

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



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

August 18, 2015
7:00 P.M.

- I. INVOCATION AND PLEDGE OF ALLEGIANCE
- II. APPROVAL OF/ADJUSTMENTS TO AGENDA
- III. PUBLIC HEARING DEFERRAL

P15-31. REZONING OF .73+/- ACRE FROM R10 RESIDENTIAL TO O&I(P) PLANNED OFFICE AND INSTITUTIONAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 2444 AND 2448 HOPE MILLS ROAD, SUBMITTED BY RAFFAELLA AND MICHELE MASSA (OWNERS). **DEFERRED UNTIL 1/16/2016**

- IV. ABSTENTIONS BY BOARD MEMBERS
- V. POLICY STATEMENT REGARDING PUBLIC HEARING TIME LIMITS
- VI. APPROVAL OF THE MINUTES OF JULY 21, 2015
- VII. PUBLIC HEARING CONSENT ITEMS

REZONING CASES

- A. **P15-44.** REZONING OF 2.27+/- ACRES FROM A1 AGRICULTURAL TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED IN THE NORTHERN QUADRANT OF SR 1006 (MAXWELL ROAD) AND SR 1826 (WADE STEDMAN ROAD); SUBMITTED BY JOSEPH T. GEDDIE AND VIOLET G. DOWD (OWNERS) AND PAR 5 DEVELOPMENT GROUP, LLC.
- B. **P15-45.** REZONING OF .89+/- ACRE FROM C1(P) PLANNED LOCAL BUSINESS TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 1001, 1001B, 1003 AND 1007 HONEYCUTT ROAD; SUBMITTED BY MARY LEE PEADEN (OWNER), STEVE AND BEV SODERHOLM.

CONDITIONAL ZONING DISTRICT

- C. **P15-26.** REZONING OF 1.33+/- ACRES FROM C2(P) PLANNED SERVICE AND RETAIL TO C1(P) PLANNED LOCAL BUSINESS/ CZ CONDITIONAL ZONING FOR A CONVENIENCE STORE WITH GASOLINE SALES AND RESTAURANT OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE NORTHWEST SIDE OF SR 1112 (ROCKFISH ROAD), SOUTH OF

WELL STREET; SUBMITTED BY PAT MOLAMPHY ON BEHALF OF ALBEMARLE OIL COMPANY (OWNER) AND CLARK CAMPBELL, ESQUIRE. (HOPE MILLS)

- D. **P15-46.** REZONING OF 252.00+/- ACRES FROM PND PLANNED NEIGHBORHOOD TO MXD MIXED USE/CZ CONDITIONAL ZONING OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED SOUTH OF SR 1606 (ELLIOTT FARM ROAD), WEST OF US 401 (RAMSEY STREET); SUBMITTED BY DOHN B. BROADWELL, JR. ON BEHALF OF BROADWELL LAND COMPANY (OWNER).

VIII. DISCUSSION

DIRECTOR'S UPDATE

IX. ADJOURNMENT

Johnny Scott

From: Johnny Scott
Sent: Wednesday, August 12, 2015 1:06 PM
To: Johnny Scott
Subject: Case P15-31 Request for Deferral

From: ephopemills@yahoo.com [mailto:ephopemills@yahoo.com]
Sent: Monday, August 10, 2015 8:29 AM
To: Johnny Scott
Subject: Re: 2448 Zoning Date Deferral

Good morning

Would it be possible to defer the zoning case for 2444 Hope Mills until January 2016. Thank you in advance for your help.

Raffaella Massa

All correspondence to and from this address may be subject to the N.C. Public Records Law and may be disclosed to third parties.



Thomas J. Lloyd,
Director

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Deputy Director

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

Benny Pearce,
Town of Eastover

CUMBERLAND
★ COUNTY ★
NORTH CAROLINA

—◆—
Planning & Inspections Department

August 11, 2015

MEMORANDUM

TO: Cumberland County Joint Planning Board
FROM: Planning and Inspections Staff
SUBJECT: Staff Recommendation for the August 18, 2015 Board Meeting

P15-44. REZONING OF 2.27+/- ACRES FROM A1 AGRICULTURAL TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED IN THE NORTHERN QUADRANT OF SR 1006 (MAXWELL ROAD) AND SR 1826 (WADE STEDMAN ROAD); SUBMITTED BY JOSEPH T. GEDDIE AND VIOLET G. DOWD (OWNERS) AND PAR 5 DEVELOPMENT GROUP, LLC.

1st MOTION

The Planning and Inspections Staff recommends denial of the C(P) Planned Commercial but approval of the C2(P) Planned Service and Retail district for Case No. P15-44; even though the recommended district is not entirely consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for “rural” at this location, the district recommended is consistent with the objectives for commercial development listed in the Land Use Policies Plan; specifically, by promoting sufficiently zoned commercial areas to accommodate the needs of the county residents and locating commercial development at major intersections with the least impact on residents and other incompatible uses.

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: *public water and sewer required*, public water (ESD) is available, however sewer is not available but there is an exception in the plan for rural commercial; *should have minimum direct access to a collector street; should not be in a predominantly residential, office & institutional, or light commercial area and must be located on a sufficient site that provides adequate area for buffering, screening, and landscaping.*

2nd MOTION

In addition to the above information, the Planning and Inspections Staff recommends denial of the requested district of C(P) Planned Commercial but approval of the C2(P) Planned Service and Retail district based on the following :

- The C2(P) Planned Service and Retail district is logical as there are similar commercial zoning districts and uses in the general area.

The applicant has verbally agreed with the staff recommendation. The C1(P) district could also be considered suitable for this request.

Attachments:

- 1 – Site Profile
- 2 – Sketch Map

P15-44
SITE PROFILE

P15-44. REZONING OF 2.27+/- ACRES FROM A1 AGRICULTURAL TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED IN THE NORTHERN QUADRANT OF SR 1006 (MAXWELL ROAD) AND SR 1826 (WADE STEDMAN ROAD); SUBMITTED BY JOSEPH T. GEDDIE AND VIOLET G. DOWD (OWNERS) AND PAR 5 DEVELOPMENT GROUP, LLC.

Site Information:

Frontage & Location: 258.72'+/- on SR 1006 (Maxwell Road) & 295.30'+/- on SR 1826 (Wade Stedman Road)

Depth: 360.00'+/-

Jurisdiction: Cumberland County

Adjacent Property: Yes, northwest, southeast & southwest of subject property

Current Use: Vacant land

Initial Zoning: A1 – August 23, 1994 (Area 19)

Nonconformities: None

Zoning Violation(s): None

Surrounding Zoning: North: R40, R40A, RR & A1; South: C(P)/CZ (consignment shop), RR & A1; East: C(P) & RR; West: R40, RR & A1

Surrounding Land Use: Residential (including manufactured dwellings & multi-family), religious worship, convenience retail with gasoline sales, second hand sales, fire department, lodge, farmland and woodlands

2030 Land Use Plan: Rural

Special Flood Hazard Area (SFHA): None

Water/Sewer Availability: ESD/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: Retail store site plan conditionally approved (Case No. 15-073)

Average Daily Traffic Count (2012): 4,500 on SR 1006 (Maxwell Road) & 1,900 on SR 1826 (Wade Stedman Road)

Highway Plan: Wade Stedman Road and Maxwell Road are identified in the Highway Plan as Local Roads. There are no road improvements/constructions specified for this area. This case has no impact on the current Highway Plan or Transportation Improvement Program

Notes:

