

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**

July 21, 2015  
7:00 P.M.

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

**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) **DEFERRED UNTIL 8/18/15**

- IV. ABSTENTIONS BY BOARD MEMBERS
- V. POLICY STATEMENT REGARDING PUBLIC HEARING TIME LIMITS
- VI. APPROVAL OF THE MINUTES OF JUNE 16, 2015
- VII. PUBLIC HEARING CONSENT ITEMS

**REZONING CASES**

- A. **P15-41.** INITIAL ZONING OF 2.86+/- ACRES TO C2(P) PLANNED SERVICE AND RETAIL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT THE SOUTHWESTERN QUADRANT OF SR 1132 (LEGION ROAD) AND NC HWY 162 (ELK ROAD), OWNED BY SHEILA PLAYFORTH HANRICK, PAMELA P. RAY, TIMOTHY G. AND TAMMY D. PLAYFORTH. (HOPE MILLS)
- B. **P15-43.** REZONING 1.19+/- ACRES FROM C(P) PLANNED COMMERCIAL TO RR RURAL RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 7152 MAXWELL ROAD, 6108 AND 6114 SANDY CREEK ROAD; SUBMITTED BY CAROLYN J. STEWART (OWNER) AND JAMESON STEWART.

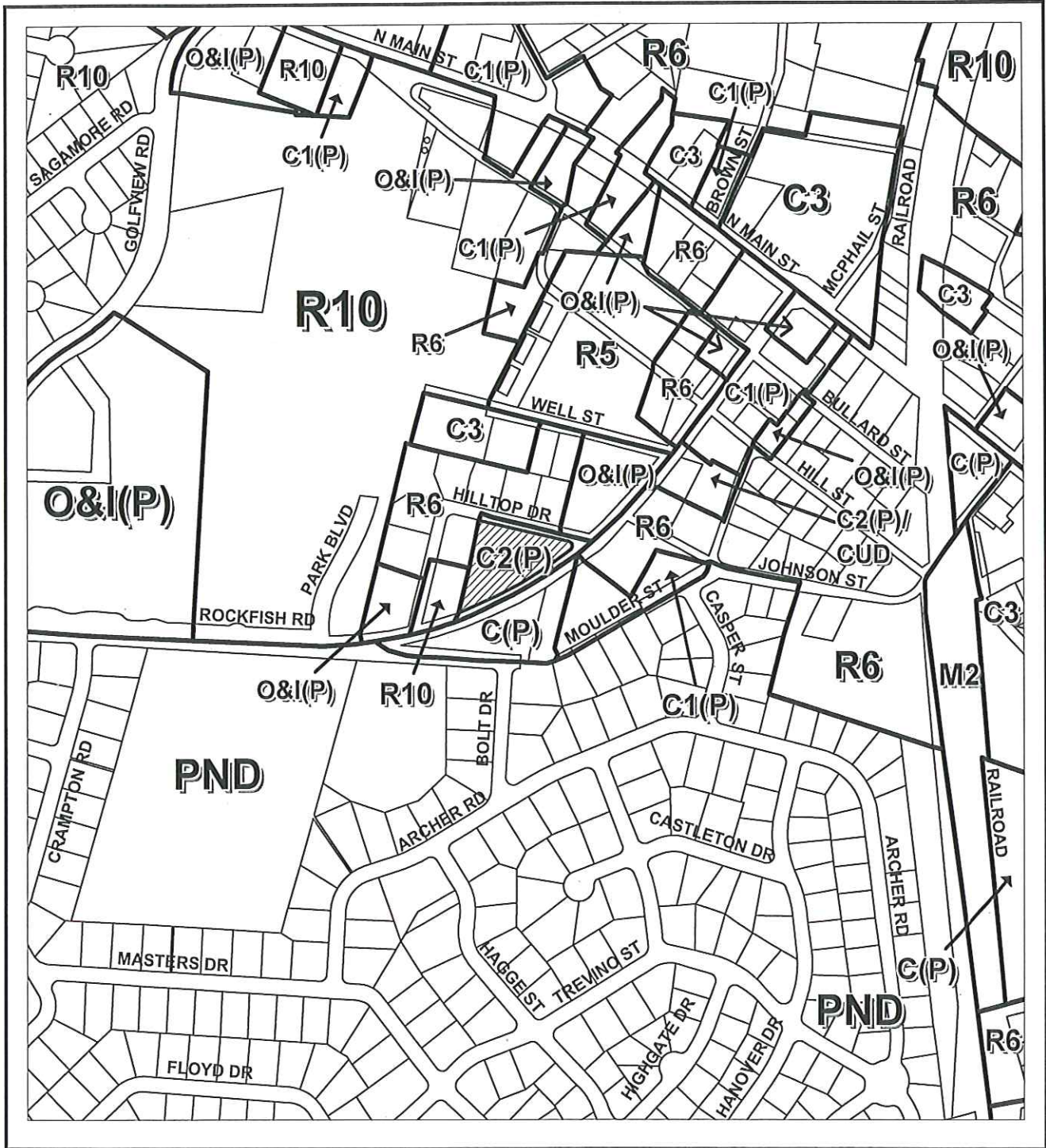
CONDITIONAL ZONING DISTRICT

- C. **P15-42.** REZONING 65.28+/- ACRES FROM RR RURAL RESIDENTIAL TO A1 AGRICULTURAL//CZ CONDITIONAL ZONING FOR A BORROW SOURCE OPERATION OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED NORTHEAST OF THE SOUTH END OF SR 2341 (CLAUDE LEE ROAD); SUBMITTED BY FRANK MCDONALD ON BEHALF MCDONALD MATERIALS INC. (OWNER).

