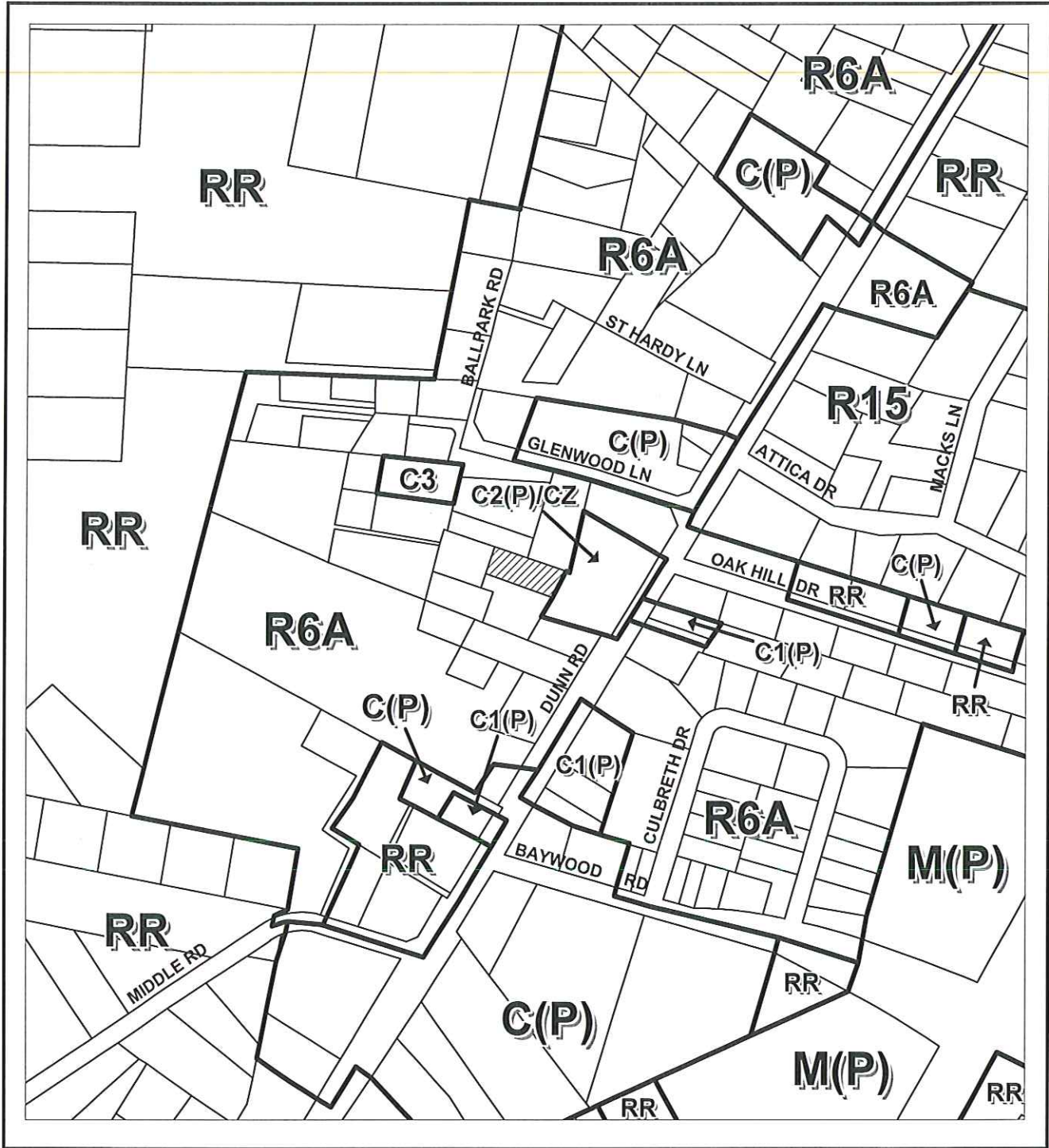
<u>R6A</u>	<u>C1(P)</u>
Front yard: 25'	Front yard: 50'
Side yard: 10'	Side yard: 30'
Rear yard: 15'	Rear yard: 30'

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

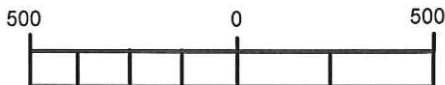
*A certified copy of the tax record owner(s) of the subject and adjacent properties and their tax record mailing address is contained within the case file and is incorporated by reference as if delivered herewith.*



NOTE: IN CCOD AREA



N



SCALE IN FEET

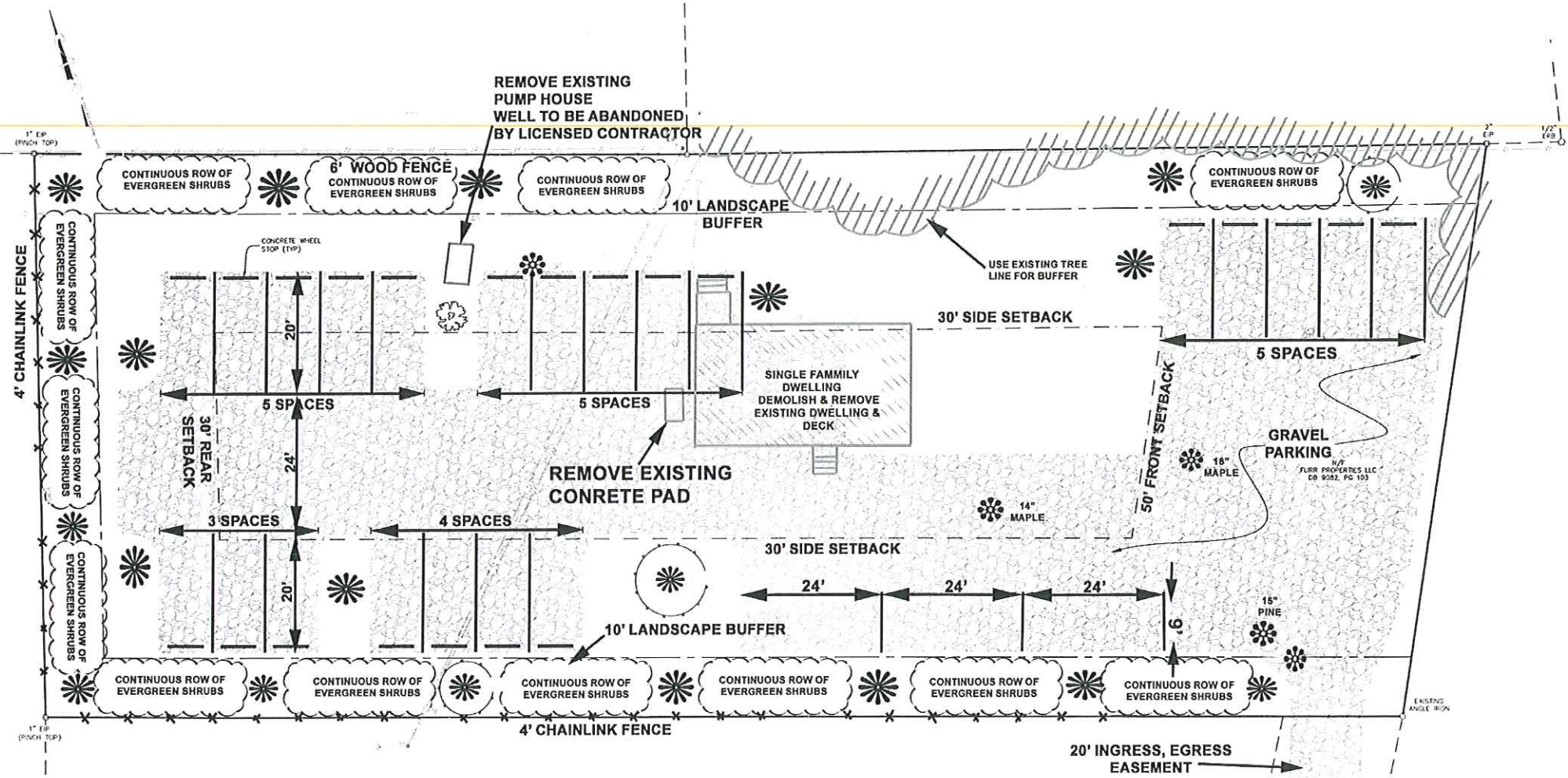
## REQUESTED REZONING R6A TO C2(P)/CZ

ACREAGE: 0.52 AC.+/-	HEARING NO: P14-33	
ORDINANCE: EASTOVER	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

PIN: 0469-51-0412

AM





**CONDITIONAL ZONING DISTRICT**  
**REQUEST: FOR OVERFLOW COMMERCIAL PARKING LOT**  
**CASE: P14-33 ACREAGE: 0.52 AC +/-**  
**ZONED: R6A SCALE: NTS**  
**PARKING: 25 SPACES**

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

**C1(P) PLANNED LOCAL BUSINESS/CZ CONDITIONAL ZONING DISTRICT**  
(Eastover Commercial Core Overlay District)  
**DRAFT**

Ordinance Related Conditions  
for  
Commercial Motor Vehicle Parking Lot

**Pre- Permit Related:**

1. Prior to application for any zoning permits, demolition permit(s) for the existing dwelling and pump house must be obtained; and the structures must be removed and properly disposed of. The developer is responsible for contacting the Code Enforcement Section for an inspection of the site.
2. The owner/developer(s) must provide a recorded copy of the ingress/egress access easement with a minimum width of 20 feet to Code Enforcement prior to or at the time of permit application.

