

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

March 10, 2015

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

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

Benny Pearce,
Town of Eastover

MEMORANDUM

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

P15-16. REVISION AND AMENDMENT TO THE CUMBERLAND COUNTY ZONING ORDINANCE, BY AMENDING ARTICLE II INTERPRETATIONS, CALCULATIONS, AND DEFINITIONS, SECTION 203. DEFINITIONS OF SPECIFIC TERMS AND WORDS, INSERTING IN ALPHABETICAL ORDER THE TERM AND DEFINITION FOR “DISTILLERY, SMALL”; AMENDING ARTICLE IV PERMITTED, CONDITIONAL, AND SPECIAL USES, SECTION 403. USE MATRIX BY INSERTING IN ALPHABETICAL ORDER A NEW ROW ENTITLED “DISTILLERY, SMALL” IN THE LAND USE COLUMN AND ALLOWING THIS USE AS PERMITTED IN THE C(P) PLANNED COMMERCIAL ZONING DISTRICT COLUMN ON THIS SAME ROW AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE.

1st MOTION

The Planning and Inspections Staff recommends the board find that approval of the text amendment in Case No. P15-16 is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan* as it is an effort to promote the redevelopment of deteriorating commercial areas and reduce regulatory measures that hinder commercial development – stated goals of the plan.

The staff further recommends the board find that approval of the text amendment is reasonable and in the public interest because the growing microdistilling movement can be a vehicle for economic development.

2nd MOTION

The Planning and Inspections Staff recommends approval of Case No. P15-16 for a text amendment creating provisions for small distilleries in the County based on the following:

If approved, the proposed amendment would define and permit small craft distilleries in a less intensive district thus delineating them from major manufacturing distilleries that are only permitted in the M(P) Planned Heavy Industrial district.

Attachment:
P15-16 County Zoning Ordinance Text Amendment

P15-16
County Zoning Ordinance
Text Amendment
(Distillery)

P15-16. REVISION AND AMENDMENT TO THE CUMBERLAND COUNTY ZONING ORDINANCE, BY AMENDING ARTICLE II INTERPRETATIONS, CALCULATIONS, AND DEFINITIONS, SECTION 203. DEFINITIONS OF SPECIFIC TERMS AND WORDS, INSERTING IN ALPHABETICAL ORDER THE TERM AND DEFINITION FOR “DISTILLERY, SMALL”; AMENDING ARTICLE IV PERMITTED, CONDITIONAL, AND SPECIAL USES, SECTION 403. USE MATRIX BY INSERTING IN ALPHABETICAL ORDER A NEW ROW ENTITLED “DISTILLERY, SMALL” IN THE LAND USE COLUMN AND ALLOWING THIS USE AS PERMITTED IN THE C(P) PLANNED COMMERCIAL ZONING DISTRICT COLUMN ON THIS SAME ROW AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE.

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

Distillery, small: An independently owned distillery operating in a structure not exceeding 25,000 square feet in size that produces small batch, craft distilled spirits (not beer or wine) only for direct sale to the North Carolina Alcoholic Beverage Control Commission.

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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 March 17, 2015 Board Meeting

P15-17. REVISION AND AMENDMENT TO THE TOWN OF FALCON ZONING ORDINANCE, CREATING PROVISIONS REGULATING RECREATIONAL VEHICLE PARKS AND CAMPGROUNDS BY AMENDING ARTICLE III. PERMITTED PRINCIPAL USES AND STRUCTURES, SECTION 3.1. TABULATION OF PERMITTED USES, TABLE 1-A, PERMITTED AND SPECIAL USES RESIDENTIAL DISTRICTS – R-40A, AND TABLE 1-I, PERMITTED AND SPECIAL USES CD CONSERVANCY DISTRICT; AMENDING ARTICLE III. PERMITTED PRINCIPAL USES AND STRUCTURES, SECTION 3.1. TABULATION OF PERMITTED USES BY CREATING SECTION 3.45, RECREATION VEHICLE PARK AND/OR CAMPGROUND, INCLUDING SUB-SECTIONS (A) THROUGH (M); AND AMENDING ARTICLE X. DEFINITION OF TERMS, SECTION 10.2 DEFINITIONS OF SPECIFIC TERMS AND WORDS BY INSERTING DEFINITIONS FOR: ANCILLARY, CAMPGROUND/RV PARKS, RECREATIONAL VEHICLE, AND RECREATIONAL VEHICLE PARK; AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE. (FALCON)

1ST MOTION

The Planning and Inspections Staff recommends approval of Case No. P15-17 for a text amendment creating provisions for recreational vehicle parks and campgrounds within the Town of Falcon based on the following:

1. If approved, the proposed amendment would allow recreational vehicle parks and campgrounds as permitted uses within the town; and
2. The proposed provisions would ensure that the minimum standards would be met.

2ND MOTION

The Planning and Inspections Staff recommends the board find that approval of the text amendment in Case No. P15-17 is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan* as it is an effort to ensure that the Town of Falcon's zoning ordinance is updated and revised to be more consistent with county standards.

The staff further recommends the board find that approval of the text amendment is reasonable and in the public interest as the town is a destination for religious worship coupled with the close proximity to I-95 necessitates the need for campgrounds and RV parks.

Attachment:
P15-17 Falcon Zoning Ordinance Text Amendment

P15-17
FALCON ZONING ORDINANCE TEXT AMENDMENT
RV Parks and Campgrounds

P15-17. REVISION AND AMENDMENT TO THE TOWN OF FALCON ZONING ORDINANCE, CREATING PROVISIONS REGULATING RECREATIONAL VEHICLE PARKS AND CAMPGROUNDS BY AMENDING ARTICLE III. PERMITTED PRINCIPAL USES AND STRUCTURES, SECTION 3.1. TABULATION OF PERMITTED USES, TABLE 1-A, PERMITTED AND SPECIAL USES RESIDENTIAL DISTRICTS – R-40A, AND TABLE 1-I, PERMITTED AND SPECIAL USES CD CONSERVANCY DISTRICT; AMENDING ARTICLE III. PERMITTED PRINCIPAL USES AND STRUCTURES, SECTION 3.1. TABULATION OF PERMITTED USES BY CREATING SECTION 3.45, RECREATION VEHICLE PARK AND/OR CAMPGROUND, INCLUDING SUB-SECTIONS (A) THROUGH (M); AND AMENDING ARTICLE X. DEFINITION OF TERMS, SECTION 10.2 DEFINITIONS OF SPECIFIC TERMS AND WORDS BY INSERTING DEFINITIONS FOR: ANCILLARY, CAMPGROUND/RV PARKS, RECREATIONAL VEHICLE, AND RECREATIONAL VEHICLE PARK; AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE. (FALCON)

AMEND Article III. Permitted Principal Uses and Structures, Section 3.1. Tabulation of Permitted Uses, Table 1-A, Permitted and Special Uses Residential Districts – R-40A, Permitted Uses (X) by INSERTING in alphabetical order the land use “Recreation Vehicle Park and/or Campground” as indicated below:

PERMITTED USES (X)

- Accessory Uses, incidental to any permitted use (see Section 3.3)
- Agricultural or Rural Farm Use
- Children’s Home
- Dwelling-Multifamily
- Dwelling-Single-family
- Home Occupation, incidental
- Library
- Manufactured Home, Class A, individual, for residential occupancy
- Public Agency Owned and Operated Recreation, such as neighborhood center buildings, parks, museums, playgrounds and similar facilities
- Recreation Vehicle Park and/or Campground
- Religious Worship Activities
- Schools, public
- Swimming Pools, incidental to a principal use (see Section 3.3., subsection 3.34 as an incidental use in every zoning district)
- Telephone Exchange Operations
- Temporary Construction Building

AMEND Article III. Permitted Principal Uses and Structures, Section 3.1. Tabulation of Permitted Uses, Table 1-I, Permitted and Special Uses CD Conservancy District, Permitted Uses (X) by INSERTING in alphabetical order the land use "Recreation Vehicle Park and/or Campground" as indicated below:

PERMITTED USES (X)

Accessory Uses, incidental to any permitted use
Agricultural or Rural Farm Use
Fish Hatchery
Home Occupations, incidental
Nursery (Operations/Plant Husbandry/Greenhouses
Public/Community Utility Stations/Sub-stations
Recreation/Amusement Outdoor, conducted outside building for profit, not otherwise listed and not regulated by Section 3.44
Recreation Vehicle Park and/or Campground
Sawmill and/or Planing ~~Planning~~ Operation
Swimming Pools, incidental to a principal use (Section 3.34)

AMEND Article III. Permitted Principal Uses and Structures, Section 3.1. Tabulation of Permitted Uses, by CREATING a new Section 3.45, entitled: *Recreation Vehicle Park and/or Campground* with the contents to read as follows:

SECTION 3.45. RECREATION VEHICLE PARK AND/OR CAMPGROUND.

(a) Recreation vehicle parks/campgrounds shall be used only by travel trailers, pickup, coaches, motor homes, camping trailers, other vehicular accommodations and tents suitable for temporary habitation and used for travel, vacation and recreation purposes.

(b) The area of the park/campground shall be at least three acres. Each recreation vehicle/camp site, excluding sites used solely for tents, shall be a minimum of 1,200 square feet in area with a maximum of 20 sites per acre. Each site shall contain a stabilized vehicular parking pad of packed gravel, paving or other suitable material.

(c) All yard setback requirements shall be in accordance with the dimensional requirements of the zoning district in which the park or campground is located and no structure, recreational vehicle site or camping site shall be located within the required yard area.

(d) Individual recreation vehicle spaces within a recreation vehicle park/campground shall not directly access a public road. Access to all recreation

vehicle spaces and accessory structures within the park/campground shall be from internal streets with the entrance to the park directly accessing a public right-of-way. A driveway permit must be obtained from the North Carolina Department of Transportation for connection to any state maintained public street.

(e) The recreation vehicle park/campground shall not allow for permanent occupancy on the same site by the same occupant for any continuous period of time exceeding 90 days.

(f) Each park shall have at least one telephone available for public use. Management headquarters, manager's residence, recreational facilities, toilets, dumping stations, showers, coin-operated laundry facilities, stores and the uses and structures customarily incidental to operations of a recreation vehicle park/campground are permitted as accessory uses to the park, subject to the following restrictions:

(1) Such establishments (excluding recreational facilities) and the parking areas primarily related to their operations shall not occupy more than 10% of the gross area of the park/campground.

