

Charles Morris,  
Chair  
Town of Linden

Diane Wheatley,  
Vice-Chair  
Cumberland County

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,  
Carl Manning,  
Lori Epler  
Cumberland County

Benny Pearce,  
Town of Eastover

Patricia Hall,  
Town of Hope Mills

**TENTATIVE AGENDA**

December 20, 2016

7:00 P.M.

- I. INVOCATION AND PLEDGE OF ALLEGIANCE
- II. APPROVAL OF/ADJUSTMENTS TO AGENDA
- III. PUBLIC HEARING DEFERRALS
- IV. ABSTENTIONS BY BOARD MEMBERS
- V. POLICY STATEMENT REGARDING PUBLIC HEARING TIME LIMITS
- VI. APPROVAL OF THE MINUTES OF NOVEMBER 15, 2016
- VII. PUBLIC HEARING CONSENT ITEMS

REZONING CASES

**(HEADING HAS CHANGED)**

- A. **P16-48.** Rezoning of 3.66+/- acres from C(P) Planned Commercial to A1A Agricultural or to a more restrictive zoning district, located at 5208 NC HWY 87 S and the adjacent tract to the south, submitted by Betty Bennett Walters (owner) and Donald Lee Walters (agent).
- B. **P17-01.** Rezoning of 2.07+/- acres from R40 Residential/CU Conditional Use to allow a manufactured home to R40A Residential or to a more restrictive zoning district, located at 815 Fred Hall Road, submitted by Delvin S. McAllister (owner).

CONDITIONAL ZONING DISTRICT

- C. **P17-03.** Rezoning of .59+/- acres from O&I(P) Planned Office & Institutional to C2(P) Planned Service & Retail/CZ Conditional Zoning for restaurant with drive-in or to a more restrictive zoning district, located at 3220 & 3218 N Main Street, submitted by Godfrey & Bolanle Onime individually and on behalf of GDO Properties, LLC (owners) & Rishi Shah (agent).

VIII. PUBLIC HEARING CONTESTED ITEMS

IX. DISCUSSION

DIRECTOR'S UPDATE

X. ADJOURNMENT

Charles Morris,  
Chair  
Town of Linden

Diane Wheatley,  
Vice-Chair  
Cumberland County

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Patricia Hall,  
Town of Hope Mills

December 13, 2016

**MEMORANDUM**

**TO:** Cumberland County Joint Planning Board  
**FROM:** Planning and Inspections Staff  
**SUBJECT:** Staff Recommendation for the December 20, 2016 Board Meeting

**P16-48.** REZONING OF 3.66+/- ACRES FROM C(P) PLANNED COMMERCIAL TO A1A AGRICULTURAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 5208 NC HWY 87 S AND THE ADJACENT TRACT TO THE SOUTH, SUBMITTED BY BETTY BENNETT WALTERS (OWNER) AND DONALD LEE WALTERS (AGENT).

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

The Planning and Inspections Staff recommends the board find that while approval of the request is not consistent with the adopted *2030 Growth Strategy Map*, which calls for “urban” at this location, it is consistent with the text of the Growth Vision Plan in that approval would be keeping with the existing character of the area. The request is also not consistent with the South Central Land Use Plan which calls for “heavy commercial,” but could be found suitable as stated above.

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 one 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.*

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

In addition to the above information, the Planning and Inspections Staff recommends the board approve Case No. P16-48 for the A1A Agricultural district based on the following:

- The district requested will allow for land uses and lot sizes that exist on the subject property and in the general area.

Attachments: 1 – Site Profile  
2 – Sketch Map

**P16-48**  
**SITE PROFILE**

**(HEADING HAS CHANGED)**

**P16-48.** REZONING OF 3.66+/- ACRES FROM C(P) PLANNED COMMERCIAL TO A1A AGRICULTURAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 5208 NC HWY 87 S AND THE ADJACENT TRACT TO THE SOUTH, SUBMITTED BY BETTY BENNETT WALTERS (OWNER) AND DONALD LEE WALTERS (AGENT).

**Site Information:**

**Frontage & Location:** 380'+/- on NC HWY 87 S

**Depth:** 500'+/-

**Jurisdiction:** County

**Adjacent Property:** No

**Current Use:** Residential & vacant

**Initial Zoning:** A1 – June 25, 1980 (Area 13); Rezoned to C(P)

**Nonconformities:** Residential use on commercial lot, rezoning would resolve this nonconformity; May not meet front yard setback in A1A district

**Zoning Violation(s):** None

**Surrounding Zoning:** North: C(P), C(P)/CUD (mini-warehousing), C2(P), A1, R40A, RR, RR/CU (manufactured home and video sales) & R6A; South: A1, R40, R40A & RR; East: A1; West: A1 & RR

**Surrounding Land Use:** Residential (including manufactured homes), shopping center, restaurant (2), daycare, convenience retail w/ gasoline sales & motor vehicle wrecking yard

**2030 Growth Vision Plan:** Urban

**South Central Land Use Plan:** Heavy Commercial

**School Capacity/Enrolled:** Alderman Road Elementary: 750/667; Gray's Creek Middle: 1100/1066; Gray's Creek High School: 1470/1448

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

**Water/Sewer Availability:** PWC/PWC (new development most likely will be required to extend & connect)

**Sewer Service Area:** Yes

**Soil Limitations:** None

**Subdivision/Site Plan:** If approved, subdivision or group development review may be required.

**Average Daily Traffic Count (2014):** 11000 on NC HWY 87 S

**Highway Plan:** NC HWY 87 S is a local thoroughfare with no road improvements/construction planned. This case has no impact on the current Highway Plan or Transportation Improvement Program.