**Permit-Related:**

3. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the County Zoning Ordinance and permits required to place any structure within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. For additional information, the developer should contact a Code Enforcement Officer.
4. The developer must provide a site-specific address and tax parcel number at the time of zoning permit application.
5. Landscaping must be provided in accordance with Section 1102 N, Landscaping, County Zoning Ordinance and/as shown on the site plan. Below are the minimum standards for the required landscaping of this site; however, all landscaping as shown on the site plan must be in place prior to use of this site as a commercial parking lot.
  - One large shade tree or two small ornamental trees are required within the parking area.

In addition:

- a. Required plant materials shall be maintained by the property owner, including replacing dead or unhealthy trees and shrubs; and
  - b. All yard and planting areas shall be maintained in a neat, orderly, and presentable manner and kept free of weeds and debris.
6. A Code Enforcement Officer must inspect the site and certify that the site is developed in accordance with the approved plans.

**Site-Related:**

7. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Development Ordinance and Zoning Ordinances, coupled with the Eastover supplements for the C1(P)/CZ zoning district for a commercial motor vehicle parking lot and the provisions of the Eastover Commercial Core Overlay district must be complied with, as applicable.
8. This conditional approval is not approval of any freestanding signs. Attached signage for this development must be in accordance with the applicable sign regulations as set forth in Article XIII of the County Zoning Ordinance and that the proper permit(s) must be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is **not** approval of the size, shape, or location of any signs.)
9. For any new development, an adequate drainage system must be installed by the developer in accordance with the NC Department of Environment and Natural Resources' (NCDENR) *Manual on Best Management Practices* and all drainage ways must be kept clean and free of debris. (Section 2306 D, County Subdivision and Development Ordinance)



10. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision and Development Ordinance)
11. A solid buffer must be provided and maintained along the side and rear property lines where this tract/site abuts residentially zoned properties and as shown on the site plan, except that the vegetation must be located between the fence and the common property line) in accordance with the provisions of Section 1102 G, Buffer Requirements, County Zoning Ordinance. (Note: Chain link fencing cannot be used to satisfy the buffer requirement)
12. 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.
13. All required off-street parking spaces shall be a minimum of 9' x 20'. **The drive areas are required to be surfaced, with a permanent material such as asphalt or concrete, and striped prior to application for the final inspection.**
14. The owner/developer is responsible and liable for maintenance and upkeep of this site, all structures, and appurtenances, to include ensuring that the site is kept free of litter and debris, all grass areas mowed, all buffers and shrubbery kept trim and maintained, so that the site remains in a constant state of being aesthetically and environmentally pleasing.

**Other Relevant Conditions:**

15. The applicant is advised to consult an expert on wetlands before proceeding with any development.
16. 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.
17. Since the commercial motor vehicle parking lot is intended for patrons/employees of the adjacent commercial shopping center and if the developer desires for this commercial lot to satisfy ordinance related parking requirement for any future expansion of the adjacent shopping center or other commercial entity, the owner/developer must provide a cross parking agreement to the Land Use Codes Section of the County Planning & Inspection Department for the Town Attorney's review and approval. A copy of the approved recorded cross parking agreement must be provided to the Code Enforcement prior to application for any new building/zoning permits.

*Thank you for developing in Town of Eastover and Cumberland County!*

**If you need clarification of any conditions, please contact Ed Byrne at 910-678-7609 or Patti Speicher at 910-678-7605 with the Land Use Codes Section; 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
Fire Marshal – Emergency Services	Rodney Ward	321-6625
Eastover Sanitary District:	Connie Spell	229-3716
Town of Eastover:	Matt Rooney (Staff Rep)	678-7625
Town of Eastover	Jane Faircloth (Town Clerk)	323-0707
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 Furr Properties, LLC
2. Address: 327 Dick Street, Fayetteville, NC Zip Code 28301
3. Telephone: (Home) 910-391-3877 (Work) 910-424-3877
4. Location of Property: south of intersection of Glenwood Lane and Dunn Road  
in Eastover
5. Parcel Identification Number (PIN #) of subject property: 0469-51-0412  
(also known as Tax ID Number or Property Tax ID)
6. Acreage: 0.53 Frontage: 97 Depth: 247
7. Water Provider: Eastover Sanitary District
8. Septage Provider: Eastover Sanitary District
9. Deed Book 9082, Page(s) 103, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
10. Existing use of property: single family residential
11. Proposed use(s) of the property: Commercial parking lot

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

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

TO: (Select one)

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

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

APPLICATION FOR  
CONDITIONAL ZONING

1. PROPOSED USE(S):

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

Overflow commercial parking lot

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

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

2. DIMENSIONAL REQUIREMENTS:

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

Dimensional setbacks for C2(P) per the zoning ordinance

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

27 spaces provided. All parking will be on gravel.  
See site plan.

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.

Any sign will comply with the current zoning regulations per Article XIII.

4. LANDSCAPE AND BUFFER REQUIREMENTS:

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

Will comply with Section 1102 Paragraph N. See site plan for landscaping.

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

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

5. MISCELLANEOUS:

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

See site plan.

6. SITE PLAN REQUIREMENTS:

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



7. STATEMENT OF ACKNOWLEDGMENT:

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

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

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

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


I further understand I must voluntarily agree to all ordinance related prior to the first hearing on the case. The undersigned hereby acknowledge that the Planning and Inspections Staff has conferred with the petitioner or assigns, and the application as submitted is accurate and correct.

✓ Furr Properties, LLC  
NAME OF OWNER(S) (PRINT OR TYPE)

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

FurrProperties@embarqmail.com  
E-MAIL

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

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

Patricia Hall,  
Chair  
Town of Hope Mills

Charles C. Morris,  
Vice-Chair  
Town of Linden

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

Donovan McLaurin  
Wade, Falcon & Godwin



Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

Vikki Andrews,  
Diane Wheatley,  
Carl Manning,  
Walter Clark,  
Cumberland County

Benny Pearce,  
Town of Eastover

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

—◆—  
*Planning & Inspections Department*

July 8, 2014

**MEMORANDUM**

**TO:** Cumberland County Joint Planning Board  
**FROM:** Planning and Inspections Staff  
**SUBJECT:** Staff Recommendation for the July 15, 2014 Board Meeting

**P14-37.** REZONING OF 12.20+/- ACRES FROM C(P) PLANNED COMMERCIAL/CUD CONDITIONAL USE DISTRICT FOR A CREMATORIUM AND THE PERMIT AND A1 AGRICULTURAL TO C(P) PLANNED COMMERCIAL/CZ CONDITIONAL ZONING FOR A CREMATORIUM, OFFICE, MEDITATION ROOM, GAZEBO AND DISPLAY OF EQUIPMENT AND SERVICES OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 6761 AND 6765 SANDY CREEK ROAD, SUBMITTED BY KAREN L. CAMPBELL (OWNER).

**CONSISTENCY WITH LAND USE PLAN STATEMENT**

Although the district requested is not consistent with the 2030 Growth Vision Plan, which calls for “rural” at this location, the request is consistent with the existing and approved use for a crematorium which is centered on a large tract and not in close proximity to any adjacent or abutting properties.

**REASONABLENESS & IN THE PUBLIC INTEREST**

The location and character of the district is reasonable and in the public interest if developed according to the plan as submitted and will be in harmony with the surrounding area.

The Planning and Inspections Staff recommends approval of the C(P) Planned Commercial/CZ Conditional Zoning district for a crematorium, office, meditation room, gazebo and display of equipment and services because of the foregoing and based on the following:

- If approved, the rezoning would allow the already approved crematorium to expand the operation to a size more suitable for all facets involved with the services offered.

There are no other districts considered suitable for this request. The applicant/owner has verbally agreed to all Ordinance Related Conditions

Attachments: 1 – Site Profile 2 – Sketch Map 3 – Site Plan 4 – Detailed Enlargement 5 – Ordinance Related Conditions 6 – Application



**P14-37**  
**SITE PROFILE**

**P14-37.** REZONING OF 12.20+/- ACRES FROM C(P) PLANNED COMMERCIAL/CUD CONDITIONAL USE DISTRICT FOR A CREMATORY AND THE PERMIT AND A1 AGRICULTURAL TO C(P) PLANNED COMMERCIAL/CZ CONDITIONAL ZONING FOR A CREMATORIUM, OFFICE, MEDITATION ROOM, GAZEBO AND DISPLAY OF EQUIPMENT AND SERVICES OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 6761 AND 6765 SANDY CREEK ROAD, SUBMITTED BY KAREN L. CAMPBELL (OWNER).

