

Patricia Hall,  
Chair  
Town of Hope Mills

Charles Morris,  
Vice-Chair  
Town of Linden

Jami McLaughlin,  
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

**TENTATIVE AGENDA**

April 21, 2015  
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 MARCH 17, 2015
- VII. PUBLIC HEARING CONSENT ITEMS

TEXT AMENDMENT

- A. **P15-25.** REVISION AND AMENDMENT TO THE CUMBERLAND COUNTY ZONING ORDINANCE BY AMENDING ARTICLE II INTERPRETATIONS, CALCULATIONS, AND DEFINITIONS, SECTION 202. METHODS OF CALCULATIONS CREATING PROVISIONS FOR THE MEASUREMENT OF HEIGHT AND SECTION 203. DEFINITIONS OF SPECIFIC TERMS AND WORDS, SPECIFICALLY AMENDING *PUBLIC UTILITY STATION* AND CREATING A DEFINITION FOR *SOLAR FARMS*; AMENDING ARTICLE IV PERMITTED, CONDITIONAL, AND SPECIAL USES, SECTION 403. USE MATRIX BY INSERTING *SOLAR FARMS* AS A LAND USE CLASSIFICATION ALLOWED AS A PERMITTED (P) USE IN THE A1 AGRICULTURAL AND THE M1(P) AND M(P) INDUSTRIAL ZONING DISTRICTS; AMENDING ARTICLE IX INDIVIDUAL USES, CREATING SECTION 924.1, ENTITLED: *SOLAR FARMS*, INCLUSIVE OF SUB-SECTIONS A THROUGH H; AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE.

INITIAL ZONING CASES

- B. **P15-18.** INITIAL ZONING OF 363.36+/- ACRES TO R7.5 RESIDENTIAL AND CD CONSERVANCY OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON BOTH SIDES OF MCKINNON FARM ROAD, SOUTH SIDE OF SR 1107 (FISHER ROAD); OWNED BY CBMM PROPERTIES, LLC. (HOPE MILLS)
- C. **P15-19.** INITIAL ZONING OF 5.50+/- ACRES TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 563 N GROGG STREET, OWNED BY SCHOOLS OUT LUNCH, INC. (SPRING LAKE )
- D. **P15-20.** INITIAL ZONING OF 3.84+/- ACRES TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED IN THE SOUTHWEST QUADRANT OF NC 87 (N BRAGG BLVD) AND SR 1451 (W MANCHESTER ROAD), OWNED BY STEPHEN C. MEYER, DONALD A. MEYER, CAROL E. MANGEL, ALICE G. POWERS, DANIEL LEE AND CYNTHIA A. GOINS. (SPRING LAKE)

## REZONING CASES

- E. **P15-01.** REZONING OF .23+/- ACRE FROM R6 RESIDENTIAL TO O&I(P) PLANNED OFFICE AND INSTITUTIONAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 5882, 5884 AND 5888 ROCKFISH ROAD; SUBMITTED BY JACKIE HAIRR ON BEHALF OF HAIRR FAMILY, LLC. (OWNER) AND MONICA KINNEY. (HOPE MILLS)
- F. **P15-21.** REZONING OF .21+/- ACRE FROM C1(P) PLANNED LOCAL BUSINESS TO R7.5 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 3835 CUMBERLAND ROAD, SUBMITTED BY GEOFFREY D. AND ANN S. KIESER (OWNERS).
- G. **P15-22.** REZONING OF 1.58+/- ACRES FROM R10 RESIDENTIAL TO C1(P) PLANNED LOCAL BUSINESS OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE NORTHWEST SIDE OF NC HWY 210 (LILLINGTON HWY), SOUTHEAST OF SR 1451 (E MANCHESTER ROAD); SUBMITTED BY WILLIAM S. WELLONS, JR. ON BEHALF OF W.S. WELLONS CORPORATION (OWNER).
- H. **P15-23.** REZONING OF 1.30+/- ACRES FROM A1 AGRICULTURAL TO R20 OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 8477 AND 8495 CLINTON ROAD, SUBMITTED BY HORACE T. CASHWELL HEIRS (OWNERS).

## CONDITIONAL ZONING DISTRICT

- I. **P15-09.** REZONING OF 8.42+/- ACRES FROM R6A TO C2(P) PLANNED SERVICE AND RETAIL/CZ CONDITIONAL ZONING FOR RETAILING, OFFICE AND TRADE CONTRACTOR OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE SOUTHWEST SIDE OF SR 1126 (BROOKLYN CIRCLE), NORTHEAST OF LADY LANE ROAD; SUBMITTED BY THOMAS D. HORNE AND TIMOTHY SEALY ON BEHALF OF DIRECTIONAL SERVICES INC. (OWNER) AND GREG BAGLEY.
- J. **P15-24.** REZONING 6.97+/- ACRES FROM C(P) PLANNED COMMERCIAL AND A1 AGRICULTURAL TO C(P) PLANNED COMMERCIAL/CZ CONDITIONAL ZONING FOR A HOTEL, RESTAURANT, CONVENIENCE RETAIL WITH GASOLINE SALES AND BILLBOARD OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE NORTHWEST SIDE OF SR 1863 (PEMBROKE LANE), WEST OF SR 1828 (JAMES DAIL ROAD); SUBMITTED BY ANTHONY PEREZ ON BEHALF OF MID-STATE PETROLEUM, INC., NIRAV MODI AND MICHAEL W. COLLIER (OWNERS) AND P. SINGH SANDHU. (EASTOVER)

## VIII. PUBLIC HEARING CONTESTED ITEMS

### IX. PUBLIC HEARING WAIVER REQUEST

**CASE NO. 15-031.** CONSIDERATION OF THE CASTLEBROOKE PHASE 4; SUBDIVISION REVIEW; REQUEST FOR A WAIVER FROM THE REQUIREMENT TO HAVE A MINIMUM 125 FOOT SEPERATION OFFSET FROM ANOTHER STREET ENTRANCE; COUNTY SUBDIVISION ORDINANCE, SECTION 2304.10.E, STREET OFFSETS; ZONED: R20 & A1; TOTAL ACREAGE: 18.50 +/-; LOCATED ON THE NORTH SIDE OF SR 1704 (PALESTINE ROAD) ACROSS FROM MCARTANS FORD; SUBMITTED BY JOHN CULBRETH & PHYLLIS P. STREET (OWNERS) AND GEORGE ROSE (SURVEYOR).

### X. DISCUSSION

#### DIRECTOR'S UPDATE

- SOUTH CENTRAL LAND USE PLAN

### X. ADJOURNMENT

Patricia Hall,  
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Cumberland County

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Town of Eastover

April 6, 2015

**MEMORANDUM**

**TO:** Cumberland County Joint Planning Board

**FROM:** Charles Morris, Moderator, Land Use Codes Committee

**SUBJECT:** **P15-25.** REVISION AND AMENDMENT TO THE CUMBERLAND COUNTY ZONING ORDINANCE BY AMENDING ARTICLE II INTERPRETATIONS, CALCULATIONS, AND DEFINITIONS, SECTION 202. METHODS OF CALCULATIONS CREATING PROVISIONS FOR THE MEASUREMENT OF HEIGHT AND SECTION 203. DEFINITIONS OF SPECIFIC TERMS AND WORDS, SPECIFICALLY AMENDING *PUBLIC UTILITY STATION* AND CREATING A DEFINITION FOR *SOLAR FARMS*; AMENDING ARTICLE IV PERMITTED, CONDITIONAL, AND SPECIAL USES, SECTION 403. USE MATRIX BY INSERTING *SOLAR FARMS* AS A LAND USE CLASSIFICATION ALLOWED AS A PERMITTED (P) USE IN THE A1 AGRICULTURAL AND THE M1(P) AND M(P) INDUSTRIAL ZONING DISTRICTS; AMENDING ARTICLE IX INDIVIDUAL USES, CREATING SECTION 924.1, ENTITLED: *SOLAR FARMS*, INCLUSIVE OF SUB-SECTIONS A THROUGH H; AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE.

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

The proposed amendment is offered due to the proliferation of this type of use throughout the County and the committee finds it necessary for solar farms to be appropriately regulated to minimize any potential adverse impact to affected communities. To date, the staff is approving this use under the ordinance criteria of “public/community utility stations/substations” because the specific use *solar farms* is not listed in the County Zoning Ordinance as a use by right or as a use that can be approved under prescribed conditions.

If the proposed amendment is adopted, land use impacts resulting from solar farms will be specifically addressed, the most crucial being minimum acreage so that any solar farm proposed will be a potentially viable asset to the public utility companies. In addition, the provisions of the amendment will aid in preventing communities from becoming oversaturated with these facilities by specifying certain zoning district where the use is to be permitted.

Please contact me with any questions at (910) 977-3438, email: [charles@morriscolyer.com](mailto:charles@morriscolyer.com) or Patti Speicher at 910-678-7605 or email: [pspeicher@co.cumberland.nc.us](mailto:pspeicher@co.cumberland.nc.us).

Attachment: P15-25 Solar Farms Text Amendment, County Zoning Ordinance

**P15-25**  
**County Zoning Ordinance**  
**Text Amendment**  
**(Solar Farms)**

REVISION AND AMENDMENT TO THE CUMBERLAND COUNTY ZONING ORDINANCE, BY AMENDING ARTICLE II INTERPRETATIONS, CALCULATIONS, AND DEFINITIONS, SECTION 202. METHODS OF CALCULATIONS CREATING PROVISIONS FOR THE MEASUREMENT OF HEIGHT AND SECTION 203. DEFINITIONS OF SPECIFIC TERMS AND WORDS, SPECIFICALLY *PUBLIC UTILITY STATION* AND *SOLAR FARMS*; AMENDING ARTICLE IV PERMITTED, CONDITIONAL, AND SPECIAL USES, SECTION 403 USE MATRIX BY INSERTING *SOLAR FARMS* AS A LAND USE CLASSIFICATION ALLOWED AS A PERMITTED (P) USE IN THE A1 AGRICULTURAL AND THE M1(P) AND M(P) INDUSTRIAL ZONING DISTRICTS; AMEND ARTICLE IX INDIVIDUAL USES CREATING SECTION 924.1, ENTITLED: *SOLAR FARMS*, INCLUSIVE OF SUB-SECTIONS A THROUGH H; AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE.

AMEND Article II Interpretations, Calculations, and Definitions, Section 202. Methods of Calculation, C. Calculations of Measurements, by CREATING a new sub-section 4, *entitled: Height*, to read as indicated below:

**Section 202. Methods of Calculations.**

C. Calculations of Measurement. The spatial separations required by this ordinance shall be calculated as follows:

1. Distance. By drawing a straight line from the closest point on the perimeter of the exterior wall of the site being measured to the closest point of the property line in question.

2. Separation from a Use/Structure. By drawing a straight line from the closest point on the perimeter of the exterior wall, structure or bay to another structure, the property line, or a well or septic, as applicable.

3. Area. Multiplying the length times the width and then further calculate to provide total acreage or square footage.

4. Height. Measuring from grade to the apex of the structure being measured, except that antennas added to an approved tower shall not be counted toward the height of the structure.

AMEND Article II Interpretations, Calculations, and Definitions, Section 203. Definitions of Specific Terms and Words, by MODIFYING the definition for *Public Utility Station* by

INSERTING the term *solar farm* as an exclusion from public utility station and INSERTING the term *Solar Farm* in alphabetical order CREATING the associated definition, to read as indicated below:

**Section 203. Definitions of Specific Terms and Words**

**Public Utility Station:** A structure or facility used by a public or quasi-public utility agency to store, distribute or generate electricity, gas, communications and related equipment or to pump or chemically treat water. This does not include solar farms, storage or treatment of sewage, solid waste or hazardous waste. (Amd. 01-19-10)

**Solar Farm:** The components and subsystems required to convert solar energy into electric or thermal energy suitable to supply merchant power to the electricity grid. The area of the system includes all the land inside the perimeter of the system, which extends to any fencing, land area required for setbacks, landscaping and signage. This term applies, but is not limited to, solar photovoltaic (PV) systems and solar thermal systems. This term does not apply to roof mounted on any code-compliant structure, ground mounted and in compliance with accessory structure provisions as contained within this ordinance, or any building integrated solar (i.e., shingle, hanging solar, canopy).

AMEND Article IV Permitted, Conditional, and Special Uses, Section 403 Use Matrix, by INSERTING the term *Solar Farms* in alphabetical order in the LAND USES column, with a “P” in the solar farms row under the A1, M1(P) and M(P) ZONING CLASSIFICATIONS columns

**Section 403. Use Matrix**

(See Use Matrix attached to this text amendment.)

AMEND Article IX Individual Uses, by CREATING a new Section 924.1, entitled: *SOLAR FARMS*, inclusive of sub-sections A through H, with the contents to read as follows:

**Section 924.1. Solar Farms**

A. Solar farms shall be located on a minimum 20-acre tract and shall comply with the minimum yard setbacks for the zoning district in which the property is located.

B. Solar farms shall not be constructed over any onsite waste water system unless otherwise specifically approved by the County’s Environmental Health Department.

C. Every component of the solar farm shall be limited to a maximum of 20 feet in height; this provision shall not include the interconnection poles, substation equipment or other devices necessary for the electricity to be delivered to the public utility station.

D. Streetscape landscaping and buffering as required in Section 1102 shall be provided.

E. The military Garrison Commander or the commander's representative shall be afforded a maximum of ten days to comment on any proposed solar farm site plan submittal.

F. After site plan approval and prior to permit application, the developer must submit the Federal Aviation Administration's FAA Form 7460-1, filed under Part 77 and included in the Obstruction Evaluation Program, in which the FAA must determine the proposed solar farm to be no obstruction/hazard to air traffic.

G. In the event power production ceases for a period of six (6) months, the owner of the real property upon which the solar farm is located shall remove from the site all the components of the solar farm, to include equipment, conduit, structures, foundations and any other improvements or devices used in the installation or operation of the solar farm and dispose of these components in accordance with applicable law. The owner's failure to remove and dispose of these components within nine (9) months from the date which power production ceases shall constitute an unlawful condition existing upon or use of the real property which may be enforced by all the remedies available under this ordinance and N.C.G.S. § 153A-123.

H. All Federal, State and other local regulations shall be complied with.

(Partial Representation of Cumberland County Zoning Ordinance, Section 403. Use Matrix)

**SECTION 403. USE MATRIX**

CUMBERLAND COUNTY ZONING ORDINANCE  
 P = PERMITTED USE  
 S = SPECIAL USE (Sec. 1606 Board of Adjustment approval required)  
 Z = CONDITIONAL ZONING\_ (Article V – County Commissioners approval required) (Amd. 04-18-11)

LAND USES	ZONING CLASSIFICATIONS																						
	CD	A1	A1A	R40	R40A	R30	R30A	RR	R20	R20A	R15	R7.5	R6	R6A	R5	R5A	O&I(P)	C1(P)	C2(P)	C(P)	M1(P)	M(P)	
.....																							
SECOND-HAND, PAWN AND FLEA MARKET (Sec. 923)																					P		
SEPTAGE DISPOSAL SITE		P																				P	P
SEXUALLY ORIENTED BUSINESSES (Sec. 924)																					S		P
SHEET METAL FABRICATION																							P
<u>SOLAR FARMS</u>		P																				P	P
SOLID WASTE DISPOSAL FAC. (Sec. 925)		S	S																				S
SPECIAL INFORMATION SIGNS (Sec. 1304 D)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
STORAGE-FLAMMABLE																							P
.....																							

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April 14, 2015

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Benny Pearce,  
Town of Eastover

**TO:** Cumberland County Joint Planning Board  
**FROM:** Planning and Inspections Staff  
**SUBJECT:** Staff Recommendation for the April 21, 2015 Board Meeting

**P15-18.** INITIAL ZONING OF 363.36+/- ACRES TO R7.5 RESIDENTIAL AND CD CONSERVANCY OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON BOTH SIDES OF MCKINNON FARM ROAD, SOUTH SIDE OF SR 1107 (FISHER ROAD); OWNED BY CBMM PROPERTIES, LLC. (HOPE MILLS)

**1<sup>st</sup> MOTION**

The Planning and Inspections Staff recommends approval of the initial zoning for Case No. P15-18 to R7.5 Residential and CD Conservancy district (where the *Special Flood Hazard* area exists) based on the following:

1. Approving the R7.5 and CD zoning districts would allow for land uses and lot sizes that exist in the general area; and
2. The request was submitted by the Town of Hope Mills.

The R15 and R20 Residential districts could also be considered suitable at this location.

**2<sup>nd</sup> MOTION**

The Staff also recommends the board find that approval of the initial zoning to R7.5 and CD for Case No. P15-18 is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan* because the Plan calls for “urban” and “open space” development at this location as the proposed districts would allow development at 2.2 to 6 units per acre. The requested districts are also consistent with the Southwest Cumberland Land Use Plan map which calls for “low density residential” and “open space” at this location.

The staff recommends the board further find that approval of the initial zoning to R7.5 and CD is reasonable and in the public interest because the districts requested for the subject properties meets or exceeds the location criteria of the adopted Land Use Policies Plan, in that: *public or community water and public sewer required*, PWC water and sewer are available; *must have direct access to a public street*, Fisher Road is a public street; *desirable to be within three miles of a recreation area or facility*, recreation areas are on adjacent property and to the south on Stoney Point Road; *must not be located in any defined critical area as defined by the Fort Bragg Small Area Study* and *desirable to not be located in the Special Flood Hazard Area (SFHA)*-the portion that is in the SFHA is proposed to be CD Conservancy.

**Attachments:**

- 1 – Site Profile
- 2 – Sketch Map



**P15-18**  
**SITE PROFILE**

**P15-18.** INITIAL ZONING OF 363.36+/- ACRES TO R7.5 RESIDENTIAL AND CD CONSERVANCY OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON BOTH SIDES OF MCKINNON FARM ROAD, SOUTH SIDE OF SR 1107 (FISHER ROAD); OWNED BY CBMM PROPERTIES, LLC. (HOPE MILLS)

**Site Information:**

**Frontage & Location:** 680.00'+/- on SR 1107 (Fisher Road), 1,230'+/- on SR 1133 (George Owen Road) & 4,000.00'+/- on Mckinnon Farm Road

**Depth:** 5,700.00'+/-

**Jurisdiction:** Town of Hope Mills (annexation effective March 2, 2015)

**Adjacent Property:** Yes, east & west of subject properties

**Current Use:** 1 accessory structure & woodlands

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

**Nonconformities:** Yes, accessory structure not allowed without principal structure

**Zoning Violation(s):** None

**Surrounding Zoning:** North: M2, C(P), SF-10 (Fay), R10, R6A & CD; South: RR, R10 & R6A; East: C(P), R10, R6A & CD; West: RR/CU (to allow R10 density), RR, R10 & CD

**Surrounding Land Use:** Residential, school, convenience retail w/ gasoline sales, vacant commercial building & woodlands

**2030 Land Use Plan:** Urban & open space (SFHA)

**Southwest Cumberland Land Use Plan:** Low density residential & open space (SFHA)

**Special Flood Hazard Area (SFHA):** Yes, base flood varies from 118.5 to 126.0 msl (NAVD)

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

**Soil Limitations:** Yes, hydric – JT Johnson loam, ST Stallings loamy sand, RA Rains sandy loam, PA Pactolus loamy sand and TR Torhunta and Lyn Haven soils

**School Capacity/Enrolled:** E. Melvin Honeycutt Elementary: 1,000/775; John Griffin Middle: 1,274/963; Jack Britt High: 1,870/1,936

**Subdivision/Site Plan:** If approved, site must be developed in accordance with Case 14-010

**Average Daily Traffic Count (2012):** 14,000 on SR 1107 (Fisher Road) & 16,000 on SR 1133 (George Owen Road)

**Highway Plan:** Fisher Road is identified as a major collector & Mckinnon Farm Road is a local road. There are no road improvements/ constructions specified for this area. This case has no impact on the current Highway Plan or Transportation Improvement Program