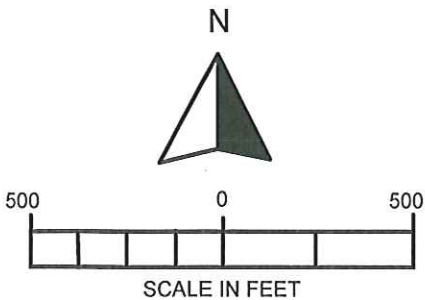
VIII. DISCUSSION

DIRECTOR'S UPDATE

IX. ADJOURNMENT



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



PIN: 0414-35-8200

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

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Cumberland County

Benny Pearce,  
Town of Eastover

July 14, 2015

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

**P15-41. INITIAL ZONING OF 2.86+/- ACRES TO C2(P) PLANNED SERVICE AND RETAIL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT THE SOUTHWESTERN QUADRANT OF SR 1132 (LEGION ROAD) AND NC HWY 162 (ELK ROAD), OWNED BY SHEILA PLAYFORTH HANRICK, PAMELA P. RAY, TIMOTHY G. AND TAMMY D. PLAYFORTH. (HOPE MILLS)**

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

The County Planning Staff recommends approval of the initial zoning Case No. P15-41 to C2(P) Planned Service and Retail district based on the following:

1. Approving the C2(P) zoning district would ensure that the subject properties are zoned the same as adjacent properties which were rezoned to C2(P) on September 3, 2014.
2. The subject properties are currently unzoned and are part of an approved overall site plan for a shopping center; and
3. The request was submitted by the Town of Hope Mills.

There are no other districts 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 C2(P) for Case No. P15-41 is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan* because the Plan calls for "urban" development at this location and supports the commercial goal and objectives of the Southwest Cumberland Land Use Plan that include *concentrating regional and community oriented commercial development in nodes at major intersections and located in areas with sufficient infrastructure to support commercial activities*. However the initial zoning of the subject properties to C2(P) is not consistent with the Southwest Cumberland Land Use Plan map which calls for "low density residential" at this location.

The staff recommends the board further find that approval of the initial zoning to C2(P) is reasonable and in the public interest because the location criteria as listed in the adopted Land Use Policies Plan for C2(P) will be met or exceeded, in that: public water and sewer is available, the property has direct access to two collector streets (Elk and Legion Roads), there are other commercial uses in the area, and the initial zoning will allow for the provision of convenient goods and services to the immediate surrounding neighborhood.

Attachments: 1 – Site Profile 2 – Sketch Map

**P15-41**  
**SITE PROFILE**

**P15-41. INITIAL ZONING OF 2.86+/- ACRES TO C2(P) PLANNED SERVICE AND RETAIL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT THE SOUTHWESTERN QUADRANT OF SR 1132 (LEGION ROAD) AND NC HWY 162 (ELK ROAD), OWNED BY SHEILA PLAYFORTH HANRICK, PAMELA P. RAY, TIMOTHY G. AND TAMMY D. PLAYFORTH. (HOPE MILLS)**

**Site Information:**

**Frontage & Location:** 70.00'+/- on SR 1132 (Legion Road) & 101.39'+/- on Elk Road

**Depth:** 710.00'+/-

**Jurisdiction:** Town of Hope Mills (annexation effective December 15, 2014)

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

**Current Use:** 1 residential structure, 1 accessory structure w/ apartment & vacant land

**Initial Zoning:** R10 – October 15, 1984; unzoned February 14, 2015

**Nonconformities:** If approved, residential structures & uses will become nonconforming

**Zoning Violation(s):** None

**Surrounding Zoning:** North: MXD/CUD, C3, C(P), R10 & R6A; South: C(P) (HM), C2(P) (HM), O&I(P) (HM), R15 (HM) & R10 (HM); East: M(P) (HM), C(P) (HM), C2(P) (HM) & R10; West: R15 (HM) & R10 (HM)

**Surrounding Land Use:** Residential (including multi-family), strip shopping center, trade contractor, day care, small family cemetery & woodlands

**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:** Yes – LY Lynchburg sandy loam

**School Capacity/Enrolled:** E. V. Baldwin Elementary: 790/657; South View Middle: 900/705; South View High: 1,800/1,777

**Subdivision/Site Plan:** Shopping Center site plan approved March 16, 2015 (Case No. 15-025)

**Average Daily Traffic Count (2012):** 12,000 on SR 1132 (Legion Road)

**Highway Plan:** Elk Road & Legion Road are identified in the Highway Plan as Minor Arterials. This proposal calls for a multi-lane facility (U-2809) with a ROW of 100 feet. Road improvements are included in the 2012-2018 MTIP