(2) The structures housing such facilities shall not be located closer than 100 feet to any public street and shall not be directly accessible from any public street but shall be accessible only from an internal drive within the park/campground.

(3) Such structures containing toilets, bathhouses and other plumbing fixtures shall comply with the requirements of the North Carolina Building Code.

(4) Each park shall be limited to a maximum of one manager's/ caretaker's residence.

(g) Adequate off-street parking and maneuvering space shall be provided on site. No public street, sidewalk or right-of-way or any other private grounds not a part of the recreational vehicle parking area shall be used to park or maneuver vehicles.

(h) Internal drives shall be constructed to a minimum of 18 feet in width if providing two way streets and 12 feet in width for one way streets and contain a minimum depth of six inches of stone gravel base with proper ditching, drainage, and seeding of slopes. Permanent dead-end streets shall have a cul-de-sac constructed 40 feet in diameter.

(i) Recreational vehicle parks and campgrounds shall be enclosed by a fence, wall, landscape screening, earthen mounds or by other measures from all contiguous residential areas in a manner that complements the landscape and assures compatibility with the adjacent environment, and complies with the buffering requirements for non-residential uses adjacent to residential districts.

(j) In addition to the requirements required to be shown on the site plan as required by the Article VI the site plan shall include the name and address of the applicant, the location and dimensions of each recreation vehicle/camping site, the location and use of all service and recreational facilities, all interior access ways, drives, and parking. All site plans subject to this section may also require approval from the County Health Department.

(k) Connection to the public water and public sewer for utility services is mandatory for each recreational vehicle and any structure constructed as an amenity or office for the park/campground. In the event, public sewer services are not available, the holding tank waste generated by the occupants of the recreational vehicle shall be disposed of in an appropriate manner such as deposited in an approved dump facility.

(l) When permitted, recreation vehicle parks/campgrounds within the CD Conservancy District shall be subject to the following requirements:

(1) No individual recreation vehicle/camping site shall have individual on-site septic systems.

(2) Each recreational vehicle must be equipped with a holding tank and each park/campground must have an approved dumping station or pump-out facilities on the premises.

(m) All Federal, State and other local regulations shall be complied with.

(n) The provisions contained within this section shall not apply to any recreational vehicle located on any Children's Home property provided the following standards are complied with:

(1) The recreational vehicle is located in such a manner so as to not impede the flow of traffic on any public street and does not block the view of motor vehicle operators when entering or exiting any public street.

(2) The recreational vehicle is not intended for use as a permanent living quarters rather only for the use as a means to afford rest and relaxation for employees and/or volunteers.

(4) The recreational vehicle is located so that all yard setbacks are observed.

(5) No ancillary items shall be located or stored outside the recreational vehicle.

(6) Sufficient area shall be provided so that motor vehicle parking is off-street and does not impede the flow of traffic on any public street.

(7) Connection to the public water and public sewer for utility services is mandatory.

AMEND Article X. Definition of Terms, Section 10.2 Definitions of Specific Terms and Words, by INSERTING the terms: Ancillary, Campground/RV Parks, Recreational Vehicle, and Recreational Vehicle Park in alphabetical order and with the definitions as indicated below:

Ancillary use: That which is commonly subordinate to or incidental to a principal or primary use – also see *Accessory building or use*.

Campground/RV parks: Land upon which shelters (such as tents, travel trailers and recreational vehicles) are erected or located for occupation by transients and/or vacationers. They may include such permanent structures and facilities as are normally associated with the operation of a campground.

Recreational vehicle: A vehicle which is built on a single chassis or capable of being placed in or on a vehicle; designed to be self-propelled or towable by a light duty truck; and designed primarily for use as temporary living quarters for recreational, camping, travel or seasonal use. The basic entities are travel trailer, camping trailer, truck camper, and motor home.

Recreational vehicle park: See “Campground/RV park” within this section.

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Benny Pearce,
Town of Eastover

March 10, 2015

MEMORANDUM

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

P15-15. REZONING OF 1.74+/- ACRES FROM A1 AGRICULTURAL TO R40A RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 7209 BUTLER NURSERY ROAD, SUBMITTED BY JENNIFER C. MELTON (OWNER).

1st MOTION

The Planning and Inspections Staff recommends the board find that approval of the request for rezoning in Case No. P15-15 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 one or less units per acre. The request is also consistent with the draft South Central Land Use Plan which calls for “farmland” 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: *individual well and septic systems are allowed; could be located in any defined critical area as defined by the Fort Bragg Small Study Area; desirable to be limited to 1 unit per acre in areas with hydric soils and severe septic tank limitations; desirable to not be located in an area that is a prime industrial site and may be outside the Sewer Service Area.*

2nd MOTION

The Planning and Inspections Staff recommends the board approve Case No. P15-15 for the R40A Residential district based on the above information and the following:

- The R40A Residential district will allow for land uses and lot sizes that exist in the general area.

The A1A district could also be considered suitable at this location.

Attachments:

- 1 – Site Profile
- 2 – Sketch Map

P15-15
SITE PROFILE

P15-15. REZONING OF 1.74+/- ACRES FROM A1 AGRICULTURAL TO R40A RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 7209 BUTLER NURSERY ROAD, SUBMITTED BY JENNIFER C. MELTON (OWNER).

Site Information:

Frontage & Location: 444.20'+/- on SR 2233 (Butler Nursery Road)

Depth: 275.77'+/-

Jurisdiction: Cumberland County

Adjacent Property: No

Current Use: 1 residential structure

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

Nonconformities: None

Zoning Violation(s): None

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

Surrounding Land Use: Residential (including manufactured dwellings), substation, manufactured home park, airport, farmland & woodlands

2030 Growth Strategy Map: Rural

Proposed South Central Land Use Plan: Farmland

Special Flood Hazard Area (SFHA): None

Water/Sewer Availability: Well/Septic

Soil Limitations: None

School Capacity/Enrolled: Gray's Creek Elementary: 495/430; Gray's Creek Middle: 1,100/1,050; Gray's Creek High: 1,270/1,322

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

Watershed: Yes

Average Daily Traffic Count (2012): 680 on SR 2233 (Butler Nursery Road)

Highway Plan: Butler Nursery Road is a local road. There are no road improvements/constructions specified for this area. This case has no impact on the current Highway Plan or Transportation Improvement Program

Notes:

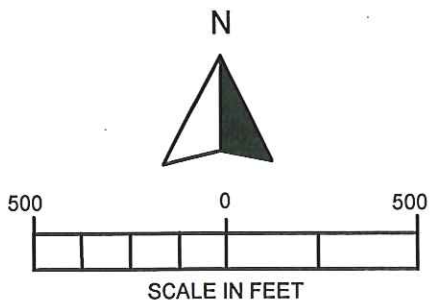
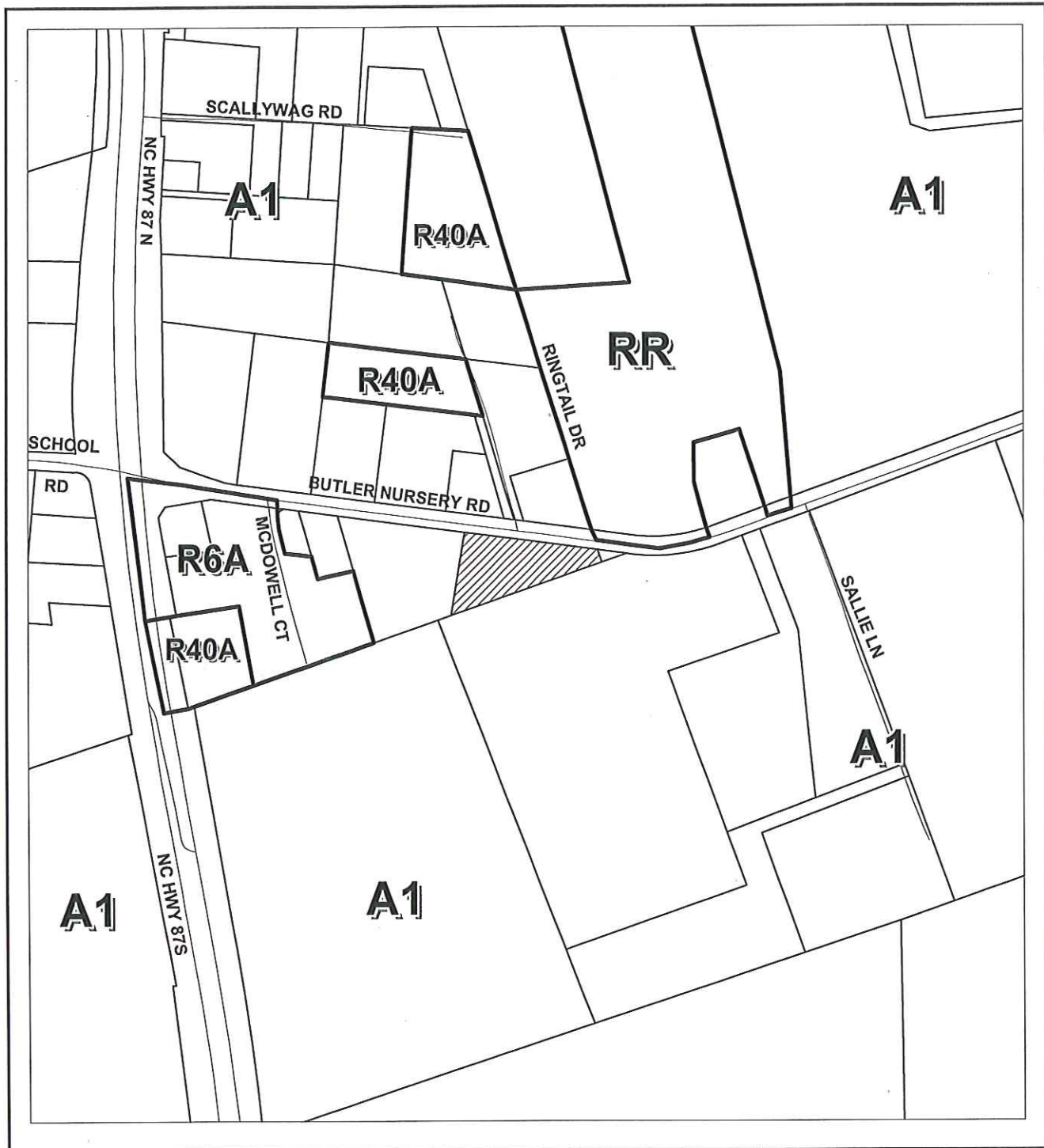
1. Density:
A1 – 1 lot/unit
A1A – 2 lots/units
R40 – 2 lots/units

