

Patricia Hall,  
Chair  
Town of Hope Mills

Charles Morris,  
Vice-Chair  
Town of Linden

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

Donovan McLaurin,  
Wade, Falcon & Godwin



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

*Planning & Inspections Department*

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

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

Benny Pearce,  
Town of Eastover

**TENTATIVE AGENDA**

October 20, 2015

7:00 P.M.

- I. INVOCATION AND PLEDGE OF ALLEGIANCE
- II. APPROVAL OF/ADJUSTMENTS TO AGENDA
- III. PUBLIC HEARING DEFERRAL
- IV. ABSTENTIONS BY BOARD MEMBERS
- V. POLICY STATEMENT REGARDING PUBLIC HEARING TIME LIMITS
- VI. APPROVAL OF THE MINUTES OF SEPTEMBER 15, 2015
- VII. PUBLIC HEARING CONSENT ITEMS

**REZONING CASES**

- A. **P15-51.** INITIAL ZONING OF 1.20+/- ACRES TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 1543 N BRAGG BLVD, OWNED BY MARTHA R. HARKINS. (SPRING LAKE)
- B. **P15-52.** REZONING OF 3.00+/- ACRES FROM C(P) PLANNED COMMERCIAL AND R6A RESIDENTIAL TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 110 AND 112 ALABAMA LANE, SUBMITTED BY BETTY H. STRICKLAND (OWNER) AND JOSEPH T. STRICKLAND. (COUNTY)
- C. **P15-53.** REZONING OF 33.38+/- ACRES FROM A1 AGRICULTURAL AND RR RURAL RESIDENTIAL TO RR RURAL RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE NORTHWEST SIDE OF SR 1885 (HUMMINGBIRD PLACE), SOUTH OF SR 1864 (HUCKLEBERRY ROAD); SUBMITTED BY ALBERT O. MCCAULEY ON BEHALF OF AOM INVESTMENTS, LLC. (OWNER). (COUNTY)
- D. **P15-55.** INITIAL ZONING OF 57.39+/- ACRES TO CD CONSERVANCY OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED NORTH OF SR 1601 (CHAPEL HILL ROAD) AND EAST OF NC HWY 87 (N BRAGG BLVD), OWNED BY THE TOWN OF SPRING LAKE. (SPRING LAKE)

CONDITIONAL ZONING DISTRICT

- E. **P15-54.** INITIAL ZONING OF 2.86+/- ACRES TO C2(P) PLANNED SERVICE AND RETAIL/CZ CONDITIONAL ZONING FOR A RETAIL STORE AND CONVENIENCE RETAIL WITH GASOLINE SALES OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT THE SOUTHWESTERN QUADRANT OF SR 1132 (LEGION ROAD) AND NC HWY 162 (ELK ROAD), OWNED BY SHEILA PLAYFORTH HANRICK, RANDALL H. AND PAMELA P. RAY, TIMOTHY G. AND TAMMY D. PLAYFORTH. (HOPE MILLS)

VIII. CONTESTED ITEMS

- F. **P15-56.** REMOVAL OF 1.58+/- ACRES FROM THE MSOD MAIN STREET OVERLAY DISTRICT, ZONED: O&I OFFICE AND INSTITUTIONAL; LOCATED AT 405 N MAIN STREET; SUBMITTED BY WOONG C. KIM ON BEHALF OF A/G NEW VISION MISSION CHURCH (OWNER) AND DIANE R. BECKER, PC. (SPRING LAKE)

IX. DISCUSSION

DIRECTOR'S UPDATE

X. ADJOURNMENT

Patricia Hall,  
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Town of Hope Mills

Charles Morris,  
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Town of Linden

Jami McLaughlin,  
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**2016**

***JOINT PLANNING BOARD***

**DEADLINE/MEETING SCHEDULE**

**Application Deadline**

**Meeting Date (Tuesdays)**

Friday, December 11, 2015

January 19, 2016 & February 2, 2016

Tuesday, January 13, 2016

February 16, 2016 & March 1, 2016

Wednesday, February 10, 2016

March 15, 2016 & April 5, 2016

Tuesday, March 15, 2016

April 19, 2016 & May 3, 2016

Wednesday, April 13, 2016

May 17, 2016 & June 7, 2016

Tuesday, May 17, 2016

June 21, 2016 & July 5, 2016

Tuesday, June 14, 2016

July 19, 2016 & August 2, 2016

Wednesday, July 13, 2016

August 16, 2016 & September 6, 2016

Tuesday, August 16, 2016

September 20, 2016 & October 4, 2016

Wednesday, September 14, 2016

October 18, 2016 & November 1, 2016

Tuesday, October 11, 2016

November 15, 2016 & December 6, 2016

Monday, November 14, 2016

December 20, 2016 & January 3, 2017

Friday, December 9, 2016

January 17, 2017 & February 7, 2017

**NOTE: Deadlines are set 24 working days prior to the Board meeting date.**

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October 13, 2015

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Carl Manning,  
Walter Clark,  
Cumberland County

Benny Pearce,  
Town of Eastover

**TO:** Cumberland County Joint Planning Board  
**FROM:** Planning & Inspections Staff  
**SUBJECT:** Staff Recommendation for the October 20, 2015 Board Meeting

**P15-51.** INITIAL ZONING OF 1.20+/- ACRES TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 1543 N BRAGG BLVD, OWNED BY MARTHA R. HARKINS. (SPRING LAKE)

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

The Planning and Inspections Staff recommends approval of the initial zoning Case No. P15-51 to C(P) Planned Commercial district and CD Conservancy (where the SFHA exists) based on the following:

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

There are no other districts considered suitable for this case.

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

The County Planning Staff recommends the board find that approval of the initial zoning to C(P) and CD for Case No. P15-51 is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan* because the Plan calls for “urban” and “conservation” at this location. The initial zoning of the subject property to C(P) is also consistent with the Spring Lake Area Detailed Land Use Plan which calls for “planned commercial” and “open space” at this location.

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

**Attachments:**

1. Site Profile
2. Sketch Map

**P15-51**  
**SITE PROFILE**

**P15-51.** INITIAL ZONING OF 1.20+/- ACRES TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 1543 N BRAGG BLVD, OWNED BY MARTHA R. HARKINS. (SPRING LAKE)

**Site Information:**

**Frontage & Location:** 99.74'+/- on NC 87 (N Bragg Blvd)

**Depth:** 485.38'+/-

**Jurisdiction:** Spring Lake (annexation effective September 14, 2015)

**Adjacent Property:** No

**Current Use:** 1 residential structure

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

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

**Zoning Violation(s):** None

**Surrounding Zoning:** North: M(P), C3 (SL), C(P), C2(P), RR, R15, R10 & CD; South: C3 (SL), C(P), C1 (SL), RR (SL), R10 (SL) & CD (SL); East: C(P) (SL); West: RR (SL)

**Surrounding Land Use:** Residential (including manufactured dwellings & multi-family), indoor recreation for profit, barbering, convenience retail w/ gasoline sales & woodlands

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

**Spring Lake Land Use Plan:** Planned Commercial & Open Space

**Special Flood Hazard Area (SFHA):** Yes, base flood at 151.6 msl (NAVD)

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

**Soil Limitations:** None

**School Capacity/Enrolled:** Manchester Elementary: 340/377; Spring Lake Middle: 700/468; Pine Forest High: 1,750/1,616

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

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

**Average Daily Traffic Count (2012):** 33,000 on NC 87 (N Bragg Blvd)

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

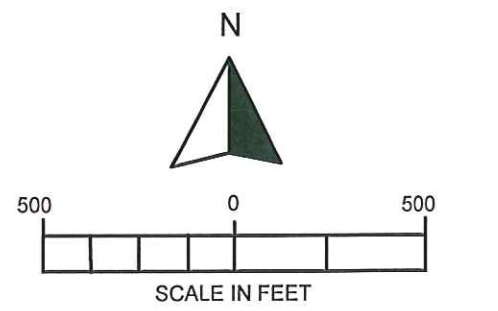
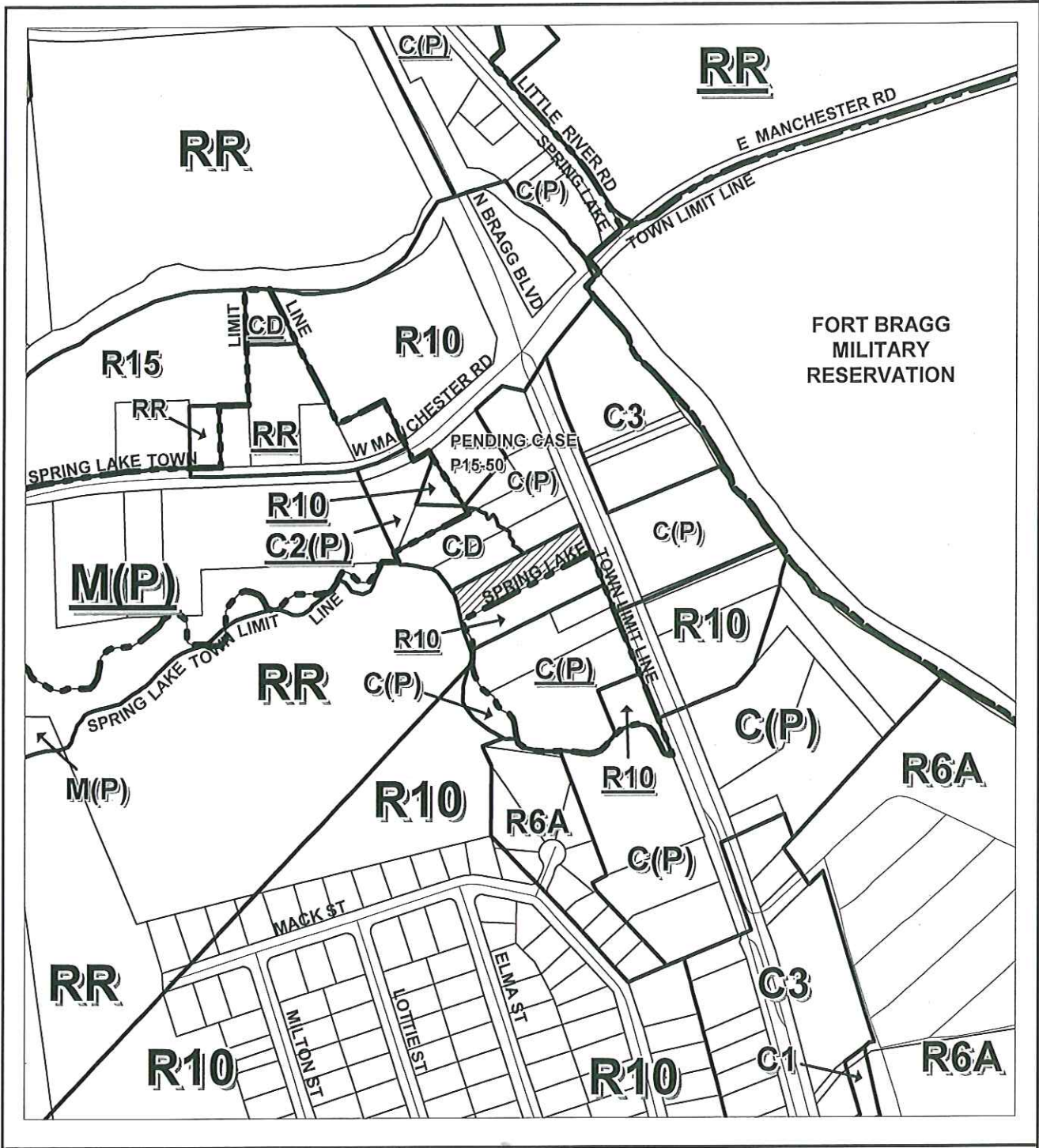
**Notes:**