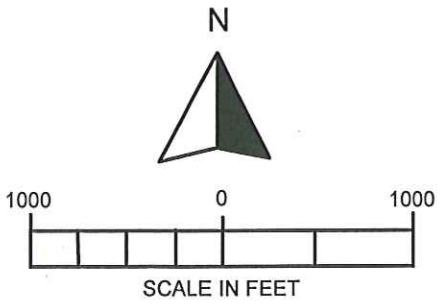
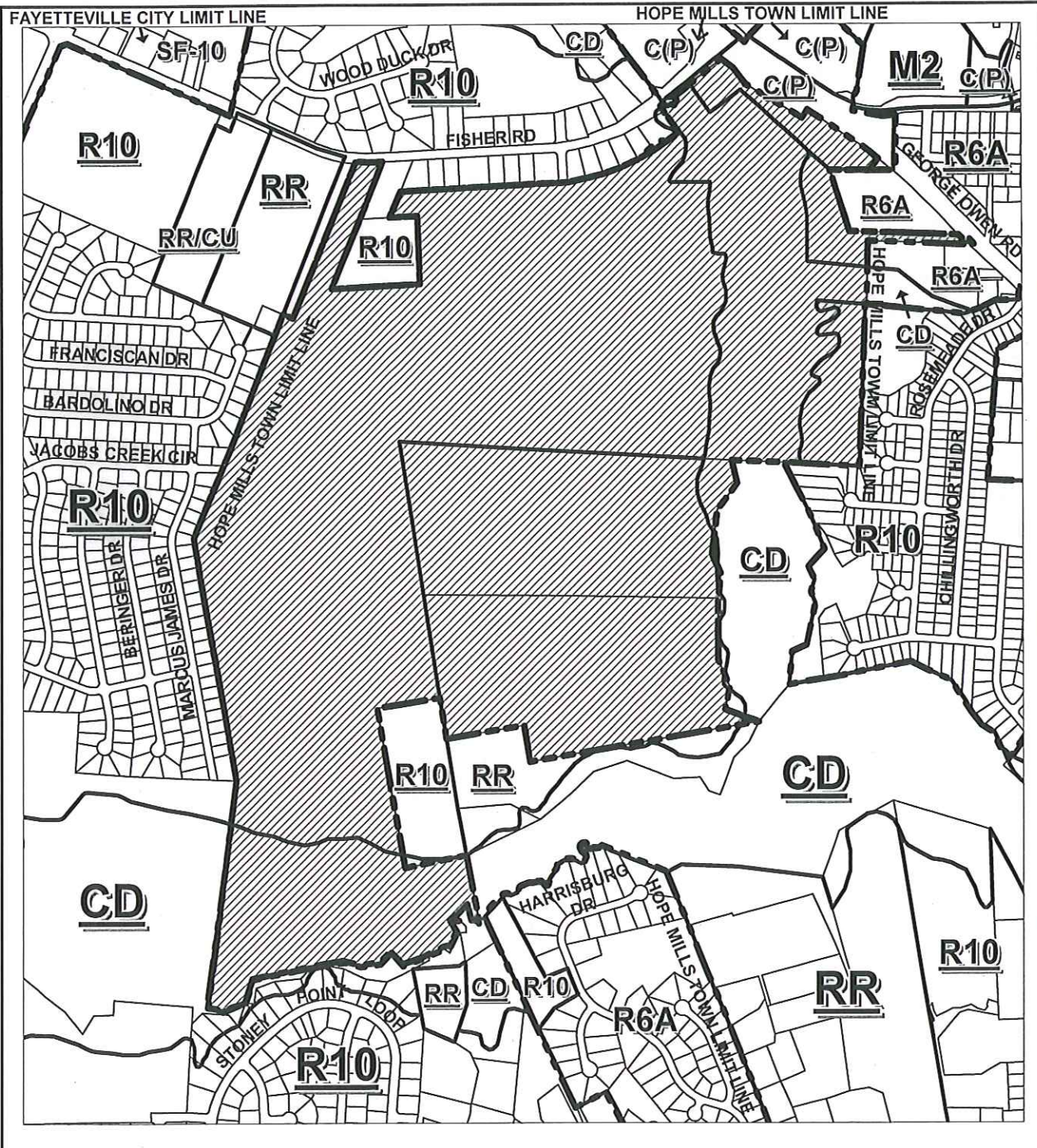
**Notes:**

1. Density (minus 15% for ROW):  
R7.5 – 2,110 lots/units (1,794 lots/units)  
R15 – 1,055 lots/units (897 lots/units)  
R20 – 791 lots/units (673 lots/units)
  
2. Minimum Yard Setback Regulations:

<u>R7.5 &amp; R15</u>	<u>R20</u>	<u>CD</u>
Front yard: 30'	Front yard: 30'	Front yard: 50'
Side yard: 10'	Side yard: 15'	Side yard: 50'
Rear yard: 35'	Rear yard: 35'	Rear yard: 50'

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

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



## INITIAL ZONING TO R7.5 & CD

<b>ACREAGE: 363.36 AC.+/-</b>		<b>HEARING NO: P15-18</b>	
ORDINANCE: HOPE MILLS	HEARING DATE	ACTION	
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

PORT OF PIN: 0405-42-0744  
 PIN: 0405-52-1954  
 PIN: 0405-51-2958

3-4-15  
AM

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April 14, 2015

**TO:** Cumberland County Joint Planning Board  
**FROM:** Planning & Inspections Staff  
**SUBJECT:** Staff Recommendation for the April 21, 2015 Board Meeting

**P15-19.** INITIAL ZONING OF 5.50+/- ACRES TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 563 N GROGG STREET, OWNED BY SCHOOLS OUT LUNCH, INC. (SPRING LAKE)

**1<sup>st</sup> MOTION**

The Planning and Inspections Staff recommends approval of the initial zoning Case No. P15-19 to C(P) Planned Commercial district based on the following:

1. If approved, the initial zoning would be consistent with adjacent zoning and promote the development of a deteriorating residential area; and
2. The request was submitted by the Town of Spring Lake.

The R6, O&I and C1 districts could be considered suitable for this case.

**2<sup>nd</sup> MOTION**

The County Planning Staff also recommends the board find that approval of the initial zoning to C(P) for Case No. P15-19 is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan* because the Plan calls for “urban” at this location. The initial zoning of the subject property to C(P) is not consistent with the Spring Lake Area Detailed Land Use Plan which calls for “medium density residential” at this location; however, the requested district is logical as there are other commercial districts and uses in the general area which suggest that this area is beginning to transition towards more non-residential uses.

The staff also recommends the board further find that approval of the initial zoning to C(P) is reasonable and in the public interest because most of the location criteria as listed in the adopted Land Use Policies Plan for C(P) will be met or exceeded: public water and sewer are available, and the subject property is located on a sufficient site that provides for adequate buffering, screening and landscaping.

**Attachments:**

1. Site Profile
2. Sketch Map

**P15-19**  
**SITE PROFILE**

**P15-19.** INITIAL ZONING OF 5.50+/- ACRES TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 563 N GROGG STREET, OWNED BY SCHOOLS OUT LUNCH, INC. (SPRING LAKE)

**Site Information:**

**Frontage & Location:** 290.00'+/- on SR 1635 (N Grogg Street)

**Depth:** 673.34'+/-

**Jurisdiction:** Spring Lake (annexation effective February 9, 2015)

**Adjacent Property:** No

**Current Use:** Vacant land

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

**Nonconformities:** None

**Zoning Violation(s):** None

**Surrounding Zoning:** North: M1(P)/CU (mini-warehousing) (SL), C3 (SL), C(P), C1(P), R10, R6A & R6 (SL); South: R6A/CU (family resource center) (SL), M2 (SL), C3, C(P) (SL), R10, R6A & R6 (SL); East: R10 (SL), R6A (SL) & R5A (SL); West: C3, C1 (SL), R10 (SL) & R6A (SL)

**Surrounding Land Use:** Residential (including multi-family & manufactured dwellings), motor vehicle repair, shopping center (2), manufactured home park & woodlands

**2030 Land Use Plan:** Urban

**Spring Lake Land Use Plan:** Medium density residential

**Special Flood Hazard Area (SFHA):** None, however small stream standards apply

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

**Soil Limitations:** None

**School Capacity/Enrolled:** Manchester Elementary: 340/364; Spring Lake Middle: 700/488; Pine Forest High: 1,750/1,597

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

**RLUAC:** Does not object to the request but suggests that future development take measures to retain canopy height pine trees.

**US Fish & Wildlife:** No objection to rezoning; however, concerned about loss of trees for dispersal corridor for red-cockaded woodpeckers

**Average Daily Traffic Count (2012):** 3,000 on SR (Spring Ave)

**Highway Plan:** N Grogg Street is a Local Road. There are no road improvements/ constructions specified for this area. This case has no impact on the current Highway Plan or Transportation Improvement Program

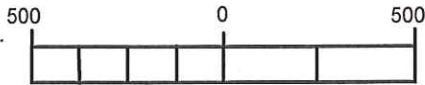
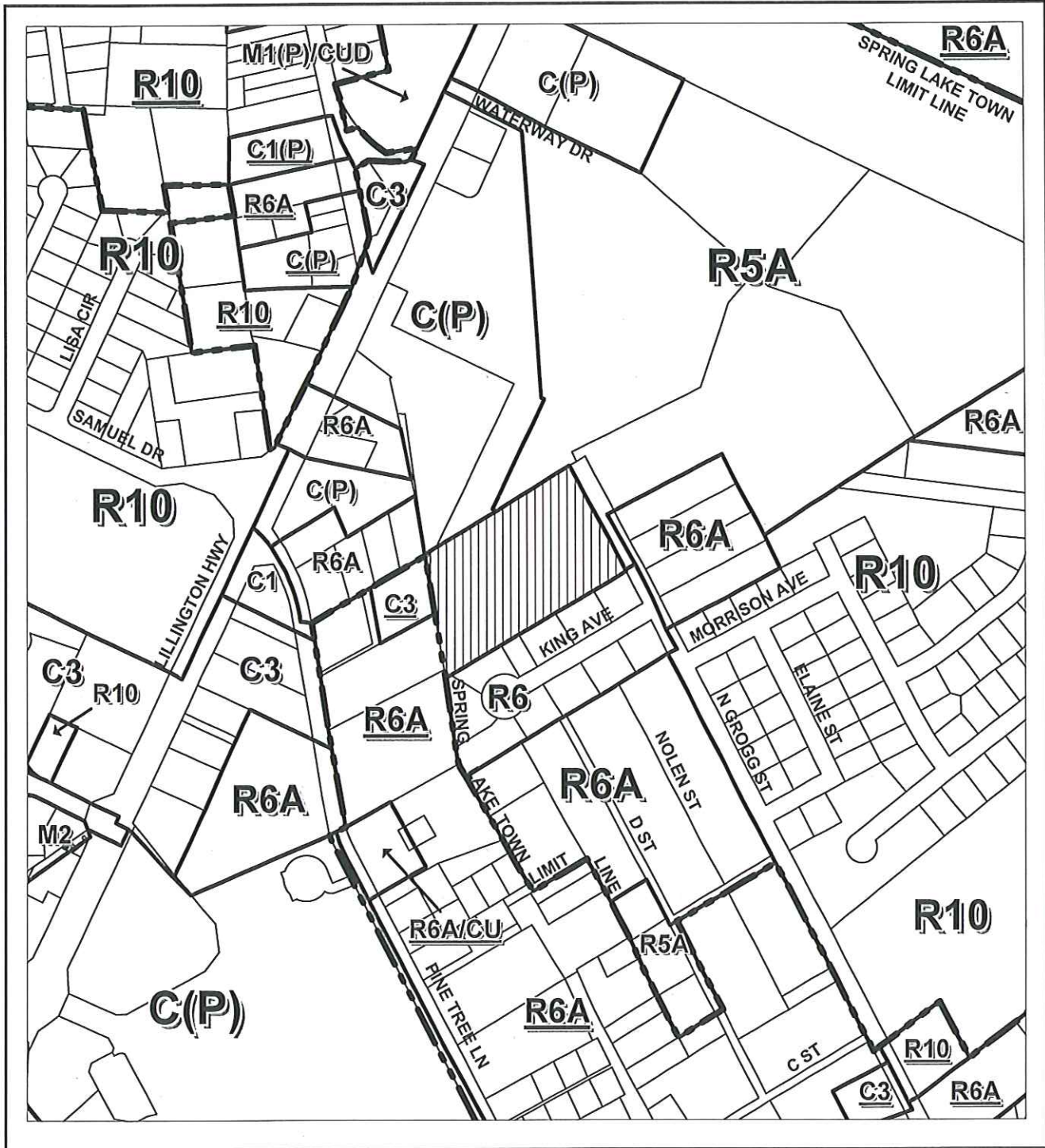
**Notes:**

1. Density (minus 15% for ROW):  
R6A – 59 lots/units (50 lots/units) \*44 units if manufactured home park
  
2. Minimum Yard Setback Regulations:

<u>R6A</u>	<u>C(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.*



SCALE IN FEET

## INITIAL ZONING TO C(P)

<b>ACREAGE: 5.50 AC.+/-</b>	<b>HEARING NO: P15-19</b>	
ORDINANCE: SPRING LAKE	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

PIN: 0511-09-7895

3-23-2015  
AM

Patricia Hall,  
Chair  
Town of Hope Mills

Charles C. Morris,  
Vice-Chair  
Town of Linden

Jami McLaughlin,  
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

April 14, 2015

**TO:** Cumberland County Joint Planning Board  
**FROM:** Planning & Inspections Staff  
**SUBJECT:** Staff Recommendation for the April 21, 2015 Board Meeting

**P15-20.** INITIAL ZONING OF 3.84+/- ACRES TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED IN THE SOUTHWEST QUADRANT OF NC 87 (N BRAGG BLVD) AND SR 1451 (W MANCHESTER ROAD), OWNED BY STEPHEN C. MEYER, DONALD A. MEYER, CAROL E. MANGEL, ALICE G. POWERS, DANIEL LEE AND CYNTHIA A. GOINS. (SPRING LAKE)

**1<sup>st</sup> MOTION**

The Planning and Inspections Staff recommends approval of the initial zoning Case No. P15-20 to C(P) Planned Commercial district and CD Conservancy (where the SFHA exists) based on the following:

1. If approved, the initial zoning would be consistent with the zoning and uses of properties in the general area; and
2. The request was submitted by the Town of Spring Lake.

There are no other districts considered suitable for this case.

**2<sup>nd</sup> MOTION**

The County Planning Staff recommends the board find that approval of the initial zoning to C(P) and CD for Case No. P15-20 is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan* because the Plan calls for "urban" and "conservation" at this location. The initial zoning of the subject property to C(P) is also consistent with the Spring Lake Area Detailed Land Use Plan which calls for "heavy commercial" and "open space" at this location.

The staff recommends the board further find that approval of the initial zoning to C(P) is reasonable and in the public interest because the location criteria as listed in the adopted Land Use Policies Plan for C(P) will be met or exceeded: public water and sewer are available, the property has minimum direct access to a collector street (N Bragg Blvd), and located on a sufficient site that provides adequate area for buffering, screening and landscaping.

**Attachments:**

1. Site Profile
2. Sketch Map

**P15-20**  
**SITE PROFILE**

**P15-20.** INITIAL ZONING OF 3.84+/- ACRES TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED IN THE SOUTHWEST QUADRANT OF NC 87 (N BRAGG BLVD) AND SR 1451 (W MANCHESTER ROAD), OWNED BY STEPHEN C. MEYER, DONALD A. MEYER, CAROL E. MANGEL, ALICE G. POWERS, DANIEL LEE AND CYNTHIA A. GOINS. (SPRING LAKE)

**Site Information:**

**Frontage & Location:** 274.09'+/- on NC 87 (N Bragg Blvd) & 116.58'+/- on SR 1451 (W Manchester Road)

**Depth:** 590.00'+/-

**Jurisdiction:** Spring Lake (annexation effective February 9, 2015)

**Adjacent Property:** No

**Current Use:** 2 residential structures & 1 vacant commercial structure

**Initial Zoning:** C3 & R10 – January 7, 1977 (Area 11)

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

**Zoning Violation(s):** None

**Surrounding Zoning:** North: C(P), RR, R15 (SL), R10 (SL) & CD (SL); South: M(P) (SL), C3 (SL), C(P) RR (SL), R10 & R6A (SL); East: C3 (SL); West: M(P), C2(P) & R10

**Surrounding Land Use:** Residential, religious worship, motel, convenience retail w/ gasoline sales, indoor recreation for profit & woodlands

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

**Spring Lake Land Use Plan:** Heavy Commercial & Open Space where SFHA exists

**Special Flood Hazard Area (SFHA):** Yes, base flood varies from 151.6 to 151.7 msl (NAVD)

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

**Soil Limitations:** None

**School Capacity/Enrolled:** Manchester Elementary: 340/364; Spring Lake Middle: 700/488; Pine Forest High: 1,750/1,597

**RLUAC:** Does not object to the request but advises that the property has high military aircraft noise levels (65dbL)

**US Fish & Wildlife:** No objection to rezoning; however, concerned about loss of trees for dispersal corridor for red-cockaded woodpeckers

**Average Daily Traffic Count (2012):** 33,000 on NC 87 (N Bragg Blvd) & 9,800 on SR 1451 (W Manchester Road)

**Highway Plan:** NC 87 is 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

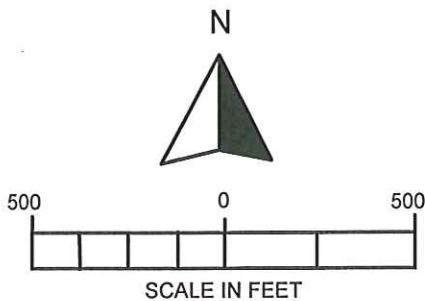
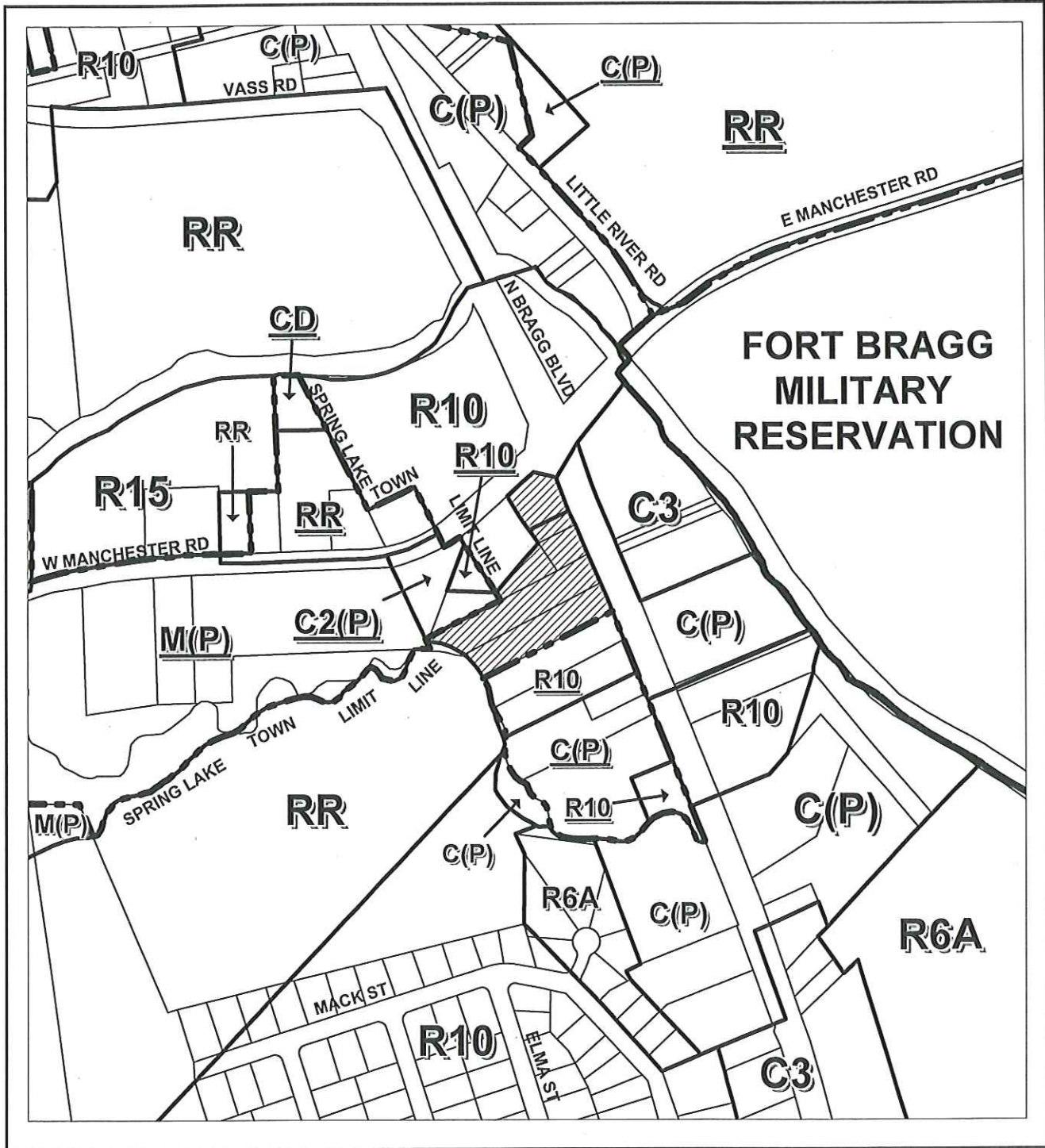
**Notes:**

1. Density (minus 15% for R/W):  
R10 – 22 lots/units (19 lots/units)
  
2. Minimum Yard Setback Regulations:

<u>R10</u>	<u>C3</u>	<u>C(P)</u>
Front yard: 30'	Front yard: 45'	Front yard: 50'
Side yard: 10'	Side yard: 15'	Side yard: 30'
Rear yard: 35'	Rear yard: 20'	Rear yard: 30'

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

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



## INITIAL ZONING TO C(P)

<b>ACREAGE: 3.84 AC.+/-</b>	<b>HEARING NO: P15-20</b>	
ORDINANCE: SPRING LAKE	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

PIN: 0502-44-0600,0852,1628,0441  
 PIN: 0502-34-9479



Patricia Hall,  
Chair  
Town of Hope Mills

Charles C. Morris,  
Vice-Chair  
Town of Linden

Jami McLaughlin,  
Town of Spring Lake  
Harvey Cain, Jr.,  
Town of Stedman

Donovan McLaurin  
Wade, Falcon & Godwin



**CUMBERLAND**  
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NORTH CAROLINA

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Diane Wheatley,  
Carl Manning,  
Walter Clark,  
Cumberland County

Benny Pearce,  
Town of Eastover

April 14, 2015

**MEMORANDUM**

**TO:** Cumberland County Joint Planning Board  
**FROM:** Planning and Inspections Staff  
**SUBJECT:** Staff Recommendation for the April 21, 2015 Board Meeting

**P15-01.** REZONING OF .23+/- ACRE FROM R6 RESIDENTIAL TO O&I(P) PLANNED OFFICE AND INSTITUTIONAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 5882, 5884 AND 5888 ROCKFISH ROAD; SUBMITTED BY JACKIE HAIRR ON BEHALF OF HAIRR FAMILY, LLC. (OWNER) AND MONICA KINNEY. (HOPE MILLS)

**1<sup>st</sup> MOTION**

The Planning and Inspections Staff recommends the board approve Case No. P15-01 to O&I(P) Planned Office and Institutional district based on the following:

1. If approved, O&I(P) will serve as a transition from commercial to residential in an area that is likely to transition to more non-residential uses; and
2. Public utilities are available to the subject property.