**Site Information:**

**Frontage & Location:** 506.43'+/- on SR 1847 (Sandy Creek Road)

**Depth:** 1,008.77'+/-

**Jurisdiction:** Cumberland County

**Adjacent Property:** Yes, north & east of subject property

**Current Use:** Crematorium, office & vacant land

**Initial Zoning:** A1 – September 20, 1996 (Area 20); portion rezoned to C(P)/CUD for a crematorium on April 21, 2008

**Nonconformities:** None

**Zoning Violation(s):** None

**Surrounding Zoning:** North: R40, R40A & A1; South: R40A, RR, R6A & A1; East: A1; West: R40A, RR & R20A

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

**2030 Land Use Plan:** Rural

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

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

**Soil Limitations:** Yes – LE Leon sand

**School Capacity/Enrolled:** Stedman Primary: 200/163; Stedman Elementary: 300/298; Mac Williams Middle: 1,270/1,163; Cape Fear High: 1,425/1,570

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

**Average Daily Traffic Count (2010):** 390 on SR 1847 (Sandy Creek 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:**

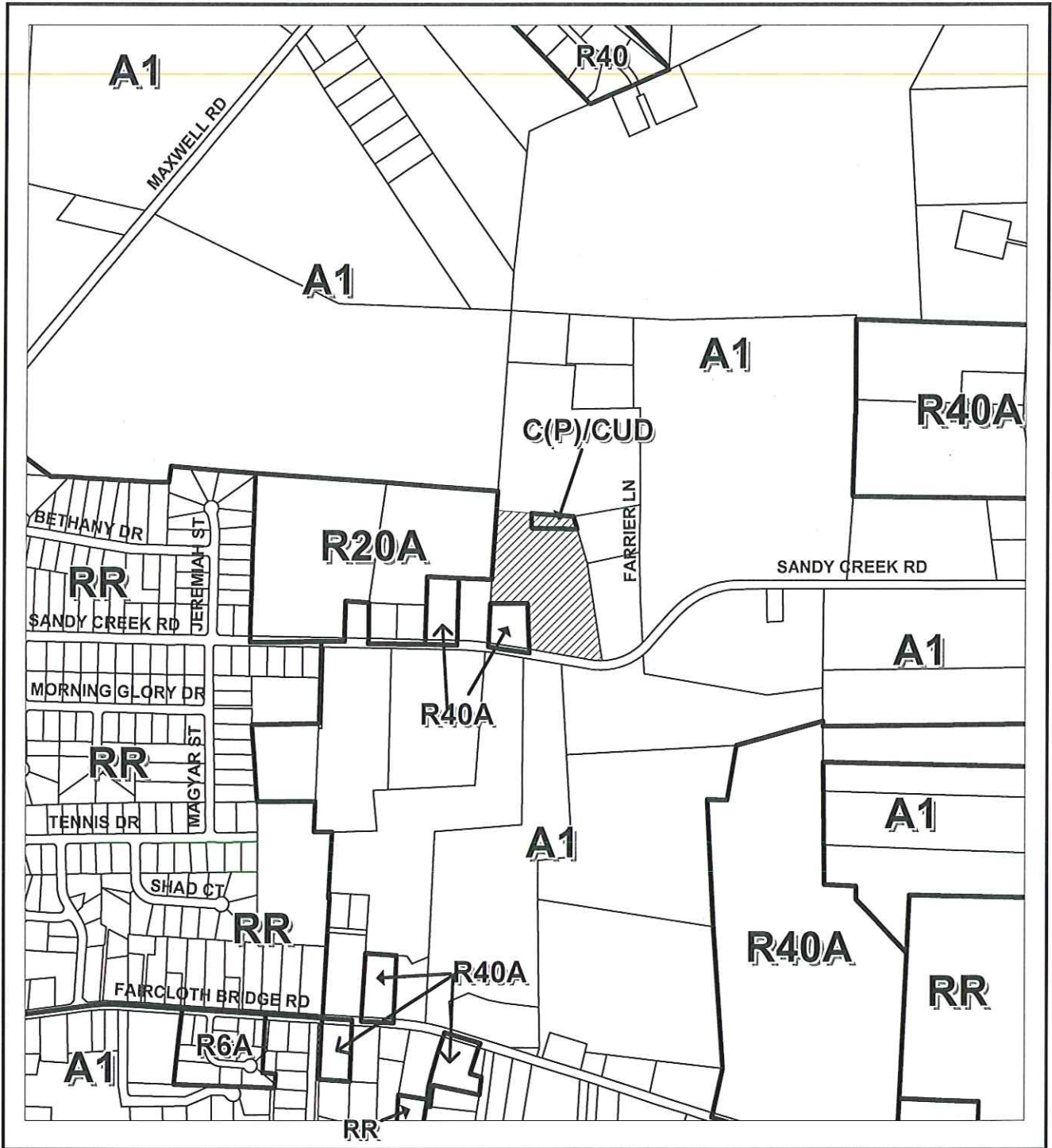
1. Density:  
A1 – 6 lots/units
  
2. Minimum Yard Setback Regulations:

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

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

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

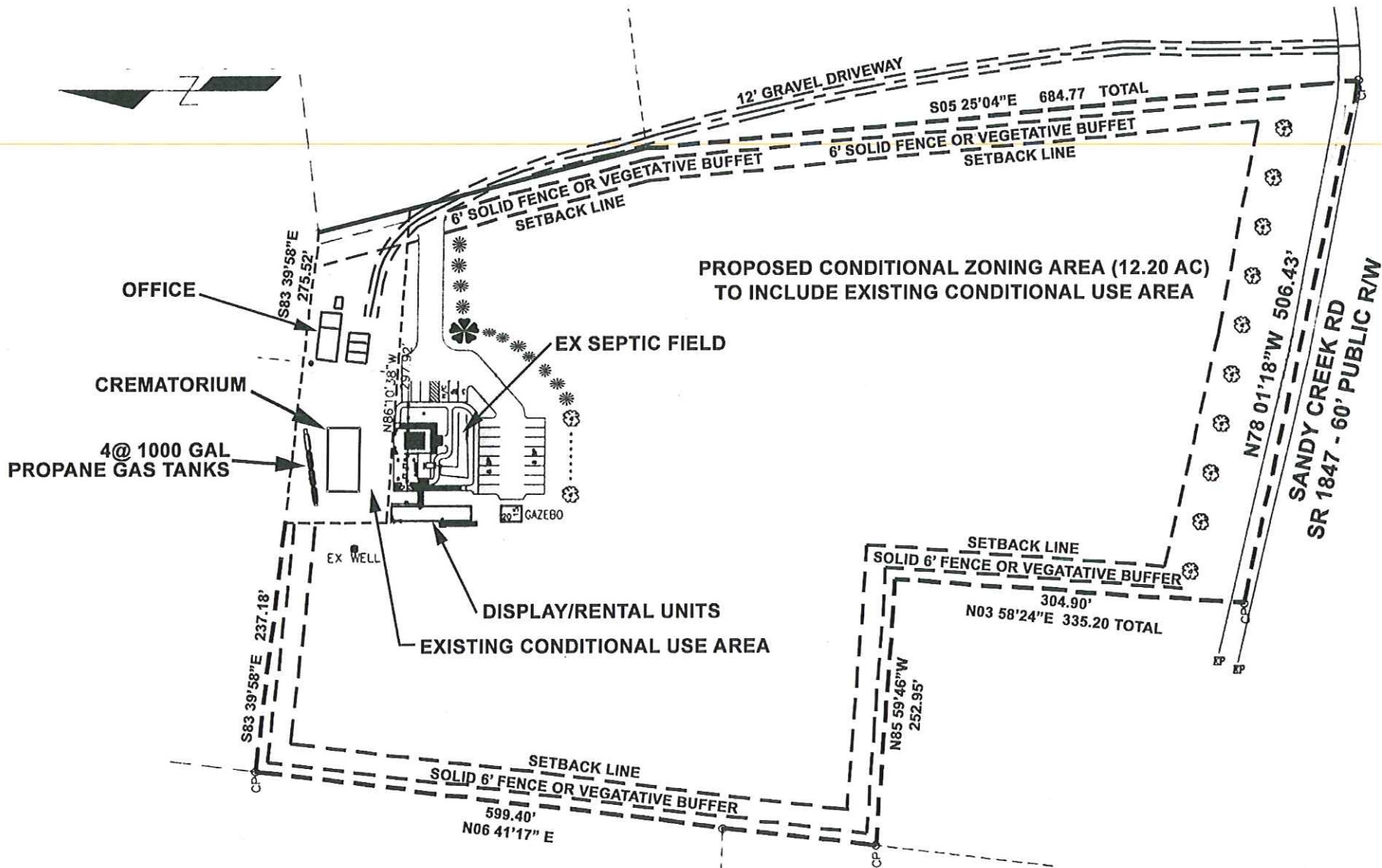




## REQUESTED REZONING C(P)/CUD & A1 TO C(P)/CZ

<b>ACREAGE: 12.20 AC.+/-</b>	<b>HEARING NO: P14-37</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: 0497-69-2341