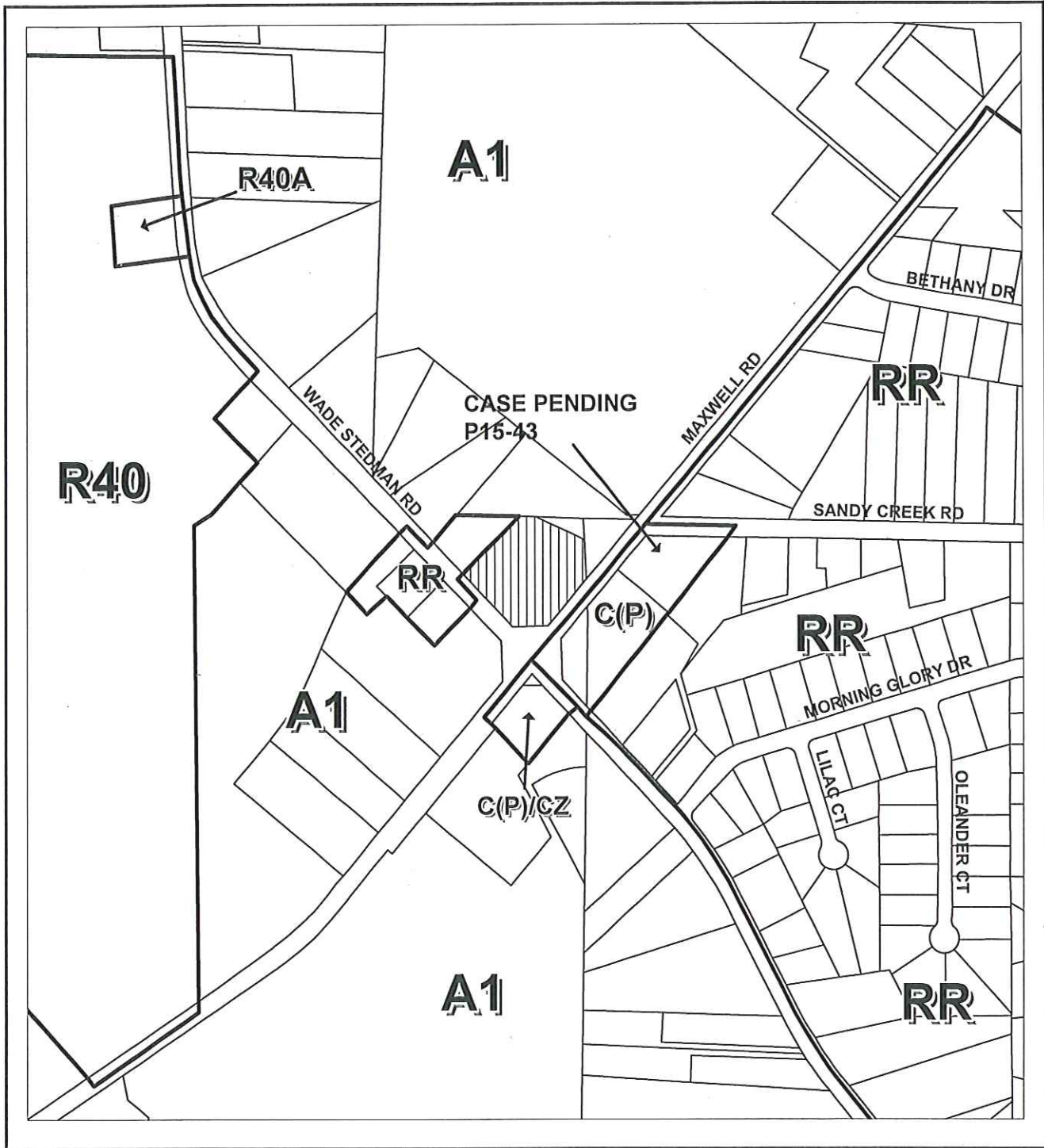
1. Density:
A1 – 1 lot/unit

2. Minimum Yard Setback Regulations:

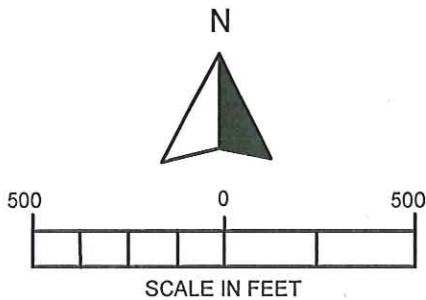
<u>A1</u>	<u>C1(P)</u>	<u>C2(P) & C(P)</u>
Front yard: 50'	Front yard: 45'	Front yard: 50'
Side yard: 20'	Side yard: 15'	Side yard: 30'
Rear yard: 50'	Rear yard: 20'	Rear yard: 30'

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.



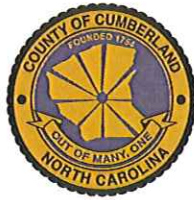
REQUESTED REZONING A1 TO C(P)



ACREAGE: 2.27 AC.+/-	HEARING NO: P15-44	
ORDINANCE: COUNTY	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

PIN: 0497-08-8452

AM



Thomas J. Lloyd,
Director

Cecil P. Combs,
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Cumberland County

Benny Pearce,
Town of Eastover

CUMBERLAND
★ **COUNTY** ★
NORTH CAROLINA

—◆—
Planning & Inspections Department

August 11, 2015

MEMORANDUM

TO: Cumberland County Joint Planning Board
FROM: Planning and Inspections Staff
SUBJECT: Staff Recommendation for the August 18, 2015 Board Meeting

P15-45. REZONING OF .89+/- ACRE FROM C1(P) PLANNED LOCAL BUSINESS TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 1001, 1001B, 1003 AND 1007 HONEYCUTT ROAD; SUBMITTED BY MARY LEE PEADEN (OWNER), STEVE AND BEV SODERHOLM.

1st MOTION

The Planning and Inspections Staff recommends the board find that approval of the request for rezoning in Case No. P15-45 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 will allow for a wide variety of commercial businesses. The request is also consistent with the North Fayetteville Land Use Plan which calls for “urban development” at this location.

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 required*, public water is available, however, sewer is not yet available but there is a project in the design stage that should extend sewer in the near future; *should have minimum direct access to a collector street*; *should not be in a predominantly residential, office & institutional, or light commercial area*; *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.*

2nd MOTION

The Planning and Inspections Staff recommends the board approve Case No. P15-45 for C(P) Planned Commercial district based on the above information and the following:

- The C(P) Planned Commercial district will allow for land uses and lot sizes that exist in the general area.

The C2(P) district could also be considered suitable at this location.

Attachments:

- 1 – Site Profile
- 2 – Sketch Map

P15-45
SITE PROFILE

P15-45. REZONING OF .89+/- ACRE FROM C1(P) PLANNED LOCAL BUSINESS TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 1001, 1001B, 1003 AND 1007 HONEYCUTT ROAD; SUBMITTED BY MARY LEE PEADEN (OWNER), STEVE AND BEV SODERHOLM.

Site Information:

Frontage & Location: 193.69'+/- on SR 1613 (Honeycutt Road) & 194.69'+/- on SR 1623 (Patton Street)

Depth: 200.86'+/-

Jurisdiction: Cumberland County

Adjacent Property: Yes, southeast of subject property

Current Use: Sheriff Annex & trade contractor

Initial Zoning: R6A – August 21, 1972 (Area 1); rezoned to C1(P) on January 6, 1977

Nonconformities: None

Zoning Violation(s): None

Surrounding Zoning: North: C(P)/CU (mini-warehousing), C1(P)/CU (motor vehicle sales), C1(P)/CU (second hand sales), C(P), C2(P), C1(P), LC (Fay), R10, PND, R6 & R6A; South: R6/CU (to allow manufactured home), C1(P), O&I (Fay), SF-6 (Fay), R6 & R6A; East: C(P) & R6A; West: C3 & R6A

Surrounding Land Use: Residential (including manufactured dwellings & multi-family), second hand sales, motor vehicle repair, mini-warehousing, barbering, motor vehicle sales, restaurant, convenience retail w/ gasoline sales, vacant commercial structure, school, manufactured home parks (2) & religious worship (2)

2030 Land Use Plan: Commercial

North Fayetteville Land Use Plan: Urban

Special Flood Hazard Area (SFHA): None

Water/Sewer Availability: PWC/Septic

Soil Limitations: None

Watershed: Yes

School Capacity/Enrolled: W.T. Brown Elementary: 750/570; Spring Lake Middle: 700/488; Pine Forest High: 1,750/1,583

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

RLUAC: Does not object to the request but advises the property is located within a military aircraft high noise level area (62-70 db)

Municipal Influence Area: City of Fayetteville

Average Daily Traffic Count (2012): 14,000 on SR 1613 (Honeycutt Road)

Highway Plan: Honeycutt Road 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