There are no other districts considered suitable for this request.

**2<sup>nd</sup> MOTION**

The Planning and Inspections Staff recommends the board find that approval of the request for rezoning in Case No. P15-01 is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for "urban" at this location as the proposed district would provide sufficiently zoned office and institutional areas to accommodate the needs of town residents. Although the requested district is not consistent with the Southwest Cumberland Land Use Plan, which calls for "low density residential" at this location, the request is reasonable because the site was previously zoned O&I(P) and operated in that capacity from 2001 to 2011. In addition, Rockfish Road is a minor arterial which is scheduled to be widened to multi-lanes, and there is at least one other office use existing in the general area.

The staff recommends the board further find that approval of this rezoning is reasonable and in the public interest because the district requested for the subject property meets or exceeds the location criteria of the adopted Land Use Policies Plan, in that: *public water and sewer desirable*, PWC water and sewer are available; *should have direct access to a collector street*, Rockfish Road is identified as a minor arterial; *if not developed in an office park, should serve as a transition between commercial and residential use and must be located on a sufficient site that provides adequate are for buffering, screening, and landscaping.*

Attachments:

- 1 – Site Profile
- 2 – Sketch Map

**P15-01**  
**SITE PROFILE**

**P15-01.** REZONING OF .23+/- ACRE FROM R6 RESIDENTIAL TO O&I(P) PLANNED OFFICE AND INSTITUTIONAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 5882, 5884 AND 5888 ROCKFISH ROAD; SUBMITTED BY JACKIE HAIRR ON BEHALF OF HAIRR FAMILY, LLC. (OWNER) AND MONICA KINNEY. (HOPE MILLS)

**Site Information:**

**Frontage & Location:** 93.38'+/- on SR 1112 (Rockfish Road)

**Depth:** 283.50'+/-

**Jurisdiction:** Town of Hope Mills

**Adjacent Property:** No

**Current Use:** Office

**Initial Zoning:** R10 – February 2, 1977 (Area 7); Annexed by Hope Mills 12/04/00- Initially zoned to R6 & O&I(P) January 16, 2001; Rezoned O&I(P) portion to R6 on April 18, 2011

**Nonconformities:** Existing structure does not appear to meet side yard setbacks

**Zoning Violation(s):** None

**Surrounding Zoning:** North: MXD/CUD (HM), C(P) (HM), R10 (HM), R6 (HM) & R6A; South: R15 (HM), R10 (HM) & R6A; East: C1(P), R10 (HM) & R6A; West: R10 (HM) & R6A

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

**2030 Land Use Plan:** Urban

**Southwest Cumberland Land Use Plan:** Low density residential

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

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

**Soil Limitations:** None

**School Capacity/Enrolled:** C. Wayne Collier Elementary: 600/547; Hope Mills Middle: 740/685; South View High: 1,800/1,784

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

**Average Daily Traffic Count (2012):** 9,000 on SR 1112 (Rockfish Road)

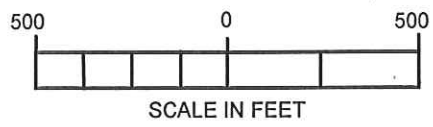
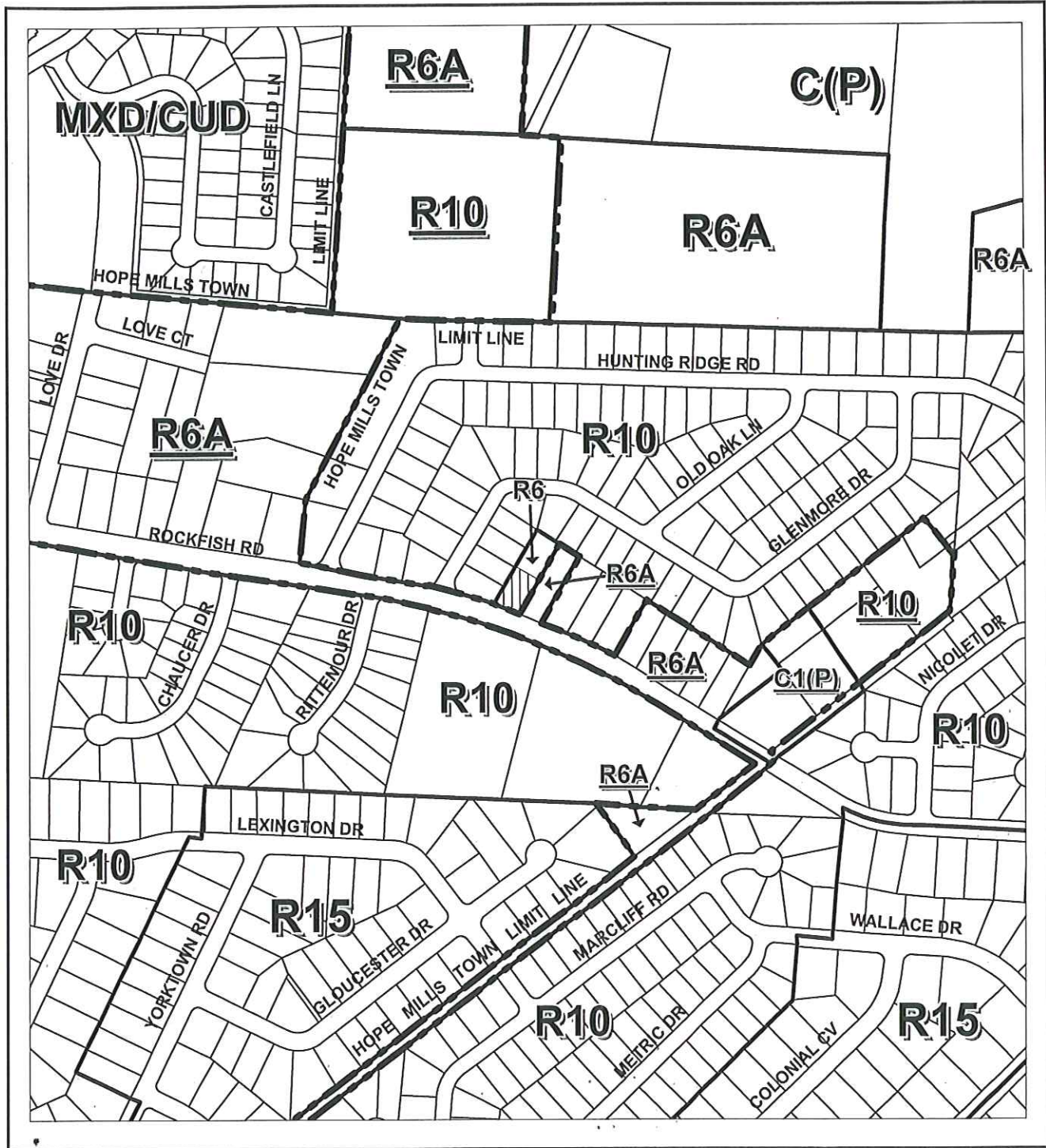
**Highway Plan:** Rockfish Road is identified as a minor arterial that needs improvement. The recommended treatment is to widen to multi-lanes with sidewalks. The ROW for Rockfish Road is 110'.

- Notes:**
1. Density:  
R6 – 6 units
  
  2. Minimum Yard Setback Regulations:

<u>R6</u>	<u>O&amp;I(P)</u>
Front yard: 25'	Front yard: 35'
Side yard: 10'	Side yard: 15'
Rear yard: 30'	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.*



## REQUESTED REZONING R6 TO O&I(P)

<b>ACREAGE: 0.23 AC.+/-</b>		<b>HEARING NO: P15-01</b>	
ORDINANCE: HOPE MILLS		HEARING DATE	ACTION
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

PORT. OF PIN: 0404-95-6888

2/9/2015  
AM

Patricia Hall,  
Chair  
Town of Hope Mills

Charles C. Morris,  
Vice-Chair  
Town of Linden

Jami McLaughlin,  
Town of Spring Lake  
Harvey Cain, Jr.,  
Town of Stedman

Donovan McLaurin  
Wade, Falcon & Godwin



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

◆  
*Planning & Inspections Department*

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Director

Cecil P. Combs,  
Deputy Director

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

Benny Pearce,  
Town of Eastover

April 14, 2015

**MEMORANDUM**

**TO:** Cumberland County Joint Planning Board  
**FROM:** Planning and Inspections Staff  
**SUBJECT:** Staff Recommendation for the April 21, 2015 Board Meeting

**P15-21. REZONING OF .21+/- ACRE FROM C1(P) PLANNED LOCAL BUSINESS TO R7.5 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 3835 CUMBERLAND ROAD, SUBMITTED BY GEOFFREY D. AND ANN S. KIESER (OWNERS).**

**1<sup>st</sup> MOTION**

The Planning and Inspections Staff recommends the board find that approval of the request for rezoning in Case No. P15-21 is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for “urban” at this location as the proposed district would allow development at less than 5.8 units per acre. The requested district is not consistent with the Southwest Cumberland Land Use Plan which calls for “heavy commercial” at this location; however, the residential structure on the subject property has been in existence since 1965.

The staff also recommends the board further find that approval of this rezoning is reasonable and in the public interest because the district requested for the subject property generally meets or exceeds the location criteria of the adopted Land Use Policies Plan, in that: *public or community water and public sewer are required*, public sewer is not available; *direct access to a public street is required*, Cumberland Road is a minor arterial; and the subject property is *not located in any defined critical area as defined by the Fort Bragg Small Study Area*.

**2<sup>nd</sup> MOTION**

In addition to the above information, the Planning and Inspections Staff also recommends the board approve Case No. P15-21 for R7.5 Residential district based on the following:

1. The R7.5 Residential district will allow for land uses and lot sizes that exist in the general area; and
2. The request is logical as the subject and several surrounding properties were initially zoned C1(P) in 1975 but have mostly remained legal nonconforming residential or are undeveloped.

There are no other districts considered suitable for this request.

**Attachments:**

- 1 – Site Profile
- 2 – Sketch Map

**P15-21**  
**SITE PROFILE**

**P15-21.** REZONING OF .21+/- ACRE FROM C1(P) PLANNED LOCAL BUSINESS TO R7.5 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 3835 CUMBERLAND ROAD, SUBMITTED BY GEOFFREY D. AND ANN S. KIESER (OWNERS).

**Site Information:**

**Frontage:** 75.56'+/- on SR 1141 (Cumberland Road)

**Depth:** 123.97'+/-

**Jurisdiction:** Cumberland County

**Adjacent Property:** No

**Current Use:** 1 residential structure

**Initial Zoning:** C1(P) – November 17, 1975 (Area 4)

**Nonconformities:** Existing residential structure & use are nonconforming

**Zoning Violation(s):** None

**Surrounding Zoning:** North: R6A/CU (motor vehicle repair), R6A/CU (cabinet shop), C3, C1(P), R10, R6A & R6; South: RR/CU (trade contractor), R10/CU (motor vehicle wrecking yard), M2, RR, R10, R6A, R6 & R5A; East: C3, C2(P), C1(P), RR & R6A; West: C3, C2(P) & R10

**Surrounding Land Use:** Residential (including manufactured dwellings), manufactured home park (5), office, motor vehicle repair, motor vehicle storage lot, retail, convenience retail w/ gasoline sales & farmer's market

**2030 Land Use Plan:** Urban

**Southwest Cumberland Land Use Plan:** Heavy commercial

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

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

**Soil Limitations:** None

**School Capacity/Enrolled:** Cumberland Road Elementary: 457/403; Ireland Drive Middle (6): 340/354; Douglas Byrd Middle (7-8): 700/743; Douglas Byrd High: 1,280/1,175

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

**Municipal Influence Area:** City of Fayetteville

**Average Daily Traffic Count (2012):** 26,000 on SR 1141 (Cumberland Road)

**Highway Plan:** Cumberland Road is identified in the Highway Plan as a Minor 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

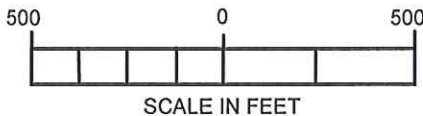
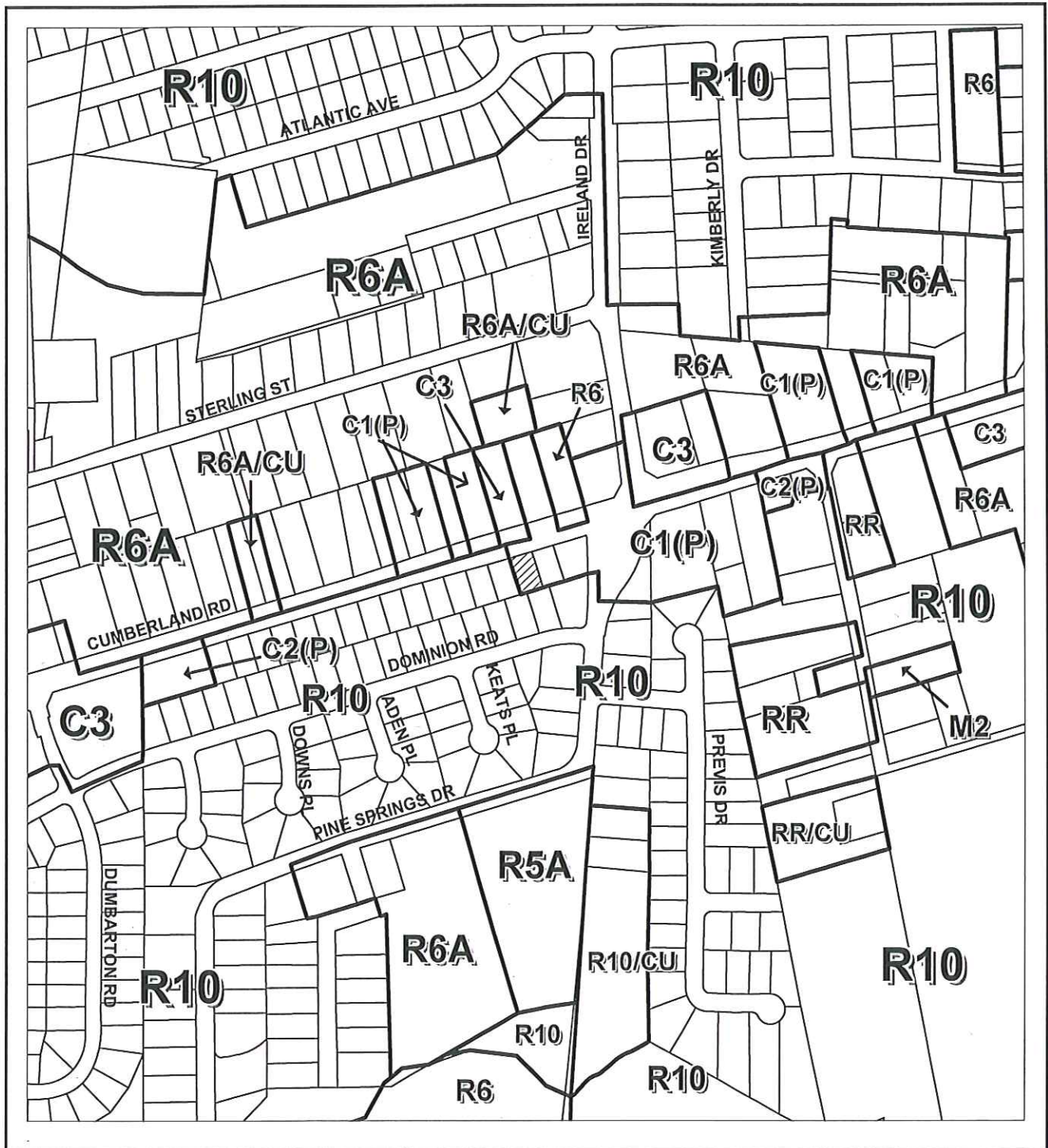
**Notes:**

1. Density:  
R7.5 – 1 lot/unit
  
2. Minimum Yard Setback Regulations:

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

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

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



SCALE IN FEET

## REQUESTED REZONING C1(P) TO R7.5

<b>ACREAGE: 0.21 AC.+/-</b>	<b>HEARING NO: P15-21</b>	
ORDINANCE: COUNTY	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

PIN: 0415-79-6560

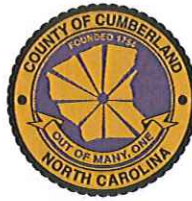
AM

Patricia Hall,  
Chair  
Town of Hope Mills

Charles C. Morris,  
Vice-Chair  
Town of Linden

Jami McLaughlin,  
Town of Spring Lake  
Harvey Cain, Jr.,  
Town of Stedman

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

*Planning & Inspections Department*

April 14, 2015

Thomas J. Lloyd,  
Director

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

Benny Pearce,  
Town of Eastover

**MEMORANDUM**

**TO:** Cumberland County Joint Planning Board  
**FROM:** Planning and Inspections Staff  
**SUBJECT:** Staff Recommendation for the April 21, 2015 Board Meeting

**P15-22.** REZONING OF 1.58+/- ACRES FROM R10 RESIDENTIAL TO C1(P) PLANNED LOCAL BUSINESS OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE NORTHWEST SIDE OF NC HWY 210 (LILLINGTON HWY), SOUTHEAST OF SR 1451 (E MANCHESTER ROAD); SUBMITTED BY WILLIAM S. WELLONS, JR. ON BEHALF OF W.S. WELLONS CORPORATION (OWNER).

**1<sup>st</sup> MOTION**

The Planning and Inspections Staff recommends the board find that approval of the request for rezoning in Case No. P15-22 is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for “urban” at this location as approval would be consistent with the zoning for adjacent property under the same ownership. The request is not consistent with the Spring Lake Detailed Land Use Plan which calls for “low density residential” at this location, however, the request is logical as there is public water available and Cumberland County has received funding to install a public sewer system in that area.

The staff also recommends the board approve this rezoning request as it is reasonable and in the public interest because the district requested for the subject property meets most of the location criteria of the adopted Land Use Policies Plan, in that: *public water and sewer required*, the criteria not met is public sewer which has been funded; *should serve as a transition between heavy commercial, office & institutional or residential development*, and *should provide convenient goods and services to the immediate surrounding neighborhood*.

**2<sup>nd</sup> MOTION**

In addition to the above information, the Planning and Inspections Staff recommends the board approve Case No. P15-22 for the C1(P) Planned Local Business district based on the following:

- The location and character of the requested district will be in harmony with the general area.

The O&I(P) district may also be considered suitable for this request at this location.