**CONITIONAL ZONING DISTRICT**  
**REQUEST: FOR A CREMATORIUM, OFFICE, MEDITATION ROOM,**  
**GAZEBO AND DISPLAY OF EQUIPMENT AND SERVICES**  
**CASE: P14-37 ACREAGE: 12.20 AC +/-**  
**ZONED: A1 & C(P)/CUD SCALES: NTS**  
**PARKING: 25 SPACES**

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



4 @ 1000 GAL  
PROPANE GAS TANKS

CREMATORIUM

OFFICE

PROPOSED  
MEDITATION  
ROOM

EXISTING  
CONDITIONAL USE AREA  
(0.6019 AC)

PROPOSED  
DISPLAY/RENTAL UNITS  
14'X76'

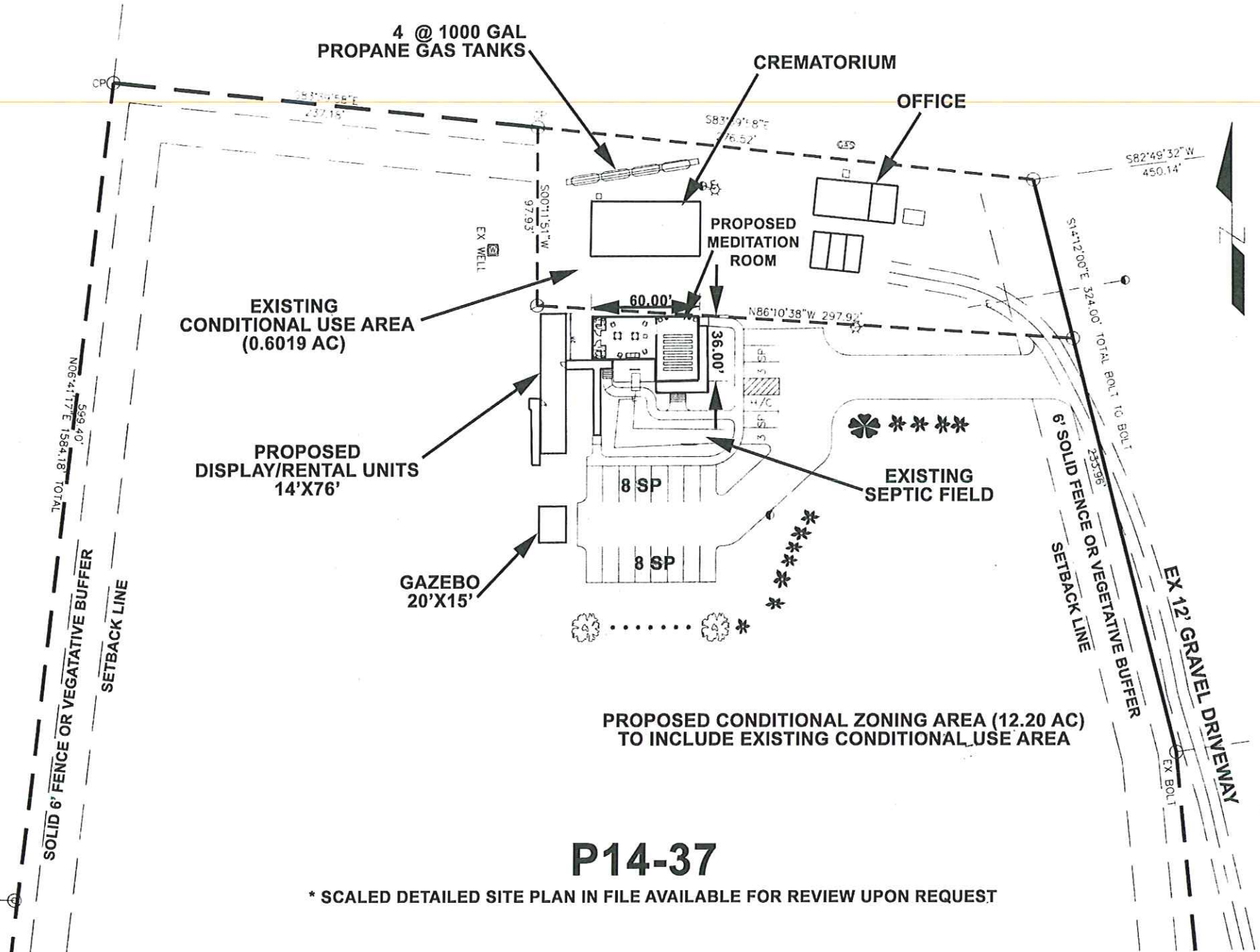
GAZEBO  
20'X15'

EXISTING  
SEPTIC FIELD

PROPOSED CONDITIONAL ZONING AREA (12.20 AC)  
TO INCLUDE EXISTING CONDITIONAL USE AREA

**P14-37**

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



**C(P) Planned Commercial District/CZ Conditional Zoning**

DRAFT

Ordinance Related Conditions  
for  
Crematorium, Office, Meditation Room, Gazebo and Display of Equipment and Related Services

**Permit-Related:**

1. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the County Zoning Ordinance and permits required to place any structure within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. For additional information, the developer should contact a Code Enforcement Officer.
2. The proposed structure must meet all building and fire code requirement for the proposed used. The developer should contact a Building Inspector and Fire Marshall for any questions regarding their requirements.
3. The County Health Department must approve water and sewer plans prior to application for any permits. Site and soil evaluations must be conducted on the property by the County Environmental Health Department prior to application for permits. A copy of the Health Department approval must be provided to Code Enforcement at the time of application for any building/zoning permits. (Note: All Health Department requirements must be met prior to issuance of final permits.) (Section 2306 A, Water and Sewer, County Subdivision and Development Ordinance)
4. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
5. New development where the developer will disturb or intends to disturb more than one acre of land is subject to the Post-Construction Stormwater Management Permitting Program (Phase II Stormwater Management Requirements) administered by the Division of Water Quality, North Carolina Department of Environment and Natural Resources. If one acre or more of land is to be disturbed, prior to the issuance of any building/zoning permits for this site, a copy of the State's *Post-Construction Permit* must be provided to County Code Enforcement.
6. For any new development where the developer disturbs or intends to disturb more than one acre of land, the developer must provide the Code Enforcement Section with an approved NC Department of Environment and Natural Resources (NCDENR) sedimentation and erosion control plan (S&E) prior to any application for permits. (Note: If any retention/detention basins are required for state approval of this plan, then three copies of a revised plan must be submitted and approved by Planning & Inspections prior to application for any building/zoning permits.) A copy of the NCDENR approval must be provided to Code Enforcement at the time of application for any building/zoning permits.
7. Landscaping must be provided in accordance with Section 1102 N, Landscaping, County Zoning Ordinance and/as shown on the site plan. The following are the minimum standards for the required landscaping of this site:
  - a. Ten large shade trees or 20 small ornamental trees within the front yard setback area along SR 1847 (Sandy Creek Road);
  - b. One ornamental tree and 12 shrubs are required in the building yard area;
  - c. One large shade tree or two small ornamental trees are required within the parking area.

In addition:

- a. Required plant materials shall be maintained by the property owner, including replacing dead or unhealthy trees and shrubs; and
  - b. All yard and planting areas shall be maintained in a neat, orderly, and presentable manner and kept free of weeds and debris.
8. The building final inspection cannot be accomplished until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans.



**Site-Related:**

9. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Development Ordinance and Zoning Ordinances for the C(P)/CZ zoning district for the crematorium and related facilities, to include the contents of the application and site plan, must be complied with, as applicable.
10. This conditional approval is not approval of any freestanding signs. Attached signage for this development must be in accordance with the applicable sign regulations as set forth in Article XIII of the County Zoning Ordinance and that the proper permit(s) must be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is **not** approval of the size, shape, or location of any signs.)
11. 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 and Development Ordinance)
12. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision and Development Ordinance)
13. 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.
14. The developer must obtain a driveway permit from the NC Department of Transportation (NCDOT). A copy of the approved driveway permit must be provided to Code Enforcement at the time of application for building/zoning permits.
15. All lighting is required to be directed internally within this development and comply with the provisions of Section 1102 M, Outdoor Lighting, County Zoning Ordinance.
16. A solid buffer must be provided and maintained along the side and rear property with the exception of the drive way location where this tract/site abuts residentially zoned properties in accordance with the provisions of Section 1102 G, Buffer Requirements, County Zoning Ordinance. (Note: Chain link fencing cannot be used to satisfy the buffer requirement.)
17. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.
18. All required off-street parking spaces shall be a minimum of 9' x 20'; a minimum of 23 off-street parking spaces is required for this development.
19. The owner/developer is responsible and liable for maintenance and upkeep of this site, all structures, and appurtenances, to include ensuring that the site is kept free of litter and debris, all grass areas mowed, all buffers and shrubbery kept trim and maintained, so that the site remains in a constant state of being aesthetically and environmentally pleasing.