1. Density:  
R10 – 6 lots/units
  
2. Minimum Yard Setback Regulations:

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

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

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



## INITIAL ZONING TO C(P)

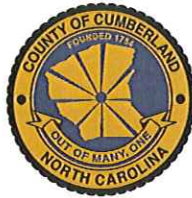
<b>ACREAGE: 1.20 AC.+/-</b>		<b>HEARING NO: P15-51</b>	
ORDINANCE: SPRING LAKE		HEARING DATE	ACTION
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

Patricia Hall,  
Chair  
Town of Hope Mills

Charles C. Morris,  
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October 13, 2015

**MEMORANDUM**

**TO:** Cumberland County Joint Planning Board  
**FROM:** Planning and Inspections Staff  
**SUBJECT:** Staff Recommendation for the October 20, 2015 Board Meeting

**P15-52.** REZONING OF 3.00+/- ACRES FROM C(P) PLANNED COMMERCIAL AND R6A RESIDENTIAL TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 110 AND 112 ALABAMA LANE, SUBMITTED BY BETTY H. STRICKLAND (OWNER) AND JOSEPH T. STRICKLAND.

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

The Planning and Inspections Staff recommends the board find that approval of C(P) Planned Commercial district for Case No. P15-52 is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for “urban” at this location. The recommended district is also consistent with the South Central Land Use Plan which calls for “commercial” 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 most of the location criteria of the adopted Land Use Policies Plan, in that: *public water and sewer required*, public water is available, however, sewer is not yet available; *should have minimum direct access to a collector street*; *should not be in a predominantly residential, office & institutional, or light commercial area*; *must be located on a sufficient site that provides adequate area for buffering, screening, and landscaping* and *could be located in a designated Activity Node Area*.

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

The Planning and Inspections Staff recommends approval of Case No. P15-52 to C(P) Planned Commercial district based on the following:

1. If approved the C(P) district will allow for non-residential land uses and lot sizes that exist in the general area; and
2. Approval of the request is logical as 90% of the subject property is currently zoned C(P) Planned Commercial.

There are no other districts considered to be suitable for this location.

Attachments:

- 1 – Site Profile
- 2 – Sketch Map

**P15-52**  
**SITE PROFILE**

**P15-52.** REZONING OF 3.00+/- ACRES FROM C(P) PLANNED COMMERCIAL AND R6A RESIDENTIAL TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 110 AND 112 ALABAMA LANE, SUBMITTED BY BETTY H. STRICKLAND (OWNER) AND JOSEPH T. STRICKLAND.

**Site Information:**

**Frontage & Location:** 356.20'+/- on SR 2273 (Gillespie Street) & 389.72'+/- on SR 2314 (Alabama Lane)

**Depth:** 389.72'+/-

**Jurisdiction:** Cumberland County

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

**Current Use:** Manufactured home sales & rentals, storage building & playground equipment sales

**Initial Zoning:** C(P) & R6A– March 15, 1979 (Area 6)

**Nonconformities:** Yes, manufactured home sales & rentals not permitted on small portion zoned R6A

**Zoning Violation(s):** None

**Surrounding Zoning:** North: M(P), HI (Fay), C(P), CC (Fay), R10 & R6A; South: C(P), O&I(P), R10 & R6A; East: R10 & R6A; West: RR, R10 & R6A

**Surrounding Land Use:** Residential (including manufactured dwellings), day cares (2), manufactured home park, manufactured home sales & woodlands

**2030 Land Use Plan:** Urban

**South Central Land Use Plan:** Commercial

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

**Water/Sewer Availability:** Carolina Water/Septic

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

**School Capacity/Enrolled:** Elizabeth Cashwell Elementary: 800/745; South View Middle: 900/676; South View High: 1,800/1,806

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

**Municipal Influence Area:** City of Fayetteville

**Average Daily Traffic Count (2012):** 19,000 on I-95 Business

**Highway Plan:** Alabama Lane is a Local Thoroughfare. 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 (approximately):  
R6A – 2 lots/units
  
2. Minimum Yard Setback Regulations:

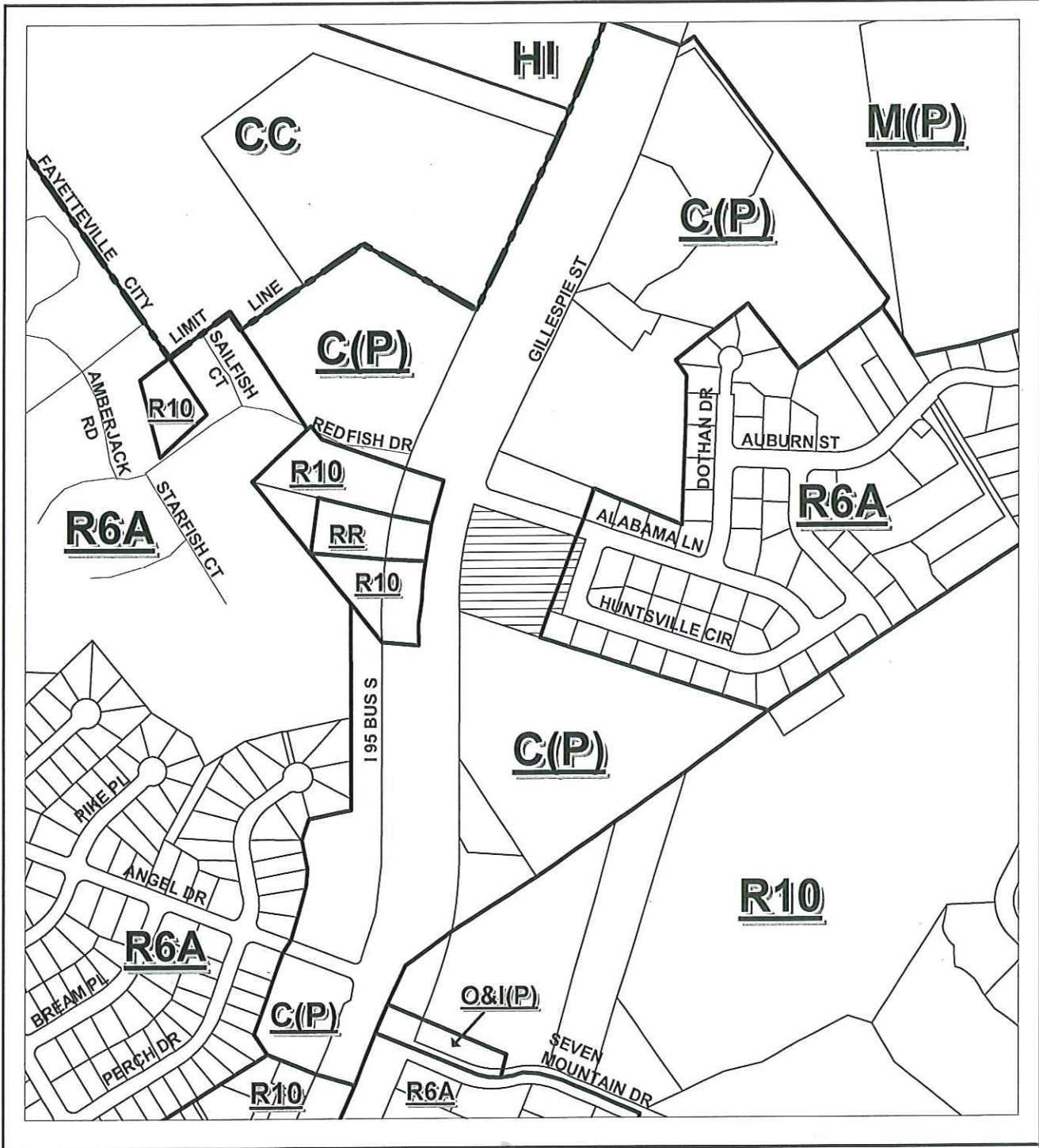
<u>C2(P) &amp; C(P)</u>	<u>R6A</u>
Front yard: 50'	Front yard: 25'
Side yard: 30'	Side yard: 10'
Rear yard: 30'	Rear yard: 15'

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

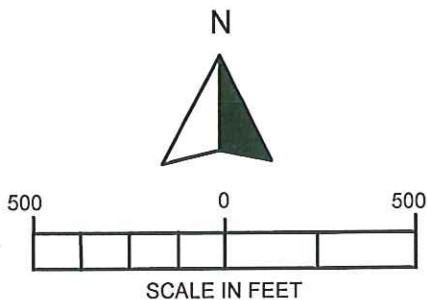
*A certified copy of the tax record owner(s) of the subject and adjacent properties and their tax record mailing address is contained within the case file and is incorporated by reference as if delivered herewith.*



NOTE: IN AOD AREA



## REQUESTED REZONING C(P) & R6A TO C(P)



ACREAGE: 3.00 AC.+/-

HEARING NO: P15-52

ORDINANCE: COUNTY

HEARING DATE

ACTION

STAFF RECOMMENDATION

PLANNING BOARD

GOVERNING BOARD

Patricia Hall,  
Chair  
Town of Hope Mills

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Benny Pearce,  
Town of Eastover

**MEMORANDUM**

**TO:** Cumberland County Joint Planning Board  
**FROM:** Planning and Inspections Staff  
**SUBJECT:** Staff Recommendation for the October 20, 2015 Board Meeting

**P15-53.** REZONING OF 33.38+/- ACRES FROM A1 AGRICULTURAL AND RR RURAL RESIDENTIAL TO RR RURAL RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE NORTHWEST SIDE OF SR 1885 (HUMMINGBIRD PLACE), SOUTH OF SR 1864 (HUCKLEBERRY ROAD); SUBMITTED BY ALBERT O. MCCAULEY ON BEHALF OF AOM INVESTMENTS, LLC. (OWNER).