**Attachments:**

- 1 – Site Profile
- 2 – Sketch Map

**P15-22**  
**SITE PROFILE**

**P15-22.** REZONING OF 1.58+/- ACRES FROM R10 RESIDENTIAL TO C1(P) PLANNED LOCAL BUSINESS OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE NORTHWEST SIDE OF NC HWY 210 (LILLINGTON HWY), SOUTHEAST OF SR 1451 (E MANCHESTER ROAD); SUBMITTED BY WILLIAM S. WELLONS, JR. ON BEHALF OF W.S. WELLONS CORPORATION (OWNER).

**Site Information:**

**Frontage:** 314.05'+/- on NC Hwy 210 (Lillington Highway)

**Depth:** 310.00'+/-

**Jurisdiction:** Cumberland County

**Adjacent Property:** No

**Current Use:** Vacant land

**Initial Zoning:** R10– January 11, 1977 (Area 11)

**Nonconformities:** None

**Zoning Violation(s):** None

**Surrounding Zoning:** North: C1(P), O&I(P), RR, R10, R6 (SL) & R6A; South: M1(P), C(P), C1(P), O&I(P), RR (SL), R10, R6A, R6 (SL) & CD; East: C1(P), R6 & R6A; West: R10

**Surrounding Land Use:** Residential (including manufactured dwellings), substation, restaurants (2), bar, manufactured home parks (2), grocery store & woodlands

**2030 Land Use Plan:** Urban

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

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

**Water/Sewer Availability:** Town of Spring Lake /Septic

**NORCRESS:** Cumberland County has received funding to install a sewer system in that area; construction to begin summer 2015

**Soil Limitations:** Yes, hydric – WMB Wickham fine sandy

**School Capacity/Enrolled:** Lillian Black Elementary: 265/221; Spring Lake Middle: 700/488; Pine Forest High: 1,750/1,597

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

**US Fish & Wildlife:** No objection to rezoning; however, concerned about loss of trees for dispersal corridor for red-cockaded woodpeckers

**Municipal Influence Area:** Town of Spring Lake

**Average Daily Traffic Count (2012):** 19,000 on NC Hwy 210 (Lillington Highway)

**Highway Plan:** NC Hwy 210 (Lillington Highway) is identified in the highway plan as a Principal Arterial that is designated as needing improvement. The current right-of-way is 110 feet

**Notes:**

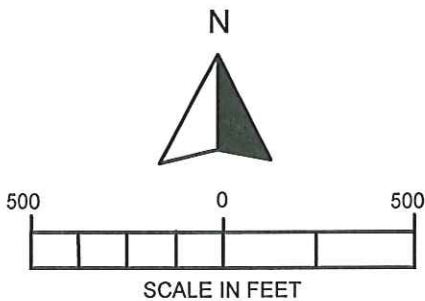
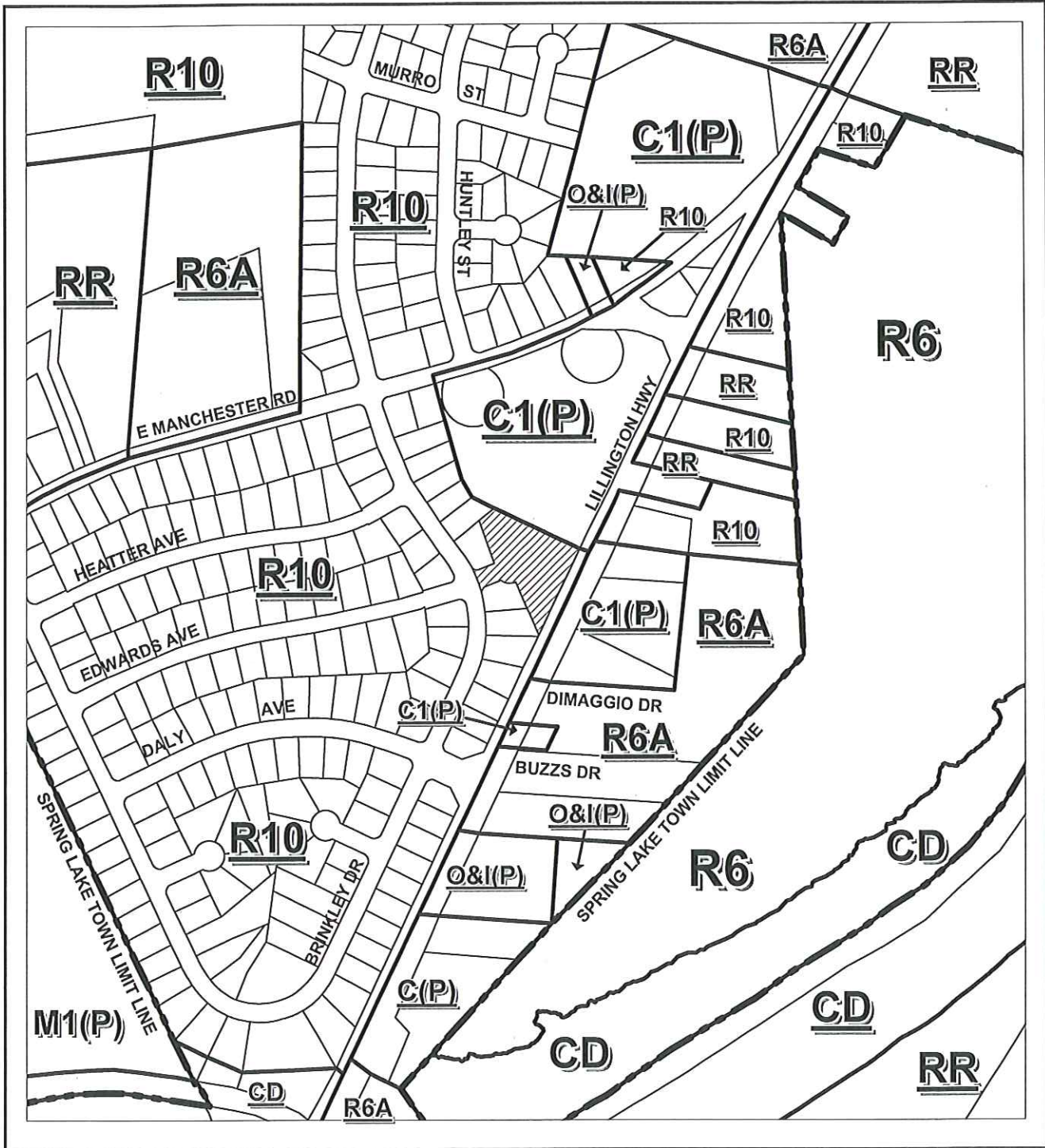
1. Density (minus 15% for R/W):  
R10 (R7.5) – 9 lots/units (7 lots/units)
  
2. Minimum Yard Setback Regulations:

<u>R10 (R7.5)</u>	<u>C1(P)</u>
Front yard: 30'	Front yard: 45'
Side yard: 10'	Side yard: 15'
Rear yard: 35'	Rear yard: 20'

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

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





## REQUESTED REZONING R10 TO C1(P)

ACREAGE: 1.58 AC.+/-	HEARING NO: P15-22	
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

Jami McLaughlin,  
Town of Spring Lake  
Harvey Cain, Jr.,  
Town of Stedman

Donovan McLaurin  
Wade, Falcon & Godwin



CUMBERLAND  
COUNTY  
NORTH CAROLINA

Planning & Inspections Department

April 14, 2015

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Cumberland County

Benny Pearce,  
Town of Eastover

**MEMORANDUM**

**TO:** Cumberland County Joint Planning Board  
**FROM:** Planning and Inspections Staff  
**SUBJECT:** Staff Recommendation for the April 21, 2015 Board Meeting

**P15-23.** REZONING OF 1.30+/- ACRES FROM A1 AGRICULTURAL TO R20 OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 8477 AND 8495 CLINTON ROAD, SUBMITTED BY HORACE T. CASHWELL HEIRS (OWNERS).

**1<sup>st</sup> MOTION**

The Planning and Inspections Staff recommends the board find that denial of R20 Residential but approval of RR Rural Residential district for Case No. P15-23 is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for "rural" at this location because the district requested will allow for development at 2.2 units per acre.

The staff recommends the board further find that approval of the recommended rezoning is reasonable and in the public interest because the district requested for the subject property meets or exceeds the location criteria of the adopted Land Use Policies Plan, in that: *septic system allowed based on soil type, lot size and distance from public sewer; must have direct access to a public street*, Clinton Road is a principal arterial; *must not be located in any defined critical area as defined by the Fort Bragg Small Study Area.*

**2<sup>nd</sup> MOTION**

The Planning and Inspections Staff recommends denial of the requested district of R20 Residential but approval of the RR Rural Residential district. In addition to the above information, the Planning and Inspections Staff recommends the board approve Case No. P15-23 for RR Rural Residential based on the following :

- The RR Rural Residential district will cure the nonconformity of the existing lot size that was created by the widening of Clinton Road.

The applicant has verbally agreed with the staff recommendation. There are no other districts considered suitable for this request due to lack of sewer availability.

Attachments:

- 1 – Site Profile
- 2 – Sketch Map

**P15-23**  
**SITE PROFILE**

**P15-23.** REZONING OF 1.30+/- ACRES FROM A1 AGRICULTURAL TO R20 OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 8477 AND 8495 CLINTON ROAD, SUBMITTED BY HORACE T. CASHWELL HEIRS (OWNERS).

**Site Information:**

**Frontage & Location:** 326.35'+/- on NC Hwy 24 (Clinton Road)

**Depth:** 212.66'+/-

**Jurisdiction:** Cumberland County

**Adjacent Property:** No

**Current Use:** 1 stick built structure & 1 manufactured dwelling

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

**Nonconformities:** Yes, lot contains less than minimum size requirement

**Zoning Violation(s):** None

**Surrounding Zoning:** North, South & West: A1; East: C(P) & A1

**Surrounding Land Use:** Residential (including multi-family & manufactured dwellings), club, tower, religious worship, vacant commercial structure, motor vehicle repair, substation, farmland & woodlands

**2030 Land Use Plan:** Rural

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

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

**Soil Limitations:** None

**School Capacity/Enrolled:** Stedman Primary (K-1): 200/172; Stedman Elementary (2-5): 300/291;

Mac Williams Middle: 1,270/1,169; Cape Fear High: 1,425/1,541

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

**Average Daily Traffic Count (2012):** 9,200 on NC Hwy 24 (Clinton Road)

**Highway Plan:** Clinton Road is identified in the Highway Plan as a Principal Arterial. There is currently a bypass project under construction near the subject property

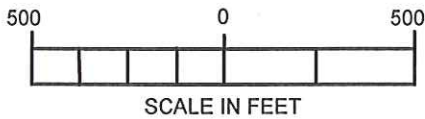
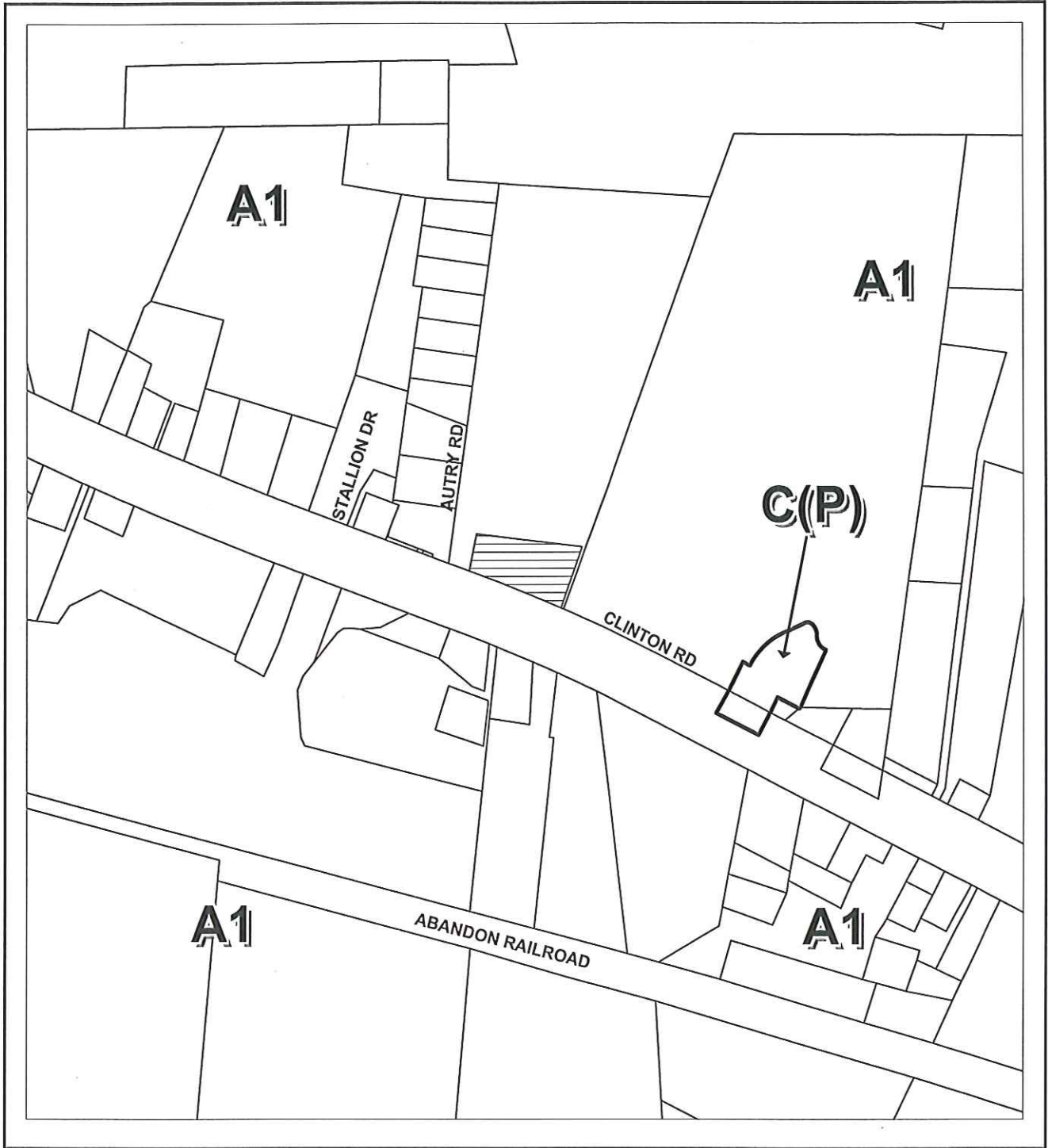
**Notes:**

1. Density  
A1 – 1 lot/unit  
RR/R20 – 3 lots/units
  
2. Minimum Yard Setback Regulations:

<u>A1</u>	<u>RR/R20</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.*

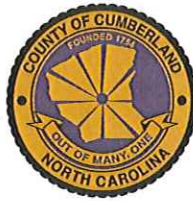


PIN: 1405-07-0539

## REQUESTED REZONING A1 TO R20

<b>ACREAGE: 1.30 AC.+/-</b>	<b>HEARING NO: P15-23</b>	
ORDINANCE: COUNTY	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

AM



Patricia Hall,  
Chair  
Town of Hope Mills

Charles C. Morris,  
Vice-Chair  
Town of Linden

Jami McLaughlin,  
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

April 14, 2015

**MEMORANDUM**

**TO:** Cumberland County Joint Planning Board  
**FROM:** Planning and Inspections Staff  
**SUBJECT:** Staff Recommendation for the March 17, 2015 Board Meeting

**P15-09.** REZONING OF 8.42+/- ACRES FROM R6A TO C2(P) PLANNED SERVICE AND RETAIL/CZ CONDITIONAL ZONING FOR RETAILING, OFFICE AND TRADE CONTRACTOR OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE SOUTHWEST SIDE OF SR 1126 (BROOKLYN CIRCLE), NORTHEAST OF LADY LANE ROAD; SUBMITTED BY THOMAS D. HORNE AND TIMOTHY SEALY ON BEHALF OF DIRECTIONAL SERVICES INC. (OWNER) AND GREG BAGLEY.

At the March 17, 2015 Planning Board meeting, the board requested and the applicant agreed to amend the application so that the primary access to the subject property will be through the applicant's adjacent site which fronts on US HWY 301 South. In modifying the main access to this site, the applicant addressed the staff's primary concern and the staff recommendation has been amended and is now requesting your consideration of a favorable recommendation for a C2(P) Planned Service and Retail/CZ Conditional Zoning district for trade contracting with open storage.

**1<sup>st</sup> MOTION**

The Planning and Inspections Staff recommends the board find the request is generally consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for "urban fringe" at this location even though approval would allow for incompatible commercial encroachment into a residential area the primary access would not be from a residential street; and although the request is not consistent with the Southwest Cumberland Land Use Plan which calls for "medium density residential" at this location, if approved the proposed development could be a viable use of previously vacant land.

The staff also recommends the board further find that this request is reasonable and in the public interest because the district requested for the subject property with the amended site plan meets most of the location criteria of the adopted Land Use Policies Plan, in that: *public water and sewer required*, public sewer is not available; *should serve as a transition between heavy commercial, office & institutional or residential development*, this area is an established residential neighborhood, adjacent to heavy commercial, and *may be located along a street that is in transition from residential to non-residential through redevelopment and physical improvements*, the developer is proposing the primary access to be from US HWY 301 South a principal arterial, with Brooklyn Circle, a local residential street, only as an emergency access.

**2<sup>nd</sup> MOTION**

In addition to the above information, the Planning and Inspections Staff recommends the board recommend approval of Case No. P15-09 for the C2(P) Planned Service and Retail/CZ Conditional Zoning district for trade contracting with open storage based on the requested district of C2(P) and use as trade contractor with open storage being consistent with the adjacent commercial development.

There are no other districts considered suitable for this request. The property owner has voluntarily agreed to all "Ordinance Related Conditions."

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

**P15-09**  
**SITE PROFILE**

**P15-09.** REZONING OF 8.42+/- ACRES FROM R6A TO C2(P) PLANNED SERVICE AND RETAIL/CZ CONDITIONAL ZONING FOR RETAILING, OFFICE AND TRADE CONTRACTOR OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE SOUTHWEST SIDE OF SR 1126 (BROOKLYN CIRCLE), NORTHEAST OF LADY LANE ROAD; SUBMITTED BY THOMAS D. HORNE AND TIMOTHY SEALY ON BEHALF OF DIRECTIONAL SERVICES INC. (OWNER) AND GREG BAGLEY.