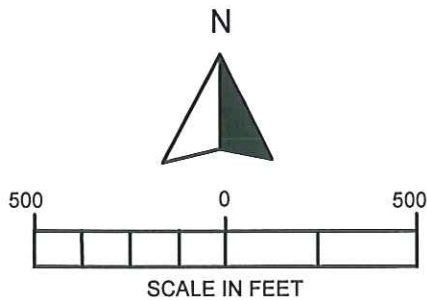
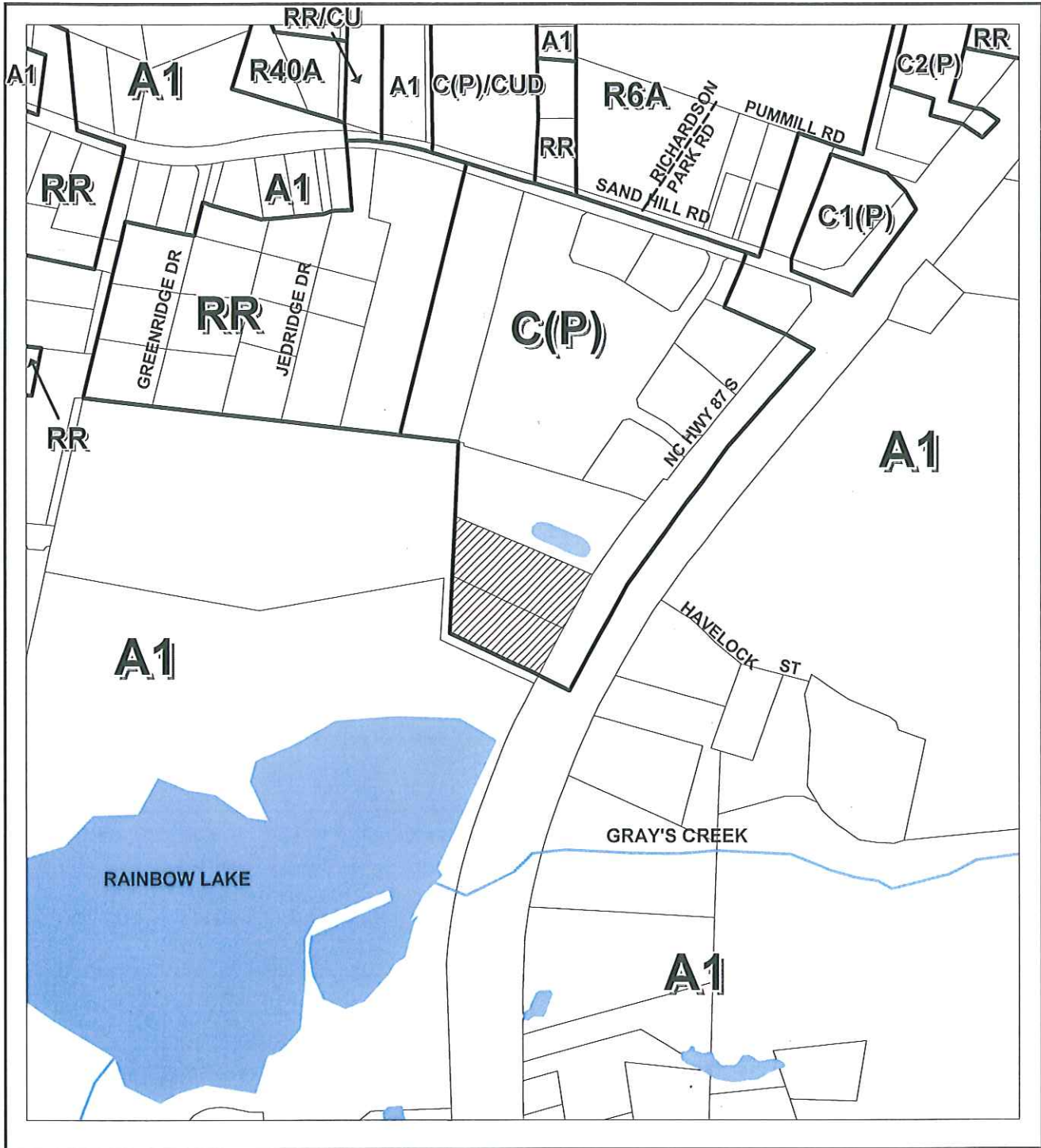
**Notes:**

1. Density  
A1 – 1 lot/ 2 units  
A1A – 3 lots/ 4 units
  
2. Minimum Yard Setbacks:

<u>A1 &amp; A1A</u>	<u>C(P)</u>
Front yard: 50'	Front yard: 50'
Side yard: 20'	Side yard: 30'
Rear yard: 50'	Rear yard: 30'

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

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



PIN: 0442-28-7695, 7436

## REQUESTED REZONING C(P) TO A1A

<b>ACREAGE: 3.66 AC.+/-</b>	<b>HEARING NO: P16-48</b>	
ORDINANCE: COUNTY	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

11-14-2016  
12-06-2016  
AM

Charles Morris,  
Chair  
Town of Linden

Diane Wheatley,  
Vice-Chair  
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Town of Hope Mills

December 13, 2016

**MEMORANDUM**

**TO:** Cumberland County Joint Planning Board  
**FROM:** Planning and Inspections Staff  
**SUBJECT:** Staff Recommendation for the December 20, 2016 Board Meeting

**P17-01.** REZONING OF 2.07+/- ACRES FROM R40 RESIDENTIAL/CU CONDITIONAL USE TO ALLOW A MANUFACTURED HOME TO R40A RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 815 FRED HALL ROAD, SUBMITTED BY DELVIN S. MCALLISTER (OWNER).

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

The Planning and Inspections Staff recommends the board find that approval of the request is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for “community growth” development at this location. While the request is not entirely consistent with the Stedman Land Use Plan, which calls for “suburban residential” development, it could be found suitable as approval would be keeping with the existing character of the area.