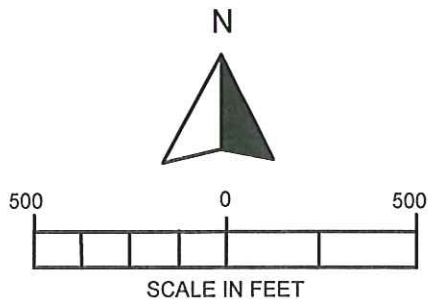
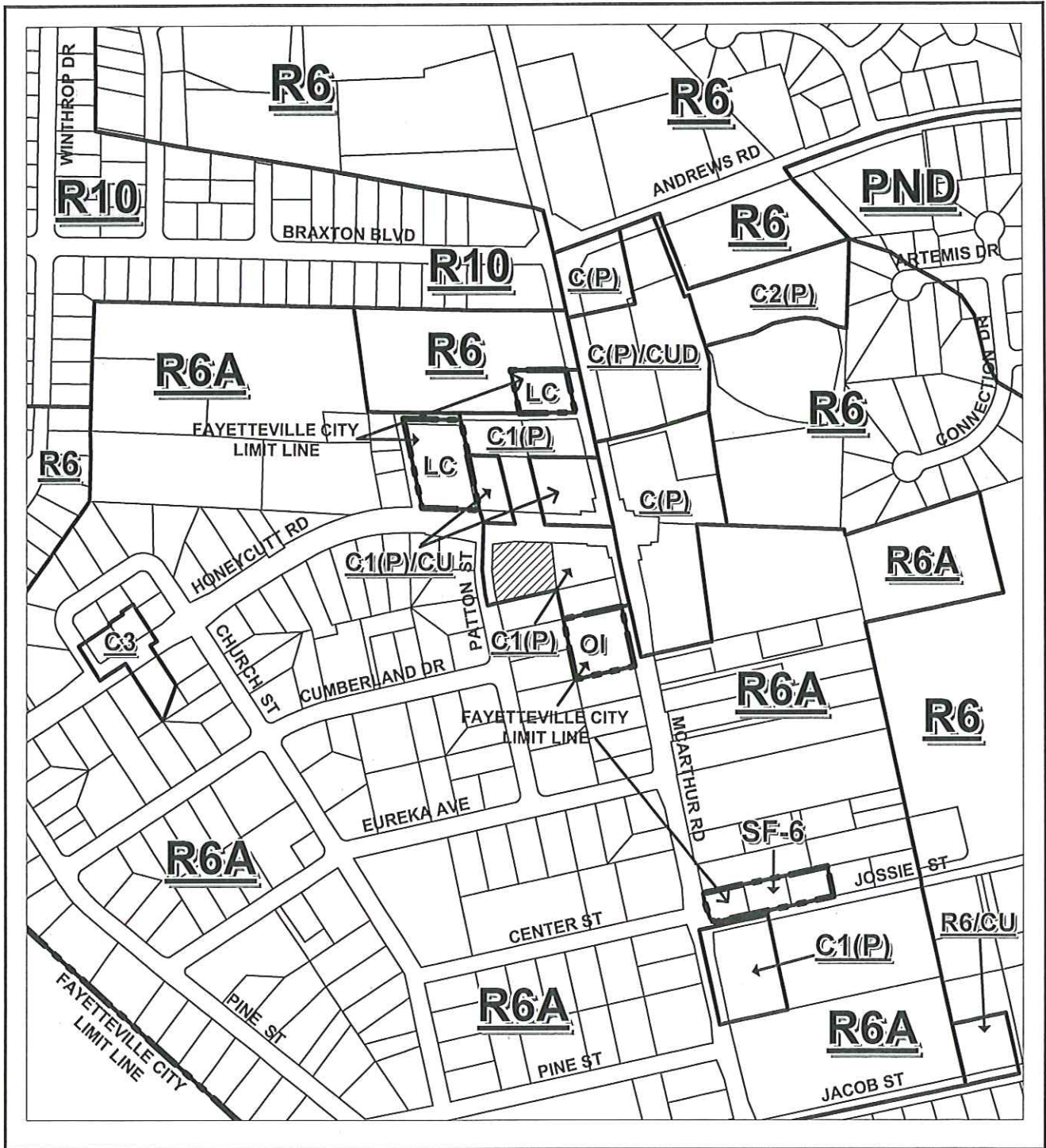
Note:

Minimum Yard Setback Regulations:

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

First Class and Record Owners' Mailed Notice Certification

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



REQUESTED REZONING C1(P) TO C(P)

ACREAGE: 0.89 AC.+/-	HEARING NO: P15-45	
ORDINANCE: COUNTY	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

PIN: 0520-59-9791

AM

Patricia Hall,
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Town of Hope Mills

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Harvey Cain, Jr.,
Town of Stedman

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CUMBERLAND
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NORTH CAROLINA

Planning & Inspections Department

August 11, 2015

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Benny Pearce,
Town of Eastover

MEMORANDUM

TO: Cumberland County Joint Planning Board
FROM: Planning and Inspections Staff
SUBJECT: Staff Recommendation for the August 18, 2015 Board Meeting

P15-26. REZONING OF 1.33+/- ACRES FROM C2(P) PLANNED SERVICE AND RETAIL TO C1(P) PLANNED LOCAL BUSINESS/CZ CONDITIONAL ZONING FOR A CONVENIENCE STORE WITH GASOLINE SALES AND RESTAURANT OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE NORTHWEST SIDE OF SR 1112 (ROCKFISH ROAD), SOUTH OF WELL STREET; SUBMITTED BY PAT MOLAMPHY ON BEHALF OF ALBEMARLE OIL COMPANY (OWNER) AND CLARK CAMPBELL, ESQUIRE. (HOPE MILLS)

1st MOTION

The Planning and Inspections Staff recommends the board approve Case No. P15-26 for the C1(P) Planned Local Business/CZ Conditional Zoning district for a convenience store with gasoline sales and restaurant based on the following:

1. The requested district is more restrictive than the existing C2(P); and
2. The requested district and uses are logical as they are similar to the existing zoning and uses in the general area.

2nd MOTION

The district requested is consistent with the adopted comprehensive plan designated as the 2030 Growth Vision Plan which calls for "urban" at this location because the site is located in an urban area. The request is also consistent with the Southwest Cumberland Land Use Plan that calls for "mixed use development" at this location which includes light commercial.

The staff further recommends the board approve this rezoning request as it is reasonable and in the public interest because the district requested is more restrictive than the existing zoning. The property owner is voluntarily eliminating all uses except for a convenience store with a small restaurant. The request also meets or exceeds the location criteria of the adopted Land Use Plan, in that: *public water and sewer required; must have direct access to a collector street; should serve as a transition between heavy commercial, office & institutional or residential development; should have other light commercial uses in the area; should provide convenient goods and services to the immediate surrounding neighborhood and may be located along a street that is in transition from residential to non-residential through redevelopment and physical improvements.*

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

P15-26
SITE PROFILE

P15-26. REZONING OF 1.33+/- ACRES FROM C2(P) PLANNED SERVICE AND RETAIL TO C1(P) PLANNED LOCAL BUSINESS/CZ CONDITIONAL ZONING FOR A CONVENIENCE STORE WITH GASOLINE SALES AND RESTAURANT OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE NORTHWEST SIDE OF SR 1112 (ROCKFISH ROAD), SOUTH OF WELL STREET; SUBMITTED BY PAT MOLAMPHY ON BEHALF OF ALBEMARLE OIL COMPANY (OWNER) AND CLARK CAMPBELL, ESQUIRE. (HOPE MILLS)

Site Information:

Frontage & Location: 428.78'+/- on SR 1112 (Rockfish Road)

Depth: 312.00'+/-

Jurisdiction: Town of Hope Mills

Adjacent Property: No

Current Use: Vacant land

Initial Zoning: R10 – 1985; rezoned to C2(P) on October 21, 2013

Nonconformities: None

Zoning Violation(s): None

Surrounding Zoning: North: C3, C1(P), O&I(P), R10, R6 & R5; South: M2, C3, C(P), O&I(P), PND & R6; East: C2(P)/CU (variety store), C(P) & R6; West: O&I(P), R10 & R6 (all referenced districts are in the Town of Hope Mills)

Surrounding Land Use: Residential (including multi-family), government office, public utility, water tower, religious worship, outdoor recreation, veterinarian, office, variety sales, restaurant & woodlands

2030 Land Use Plan: Urban

Southwest Cumberland Land Use Plan: Mixed Use Development

Special Flood Hazard Area (SFHA): None

Water/Sewer Availability: PWC/PWC

Soil Limitations: None

School Capacity/Enrolled: Rockfish Elementary: 725/724; Hope Mills Middle: 740/685; South View High: 1,800/1,777

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

Average Daily Traffic Count (2012): 11,000 on SR 1112 (Rockfish Road)

Highway Plan: Rockfish Road is identified in the Highway Plan as a Minor Arterial needing improvement. This proposal calls for a multi-lane facility (U-4709, no start date) with a right-of-way of 110' (there is a billion dollar bond that may impact this project to be determined prior to July 2015).