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

The Planning and Inspections Staff recommends the board find that approval of the request for rezoning in Case No. P15-53 is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for “urban fringe” at this location as the proposed district would allow development at 2.2 units or less per acre. The request is not consistent with the Eastover Area Detailed Land Use Plan which calls for “one acre residential lots” at this location but is reasonable as approximately 80% of the subject property is currently zoned RR Rural Residential.

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: *use of septic allowed based on soil type, lot size and distance from public sewer; direct access to a public street is required*, Hummingbird Place is a Public Street, and *must not be located in any defined critical area as defined by the Fort Bragg Small Study Area*.

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

In addition to the above information, the Planning and Inspections Staff also recommends the board approve Case No. P15-53 for RR Rural Residential district based on the following:

1. The RR Rural Residential district will allow for land uses and lot sizes allowed on the majority of the tract and of those that exist in the general area; and
2. Public water is available to the subject property.

Because of the lack of public sewer, there are no other districts considered suitable for this request.

Attachments:  
1 – Site Profile

**P15-53**  
**SITE PROFILE**

**P15-53.** REZONING OF 33.38+/- ACRES FROM A1 AGRICULTURAL AND RR RURAL RESIDENTIAL TO RR RURAL RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE NORTHWEST SIDE OF SR 1885 (HUMMINGBIRD PLACE), SOUTH OF SR 1864 (HUCKLEBERRY ROAD); SUBMITTED BY ALBERT O. MCCAULEY ON BEHALF OF AOM INVESTMENTS, LLC. (OWNER).

**Site Information:**

**Frontage & Location:** 1,049.50+/- on SR 1885 (Hummingbird Place) & 900'+/- on Rafe Avenue

**Depth:** 1,280.00'+/-

**Jurisdiction:** Cumberland County

**Adjacent Property:** No

**Current Use:** Vacant land

**Initial Zoning:** A1 & RR – April 26, 1979 (Area 8)

**Nonconformities:** None

**Zoning Violation(s):** None

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

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

**2030 Land Use Plan:** Urban Fringe

**Eastover Land Use Plan:** One Acre Residential Lots

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

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

**Soil Limitations:** None

**Sewer Service Area:** Yes

**School Capacity/Enrolled:** Armstrong Elementary: 450/444; Mac Williams Middle: 1,270/1,165; Cape Fear High: 1,425/1,534

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

**Average Daily Traffic Count (2012):** 770 on SR 1885 (Hummingbird Place)

**Highway Plan:** Hummingbird Place is identified is a Local Thoroughfare. There are no road improvements/constructions specified for this area. This case has no impact on the current Highway Plan or Transportation Improvement Program

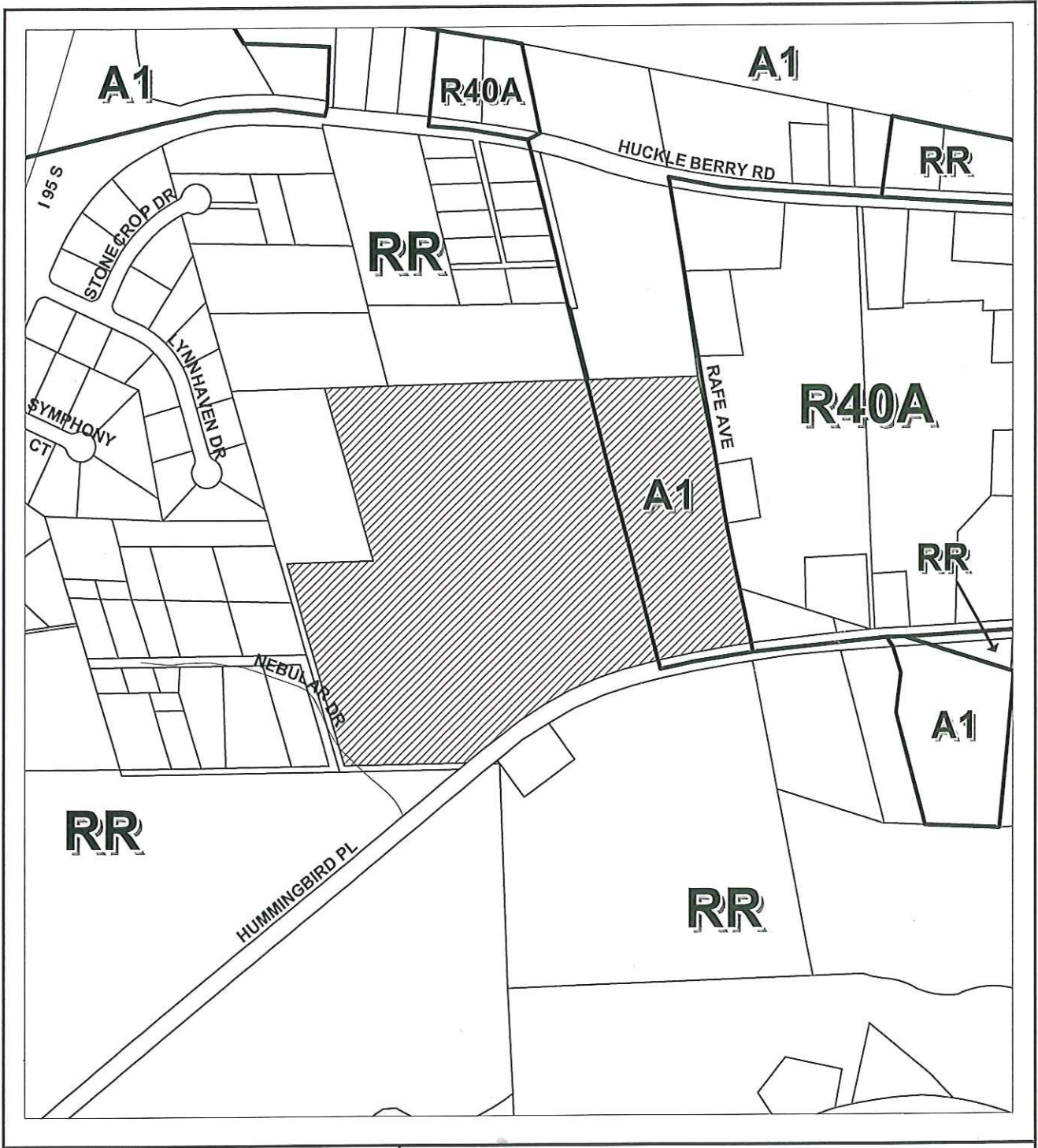
**Notes:**

1. Density (minus 15% for ROW)  
RR – 73 lots/units (62 lots/units) **Overall Tract**  
A1 – 3 lots/units (approximated A1 portion only)
  
2. Minimum Yard Setback Regulations:

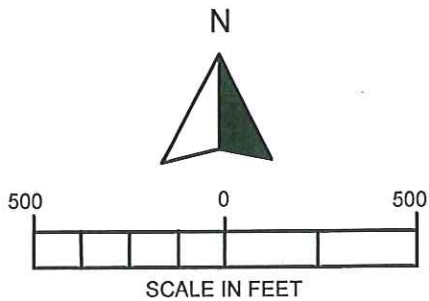
<u>RR</u>	<u>A1</u>
Front yard: 30'	Front yard: 50'
Side yard: 15'	Side yard: 20'
Rear yard: 35'	Rear yard: 50'

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

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



## REQUESTED REZONING A1 & RR TO RR



**ACREAGE: 33.38 AC.+/-**

**HEARING NO: P15-53**

ORDINANCE: COUNTY

HEARING DATE

ACTION

STAFF RECOMMENDATION

PLANNING BOARD

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October 13, 2015

**TO:** Cumberland County Joint Planning Board  
**FROM:** Planning & Inspections Staff  
**SUBJECT:** Staff Recommendation for the October 20, 2015 Board Meeting

**P15-55.** INITIAL ZONING OF 57.39+/- ACRES TO CD CONSERVANCY OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED NORTH OF SR 1601 (CHAPEL HILL ROAD) AND EAST OF NC HWY 87 (N BRAGG BLVD), OWNED BY THE TOWN OF SPRING LAKE. (SPRING LAKE)

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

The Planning and Inspections Staff recommends approval of the initial zoning Case No. P15-55 to CD Conservancy district based on the following:

1. If approved, the initial zoning would restrict development on the tract which is subject to State Conservation Easements; and
2. The request was submitted by the Town of Spring Lake.

There are no other districts considered suitable for this case.

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

The County Planning Staff recommends the board find that approval of the initial zoning to CD for Case No. P15-55 is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan* because the Plan calls for “conservation” at this location. The initial zoning of the subject property to CD is also consistent with the Spring Lake Area Detailed Land Use Plan which calls for “low density residential” and “open space” at this location.