**Other Relevant Conditions:**

20. The applicant is advised to consult an expert on wetlands before proceeding with any development.
21. The owner/developer is responsible for ensuring easements which may exist on the subject property are accounted for, not encumbered and that no part of this development is violating the rights of the easement holder.
22. This conditional approval is not to be construed as all encompassing of the applicable rules, regulations, etc. which must be complied with for any development. Other regulations, such as building, environmental, health and so forth, may govern the specific development. The developer is the responsible party to ensure full compliance with all applicable Federal, State, and local regulations.

*Thank you for choosing Cumberland County for your business location!*

**If you need clarification of any conditions, please contact Ed Byrne at 910-678-7609 or Patti Speicher at 910-678-7605 with the Land Use Codes Section; 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 Building Inspections:	Gary Faulkner	321-6648
Fire Marshal – Emergency Services	Rodney Ward	321-6625
County Health Department:	Daniel Ortiz	433-3680
Corp of Engineers (wetlands):	Liz Hair	(910) 251-4049
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 Cape Fear Crematory, Inc
2. Address: 6771 Sandy Creek Rd Stedman Nc Zip Code 28391
3. Telephone: (Home) 910-485-0846 (Work) cell 910-309-8341
4. Location of Property: 6765 Sandy Creek Rd/SR1847  
Stedman, NC 28391
5. Parcel Identification Number (PIN #) of subject property: 0497-69-2341  
(also known as Tax ID Number or Property Tax ID)
6. Acreage: ~~± 29.74~~ ± 12.20 Ac. Frontage: ± 506.43 Depth: ± ~~1933.80~~ 974.88
7. Water Provider: well
8. Septage Provider: Septic
9. Deed Book 4663, Page(s) 663, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
10. Existing use of property: Cape Fear Crematory
11. Proposed use(s) of the property: Crematory, Office

Mediation Room, Gazebo, Display of  
NOTE: Be specific and list all intended uses. Equipment & services

12. It is requested that the foregoing property be rezoned FROM: C(P)/COD + A1

TO: (Select one)

- Conditional Zoning District, with an underlying zoning district of C(P)/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 \_\_\_\_\_ Density  
(Article VIII)

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 if approved.)

Crematory, office, Meditation Room, Garage  
Display of equipment & services

Occupancy: 76  
per Bennett Eng.

- 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.

Ex Conditional Zoned	-	0.60 Ac	
Proposed	"	12.28	(Incl Ex Conditional)
Unchanged	"	17.54	

2. DIMENSIONAL REQUIREMENTS:

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

C(P) Setbacks

Front - 50'

Side - 30'

Rear - 30'

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

21 spaces; 9x20'; 1 H/c & Ramp will have Asphalt Pavement. All other parking and driveways will have a gravel surface

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.

~~Section 1306 B-2~~ No signed planned



4. LANDSCAPE AND BUFFER REQUIREMENTS:

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

B. Indicate the type of buffering and approximate location, width and setback from the property lines. (Sec. 1102G). **NOTE: All required buffers must be included on the site plan.**

*See site plan*

5. MISCELLANEOUS:

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

6. SITE PLAN REQUIREMENTS:

The application must include a site plan drawn to the specifications of Sec. 1402. If the proposed uses involve development subject to the County Subdivision Ordinance, the site plan required may be general in nature, showing a generalized street pattern, if applicable, and the location of proposed uses. If the proposed uses include development not subject to the Subdivision Ordinance, the site plan must be of sufficient detail to allow the Planning and Inspections Staff, Planning Board and County Commissioners to analyze the proposed uses and arrangement of uses on the site. It also must 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 within a complete application.

I further understand I must voluntarily agree to all ordinance related conditions prior to the first hearing on the case or any disagreement may be cause for an unfavorable recommendation. 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.

✓ Karen L. Campbell  
NAME OF OWNER(S) (PRINT OR TYPE)

6771 Sandy Creek Rd, Stedman, NC 28391  
ADDRESS OF OWNER(S)

www.capefearcrematory.com  
E-MAIL

910-485-0846 HOME TELEPHONE      Cell 910 309-8341 WORK TELEPHONE

Karen Campbell SIGNATURE OF OWNER(S)      SIGNATURE OF OWNER(S)

✓ Robert ENGINEERING      PLANNING      SURVEYING      OR TYPE)  
NAME OF AGENT      Project Management, Subdivisions, Water, Sewers,  
Drainage, Pumping Stations, Street/Highway Design,  
Paving, Traffic, Parking

120 Gillespie      BENNETT ENGINEERING, PLLC      1e, NC 28301-  
ADDRESS OF AGENCY      Robert M. (Bob) Bennett, P.E. PLS      5644

910      120 Gillespie St., 2nd Floor      Office Phone (910) 484-5523  
HOME TELEPHONE      Fayetteville, N.C.      Cel Ph (910) 624-8293  
28301-5644      Fax (910) 485-1077  
email bengineering@embarqmail.com      Res. Phone (910) 425-2689

\_\_\_\_\_  
E-MAIL ADDRESS      FAX NUMBER

Robert M Bennett  
SIGNATURE OF AGENT, ATTORNEY, OR APPLICANT



Patricia Hall,  
Chair  
Town of Hope Mills

Charles C. Morris,  
Vice-Chair  
Town of Linden

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

Donovan McLaurin  
Wade, Falcon & Godwin



CUMBERLAND  
★ COUNTY ★  
NORTH CAROLINA

—◆—  
*Planning & Inspections Department*

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

Vikki Andrews,  
Diane Wheatley,  
Carl Manning,  
Walter Clark,  
Cumberland County

Benny Pearce,  
Town of Eastover

July 8, 2014

**MEMORANDUM**

**TO:** Cumberland County Joint Planning Board  
**FROM:** Planning & Inspections Staff  
**SUBJECT:** Staff Recommendation for the July 15, 2014 Board Meeting

**P13-45.** MODIFICATION OF A CONDITION FOR AN APPROVED A1 AGRICULTURAL/CZ CONDITIONAL ZONING FOR AN OUTDOOR FIRING RANGE AND AGRICULTURAL USES CONSISTING OF 978.40 +/- ACRES, ALLOWING FOR HOURS OF OPERATION NOT APPLY TO LAW ENFORCEMENT QUALIFICATION AND TRAINING; LOCATED AT 2850 TIGERSWAN DRIVE; SUBMITTED BY D. STEWART PRECYTHE ON BEHALF OF PRECYTHE PROPERTIES, LLC. (OWNER) AND STEVEN M. SWIERKOWSKI ON BEHALF OF THE RANGE COMPLEX.

On October 21, 2013 the County Board of Commissioners approved the above referenced rezoning subject to several conditions. One condition restricted night firing and the owner is requesting to modify this condition. The Planning & Inspections Staff recommends approval of the modification to the A1 Agricultural/CZ Conditional Zoning district for an outdoor firing range and agricultural uses, specifically Condition No. 26, for this request based on the following:

- Modifying the hours of operation to allow law enforcement officers access to the range(s) is in the public interest, affording the public's safety and welfare. Mandatory training and qualifications for law enforcement officials who work second and third shifts is difficult and burdensome. Most ranges in Cumberland County are closed when these officers are able to train. It would be logical to allow law enforcement officers who work an off shift the same benefit as those who work 8 am to 5 pm.

Attachments:

- 1-Site Profile
- 2-Sketch Map
- 3-Overall Site Plan
- 4&5-Detailed Enlargements
- 6- Conditions of Approval
- 7- Modification Request

**P13-45**  
**SITE PROFILE**

**P13-45.** MODIFICATION OF A CONDITION FOR AN APPROVED A1 AGRICULTURAL/CZ CONDITIONAL ZONING FOR AN OUTDOOR FIRING RANGE AND AGRICULTURAL USES CONSISTING OF 978.40 +/- ACRES, ALLOWING FOR HOURS OF OPERATION NOT APPLY TO LAW ENFORCEMENT QUALIFICATION AND TRAINING; LOCATED AT 2850 TIGERSWAN DRIVE; SUBMITTED BY D. STEWART PRECYTHE ON BEHALF OF PRECYTHE PROPERTIES, LLC. (OWNER) AND STEVEN M. SWIERKOWSKI ON BEHALF OF THE RANGE COMPLEX.