**Notes:**

1. Subject property is currently unzoned

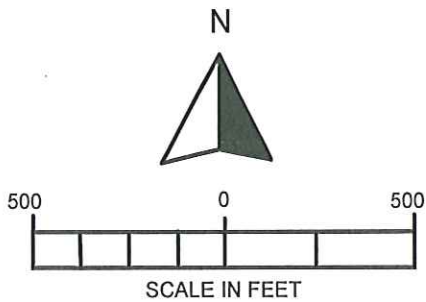
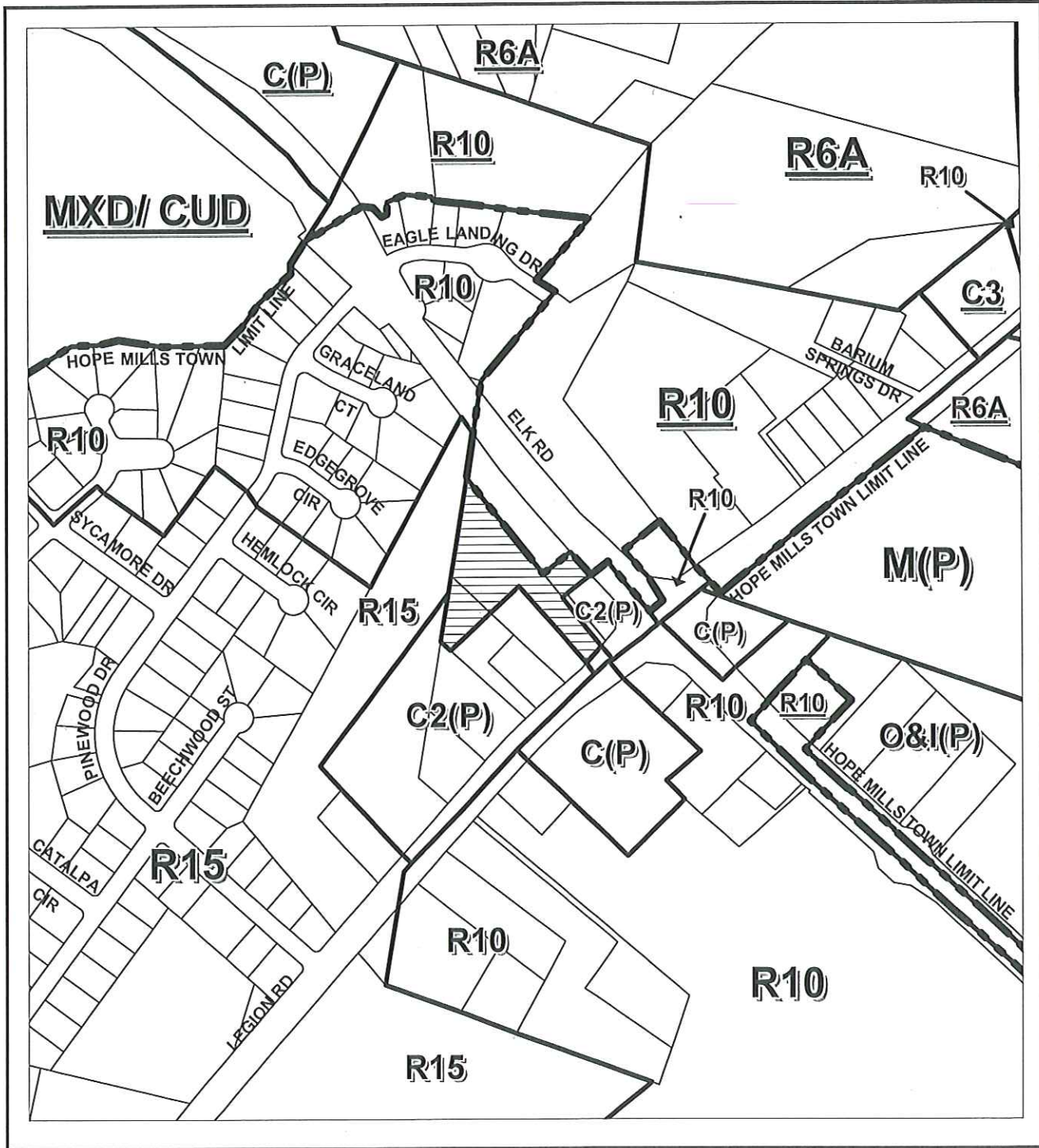
2. Density (minus 15% for ROW):  
R10 (R7.5) – 17 lots/units (14 lots/unit)

3. Minimum Yard Setback Regulations:

| <u>R10 (R7.5)</u> | <u>C1(P)</u>    | <u>C2(P)</u>    |
|-------------------|-----------------|-----------------|
| Front yard: 30'   | Front yard: 45' | Front yard: 50' |
| Side yard: 10'    | Side yard: 15'  | Side yard: 30'  |
| Rear yard: 35'    | Rear yard: 20'  | Rear yard: 30'  |

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

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



## INITIAL ZONING TO C2(P)

|                       |              |                    |  |
|-----------------------|--------------|--------------------|--|
| ACREAGE: 2.86 AC.+/-  |              | HEARING NO: P15-41 |  |
| ORDINANCE: HOPE MILLS | HEARING DATE | ACTION             |  |
| STAFF RECOMMENDATION  |              |                    |  |
| PLANNING BOARD        |              |                    |  |
| GOVERNING BOARD       |              |                    |  |

PIN: 0424-08-0927  
0424-09-2100  
0424-09-3160

JM  
6/30/15

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Town of Eastover

July 14, 2015

**MEMORANDUM**

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

**P15-43.** REZONING 1.19+/- ACRES FROM C(P) PLANNED COMMERCIAL TO RR RURAL RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 7152 MAXWELL ROAD, 6108 AND 6114 SANDY CREEK ROAD; SUBMITTED BY CAROLYN J. STEWART (OWNER) AND JAMESON STEWART.

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

The Planning and Inspections Staff recommends the board find that approval of the request for rezoning in Case No. P15-43 is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for "rural" at this location as the proposed district would allow development at 2.2 units or less per acre.