The staff recommends the board further find that approval of the initial zoning to CD is reasonable and in the public interest because the location criteria as listed in the adopted Land Use Policies Plan for CD will be met or exceeded: *should have a minimum direct access to a public or private street, may be located in an environmentally sensitive area or part of the open space requirements for residential development, could include the Special Flood Hazard Area (100-year Flood Area), May be designated on the 2030 Growth Vision Plan Map as conservation area.*

**Attachments:**

1. Site Profile
2. Sketch Map

**P15-55**  
**SITE PROFILE**

**P15-55.** INITIAL ZONING OF 57.39+/- ACRES TO CD CONSERVANCY OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED NORTH OF SR 1601 (CHAPEL HILL ROAD) AND EAST OF NC HWY 87 (N BRAGG BLVD), OWNED BY THE TOWN OF SPRING LAKE. (SPRING LAKE)

**Site Information:**

**Frontage & Location:** No frontage

**Depth:** 2,300.00'+/-

**Jurisdiction:** Spring Lake (annexation effective September 28, 2015)

**Adjacent Property:** No

**Current Use:** Woodlands

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

**Nonconformities:** None

**Zoning Violation(s):** None

**Surrounding Zoning:** North: R7.5, R5A & CD; South: R10 (SL), R6A (SL), R6 (SL) & R5A (SL); East: R10/CU (to allow manufactured home), R10 & R6A; West: R6A, R5A & CD

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

**2030 Land Use Plan:** Conservation area

**Spring Lake Land Use Plan:** Low Density Residential & Open Space

**Special Flood Hazard Area (SFHA):** Yes, base flood varies from 145.40 msl to 146.40 msl (NAVD)

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

**Soil Limitations:** Yes – LY Lynchburg sandy loam, RA Rains sandy loam & CH Chewacla loam

**School Capacity/Enrolled:** Manchester Elementary: 340/377; Spring Lake Middle: 700/468; Pine Forest High: 1,750/1,616

**Subdivision/Site Plan:** Lots are platted with State Conservation Easements and are undevelopable

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

**Average Daily Traffic Count (2012):** 3,100 on SR 1601 (Chapel Hill Road)

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

**Note:**

Minimum Yard Setback Regulations:

**CD**

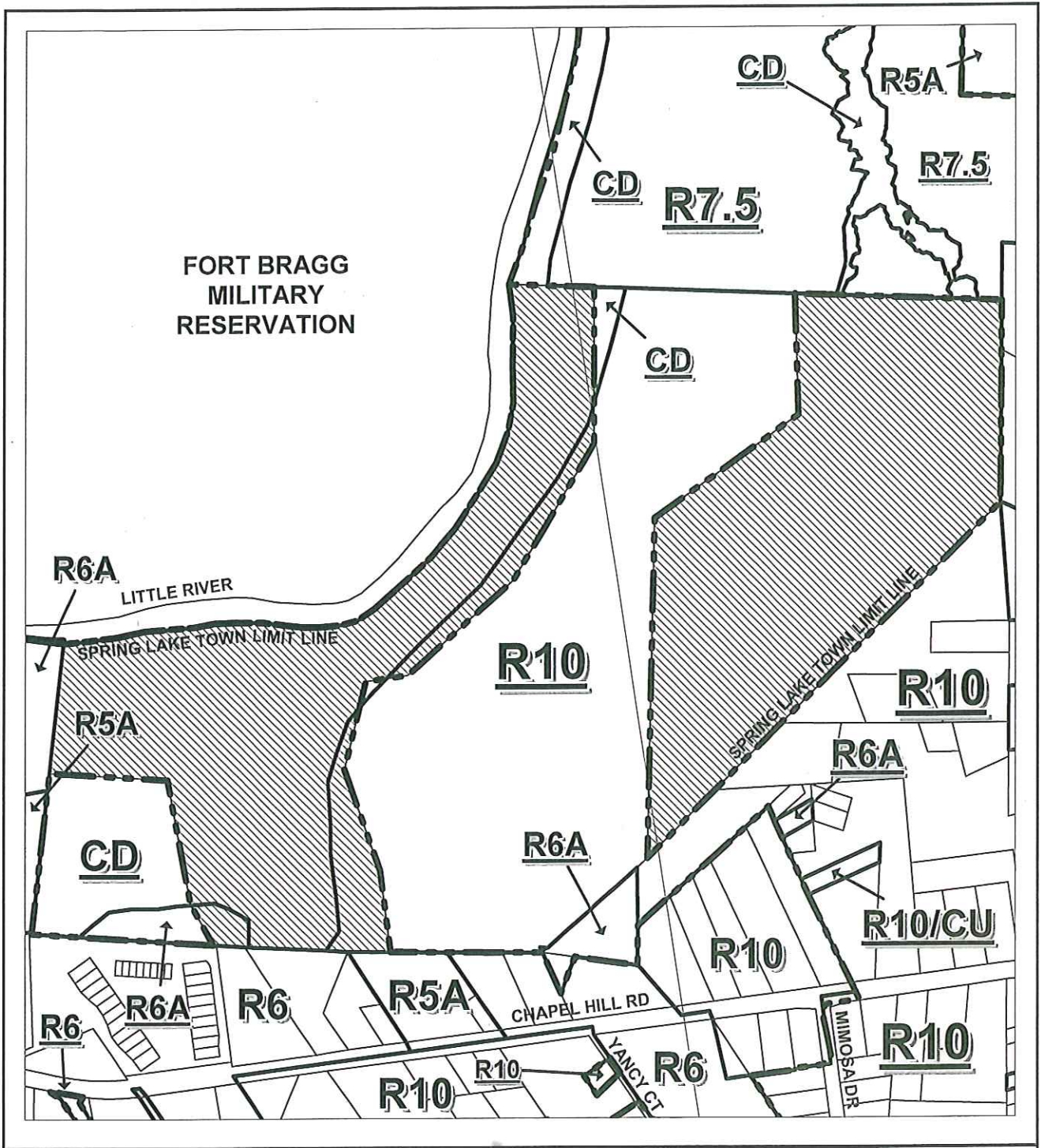
Front yard: 50'

Side yard: 50'

Rear yard: 50'

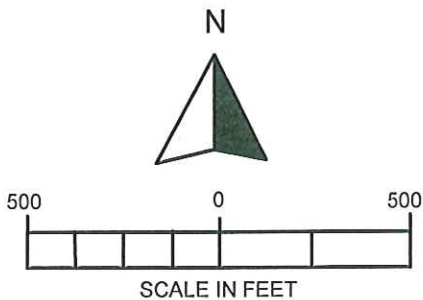
**First Class and Record Owners' Mailed Notice Certification**

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



FORT BRAGG  
MILITARY  
RESERVATION

## INITIAL ZONING TO CD



ACREAGE: 57.39 AC. +/-

HEARING NO: P15-55

ORDINANCE: SPRING LAKE

HEARING DATE

ACTION

STAFF RECOMMENDATION

PLANNING BOARD

GOVERNING BOARD

PIN: 0502-72-5624  
0502-93-2620

JM

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

October 13, 2015

**TO:** Cumberland County Joint Planning Board  
**FROM:** Planning and Inspections Staff  
**SUBJECT:** Staff Recommendation for the October 20, 2015 Board Meeting

**P15-54.** INITIAL ZONING OF 2.86+/- ACRES TO C2(P) PLANNED SERVICE AND RETAIL/CZ CONDITIONAL ZONING FOR A RETAIL STORE AND CONVENIENCE RETAIL WITH GASOLINE SALES OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT THE SOUTHWESTERN QUADRANT OF SR 1132 (LEGION ROAD) AND NC HWY 162 (ELK ROAD), OWNED BY SHEILA PLAYFORTH HANRICK, RANDALL H. AND PAMELA P. RAY, TIMOTHY G. AND TAMMY D. PLAYFORTH. (HOPE MILLS)

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

The County Planning Staff recommends approval of the initial zoning Case No. P15-54 to C2(P) Planned Service and Retail/ CZ Conditional Zoning district for a retail store and convenience retail with gasoline sales based on the following:

1. The requested district is more restrictive than the existing C2(P) that was approved on adjacent properties on September 3, 2014.
2. The subject properties are currently unzoned and are part of an approved overall site plan for a shopping center; and
3. The request was submitted by the Town of Hope Mills.

There are no other districts considered suitable for this case. The property owners have voluntarily agreed to all "Ordinance Related Conditions.

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

The County Planning Staff also recommends the board find that approval of the initial zoning to C2(P) Planned Service and Retail/CZ Conditional Zoning for a retail store and convenience retail with gasoline sales for Case No. P15-54 is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan* because the Plan calls for "urban" development at this location and supports the commercial goal and objectives of the Southwest Cumberland Land Use Plan that include *concentrating regional and community oriented commercial development in nodes at major intersections and located in areas with sufficient infrastructure to support commercial activities*. However the initial zoning of the subject properties to C2(P)/CZ is not consistent with the Southwest Cumberland Land Use Plan map which calls for "low density residential" at this location.

The staff recommends the board further find that approval of the initial zoning to C2(P) Planned Service and Retail/CZ Conditional Zoning for a retail store and convenience retail with gasoline sales is reasonable and in the public interest because the location criteria as listed in the adopted Land Use Policies Plan for C2(P) will be met or exceeded, in that: *public water and sewer is available*, the property has direct access to two collector streets (Elk and Legion Roads), *there are other commercial uses in the area*, and the initial zoning will allow for the provision of *convenient goods and services to the immediate surrounding neighborhood*. In addition, the property owners and developer are voluntarily restricting those uses that would not be conducive to a neighborhood environment.

Attachments: 1 – Site Profile 2 – Sketch Map 3 – Site Plan 4 – Ordinance Related Conditions 5 – Case 15-025  
Ordinance Related Conditions 6 – Application



**P15-54**  
**SITE PROFILE**

**P15-54.** INITIAL ZONING OF 2.86+/- ACRES TO C2(P) PLANNED SERVICE AND RETAIL/CZ CONDITIONAL ZONING FOR A RETAIL STORE AND CONVENIENCE RETAIL WITH GASOLINE SALES OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT THE SOUTHWESTERN QUADRANT OF SR 1132 (LEGION ROAD) AND NC HWY 162 (ELK ROAD), OWNED BY SHEILA PLAYFORTH HANRICK, RANDALL H. AND PAMELA P. RAY, TIMOTHY G. AND TAMMY D. PLAYFORTH. (HOPE MILLS)

**Site Information:**

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

**Depth:** 710.00'+/-

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

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

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

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

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

**Zoning Violation(s):** None

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

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

**2030 Land Use Plan:** Urban

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

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

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

**Soil Limitations:** Yes – LY Lynchburg sandy loam

**School Capacity/Enrolled:** E. V. Baldwin Elementary: 790/667; South View Middle: 900/676; South View High: 1,800/1,806