2. Minimum Yard Setback Regulations:

<u>A1 & A1A</u>	<u>R40A</u>
Front yard: 50'	Front yard: 30'
Side yard: 20'	Side yard: 15'
Rear yard: 50'	Rear yard: 35'

First Class and Record Owners' Mailed Notice Certification

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



REQUESTED REZONING A1 TO R40A

ACREAGE: 1.74 AC.+/-		HEARING NO: P15-15	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

PIN: 0441-63-6906

Patricia Hall,
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Cumberland County

Benny Pearce,
Town of Eastover

MEMORANDUM

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

P14-61. REZONING OF 21.85+/- ACRES FROM RR RURAL RESIDENTIAL TO R30 RESIDENTIAL/DD DENSITY DEVELOPMENT/CZ CONDITIONAL ZONING FOR A 25 LOT RESIDENTIAL SUBDIVISION OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED SOUTH OF SR 1828 (JAMES DAIL ROAD), EAST SIDE OF SR 1831 (BAYWOOD ROAD); SUBMITTED BY FRANCES TART (OWNER) AND CHRIS MANNING. (EASTOVER)

1st MOTION

The Planning and Inspections Staff recommends the board approve Case No. P14-61 for the R30 Residential/DD Density Development/CZ Conditional Zoning district for a 25 lot residential subdivision based on the following:

- The proposed development plan along with the Ordinance Related Conditions, provides a means of protecting and retaining the rural viewshed of the area by providing the 40 foot wide roadside buffer, a 20 foot wide perimeter buffer and ensuring the permanent retention of 40 percent of the tract as open space.

2nd MOTION

In addition to the above information, the Planning and Inspections Staff recommends the board find that approval of the request for rezoning in Case No. P14-61 is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for "community growth area" at this location because the district requested will allow for single family dwelling units on relatively large lots in a suburban area. Although the requested district is not entirely consistent with the Eastover Area Detailed Land Use Plan, which calls for "one acre residential lots" at this location, the request for R30 Residential is logical as the property is currently zoned RR Rural Residential which would allow for 20,000 sq. ft. lots and a wide variety of land uses that are not allowed in R30 .

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 meets or exceeds the location criteria of the adopted Land Use Policies Plan, in that: *septic systems allowed based on soil type, lot size, and distance from sewer; must have direct access to a public street*, Baywood Road is a public street and the subject property is *not located in any defined critical area as defined by the Fort Bragg Small Study Area*.

Generally, there are no other districts 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

P14-61
SITE PROFILE

P14-61. REZONING OF 21.85+/- ACRES FROM RR RURAL RESIDENTIAL TO R30 RESIDENTIAL/DD DENSITY DEVELOPMENT/CZ CONDITIONAL ZONING FOR A 25 LOT RESIDENTIAL SUBDIVISION OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED SOUTH OF SR 1828 (JAMES DAIL ROAD), EAST SIDE OF SR 1831 (BAYWOOD ROAD); SUBMITTED BY FRANCES TART (OWNER) AND CHRIS MANNING. (EASTOVER)

Site Information:

Frontage & Location: 422.92'+/- on SR 1831 (Baywood Road), 98.80'+/- on SR 1828 (James Dail Road) & 1,081.70'+/- on SR 1830 (Draughon Road)

Depth: 1,360.00'+/-

Jurisdiction: Eastover

Adjacent Property: No

Current Use: Vacant woodlands

Initial Zoning: RR – August 23, 1994 (Area 19); initially zoned to RR December 4, 2007 (Town of Eastover incorporated October 1, 2007)

Nonconformities: None

Zoning Violation(s): None

Surrounding Zoning: North: RR & A1; South: R40, RR, R6A & A1; East: RR; West: A1 (all referenced districts are in Eastover)

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

2030 Growth Strategy Map: Community Growth Area

Eastover Land Use Plan: One acre residential lots

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

Water/Sewer Availability: ESD/ Septic

Soil Limitations: Yes, hydric – JT Johnston loam & LY Lynchburg sandy loam

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

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

Average Daily Traffic Count (2012): 1,700 on SR 1831 (Baywood Road), 2,400 on SR 1828 (James Dail Road) & 580 on SR 1830 (Draughon Road)

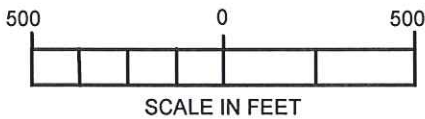
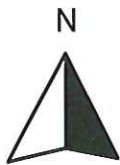
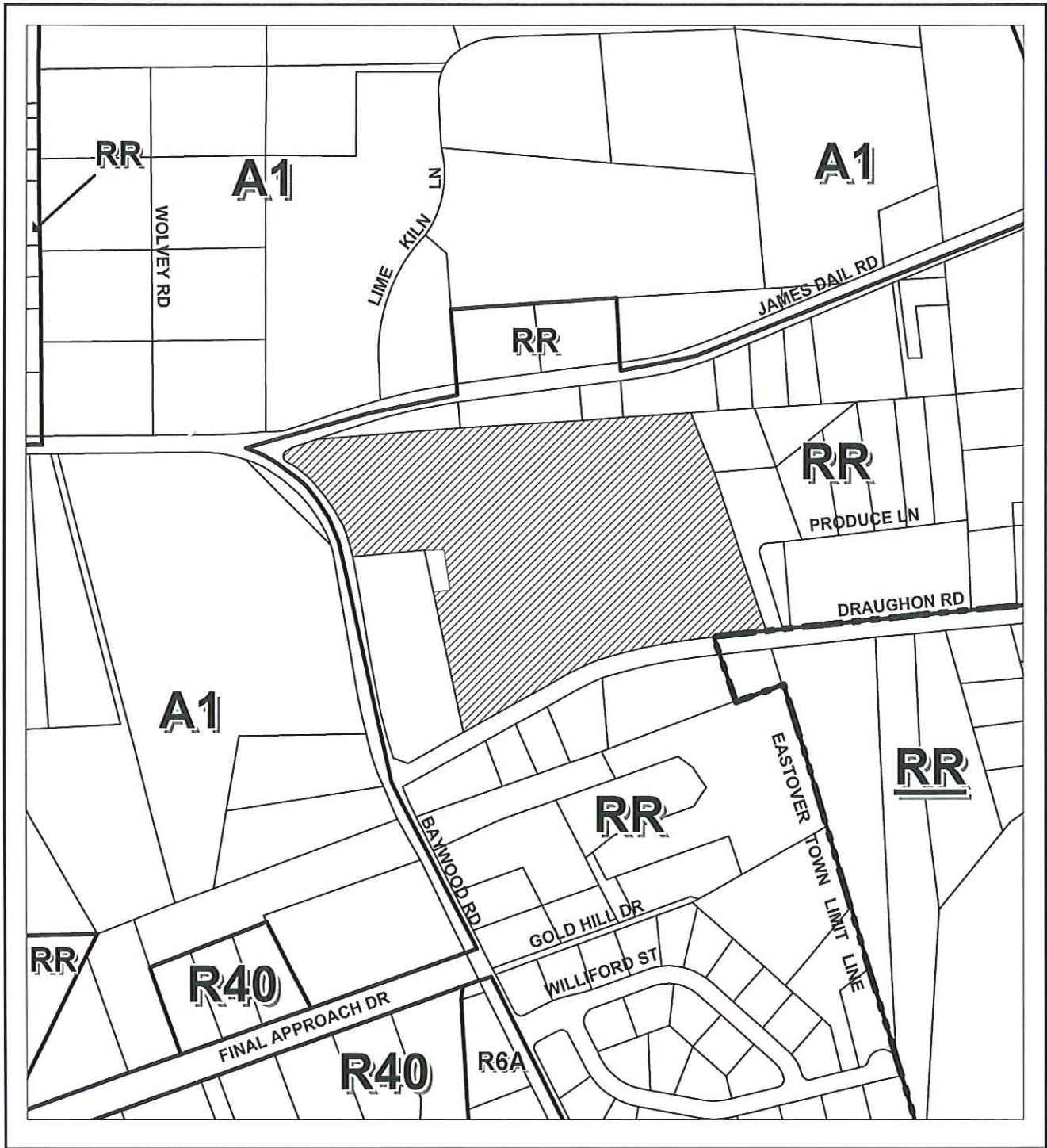
Highway Plan: James Dail Road & Baywood Road are minor collectors. There are no road improvements /constructions specified for this area. This case has no impact on the current Highway Plan or Transportation Improvement Program

Notes:

1. Density (minus 15% acres for R/W):
RR – 48 lots/units (41 lots/units)
R30 – 32 lots/units (27 lots/units)
2. Minimum Yard Setbacks:
RR & R30
Front yard: 30'
Side yard: 15'
Rear yard: 35'
3. Contents of Application and Site Plan:
 1. Typical lot size is 20,000 sq. ft. (smallest lot = 15,066 sq. ft. / largest lot = 48,699 sq. ft.)
 2. Requesting maximum 25 lots
 3. Site Plan provides 40.50% as open space where 40% 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.