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: *use of septic allowed based on soil type, lot size and distance from public sewer; direct access to a public street is required*, Maxwell Road is a major collector; 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. P15-43 for RR Rural Residential district based on the following:

1. The RR Rural 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 property was initially zoned C(P) in 1996 for a motor vehicle sales lot that is no longer in operation.

There are no other districts considered suitable for this request.

Attachments:

- 1 – Site Profile
- 2 – Sketch Map

**P15-43**  
**SITE PROFILE**

**P15-43.** REZONING 1.19+/- ACRES FROM C(P) PLANNED COMMERCIAL TO RR RURAL RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 7152 MAXWELL ROAD, 6108 AND 6114 SANDY CREEK ROAD; SUBMITTED BY CAROLYN J. STEWART (OWNER) AND JAMESON STEWART.

**Site Information:**

**Frontage:** 145.49' +/- on SR 1006 (Maxwell Road) & 271.79' +/- on SR 1847 (Sandy Creek Road)

**Depth:** 315.35' +/-

**Jurisdiction:** Cumberland County

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

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

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

**Nonconformities:** None

**Zoning Violation(s):** None

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

**Surrounding Land Use:** Residential (including manufactured dwellings), fire department, second hand sales, lodge, farmland & 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:** If approved, new development may require review and approval

**Average Daily Traffic Count (2012):** 4,500 on SR 1006 (Maxwell Road) & 360 on SR 1847 (Sandy Creek Road)

**Highway Plan:** Maxwell Road is identified in the Highway Plan as a Major Collector. 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:**

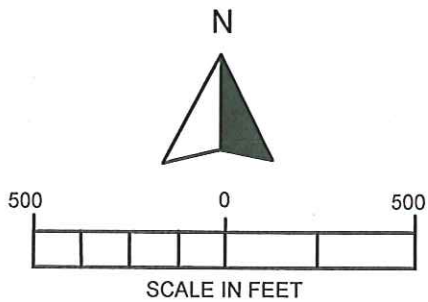
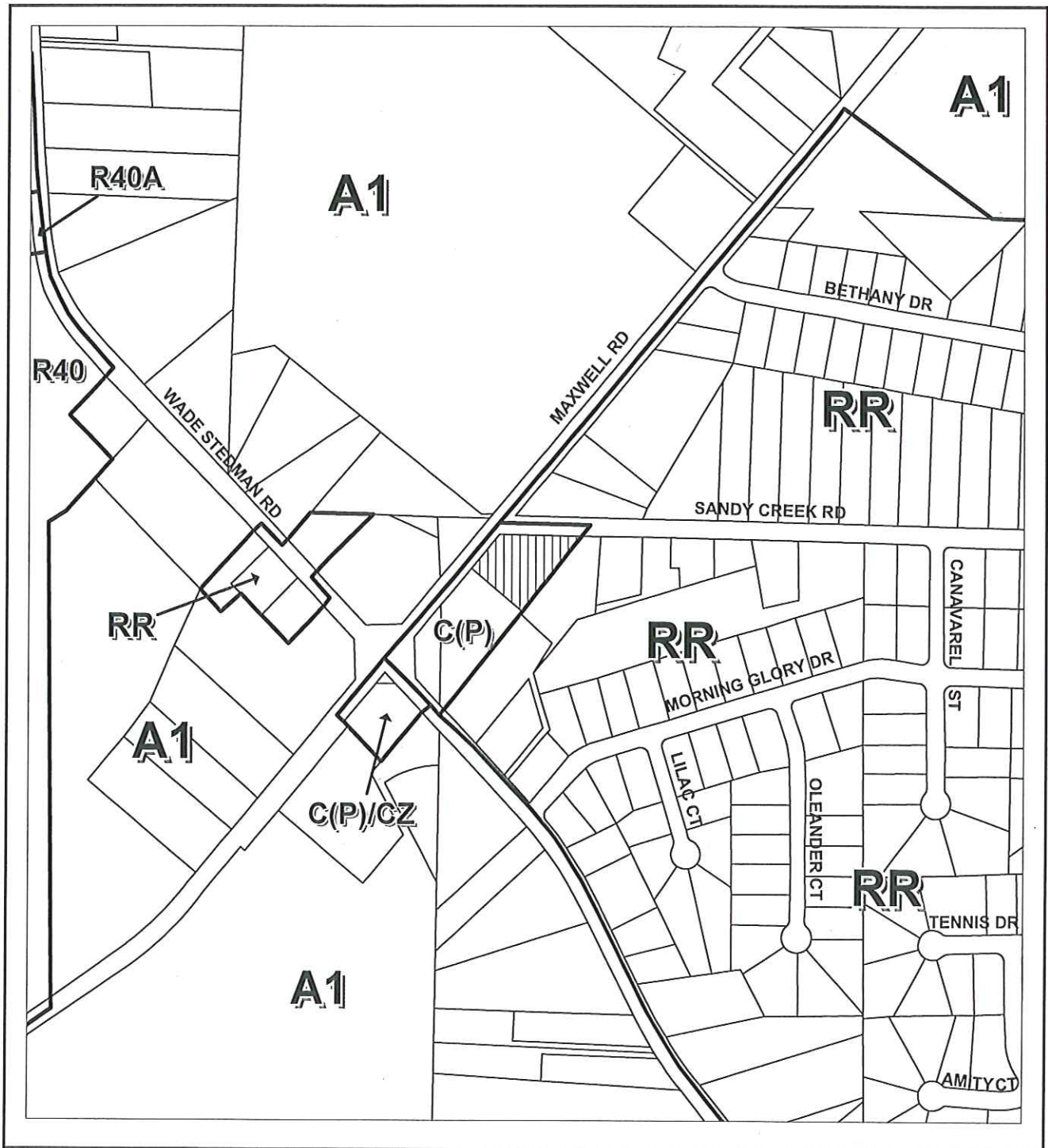
1. Density:  
RR – 2 lots/units
  