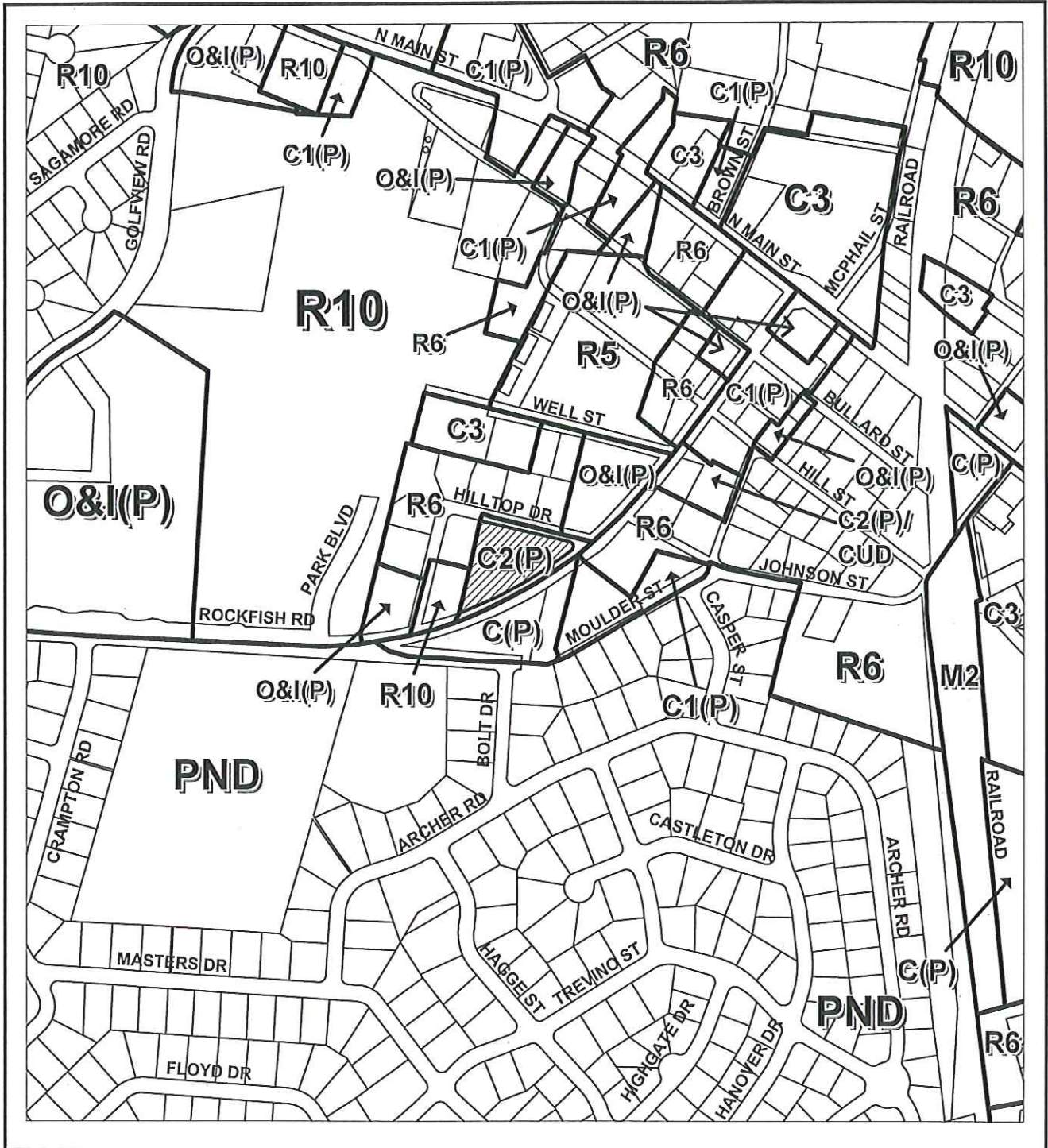
Note:

Minimum Yard Setback Regulations:

<u>C2(P)</u>	<u>C1(P)</u>
Front yard: 50'	Front yard: 45'
Side yard: 30'	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.



N



SCALE IN FEET

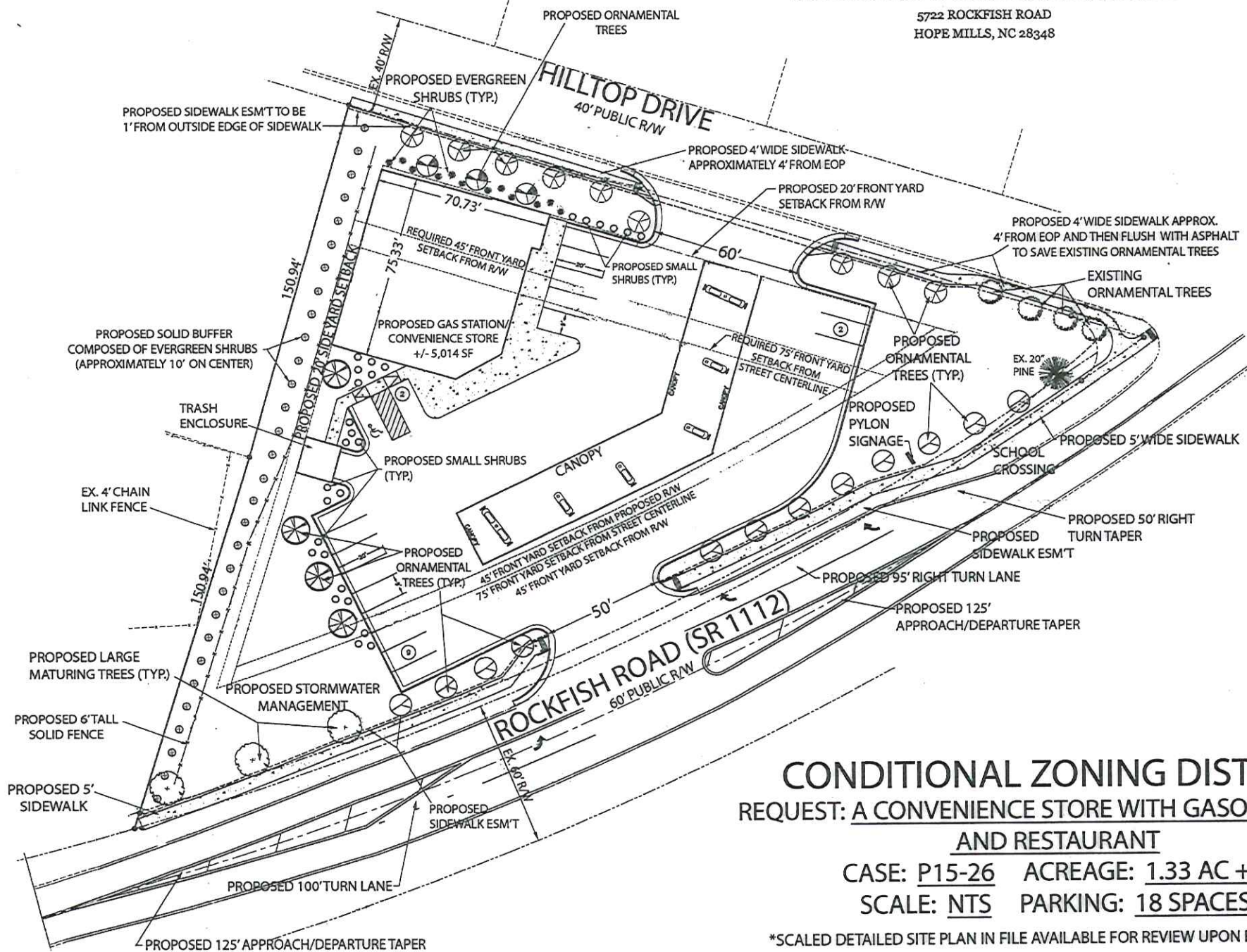
PIN: 0414-35-8200

REQUESTED REZONING C2(P) TO C1(P)/CZ

ACREAGE: 1.33 AC.+/-	HEARING NO: P15-26	
ORDINANCE: HOPE MILLS	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

GAS STATION & CONVENIENCE STORE

5722 ROCKFISH ROAD
HOPE MILLS, NC 28348



CONDITIONAL ZONING DISTRICT REQUEST: A CONVENIENCE STORE WITH GASOLINE SALES AND RESTAURANT

CASE: P15-26 ACREAGE: 1.33 AC +/-
SCALE: NTS PARKING: 18 SPACES

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

7-20-2015

CONDITIONAL ZONING DISTRICT

DRAFT

Ordinance Related Conditions

Convenience Store w/ Gasoline Sales and Restaurant

Pre- Permit Related:

1. The Town of Hope Mills has tree preservation provisions in their ordinance; the developer must contact Mike Bailey, Hope Mills Chief Building Inspector concerning the removal of trees from this site prior to obtaining a tree removal permit.
2. Five copies of a revised site plan showing removal of the gas pump closest to Hill Street including the shortening/reducing of the canopy must be submitted for staff review and approval prior to the application for any permits.