**Site Information:**

**Frontage & Location:** 20.00'+/- on SR 2053 (Doe Hill Road)

**Depth:** 13,100.00'+/-

**Jurisdiction:** Cumberland County

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

**Current Use:** Range complex, woodlands, and farmlands

**Initial Zoning:** A1 – September 3, 1996 (Area 21); rezoned to A1/CZ for outdoor firing range and agricultural uses on October 21, 2013

**Nonconformities:** None

**Zoning Violation(s):** None

**Surrounding Zoning:** North: R40A, RR & A1; South: A1; East: C3 & A1; West: A1/CU (to allow a professional office) & A1

**Surrounding Land Use:** Residential (including manufactured dwellings), hog farm, agricultural uses, farmland & woodland

**2030 Land Use Plan:** Rural

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

**Wetlands:** Yes

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

**Soil Limitations:** Yes, hydric – CT Croatan muck, LE Leon sand, PA Pactolus loamy sandy, RA Rains sandy loam & TR Torhunta and Lynn Haven soils

**School Capacity/Enrolled:** Stedman Primary: 200/163; Stedman Elementary: 300/298; Mac Williams Middle: 1,270/1,163; Cape Fear High: 1,425/1,570

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

**Average Daily Traffic Count (2010):** 1,600 on NC HWY 210 S

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

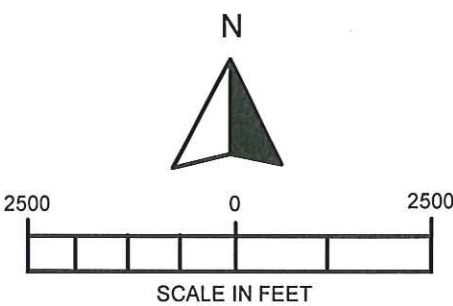
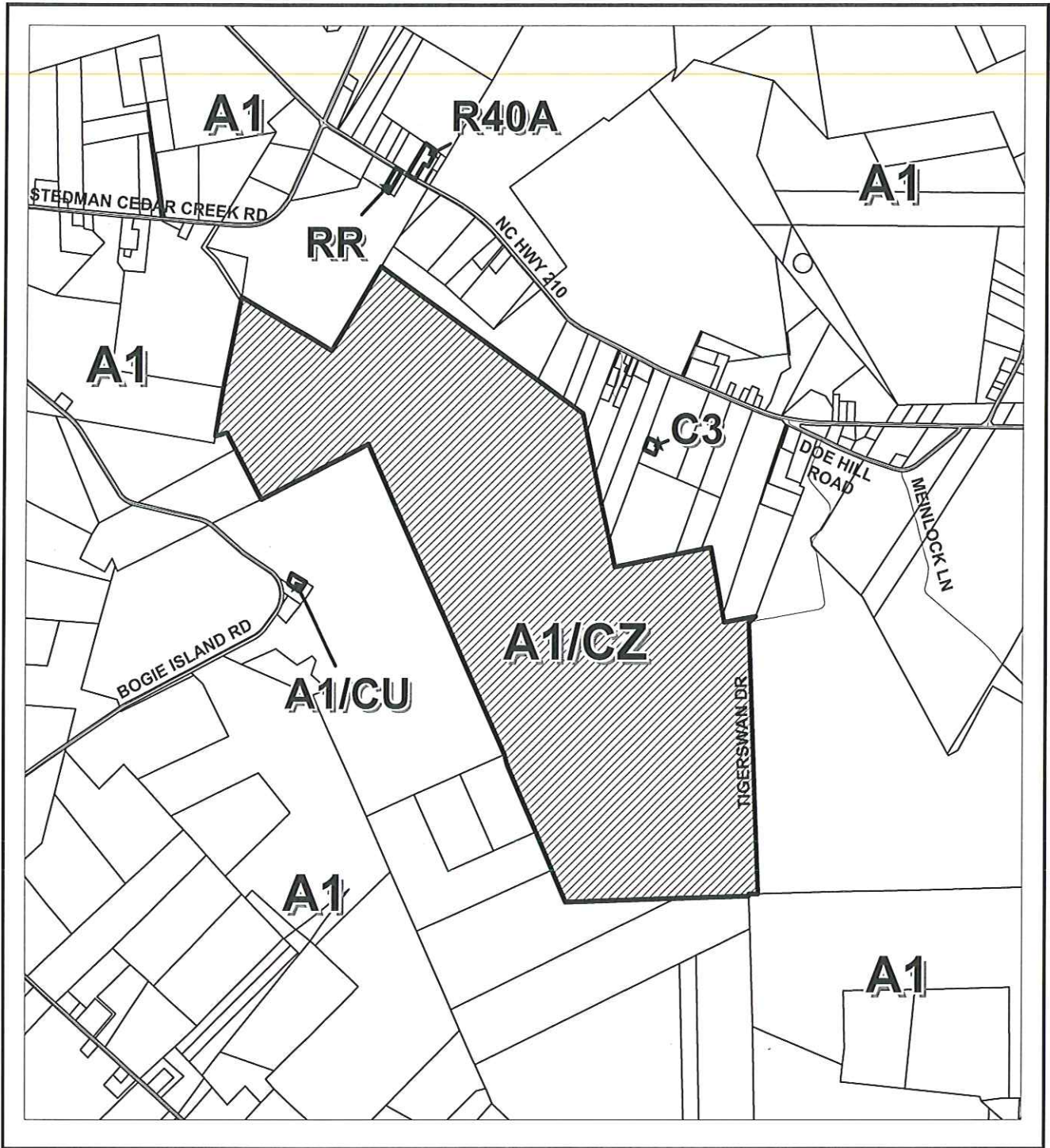
**Note:**

- **If approved, the hours of operation (8 am to 5 pm) would not apply law enforcement officers.**

**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.*



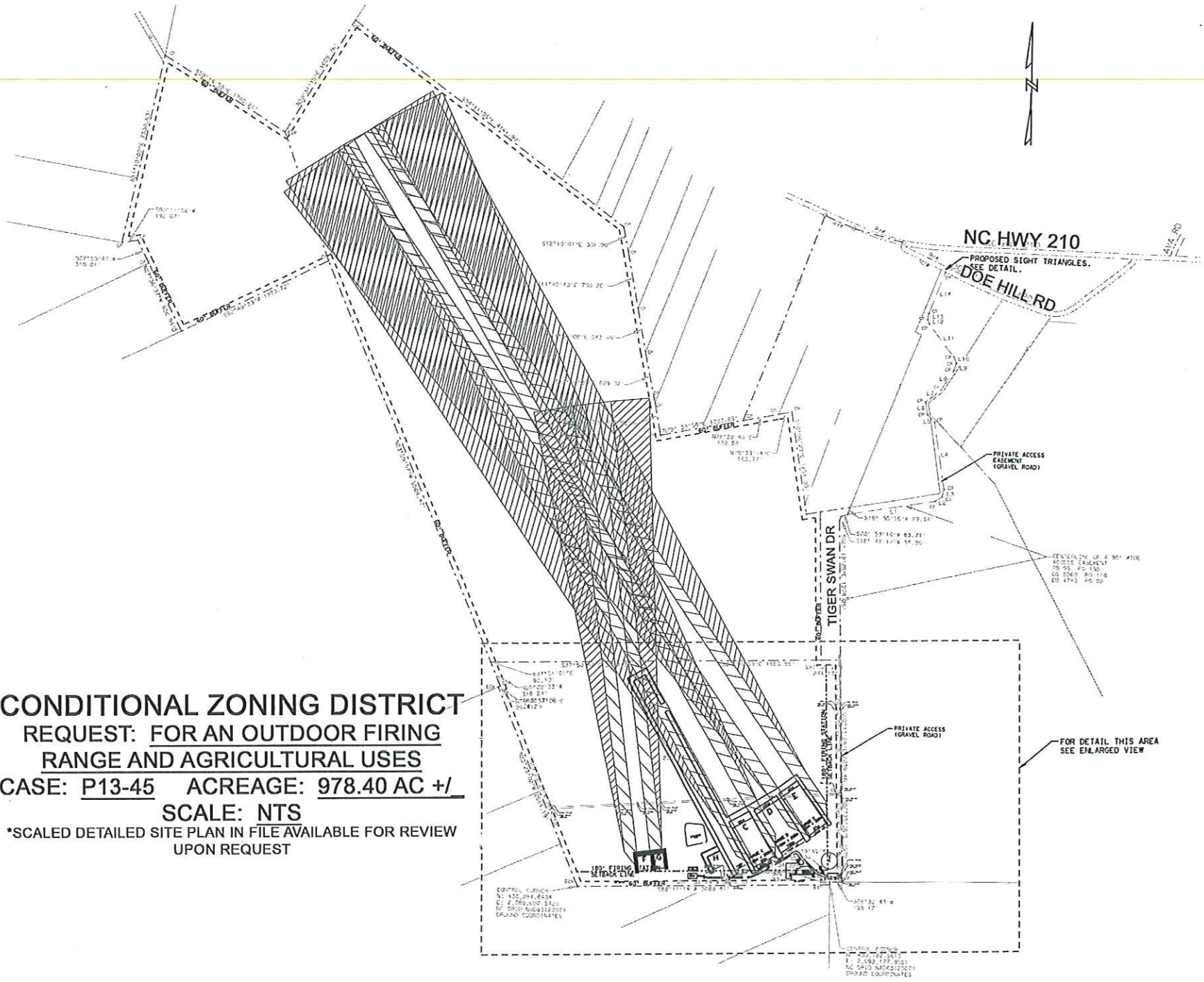


PORT. OF PIN: 0493-04-5262

## MODIFICATION OF CONDITIONAL ZONING

<b>ACREAGE: 978.40 AC.+/-</b>		<b>HEARING NO: P13-45</b>	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