2. Minimum Yard Setback Regulations:

| <u>RR</u>       | <u>C(P)</u>     |
|-----------------|-----------------|
| Front yard: 30' | Front yard: 50' |
| Side yard: 15'  | Side yard: 30'  |
| Rear yard: 35'  | 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: 0497-18-3414

## REQUESTED REZONING C(P) TO RR

|                             |                           |        |
|-----------------------------|---------------------------|--------|
| <b>ACREAGE: 1.19 AC.+/-</b> | <b>HEARING NO: P15-43</b> |        |
| ORDINANCE: COUNTY           | HEARING DATE              | ACTION |
| STAFF RECOMMENDATION        |                           |        |
| PLANNING BOARD              |                           |        |
| GOVERNING BOARD             |                           |        |

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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 July 21, 2015 Board Meeting

**P15-42.** REZONING 65.28+/- ACRES FROM RR RURAL RESIDENTIAL TO A1 AGRICULTURAL/CZ CONDITIONAL ZONING FOR A BORROW SOURCE OPERATION OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED NORTHEAST OF THE SOUTH END OF SR 2341 (CLAUDE LEE ROAD); SUBMITTED BY FRANK MCDONALD ON BEHALF MCDONALD MATERIALS INC. (OWNER).

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

Although the request is not consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan* which calls for “urban” at this location, the Planning and Inspections Staff recommends the board find that the request meets the goals and objectives of the Airport Overlay District; specifically, not having large structures or concentrations of residential communities in areas subject to large aircraft noise and flight paths. The request is not consistent with the South Central Land Use Plan which calls for “low density residential” at this location, but the reasoning behind this recommendation (low airport impact) is consistent with a borrow source operation.

The staff recommends the board further find this rezoning request 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: *individual well and septic system allowed; could be located in any defined critical area as defined by the Fort Bragg Small Area Study and may be outside the Sewer Service Area.*

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

In addition to the above information, the Planning and Inspections Staff recommends approval of Case No. P15-42 for the A1 Agricultural/CZ Conditional Zoning district for a borrow source operation based on the following:

- If approved, the requested district and use will be consistent with development in the general 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

**P15-42**  
**SITE PROFILE**

**P15-42.** REZONING 65.28+/- ACRES FROM RR RURAL RESIDENTIAL TO A1 AGRICULTURAL//CZ CONDITIONAL ZONING FOR A BORROW SOURCE OPERATION OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED NORTHEAST OF THE SOUTH END OF SR 2341 (CLAUDE LEE ROAD); SUBMITTED BY FRANK MCDONALD ON BEHALF MCDONALD MATERIALS INC. (OWNER).

**Site Information:**

**Frontage & Location:** No frontage

**Depth:** 3,377.17'+/-

**Jurisdiction:** Cumberland County

**Adjacent Property:** No

**Current Use:** Woodlands

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

**Nonconformities:** None

**Zoning Violation(s):** None

**Surrounding Zoning:** North: C(P)/CU (to allow manufactured home), M(P), C(P) & RR; South: RR/CU (storage of antique cars), M(P), C(P) & RR; East: RR/CU (2) (to allow borrow sources) & C(P); West: M(P), C3 & RR

**Surrounding Land Use:** Residential (including manufactured dwellings & multi-family), motor vehicle wrecking yard & woodlands

**2030 Land Use Plan:** Urban

**South Central Land Use Plan:** Low Density Residential

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

**Airport Overlay District:** Use is consistent with overlay objectives

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

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

**School Capacity/Enrolled:** Alderman Road Elementary: 750/657; South View Middle: 900/705; South View High: 1,800/1,777