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

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

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

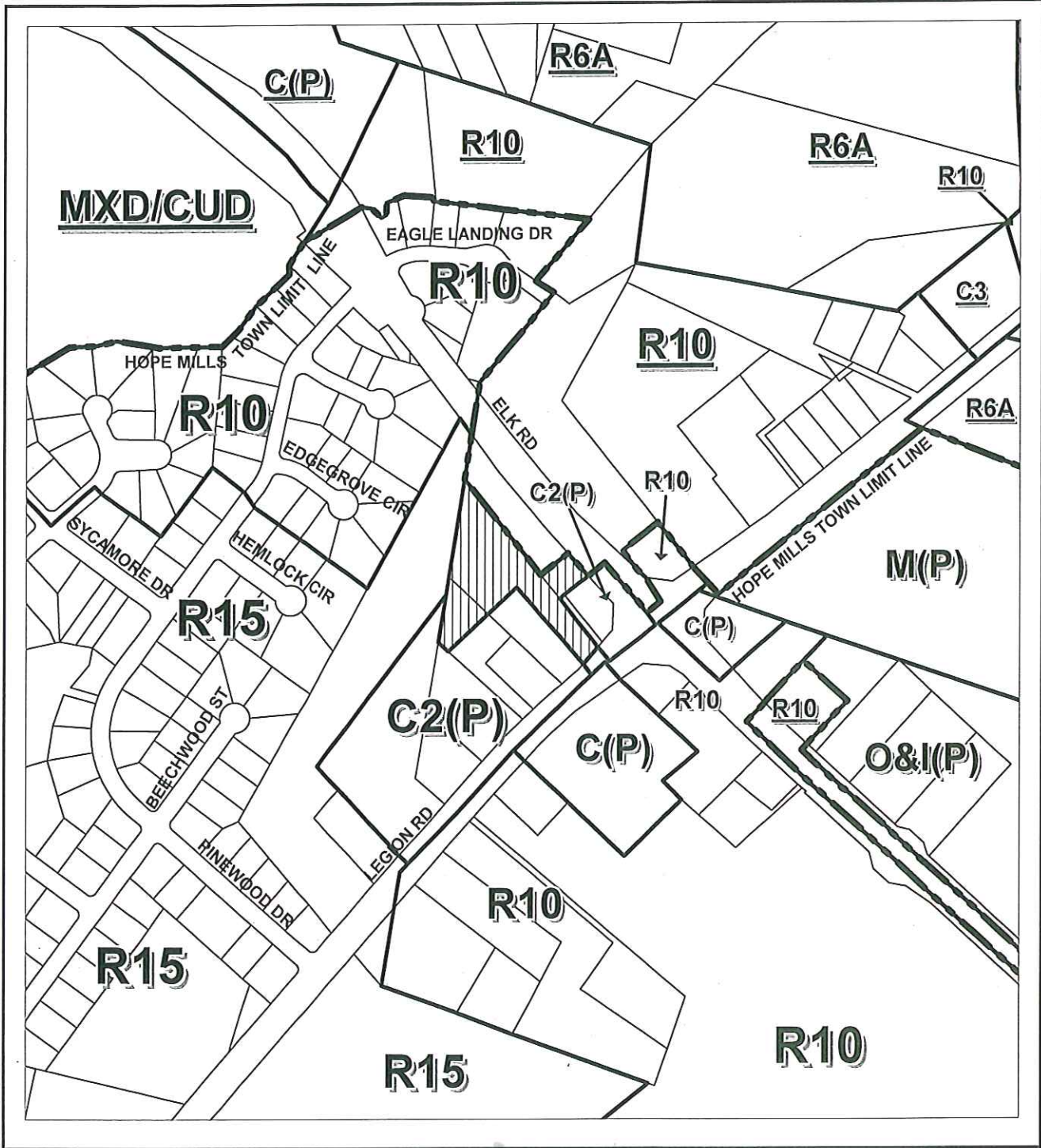
**Notes:**

1. Subject property is currently unzoned
2. Density (minus 15% for ROW):  
R10 (R7.5) – 17 lots/units (14 lots/unit)
3. Minimum Yard Setback Regulations:

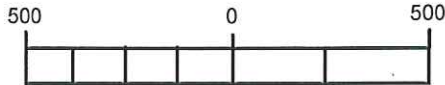
<u>R10 (R7.5)</u>	<u>C1(P)</u>	<u>C2(P)</u>
Front yard: 30'	Front yard: 45'	Front yard: 50'
Side yard: 10'	Side yard: 15'	Side yard: 30'
Rear yard: 35'	Rear yard: 20'	Rear yard: 30'

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

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



N



SCALE IN FEET

## INITIAL ZONING TO C2(P)/CZ

ACREAGE: 2.86 AC.+/-

HEARING NO: P15-54

ORDINANCE: HOPE MILLS

HEARING DATE

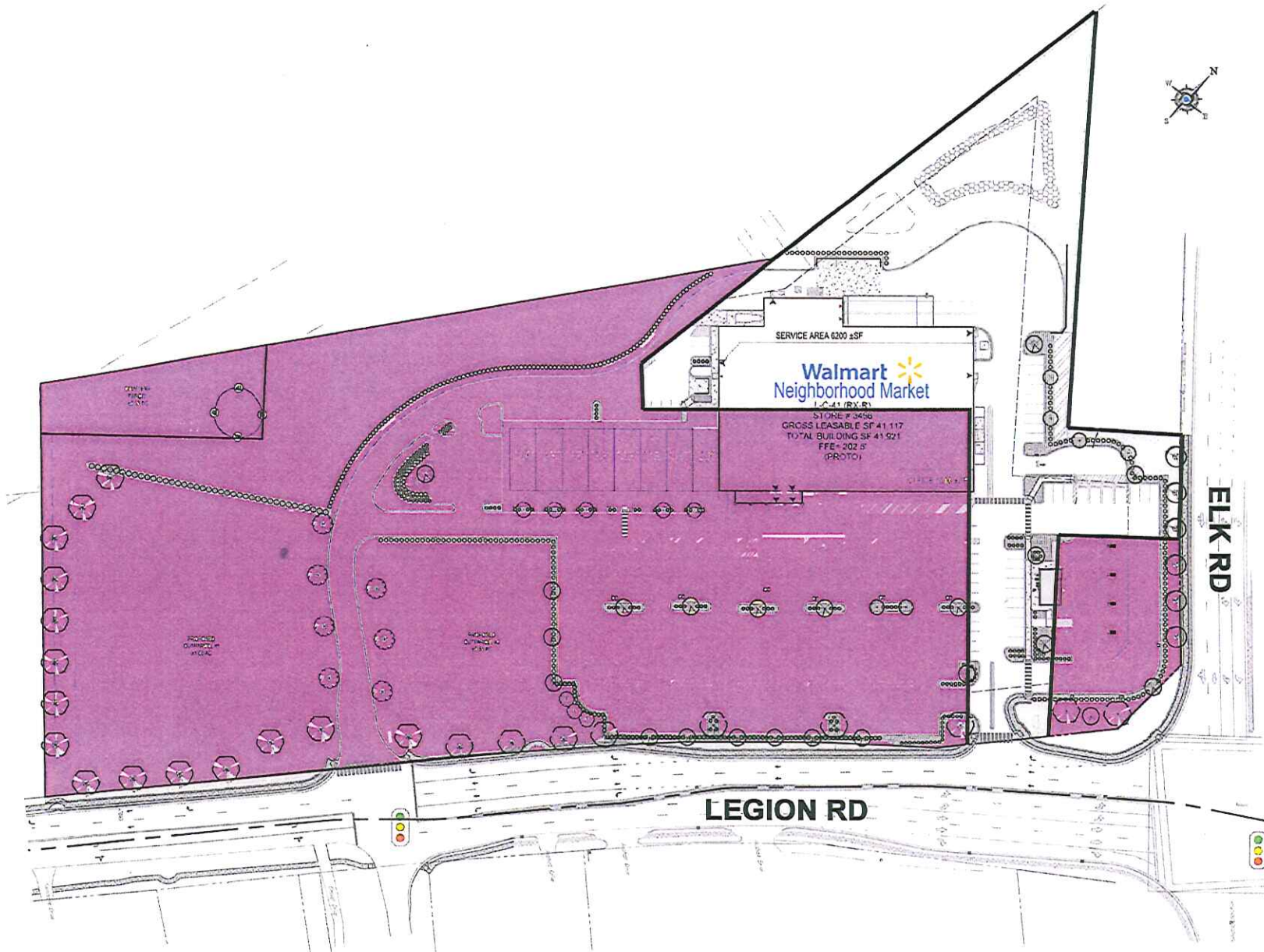
ACTION

STAFF RECOMMENDATION

PLANNING BOARD

GOVERNING BOARD

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



**C2(P)PLANNED SERVICE AND RETAIL DISTRICT/  
 CZ CONDITIONAL ZONING  
 REQUEST: FOR A RETAIL STORE AND CONVENIENCE RETAIL WITH  
 GASOLINE SALES**

**CASE: P15-54    ACREAGE: 2.86 AC +/-  
 SCALE: NTS    PARKING: AS SHOWN**

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

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

**Draft**  
Ordinance Related Conditions  
for  
Retail Store and Convenience Retail with Gasoline Sales

1. All conditions from site plan/subdivision conditional approval granted under Case No. 15-025 apply.
2. The owner/developer is requesting to restrict the following uses from the request:
  - a. Betting parlor; gambling casino or gaming activities including but not limited to gambling, electronic gaming machines, slot machines and other devices similar to the aforementioned; provided herein this shall not operate so as to prohibit or otherwise limit the sale of lottery tickets on the Wal-Mart tract.
  - b. Funeral parlor; cemetery; crematorium.
  - c. Flea market.
  - d. Unlicensed massage parlor; modeling studio; adult bookstore; any establishment primarily engaged in the business of selling, exhibiting or distributing pornographic or obscene materials; a business primarily engaged in displaying live models or dancers, a video store that sells or rents videos that are rated NC-17, X, XX, XXX, or of a rating assigned to works containing material more sexually explicit than XXX, by the film rating board of the Classification and Rating Administration, provided, however, that nothing herein shall be deemed to preclude or limit the operation of licensed therapeutic massage facilities, e.g., Massage Envy, Hand & Stone Massage, Elements Therapeutic Massage, or legitimate modeling agencies.
  - e. Establishment selling or exhibiting materials or paraphernalia for use with illicit drugs; a so-called “head shop”.
  - f. Business or facility used in growing, delivering, transferring, supplying, dispensing, dispersing, distributing or selling marijuana, whether by prescription, medical recommendation or otherwise, and whether consisting of live plants, seeds, seedlings or processed or harvested portions of the marijuana plant.
3. No metal corrugated siding is to be used on any buildings.
4. All lighting must be shielded and shall not spill over onto adjacent roadways, residential properties, residentially-zoned properties or into the night sky – see Section 102A-1202(m) Hope Mills Zoning Ordinance.