**Site Information:**

**Frontage & Location:** 239.65'+/- on SR 1126 (Brooklyn Circle)

**Depth:** 963.83'+/-

**Jurisdiction:** Cumberland County

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

**Current Use:** Woodlands

**Initial Zoning:** R6A – February 3, 1977 (Area 7)

**Nonconformities:** None

**Zoning Violation(s):** None

**Surrounding Zoning:** North: C(P), R10 & R6A; South: C(P)/CU (retail & other uses), C3, C(P) & R6A; East: C3 & RR; West: R6A

**Surrounding Land Use:** Residential (including manufactured dwellings & multi-family), manufactured home park, vacant commercial building, strip mall, government office & woodlands

**2030 Land Use Plan:** Urban fringe

**Southwest Cumberland Land Use Plan:** Medium density residential, mixed housing types (including manufactured homes)

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

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

**Soil Limitations:** Yes, hydric – TR Torhunata and Lynn Haven soils

**School Capacity/Enrolled:** Gallberry Farm Elementary: 900/889; South View Middle: 900/705; South View High: 1,800/1,777

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

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

**Average Daily Traffic Count (2012):** 2,400 on SR 1126 (Brooklyn Circle) & 16,000 on US Hwy 301 (Gillespie Street)

**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

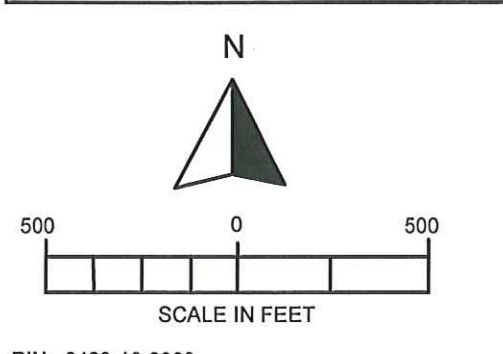
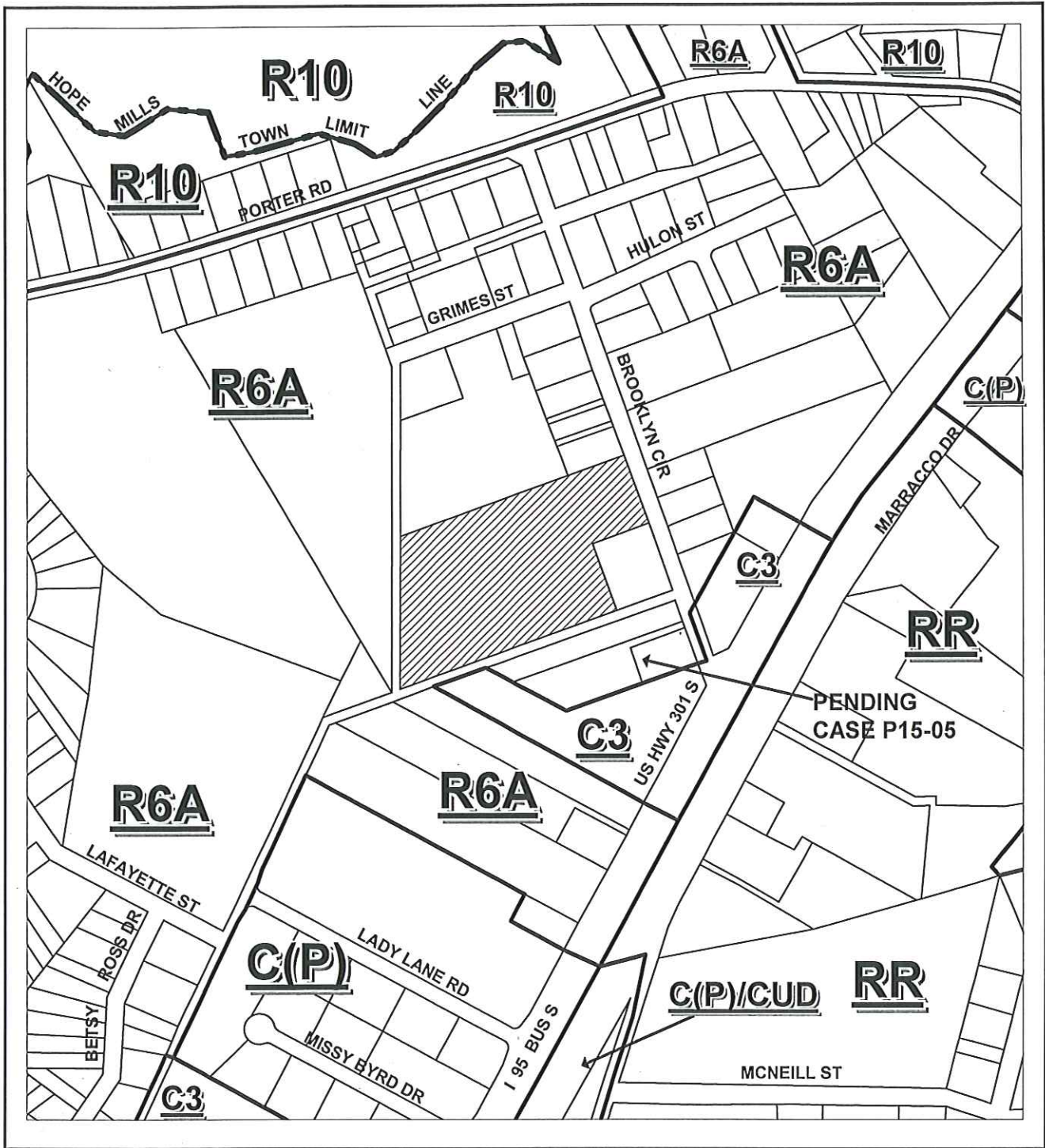
**Notes:**

1. Density (minus 15% for ROW) :  
R6A – 90 lots/units (77 lots/units)  
Manufactured Home Park (67 mh spaces)
  
2. Minimum Yard Setback Regulations:

<u>R6A</u>	<u>C2(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.*

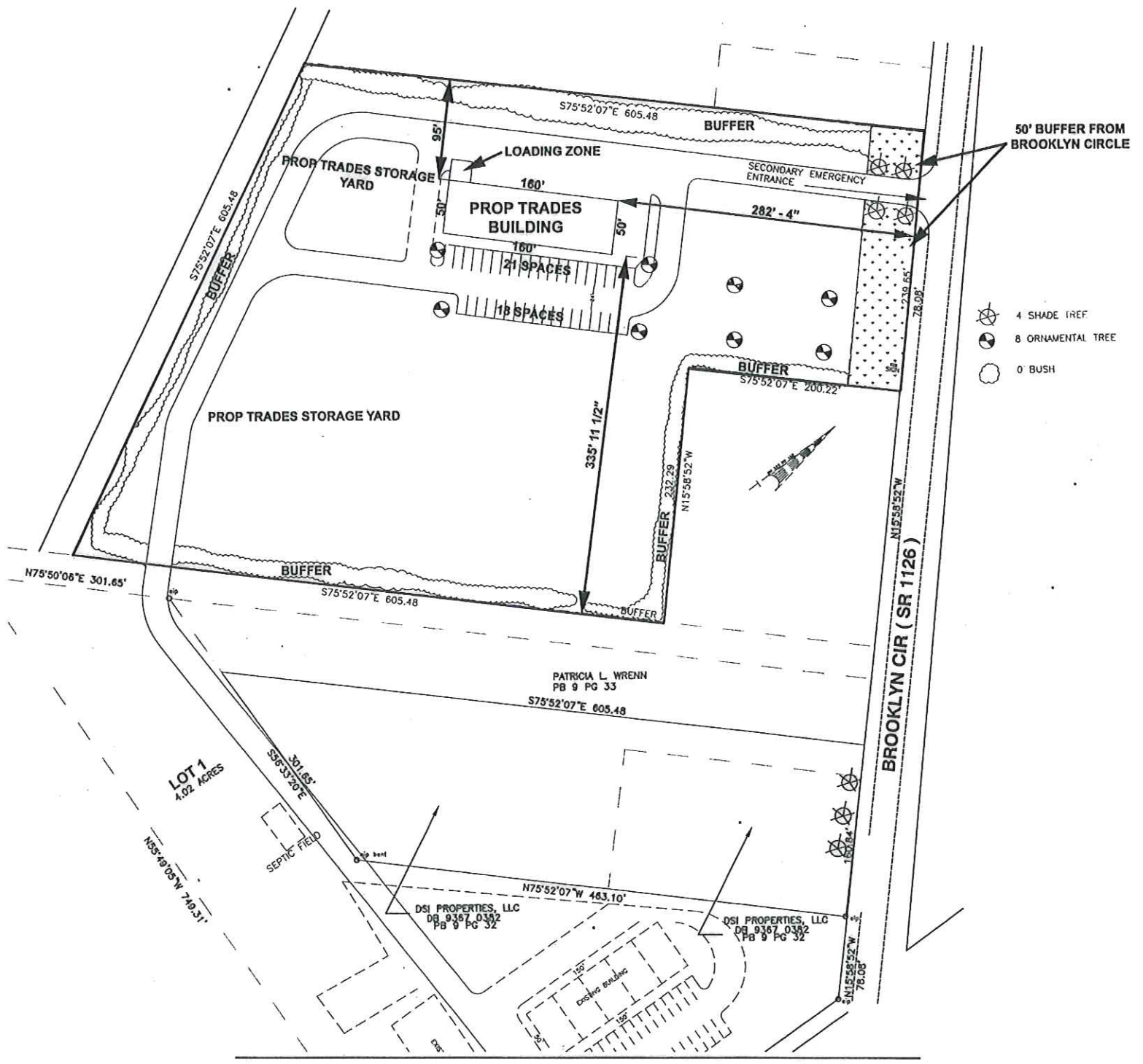


PIN: 0423-18-8993

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

<b>ACREAGE: 8.42 AC.+/-</b>		<b>HEARING NO: P15-09</b>	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

12/19/2014  
1/05/15  
AM



**C2(P) PLANNED SERVICE AND RETAIL/ CZ CONDITIONAL ZONING  
REQUESTED: TRADE CONTRACTOR & OUTSIDE STORAGE**

**CASE: P15-09 ACREAGE: 8.42 AC +/-**

**SCALE: NTS PARKING: 39 SPACES**

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



**C2(P) PLANNED SERVICE AND RETAIL/CZ CONDITIONAL ZONING**

**DRAFT**

Ordinance Related Conditions  
for  
Trade Contractor with Open Storage

**Pre- Permit Related:**

1. A recombination plat (also known as a “No Approval Required” or “NAR”) must be submitted to Land Use Codes for review and approval for recording with the County Register of Deeds, and the plat must be recorded prior to any permit application for any structure and/or prior to the sale of any lot or unit within this development.
2. Three copies of a revised site plan for case number 08-190 showing through access for adjacent property must be submitted prior to application for any permits.
3. Three copies of a revised site plan must be submitted for review and approval prior to application for any permits, the revised plan must include:
  - A minimum of one off-street loading space for the 175’ x 50’ proposed building measuring 12’ x 25’ with 14’ overhead clearance must be submitted for review and approval prior to application for any permits.

**Permit-Related:**

4. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the County Zoning Ordinance and permits required to place any structure within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. For additional information, the developer should contact a Code Enforcement Officer.
5. The County Health Department must approve 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)
6. Connection to public water is required, the Public Works Commission (PWC) must approve water plans prior to application for any permits. A copy of the PWC approval must be provided to Code Enforcement at the time of application for building/zoning permits. (Section 2306 A.1, Public Water and Sewer Systems, County Subdivision and Development Ordinance)

Note: Due to an existing agreement between the PWC and the Town of Hope Mills, an annexation petition most likely will be required prior to the PWC’s review of any utility plans.

7. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
8. 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.
9. 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.

10. 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. Four large shade trees or eight small ornamental trees within the front yard setback area along SR1126 (Brooklyn Circle);
  - b. Four ornamental trees and 16 shrubs are required in the building yard area;
  - c. Two large shade trees or four 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.
11. 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:**

12. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Development Ordinance and Zoning Ordinances for a trade contractor in the C2(P) zoning district and as shown on the site plan and/or included in the application must be complied with, as applicable.
13. This conditional approval is not approval of the permit for the freestanding sign. Attached signage for this development must be in accordance with the applicable sign regulations as set forth in Article XIII of the County Zoning Ordinance and that the proper permit(s) must be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is **not** approval of the size, shape, or location of any signs.)
14. For any new development, an adequate drainage system must be installed by the developer in accordance with the NC Department of Environment and Natural Resources' (NCDENR) *Manual on Best Management Practices* and all drainage ways must be kept clean and free of debris. (Section 2306 D, County Subdivision and Development Ordinance)
15. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision and Development Ordinance)
16. 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.
17. The developer must obtain a driveway permit from the NC Department of Transportation (NCDOT). A copy of the approved driveway permit must be provided to Code Enforcement at the time of application for building/zoning permits.
18. Turn lanes may be required by the NC Department of Transportation (NCDOT).
19. All lighting is required to be directed internally within this development and comply with the provisions of Section 1102 M, Outdoor Lighting, County Zoning Ordinance.
20. All required off-street parking spaces is required to be a minimum of 9' x 20'; a minimum of one space for each vehicle used in the conduct of the trade, plus two additional spaces for each three employees on the largest shift is required for this development.
21. A solid buffer must be provided and maintained along the northern property lines where this tract/site abuts residentially zoned properties and the open storage must be screened from view from the public street 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.)

22. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.

**Plat-Related:**

- 23. "Brooklyn Circle" must be labeled as "SR 1126 (Brooklyn Circle)" on the recombination plat.
- 24. Prior to submission of the recombination plat for approval for recording, a fire hydrant must be installed along SR 1126 (Brooklyn Circle); hydrants must be located no further than 1,000 feet apart and at a maximum of 300 feet from any lot.
- 25. Any/All easements must be reflected on the recombination plat and labeled as to type of easement, reference number for document creating the easement, and the name of the agency, individual, etc. who holds the easement.
- 26. The notarized signature(s) of all current tax record owner(s) and notary certifications appear on the recombination plat when submitted for approval for recordation. (Section 2503 D, Certificate of Ownership and Dedication, County Subdivision and Development Ordinance)

**Plat-Required Statements:**

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

"The individual lots in this development do not have public sewer services available, and no lots have been approved by the Health Department for on-site sewer services at the date of this recording."

28. All structures shall be shown on the recombination plat or the plat shall reflect the following statement (Section 2504 D, County Subdivision and Development Ordinance):

"Nonconforming structures have not been created by this recombination plat."

**Other Relevant Conditions:**

- 29. The applicant is advised to consult an expert on wetlands before proceeding with any development.
- 30. All notes and calculations as shown on the site plan are to be considered as a part of this conditional approval. This conditional approval is not approval of the area labeled "Future Retail."
- 31. The subject property is located within the Town of Hope Mills Municipal Influence Area (MIA) and the town has tree preservation standards in their ordinances. The developer is encouraged to retain as many of the existing trees as possibly on this site.
- 32. 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.

*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):**

Improvements Inspections:	Jeff Barnhill	678-7765
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

Ground Water Issues:	Matt Rooney	678-7625
PWC:	Heidi Maly	223-4737
Town of Hope Mills:		424-4555*
Town Clerk:	Melissa P. Adams	
County Public Utilities:	Amy Hall	678-7637
Corp of Engineers (wetlands):	Emily Greer	(910) 251-4049
NCDENR (E&S):	Brad Cole	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
United States Postal Service	Terry Carr	(704) 393-4466

\*This is the main telephone number for the Town of Hope Mills; once connected, the caller will be directed to the various departments.

cc: Mike Bailey, Town of Hope Mills

**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 C. Gregory Bagley
2. Address: 805 Cokesbury Road Zip Code 27526
3. Telephone: (Home) \_\_\_\_\_ (Work) 919-609-0300
4. Location of Property: SW BROOKLYN CIRCLE NW I-95
5. Parcel Identification Number (PIN #) of subject property: 423-18-8993  
(also known as Tax ID Number or Property Tax ID)
6. Acreage: 8.42 Frontage: 220' Depth: 605'
7. Water Provider: PWC Septage Provider: Septic Field
8. Deed Book 9367, Page(s) 382, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
9. Existing use of property: VACANT
10. Proposed use(s) of the property: Trade Contracting with Storage

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

11. Do you own any property adjacent to, including across the street from, the property being submitted for rezoning? Yes  No \_\_\_\_\_
12. Has a violation been issued on this property? Yes \_\_\_\_\_ No
13. 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 V)
- \_\_\_\_\_ 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.)

Trade Contractor Co

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

SEE Site PLAN

2. DIMENSIONAL REQUIREMENTS:

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

SEE Site PLAN

- B. Off-street parking and loading, Sec. 1202 & 1203: List the number of spaces, type of surfacing material and any other pertinent information.

SEE Site PLAN

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.

SEE Site PLAN

4. LANDSCAPE AND BUFFER REQUIREMENTS:

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

SEE SITE PLAN

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

SEE SITE PLAN

5. MISCELLANEOUS:

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

N/A

6. SITE PLAN REQUIREMENTS:

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

7. STATEMENT OF ACKNOWLEDGMENT:

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

It is the responsibility of the petitioner (personally or by agent) to submit to the Planning and Inspections Department a valid request 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.

✓ DSI PROPERTIES, LLC  
NAME OF OWNER(S) (PRINT OR TYPE)

4830 US HWY 301 HOPE MILLS, N.C. 28348  
ADDRESS OF OWNER(S)

tsepley @ directional services. net  
E-MAIL

HOME TELEPHONE 910-635-1981 WORK TELEPHONE

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

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

805 Cokesbury Road  
ADDRESS OF AGENT, ATTORNEY, APPLICANT

HOME TELEPHONE 919-552-1600 WORK TELEPHONE 919-609-0300

E-MAIL ADDRESS gdb.greg@gmail.com FAX NUMBER 919-552-6325

[Signature]  
SIGNATURE OF AGENT, ATTORNEY, OR APPLICANT





Patricia Hall,  
Chair  
Town of Hope Mills

Charles C. Morris,  
Vice-Chair  
Town of Linden

Jami McLaughlin,  
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*

April 14, 2015

**MEMORANDUM**

**TO:** Cumberland County Joint Planning Board  
**FROM:** Planning and Inspections Staff  
**SUBJECT:** Staff Recommendation for the April 21, 2015 Board Meeting

**P15-24.** REZONING 6.97+/- ACRES FROM C(P) PLANNED COMMERCIAL AND A1 AGRICULTURAL TO C(P) PLANNED COMMERCIAL/CZ CONDITIONAL ZONING FOR A HOTEL, RESTAURANT, CONVENIENCE RETAIL WITH GASOLINE SALES AND BILLBOARD OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE NORTHWEST SIDE OF SR 1863 (PEMBROKE LANE), WEST OF SR 1828 (JAMES DAIL ROAD); SUBMITTED BY ANTHONY PEREZ ON BEHALF OF MID-STATE PETROLEUM, INC., NIRAV MODI AND MICHAEL W. COLLIER (OWNERS) AND P. SINGH SANDHU. (EASTOVER)

**1<sup>st</sup> MOTION**

The Planning and Inspections Staff recommends the board find that approval of the request for rezoning in Case No. P15-24 is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for “community growth area” at this location as approval would provide lodging, food and fuel at a major exchange and in close proximity to I-95. The request is consistent with the Eastover Area Detailed Land Use Plan which calls for “activity node” at this location.

The staff recommends the board approve this rezoning request as it is reasonable and in the public interest because the district requested for the subject property meets the location criteria of the adopted Land Use Policies Plan, in that: *public water and sewer required*, ESD water and sewer are available; *should have minimum direct access to a collector street*, US Highway 13 (Goldsboro Road) is a minor arterial and Pembroke Lane is a local road; *should not be in a predominantly residential, office & institutional, or light commercial area, surrounding zoning is C(P) and A1; must be located on a sufficient site that provides adequate area for buffering, screening, and landscaping; and could be located in a designated Activity Node Area.*

**2<sup>nd</sup> MOTION**

In addition to the above information, the Planning and Inspections Staff recommends the board approve Case No. P15-24 for the C(P) Planned Commercial/CZ Conditional Zoning district for a hotel, restaurant, convenience retail with gasoline sale and billboard based on the following:

1. The location and character of the requested district will be in harmony with the existing development in the general area and should invigorate growth at the stagnant interchange.
2. The developer had demonstrated that cautionary measures are to be implemented related to stormwater concerns and wetland protection, and has been instrumental in the NC Department of Transportation’s cleaning/clearing of the ditches so that the water will not back up and pond in this area.

There are no other districts considered suitable for this request at this location. The property owner has voluntarily agreed to all “Ordinance Related Conditions.”