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

**Sewer Service Area:** Yes

**Average Daily Traffic Count (2012):** 41,000 on I-95

**Highway Plan:** Claude Lee 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

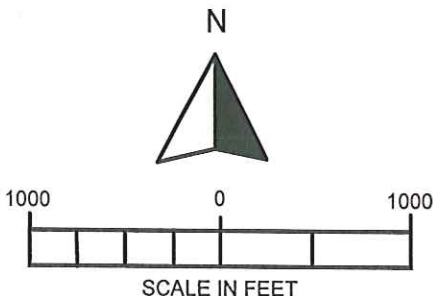
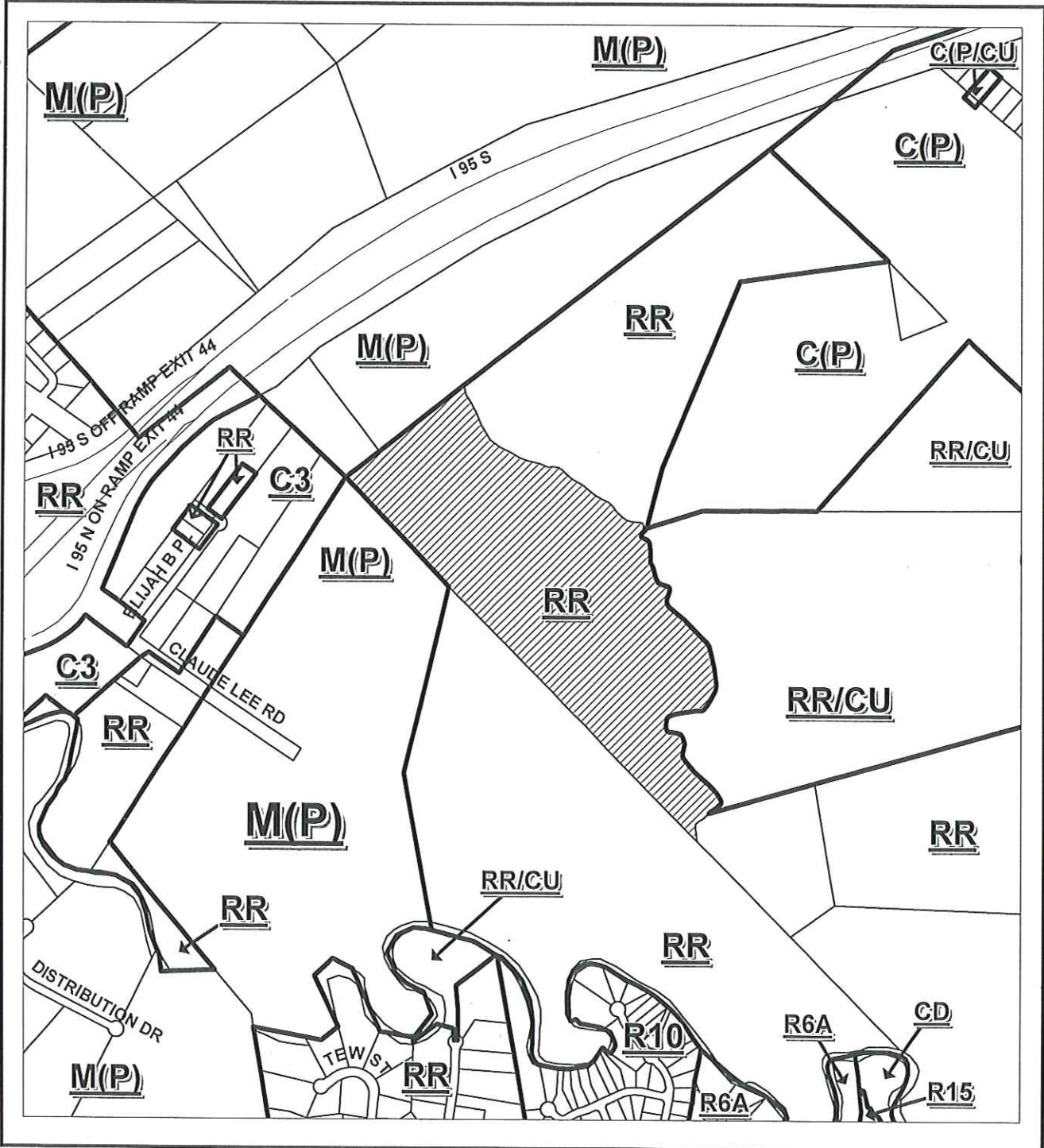
**Notes:**

1. Density (minus 15% for ROW) :  
RR – 142 lots/units (120 lots/units)
  
2. Minimum Yard Setback Regulations:

|                  |                  |
|------------------|------------------|
| <b><u>RR</u></b> | <b><u>A1</u></b> |
| Front yard: 30'  | Front yard: 50'  |
| Side yard: 15'   | Side yard: 20'   |
| Rear yard: 35'   | Rear yard: 50'   |

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

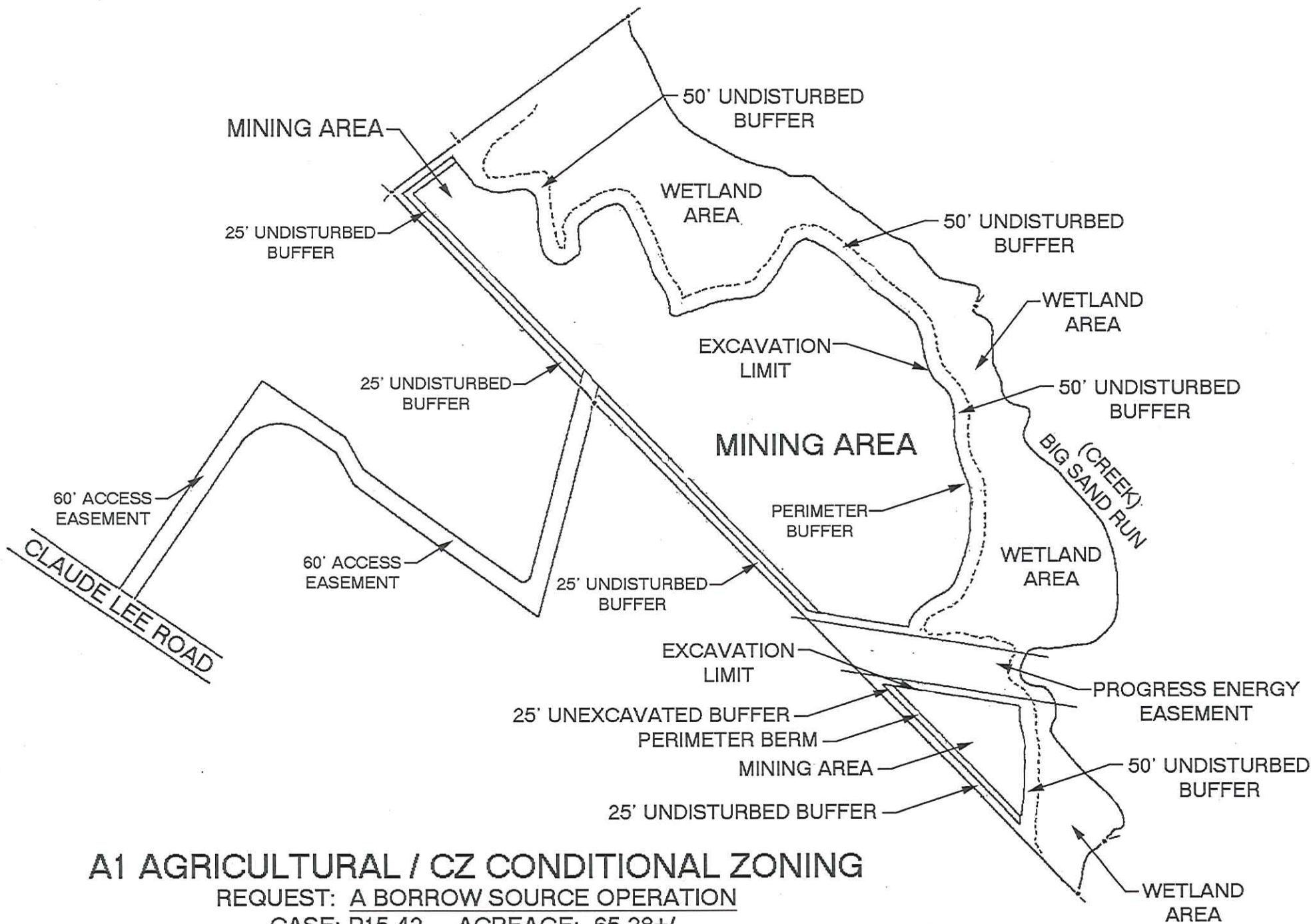
*A certified copy of the tax record owner(s) of the subject and adjacent properties and their tax record mailing address is contained within the case file and is incorporated by reference as if delivered herewith.*