**Note: As written in the property owners’ agreed upon self-imposed conditions contained in the September 3, 2015 letter addressed to the Town Manger from Bohler Engineering the paragraph addressing lighting would necessitate the Board of Commissioners allowing the developers to vary from the ordinance minimum standard:: *Light emissions escaping the site are to be minimized by providing directional/hooded site lighting features. Light spill onto the adjacent residential property lines will have a maximum of 1 foot-candle.***

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

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

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

Land Use Codes Manager:	Patti Speicher	678-7605	<a href="mailto:pspeicher@co.cumberland.nc.us">pspeicher@co.cumberland.nc.us</a>
Subdivision/Site Plan/Plat	Ed Byrne	678-7609	<a href="mailto:ebyrne@co.cumberland.nc.us">ebyrne@co.cumberland.nc.us</a>
County Health Department:	Daniel Ortiz	433-3680	<a href="mailto:dortiz@co.cumberland.nc.us">dortiz@co.cumberland.nc.us</a>
Food & Lodging Env. Health:			
PWC:	Joe Glass	223-4740	<a href="mailto:joe.glass@faypwc.com">joe.glass@faypwc.com</a>
Town of Hope Mills:		424-4555*	
Town Clerk:	Melissa P. Adams		<a href="mailto:mpadams@townofhopemills.com">mpadams@townofhopemills.com</a>

Town Planner	Chancer McLaughlin		<a href="mailto:cmclaughlin@townofhopemills.com">cmclaughlin@townofhopemills.com</a>
Chief Building Inspector:	Mike Bailey		<a href="mailto:mwbailey@townofhopemills.com">mwbailey@townofhopemills.com</a>
Stormwater Administrator:	Beth Brown		<a href="mailto:eabrown@townofhopemills.com">eabrown@townofhopemills.com</a>
Zoning Inspector:	Jeff Wade		<a href="mailto:jwade@townofhopemills.com">jwade@townofhopemills.com</a>
Fire Marshal	Brett A. Ham		<a href="mailto:baham@townofhopemills.com">baham@townofhopemills.com</a>
US Postal Service	Laricia McIver	(704) 393-4481	<a href="mailto:laricia.mciver@usps.gov">laricia.mciver@usps.gov</a>
Corp of Engineers (wetlands):	Liz Hair	(910) 251-4049	<a href="mailto:hair@usacr.army.mil">hair@usacr.army.mil</a>
NCDENR (E&S):	Leland Cottrell	(910) 433-3393	<a href="mailto:leland.cottrel@ncdenr">leland.cottrel@ncdenr</a>
US Fish & Wildlife Services	Susan Ladd Miller	(910) 695-3323	<a href="mailto:susan_miller@fws.gov">susan_miller@fws.gov</a>
Location Services:			
Site-Specific Address:	Ron Gonzales	678-7616	<a href="mailto:rgonzalez@co.cumberland.nc.us">rgonzalez@co.cumberland.nc.us</a>
Tax Parcel Numbers:			678-7549
NCDOT (driveways/curb-cuts):	Troy Baker	486-1496	<a href="mailto:tlbaker@ncdot.gov">tlbaker@ncdot.gov</a>
N.C. Division of Water Quality:	Mike Randall	(919) 733-5083 ext. 545	<a href="mailto:mike.randall@ncdenr.gov">mike.randall@ncdenr.gov</a>

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

Attachment: Case No. 15-025 Conditions of Approval

cc: Chancer McLaughlin, Town of Hope Mills

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 Town of Hope Mills

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

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

Benny Pearce,  
Town of Eastover

REVISION: 05-21-15; 09-22-15

STAFF REVIEW: 02-20-15 HOPE MILLS COMMISSIONERS DECISION: 03-16-15

CASE NO: 15-025 NAME OF DEVELOPMENT: HOPE MILLS MARKETPLACE

MIA: N/A C2(P) SITE PLAN & ZERO LOT LINE SUBDIVISION REVIEW (SHOPPING CENTER)

LOCATION: 4210, 4230, 4244, 4244, 4266, 4302, 4320 & 4330 LEGION ROAD ZONING: C2(P), C2(P)(AOD) & UNZONED

(SR 1132) PIN: 0414-98-7583-; 9459-; 0424-08-0635-; 0860-; 0927-; 2728-; 2961-; 4914-; 09-2100-; 4091-; 3160-

OWNERS / DEVELOPER: FDSE VENTURES II, LLC ENGINEER OR DESIGNER: BOHLER ENGINEERING

STAFF RECOMMENDATION:

- PRELIMINARY
- EXTENSION       REVISION
- CONDITIONAL APPROVAL
- DENIED

TOWN BOARD DECISION:

- PRELIMINARY
- EXTENSION       REVISION
- APPROVED CONDITIONALLY
- DENIED

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

**Pre- Permit Related:**

1. The Town of Hope Mills has tree preservation provisions in their ordinance; the developer must contact Mike Bailey, Hope Mills Chief Building Inspector concerning the removal of trees from this site prior to obtaining a tree removal permit.

**Permit-Related:**

2. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the Hope Mills Zoning Ordinance and permits required to place any structure within this development from the Hope Mills Inspections Department, in Town Hall at 5770 Rockfish Road. For additional information, the developer should contact a Town Inspector.
3. The Town's Plan Review Committee requirements must be complied with and in the event any significant changes to the site plan are necessary to satisfy the Plan Review Committee's requirements, re-submittal of the site plan may be required.
4. Connection to public water and sewer is required, the Public Works Commission (PWC) must approve water and sewer plans prior to application for any permits. A copy of the PWC approval must be provided to the Hope Mills Inspections Department at

the time of application for building/zoning permits. (Section 86A-406 (1), Public Water and Sewer Systems Hope Mills Subdivision Ordinance)

5. New development that will disturb one acre or more of land or is part of a larger common plan of development that will disturb one acre or more of land is subject to the Post-Construction Stormwater Management Permitting Program administered by the Hope Mills Stormwater Department. If one acre or more of land is to be disturbed, prior to the issuance of any building/zoning permits for this site a copy of the Town's Stormwater Management Permit must be provided to the Town's Inspections Department.
6. For any new development, the developer must/may have to provide the Hope Mills Inspections Department 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 developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
8. Landscaping must be provided in accordance with Section 102A-1202(n), Landscaping, Hope Mills Zoning Ordinance and/as shown on the site plan. The following are the minimum standards for the required landscaping of this site:
  - a. Five large shade trees or 13 small ornamental trees within the front yard setback area along NC 162 (Elk Road);
  - b. Twenty-two large shade trees or 65 small ornamental trees within the front yard setback area along SR 1132 (Legion Road);
  - c. Sixteen small ornamental trees and 157 shrubs are required in the building yard area;
  - d. Twelve large shade trees or 24 small ornamental trees are required within the parking area.

In addition:

- a. Required plant materials shall be maintained by the property owner, including replacing dead or unhealthy trees and shrubs; and
  - b. All yard and planting areas shall be maintained in a neat, orderly, and presentable manner and kept free of weeds and debris.
9. A Certificate of Occupancy will not be issued until the Hope Mills Stormwater Department inspects the site and certifies that it has been developed in accordance with the approved drainage plans.
  10. A *Certificate of Occupancy* will not be issued until a Zoning Inspector inspects the site and certifies that the site is developed in accordance with the approved plans.
  11. Because the subject property is located within the Airport Overlay District and in the event the proposed structures are greater than 200 feet in height, the developer will be required to provide a FCC Form 7460-1 to the Building Inspector at the time of permit application. This form must be acknowledged by the FCC that the structure is not a hazard or obstruction to air traffic.

**Site-Related:**

12. All uses, dimensions, setbacks and other related provisions of the Hope Mills Subdivision Ordinance and Zoning Ordinance for the C2(P) & C2(P)(AOD) zoning districts must be complied with, as applicable.
13. All corner lots and lots fronting more than one street must provide front yard setbacks from each street.
14. 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 XIV of the Hope Mills Zoning Ordinance and that the proper permit(s) must be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is **not** approval of the size, shape, or location of any signs.)
15. "Legion Road" must be labeled as "SR 1132 (Legion Road)" on all future plans.

16. "NC 162 (Elk Road)" must be labeled on all future plans.
17. A concrete, or other approved surface material, sidewalks are required to be constructed along SR 1132 (Legion Road) and NC 162 (Elk Road). (Section 86A-405, Sidewalks, Hope Mills Subdivision Ordinance)
18. A drainage permit from the Town of Hope Mills Stormwater Department is required for any development or redevelopment that will construct, alter, repair, relocate, or demolish any storm sewer natural watercourse, or other drainage facility. The standards used for the design and construction of all stormwater drainage structures and/or stormwater BMP facilities shall be in accordance with the "Town of Hope Mills Stormwater Design Standards", the Design Manual, and shall be subject to the requirements of Chapter 67 Article III.
19. Fire hydrants must be installed along all existing or proposed streets and drives; hydrants must be located no further than 600 feet apart and at a maximum of 300 feet from any lot. There must also be a fire hydrant with 100 feet of all building fire connections locations. (Section 86A-406 (b), Fire hydrants, Hope Mills Subdivision Ordinance)
20. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 86A-406(c), Underground utilities required, Hope Mills Subdivision Ordinance)
21. The owner/developer shall secure and maintain the detention/retention basin, keeping it clear of debris and taking measures for the prevention of insect and rodent infestation.
22. 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 Town Inspections Department at the time of application for building/zoning permits.
23. Turn lanes may be required by the NC Department of Transportation (NCDOT).
24. All lots within this development are required to be served by the internal drives within the development.
25. An internal street system will be required by the Hope Mills Street Department and NC Department of Transportation (NCDOT) to serve any future divisions of the parent tract.
26. All lighting is required to be directed internally within this development and comply with the provisions of Section 102A-1202(m), Outdoor Lighting, Hope Mills Zoning Ordinance.
27. A solid buffer must be provided and maintained along the side and rear property lines where this tract/site abuts residentially zoned properties in accordance with the provisions of Section 102A-1202(g), Buffer Requirements, Hope Mills Zoning Ordinance. (Note: Chain link fencing cannot be used to satisfy the buffer requirement.)
28. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.
29. All required off-street parking spaces shall be a minimum of 9' x 20' and shall be surfaced, with a permanent material such as asphalt or concrete, and striped prior to application for the building final inspection. A minimum of 164 off-street parking spaces is required for this development. Note: The site plan shows 265 off-street spaces. (Section 102A-1302, Off-street parking, Hope Mills Zoning Ordinance.) **(Note: If the unzoned area is ever initially zoned to a commercial zoning district than the required parking for this development will increase for any future uses based on the addition zoned space area and use.)**
30. A minimum of two off-street loading spaces(s) measuring 12' x 25' with 14' overhead clearance must be provided for the retail area.

