



Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

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

Benny Pearce,
Town of Eastover



Planning & Inspections Department

TENTATIVE AGENDA

February 9, 2016

7:00 P.M.

- I. INVOCATION AND PLEDGE OF ALLEGIANCE
- II. APPROVAL OF/ADJUSTMENTS TO AGENDA
- III. PUBLIC HEARING DEFERRAL / WITHDRAWAL
- IV. ABSTENTIONS BY BOARD MEMBERS
- V. POLICY STATEMENT REGARDING PUBLIC HEARING TIME LIMITS
- VI. APPROVAL OF THE MINUTES OF JANUARY 19, 2016
- VII. PUBLIC HEARING CONSENT ITEMS

TEXT AMENDMENT

- A. **P16-09.** REVISION AND AMENDMENT TO THE EASTOVER COMMERCIAL CORE OVERLAY DISTRICT (CCO), SECTION 801 OF THE TOWN OF EASTOVER SUPPLEMENT TO THE COUNTY ZONING ORDINANCE, SPECIFICALLY SUBSECTION D. *DEVELOPMENT STANDARDS*. (EASTOVER)

REZONING CASES

- B. **P16-06.** REZONING OF 4.75+/- ACRES FROM A1 AGRICULTURAL TO M(P) PLANNED INDUSTRIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE WEST SIDE OF SR 1714 (RIVER ROAD), NORTHWEST OF SR 1728 (MIDDLE ROAD); SUBMITTED BY FULCHER REAL ESTATE, LLC (OWNER).
- C. **P16-07.** REZONING OF 1.00+/- ACRES R10 RESIDENTIAL TO C2(P) PLANNED SERVICE AND RETAIL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 3804 & 3814 BOONE TRAIL AND 4209 PIEDMONT AVENUE, SUBMITTED BY TOMMIE L. DOUGLAS (OWNER).
- D. **P16-12.** REZONING OF 4.91+/- ACRES FROM R10 RESIDENTIAL TO C(P) PLANNED COMMERCIAL OR MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 901 LILLINGTON HIGHWAY (NC HWY 210), SUBMITTED BY CUMBERLAND COUNTY BOARD OF EDUCATION (OWNER) AND DAVID SULLIVAN (ATTORNEY) ON BEHALF OF FAYETTEVILLE TECHNICAL COMMUNITY COLLEGE. (SPRING LAKE)

VIII. CONTESTED ITEMS

IX. PUBLIC HEARING WAIVER REQUEST

- E. **CASE NO. 16-010.** CONSIDERATION OF THE SOUTH CYPRESS SUBDIVISION REVIEW; REQUEST FOR A WAIVER FROM THE REQUIREMENT TO CONNECT TO PUBLIC SEWER WITHIN THE SEWER SERVICES AREA; COUNTY SUBDIVISION ORDINANCE, SECTION 2306.A.1.B, UTILITIES; ZONED: A1; TOTAL ACREAGE: 4.71+/-; LOCATED ON BOTH SIDES OF SR 4518 (DULLES ROAD), SOUTHWEST OF SR 3933 (DELANCY DRIVE); SUBMITTED BY ROBERT AND STEPHANIE VAUGHN (OWNER) AND CHRIS ROBERTS (AGENT).

X. DISCUSSION

DIRECTOR'S UPDATE

XI. ADJOURNMENT

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

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Vikki Andrews,
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Carl Manning,
Walter Clark,
Cumberland County

Benny Pearce,
Town of Eastover

MEMORANDUM

TO: Cumberland County Joint Planning Board
FROM: Planning and Inspections Staff
SUBJECT: Staff Recommendation for the February 16, 2016 Board Meeting

P16-09. REVISION AND AMENDMENT TO THE EASTOVER COMMERCIAL CORE OVERLAY DISTRICT (CCO), SECTION 801 OF THE TOWN OF EASTOVER SUPPLEMENT TO THE COUNTY ZONING ORDINANCE, SPECIFICALLY SUB-SECTION D. *DEVELOPMENT STANDARDS*. (EASTOVER)

1ST MOTION

The Planning and Inspections Staff recommends approval of Case No. P16-09 for a text amendment inserting specific provisions based on the following:

1. If approved, the proposed amendment would give the Town Board the ability to deviate from the development standards of the ordinance so as not to impose a hardship on the developer or detrimentally affect existing or required necessary improvements.
2. The amendment was requested by the Eastover Town Council.

2nd MOTION

The Planning and Inspections Staff recommends the board find that approval of the text amendment in Case No. P16-09 is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan* whereas Policy Area 3 establishes that *the location, timing and capacity of infrastructure such as roads, water and sewer utilities, schools, parks and drainage are among the most influential factors affecting growth and development. 2030 policies and actions suggest that local governments should become more proactive in using these features to direct growth and development intelligently and to protect taxpayer investments in these facilities.* The proposed amendment is also consistent with the Eastover Land Use Plan as it will afford the town board the opportunity to ensure the character of the town is retained, a stated primary goal of the plan.