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

**P15-24**  
**SITE PROFILE**

**P15-24.** REZONING 6.97+/- ACRES FROM C(P) PLANNED COMMERCIAL AND A1 AGRICULTURAL TO C(P) PLANNED COMMERCIAL/CZ CONDITIONAL ZONING FOR A HOTEL, RESTAURANT, CONVENIENCE RETAIL WITH GASOLINE SALES AND BILLBOARD OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE NORTHWEST SIDE OF SR 1863 (PEMBROKE LANE), WEST OF SR 1828 (JAMES DAIL ROAD); SUBMITTED BY ANTHONY PEREZ ON BEHALF OF MID-STATE PETROLEUM, INC., NIRAV MODI AND MICHAEL W. COLLIER (OWNERS) AND P. SINGH SANDHU. (EASTOVER)

**Site Information:**

**Frontage & Location:** 1,530.00'+/- on SR 1863 (Pembroke Lane) & 160.00'+/- on I-295

**Depth:** 280.00'+/-

**Jurisdiction:** Eastover

**Adjacent Property:** Yes, south of subject properties

**Current Use:** Vacant woodlands

**Initial Zoning:** C(P) – January 27, 1980 (Area 19A); initially zoned to C(P) December 4, 2007 (Town of Eastover incorporated July 26, 2007)

**Nonconformities:** None

**Zoning Violation(s):** None

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

**Surrounding Land Use:** Residential (including manufactured dwellings), restaurant, hotel, convenience retail w/ gasoline sales & woodlands

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

**Eastover Area Detailed Land Use Plan:** Activity node

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

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

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

**School Capacity/Enrolled:** Eastover Central Elementary: 540/436; Mac Williams Middle: 1,270/1,169; Cape Fear High: 1,425/1,541

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

**Average Daily Traffic Count (2012):** 8,000 NC 13 (Goldsboro Road) & 46,000 on I-95

**DOT:** Access will not be allowed on US 13

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

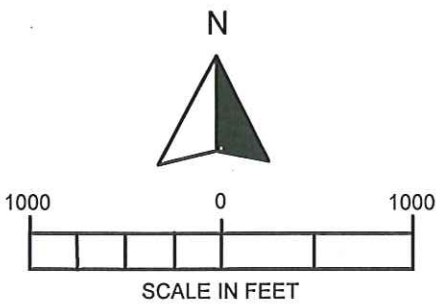
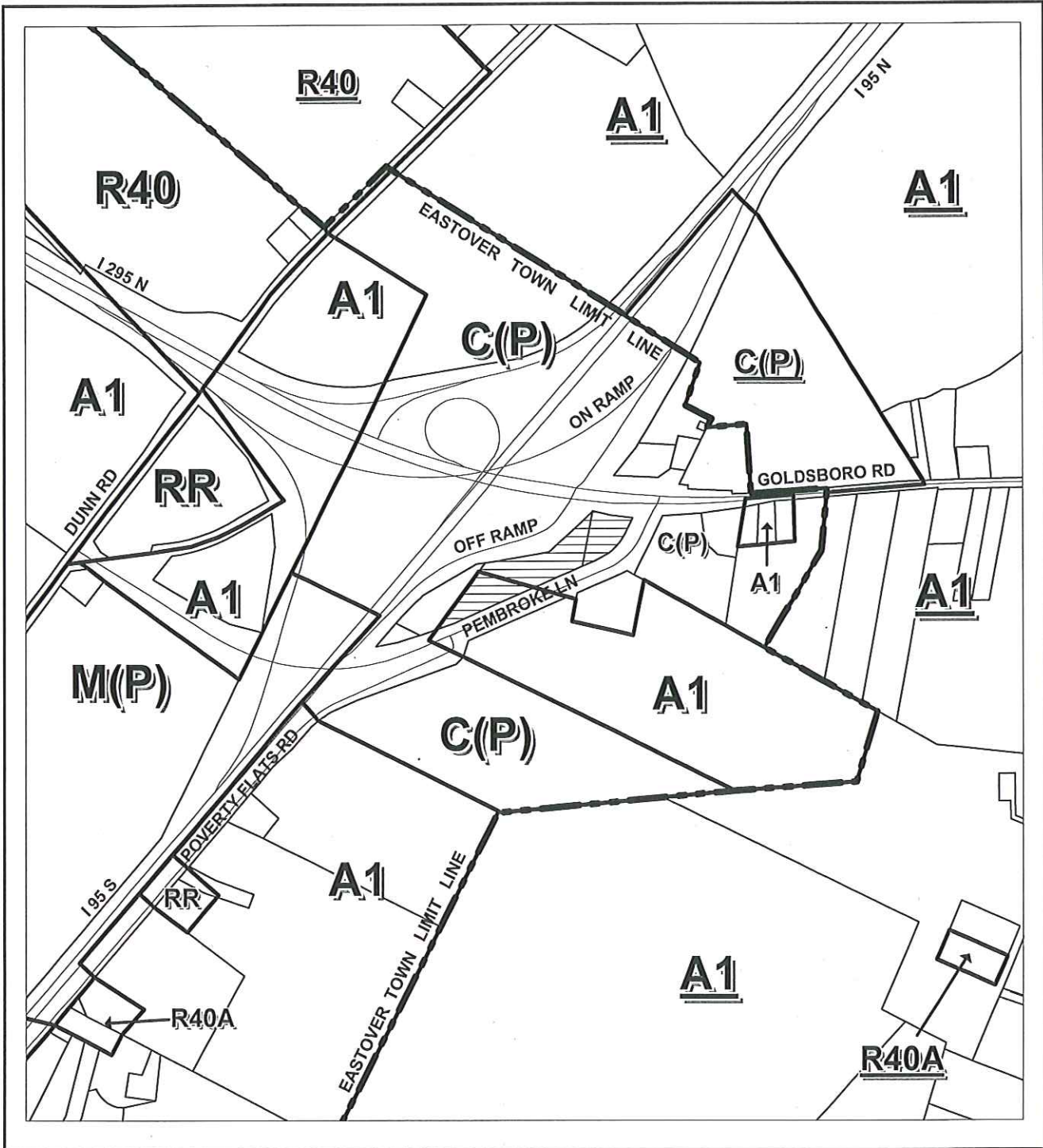
**Notes:**

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

<u>A1</u>	<u>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 A1 & C(P) TO C(P)/CZ

<b>ACREAGE: 6.97 AC.+/-</b>	<b>HEARING NO: P15-24</b>	
ORDINANCE: EASTOVER	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

PIN: 0479-39-8248  
 PORT OF PIN: 0479-49-2070  
 PORT OF PIN: 0479-39-4024

**C(P) PLANNED COMMERCIAL/CZ CONDITIONAL ZONING**

**Draft**

Ordinance Related Conditions  
for  
Hotel, Restaurant, Convenience Retail with Gasoline Sales and Billboard

**Pre- Permit Related:**

1. A recombination plat (also known as a “No Approval Required” or “NAR”) must be submitted to Land Use Codes and then the Town Manager for review and approval for recording with the County Register of Deeds, and the plat must be recorded prior to any permit application for any structure and/or prior to the sale of any lot or unit within this development.
2. Prior to application for any permits, a revised plan must be submitted for staff review and approval, including a minimum of three off-street loading spaces(s) measuring 12’ x 25’ with 14’ overhead clearance must be provided for the hotel, restaurant and convenience store area. )

**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. Connection to public water and sewer is required, the Eastover Sanitary District (ESD) must approve water and sewer plans prior to application for any permits. A copy of the ESD approval must be provided to Code Enforcement at the time of application for building/zoning permits. (Section 2306 A.1, Public Water and Sewer Systems, County Subdivision and Development Ordinance)  
**Note: The ESD has indicated that a lift station upgrade may be required for the public sewer service.**
5. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
6. 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.
7. 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.
8. Landscaping must be provided in accordance with Section 1102 N, Landscaping, County Zoning Ordinance and/as shown on the site plan. Three copies of a revised site plan depicting the landscaping must be submitted to Land Use Codes. 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 SR1863(Pembroke Lane);
  - b. Six large shade trees or 12 small ornamental trees within the front yard setback area along US HWY 13 (Goldsboro Road) – the developer is proposing seven palm trees;
  - c. Ten ornamental trees and 56 shrubs are required in the building yard area;
  - d. Eight large shade trees or 16 small ornamental trees are required within the parking area.

In addition:

- a. Required plant materials shall be maintained by the property owner, including replacing dead or unhealthy trees and shrubs; and
  - b. All yard and planting areas shall be maintained in a neat, orderly, and presentable manner and kept free of weeds and debris.
9. The building final inspection cannot be accomplished until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans.
  10. The concrete sidewalk proposed along US HWY 13 (Goldsboro Road) must be constructed prior to the application for the building final of the convenience store.

**Site-Related:**

11. 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 a hotel, restaurant, convenience retail with gasoline sales and billboard, including the contents of the application and site plan must be complied with, as applicable.
12. All corner lots and lots fronting more than one street must provide front yard setbacks from each street.
13. This conditional approval is not approval of the permit for the 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.) Note: The developer is proposing one sign each for the hotel, restaurant and convenience retail and one interstate sign to the north east of the hotel site.
14. The proposed billboard cannot exceed 35 feet in height and a maximum sign area of 500 square feet. In addition, the billboard must be located a minimum of 50 feet from all street right-of-ways, five feet from any property line not a right-of-way line; and 50 feet from any other freestanding sign. Billboards can be located no closer than 500 feet to another billboard.
15. For any new development, an adequate drainage system must be installed by the developer in accordance with the NC Department of Environment and Natural Resources' (NCDENR) *Manual on Best Management Practices* and all drainage ways must be kept clean and free of debris. (Section 2306 D, County Subdivision and Development Ordinance)
16. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision and Development Ordinance)
17. 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.
18. 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. **Note: The NCDOT has indicated that a driveway will not be permitted to US HWY 13 (Goldsboro Road).**
19. Turn lanes may be required by the NC Department of Transportation (NCDOT).
20. All lighting is required to be directed internally within this development and comply with the provisions of Section 1102 M, Outdoor Lighting, County Zoning Ordinance.
21. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.
22. All required off-street parking spaces shall be a minimum of 9' x 20'; a minimum of 120 off-street parking spaces are required for this development. The developer is proposing 176 off-street parking spaces. **Note: The developer has agreed that 20% of the off-street parking/drive serving the hotel is to be improved with a pervious surface material.**

**Plat-Related:**

23. Prior to submission of the recombination plat, fire hydrants must be installed along all proposed streets and drives; hydrants must be located no further than 1,000 feet apart and at a maximum of 500 feet from any lot. (Section 2306 B, Fire hydrants, County Subdivision and Development Ordinance) Also see Condition No. 28 below.
24. "Poverty Flats Road" must be labeled as "SR 1861 (Poverty Flats Road)" on the recombination plat.
25. Any/All easements must be reflected on the final plat and labeled as to type of easement, reference number for document creating the easement, and the name of the agency, individual, etc. who holds the easement.
26. The NC Department of Transportation (NCDOT) stamp must be affixed to the recombination plat prior to submission for approval for recordation.
27. The notarized signature(s) of all current tax record owner(s) and notary certifications appear on the final plat when submitted for final approval. (Section 2503 D, Certificate of Ownership and Dedication, County Subdivision and Development Ordinance)
28. The developer is reminded that the improvements must be in place or that final plat approval will only be granted in accordance with Section 2502 B, C, or D, Final Plat – Guarantees of Improvements, County Subdivision and Development Ordinance. (Note: Once the improvements are in place, the developer is responsible for contacting Jeff Barnhill to schedule an inspection of the improvements.)
29. The recombination plat must be submitted to Land Use Codes for review and approval for recording with the County Register of Deeds, and the plat must be recorded prior to any permit application for any structure and/or prior to the sale of any lot or unit within this development.

**Plat-Required Statements:**

30. All structures shall be shown on the final plat or the final plat shall reflect the following statement (Section 2504 D, County Subdivision and Development Ordinance):

"Nonconforming structures have not been created by this recombination plat."

**Other Relevant Conditions:**

31. The applicant is advised to consult an expert on wetlands before proceeding with any development.
32. Any/All easements must be reflected on the final plat and labeled as to type of easement, reference number for document creating the easement, and the name of the agency, individual, etc. who holds the easement.
33. The US Postal Service may require this development to have centralized cluster boxes for postal service to each lot or unit. The developer is advised contact the US Postal Growth Coordinator for the Mid-Carolinas District to determine the appropriate location for the cluster boxes. If the cluster box location requires changes to the subdivision or site plan, a revised preliminary/plan must be submitted to the Planning & Inspections Department for review and approval.
34. The owner/developer is responsible for ensuring easements which may exist on the subject property are accounted for, not encumbered and that no part of this development is violating the rights of the easement holder.

*Thank you for choosing the Town of Eastover 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):**

Improvements Inspections:	Jeff Barnhill	678-7765
Subdivision/Site Plan/Plat	Ed Byrne	678-7609

Code Enforcement (Permits):	Cecil Combs	321-6654
County Health Department:	Daniel Ortiz	433-3680
Food & Lodging Env. Health:	Daniel Ortiz	433-3680
Eastover Sanitary District:	Connie Spell	229-3716
Town of Eastover:	Matt Rooney (Staff Rep)	678-7625
Town of Eastover:	Kim Nazarchyk	323-0707
Town of Eastover:	Jane Faircloth (Town Clerk)	323-0707
County Public Utilities:	Amy Hall	678-7637
Corp of Engineers (wetlands):	Emily Greer	(910) 251-4049
NCDENR (E&S):	Brad Cole	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
United States Postal Service	Terry Carr	(704) 393-4466

cc: Kim Nazarchyk, Eastover Town Manager

**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 NIRAV MODI
2. Address: 201 W 21st Street <sup>Lumberton NC</sup> Zip Code 28358
3. Telephone: (Home) 910 671 5998 (Work) 910 739 1132
4. Location of Property: SOUTH OF HIGHWAY 13 (EAST OF I-95/EXH 58)
5. Parcel Identification Number (PIN #) of subject property: (See Attached List)  
(also known as Tax ID Number or Property Tax ID)
6. Acreage: ± 6.97 Frontage: Hwy 13 (280') Depth: VARIES (SEE SITE AND PLAT) PLAN  
PEMBROKE (1620')
7. Water Provider: EASTOVER Septage Provider: EASTOVER
8. Deed Book 5079, P 57A, 1, Page(s) 181, 179, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).  
5995, P 0299
9. Existing use of property: VACANT
10. Proposed use(s) of the property: Hotel, RESTAURANT, CONVENIENCE STORE/CATERY with fuel, Billboard.

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

11. Do you own any property adjacent to, including across the street from, the property being submitted for rezoning? Yes  No
12. Has a violation been issued on this property? Yes  No
13. It is requested that the foregoing property be rezoned FROM: C(P) and A1

TO: (Select one)

Conditional Zoning District, with an underlying zoning district of C(P)  
(Article V)

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.)

HOTEL/MOTEL  
RESTURANT  
CONVENIENCE RETAIL W GASOLINE

- 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.

HOTEL  
RESTURANT  
CONVENIENCE STORE RETAIL WITH GASOLINE

2. DIMENSIONAL REQUIREMENTS:

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

10 Feet From nabor property (DOT)  
(See Site Drawings)

- B. Off-street parking and loading, Sec. 1202 & 1203: List the number of spaces, type of surfacing material and any other pertinent information.

N/A.

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.

2 monument sign (See Site Drawings)  
AND BILL BOARDS

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.**

Pl. See Landscaping plans.

- 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.**

Pl. See Site plans

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.

C-Store 24 HRS [15 EMPLOYEES]  
HOTEL/Motel 24 HRS [15 EMPLOYEES]  
Restaurants - 6 to 10 [20 EMPLOYEES]  
Parking lights will be submitted  
NOISE - N.A. odor - Close Dumpster will be provided  
Emission - N.A.

6. SITE PLAN REQUIREMENTS:

The application must include a site plan drawn to the specifications of Sec. 1402. If the proposed uses involve development subject to the County Subdivision Ordinance, the site plan required may be general in nature, showing a generalized street pattern, if applicable, and the location of proposed uses. If the proposed uses include development not subject to the Subdivision Ordinance, the site plan 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.

✓ NIRAV MODI  
NAME OF OWNER(S) (PRINT OR TYPE)

701 W 21<sup>st</sup> Street, Lumberton, NC, 28358  
ADDRESS OF OWNER(S)

PSINGHSANDHU1@gmail.com & NICK@ATKGAS.com  
E-MAIL

704-506.3715  
HOME TELEPHONE

7045063715  
WORK TELEPHONE

Nirav U Modi  
SIGNATURE OF OWNER(S)

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

✓ P Singh Sandhu  
NAME OF AGENT, ATTORNEY, APPLICANT (by assign) (PRINT OR TYPE)

403 Targmore Court, Fayetteville, NC, 28311  
ADDRESS OF AGENT, ATTORNEY, APPLICANT

\_\_\_\_\_  
HOME TELEPHONE

7045063715  
WORK TELEPHONE

Psinghsandhu1@gmail.com  
E-MAIL ADDRESS

18888759020  
FAX NUMBER

[Signature]  
SIGNATURE OF AGENT, ATTORNEY, OR APPLICANT

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✓ MICHAEL WAYNE COLLIER  
NAME OF OWNER(S) (PRINT OR TYPE)

1280 GREEN BRIAR DRIVE, VASS, NC 28394  
ADDRESS OF OWNER(S)

E-MAIL

910.476-4142  
HOME TELEPHONE

910.485-0099  
WORK TELEPHONE

SIGNATURE OF OWNER(S)

SIGNATURE OF OWNER(S)

✓ P. SINGH SANDHU  
NAME OF AGENT, ATTORNEY, APPLICANT (by assign) (PRINT OR TYPE)

403 TARMORE COURT FAYETTEVILLE, NC 28311  
ADDRESS OF AGENT, ATTORNEY, APPLICANT

704-506-3715  
HOME TELEPHONE

704-506-3715  
WORK TELEPHONE

psinghsandhu1@gmail.com  
E-MAIL ADDRESS

1-888-875-9020

FAX NUMBER

SIGNATURE OF AGENT, ATTORNEY, OR APPLICANT

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Mid-State Petroleum, Inc.  
NAME OF OWNER(S) (PRINT OR TYPE)

4192 Mendon Hall oaks Hwy, High Point, NC 29065  
ADDRESS OF OWNER(S)

tperez @ mid-state-petroleum .com  
E-MAIL

\_\_\_\_\_  
HOME TELEPHONE (336) 841-3000 x 3113  
\_\_\_\_\_  
WORK TELEPHONE

Anthony L Perez  
SIGNATURE OF OWNER(S) SIGNATURE OF OWNER(S)

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

\_\_\_\_\_  
ADDRESS OF AGENT, ATTORNEY, APPLICANT

\_\_\_\_\_  
HOME TELEPHONE WORK TELEPHONE

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

\_\_\_\_\_  
SIGNATURE OF AGENT, ATTORNEY, OR APPLICANT

**15-031**  
**SITE PROFILE**

**CASE NO. 15-031.** CONSIDERATION OF THE CASTLEBROOKE PHASE 4; ZERO LOT LINE SUBDIVISION REVIEW; REQUEST FOR A WAIVER FROM THE REQUIREMENT TO HAVE A MINIMUM 125 FOOT SEPERATION OFFSET FROM ANOTHER STREET ENTRANCE; COUNTY SUBDIVISION ORDINANCE, SECTION 2304.10.E, STREET OFFSETS; ZONED: R20; TOTAL ACREAGE: 18.50 +/-; LOCATED ON THE NORTH SIDE OF SR 1704 (PALESTINE ROAD) ACROSS FROM MCARTANS FORD; SUBMITTED BY JOHN CULBRETH & PHYLLIS P. STREET (OWNERS) AND GEORGE ROSE (SURVEYOR).

**Summary of Request**

The developer is requesting a waiver from the requirement to meet the minimum 125' foot street offset separation between street intersections. The proposed entrance street centerline for this development will be located about 80 feet from the centerline of the existing street (McArtans Ford). The development will be served by a Town of Linden water system and septic systems approved by the County Health Department.

**Site Information:**

**Frontage & Location:** 119.95' feet of street frontage along SR 1704 (Palestine Road)

**Depth:** 1,410.00' +/-

**Jurisdiction:** Cumberland County

**Municipal Influence Area (MIA):** N/A

**Sewer Services Area (SSA):** No

**Adjacent Property:** The remaining parent tract of PIN 0553-04-1253

**Nonconformities:** Street offset for the proposed street right-of-way not being met.

**Water & Sewer:** Town of Linden/Septic

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

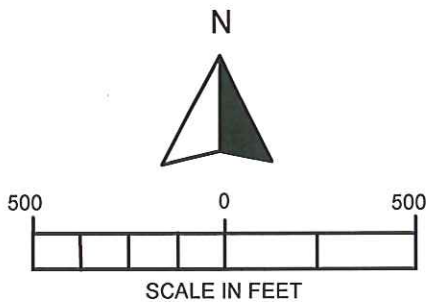
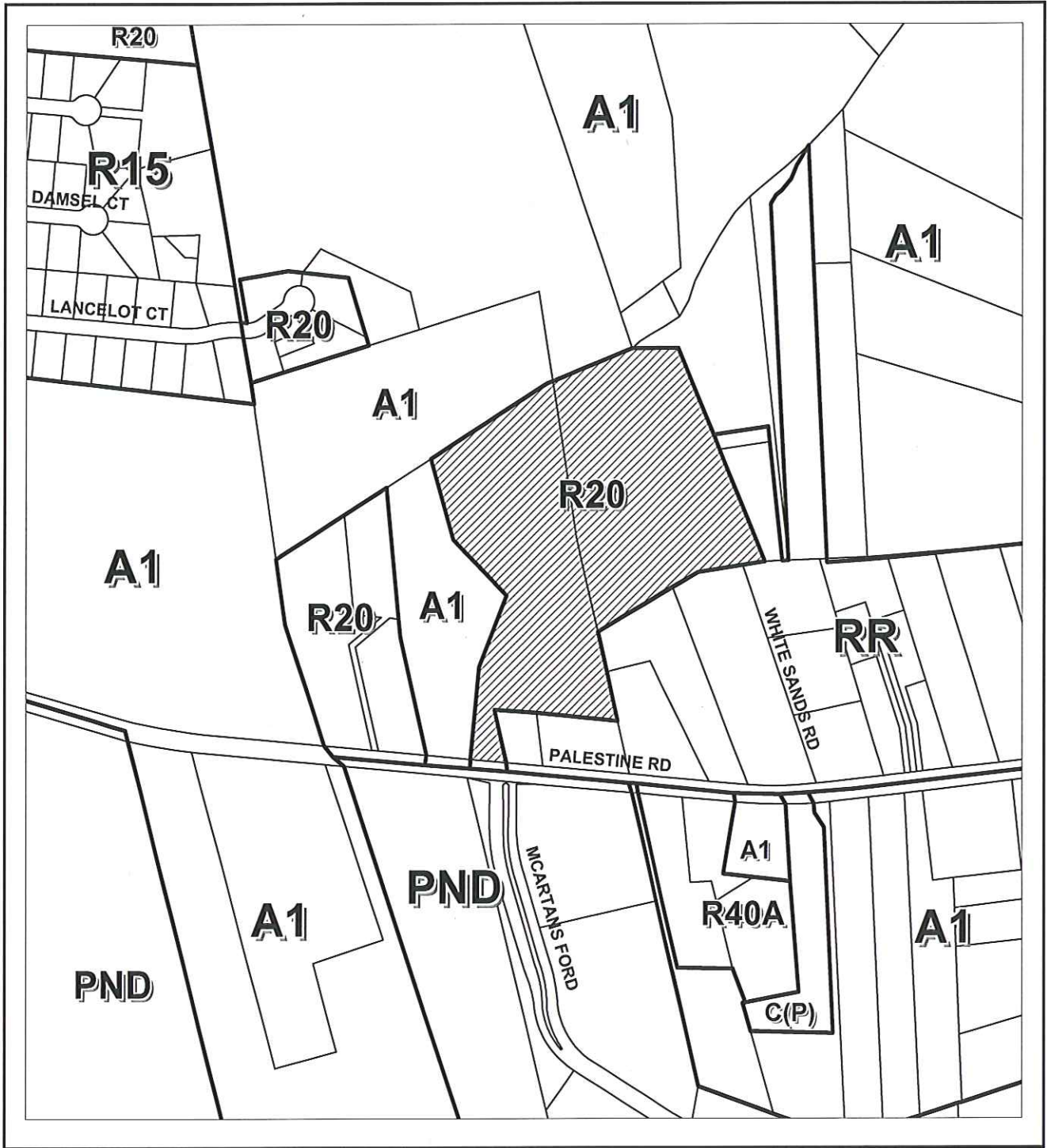
**Applicable County Subdivision Ordinance Provisions**

**Section 2304 STREETS, A.10.e. *Street offsets.*** Where there is an offset in the alignment of a street across an intersection, the offset of the center lines shall not be less than 125 feet.