**Plat-Related:**

31. The final plat must be label as a "Zero Lot Line" development.
32. All proposed lots must be draw with solid property lines with the bearings and distances, acreage, and lot identifier reflected on the final plat.
33. "Legion Road" must be labeled as "SR 1132 (Legion Road)" on the final plat.



34. "NC 162 (Elk Road)" must be labeled on the final plat
35. 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 plat plans must be approved by Land Use Codes prior to issuance of any permits.
36. If an access easement is to be provided on the subject property for the proposed cemetery lot, the access easement is required to be reflected on the final plat.
37. 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.
38. All lots within this development must be served by an internal drive system and a "no access" easement must be reflected on the final plat along SR 1132 (Legion Road) and NC 162 (Elk Road) with the exception of the approved driveway locations.
39. A 10' x 70' sight distance easement is required at the intersection of SR 1132 (Legion Road) with both of the proposed driveway locations and must be reflected on the final plat.
40. A 25' right-of-way radius is required at all intersections and must be reflected on the final plat. (Section 86A-404(a)(11), Street Design, Hope Mills Subdivision Ordinance)
41. 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.
42. 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 86A-603(d), Certificate of Ownership and Dedication, Hope Mills Subdivision Ordinance)
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 is located within the *Airport Overlay District* as shown on the official zoning map, the following disclosure statement is required to be provided on the final plat (Section 102A-902(e), Notice and Disclosure of Noise Impact Discloser, Hope Mills Zoning Ordinance):

"Property shown on this plan/plat is within the Cumberland County Airport Overlay District and all or a portion of the property described hereon is within an area that is subject to an average noise level near to or exceeding 65 dnl."

45. All structures shall be shown on the final plat or the final plat shall reflect the following statement:

"Nonconforming structures have not been created by this subdivision."

**Advisories:**

46. The applicant is advised to consult an expert on wetlands before proceeding with any development.
47. The owner/developer is responsible for ensuring easements which may exist on the subject property are accounted for, not encumbered and that no part of this development is violating the rights of the easement holder.
48. The US Postal Service may require this development to have centralized cluster boxes for postal service to each lot or unit. The developer is advised contact the US Postal Growth Coordinator for the Mid-Carolinas District to determine the appropriate location for the cluster boxes. If the cluster box location requires changes to the subdivision or site plan, a revised preliminary plan must be submitted to the Planning & Inspections Department for review and approval.

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

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

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

Subdivision/Site Plan/Plat	Ed Byrne	678-7609
PWC:	Heidi Maly	223-4737
Town of Hope Mills:		424-4555*
Town Clerk:	Melissa P. Adams	
Chief Building Inspector:	Mike Bailey	
Town Planner:	Chancer McLaughlin	
Stormwater Administrator:	Beth Brown	
Zoning Inspector:	Jeff Wade	
US Postal Service	Larcia McIver	(704) 393-4481
Corp of Engineers (wetlands):	Liz Hair	(910) 251-4049
NCDENR (E&S):	Sally Castle	433-3300
Location Services:		
Site-Specific Address:	Ron Gonzales	678-7616
Tax Parcel Numbers:		678-7549
NCDOT (driveways/curb-cuts):	Gary Burton	486-1496
N.C. Division of Water Quality:	Mike Randall	(919) 733-5083 ext. 545

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

cc: Chancer McLaughlin, Town of Hope Mills

**OFFICIAL PRELIMINARY STAMP**

**HOPE MILLS**

**CASE NO: 15-025**

**Revision: 09-22-15**

THIS PLAN, WITH A RECOMMENDATION OF APPROVAL BY THE CUMBERLAND COUNTY PLANNING & INSPECTION STAFF ON: 02-20-15, HAS BEEN APPROVED BY THE HOPE MILLS BOARD OF COMMISSIONERS ON **03-16-15**.

COMMENTS: SUBJECT TO CONDITIONS

I CERTIFY THAT THIS PLAN HAS BEEN APPROVED BY THE HOPE MILLS BOARD OF COMMISSIONERS AS DRAWN HEREON AND MAY BE USED FOR ANY OFFICIAL PURPOSE AS PERMITTED BY LAW. THIS APPROVAL IS VALID UNTIL: **09-22-17**

  
**GB**  
SUPERVISOR, LAND USE CODES

## Johnny Scott

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**From:** Patricia Speicher  
**Sent:** Friday, September 11, 2015 4:09 PM  
**To:** Johnny Scott  
**Subject:** FW: Initial Zoning  
**Attachments:** DOC317.pdf

fyi

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**From:** Ellis, John W. [<mailto:JWELLIS@townofhopemills.com>]  
**Sent:** Friday, September 11, 2015 3:28 PM  
**To:** Edward Byrne; Patricia Speicher  
**Cc:** [edwdeaver@aol.com](mailto:edwdeaver@aol.com); [bmarley@nc.rr.com](mailto:bmarley@nc.rr.com); [rgorman@nc.rr.com](mailto:rgorman@nc.rr.com); Jackie Warner; Pat Edwards; JERRY Legge; TC Morphis; Adams, Melissa P; Ellis, John W.  
**Subject:** Initial Zoning

Good Afternoon:

As we discussed by phone, the Hope Mills Board of Commissioners voted 3-2 on Wednesday to begin the initial zoning process as requested in the attached letter. Please begin the process and coordinate with Chancer as needed. Also, feel free to contact me if needed and please copy me on any correspondence or emails. Once you have the process underway, please provide an estimated timeline so that I can report back to the Hope Mills Town Board.

Thanks for all that you do for the Town. I hope you have a great weekend.

John E

*John W. Ellis, III*  
*Town Manager*

*Town of Hope Mills*  
*5770 Rockfish Road*  
*Hope Mills, NC 28348*  
*Office (910) 426-4116*  
*Fax (910) 424-4902*  
*[jwellis@townofhopemills.com](mailto:jwellis@townofhopemills.com)*

# BOHLER ENGINEERING NC, PLLC

Professional Engineering Services

800 West Hill Street, Charlotte, NC 28208  
Telephone: (980)272-3400 Fax: (980)272-3401

## LETTER OF TRANSMITTAL

VIA: FedEx

TO: Town of Hope Mills  
5770 Rockfish Road  
Hope Mills, NC 28348-1848

RE: Hope Mills Marketplace Site Plan

ATTN: John Ellis

DATE: September 15, 2015  
JOB NO: NCC132086

WE ARE SENDING YOU  Shop drawings  Copy of letter  Attached  Prints  Change order

<u>COPIES</u>	<u>JOB#</u>	<u>DATE</u>	<u>REVISION</u>	<u>REVISION</u> <u>DATE</u>	<u>SHEET NO.</u>	<u>DESCRIPTION</u>
3	NCC132086	9/15/15				Zoning Exhibit
3	NCC132086	9/15/15				Landscape Plan
1	NCC132086	9/15/15				Initial Zoning Request

These Are Transmitted:  For approval  For your use  As requested  
 For review and comment  Approved as submitted  Approved as noted  
 Returned for corrections

REMARKS:

If you have any questions or require additional information, please do not hesitate to contact this office at (980) 272-3400.

COPY TO:

SIGNED:



Michael Theberge, P.E.

09-16-15 P:2:29 IN



**BOHLER**<sup>TM</sup>  
ENGINEERING NC, PLLC

800 West Hill Street, Suite 101  
Charlotte, NC 28208  
PHONE 980.272.3400

September 3, 2015

Town of Hope Mills  
Town Council Members  
5770 Rockfish Road  
Hope Mills, NC 28348  
(910) 424-4555  
Attn: Mr. John Ellis

Re: Initial Zoning Request  
2.86 acres  
SW Quadrant of Legion Road,  
and Elk Road  
Town of Hope Mills  
Cumberland County, NC

Dear John:

The purpose of this letter is to request that the Board of Commissioners take up consideration of designating the initial zoning of the 2.86 acre area located at the southwest quadrant of the intersection of Legion Road and Elk Road to C2(P) – Conditional at its meeting on September 9, 2015, with the following conditions:

- No metal corrugated siding is to be used on any buildings.
- Light emissions escaping the site are to be minimized by providing directional/hooded site lighting features. Light spill onto the adjacent residential property lines will have a maximum of 1 foot-candle.
- The development will not be used for the following uses:
  1. Betting parlor; gambling casino or gaming activities including but not limited to gambling, electronic gaming machines, slot machines and other devices similar to the aforementioned; provided herein this shall not operate so as to prohibit or otherwise limit the sale of lottery tickets on the Wal-Mart tract.
  2. Funeral parlor; cemetery; crematorium.
  3. Flea market.
  4. Unlicensed massage parlor; modeling studio; adult bookstore; any establishment primarily engaged in the business of selling, exhibiting or distributing pornographic or obscene materials; a business primarily engaged in displaying live models or dancers, a video store that sells or rents videos that are rated NC-17, X, XX, XXX, or of a rating assigned to works containing material more sexually explicit than XXX, by the film rating board of the Classification and Rating Administration, provided, however, that nothing herein shall be deemed to preclude or limit the operation of licensed therapeutic massage facilities, e.g., Massage Envy, Hand & Stone Massage, Elements Therapeutic Massage, or legitimate modeling agencies.

5. Establishment selling or exhibiting materials or paraphernalia for use with illicit drugs; a so- called "head shop".
6. Business or facility used in growing, delivering, transferring, supplying, dispensing, dispersing, distributing or selling marijuana, whether by prescription, medical recommendation or otherwise, and whether consisting of live plants, seeds, seedlings or processed or harvested portions of the marijuana plant.

The 2.86 acre area consists of portions of the following parcels:

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

If you have any questions please do not hesitate to contact us at any time.