## REQUESTED REZONING RR TO A1/CZ

|                              |                     |                           |
|------------------------------|---------------------|---------------------------|
| <b>ACREAGE: 65.28 AC.+/-</b> |                     | <b>HEARING NO: P15-42</b> |
| <b>ORDINANCE: COUNTY</b>     | <b>HEARING DATE</b> | <b>ACTION</b>             |
| <b>STAFF RECOMMENDATION</b>  |                     |                           |
| <b>PLANNING BOARD</b>        |                     |                           |
| <b>GOVERNING BOARD</b>       |                     |                           |

PIN: 0434-60-6931



# A1 AGRICULTURAL / CZ CONDITIONAL ZONING

REQUEST: A BORROW SOURCE OPERATION

CASE: P15-42 ACREAGE: 65.28+/-

ZONED: RR SCALE: NTS

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

**CONDITIONAL ZONING DISTRICT**

Draft

Ordinance Related Conditions  
for  
Borrow Source Operations

**Pre- Permit Related:**

1. The owner/developer(s) must provide a recorded copy of the ingress/egress access easement with a minimum width of 20 feet to Code Enforcement at the time of permit application.
2. Prior to permit application, the developer(s) must provide approval from "Progress Energy" that the proposed use does not interfere with the transmission right-of-way easement to County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street.

**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. For any development of this site currently or in the future that necessitates water or sewer, connection to public water and sewer may be required, 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 2306 A.1, Public Water and Sewer Systems, County Subdivision and Development Ordinance)

Note: Due to an existing agreement between the PWC and the City of Fayetteville, an annexation petition most likely will be required prior to the PWC's review of any utility plans.

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. The final inspection cannot be accomplished until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans.
9. A review of the data available to the Army Corp of Engineers indicates that jurisdictional waters are likely to be present on this property and therefore are likely to be impacted by the proposed project. However, without an official Jurisdictional Determination at the property, these findings cannot be confirmed.

A permit will be required for this project if construction will involve the temporary and/or permanent placement of fill in waters of the United States including wetlands. If a permit is required, the applicant will be required to avoid and minimize impacts to wetland/waters of the United States and may need to provide compensatory mitigation for unavoidable impacts.

10. Because the subject property is located within the Airport Overlay District and in the event any structure is to be located on the subject property that is greater than 200 feet in height, the developer will be required to provide a FCC Form 7460-1 to Code Enforcement at the time of permit application. This form must be acknowledged by the FCC that the structure is not a hazard or obstruction to air traffic.

**Site-Related:**

11. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Development Ordinance and Zoning Ordinances for the A1 zoning district, shown on the site plan and notes contained within the application must be complied with, as applicable.
12. The hours of operation are to be no more than sunrise to sunset, Monday through Sunday.
13. While in transit, trucks are to use appropriate load covers, water trucks or other means that may be necessary to prevent dust/debris from leaving the borrow source operation or inadvertently discharged from the trucks.
14. This conditional approval is not approval of any freestanding signs. If a freestanding sign is desired, re-submittal of the site plan for staff review and approval 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.)
15. "Claude Lee Road" must be labeled as "SR 2341 (Claude Lee Road)" on all future plans.
16. For any new development, an adequate drainage system must be installed by the developer in accordance with the NC Department of Environment and Natural Resources' (NCDENR) *Manual on Best Management Practices* and all drainage ways must be kept clean and free of debris. (Section 2306 D, County Subdivision and Development Ordinance)
17. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision and Development Ordinance)
18. In the event a stormwater utility structure is required by the NC Department of Environment and Natural Resources (NCDENR), the owner/developer must secure the structure with a four foot high fence with a lockable gate, and is required to maintain the detention/retention basin, keeping it clear of debris and taking measures for the prevention of insect and rodent infestation.
19. 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. 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. A solid buffer must be provided and maintained along the perimeter of the subject property lines where this tract/site abuts residentially zoned properties in accordance with the provisions of Section 1102 G, Buffer Requirements, County Zoning Ordinance. (Note: Chain link fencing cannot be used to satisfy the buffer requirement.)
22. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.
23. The owner/developer is responsible and liable for maintenance and upkeep of this site, all structures, and appurtenances, to include ensuring that the site is kept free of litter and debris, all grass areas mowed, all buffers and shrubbery kept trim and maintained, so that the site remains in a constant state of being aesthetically and environmentally pleasing.