**CONDITIONAL ZONING DISTRICT  
 REQUEST: FOR AN OUTDOOR FIRING  
 RANGE AND AGRICULTURAL USES  
 CASE: P13-45 ACREAGE: 978.40 AC +/-  
 SCALE: NTS  
 \*SCALED DETAILED SITE PLAN IN FILE AVAILABLE FOR REVIEW  
 UPON REQUEST**

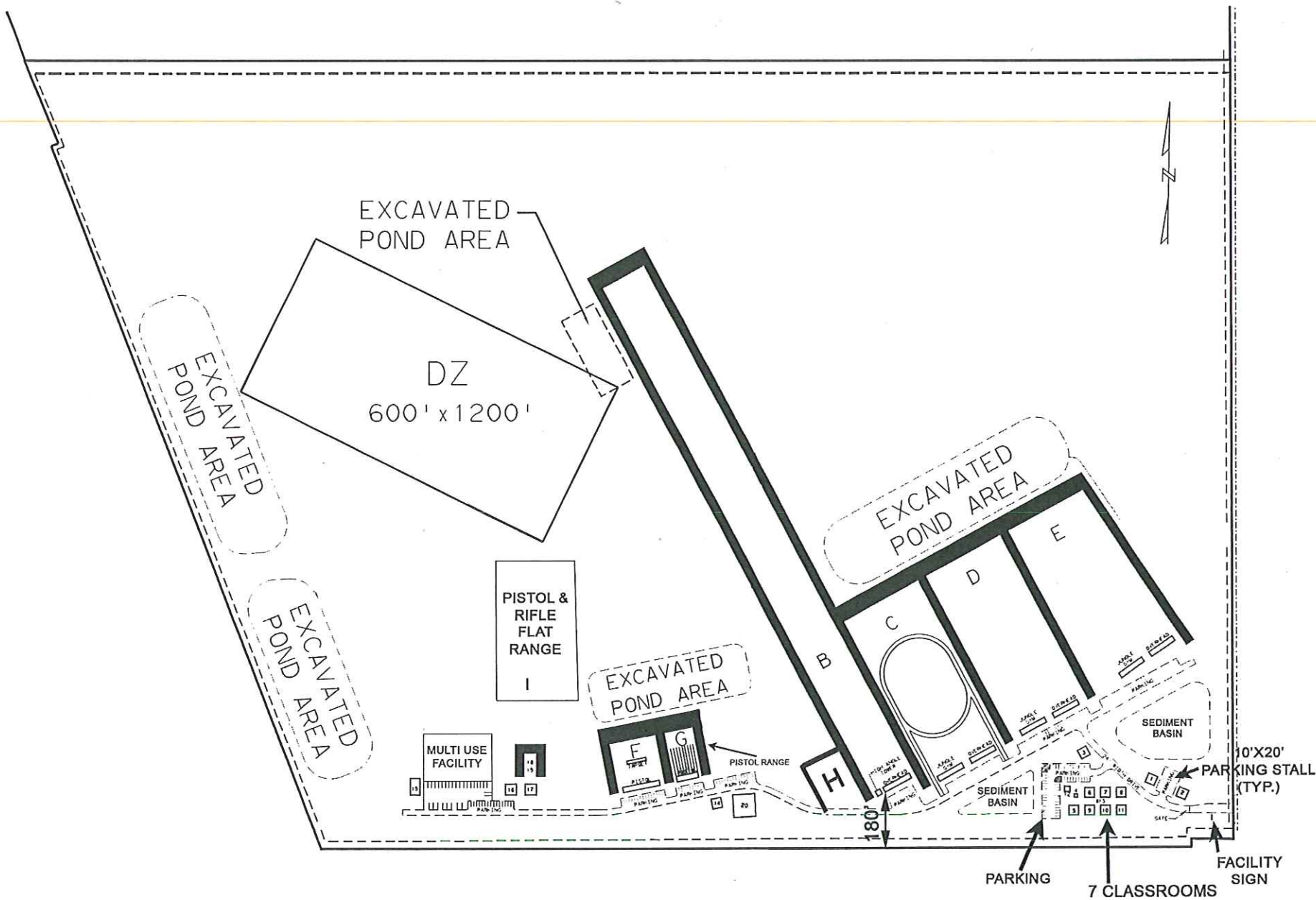


CONTROL CORNER  
 N: 400,000.000  
 E: 4,000,000.000  
 PLAN NUMBER: 13-45  
 GRAND COORDINATES

CONTROL CORNER  
 N: 400,000.000  
 E: 4,000,000.000  
 PLAN NUMBER: 13-45  
 GRAND COORDINATES

FOR DETAIL THIS AREA  
 SEE ENLARGED VIEW

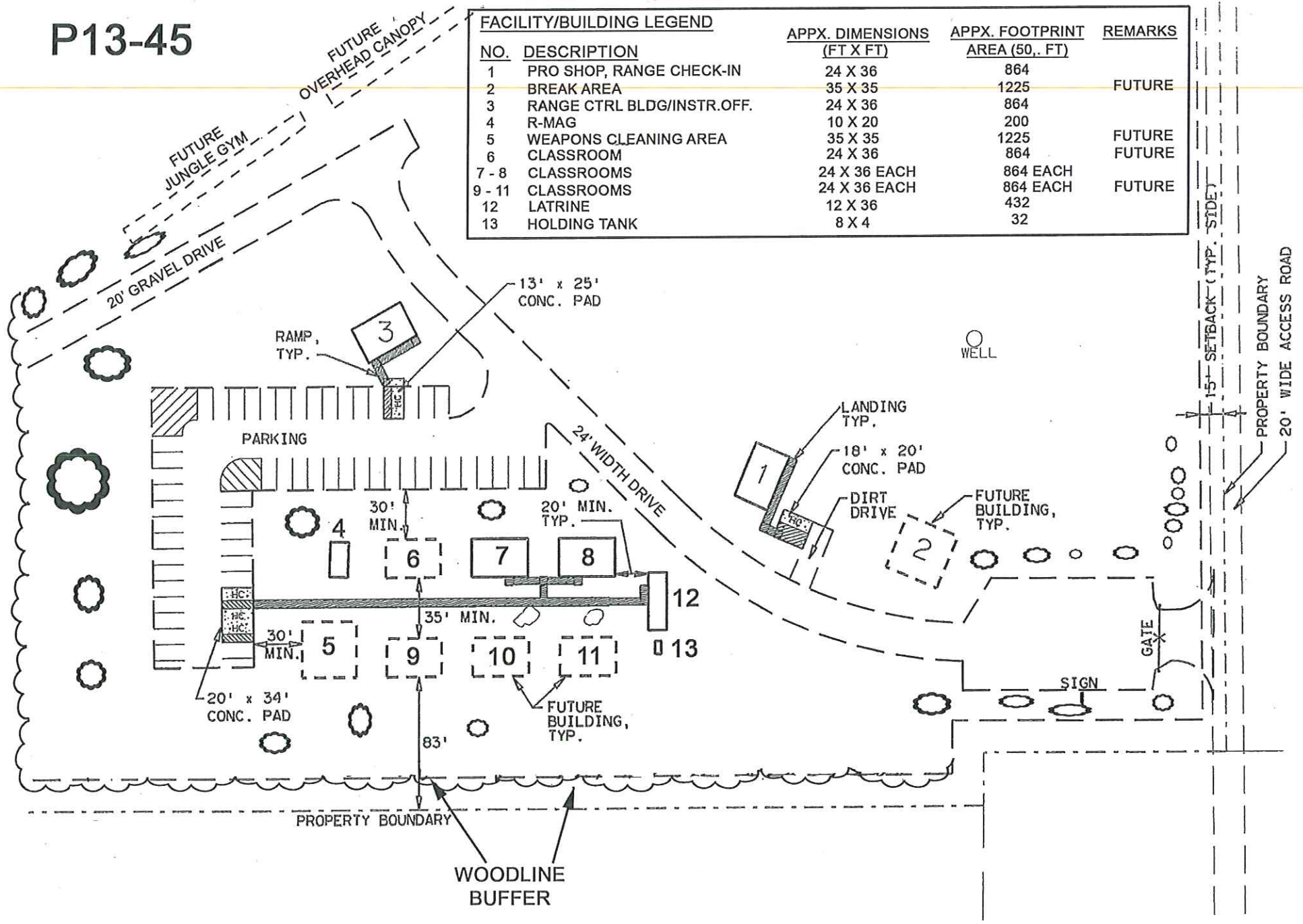




**CASE NO: P13-45**  
**SCALE: NTS**

# P13-45

FACILITY/BUILDING LEGEND		APPX. DIMENSIONS (FT X FT)	APPX. FOOTPRINT AREA (50.. FT)	REMARKS
NO.	DESCRIPTION			
1	PRO SHOP, RANGE CHECK-IN	24 X 36	864	
2	BREAK AREA	35 X 35	1225	FUTURE
3	RANGE CTRL BLDG/INSTR.OFF.	24 X 36	864	
4	R-MAG	10 X 20	200	
5	WEAPONS CLEANING AREA	35 X 35	1225	FUTURE
6	CLASSROOM	24 X 36	864	FUTURE
7-8	CLASSROOMS	24 X 36 EACH	864 EACH	
9-11	CLASSROOMS	24 X 36 EACH	864 EACH	FUTURE
12	LATRINE	12 X 36	432	
13	HOLDING TANK	8 X 4	32	