Permit-Related:

3. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the Hope Mills Zoning Ordinance and permits required to place any structure within this development from the Hope Mills Inspections Department in Town Hall at 5770 Rockfish Road. For additional information, the developer should contact the Chief Building Inspector.
4. The Town's Plan Review Committee requirements must be complied with and in the event any significant changes to the site plan are necessary to satisfy the Plan Review Committee's requirements, re-submittal of the site plan may be required.
5. Connection to public water and sewer is required, the Public Works Commission (PWC) must approve water and sewer 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 86A-406 (1), Public Water and Sewer Systems Hope Mills Subdivision Ordinance)
6. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
7. New development that will disturb one acre or more of land or is part of a larger common plan of development that will disturb one acre or more of land is subject to the Post-Construction Stormwater Management Permitting Program administered by the Hope Mills Stormwater Department. 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 Town's Stormwater Management Permit must be provided to the Town's Inspections Department.
8. For any new development where the developer disturbs or intends to disturb more than one acre of land, the developer must provide the Code Enforcement Section with an approved NC Department of Environment and Natural Resources (NCDENR) sedimentation and erosion control plan (S&E) prior to any application for permits. (Note: If any retention/detention basins are required for state approval of this plan, then three copies of a revised plan must be submitted and approved by Planning & Inspections prior to application for any building/zoning permits.) A copy of the NCDENR approval must be provided to Code Enforcement at the time of application for any building/zoning permits.
9. Landscaping must be provided in accordance with Section 102A-1202(n), Landscaping, Hope Mills Zoning Ordinance and as shown on the site plan. The following are the minimum standards for the required landscaping of this site:
 - a. Three large shade trees or nine small ornamental trees within the front yard setback area along SR 1112 (Rockfish Road) and two large shade trees or six ornamental trees within the front yard setback area along Hilltop Drive;
 - b. Five ornamental trees and 42 shrubs are required in the building yard area;
 - c. One large shade tree and 6 shrubs 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.
 - c. The current Hope Mills Zoning Ordinance requires double the landscaping requirements when/if the site has been cleared of trees without the developer first obtaining a tree removal permit.
10. A drainage permit from the Town of Hope Mills Stormwater Department is required for any development or redevelopment that will construct, alter, repair, relocate, or demolish any storm sewer natural watercourse, or other drainage facility. The standards used for the design and construction of all stormwater drainage structures and/or stormwater BMP facilities shall be in accordance with the "Town of Hope Mills Stormwater Design Standards", the Design Manual, and shall be subject to the requirements of Chapter 67 Article III.
 11. A *Certificate of Occupancy* will not be issued until the Hope Mills Stormwater Department inspects the site and certifies that the site is developed in accordance with the approved plans.
 12. A *Certificate of Occupancy* will not be issued until a Zoning Inspector inspects the site and certifies that the site is developed in accordance with approved plans.
 13. Prior to application for the building final inspection, a concrete sidewalk along Hilltop Drive and SR 1112 (Rockfish Road) is required – contact the Town Planner with the Town of Hope Mills for more information regarding this condition.

Site-Related:

14. All uses, dimensions, setbacks and other related provisions of the Hope Mills Subdivision and Zoning Ordinances for the C1(P)/CZ zoning district for the convenience store with an internal small restaurant must be complied with, as applicable, to include the contents of the application and site plan.
15. All corner lots and lots fronting more than one street must provide front yard setbacks from each street.
16. 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 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.)
17. 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.
18. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground.
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.
20. Turn lanes may be required by the NC Department of Transportation (NCDOT).
21. All lighting is required to be directed internally within this development and comply with the provisions of the Hope Mills Zoning Ordinance.
22. A solid buffer must be provided and maintained along the western property lines where this tract/site abuts residentially zoned properties in accordance with the provisions of Section 102A-1202(g), Buffer Requirements, Hope Mills Zoning Ordinance. (Note: Chain link fencing cannot be used to satisfy the buffer requirement.)
23. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.
24. All required off-street parking spaces shall be a minimum of 9' x 20' and shall be surfaced, with a permanent material such as asphalt or concrete, and striped prior to application for the building final inspection. A minimum of 14 off-street parking spaces are required for this development.

25. A minimum of one off-street loading spaces(s) measuring 12' x 25' with 14' overhead clearance must be provided.

Advisories:

26. The applicant is advised to consult an expert on wetlands before proceeding with any development.

27. The owner/developer is responsible for ensuring easements which may exist on the subject property are accounted for, not encumbered and that no part of this development is violating the rights of the easement holder.

Thank you for choosing the Town of Hope Mills for your business location !

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

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

Subdivision/Site Plan/Plat	Ed Byrne	678-7609
Fire Marshal – Emergency Services	Rodney Ward	321-6625
County Engineer’s Office:	Wayne Dudley	678-7636
County Health Department:	Daniel Ortiz	433-3680
PWC:	Joe Glass	223-4740
Town of Hope Mills:		424-4555*
Town Clerk:	Melissa P. Adams	
Town Planner:	Chancer McLaughlin	
Chief Building Inspector:	Mike Bailey	
Stormwater Administrator:	Melanie Clerkley	
Zoning Inspector:	Jeff Wade	
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

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

TO THE ZONING BOARD AND TOWN BOARD OF COMMISSIONERS OF HOPE MILLS, NC:

I (We), the undersigned, hereby submit this application, and petition the Hope Mills Commissioners to amend and to change the zoning map of the Town of Hope Mills as provided for under the provisions of the Hope Mills Zoning Ordinance. In support of this petition, as hereinafter requested, the following facts are submitted:

1. Applicant/Agent ALBEMARLE OIL COMPANY
2. Address: PO 1059 ALBEMARLE, NC Zip Code 28002
3. Telephone: (Home) 1059 (Work) 704-985-9200 cell
4. Location of Property: 5722 ROCKFISH ROAD, HOPE MILLS
5. Parcel Identification Number (PIN #) of subject property: 0414-35-8200
(also known as Tax ID Number or Property Tax ID)
6. Acreage: 1.33 Frontage: 291 Depth: 310'
7. Water Provider: PWC Septage Provider: PWC
8. Deed Book 9514, Page(s) 003 + 004, 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: CONVENIENCE STORE AND
SUB-SANDWICH FRANCHISE AS MINOR USE

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 X
12. Has a violation been issued on this property? Yes _____ No X
13. It is requested that the foregoing property be rezoned FROM: C2P

TO: (Select one)

- X Conditional Zoning District, with an underlying zoning district of C1P
(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.)

Convenience STORE

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

1.33 ACRES COMMERCIAL
in

2. DIMENSIONAL REQUIREMENTS:

- A. Reference either the dimensional requirements of the district, Sec. 102A-1204 or list the proposed setbacks.

50' SETBACK ON ROCKFISH ROAD
20' SIDE YARD (see SITE PLAN vs. 15')
20' HILLTOP DRIVE

- B. Off-street parking and loading, Sec. 102A-1301 & 102A-1303: List the number of spaces, type of surfacing material and any other pertinent information.

18 SPACES + 12 PARKING AT FUELLING POSITIONS

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIV.

20' SIGN PACKABLE, NO MORE THAN 100' SQUARE FEET,
PER ORDINANCE.

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. 102A-1202(n)]. **NOTE: All required landscaping must be included on the site plan.**

ON ROCKFISH
3 LARGE SPECIMEN TREES + 12 ORNAMENTAL TREES

ON HILLTOP
15 ORNAMENTAL TREES

- B. Indicate the type of buffering and approximate location, width and setback from the property lines. [Sec. 102A-1202(g)] **NOTE: All required buffers must be included on the site plan.**

6' SOLID FENCE
EVERGREEN SHRUBS 5' ON CENTER 3' AT TIME OF PLANTING

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.