Sincerely,



Christopher Capellini, P.E.

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 County Planning 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 County Planning Staff has conferred with the petitioner or assigns, and the application as submitted is accurate and correct.

✓ Timothy & Tammy Playforth  
NAME OF OWNER(S) (PRINT OR TYPE)

4210 Legion Rd Hope Mills NC  
ADDRESS OF OWNER(S)

tplayforth@gmail.com  
E-MAIL

NA HOME TELEPHONE      910 527 5533 WORK TELEPHONE

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

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

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

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

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

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

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✓ Pamela P. Ray Randall H. Ray  
NAME OF OWNER(S) (PRINT OR TYPE)

4266 Legion Rd Hope Mills NC 28348  
ADDRESS OF OWNER(S)

pray1976@hotmail.com  
E-MAIL

910-425-4649  
HOME TELEPHONE

WORK TELEPHONE

Pamela P. Ray  
SIGNATURE OF OWNER(S)

Randy H. Ray  
SIGNATURE OF OWNER(S)

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

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

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

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

\_\_\_\_\_  
E-MAIL ADDRESS

\_\_\_\_\_  
FAX NUMBER

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



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✓ Sheila Playforth Hanrick

NAME OF OWNER(S) (PRINT OR TYPE)

4230 Legion Rd. Hope Mills NC 28348

ADDRESS OF OWNER(S)

sph224@nc.rr.com

E-MAIL

624-5851

HOME TELEPHONE

609-0678

WORK TELEPHONE

Sheila Hanrick  
SIGNATURE OF OWNER(S)

SIGNATURE OF OWNER(S)

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

ADDRESS OF AGENT, ATTORNEY, APPLICANT

HOME TELEPHONE

WORK TELEPHONE

E-MAIL ADDRESS

FAX NUMBER

SIGNATURE OF AGENT, ATTORNEY, OR APPLICANT

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

October 13, 2015

**TO:** Cumberland County Joint Planning Board  
**FROM:** Planning & Inspections Staff  
**SUBJECT:** Staff Recommendation for the October 20, 2015 Board Meeting

**P15-56.** REMOVAL OF 1.58+/- ACRES FROM THE MSOD MAIN STREET OVERLAY DISTRICT, ZONED: O&I OFFICE AND INSTITUTIONAL; LOCATED AT 405 N MAIN STREET; SUBMITTED BY WOONG C. KIM ON BEHALF OF A/G NEW VISION MISSION CHURCH (OWNER) AND DIANE R. BECKER, PC. (SPRING LAKE)

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

The Planning and Inspections Staff recommends denial of Case No. P15-56 which would remove the subject property from the Main Street Overlay district based on the following:

- The request, if approved, would be contrary to the goals and objectives set forth in adoption of the Main Street Overlay district which was designed to encourage new construction and re-development in an area that is oriented towards serving the citizens of Spring Lake and the traveling public as well as increasing the economic well-being of the town.

There are no other districts considered suitable for this case.

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

In addition to the above information, the Planning and Inspections Staff recommends the board find that the request is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan* which calls for “urban” at this location. The request is also consistent with the Spring Lake Area Detailed Land Use Plan which calls for “downtown” and “office and institutional”; however, the Main Street Overlay district, which generally precludes not for profit businesses, was adopted in 2014 and is more restrictive than the adopted land use plans.

The staff further recommends the board find that the request is not reasonable or in the public interest because the proposal discourages the protection and enhancement of the downtown Main Street area by impeding the efficient and adequate provisions for infrastructure particularly a pedestrian-friendly, vibrant commercial environment while encouraging economic growth that compliments and expands the unique character of the downtown area.

**Attachments:**

1. Site Profile
2. Sketch Map
3. MSOD Map

**P15-56**  
**SITE PROFILE**

**P15-56.** REMOVAL OF 1.58+/- ACRES FROM THE MSOD MAIN STREET OVERLAY DISTRICT ZONED O&I OFFICE AND INSTITUTIONAL, LOCATED AT 405 N MAIN STREET, SUBMITTED BY WOONG C. KIM ON BEHALF OF A/G NEW VISION MISSION CHURCH (OWNER) AND DIANE R. BECKER, PC. (SPRING LAKE)

**Site Information:**

**Frontage & Location:** 107.42'+/- on SR 1449 (N Main Street) & 662.78'+/- on Kaye Street

**Depth:** 662.78'+/-

**Jurisdiction:** Spring Lake

**Adjacent Property:** No

**Current Use:** Vacant non-residential structure, previously was a club/lodge

**Initial Zoning:** May 28, 1979 (Town of Spring Lake); CB – approved September, 26 1983; MSOD approved September 22, 2014

**Nonconformities:** Yes, purchased by religious worship which is not permitted in the MSOD

**Zoning Violation(s):** None

**Surrounding Zoning:** North: C(P)/CU (towing business), C3, C(P), O&I, R10, PND, R6A & R6; South: C3, C(P), C1, O&I, R6A & R6; East: C3, C(P) & R6; West: O&I, R6A & R5 \*all referenced districts are in the Town of Spring Lake

**Surrounding Land Use:** Residential (including manufactured dwellings & multi-family), religious worship, schools (2), day care, funeral home, manufactured home park, cabinet making, bank, post office, barbering, vacant commercial building, offices (2), retailing & woodlands

**2030 Land Use Plan:** Urban

**Spring Lake Land Use Plan:** Downtown and Office & Institutional

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

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

**Soil Limitations:** None

**School Capacity/Enrolled:** Lillian Black Elementary: 265/224; Spring Lake Middle: 700/468; Pine Forest High: 1,750/1,616

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

**Average Daily Traffic Count (2012):** 2,800 on SR 1449 (N Main Street)

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

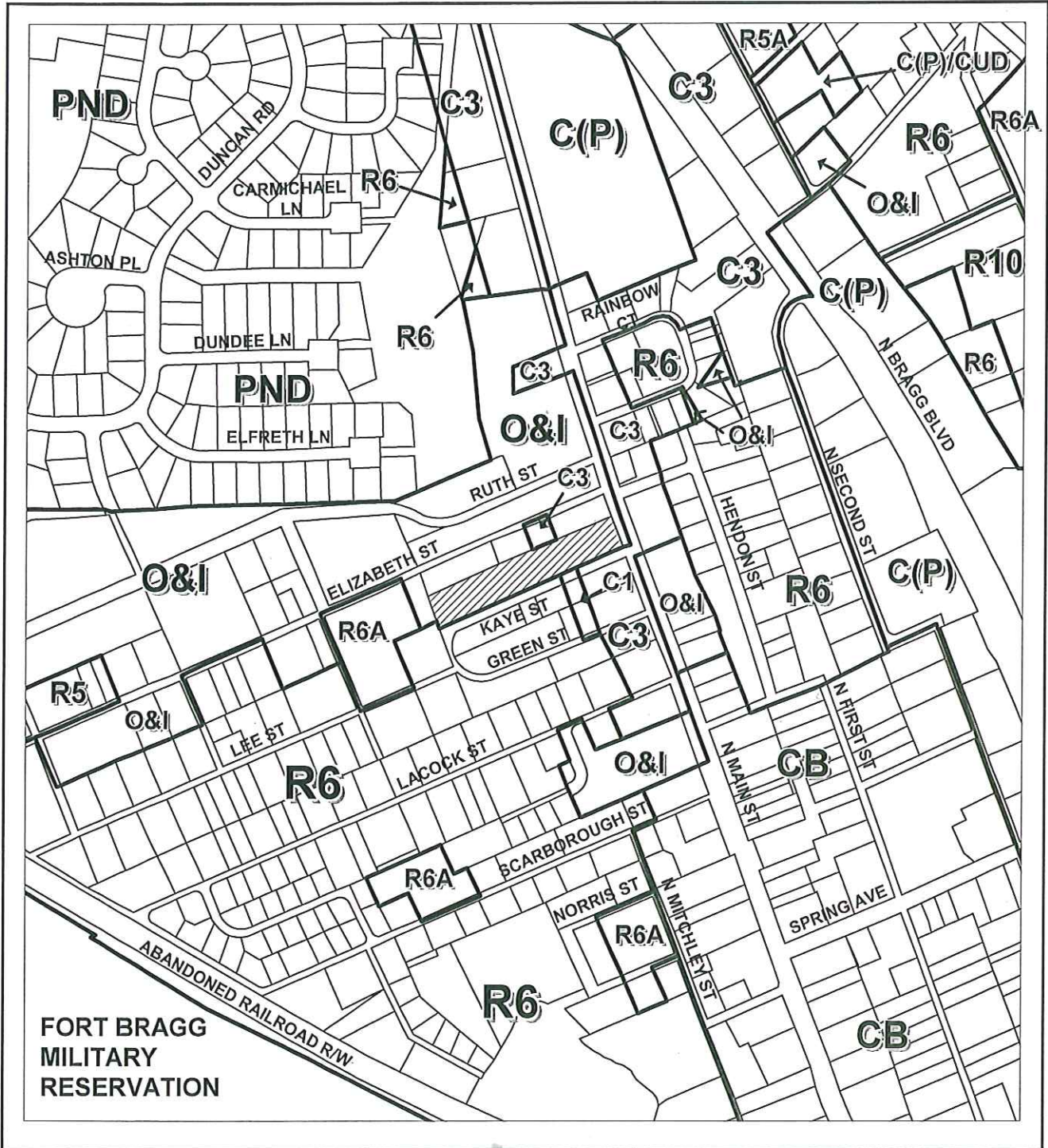
**Note:**

**Minimum Yard Setback Regulations:**

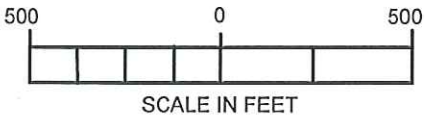
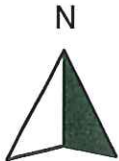
<b><u>CB</u></b>	<b><u>O&amp;I</u></b>
Front yard: 20'	Front yard: 35'
Side yard: 0'	Side yard: 15'
Rear yard: 20'	Rear yard: 20'

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

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



FORT BRAGG  
MILITARY  
RESERVATION



## REMOVAL FROM MAIN STREET OVERLAY DISTRICT

ACREAGE: 1.58 AC.+/-		HEARING NO: P15-56	
ORDINANCE: SPRING LAKE		HEARING DATE	ACTION
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