The staff recommends the board further find that approval of this rezoning is reasonable and in the public interest because the district requested for the subject property meets or exceeds the location criteria of the adopted Land Use Policies Plan, in that: *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 one 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.*

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

In addition to the above information, the Planning and Inspections Staff recommends the board approve Case No. P17-01 for R40A Residential based on the following:

- The district requested will allow for land uses and lot sizes that exist on the subject property and in the general area.

The R40 Residential district could also be considered suitable at this location.

Attachments: 1 – Site Profile  
2 – Sketch Map

**P17-01**  
**SITE PROFILE**

**P17-01.** REZONING OF 2.07+/- ACRES FROM R40 RESIDENTIAL/CU CONDITIONAL USE TO ALLOW A MANUFACTURED HOME TO R40A RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 815 FRED HALL ROAD, SUBMITTED BY DELVIN S. MCALLISTER (OWNER).

**Site Information:**

**Frontage & Location:** 100'+/- on SR 2019 (Fred Hall Rd)

**Depth:** 550'+/-

**Jurisdiction:** County

**Adjacent Property:** No

**Current Use:** Residential

**Initial Zoning:** R40 – September 3, 1996 (Area 20); Rezoned to R40/CU for manufactured home on March 16, 1998

**Nonconformities:** None

**Zoning Violation(s):** None

**Surrounding Zoning:** North: A1, R40, R40A & RR; South: A1; East: A1 & R40A; West: A1 & RR

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

**2030 Growth Vision Plan:** Community growth area

**Stedman Land Use Plan:** Suburban Residential

**School Capacity/Enrolled:** Stedman Primary: 200/172; Stedman Elementary: 300/324; Mac Williams Middle: 1270/1085; Cape Fear High: 1800/1775

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

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

**Municipal Influence Area:** Stedman

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

**Subdivision/Site Plan:** If approved, subdivision or group development review may be required.

**Average Daily Traffic Count (2014):** 710 on SR 2019 (Fred Hall Road)

**Highway Plan:** This property is outside of FAMPO boundaries.

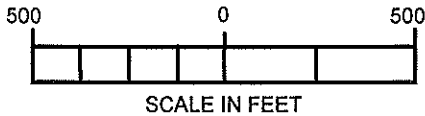
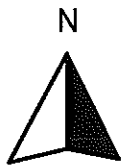
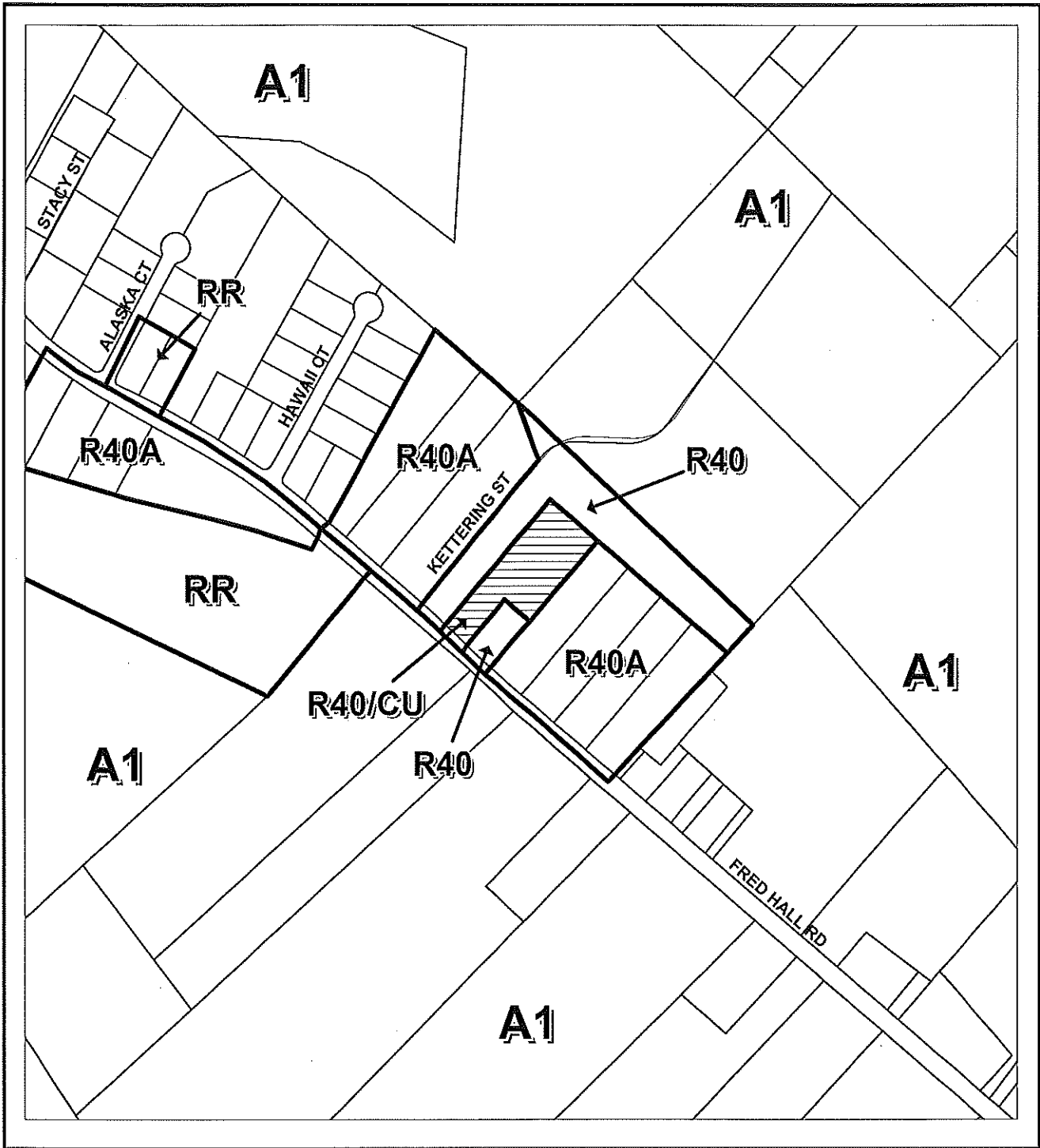
**MCCOG:** No comment