**Note:** Proposed street offset approximately 80 feet.

**Attachments**

- 1 - Sketch Map
- 2 - Subdivision Sketch Plan
- 3 - Aerial Photo
- 4 - Application for Waiver
- 5 - Draft Conditions of Approval



## COUNTY SUBDIVISION ORDINANCE WAIVER

**ACREAGE: 18.50 AC.+/-**

**HEARING NO: 15-031**

ORDINANCE: COUNTY

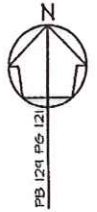
HEARING DATE

ACTION

GOVERNING BOARD

PIN: 0553-02-4956  
PORT OF PIN: 0553-04-1253

AM



**CASTLEBROOKE PHASE 4**  
**ZERO LOT LINE SUBDIVISION REVIEW**  
**REQUEST: A WAIVER FROM SECTION 2304.10.E**  
**"STREET OFFSETS"**  
**CASE: 15-031 ACREAGE: 18.50 AC +/-**  
**ZONED: R20 SCALE: NTS**  
**\*SCALED DETAILED SITE PLAN IN FILE AVAILABLE FOR REVIEW UPON REQUEST**

N 04°35'10" W  
64.55'  
**APPRX. 80'**



**C(P) PLANNED COMMERCIAL/CZ CONDITIONAL ZONING**

**Draft**

Ordinance Related Conditions  
for  
Hotel, Restaurant, Convenience Retail with Gasoline Sales and Billboard

**Pre- Permit Related:**

1. A recombination plat (also known as a “No Approval Required” or “NAR”) must be submitted to Land Use Codes and then the Town Manager for review and approval for recording with the County Register of Deeds, and the plat must be recorded prior to any permit application for any structure and/or prior to the sale of any lot or unit within this development.
2. Prior to application for any permits, a revised plan must be submitted for staff review and approval, including a minimum of three off-street loading spaces(s) measuring 12’ x 25’ with 14’ overhead clearance must be provided for the hotel, restaurant and convenience store area. )

**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. Connection to public water and sewer is required, the Eastover Sanitary District (ESD) must approve water and sewer plans prior to application for any permits. A copy of the ESD approval must be provided to Code Enforcement at the time of application for building/zoning permits. (Section 2306 A.1, Public Water and Sewer Systems, County Subdivision and Development Ordinance)  
**Note: The ESD has indicated that a lift station upgrade may be required for the public sewer service.**
5. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
6. 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.
7. 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.
8. Landscaping must be provided in accordance with Section 1102 N, Landscaping, County Zoning Ordinance and/as shown on the site plan. Three copies of a revised site plan depicting the landscaping must be submitted to Land Use Codes. 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 SR1863(Pembroke Lane);
  - b. Six large shade trees or 12 small ornamental trees within the front yard setback area along US HWY 13 (Goldsboro Road) – the developer is proposing seven palm trees;
  - c. Ten ornamental trees and 56 shrubs are required in the building yard area;
  - d. Eight large shade trees or 16 small ornamental trees are required within the parking area.

In addition:

- a. Required plant materials shall be maintained by the property owner, including replacing dead or unhealthy trees and shrubs; and
  - b. All yard and planting areas shall be maintained in a neat, orderly, and presentable manner and kept free of weeds and debris.
9. The building final inspection cannot be accomplished until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans.
  10. The concrete sidewalk proposed along US HWY 13 (Goldsboro Road) must be constructed prior to the application for the building final of the convenience store.

**Site-Related:**

11. 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 a hotel, restaurant, convenience retail with gasoline sales and billboard, including the contents of the application and site plan must be complied with, as applicable.
12. All corner lots and lots fronting more than one street must provide front yard setbacks from each street.
13. This conditional approval is not approval of the permit for the 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.) Note: The developer is proposing one sign each for the hotel, restaurant and convenience retail and one interstate sign to the north east of the hotel site.
14. The proposed billboard cannot exceed 35 feet in height and a maximum sign area of 500 square feet. In addition, the billboard must be located a minimum of 50 feet from all street right-of-ways, five feet from any property line not a right-of-way line; and 50 feet from any other freestanding sign. Billboards can be located no closer than 500 feet to another billboard.
15. For any new development, an adequate drainage system must be installed by the developer in accordance with the NC Department of Environment and Natural Resources' (NCDENR) *Manual on Best Management Practices* and all drainage ways must be kept clean and free of debris. (Section 2306 D, County Subdivision and Development Ordinance)
16. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision and Development Ordinance)
17. 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.
18. 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. **Note: The NCDOT has indicated that a driveway will not be permitted to US HWY 13 (Goldsboro Road).**
19. Turn lanes may be required by the NC Department of Transportation (NCDOT).
20. All lighting is required to be directed internally within this development and comply with the provisions of Section 1102 M, Outdoor Lighting, County Zoning Ordinance.
21. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.
22. All required off-street parking spaces shall be a minimum of 9' x 20'; a minimum of 120 off-street parking spaces are required for this development. The developer is proposing 176 off-street parking spaces. **Note: The developer has agreed that 20% of the off-street parking/drive serving the hotel is to be improved with a pervious surface material.**

**Plat-Related:**

23. Prior to submission of the recombination plat, fire hydrants must be installed along all proposed streets and drives; hydrants must be located no further than 1,000 feet apart and at a maximum of 500 feet from any lot. (Section 2306 B, Fire hydrants, County Subdivision and Development Ordinance) Also see Condition No. 28 below.
24. "Poverty Flats Road" must be labeled as "SR 1861 (Poverty Flats Road)" on the recombination plat.
25. Any/All easements must be reflected on the final plat and labeled as to type of easement, reference number for document creating the easement, and the name of the agency, individual, etc. who holds the easement.
26. The NC Department of Transportation (NCDOT) stamp must be affixed to the recombination plat prior to submission for approval for recordation.
27. The notarized signature(s) of all current tax record owner(s) and notary certifications appear on the final plat when submitted for final approval. (Section 2503 D, Certificate of Ownership and Dedication, County Subdivision and Development Ordinance)
28. The developer is reminded that the improvements must be in place or that final plat approval will only be granted in accordance with Section 2502 B, C, or D, Final Plat – Guarantees of Improvements, County Subdivision and Development Ordinance. (Note: Once the improvements are in place, the developer is responsible for contacting Jeff Barnhill to schedule an inspection of the improvements.)
29. The recombination plat must be submitted to Land Use Codes for review and approval for recording with the County Register of Deeds, and the plat must be recorded prior to any permit application for any structure and/or prior to the sale of any lot or unit within this development.

**Plat-Required Statements:**

30. All structures shall be shown on the final plat or the final plat shall reflect the following statement (Section 2504 D, County Subdivision and Development Ordinance):

"Nonconforming structures have not been created by this recombination plat."

**Other Relevant Conditions:**

31. The applicant is advised to consult an expert on wetlands before proceeding with any development.
32. Any/All easements must be reflected on the final plat and labeled as to type of easement, reference number for document creating the easement, and the name of the agency, individual, etc. who holds the easement.
33. The US Postal Service may require this development to have centralized cluster boxes for postal service to each lot or unit. The developer is advised contact the US Postal Growth Coordinator for the Mid-Carolinas District to determine the appropriate location for the cluster boxes. If the cluster box location requires changes to the subdivision or site plan, a revised preliminary/plan must be submitted to the Planning & Inspections Department for review and approval.
34. The owner/developer is responsible for ensuring easements which may exist on the subject property are accounted for, not encumbered and that no part of this development is violating the rights of the easement holder.

*Thank you for choosing the Town of Eastover 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):**

Improvements Inspections:	Jeff Barnhill	678-7765
Subdivision/Site Plan/Plat	Ed Byrne	678-7609

Code Enforcement (Permits):	Cecil Combs	321-6654
County Health Department:	Daniel Ortiz	433-3680
Food & Lodging Env. Health:	Daniel Ortiz	433-3680
Eastover Sanitary District:	Connie Spell	229-3716
Town of Eastover:	Matt Rooney (Staff Rep)	678-7625
Town of Eastover:	Kim Nazarchyk	323-0707
Town of Eastover:	Jane Faircloth (Town Clerk)	323-0707
County Public Utilities:	Amy Hall	678-7637
Corp of Engineers (wetlands):	Emily Greer	(910) 251-4049
NCDENR (E&S):	Brad Cole	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
United States Postal Service	Terry Carr	(704) 393-4466

cc: Kim Nazarchyk, Eastover Town Manager

**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 NIRAV MODI
2. Address: 201 W 21st Street <sup>Lumberton NC</sup> Zip Code 28358
3. Telephone: (Home) 910 671 5998 (Work) 910 739 1132
4. Location of Property: SOUTH OF HIGHWAY 13 (EAST OF I-95/EXH 58)
5. Parcel Identification Number (PIN #) of subject property: (See Attached List)  
(also known as Tax ID Number or Property Tax ID)
6. Acreage: ± 6.97 Frontage: Hwy 13 (280') Depth: VARIES (SEE SITE AND PLAT) PLAN  
PEMBROKE (1620')
7. Water Provider: EASTOVER Septage Provider: EASTOVER
8. Deed Book 5079, P 57A, 1, Page(s) 181, 179, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).  
5995, P 0299
9. Existing use of property: VACANT
10. Proposed use(s) of the property: Hotel, RESTAURANT, CONVENIENCE STORE/CATERY with fuel, Billboard.

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

11. Do you own any property adjacent to, including across the street from, the property being submitted for rezoning? Yes  No
12. Has a violation been issued on this property? Yes  No
13. It is requested that the foregoing property be rezoned FROM: C(P) and A1

TO: (Select one)

Conditional Zoning District, with an underlying zoning district of C(P)  
(Article V)

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.)

HOTEL/MOTEL  
RESTURANT  
CONVENIENCE RETAIL W GASOLINE

- 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.

HOTEL  
RESTURANT  
CONVENIENCE STORE RETAIL WITH GASOLINE

2. DIMENSIONAL REQUIREMENTS:

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

10 Feet From nabour property (DOT)  
(See Site Drawings)

- B. Off-street parking and loading, Sec. 1202 & 1203: List the number of spaces, type of surfacing material and any other pertinent information.

N/A.

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.

2 monument sign (See Site Drawings)  
AND BILL BOARDS

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.**

Pl. See Landscaping plans.

- 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.**

Pl. See Site plans

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.

C-Store 24 HRS [15 EMPLOYEES]  
HOTEL/Motel 24 HRS [15 EMPLOYEES]  
Restaurants - 6 to 10 [20 EMPLOYEES]

Parking lights will be submitted

NOISE - N.A. odor - Close Dumpster will be provided

6. SITE PLAN REQUIREMENTS: Emission - N.A.

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.

✓ NIRAV MODI  
NAME OF OWNER(S) (PRINT OR TYPE)

701 W 21<sup>st</sup> Street, Lumberton, NC, 28358  
ADDRESS OF OWNER(S)

PSINGHSANDHU1@gmail.com & NICK@ATKGAS.com  
E-MAIL

704-506.3715  
HOME TELEPHONE

7045063715  
WORK TELEPHONE

Nirav U Modi  
SIGNATURE OF OWNER(S)

SIGNATURE OF OWNER(S)

✓ P Singh Sandhu  
NAME OF AGENT, ATTORNEY, APPLICANT (by assign) (PRINT OR TYPE)

403 Targmore Court, Fayetteville, NC, 28311  
ADDRESS OF AGENT, ATTORNEY, APPLICANT

7045063715  
HOME TELEPHONE

7045063715  
WORK TELEPHONE

Psinghsandhu1@gmail.com  
E-MAIL ADDRESS

18888759020  
FAX NUMBER

[Signature]  
SIGNATURE OF AGENT, ATTORNEY, OR APPLICANT



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✓ MICHAEL WAYNE COLLIER  
NAME OF OWNER(S) (PRINT OR TYPE)

1280 GREEN BRIAR DRIVE, VASS, VA 28394  
ADDRESS OF OWNER(S)

E-MAIL

910.476-4142  
HOME TELEPHONE

910.485-0099  
WORK TELEPHONE

SIGNATURE OF OWNER(S)

SIGNATURE OF OWNER(S)

✓ P. SINGH SANDHU  
NAME OF AGENT, ATTORNEY, APPLICANT (by assign) (PRINT OR TYPE)

403 TARMORE COURT FAYETTEVILLE, VA 28311  
ADDRESS OF AGENT, ATTORNEY, APPLICANT

704-506-3715  
HOME TELEPHONE

704-506-3715  
WORK TELEPHONE

psinghsandhu1@gmail.com  
E-MAIL ADDRESS

1-888-875-9020  
FAX NUMBER

SIGNATURE OF AGENT, ATTORNEY, OR APPLICANT

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Mid-State Petroleum, Inc.  
NAME OF OWNER(S) (PRINT OR TYPE)

4192 Mendon Hall oaks Hwy, High Point, NC 29065  
ADDRESS OF OWNER(S)

tperez @ mid-state-petroleum .com  
E-MAIL

\_\_\_\_\_  
HOME TELEPHONE (336) 841-3000 x 3113  
\_\_\_\_\_  
WORK TELEPHONE

Anthony L Perez  
SIGNATURE OF OWNER(S) SIGNATURE OF OWNER(S)

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

\_\_\_\_\_  
ADDRESS OF AGENT, ATTORNEY, APPLICANT

\_\_\_\_\_  
HOME TELEPHONE WORK TELEPHONE

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

\_\_\_\_\_  
SIGNATURE OF AGENT, ATTORNEY, OR APPLICANT

**15-031**  
**SITE PROFILE**

**CASE NO. 15-031.** CONSIDERATION OF THE CASTLEBROOKE PHASE 4; ZERO LOT LINE SUBDIVISION REVIEW; REQUEST FOR A WAIVER FROM THE REQUIREMENT TO HAVE A MINIMUM 125 FOOT SEPERATION OFFSET FROM ANOTHER STREET ENTRANCE; COUNTY SUBDIVISION ORDINANCE, SECTION 2304.10.E, STREET OFFSETS; ZONED: R20; TOTAL ACREAGE: 18.50 +/-; LOCATED ON THE NORTH SIDE OF SR 1704 (PALESTINE ROAD) ACROSS FROM MCARTANS FORD; SUBMITTED BY JOHN CULBRETH & PHYLLIS P. STREET (OWNERS) AND GEORGE ROSE (SURVEYOR).

**Summary of Request**

The developer is requesting a waiver from the requirement to meet the minimum 125' foot street offset separation between street intersections. The proposed entrance street centerline for this development will be located about 80 feet from the centerline of the existing street (McArtans Ford). The development will be served by a Town of Linden water system and septic systems approved by the County Health Department.

**Site Information:**

**Frontage & Location:** 119.95' feet of street frontage along SR 1704 (Palestine Road)

**Depth:** 1,410.00' +/-

**Jurisdiction:** Cumberland County

**Municipal Influence Area (MIA):** N/A

**Sewer Services Area (SSA):** No

**Adjacent Property:** The remaining parent tract of PIN 0553-04-1253

**Nonconformities:** Street offset for the proposed street right-of-way not being met.

**Water & Sewer:** Town of Linden/Septic

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

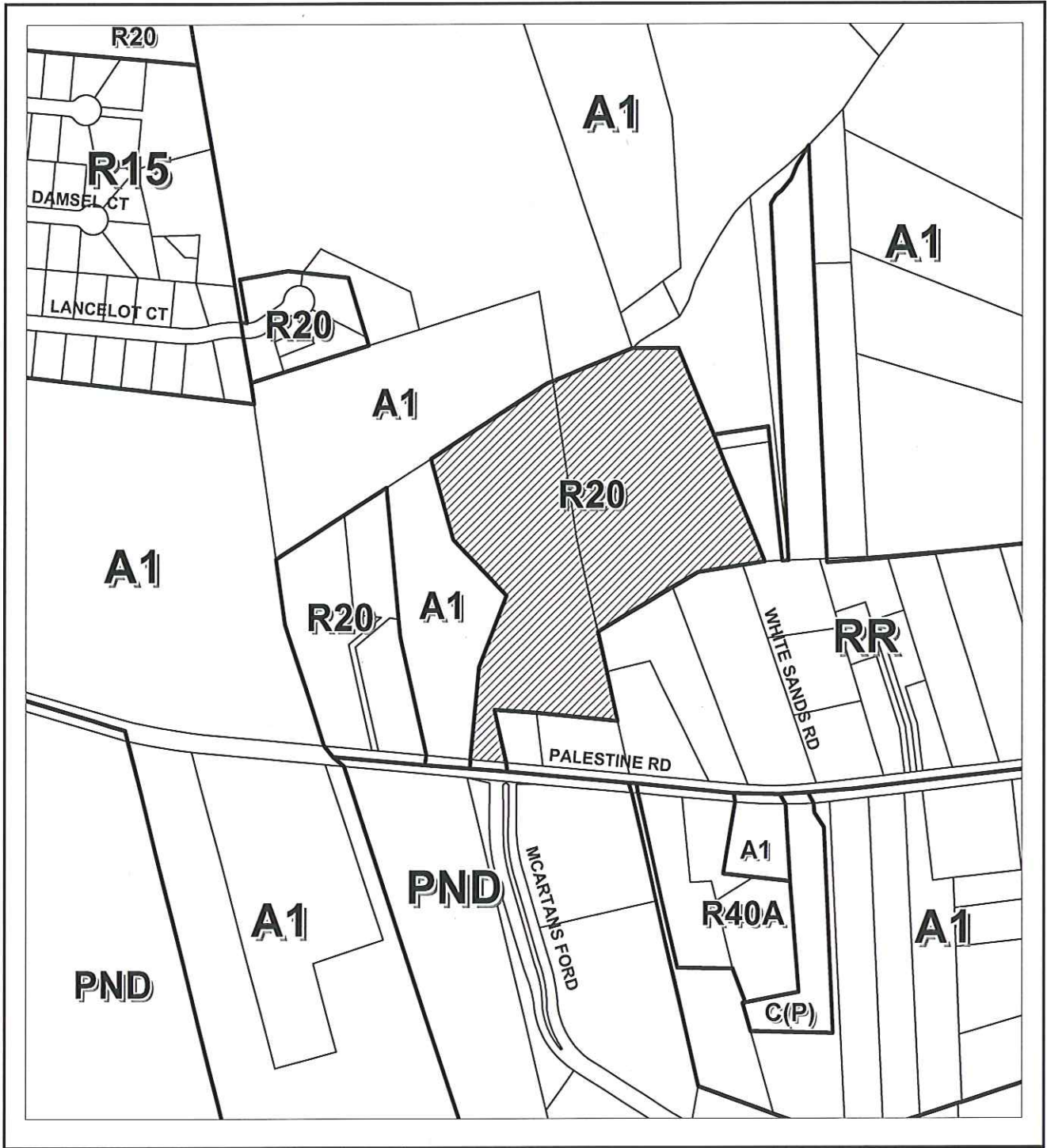
**Applicable County Subdivision Ordinance Provisions**

**Section 2304 STREETS, A.10.e. *Street offsets.*** Where there is an offset in the alignment of a street across an intersection, the offset of the center lines shall not be less than 125 feet.