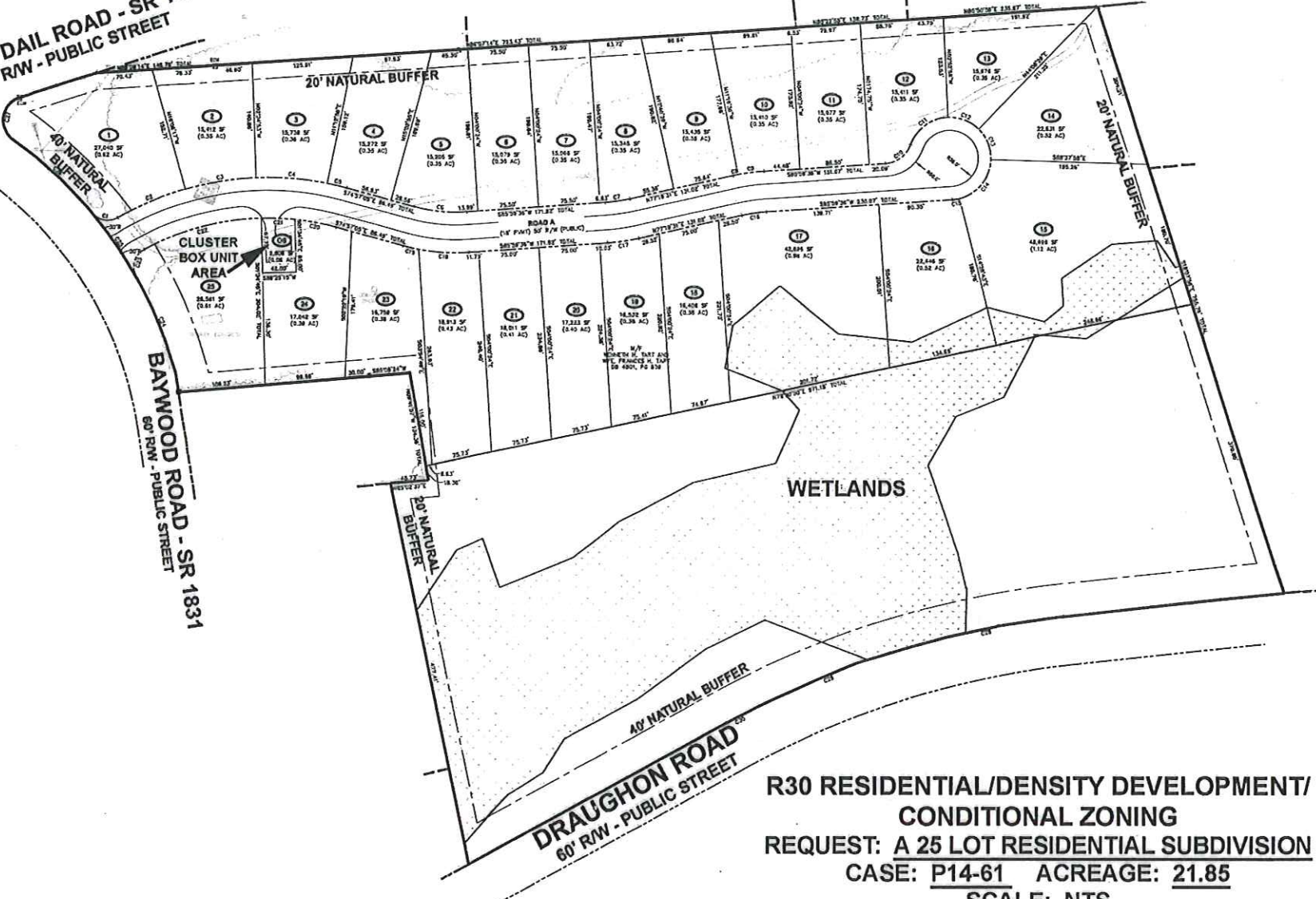
PORT. OF PIN: 0478-18-0589

REQUESTED REZONING RR TO R30/DD/CZ

ACREAGE: 21.85 AC.+/-		HEARING NO: P14-61	
ORDINANCE: EASTOVER	HEARING DATE	ACTION	
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

3/10/15
AM

JAMES DAIL ROAD - SR 1828
60' R/W - PUBLIC STREET



BAYWOOD ROAD - SR 1831
60' R/W - PUBLIC STREET

DRAUGHON ROAD
60' R/W - PUBLIC STREET

**R30 RESIDENTIAL/DENSITY DEVELOPMENT/
CONDITIONAL ZONING**
REQUEST: A 25 LOT RESIDENTIAL SUBDIVISION
CASE: P14-61 ACREAGE: 21.85
SCALE: NTS

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

R30 RESIDENTIAL/DD DENSITY DEVELOPMENT/CZ CONDITIONAL ZONING DISTRICT

(25 Lot Residential Subdivision w/ 40.5% Open Space)

DRAFT

Ordinance Related Conditions

Permit-Related:

1. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the County Zoning Ordinance and permits required to place any structure within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. For additional information, the developer should contact a Code Enforcement Officer.
2. The County Health Department must approve sewer plans prior to application for any permits. Site and soil evaluations must be conducted on the property by the County Environmental Health Department prior to application for permits. A copy of the Health Department approval must be provided to Code Enforcement at the time of application for any building/zoning permits. (Note: All Health Department requirements must be met prior to issuance of final permits.) (Section 2306 A, Water and Sewer, County Subdivision and Development Ordinance)
3. Connection to public water is required, the Eastover Sanitary District (ESD) must approve water plans prior to application for any permits. A copy of the ESD approval must be provided to Code Enforcement at the time of application for building/zoning permits. (Section 2306 A.1, Public Water and Sewer Systems, County Subdivision and Development Ordinance)
4. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
5. New development where the developer will disturb or intends to disturb more than one acre of land is subject to the Post-Construction Stormwater Management Permitting Program (Phase II Stormwater Management Requirements) administered by the Division of Water Quality, North Carolina Department of Environment and Natural Resources. If one acre or more of land is to be disturbed, prior to the issuance of any building/zoning permits for this site, a copy of the State's *Post-Construction Permit* must be provided to County Code Enforcement.
6. For any new development where the developer disturbs or intends to disturb more than one acre of land, the developer must provide the Code Enforcement Section with an approved NC Department of Environment and Natural Resources (NCDENR) sedimentation and erosion control plan (S&E) prior to any application for permits. (Note: If any retention/detention basins are required for state approval of this plan, then three copies of a revised plan must be submitted and approved by Planning & Inspections prior to application for any building/zoning permits.) A copy of the NCDENR approval must be provided to Code Enforcement at the time of application for any building/zoning permits.
7. The building final inspection cannot be accomplished until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans.
8. A review of the data available to the Army Corp of Engineers indicates that jurisdictional waters are likely to be present on this property and therefore are likely to be impacted by the proposed project. However, without an official Jurisdictional Determination at the property, these findings cannot be confirmed.

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

9. The developer must formally notify the Town of Eastover once construction of the public street is complete and initiate the process of transferring the responsibility of road maintenance to the town. If application to the Town of Eastover 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 Town Manager notifies this department of the receipt of the application.

Site-Related:

10. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Development Ordinance and Zoning Ordinances for the R30/DD/CZ zoning district for a 25 lot residential subdivision, including the contents of the application and site plan, must be complied with, as applicable. Manufactured homes are not a permitted use within this development.
11. The common area (open space) will be protected and maintained in its current state – no development is to occur on any area designated “open space” on the approved plan.
12. All corner lots and lots fronting more than one street must provide front yard setbacks from each street.
13. This conditional approval is not approval of 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. (Note: This conditional approval is not approval of the size, shape, or location of any signs.)
14. All applicable provisions of Section 2401, “Group Developments”, County Subdivision and Development Ordinance, must be complied with.
15. 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.
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. The Town of Eastover must approve the street plans and the street(s) are required to be constructed to the NCDOT standards for secondary roads.
21. Turn lanes may be required by the NC Department of Transportation (NCDOT).
22. All lots within this development are required to be served by the internal street system.
23. The perimeter buffer, 40 feet in width along the right-of-way and 20 foot wide around the remainder of the development, must be provided and maintained in accordance with Section 803.E of the County Zoning Ordinance. The application indicates the developer’s intention of using the existing natural vegetation; however, in order to obtain opacity within three years, additional plantings may be required. Any new plantings are required to be three feet in height at time of planting, to reach a height of six feet within three years. A berm or combination berm and plantings may also be used provided an initial height of three feet is achieved with a total height of six feet within three years.
24. All notes and calculations as shown on the site plan and contained in the application are to be considered as a part of this density development approval.

Plat-Related:

25. All open space/recreation/common area must be labeled as “Common Area” on the final plat.

26. Prior to submission for final plat approval, fire hydrants must be installed along all proposed streets and drives; hydrants must be located no further than 1,000 feet apart and at a maximum of 500 feet from any lot. (Section 2306 B, Fire hydrants, County Subdivision Ordinance – *also see Condition No. 42.*
27. The final plat must be labeled “Zero Lot Line” development.
28. 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, to include but not limited to the common area and perimeter buffer, 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 Town Attorney prior to the sale of or submission for final plat approval of any lot or unit within this development.

29. The street name signs, in compliance with the County Street Sign Specifications, must be installed prior to final plat approval. The developer should contact Location Services for inquiries regarding the County’s policy for street sign installation or, if the sign is commissioned from a private source, to schedule an inspection of the street sign(s). Land Use Codes must receive notice of agreement with the Location Services Section for sign installation or of satisfactory inspection prior to the approval of the final plat.
30. Because this development is a “density development” all common area (open space and perimeter buffer) must be recorded on one initial final plat or if phasing the development, the common area must be recorded incrementally, ensuring that the 40% required open space is held to.
31. In the event the existing and/or planted perimeter buffer is not in place immediately adjacent to lots submitted for final approval, a guarantee, such as a letter of credit, performance bond or other surety, equal to 1.25 times the tax assessed raw land value of the area within the development plus 100% of the amount of any plantings proposed (cost estimate for plantings sealed by a private engineer) must be submitted for review and approval by the Town Attorney prior to submission of that particular phase of the development.
32. “Draughon Road” must be labeled as “SR 1830 (Draughon Road)” on the final plat.
33. The final plat must reflect only approved street names for this development – contact Location Services for street name approval process.
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 the internal street system and a “no access” easement must be reflected on the final plat along SR 1831 (Baywood Road) on Lots 1 and 2 and the common areas (open space).
37. A 10’ x 70’ sight distance easement is required at the intersection of SR 1831 (Baywood Road) with the proposed street 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 developer's engineer must submit to the Town Manager a sealed document certifying that the streets have been constructed to the NC Department of Transportation (NCDOT) standards for secondary roads.
41. 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)
42. 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.)
43. 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:

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

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

45. 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.”

46. Because the streets in this development have been approved as “public” streets and the streets do not yet qualify for acceptance by the Town of Eastover for addition to the town's 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 Town of Eastover as of the date of this recording. Until such time that the streets are accepted and formally added to the town system, maintenance and liability of the streets are the responsibility of the developer and any future lot owner(s).”

Other Relevant Conditions

47. 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.
48. 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.
49. 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.