18 EMPLOYEES ON 2 DIFFERENT SHIFTS, HOURS 5AM TO 12PM

LIGHTING TO BE DIRECTIONAL LED.

NO SMOKE OR EMISSIONS.

6. SITE PLAN REQUIREMENTS:

The application must include a site plan drawn to the specifications of Sec. 102A-1502. If the proposed uses involve development subject to the Hope Mills 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 County Planning Staff, Hope Mills Review Committee, the Zoning Board and Board of 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.

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

August 11, 2015

MEMORANDUM

TO: Cumberland County Joint Planning Board
FROM: Planning and Inspections Staff
SUBJECT: Staff Recommendation for the August 18, 2015 Board Meeting

P15-46. REZONING OF 252.00+/- ACRES FROM PND PLANNED NEIGHBORHOOD TO MXD MIXED USE/CZ CONDITIONAL ZONING OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED SOUTH OF SR 1606 (ELLIOTT FARM ROAD), WEST OF US 401 (RAMSEY STREET); SUBMITTED BY DOHN B. BROADWELL, JR. ON BEHALF OF BROADWELL LAND COMPANY (OWNER).

1st MOTION

The Planning and Inspections Staff recommends the board find that approval of the rezoning request for Case No. P15-46 is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for “urban fringe” at this location because the request meets the intent of the Mixed Use District, which was adopted to encourage innovative development by providing use flexibility while maintaining quality design. The request is also consistent with the North Central Land Use Plan, which calls for “commercial” and “low density” development at this location.

The staff also recommends the board find that approval of this rezoning is reasonable and in the public interest because the district requested for the subject properties meets or exceeds the location criteria of the adopted Land Use Policies Plan, in that: *public water and sewer are available*, Harnett County water and sewer will be extended to subject properties; *there is direct access to a local road*; *should be a minimum of 10 acres*; *is a means to promote an alternative to strip commercial development*; *separation of mixed uses* and *located on a sufficient site that provides adequate area for buffering, screening landscaping, parking and required open space*.

2nd MOTION

The Planning and Inspections Staff recommends the approval of Case No. P15-46 for MXD Mixed Use/CZ Conditional Zoning based on the following:

1. The request is logical as the uses will maintain or enhance the value of adjoining or abutting properties in that this is a quality, well planned development that, if approved, will complement the area in which it is proposed.
2. The location and character of the use, if developed according to the plan submitted and recommended, will be in harmony with the area in which it is to be located; and
3. This development will introduce public sewer from Harnett County to this rural portion of the county.

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 – Draft Ordinance Conditions 5 – Application

P15-46
SITE PROFILE

P15-46. REZONING OF 252.00+/- ACRES FROM PND PLANNED NEIGHBORHOOD TO MXD MIXED USE/CZ CONDITIONAL ZONING OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED SOUTH OF SR 1606 (ELLIOTT FARM ROAD), WEST OF US 401 (RAMSEY STREET); SUBMITTED BY DOHN B. BROADWELL, JR. ON BEHALF OF BROADWELL LAND COMPANY (OWNER).

Site Information:

Frontage & Location: 1,250.00'+/- on US 401 (Ramsey Street), 2,460.00'+/- on SR 1607 (Elliott Bridge Road) & 2,450.00'+/- on SR 1606 (Elliott Farm Road)

Depth: 4,580.00'+/-

Jurisdiction: Cumberland County

Adjacent Property: No

Current Use: Vacant woodlands

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

Nonconformities: None

Zoning Violation(s): None

Surrounding Zoning: North: C(P), R40, R30, RR R15 & A1A; South: RR & PND; East & West: PND

Surrounding Land Use: Residential (including manufactured dwellings & multi-family), sub station, convenience retail w/ gasoline sales, religious worship, farmland and woodlands

2030 Land Use Plan: Urban fringe

North Central Land Use Plan: Commercial & Low Density Residential

Special Flood Hazard Area (SFHA): None, however small stream standards apply; there is a detailed floodplain study south of the subject properties that may/may not influence new flood maps in that area expected in the next year or two.

Water/Sewer Availability: Harnett/ Harnett

Soil Limitations: Yes, hydric – JT Johnston loam & RA Rains sandy loam

Watershed: Yes

School Capacity/Enrolled: Raleigh Road Primary (K-1): 220/224; Long Hill Elementary (2-5): 460/484; Pine Forest Middle: 820/734; Pine Forest High: 1,750/1,583

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

RLUAC: Does not object to the request but advises the property is located within a military aircraft high noise level area (65 db); also, the Joint Land Use Study (JLUS) calls for Low Density Development at this location but suggests the southwest corner of the request is listed as important to conserve

Municipal Influence Area: City of Fayetteville

Average Daily Traffic Count (2012): 8,000 on US 401 (Ramsey Street), 5,000 on SR 1607 (Elliott Bridge Road) & 1,900 on SR 1606 (Elliott Farm Road)

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

Highway Plan: Elliott Farm Road and Elliott Bridge Road are identified in the Highway Plan as Local Roads. There are no road improvements/constructions specified for this area. This case has no impact on the current Highway Plan or Transportation Improvement Program. Ramsey Street is identified in the Highway Plan as a boulevard needing improvement. The proposal calls for a multi-lane (4 lane divide) facility

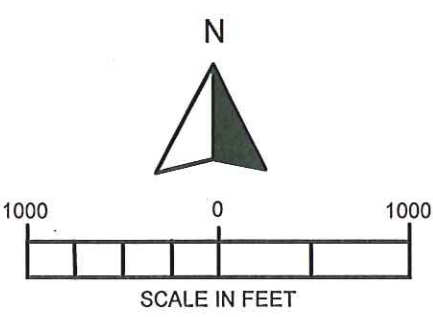
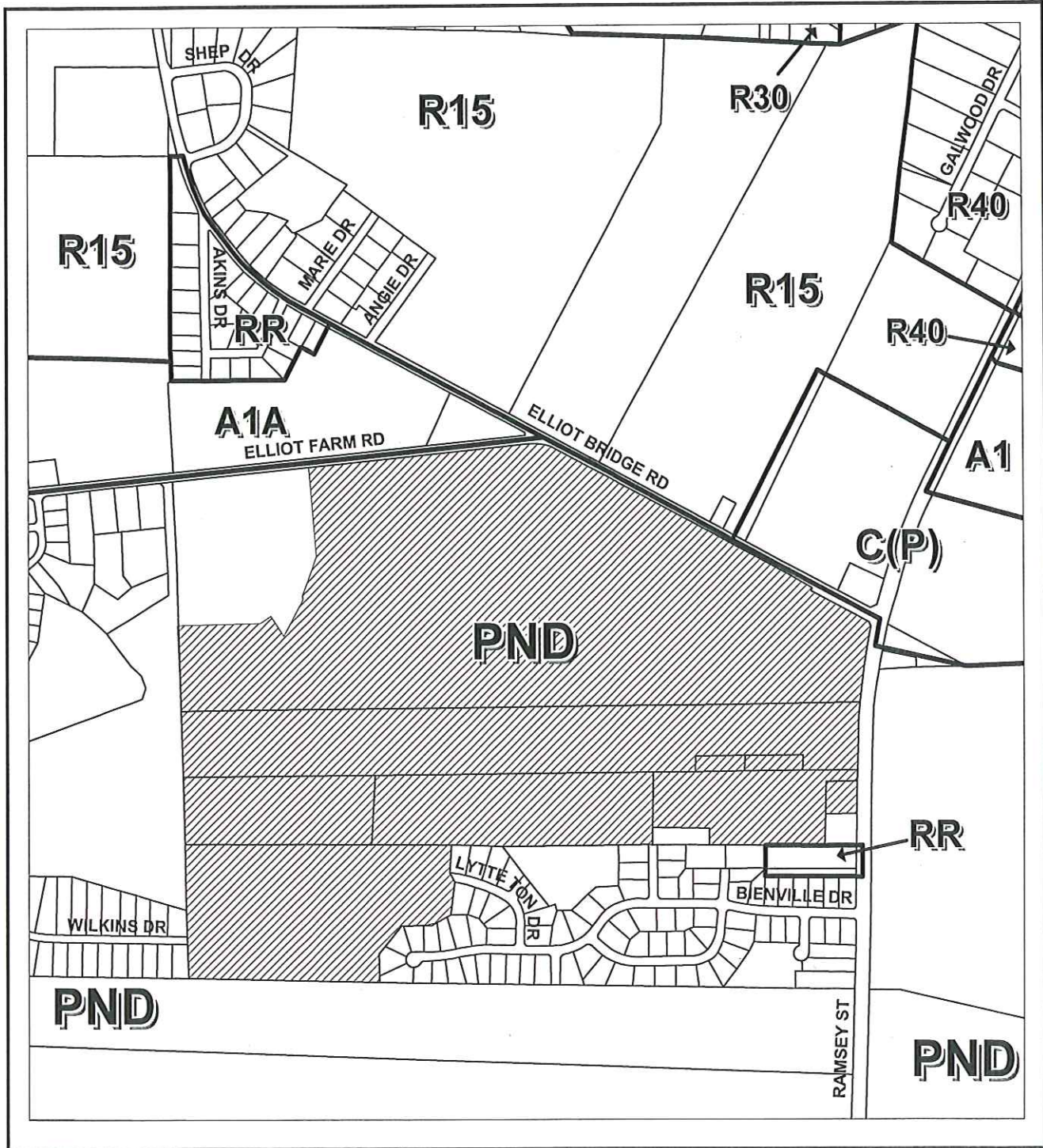
Note:

Density:

- a. Single-family residential – 133 acres, 307 lots (53% of the tract) – **1,244 lots permitted as currently zoned**
- b. Multi-family residential – 37 acres (15% of the tract)
- c. Commercial – 24 acres (9% of the tract)
- d. Open Space – 58 acres (23% of the tract) – **where only 15% is required**

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.

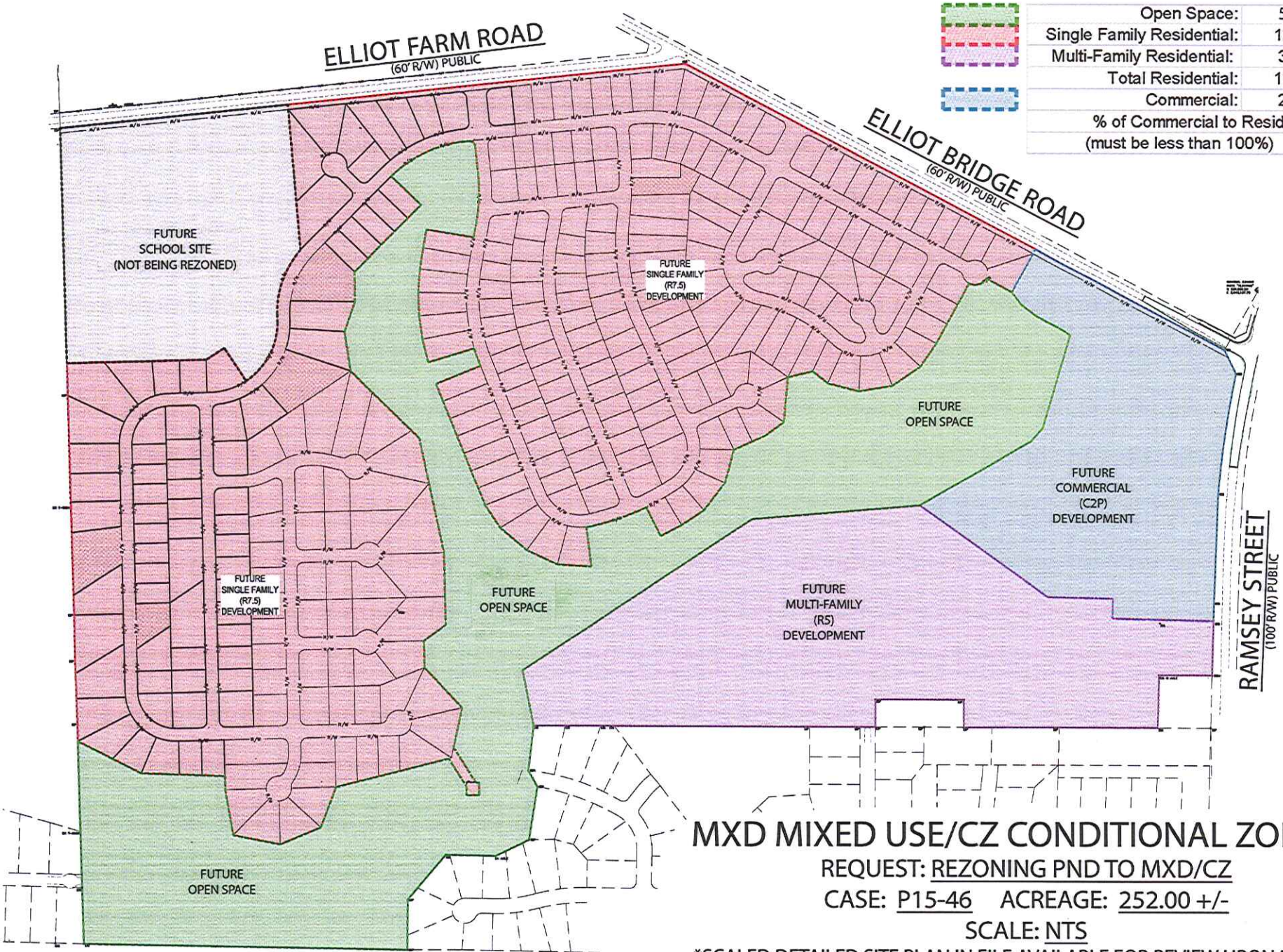


REQUESTED REZONING PND TO MXD/CZ

ACREAGE: 252.00 AC.+/-		HEARING NO: P15-46	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

PIN: 0542-18-1405
 0542-17-3803
 0542-28-6475, 6962
 0542-48-0745, 2510, 4705, 8553
 PORT OF PIN: 0542-29-4877

JM
7/28/15



NC GRID NAD 83
NC GRID NAVD 88

MXD MIXED USE/CZ CONDITIONAL ZONING

REQUEST: REZONING PND TO MXD/CZ

CASE: P15-46 ACREAGE: 252.00 +/-

SCALE: NTS

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

MIXED USE DEVELOPMENT/CZ CONDITIONAL ZONING DISTRICT

DRAFT

Ordinance Related Conditions

Pre- Permit Related:

1. Prior to any development on the multi-family and commercial portions of this Mixed Use Development, the developer must submit five copies of a site plan for staff review and approval; the revised plans must include:
 - a. Landscaping provided in accordance with the provisions in Section 1102.N, Landscaping, County Zoning Ordinance;
 - b. Location of all freestanding signs reflected on the site plan in accordance with provisions in Article XIII, Sign Regulations, County Zoning Ordinance;
 - c. Off-street parking in accordance with the provisions in Section 1203, Off-Street Parking, County Zoning Ordinance;
 - d. Buffer locations and type separating the multi-family area from the adjacent residentially zoned properties;
 - e. Drives and internal circulation patterns; and
 - f. Loading space(s) in accordance with the provision in Section 1203, Off-Street Parking, County Zoning Ordinance.

In addition, recombination plats and/or subdivision plats may be processed as the same time as the plan approvals and the approval(s) conditioned with standard subdivision ordinance related provisions.

2. Prior to any tree removal, the developer is required to conduct a cavity tree survey - this condition is necessary so that a forest canopy sufficient to sustain foraging habitat for red-cockaded woodpeckers is retain. The developer is to take measures to retain as many mature canopy height pines to protect the dispersal corridor of the woodpecker.

Watershed-Related:

3. An application for watershed approval must be submitted to the Watershed Review Officer (WRO) and plans must be approved by the WRO and/or the County Board of Adjustment (high density) prior to final plat approval and/or prior to application for any building/zoning permits. (Note: This approval may require additional conditions restricting the development of this property.) A copy of the WRO's approval of this plat/plan must be submitted to Code Enforcement at the time of application for any permits.
4. Prior to application for the building final inspection, a Watershed Occupancy Permit must be issued for each lot/tract within this development.