**Notes:**

1. Density  
R40 – 2 lots/units  
R40A – 2 lots/units
  
2. Minimum Yard Setbacks:  
**R40 & R40A**  
Front yard: 30'  
Side yard: 15'  
Rear yard: 35'

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

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



## REQUESTED REZONING R40/CU TO R40A

ACREAGE: 2.07 AC.+/-

HEARING NO: P17-01

ORDINANCE: COUNTY

HEARING DATE

ACTION

STAFF RECOMMENDATION

PLANNING BOARD

GOVERNING BOARD

Charles Morris,  
Chair  
Town of Linden

Diane Wheatley,  
Vice-Chair  
Cumberland County

Jami McLaughlin,  
Town of Spring Lake  
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Town of Hope Mills

December 13, 2016

**MEMORANDUM**

**TO:** Cumberland County Joint Planning Board  
**FROM:** County Planning Staff  
**SUBJECT:** Staff Recommendation for the December 20, 2016 Board Meeting

**P17-03.** REZONING OF .59+/- ACRES FROM O&I(P) PLANNED OFFICE & INSTITUTIONAL TO C2(P) PLANNED SERVICE & RETAIL/CZ CONDITIONAL ZONING FOR RESTAURANT WITH DRIVE-IN OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 3220 & 3218 N MAIN STREET, SUBMITTED BY GODFREY & BOLANLE ONIME INDIVIDUALLY AND ON BEHALF OF GDO PROPERTIES, LLC (OWNERS) & RISHI SHAH (AGENT). (HOPE MILLS)

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

The Planning and Inspections Staff recommends the board find that approval of the request is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for "urban" development at this location. The request is also consistent with the Southwest Cumberland Land Use Plan, which calls for "heavy commercial" development.

The staff recommends the board further find that approval of this rezoning is reasonable and in the public interest because the district requested for the subject property meets or exceeds the location criteria of the adopted Land Use Policies Plan, in that: *public water and sewer required*, PWC water and sewer available; *must have direct access to a collector street*, NC HWY 59 is a principal arterial street & Golfview Road is a minor arterial street ; *should serve as a transition between heavy commercial, office & institutional or residential development*, there are a mix of land uses and zoning districts in the area; *should provide convenient goods and services to the immediate surrounding neighborhood & may be located in an activity node or in a designated heavy commercial area.*

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

In addition to the above information, the County Planning Staff recommends the board approve Case No. P17-03 for C2(P) Planned Service and Retail/CZ Conditional Zoning based on the following:

- The district requested will allow for similar nonresidential land uses for a restaurant with drive-in that exist in the general area.

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

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



**P17-03**  
**SITE PROFILE**

**P17-03.** REZONING OF .59+/- ACRES FROM O&I(P) PLANNED OFFICE & INSTITUTIONAL TO C2(P) PLANNED SERVICE & RETAIL/CZ CONDITIONAL ZONING FOR RESTAURANT WITH DRIVE-IN OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 3220 & 3218 N MAIN STREET, SUBMITTED BY GODFREY & BOLANLE ONIME INDIVIDUALLY AND ON BEHALF OF GDO PROPERTIES, LLC (OWNERS) & RISHI SHAH (AGENT). (HOPE MILLS)

**Site Information:**

**Frontage & Location:** 150'+/- on NC HWY 59 (N Main Street); 132'+/- on SR 1115 (Golfview Road)

**Depth:** 182'+/-

**Jurisdiction:** Hope Mills

**Adjacent Property:** None

**Current Use:** Vacant commercial

**Initial Zoning:** R10 (Town of Hope Mills); Rezoned to O&I(P) on July 7, 2003

**Nonconformities:** Existing structures are nonconforming due to setbacks, proposed to be demolished.

**Zoning Violation(s):** None

**Surrounding Zoning:** North: C(P) (HM), C1(P) (HM), C2(P) (HM), RR, R10 (HM & County) & R5A (HM); South: C3, O&I(P), R10 & R6; East: C1(P), O&I(P) & R10; West: C(P), R10 & R6A

**Surrounding Land Use:** Residential (including multi-family), motor vehicle parts store, bank, medical office (2), post office, utility substation, car wash, religious worship, funeral home, cemetery & shopping center

**2030 Growth Vision Plan:** Urban

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

**School Capacity/Enrolled:** Rockfish Elementary: 725/678; Hope Mills Middle: 740/571; South View High School: 1800/1775

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

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

**Soil Limitations:** None

**Subdivision/Site Plan:** If approved, see Ordinance Related Conditions.

**Average Daily Traffic Count (2014):** 23,000 on NC HWY 59 (N Main Street); 9,800 on SR 1115 (Golfview Road)

**Highway Plan:** The subject property falls within the division safety project W-5206AA. No additional right of way is required.