50. 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 Town of Eastover street system 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 Town of Eastover's acceptance.
51. The owner/developer be aware that every deed created for a lot being served by an on-site sewer system must contain the following disclosure when filed with the County Register of Deeds:

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

Thank you creating building lots in the Town of Eastover!

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

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

Improvements Inspections:	Jeff Barnhill	678-7765
Subdivision/Site Plan/Plat	Ed Byrne	678-7609
Code Enforcement (Permits):	Cecil Combs	321-6654
County Building Inspections:	Gary Faulkner	321-6648
County Engineer's Office:	Wayne Dudley	678-7636
County Health Department:	Daniel Ortiz	433-3680
Eastover Sanitary District:	Connie Spell	229-3716
Town of Eastover:	Matt Rooney (Staff Rep)	678-7625
Town of Eastover	Jane Faircloth (Town Clerk)	323-0707
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
Street Naming/Signs:	Diane Shelton	678-7665
Tax Parcel Numbers:		678-7549
NCDOT (driveways/curb-cuts):	Gary Burton	486-1496
NCDOT (subdivision roads):	David Plummer	486-1496
N.C. Division of Water Quality:	Mike Randall	(919) 733-5083 ext. 545
United States Postal Service	Laricia McIver	(704) 393-4466

cc: Kim Nazarchyk, Town of Eastover
 Connie Spell, Eastover Sanitary District

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 Chris Manning
5511 Ramsey St, Suite 100
2. Address: Fayetteville, NC Zip Code 28311
3. Telephone: (Home) 910-527-2007 (Work) 910-401-5504
4. Location of Property: east side of Baywood Road, north side of Draughon Rd
5. Parcel Identification Number (PIN #) of subject property: 047-18-0589
(also known as Tax ID Number or Property Tax ID) 8
6. Acreage: 22.4 21.85 Frontage: 545 ft Depth: 1,250 ft
7. Water Provider: ESD Septage Provider: Individual septic system
8. Deed Book 4801, Page(s) 839, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
9. Existing use of property: Undeveloped
10. Proposed use(s) of the property: Single family residential

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: RR
TO: (Select one)

- Conditional Zoning District, with an underlying zoning district of R15 zero lot line
(Article V)
 Mixed Use District/Conditional Zoning District (Article VI)
 Planned Neighborhood District/Conditional Zoning District (Article VII)
X Density Development/Conditional Zoning District, at the _____ Density
(Article VIII) R30

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.)

R-30 density

development - single family residential
subdivision

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

100% residential, 25 total lots

2. DIMENSIONAL REQUIREMENTS:

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

R30

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

No additional off-street parking proposed. All parking will be within the lots.

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.

Any project sign will conform to the zoning 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. 1102N). **NOTE: All required landscaping must be included on the site plan.**

N/A - single family use

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

See site plan.

5. MISCELLANEOUS:

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

N/A

6. SITE PLAN REQUIREMENTS:

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

7. STATEMENT OF ACKNOWLEDGMENT:

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

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

I further understand I must voluntarily agree to all ordinance related conditions prior to the first hearing on the case or any disagreement may be cause for an unfavorable recommendation. The undersigned hereby acknowledge that the Planning and Inspections Staff has conferred with the petitioner or assigns, and the application as submitted is accurate and correct.

✓ Frances Tart
NAME OF OWNER(S) (PRINT OR TYPE)

300 Andrews Road, Fayetteville, NC 28311
ADDRESS OF OWNER(S)

Ktartjr@gmail.com
E-MAIL

910-488-1208 HOME TELEPHONE 910-517-3712 WORK TELEPHONE

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

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

5511 Ramsey Street, Suite 100, Fayetteville, NC 28311
ADDRESS OF AGENT, ATTORNEY, APPLICANT

910-527-2007 HOME TELEPHONE 910-401-5504 WORK TELEPHONE

manningrealtyllc@gmail.com E-MAIL ADDRESS [Blank] FAX NUMBER

[Signature] SIGNATURE OF AGENT, ATTORNEY, OR APPLICANT

Patricia Hall,
Chair
Town of Hope Mills

Charles C. Morris,
Vice-Chair
Town of Linden

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

Donovan McLaurin
Wade, Falcon & Godwin



CUMBERLAND
★ **COUNTY** ★
NORTH CAROLINA

Planning & Inspections Department

March 10, 2015

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

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

Benny Pearce,
Town of Eastover

MEMORANDUM

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

P15-05. REZONING OF 1.88+/- ACRES FROM R6A RESIDENTIAL TO C2(P) PLANNED SERVICE AND RETAIL/CZ CONDITIONAL ZONING FOR RETAILING, OFFICE AND TRADE CONTRACTOR OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE SOUTHWEST SIDE OF SR 1126 (BROOKLYN CIRCLE), NORTHEAST OF LADY LANE ROAD; SUBMITTED BY THOMAS D. HORNE AND TIMOTHY SEALY ON BEHALF OF DIRECTIONAL SERVICES INC. (OWNER) AND GREG BAGLEY.

On February 22, 2015 the property owner/applicant amended the original application and is now requesting your consideration of a favorable recommendation for a C2(P) Planned Service and Retail/CZ Conditional Zoning district for trade contracting with open storage.

1st MOTION

The Planning and Inspections Staff recommends the board find that approval of the request for rezoning in Case No. P15-05 is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for “urban fringe” at this location as approval would be consistent with the zoning for adjacent property under the same ownership. The request is consistent with the Southwest Cumberland Land Use Plan which calls for “heavy commercial” at this location.

The staff also recommends the board approve this rezoning request as it is reasonable and in the public interest because the district requested for the subject property meets most of the location criteria of the adopted Land Use Policies Plan, in that: *public water and sewer required*, the criteria not met is public sewer which is not available; *should serve as a transition between heavy commercial, office & institutional or residential development*, this request would serve as a transition as heavy commercial already exists adjacent and at the intersection of Brooklyn Circle and US HWY 301 S and *should provide convenient goods and services to the immediate surrounding neighborhood*.

2nd MOTION

In addition to the above information, the Planning and Inspections Staff recommends the board approve Case No. P15-05 for the C2(P) Planned Service and Retail/CZ Conditional Zoning district for trade contracting with open storage based on the following:

- The location and character of the requested district will be in harmony with 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 (only used if Board considers approval) 5 – Application

P15-05
SITE PROFILE

P15-05. REZONING OF 1.88+/- ACRES FROM R6A RESIDENTIAL TO C2(P) PLANNED SERVICE AND RETAIL/CZ CONDITIONAL ZONING FOR RETAILING, OFFICE AND TRADE CONTRACTOR OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE SOUTHWEST SIDE OF SR 1126 (BROOKLYN CIRCLE), NORTHEAST OF LADY LANE ROAD; SUBMITTED BY THOMAS D. HORNE AND TIMOTHY SEALY ON BEHALF OF DIRECTIONAL SERVICES INC. (OWNER) AND GREG BAGLEY.

Site Information:

Frontage & Location: 160.84'+/- on SR 1126 (Brooklyn Circle)

Depth: 605.48'+/-

Jurisdiction: Cumberland County

Adjacent Property: Yes, south of subject properties

Current Use: woodlands

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

Nonconformities: None

Zoning Violation(s): None

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

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

2030 Land Use Plan: Urban fringe

Southwest Cumberland Land Use Plan: Heavy commercial

Special Flood Hazard Area (SFHA): None

Water/Sewer Availability: PWC/Septic

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

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

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

Municipal Influence Area: Town of Hope Mills

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

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

Notes:

1. Density (minus 15% for ROW) :
R6A – 19 lots/units (16 lots/units)
Manufactured Home Park (15 mh spaces)

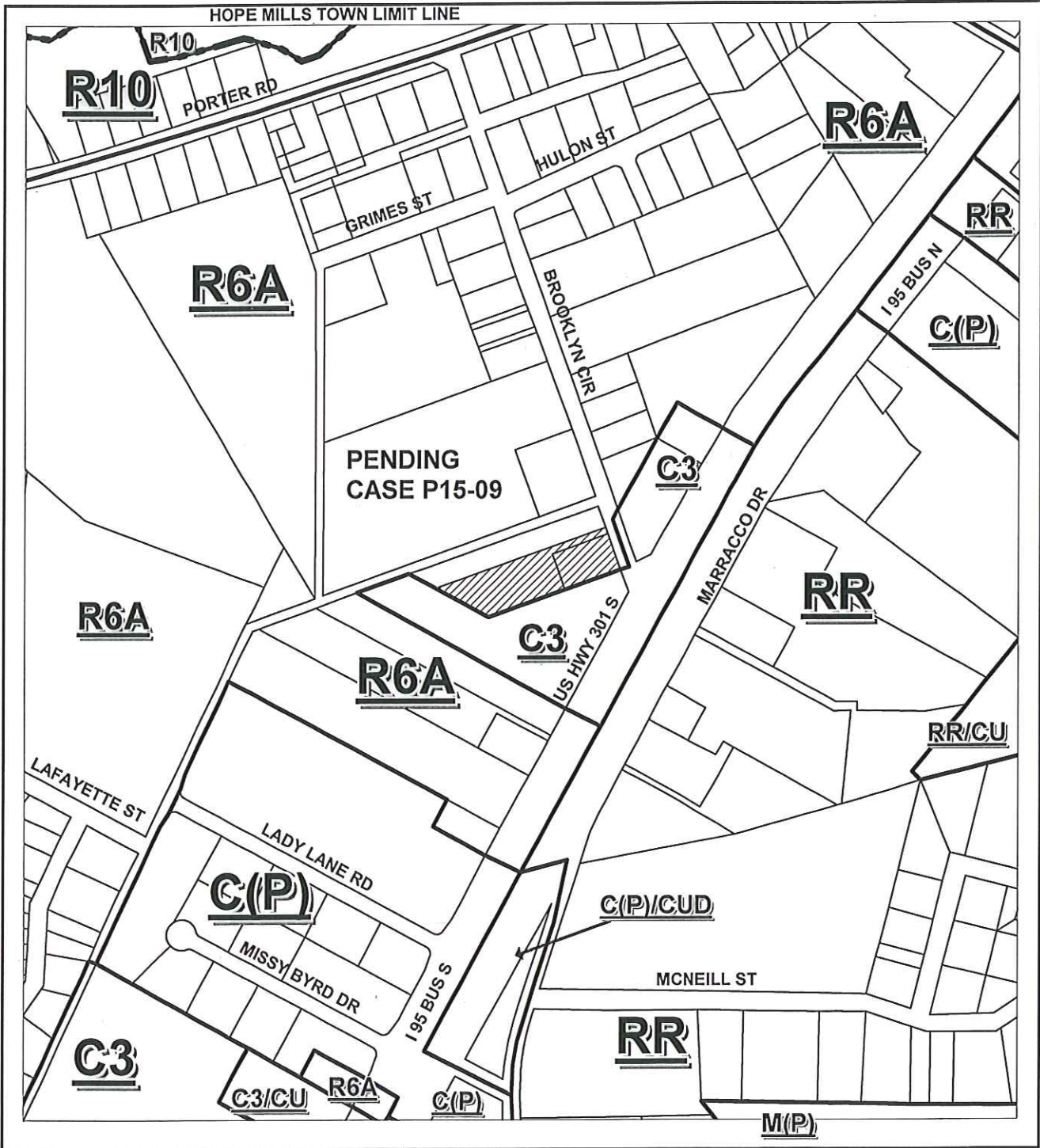
2. Minimum Yard Setback Regulations:

<u>R6A</u>	<u>C2(P)</u>
Front yard: 25'	Front yard: 50'
Side yard: 10'	Side yard: 30'
Rear yard: 15'	Rear yard: 30'

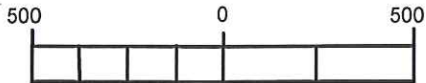
First Class and Record Owners' Mailed Notice Certification

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

HOPE MILLS TOWN LIMIT LINE



N



SCALE IN FEET

PIN: 0423-28-1568,4605

REQUESTED REZONING R6A TO C2(P)/CZ

ACREAGE: 1.88 AC.+/-

HEARING NO: P15-05

ORDINANCE: COUNTY

HEARING DATE

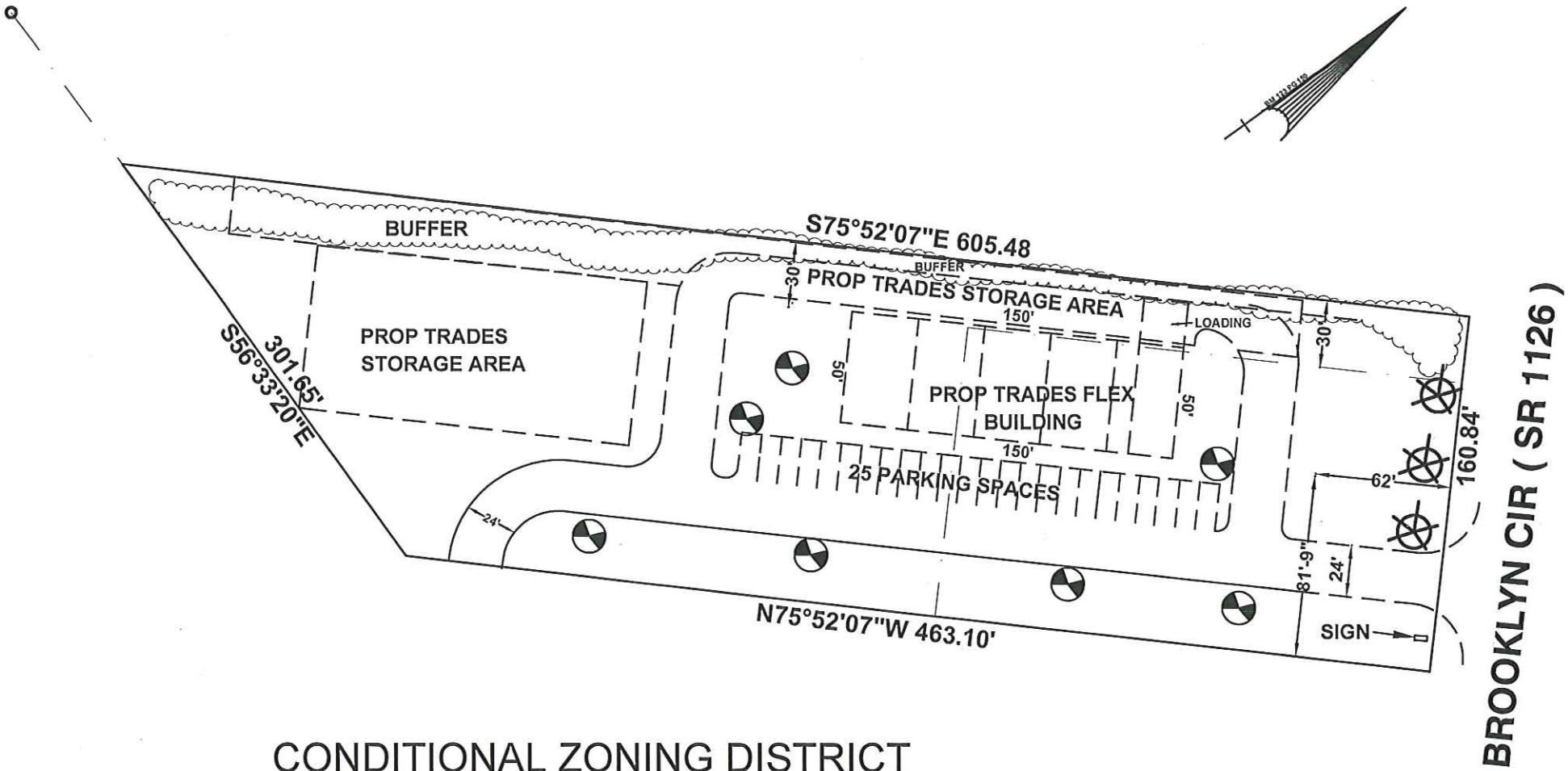
ACTION

STAFF RECOMMENDATION

PLANNING BOARD

GOVERNING BOARD

AM






CONDITIONAL ZONING DISTRICT
REQUEST: TRADE CONTRACTOR AND OPEN STORAGE

CASE: P15-05 ACREAGE: 1.88 AC +/-

SCALE: NTS PARKING: 25 SPACES

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

-  3 LARGE SHADE TREE
-  7 ORNAMENTAL TREE
-  0 BUSH

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

DRAFT

Ordinance Related Conditions
for
Trade Contractor with Open Storage

Pre- Permit Related:

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

Permit-Related:

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

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

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

- a. Three large shade trees or six small ornamental trees within the front yard setback area along SR1126 (Brooklyn Circle);
- b. One ornamental trees and ten shrubs are required in the building yard area; and
- c. Three large shade trees or six small ornamental trees are required within the parking area.

In addition:

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

Site-Related:

11. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Development Ordinance and Zoning Ordinances for a trade contractor in the C2(P) zoning district and as shown on the site plan and/or included in the application must be complied with, as applicable.
12. This conditional approval is not approval of the permit for the freestanding sign. Attached signage for this development must be in accordance with the applicable sign regulations as set forth in Article XIII of the County Zoning Ordinance and that the proper permit(s) must be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is not approval of the size, shape, or location of any signs.)
13. 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)
14. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision and Development Ordinance)
15. 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.
16. 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.
17. Turn lanes may be required by the NC Department of Transportation (NCDOT).
18. 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.
19. A solid buffer must be provided and maintained along the northern property lines where this tract/site abuts residentially zoned properties and the open storage must be screened from view from the public street in accordance with the provisions of Section 1102 G, Buffer Requirements, County Zoning Ordinance. (Note: Chain link fencing cannot be used to satisfy the buffer requirement.)
20. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.
21. All required off-street parking spaces is required to be a minimum of 9' x 20'; a minimum of one space for each vehicle used in the conduct of the trade, plus two additional spaces for each three employees on the largest shift is required for this development.

Plat-Related:

22. "Brooklyn Circle" must be labeled as "SR 1126 (Brooklyn Circle)" on the recombination plat.

23. Any/All easements must be reflected on the recombination plat and labeled as to type of easement, reference number for document creating the easement, and the name of the agency, individual, etc. who holds the easement.
24. The notarized signature(s) of all current tax record owner(s) and notary certifications appear on the recombination plat when submitted for approval for recordation. (Section 2503 D, Certificate of Ownership and Dedication, County Subdivision and Development Ordinance)

Plat-Required Statements:

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

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

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

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

Other Relevant Conditions:

27. The applicant is advised to consult an expert on wetlands before proceeding with any development.
28. All notes and calculations as shown on the site plan are to be considered as a part of this conditional approval.
29. The subject property is located within the Town of Hope Mills Municipal Influence Area (MIA) and the town has tree preservation standards in their ordinances. The developer is encouraged to retain as many of the existing trees as possibly on this site.
30. The owner/developer is responsible for ensuring easements which may exist on the subject property are accounted for, not encumbered and that no part of this development is violating the rights of the easement holder.

Thank you for choosing Cumberland County for your business location!

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

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

Improvements Inspections:	Jeff Barnhill	678-7765
Subdivision/Site Plan/Plat	Ed Byrne	678-7609
Code Enforcement (Permits):	Ken Sykes	321-6654
County Building Inspections:	Gary Faulkner	321-6648
Fire Marshal – Emergency Services	Rodney Ward	321-6625
County Health Department:	Daniel Ortiz	433-3680
Ground Water Issues:	Matt Rooney	678-7625
PWC:	Heidi Maly	223-4737
Town of Hope Mills:		424-4555*
Town Clerk:	Melissa P. Adams	
County Public Utilities:	Amy Hall	678-7637
Corp of Engineers (wetlands):	Emily Greer	(910) 251-4049
NCDENR (E&S):	Brad Cole	433-3300
Location Services:		
Site-Specific Address:	Ron Gonzales	678-7616
Tax Parcel Numbers:		678-7549
NCDOT (driveways/curb-cuts):	Gary Burton	486-1496

N.C. Division of Water Quality:
United States Postal Service

Mike Randall
Terry Carr

(919) 733-5083 ext. 545
(704) 393-4466

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

cc: Mike Bailey, Town of Hope Mills

TO THE CUMBERLAND COUNTY JOINT PLANNING BOARD AND THE BOARD OF COUNTY COMMISSIONERS OF CUMBERLAND COUNTY, NC:

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

- 1. Applicant/Agent C. Gregory Bagley
- 2. Address: 805 COKESBURY ROAD Zip Code 27526
- 3. Telephone: (Home) _____ (Work) 919-609-0300
- 4. Location of Property: SW BROOKLYN Circle NW II-95
0423-28-156B
- 5. Parcel Identification Number (PIN #) of subject property: 0423-28-4605
(also known as Tax ID Number or Property Tax ID)
- 6. Acreage: 1.88± Frontage: 160' Depth: 605'
- 7. Water Provider: PWC Septage Provider: Septic Field
- 8. Deed Book 9367, Page(s) 382, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
- 9. Existing use of property: VACANT
- 10. Proposed use(s) of the property: Trade Contracting with
Storage

NOTE: Be specific and list all intended uses.