Permit-Related:

5. 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.
6. Connection to public water and sewer is required, Harnett County Utilities (HCDPU) must approve water and sewer plans prior to application for any permits. The proposed development must meet the requirements of HCDPU Preliminary Subdivision Review prior to approval by Harnett County. The Harnett County ordinance can be found at: <http://www.harnett.org/utilities/downloads/HCDPU%20Rules%20Ordinance%202015.pdf> A copy of the Harnett County 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)
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. At the time of preparation of these August 11, 2015 conditions, there is no *Special Flood Hazard Area* (SFHA) existing on the subject property; however, there is limits of a detailed study (floodplain) just south of the subject property that may/may not be influenced by the new flood maps which are expected to be published within the next year or two - currently there is no preliminary map that reflects this area. If SFHA is found to exist on the subject property at the time of permit application, any development within SFHA must have first flood elevations, including all mechanical and electrical equipment above base flood elevation (BFE) plus two feet of freeboard. Proper flood plain development permits would be required, issued by the County Engineer, prior to any building/permit application. If applicable, a copy of the approved flood plain permit must be provided to Code Enforcement at the time of building/zoning permit applications.
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.
12. 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.

13. 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:

14. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Development Ordinance and Zoning Ordinances for the MXD/CZ zoning district must be complied with, as applicable. All notes and calculations as shown on the site plan and contained within the application are to be considered as a part of this conditional approval.

Note: A very limited type of retail and other uses are allowed in the MXD/CZ zoning district specifically all the uses permitted in the O&I(P) and C1(P) districts and the listed uses in Section 603.C, Uses Allowed, County Zoning Ordinance for the C2(P) and C(P) zoning districts; the developer/property owner is encouraged to contact Code Enforcement or Land Use Codes prior to entering into a contract/lease with any tenant to verify the permissibility of the intended use.

15. All corner lots and lots fronting more than one street must provide front yard setbacks from each street.
16. This conditional approval is not approval of any freestanding or development signs. If a freestanding or development sign is desired, re-submittal of the site plan is required prior to application for any freestanding sign permits. Attached signage for this development must be in accordance with the applicable sign regulations as set forth in Article XIII of the County Zoning Ordinance and that the proper permit(s) must be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is **not** approval of the size, shape, or location of any signs.)
17. All applicable provisions of Section 2401, "Group Developments", County Subdivision and Development Ordinance, must be complied with.

18. 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.
19. 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)
20. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision and Development Ordinance)
21. 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.
22. 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.
23. The developer must obtain driveway permits 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.
24. 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.
25. Turn lanes may be required by the NC Department of Transportation (NCDOT).
26. 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.

Plat-Related:

27. If all plats are not recorded and if Special Flood Hazard Area (SFHA) is found to exist on any portion of the subject property, the final plat must show the limits of the SFHA; information may be obtained from the County Engineer's office or the Federal Emergency Management Agency's (FEMA) website at www.ncfloodmaps.com. Any development within the SFHA is subject to the requirements of the County Flood Damage Prevention Ordinance administered by the County Engineering Department.
28. Prior to submission for final plat approval, fire hydrants must be installed along the 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. 41 below.*
29. "Ramsey Street" must be labeled as "US HWY 401" and "Elliott Bridge Road" must be labeled as "SR 1607 (Elliott Farm Road)" on all final plats.
30. The final plat must be labeled as a "Zero Lot Line" development, and all open space and common areas are required to be labeled as "common area".
31. The developer is required to submit to Land Use Codes:
 - a. Three copies of proposed covenants, by-laws and articles of incorporation for the proposed development designating responsibility for the maintenance and upkeep of the 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. In the event the developer phases the final plats for this development, the open space (common area) must be recorded incrementally so that the percentage of open space recorded is consistent with the ordinance standard of 15%. **Note: The developer is encouraged to consider the creation of a master association for the entire mixed use development, with separate subordinate associations for the proposed residential developments.**

32. 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.
33. The developer must contact the Location Services section of the Planning and Inspections Department for approval of street names within this development. The approved street names must be reflected on the final plat.
34. 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.
35. 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.
36. All lots within this development must be served by an internal street system and a "no access" easement must be reflected on the final plat along SR 1607 (Elliot Farm Road) for the residential lots. If direct driveway access is not permitted to US HWY 401 (Ramsey Street) for the non-residential and multi-family portions of this development, a "no access" easement will also be required along those lots at the time of recording.
37. A 10' x 70' sight distance easement is required at the intersection of SR 1607 (Elliot Farm Road) with the development entrance streets and must be reflected on the final plat.
38. 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)
39. 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.
40. 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)
41. 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.)
42. 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:

43. 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."
44. 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:

45. The US Postal Service most likely will 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.
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 subject property is located within a military aircraft high noise level area (65 decibels) and a flight limit of 1000 feet. This information is provided for developers' consideration of the type of construction material and building design.
48. 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.
49. 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.

Thank you for choosing Cumberland County for your development 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):

Watershed Review Officer/Improvements:	Jeff Barnhill	678-7765
Subdivision/Site Plan/Plat	Ed Byrne	678-7609
Code Enforcement (Permits):	Scott Walters	321-6654
County Engineer's Office:	Wayne Dudley	678-7636
Harnett Co. Public Utilities:	Shane Cummings	(910) 893-7575 ext. 3275
Fayetteville Planning:	Marsha Bryant	433-1416
County Public Utilities:	Amy Hall	678-7637
Corp of Engineers (wetlands):	Emily Greer	(910) 251-4049
NCDENR (E&S):	Leland Cottrell	433-3300
Location Services:		
Site-Specific Address:	Ron Gonzales	678-7616
Street Naming/Signs:	Diane Shelton	678-7665
Tax Parcel Numbers:		678-7549
NCDOT (driveways/curb-cuts):	Troy Baker	486-1496
NCDOT (subdivision roads):	David Plummer	486-1496
US Fish and Wildlife Service	Susan Miller	(910) 695-3323
N.C. Division of Water Quality:	Mike Randall	(919) 733-5083 ext. 545
United States Postal Service	Laricia Mciver	(704) 393-4466

cc: Marsha Bryant, City of Fayetteville
Shane Cummings, Harnett Co Public Utilities

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 Broadwell Land Company
2. Address: 903 Hay Street, Fayetteville, NC Zip Code 28305
3. Telephone: (Home) 910-391-1104 (Work) 910-484-5193
4. Location of Property: Elliot Bridge & Elliot Farm & Ramsey Street
5. Parcel Identification Number (PIN #) of subject property: See attached list of parcels.
(also known as Tax ID Number or Property Tax ID)
6. Acreage: ^{252 ACRES KSC}~~9~~ parcels = 273 Frontage: 4,500 Depth: 3,500
7. Water Provider: Harnett County
8. Septage Provider: Harnett County
9. Deed Book See attached parcel list, Page(s) _____, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
10. Existing use of property: Vacant
11. Proposed use(s) of the property: Open Space: 60 ac/24%; Single Fam Res: 133 ac/52%;
Multi Fam Res: 37 ac/15%; Commercial: 24 ac/9%

NOTE: Be specific and list all intended uses.

12. It is requested that the foregoing property be rezoned FROM: PND
TO: (Select one)
_____ Conditional Zoning District, with an underlying zoning district of _____
(Article IV)
 _____ Mixed Use District/Conditional Zoning District (Article VI)
_____ Planned Neighborhood District/Conditional Zoning District (Article VII)
_____ Density Development/Conditional Zoning District, at the _____ Density
(Article VIII)

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

APPLICATION FOR
CONDITIONAL ZONING

1. PROPOSED USE(S):

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

1. R7.5: Single-Family Residential: 133 ac / ~~52~~%
2. R5. Multi Fam Res: 37 ac / 15% *53 ksc*
3. C1P. Commercial: 24 ac / 9%
4. Open Space: ~~60~~ ac / ~~24~~%
58 23

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.

R7.5 Single Family Residential: 307 units / 133 ac = 2.31 lots per acre

Multi-Family and Commercial are to be determined and shall be submitted with future site plans.

2. DIMENSIONAL REQUIREMENTS:

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

Specified setbacks for underlying districts as applicable.

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

To be determined for Commercial and Residential Areas--shall be submitted for approval in the future.

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.

Sign regulations shall be adhered to.

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.**

Commercial and Multi-Family Buffers shall be as required by section 1102.G

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

To be determined for Commercial and Multi-Family areas and will be submitted for approval with site plan.

5. MISCELLANEOUS:

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

6. SITE PLAN REQUIREMENTS:

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

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.

Broadwell Land Company
NAME OF OWNER(S) (PRINT OR TYPE)

903 Hay Street, Fayetteville, NC 28305
ADDRESS OF OWNER(S)

dbbwell@earthlink.net
E-MAIL

910-391-1104 910-484-5193
HOME TELEPHONE WORK TELEPHONE

David Broadwell, Jr.
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