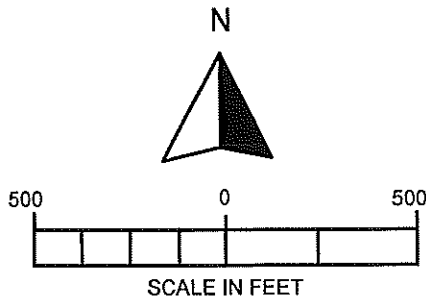
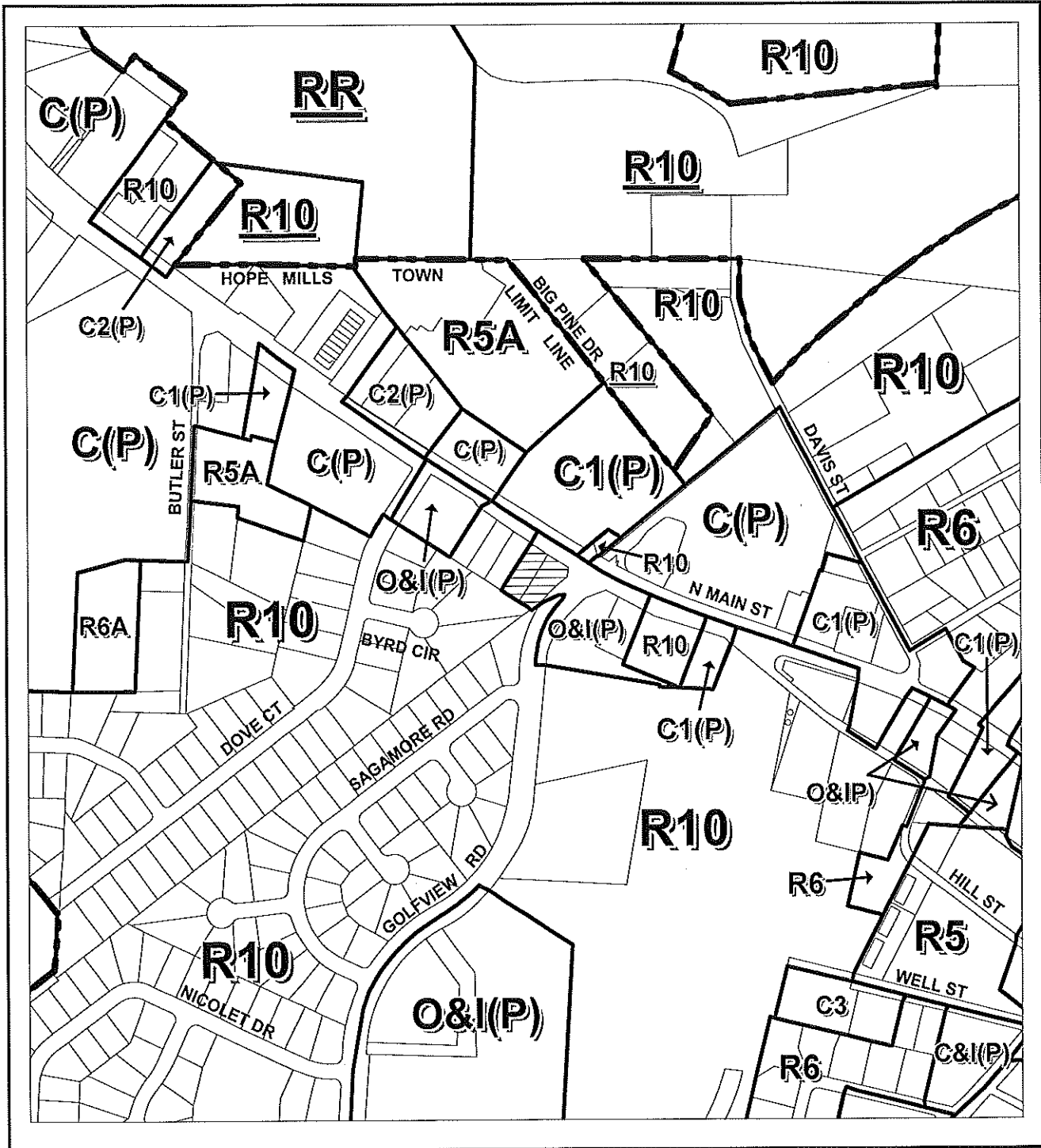
**Notes:**

1. Minimum Yard Setbacks:

<u>O&amp;I(P)</u>	<u>C1(P)</u>	<u>C2(P)</u>
Front yard: 35'	Front yard: 45'	Front yard: 50'
Side yard: 15'	Side yard: 15'	Side yard: 30'
Rear yard: 20'	Rear yard: 20'	Rear yard: 30'