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

TO: (Select one)

- Conditional Zoning District, with an underlying zoning district of C-2(P)
(Article V)
- _____ Mixed Use District/Conditional Zoning District (Article VI)
- _____ Planned Neighborhood District/Conditional Zoning District (Article VII)
- _____ Density Development/Conditional Zoning District, at the _____ Density
(Article VIII)

APPLICATION FOR
CONDITIONAL ZONING

1. PROPOSED USE(S):

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

TRADE CONTRACTOR *DC*

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

SEE site PLAN

2. DIMENSIONAL REQUIREMENTS:

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

SEE site PLAN

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

SEE site PLAN

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.

SEE site PLAN

4. LANDSCAPE AND BUFFER REQUIREMENTS:

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

SEE Site PLAN

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

SEE Site PLAN

5. MISCELLANEOUS:

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

N/A

6. SITE PLAN REQUIREMENTS:

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

7. STATEMENT OF ACKNOWLEDGMENT:

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

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

I further understand I must voluntarily agree to all ordinance related conditions prior to the first hearing on the case or any disagreement may be cause for an unfavorable recommendation. The undersigned hereby acknowledge that the Planning and Inspections Staff has conferred with the petitioner or assigns, and the application as submitted is accurate and correct.

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

4830 US Hwy 301 Hope Mills, NC 28348
ADDRESS OF OWNER(S)

tsealey@directionalservices.net
E-MAIL

HOME TELEPHONE _____ WORK TELEPHONE 910-635-7981

* T. Sealey _____ Thomas Horn _____
SIGNATURE OF OWNER(S) SIGNATURE OF OWNER(S)

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

805 COKESBURY ROAD
ADDRESS OF AGENT, ATTORNEY, APPLICANT

HOME TELEPHONE 919-552-1600 WORK TELEPHONE 919-608-0300

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

C. Greg Bagby
SIGNATURE OF AGENT, ATTORNEY, OR APPLICANT

Patricia Hall,
Chair
Town of Hope Mills

Charles C. Morris,
Vice-Chair
Town of Linden

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

Donovan McLaurin
Wade, Falcon & Godwin



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

March 10, 2015

MEMORANDUM

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

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

On February 22, 2015 the property owner/applicant amended the original application and is now requesting your consideration of a favorable recommendation for a C2(P) Planned Service and Retail/CZ Conditional Zoning district for trade contracting with open storage.

1st MOTION

The Planning and Inspections Staff recommends the board find the request is not consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for “urban fringe” at this location, approval would allow incompatible commercial encroachment into a residential area, and that the request is not consistent with the Southwest Cumberland Land Use Plan which calls for “medium density residential” at this location.

The staff also recommends the board further find that this request is not reasonable nor in the public interest because the district requested for the subject property does not meet the location criteria of the adopted Land Use Policies Plan, in that: *public water and sewer required*, public sewer is not available; *should serve as a transition between heavy commercial, office & institutional or residential development*, this area is an established residential neighborhood and not in transition, and *may be located along a street that is in transition from residential to non-residential through redevelopment and physical improvements*, Brooklyn Circle is a local residential street serving residential uses.

2nd MOTION

In addition to the above information, the Planning and Inspections Staff recommends the board deny Case No. P15-09 for the C2(P) Planned Service and Retail/CZ Conditional Zoning district for trade contracting with open storage based on the following:

- The requested district is not logical as it would allow commercial uses to encroach into a residential area.

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

Attachments: 1 – Site Profile 2 – Sketch Map 3 – Site Plan 4 – Ordinance Related Conditions (only used if Board considers approval) 5 – Application

P15-09
SITE PROFILE

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

Site Information:

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

Depth: 963.83'+/-

Jurisdiction: Cumberland County

Adjacent Property: Yes, south of subject property

Current Use: Woodlands

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

Nonconformities: None

Zoning Violation(s): None

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

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

2030 Land Use Plan: Urban fringe

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

Special Flood Hazard Area (SFHA): None

Water/Sewer Availability: PWC/Septic

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

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

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

Municipal Influence Area: Town of Hope Mills

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

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

Notes:

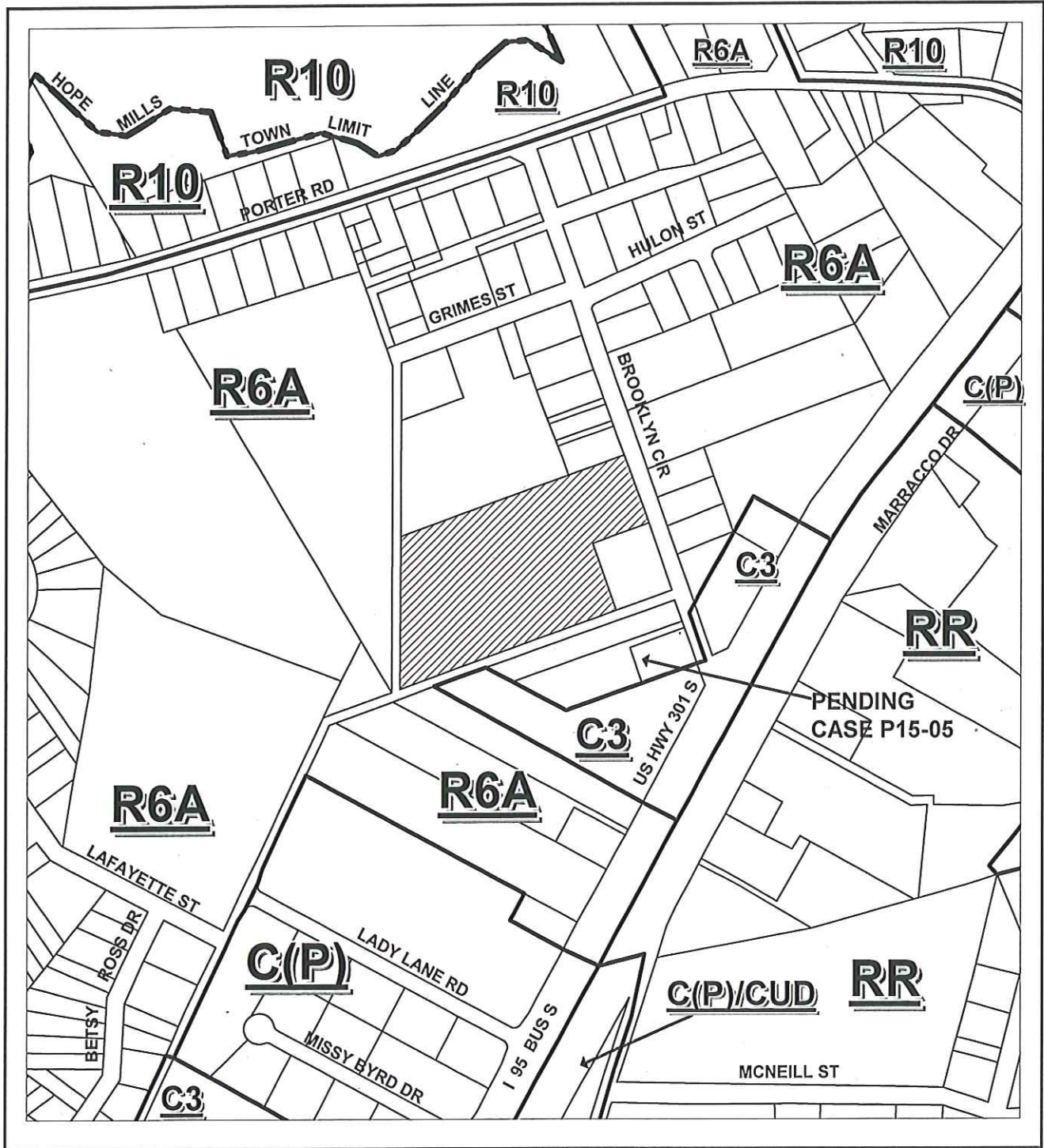
1. Density (minus 15% for ROW) :
R6A – 90 lots/units (77 lots/units)
Manufactured Home Park (67 mh spaces)

2. Minimum Yard Setback Regulations:

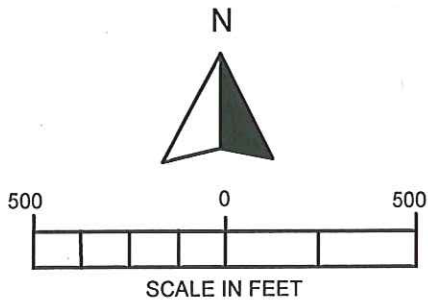
<u>R6A</u>	<u>C2(P)</u>
Front yard: 25'	Front yard: 50'
Side yard: 10'	Side yard: 30'
Rear yard: 15'	Rear yard: 30'