Walter Clark,  
Chair  
Cumberland County

Patricia Hall,  
Vice-Chair  
Town of Hope Mills

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



CUMBERLAND  
★ COUNTY ★  
NORTH CAROLINA

Planning & Inspections Department

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

Vikki Andrews,  
Diane Wheatley,  
Carl Manning,  
Cumberland County

Benny Pearce,  
Town of Eastover

Donovan McLaurin,  
Wade, Falcon & Godwin

October 22, 2013

David S. Precythe  
P. O. Box 130  
Faison, N. C. 28341

Tigerswan, Inc.  
3452 Apex Peakway  
Apex, N. C. 27502

**SUBJECT:** Case P13-45: Rezoning of 978.40+/- acres from A1 Agricultural to A1/CZ Agricultural/Conditional Zoning district for an outdoor firing range and agricultural uses or to a more restrictive zoning district, located at 2850 Tigerswan Drive, submitted by D. Stewart Precythe on behalf of Precythe Properties, LLC. (owner) and Steven M. Swierkowski on behalf of TigerSwan, Inc.

Dear Applicant,

The Cumberland County Board of Commissioners met on Monday, October 21, 2013 and approved the rezoning of 978.40+/- acres from A1 Agricultural to A1/CZ Agricultural/Conditional Zoning district for an outdoor firing range and agricultural uses request that you submitted, subject to the contents of the application, the site plan and the following conditions:

**Pre- Permit Related:**

1. Prior to any permits being issued, the developer/operator of the firing range shall provide to Code Enforcement documentation of a recorded deed or lease of the subject property in accordance with Section 907.1.B, Firing Ranges, Outdoor, County Zoning Ordinance.

**Permit-Related:**

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

4. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
5. New development where the developer will disturb or intends to disturb more than one acre of land is subject to the Post-Construction Stormwater Management Permitting Program (Phase II Stormwater Management Requirements) administered by the Division of Water Quality, North Carolina Department of Environment and Natural Resources. If one acre or more of land is to be disturbed, prior to the issuance of any building/zoning permits for this site, a copy of the State's *Post-Construction Permit* must be provided to County Code Enforcement.
6. For any new development where the developer disturbs or intends to disturb more than one acre of land, the developer must provide the Code Enforcement Section with an approved NC Department of Environment and Natural Resources (NCDENR) sedimentation and erosion control plan (S&E) prior to any application for permits. (Note: If any retention/detention basins are required for state approval of this plan, then three copies of a revised plan must be submitted and approved by Planning & Inspections prior to application for any building/zoning permits.) A copy of the NCDENR approval must be provided to Code Enforcement at the time of application for any building/zoning permits.
7. Landscaping must be provided in accordance with Section 1102 N, Landscaping, County Zoning Ordinance. The following are the minimum standards for the required landscaping of this site:
  - Twelve large shade trees or 24 small ornamental trees are required within the parking area.

In addition:

- a. Required plant materials shall be maintained by the property owner, including replacing dead or unhealthy trees and shrubs;
  - b. All yard and planting areas shall be maintained in a neat, orderly, and presentable manner and kept free of weeds and debris; and
  - c. The required plantings may be phased in as the off-street parking areas are provided.
8. Prior to application for final inspection, the developer/operator of the firing range facility is required to provide to Code Enforcement at the time of application for the building final inspection, a certification prepared by a North Carolina registered engineer that the firing range facility has an environmental stewardship plan in accordance with Section 907.1.G, Firing Ranges, Outdoor, County Zoning Ordinance and is in compliance with the Best Management Practices, specifically relating to lead management, as specified by the EPA's most current edition of *Best Management Practices for Lead at Outdoor Shooting Ranges*.
  9. Prior to final inspection, the developer/firing range operator must provide to Code Enforcement proof of general liability insurance coverage in an amount not less than \$3,000,000.00 and this policy is required to be maintained throughout the continued operation of the facility. This policy cannot exclude coverage for property damage or personal injury caused by the discharge of firearms.
  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 final inspection cannot be accomplished until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans.

**Site-Related:**

12. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Development Ordinance and Zoning Ordinances for the A1/CZ zoning district must be complied with, as applicable.
13. This conditional approval is not approval of the permit for any freestanding signs. Attached signage for this development must be in accordance with the applicable sign regulations as set forth in Article XIII of the County Zoning Ordinance and that the proper permit(s) must be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is not approval of the size, shape, or location of any signs.)
14. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision and Development Ordinance)
15. All lighting is required to be directed internally within this development and comply with the provisions of Section 1102 M, Outdoor Lighting, County Zoning Ordinance.
16. A 60 foot wide buffer area, undisturbed except for desired fence installation and vegetative plantings, shall be provided around the entire perimeter of the subject property (Section 907.1.D, Firing Range, Outdoor, County Zoning Ordinance).
17. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.
18. All required off-street parking spaces shall be a minimum of 9' x 20'; a minimum of one off-street parking space for each four persons in design capacity for the firing range is required for this development  
  
(Note: Under the current site plan showing 244 off-street parking spaces this will allow for a capacity of 976 persons for zoning purposes. The owner/developer should contact the County Fire Marshal to determine maximum capacity of this development).
19. Compliance with all other applicable Federal, State and local regulations, to include the County's Noise regulations (Chapter 9.5, Article II, Cumberland County Code of Ordinances) is required.
20. This conditional approval is not approval of the use of helicopters or other aircraft at this facility. "Minor airport operations" would require re-submittal of the Conditional Zoning application petitioning the County Commissioners to amend the current approval prior to commencement of any air traffic activity.
21. Control measures are required to be provided on the site to ensure that the potential for rounds/munitions leaving the site are negated.

22. Full compliance with the Firearms Regulations (Chapter 9.5, Article IX, Cumberland County Code of Ordinances) is required as applicable.
23. The developer/operator of the firing range shall not allow unauthorized personnel access to the to the range while firearms are being discharged in accordance with Section 907.1.F, Firing Ranges, Outdoor, County Zoning Ordinance.
24. The developer is encouraged to post warning signs approximately every 100 feet around the perimeter of the site to put potential unintended trespassers on notice of the ranges.
25. 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.
26. At the October 1, 2013 Planning Board meeting, the applicants agreed that normal (daylight) range operations shall only be conducted between the hours of 8:00 am to 5:00 pm. In addition, on no more than five days each calendar month, the hours will extend to 10:00 pm for conducting night fire operations, provided that public notice is given of the extended hours at least 12 hours in advance. The form by which public notice is provided shall be approved by the Planning Director. Under no circumstances, shall range operations be conducted after 10:00 pm.

*Thank you for choosing Cumberland County!*

**If you need clarification of any conditions, please contact Ed Byrne at 910-678-7609 or Patti Speicher at 910-678-7605 with the Land Use Codes Section; 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
Fire Marshal – Emergency Services	Rodney Ward	321-6625
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



The Range Complex  
2850 TigerSwan Dr  
Autryville NC 28318

June 10, 2014

TO: Cumberland County Board of Commissioners

SUBJECT: Rezoning Case No. P13-45 – Request to Modify a Condition of Approval

The Range Complex (TRC) requests to modify Condition No. 26, specifically the hours of operation. TRC requests an exemption for Law Enforcement qualification and training. TRC requests Law Enforcement be permitted to train /qualify with their assigned weapons at any time. This is to facilitate training/qualification of officers who work night shifts, and allow them to train/qualify at the conclusion of their shift.

Sincerely,



Steve Swierkowski  
Vice President, TRC  
(910) 208-4117

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 within a complete application.

I further understand I must voluntarily agree to all ordinance related conditions prior to the first hearing on the case or any disagreement may be cause for an unfavorable recommendation. 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.

David Stuart Angethe  
NAME OF OWNER(S) (PRINT OR TYPE)

P.O. Box 130 Faison, NC 2841  
ADDRESS OF OWNER(S)

Stuart@SouthernProduce.com  
E-MAIL

910-590-9500 HOME TELEPHONE      910-2670011 WORK TELEPHONE

[Signature] SIGNATURE OF OWNER(S)      [Signature] SIGNATURE OF OWNER(S)

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

6812 Munford Drive Fayetteville, NC 28305  
ADDRESS OF AGENT, ATTORNEY, APPLICANT

(910) 239-5287 HOME TELEPHONE      (910) 208-4117 WORK TELEPHONE

Steele.Swierkowski@TheAmpCompany.com E-MAIL ADDRESS      N/A FAX NUMBER

[Signature]  
SIGNATURE OF AGENT, ATTORNEY, OR APPLICANT