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

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

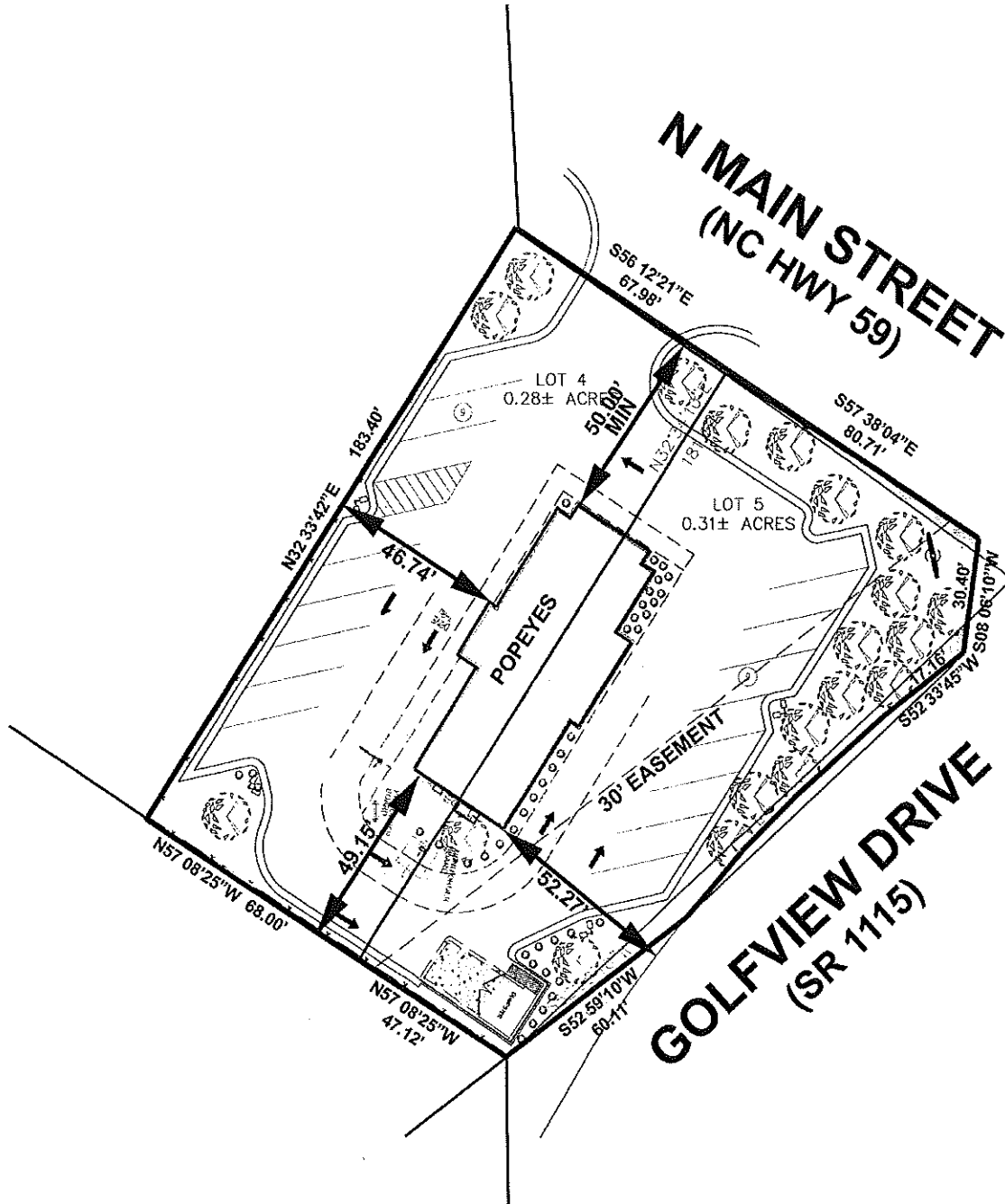


## REQUESTED REZONING O&I(P) TO C2(P)/CZ

ACREAGE: 0.59 AC.+/-	HEARING NO: P17-03	
ORDINANCE: HOPE MILLS	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

PIN: 0414-27-6055, 7012

AM



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

**REQUEST: FOR RESTAURANT WITH DRIVE-IN**

**CASE: P17-03    ACREAGE: 0.59 AC +/-**

**SCALE: NTS    PARKING: 18 SPACES**

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

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

DRAFT

Ordinance Related Conditions  
for  
Restaurant with Drive-In

**Pre- Permit Related:**

1. The Town of Hope Mills has tree preservation provisions in their ordinance; the developer must contact Chancer McLaughlin, Hope Mills Town Planner concerning the removal of trees from this site prior to obtaining a tree removal permit.
2. A recombination plat (also known as a "No Approval Required" or "NAR") must be submitted to Land Use Codes and then the Town Manager for review and approval for recording with the County Register of Deeds, and the plat must be recorded prior to any permit application for any structure and/or prior to the sale of any lot or unit within this development.
3. A minimum of one off-street loading space measuring 12' x 25' with 14' overhead clearance must be provided for the restaurant area. (Note: Five copies of a revised site plan depicting the required loading space must be submitted for staff review and approval prior to application for any building/zoning permits.) (Section 102A-1303 Off-street loading, Hope Mills Zoning Ordinance.)

**Permit-Related:**

4. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the Hope Mills Zoning Ordinance and building/zoning permits required to place any structure within this development from the Hope Mills Inspection Department/Planning Department, in Town Hall at 5770 Rockfish Road. For additional information, the developer should contact a Town Planner.
5. 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. The following comments are from the respective town departments:
  - a. **Town of Hope Mills Storm water Department:** As far as storm water requirements, the lot size (even combined) doesn't meet the 1 acre threshold to require treatment. The general storm water ordinance does not allow property owners to direct or inundate adjacent properties. Due to the fact that 95% of the site is impervious, they will need to show that water will not leave the site and create negative impacts or public safety issues in the Town or DOT maintained ROW.
  - b. **Town of Hope Mills Planning Department:** The surrounding area is comprised of a variety of zoning districts and is located in a well established commercial node. The proposed rezoning from O&I(P) to C2(P)CZ is in compliance with the SW Cumberland Land use Plan which calls for Light Commercial.
  - c. **Town of Hope Mills Public Works Department:** If you look at other franchises their structures are very similar to the one on Gillespie Street (BUS301). The layout is pretty simple and not a lot of parking spaces because of the size of the dinner. The only issue could be the lack of depth of the lots to allow ease of access for our FD and emergency response vehicles. DOT will have to address the establishment's entry/exit proximity to Golfview right turn.
  - d. **Town of Hope Mills Fire Department:** There are concerns with the width of the roadway going around proposed structure as well as the turning radius in terms of emergency vehicles. Access to main street is also of concern due to the proposed median being constructed by DOT.
6. 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/Planning Department at the time of application for building/zoning permits. (Section 86A-406 (1), Public Water and Sewer Systems Hope Mills Subdivision Ordinance)
7. For any new development, the developer must/may have to provide the Hope Mills Inspections Department/Planning Department with an approved NC Department of Environmental Quality (NCDEQ) 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 NCDEQ approval must be provided to the Hope Mills Town Inspections Department/Planning Department at the time of application for any building/zoning permits.
8. The developer must provide a site-specific address and tax parcel number to the Hope Mills Inspections Department/Planning Department at the time of building/zoning permit application.
9. Landscaping must be provided in accordance with Section 102A-1202(n), Landscaping, Hope Mills Zoning Ordinance and/as shown on the site plan. The following are the minimum standards for the required landscaping of this site:
  - a. Three large shade trees or nine small ornamental trees within the front yard setback area along NC HWY 59 (N Main Street);

- b. Three large shade trees or eight small ornamental trees within the front yard setback area along SR 1115 (Golfview Road)
- c. Two small ornamental trees and 25 shrubs are required in the building yard area;
- d. Two trees and 12 shrubs are required within the parking area.