First Class and Record Owners' Mailed Notice Certification

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



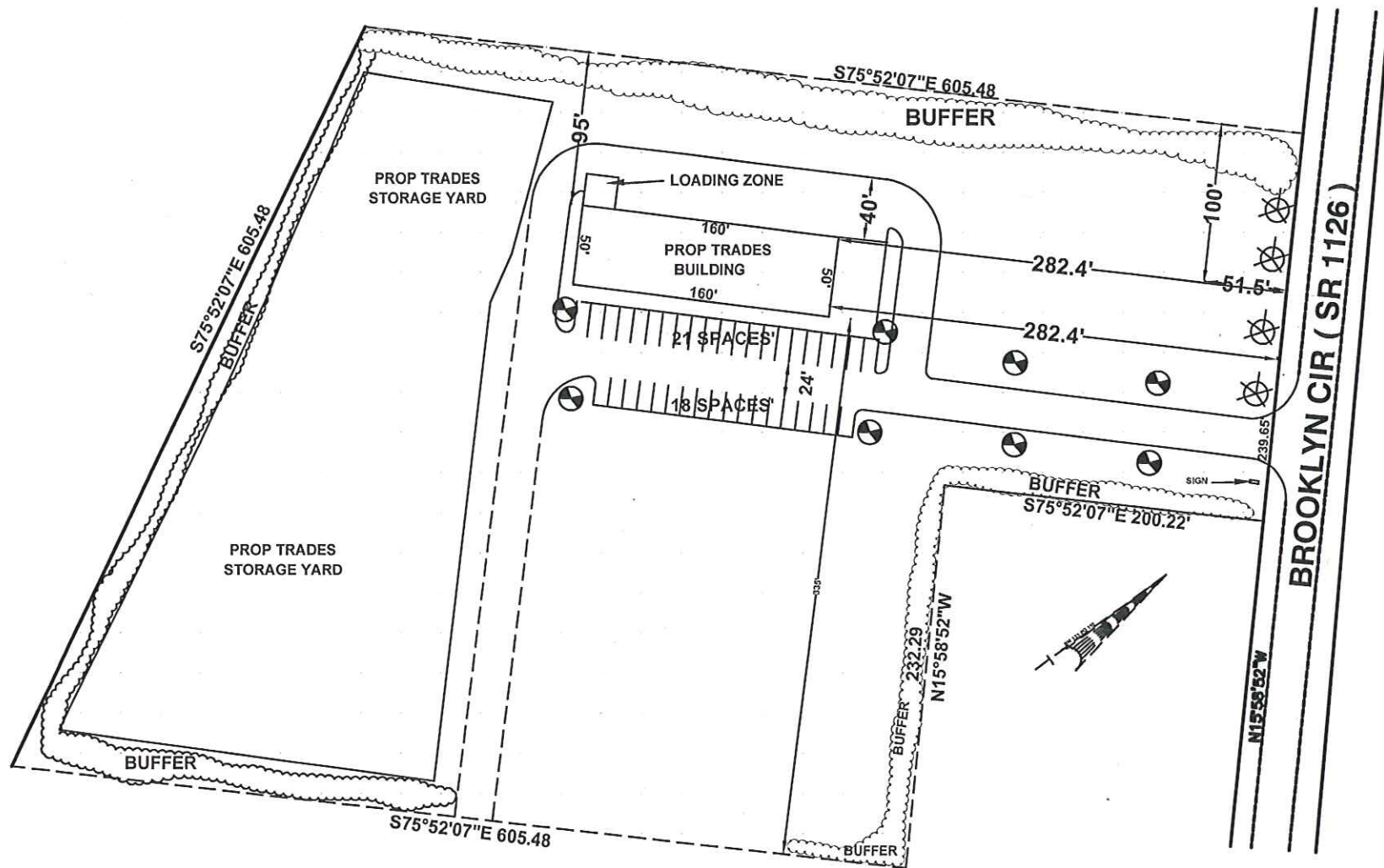
REQUESTED REZONING R6A TO C2(P)/CZ



PIN: 0423-18-8993

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

12/19/2014
1/05/15
AM





CONDITIONAL ZONING DISTRICT
REQUEST: TRADE CONTRACTOR AND OPEN STORAGE

CASE: P15-09 ACREAGE: 8.42 AC ±

SCALE: 1"=100' PARKING: 39 SPACES

*SCALED DETAILED SITE PLAN IN FILE AVAILABLE FOR REVIEW REQUEST

-  4 SHADE TREE
-  8 ORNAMENTAL TREE
-  0 BUSH

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

DRAFT

Ordinance Related Conditions
for
Trade Contractor with Open Storage

Pre- Permit Related:

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

Permit-Related:

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

Note: Due to an existing agreement between the PWC and the Town of Hope Mills, an annexation petition most likely will be required prior to the PWC’s review of any utility plans.
6. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
7. New development where the developer will disturb or intends to disturb more than one acre of land is subject to the Post-Construction Stormwater Management Permitting Program (Phase II Stormwater Management Requirements) administered by the Division of Water Quality, North Carolina Department of Environment and Natural Resources. If one acre or more of land is to be disturbed, prior to the issuance of any building/zoning permits for this site, a copy of the State’s *Post-Construction Permit* must be provided to County Code Enforcement.
8. For any new development where the developer disturbs or intends to disturb more than one acre of land, the developer must provide the Code Enforcement Section with an approved NC Department of Environment and Natural Resources (NCDENR) sedimentation and erosion control plan (S&E) prior to any application for permits. (Note: If any retention/detention basins are required for state approval of this plan, then three copies of a revised plan must be submitted and approved by Planning & Inspections prior to application for any building/zoning permits.) A copy of the NCDENR approval must be provided to Code Enforcement at the time of application for any building/zoning permits.

9. Landscaping must be provided in accordance with Section 1102 N, Landscaping, County Zoning Ordinance and/as shown on the site plan. The following are the minimum standards for the required landscaping of this site:
 - a. Four large shade trees or eight small ornamental trees within the front yard setback area along SR1126 (Brooklyn Circle);
 - b. Four ornamental trees and 16 shrubs are required in the building yard area;
 - c. Two large shade trees or four small ornamental trees are required within the parking area.

In addition:

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

Site-Related:

11. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Development Ordinance and Zoning Ordinances for a trade contractor in the C2(P) zoning district and as shown on the site plan and/or included in the application must be complied with, as applicable.
12. This conditional approval is not approval of the permit for the freestanding sign. Attached signage for this development must be in accordance with the applicable sign regulations as set forth in Article XIII of the County Zoning Ordinance and that the proper permit(s) must be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is not approval of the size, shape, or location of any signs.)
13. 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)
14. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision and Development Ordinance)
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16. 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.
17. Turn lanes may be required by the NC Department of Transportation (NCDOT).
18. 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.
19. All required off-street parking spaces is required to be a minimum of 9' x 20'; a minimum of one space for each vehicle used in the conduct of the trade, plus two additional spaces for each three employees on the largest shift is required for this development.
20. A solid buffer must be provided and maintained along the northern property lines where this tract/site abuts residentially zoned properties and the open storage must be screened from view from the public street in accordance with the provisions of Section 1102 G, Buffer Requirements, County Zoning Ordinance. (Note: Chain link fencing cannot be used to satisfy the buffer requirement.)
21. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.

Plat-Related:

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

Plat-Required Statements:

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

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

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

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

Other Relevant Conditions:

- 28. The applicant is advised to consult an expert on wetlands before proceeding with any development.
- 29. All notes and calculations as shown on the site plan are to be considered as a part of this conditional approval. This conditional approval is not approval of the area labeled "Future Retail."
- 30. The subject property is located within the Town of Hope Mills Municipal Influence Area (MIA) and the town has tree preservation standards in their ordinances. The developer is encouraged to retain as many of the existing trees as possibly on this site.
- 31. The owner/developer is responsible for ensuring easements which may exist on the subject property are accounted for, not encumbered and that no part of this development is violating the rights of the easement holder.

Thank you for choosing Cumberland County for your business location!

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

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Subdivision/Site Plan/Plat	Ed Byrne	678-7609
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PWC:	Heidi Maly	223-4737
Town of Hope Mills:		424-4555*

Town Clerk:	Melissa P. Adams	
County Public Utilities:	Amy Hall	678-7637
Corp of Engineers (wetlands):	Emily Greer	(910) 251-4049
NCDENR (E&S):	Brad Cole	433-3300
Location Services:		
Site-Specific Address:	Ron Gonzales	678-7616
Tax Parcel Numbers:		678-7549
NCDOT (driveways/curb-cuts):	Gary Burton	486-1496
N.C. Division of Water Quality:	Mike Randall	(919) 733-5083 ext. 545
United States Postal Service	Terry Carr	(704) 393-4466

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

cc: Mike Bailey, Town of Hope Mills

TO THE CUMBERLAND COUNTY JOINT PLANNING BOARD AND THE BOARD OF COUNTY COMMISSIONERS OF CUMBERLAND COUNTY, NC:

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

1. Applicant/Agent C. Gregory Bagley
2. Address: 805 CoKESbury Road Zip Code 27526
3. Telephone: (Home) _____ (Work) 919-609-0300
4. Location of Property: SW BROOKLYN CIRCLE NW I-95
5. Parcel Identification Number (PIN #) of subject property: 423-18-8913
(also known as Tax ID Number or Property Tax ID)
6. Acreage: 8.42 Frontage: 220' Depth: 605'
7. Water Provider: PWC Septage Provider: Septic Field
8. Deed Book 9367, Page(s) 382, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
9. Existing use of property: VACANT
10. Proposed use(s) of the property: Trade Contracting with Storage

NOTE: Be specific and list all intended uses.

11. Do you own any property adjacent to, including across the street from, the property being submitted for rezoning? Yes No _____
12. Has a violation been issued on this property? Yes _____ No
13. It is requested that the foregoing property be rezoned FROM: R6A

TO: (Select one)

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

APPLICATION FOR
CONDITIONAL ZONING

1. PROPOSED USE(S):

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

Trade Contractor B₀

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

SEE Site PLAN

2. DIMENSIONAL REQUIREMENTS:

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

SEE Site PLAN

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

SEE Site PLAN

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.

SEE Site PLAN

4. LANDSCAPE AND BUFFER REQUIREMENTS:

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

SEE SITE PLAN

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

SEE SITE PLAN

5. MISCELLANEOUS:

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

N/A

6. SITE PLAN REQUIREMENTS:

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

7. STATEMENT OF ACKNOWLEDGMENT:

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

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

I further understand I must voluntarily agree to all ordinance related conditions prior to the first hearing on the case or any disagreement may be cause for an unfavorable recommendation. The undersigned hereby acknowledge that the Planning and Inspections Staff has conferred with the petitioner or assigns, and the application as submitted is accurate and correct.

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

4830 US HWY 301 Hope Mills, N.C. 28348
ADDRESS OF OWNER(S)

tsepley@directionalservices.net
E-MAIL

HOME TELEPHONE

910-635-7981
WORK TELEPHONE

* [Signature]
SIGNATURE OF OWNER(S)

[Signature]
SIGNATURE OF OWNER(S)

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

805 Cokesbury Road
ADDRESS OF AGENT, ATTORNEY, APPLICANT

919-552-1600
HOME TELEPHONE

919-609-0300
WORK TELEPHONE

gdb.greg@gmail.com
E-MAIL ADDRESS

919-552-6325
FAX NUMBER

[Signature]
SIGNATURE OF AGENT, ATTORNEY, OR APPLICANT