**Advisories:**

- 24. 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.
- 25. The owner/developer is responsible for ensuring easements which may exist on the subject property are accounted for, not encumbered and that no part of this development is violating the rights of the easement holder.
- 26. This conditional approval is not to be construed as all encompassing of the applicable rules, regulations, etc. which must be complied with for any development. Other regulations, such as building, environmental, health and so forth, may govern the specific development. The developer is the responsible party to ensure full compliance with all applicable Federal, State, and local regulations.
- 27. Because the subject property is located within the Airport Overlay District, the developer is strongly encouraged to discuss their development plans with Land Use Codes Section and/or the Fayetteville Regional Airport Director early in the planning stage to ensure that the proposed height of any proposed structure can be found to be no obstruction or hazard to air navigation.

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

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

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

|                                 |                 |                         |
|---------------------------------|-----------------|-------------------------|
| Subdivision/Site Plan/Plat      | Ed Byrne        | 678-7609                |
| Code Enforcement (Permits):     | Scott Walters   | 321-6654                |
| Ground Water Issues:            | Matt Rooney     | 678-7625                |
| Fayetteville Planning:          | Marsha Bryant   | 433-1416                |
| County Public Utilities:        | Amy Hall        | 678-7637                |
| Corp of Engineers (wetlands):   | Liz Hair        | (910) 251-4049          |
| NCDENR (E&S):                   | Leland Cottrell | 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 |

cc: Marsha Bryant, City of Fayetteville



**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 McDONALD MATERIALS INC
2. Address: 2611 MURCHISON RD, FAYETTEVILLE NC Zip Code 28301
3. Telephone: (Home) \_\_\_\_\_ (Work) 910 630 2200
4. Location of Property: NORTHEAST OF CLAUDE LEE ROAD, EAST OF  
INTERSTATE 95
5. Parcel Identification Number (PIN #) of subject property: 0434-60-6931  
(also known as Tax ID Number or Property Tax ID)
6. Acreage: 65.28 Frontage: 0 Depth: \_\_\_\_\_
7. Water Provider: N/A
8. Septage Provider: N/A
9. Deed Book 8929, Page(s) 0870, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
10. Existing use of property: TIMBER / VACANT
11. Proposed use(s) of the property: SAND PIT / BORROW SOURCE OPERATION

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

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

TO: (Select one)

- Conditional Zoning District, with an underlying zoning district of A-1  
(Article IV)
- \_\_\_\_\_ Mixed Use District/Conditional Zoning District (Article VI)
- \_\_\_\_\_ Planned Neighborhood District/Conditional Zoning District (Article VII)
- \_\_\_\_\_ Density Development/Conditional Zoning District, at the \_\_\_\_\_ Density  
(Article VIII)

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

APPLICATION FOR  
CONDITIONAL ZONING

1. PROPOSED USE(S):

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

SAND PIT / BORROW SOURCE OPERATION

- 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.

- 65.28 ACRES TOTAL FOR MINING AND AND BUFFERS
- APPROXIMATELY ONE-HALF OF THIS AREA TO BE DISTURBED

2. DIMENSIONAL REQUIREMENTS:

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

- 50 FOOT SETBACKS (BUFFER) FROM PROPERTY LINES
- 25 FOOT SETBACK (BUFFER) FROM POWER LINE BASEMENT

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

- NO PARKING OR LOADING SPACE

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.

- 3 FOOT BY 5 FOOT SIGN

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.**

THIS SITE IS IN A REMOTE LOCATION AND CANNOT BE SEEN FROM THE PUBLIC ROAD. THE EXISTING NATURAL VEGETATION WILL FURTHER SCREEN IT FROM PUBLIC VIEW.

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

50 FOOT BUFFER / SETBACK FROM PROPERTY LINES

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.

- NO PERMANENT PROCESSING OR WASH FACILITY.
- SITE WILL BE REGULATED BY NCDENR MINING PERMIT.
- ALL TRUCKS IN TRANSIT TO BE COVERED AS REQUIRED
- DUST TO BE CONTROLLED BY WATER SPRAY AS NECESSARY.
- HOURS OF OPERATION: MON - SAT, SUNRISE TO SUNSET

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.

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

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

McDONALD MATERIALS, INC  
NAME OF OWNERS (PRINT OR TYPE)

2611 MURKINSON Rd, FAYETTEVILLE NC 28301  
ADDRESS OF OWNER(S)

HOME TELEPHONE # \_\_\_\_\_ WORK TELEPHONE # 910 630 2200

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

ADDRESS OF AGENT, ATTORNEY, APPLICANT

HOME TELEPHONE # \_\_\_\_\_ WORK TELEPHONE # 910-670 2200

  
SIGNATURE OF OWNER(S)

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

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

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