In addition:

- a. Required plant materials shall be maintained by the property owner, including replacing dead or unhealthy trees and shrubs; and
  - b. All yard and planting areas shall be maintained in a neat, orderly, and presentable manner and kept free of weeds and debris.
10. 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.
  11. A *Certificate of Occupancy* will not be issued until the Town Planner inspects the site and certifies that the site is developed in accordance with the approved plans.
  12. Prior to the building final, fire hydrants must be installed along the street rights-of-way; hydrants must be located no further than 300 feet apart for commercial properties as measured linearly along the right-of-way. (Section 86A-406 (b), Fire hydrants, Hope Mills Subdivision Ordinance)
  13. Prior to the building final, a concrete, or other approved surface material, sidewalk is required to be constructed along NC HWY 59 (N Main Street) and SR 1115 (Golfview Road). (Section 86A-405, Sidewalks, Hope Mills Subdivision Ordinance)
  14. 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 Hope Mills Inspection Department /Planning Department at the time of application for building/zoning permits. Permits **MUST** be secured prior to the change or alteration of existing or proposed property use. Failure to secure required permits prior to construction or change in property usage may result in the removal of the driveway or street connections at the property owner's expense. For additional information contact the Hope Mills Street Department and NCCDOT Division 6 / District 2 office at the numbers listed on the bottom of this conditional approval.

**Note: In the event the NCDOT driveway permit process alters the site plan in any manner, the copies of a revised site plan must be submitted for staff review and approved prior to permit application.**

**Note: The property owner most likely will be required to provide a copy of a recorded plat and deed conveying to the NCDOT that portion of the subject property located within or to be located within the right-of-way at the time of driveway permit application.**

**Site-Related:**

15. All uses, dimensions, setbacks and other related provisions of the Hope Mills Subdivision Ordinance and Zoning Ordinance for the C2(P)/CZ zoning district for a restaurant with drive thru, to include the contents of the application and site, must be complied with, as applicable.
  16. All corner lots and lots fronting more than one street must provide front yard setbacks from each street.
  17. This conditional approval is not approval of the permit for the freestanding signs. Attached signage for this development must be in accordance with the applicable sign regulations as set forth in Article 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.)
  18. Curbs and gutters must meet the NC Department of Transportation's (NCDOT) standards and specifications. Rolled concrete curb, if required, must not be less than 24 inches in width. (Section 86A-404(16) (b) (3), Curbs and Gutters, Hope Mills Subdivision Ordinance)
  19. 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.
  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. Turn lanes may be required by the Hope Mills Street Department and NC Department of Transportation (NCDOT).
- Note: The property owner most likely will be required to provide a copy of a recorded plat and deed conveying to the NCDOT that portion of the subject property located within or to be located within the right-of-way at the time of driveway permit application.**
22. 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.

23. 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 and as shown on the site plan. (Note: Chain link fencing cannot be used to satisfy the buffer requirement.)
24. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.
25. All required off-street parking spaces shall be a minimum of 9' x 20' and shall be surfaced, with a permanent material such as asphalt or concrete, and striped prior to application for the building final inspection. A minimum of 14 off-street parking spaces is required for this development. (Section 102A-1302, Off-street parking, Hope Mills Zoning Ordinance.)

**Plat-Related:**

26. "N Main Street" be labeled as "NC HWY 59 (North Main Street)" on the recombination plat.
27. "Golfview Drive" be labeled as "SR 1115 (Golfview Road)" on the recombination plat.
28. 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.
29. A 10' x 70' sight distance easement is required at the intersection of NC HWY 59 (N Main Street) with SR 1115 (Golfview Road) and must be reflected on the recombination plat.
30. The NC Department of Transportation (NCDOT) stamp must be affixed to the recombination plat prior to submission for recombination plat for approval for recording by Land Use Codes.

**Note: The property owner most likely will be required to provide a copy of a recorded plat and deed conveying to the NCDOT that portion of the subject property located within or to be located within the right-of-way at the time of driveway permit application.**

31. 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)
32. The recombination plat must be submitted to Land Use Codes and then the Town Manager for review and approval for recording with the County Register of Deeds, and the plat must be recorded prior to any permit application for any structure and/or prior to the sale of any lot or unit within this development.

**Plat-Required Statements:**

33. All structures shall be shown on the recombination plat or the plat must reflect the following statement:

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

**Other Relevant Conditions:**

34. The applicant is advised to consult an expert on wetlands before proceeding with any development.
35. 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.
36. The developer's subsequent application for permits upon receipt of these conditions of approval constitutes the developer's understanding and acceptance of the conditions of approval for this development.
37. This conditional approval is not to be construed as all encompassing of the applicable rules, regulations, etc. which must be complied with for any development. Other regulations, such as building, environmental, health and so forth, may govern the specific development. The developer is the responsible party to ensure full compliance with all applicable Federal, State, and local regulations.
38. This conditional approval is contingent upon continued compliance with the Town's Subdivision and Zoning Ordinances.