**Note:** Proposed street offset approximately 80 feet.

**Attachments**

- 1 - Sketch Map
- 2 - Subdivision Sketch Plan
- 3 - Aerial Photo
- 4 - Application for Waiver
- 5 - Draft Conditions of Approval



## COUNTY SUBDIVISION ORDINANCE WAIVER

**ACREAGE: 18.50 AC.+/-**

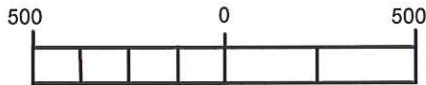
**HEARING NO: 15-031**

ORDINANCE: COUNTY

HEARING DATE

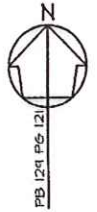
ACTION

GOVERNING BOARD



SCALE IN FEET

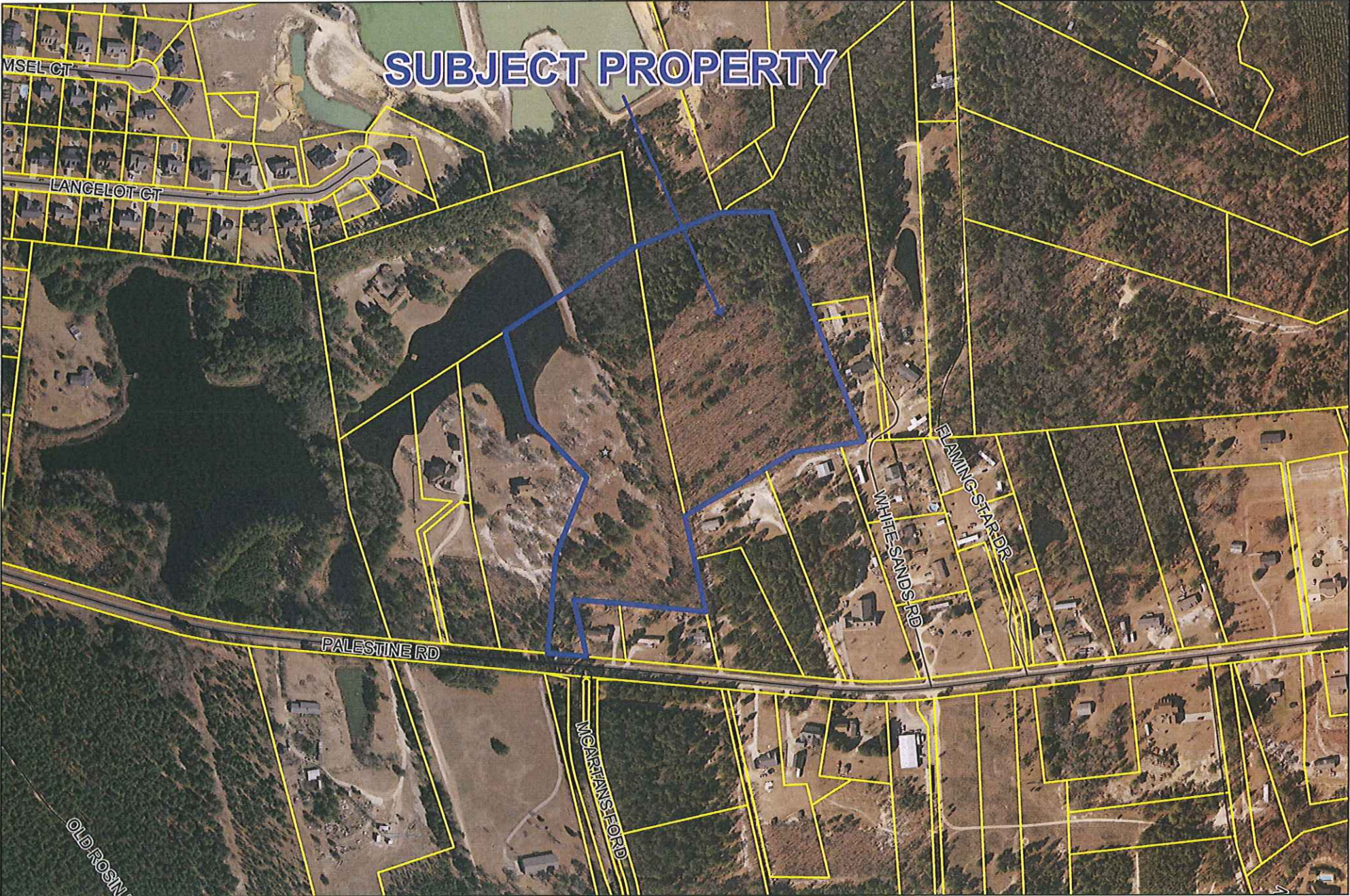
PIN: 0553-02-4956  
PORT OF PIN: 0553-04-1253



**CASTLEBROOKE PHASE 4**  
**ZERO LOT LINE SUBDIVISION REVIEW**  
**REQUEST: A WAIVER FROM SECTION 2304.10.E**  
**"STREET OFFSETS"**  
**CASE: 15-031 ACREAGE: 18.50 AC +/-**  
**ZONED: R20 SCALE: NTS**  
**\*SCALED DETAILED SITE PLAN IN FILE AVAILABLE FOR REVIEW UPON REQUEST**

N 04°35'10" W  
64.55'  
**APPRX. 80'**

**SUBJECT PROPERTY**



**AERIAL PHOTO  
CASE NO: 15-031**



**TO THE CUMBERLAND COUNTY JOINT PLANNING BOARD,  
FAYETTEVILLE, NORTH CAROLINA:**

I (We), the undersigned, hereby submit this application, and petition the Cumberland County Joint Planning Board to waive [vary] certain adopted provisions of the County's Subdivision Ordinance as specified below and provided for under the terms of the Subdivision Ordinance. In support of this petition, the following facts are submitted:

LOCATION OF PROPERTY: PAULSTINE ROAD  
OWNER: CULBRETH LAND & TIMBER CO. LLC 1410 PATLUSS P. STREET  
ADDRESS: 6320 CASTLEBROOK LANE ZIP CODE: LINDEN 28356  
TELEPHONE: HOME \_\_\_\_\_ WORK 910-303-0966  
AGENT: GEORGE M. POPE  
ADDRESS: P.O. BOX 53441 FAYETTEVILLE, NC 28305  
TELEPHONE: HOME \_\_\_\_\_ WORK 910-977-5822

**APPLICATION FOR A WAIVER [VARIANCE]  
As required by the Subdivision Ordinance**

A. Parcel Identification Number (PIN #) of subject property: 0553-02-4956  
(also known as Tax ID Number or Property Tax ID) 0553-04-1253  
B. Acreage: 18.50 Frontage: 64.55' Depth: APPROX. 1400'  
C. Water Provider: LINDEN (HARNETT CO.) Part. of Per:  
D. Septage Provider: SEPTIC  
E. Deed Book \_\_\_\_\_, Page(s) \_\_\_\_\_, ( 0553-04-1253  
County Registry. (Attach copy of deed of subject property as it appears in Reg  
F. Existing and/or proposed use of property: VACANT LAND

G. Section and provision of the Cumberland County Subdivision Ordinance from which a waiver [variance] is requested:  
2304 10.2 STREET OFFSETS

H. Nature and extent of hardship involved in strict application of the County Subdivision Ordinance - attach additional sheet if necessary:


PROPERTY HAS LIMITED FRONTAGE ON  
PAULSTINE ROAD WITH NO OTHER OPTION FOR  
LOCATION OF THE ENTRANCE LOCATION.

**STATEMENT OF ACKNOWLEDGEMENT**

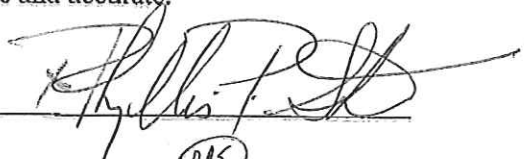
Regarding appearance before the Joint Planning Board, the undersigned owner(s), agents, or their assigns, by virtue of their signature(s) to this application, hereby acknowledge the following:

- That although appearance before the board is not required, it is strongly encouraged;
- The board will hear any and all arguments for and against this matter before them and such relevant facts will be given under sworn testimony;
- At the public hearing the board has the authority to issue a final approval or denial decision on this request, or defer the request for additional information to be provided;
- If the petitioner or the representative of this application does not appear personally before the board, whether there is opposition or not, the board has full authority to consider the case and defer, approve, or deny the case.
- If the board's action is to deny the matter before them, the course of appeal to the decision will be that of Cumberland County Superior Court. (Affected parties of the board's decision have 30 days from date of proper notification in which to serve notice of appeal).

Signed acknowledgement that the County Planning & Inspections Staff has explained the application process and procedures regarding this request and the public hearing procedure stated above and that the application is complete and accurate.

  
Property owner(s) signature(s)

JOHN CULBRETH



PHYLIS P. STREIT

Property owner(s) name (print or type)

6928 CASTLEBROOKE LANE, LINDEN 28356

407 PALESTINE RD. LINDEN 28356

Complete mailing address of property owner(s)

910-303-0366

910-977-5822 (GEORGE ROSE)

Telephone number

Alternative telephone number

jculbreth@mac.com  
Email address

FAX number



*George M. Rose*

Agent, attorney, or applicant's signature (other than property owner)

GEORGE M. ROSE

Agent, attorney, or applicant (other than property owner) (print or type)

P.O. BOX 53441 FAYETTEVILLE, NC 28305

Complete mailing address of agent, attorney, or applicant

910-977-5822

Telephone number

Alternative telephone number

grose@nc-rr.com

910-485-5823

Email address

FAX number

**Upon submission, the contents of this application becomes "public record" and is available for review and/or copies upon request.**



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

**DRAFT**

STAFF REVIEW: 03-12-15 PLANNING BOARD DECISION: 04-21-15

CASE NO: 15-031 NAME OF DEVELOPMENT: CASTLEBROOKE SUBDIVISION PHASE FOUR

MIA: N/A ZERO LOT LINE SUBDIVISION REVIEW

LOCATION: NORTH SIDE OF SR 1704 (PALESTINE ROAD) ZONING: R20

EAST OF NC HWY 401 (RAMSEY STREET) PIN: 0533-02-4956 & 0533-04-1253

OWNERS / DEVELOPER: CULBRETH LAND & TIMBER CO. ENGINEER OR DESIGNER: GEORGE ROSE

PLANNING & INSPECTIONS DEPARTMENT ACTION:

- PRELIMINARY
- EXTENSION       REVISION
- APPROVED CONDITIONALLY
- DENIED

PLANNING BOARD DECISION:

- PRELIMINARY
- EXTENSION       REVISION
- APPROVED CONDITIONALLY
- DENIED

The development plat/plan you submitted to this office is conditionally approved. Your approval is subject to the following conditions:

**Permit-Related:**

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

**(Note: The developer is strongly encouraged to contact the Town of Linden prior to drafting design plans and commencement of any development on this site, especially regarding the location of sidewalks in relation to the existing**

**and/or proposed Linden water lines.)** (Section 2306 A.1, Public Water and Sewer Systems, 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. 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.
8. 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.

9. The developer must formally notify the NC Department of Transportation once construction of the public streets is complete and initiate the process of transferring the responsibility of road maintenance to the NCDOT. If application to the NCDOT District Engineer has not been formally submitted by the time building permits have been issued for 80% of the lots shown on the preliminary plan, no additional building permits can be issued until the NCDOT District Engineer notifies this department of the receipt of the application.

**Site-Related:**

10. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Development Ordinance and Zoning Ordinances for the R20 zoning district must be complied with, as applicable.
11. All corner lots and lots fronting more than one street must provide front yard setbacks from each street.
12. This conditional approval is not approval of any freestanding signs. If a development entrance sign is desired, re-submittal of the site plan is required prior to application for any sign permits. The proper permit(s) must be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is **not** approval of the size, shape, or location of any signs.)
13. All applicable provisions of Section 2401, "Group Developments", County Subdivision and Development Ordinance, must be complied with.
14. The small stream standards set forth in Section 6.5-44, County Flood Damage Prevention Ordinance, shall be complied with during construction and upon completion of development within this subdivision as enforced by the County Engineer's Office.
15. For any new development, an adequate drainage system must be installed by the developer in accordance with the NC Department of Environment and Natural Resources' (NCDENR) *Manual on Best Management Practices* and all drainage ways must be kept clean and free of debris. (Section 2306 D, County Subdivision and Development Ordinance)

16. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision and Development Ordinance)
17. 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.
18. This review does not constitute a “subdivision” approval by NC Department of Transportation (NCDOT). A separate submittal to NCDOT will be required prior to consideration for addition to the system of any street within this development.
19. 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.

**Note: The proposed location of entrance may not be allowed by the NCDOT.**

20. The NC Department of Transportation (NCDOT) must approve the street plans and the street(s) are required to be constructed to the NCDOT standards for secondary roads.
21. Turn lanes may be required by the NC Department of Transportation (NCDOT).

**Plat-Related:**

22. Prior to submission for final plat approval, fire hydrants must be installed along all proposed streets and drives; hydrants must be located no further than 1,000 feet apart and at a maximum of 500 feet from any lot. (Section 2306 B, Fire hydrants, County Subdivision and Development Ordinance) *Also see Condition No. 40 below.*
23. The proposed streets must be labeled as “Public Streets” on the final plat.
24. The final plat(s) must be labeled as a “Zero Lot Line” development.
25. The US Postal Service may require this development to be served by cluster mail boxes. **If required, a revised plan must be submitted including the cluster box(es) area and the area must be labeled as “common area” on the final plat.** The revised plans would need to show the location of the proposed cluster boxes and any drives and parking areas to access the cluster boxes. (Note: The developer needs to contact the US Postal Service to clarify this issue prior to the final plat approval. The cluster box area will be required to be maintained for the Owners’ Association and included in the legal documents.
26. All area to be held in common must be labeled as “Common Area” on the final plat. **(Note: This condition applies to the remaining land area abutting SR 1704 (Palestine Road) and the entrance street, and if required the cluster box area .)**
27. The developer is required to submit to Land Use Codes:
  - a. Three copies of proposed covenants, by-laws and articles of incorporation for the proposed development designating responsibility for all common area by the owners’ association for the development;
  - b. One copy of the deeds proposed for recordation conveying all common area to the proposed owners association;
  - c. One copy of any proposed supplemental covenants if the proposed development is to be submitted for final approval in phases; and
  - d. Two copies of each proposed final plat prior to the submission for final approval – can be a phase of the approved development or the complete development as approved.

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

28. The developer must contact the Location Services Section of the Planning & Inspection Department for approval of street names for the proposed streets within this development. The approved street names must be reflected on the final plat.
29. The street name signs, in compliance with the County Street Sign Specifications, must be installed prior to final plat approval. The developer should contact Location Services for inquiries regarding the County’s policy for street sign installation or, if the

sign is commissioned from a private source, to schedule an inspection of the street sign(s). Land Use Codes must receive notice of agreement with the Location Services Section for sign installation or of satisfactory inspection prior to the approval of the final plat.

30. "Palestine Road" must be labeled as "SR 1704 (Palestine Road)" on the final plat.
31. Prior to final plat approval of any portion of this development, the developer is required to submit a check or cash in the amount of \$790.00 (\$31.60 per lot/25 lots) payable to "Cumberland County". This condition is in accordance with Section 2308, Parks, Recreation and Open Space, County Subdivision and Development Ordinance, which requires every residential dwelling unit to provide a portion of land, in certain instances, or pay a fee in lieu of dedication, for the purposes of providing park, recreation and open space areas. (Park District #1)
32. The builder/developer must provide the buildable envelopes on the final plat: providing a five-foot maintenance easement along each side of all common internal lines with all other applicable setbacks being provided for; or at the time of permit application, the individual plot plans must be approved by Land Use Codes prior to issuance of any permits.
33. Any/All easements must be reflected on the final plat and labeled as to type of easement, reference number for document creating the easement, and the name of the agency, individual, etc. who holds the easement.
34. All lots within this development must be served by the internal street system and a "no access" easement must be reflected on the final plat along SR 1704 (Palestine Road) on Lot 25 and the common area lot.
35. A 10' x 70' sight distance easement is required at the intersection of SR 1704 (Palestine Road) with proposed entrance street and must be reflected on the final plat.
36. A 25' right-of-way radius is required at all intersections and must be reflected on the final plat. (Section 2304.10.c, Street Design, County Subdivision and Development Ordinance)
37. The NC Department of Transportation (NCDOT) stamp must be affixed to the final plat prior to submission for final plat approval by Land Use Codes.
38. The notarized signature(s) of all current tax record owner(s) and notary certifications appear on the final plat when submitted for final approval. (Section 2503 D, Certificate of Ownership and Dedication, County Subdivision and Development Ordinance)
39. The record owner(s) of the William N. Bell Tract must sign the final plat(s) with signatures notarized signifying their consent for the drainage easement locations that terminate at their common property line with the subject property.
40. The developer is reminded that the improvements must be in place or that final plat approval will only be granted in accordance with Section 2502 B, C, or D, Final Plat – Guarantees of Improvements, County Subdivision and Development Ordinance. (Note: Once the improvements are in place, the developer is responsible for contacting Jeff Barnhill to schedule an inspection of the improvements.)
41. The final plat must be submitted to Land Use Codes for review and approval for recording with the County Register of Deeds, and the plat must be recorded prior to any permit application for any structure and/or prior to the sale of any lot or unit within this development.

**Plat-Required Statements:**

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

"The individual lots in this development do not have public sewer services available, and no lots have been approved by the Health Department for on-site sewer services at the date of this recording."

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

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

44. All structures shall be shown on the final plat or the final plat shall reflect the following statement (Section 2504 D, County Subdivision and Development Ordinance):

“Nonconforming structures have not been created by this subdivision plat.”

45. Because the streets in this development have been approved as “public” streets and the streets do not yet qualify for acceptance by the NC Department of Transportation to the State system for maintenance purposes, the following statement is required to be included on the final plat (Section 2504 E, County Subdivision and Development Ordinance):

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

**Other Relevant Conditions:**

46. The applicant is advised to consult an expert on wetlands before proceeding with any development. There may be wetlands located in the project area that are subject to the permit requirements of Section 404 of the Clean Water Act. To avoid a violation of federal and/or state law, it is recommended the developer contact the Office of the Army Corp of Engineers or hire an environmental consultant to identify and delineate any wetlands in the project area prior to construction. A Section 404 permit will be required if the applicant needs to fill wetlands and the permit must be obtained prior to any construction on this site.
47. 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.
48. The developer(s) and any future lot owners are responsible for the maintenance and upkeep of the streets until such time the streets are added to the State system by the NC Department of Transportation (NCDOT) for maintenance purposes. The developer is advised to give notice of the street status to any future lot owners in the event the lots are conveyed prior to the NCDOT’s acceptance.
49. The owner/developer be aware that every deed created for a lot being served by an on-site water and/or sewer system must contain the following disclosure when filed with the County Register of Deeds:

“Sewer services are not available as of the date of the recording of this deed. On-site sewer disposal systems must be approved by the County Health Department.”

50. The developer requested a waiver from the requirement of Section 2304.A.10.e Street offsets. The Cumberland County Joint Planning Board we hear this case on April 21, 2015.

*Thank you for creating building lots in Cumberland County!*

**If you need clarification of any conditions, please contact Ed Byrne at 910-678-7609 or Patti Speicher at 910-678-7605 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):**

Improvements Inspections:	Jeff Barnhill	678-7765
Subdivision/Site Plan/Plat	Ed Byrne	678-7609
Code Enforcement (Permits):		321-6654
County Engineer’s Office:	Wayne Dudley	678-7636
County Health Department:	Daniel Ortiz	433-3680
Ground Water Issues:	Matt Rooney	678-7625

Harnett Co. Public Utilities:	Shane Cummings	(910) 893-7575 Ext. 3275
Town of Linden:	Ruby Hedges (Town Clerk)	980-0119
County Public Utilities/:	Amy Hall	678-7637
US Postal Service	Laricia McIver	(704) 393-4481
Corp of Engineers (wetlands):	Liz Hair	(910) 251-4049
NCDENR (E&S):	Brad Cole	433-3300
US Fish & Wildlife Services	Susan Ladd Miller	(910) 695-3323
Location Services:		
Site-Specific Address:	Ron Gonzales	678-7616
Street Naming/Signs:	Diane Shelton	678-7665
Tax Parcel Numbers:		678-7549
NCDOT (driveways/curb-cuts):	Gary Burton	486-1496
NCDOT (subdivision roads):	David Plummer	486-1496
N.C. Division of Water Quality:	Mike Randall	(919) 733-5083 ext. 545

cc: Ruby Hedges, Town of Linden