**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.**

**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:	Daniel Ortiz	433-3680	<a href="mailto:dortiz@co.cumberland.nc.us">dortiz@co.cumberland.nc.us</a>
PWC:	Sam Powers	223-4370	<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>
Planner -- Zoning Permits	Chancer McLaughlin		<a href="mailto:cmclaughlin@townofhopemills.com">cmclaughlin@townofhopemills.com</a>
Chief Building Inspector:	David (Ray) Reeves		<a href="mailto:dreeves@townofhopemills.com">dreeves@townofhopemills.com</a>
Stormwater/Flood Administrator:	Beth Brown		<a href="mailto:eabrown@townofhopemills.com">eabrown@townofhopemills.com</a>
Fire Marshal	Brett A. Ham		<a href="mailto:baham@townofhopemills.com">baham@townofhopemills.com</a>
Public Works -- Streets/Sidewalks	Hector A Cruz-Alicea		<a href="mailto:hacruz@townofhopemills.com">hacruz@townofhopemills.com</a>

US Postal Service	Jonathan R. Wallace	(704) 393-4412	<a href="mailto:jonathan.r.wallace@usps.gov">jonathan.r.wallace@usps.gov</a>
Corp of Engineers (wetlands):	Liz Hair	(910) 251-4049	<a href="mailto:hair@usacr.army.mil">hair@usacr.army.mil</a>
NCDEQ (E&S):	Leland Cottrell	(910) 433-3393	<a href="mailto:leland.cottrell@ncdenr.gov">leland.cottrell@ncdenr.gov</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>
Street Naming/Signs:	Diane Shelton	678-7665	<a href="mailto:nameit2@co.cumberland.nc.us">nameit2@co.cumberland.nc.us</a>
Tax Parcel Numbers:		678-7549	
NCDOT (driveways/curb-cuts):	Troy Baker	486-1496	<a href="mailto:tbaker@ncdot.gov">tbaker@ncdot.gov</a>
Transportation Planning:	Joel Strickland	678 7622	<a href="mailto:jstrickland@co.cumberland.nc.us">jstrickland@co.cumberland.nc.us</a>
N.C. Division of Water Quality:	Mike Randall	(919) 807-6374	<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.

cc: Chancer McLaughlin, Town of Hope Mills

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

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

1. Applicant/Agent RISHI SHAH
2. Address: 150 N. McPHERSON CH. RD. FAYETTEVILLE, Zip Code 28303
3. Telephone: (Home) CELL 910.977.1596 (Work) 910.829.1617
4. Location of Property: 3220 AND 3218 N. MAIN STREET, HOPE MILLS, NC  
1) 0414-27-6055
5. Parcel Identification Number (PIN #) of subject property: 2) 0414-27-7012  
(also known as Tax ID Number or Property Tax ID)
6. Acreage: TOTAL 0.59 ACRE Frontage: 156+/- Depth: 182+/-
7. Water Provider: PWC Septage Provider: PWC
8. Deed Book 1) BK 6508, PG 065, Page(s) 2) BK 9296, PG 071, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
9. Existing use of property: PROFESSIONAL O&I
10. Proposed use(s) of the property: COMMERCIAL - RESTAURANT WITH DRIVE-THRU

**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: O&I TO C2(P)

TO: (Select one)

- X 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.)

A restaurant with drive thru/pick window.

- 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.

0.59 Acres - 1 Free Standing

2. DIMENSIONAL REQUIREMENTS:

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

Minimum setback required and proposed (minimum):

Front - 50'

Side street - 50'

side and rear - 30'

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

18 asphalt parking spaces proposed

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIV.

The proposed sign location is shown on the 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. 102A-1202(n)]. **NOTE: All required landscaping must be included on the site plan.**

The attached site plan shows a total of 20 ornamental trees and 40 shrubs.

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

The attached site plan shows a solid opaque fence along the western and southern lines adjacent residentially zoned property.

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. This establishment will have approximately seven employees per shift and will be open for business from 10:00 am until 10:00 pm, seven days per week.

6. SITE PLAN REQUIREMENTS:

The application must include a site plan drawn to the specifications of Sec. 102A-1502. If the proposed uses involve development subject to the Hope Mills Subdivision Ordinance, the site plan required may be general in nature, showing a generalized street pattern, if applicable, and the location of proposed uses. If the proposed uses include development not subject to the Subdivision Ordinance, the site plan must be of sufficient detail to allow the County Planning Staff, Hope Mills Review Committee, the Zoning Board and Board of Commissioners to analyze the proposed uses and arrangement of uses on the site. It also must include the footprints of all buildings (proposed and existing), the proposed number of stories, location and number of off-street parking and loading spaces, proposed points of access to existing streets and internal circulation patterns. In addition, the location of all proposed buffers and fences and landscaping shall be included on the site plan.

See attached.

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.

Godfrey Onime & Bolanle Onime  
NAME OF OWNER(S) (PRINT OR TYPE)

406 Emerald Lake Drive, Lumberton, NC 28358  
ADDRESS OF OWNER(S)

godfrey3366@yahoo.com  
E-MAIL

910-258-6171  
HOME TELEPHONE

WORK TELEPHONE

Godfrey Onime  
SIGNATURE OF OWNER(S)

Bolanle Onime  
SIGNATURE OF OWNER(S)

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

150 N. McPherson Church Rd Ste. A, Fayetteville NC 28303  
ADDRESS OF AGENT, ATTORNEY, APPLICANT

910-977-1596  
HOME TELEPHONE

WORK TELEPHONE

shah-rishi@live.com  
E-MAIL ADDRESS

910-323-3607  
FAX NUMBER

Rishi Shah  
SIGNATURE OF AGENT, ATTORNEY, OR APPLICANT