The Planning and Inspections Staff further recommends the board find that the approval of the text amendment in Case No. P16-09 is reasonable because it was intended prevent imposing unfair regulations for the potential development of properties.

Attachment:
P16-09 Eastover Zoning Ordinance Text Amendment

P16-09
TOWN OF EASTOVER
Zoning Text Amendment

(Improvement Location for New Construction in the Commercial Core Overlay)

REVISION AND AMENDMENT TO THE EASTOVER COMMERCIAL CORE OVERLAY DISTRICT (CCO), SECTION 801 OF THE TOWN OF EASTOVER SUPPLEMENT TO THE COUNTY ZONING ORDINANCE, SPECIFICALLY SUB-SECTION D. *DEVELOPMENT STANDARDS*. (EASTOVER)

AMEND Eastover Supplement to the County Zoning Ordinance, Article VIII.I Overlay Districts, Section 801. Commercial Core Overlay District (CCO), sub-section D. Development standards by INSERTING a new sentence as indicated below:

ARTICLE VIII.I OVERLAY DISTRICTS

SECTION 801. COMMERCIAL CORE OVERLAY DISTRICT (CCO)

D. *Development standards*. The provisions below shall apply to all new construction; renovation and/or remodeling of the exterior areas of any structure or property shall comply with the below provisions to the extent practicable. In the event there are existing or required natural or man-made impediments, such as easements or drainage ditches, that prevent the improvements required by this sub-section from being located as specified for new construction, the Town Council may approve deviation in the location of the required improvement so long as the improvements are implemented and the intent of this ordinance is met.

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
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Cumberland County

Benny Pearce,
Town of Eastover

MEMORANDUM

TO: Cumberland County Joint Planning Board
FROM: Planning and Inspections Staff
SUBJECT: Staff Recommendation for the February 16, 2016 Board Meeting

P16-06. REZONING OF 4.75+/- ACRES FROM A1 AGRICULTURAL TO M(P) PLANNED INDUSTRIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE WEST SIDE OF SR 1714 (RIVER ROAD), NORTHWEST OF SR 1728 (MIDDLE ROAD); SUBMITTED BY FULCHER REAL ESTATE, LLC (OWNER).

1st MOTION

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 subject property is located in close proximity to the Fayetteville City Limits. The recommended district is not consistent with the Eastover Land Use Plan which calls for “one acre residential” at this location; however, the adjacent property is zoned industrial.

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 a minimum direct access to a thoroughfare*, River Road (SR 1714) is a thoroughfare; *should not be in a predominantly residential, office & institutional, or light commercial area; must be located on large tracts that provide adequate area for buffering, screening, and landscaping unless located in an existing or proposed heavy industrial/manufacturing area*, subject property is 4.75+/- acres; *outside the Special Flood Hazard area*, there is no flood present on the subject property.

2nd MOTION

The Planning and Inspections Staff recommends approval of Case No. P16-06 to M(P) Planned Industrial district based on the following:

- The location and character of the requested district is in harmony with uses in the general area and the adjacent industrial zoned property.

The M1(P) district could be considered suitable for this request.

Attachments:

- 1 – Site Profile
- 2 – Sketch Map

P16-06
SITE PROFILE

P16-06. REZONING OF 4.75+/- ACRES FROM A1 AGRICULTURAL TO M(P) PLANNED INDUSTRIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE WEST SIDE OF SR 1714 (RIVER ROAD), NORTHWEST OF SR 1728 (MIDDLE ROAD); SUBMITTED BY FULCHER REAL ESTATE, LLC (OWNER).

Site Information:

Frontage & Location: 318'+/- on SR 1714 (River Rd)

Depth: 588'+/-

Jurisdiction: Cumberland County

Adjacent Property: No

Current Use: Vacant

Initial Zoning: A1 – December 14, 1979 (Area 10)

Nonconformities: None

Zoning Violation(s): None

Surrounding Zoning: North: C(P), A1 & R40A; South: M(P), HI (FAY), LI (FAY), C(P), HS(P) & RR;

East: C3, C1(P), A1, RR; West: A1, R5A

Surrounding Land Use: Residential (including manufactured homes)

2030 Growth Strategy Map: Urban area

Eastover Detailed Land Use Plan: One acre residential

Special Flood Hazard Area (SFHA): None

Water/Sewer Availability: PWC/Septic

Soil Limitations: Yes, hydric – Ro Roanoke and wahee loams & hydric inclusion – WmB Wickham fine sandy loam

School Capacity/Enrolled: Armstrong Elementary: 450/444; Mac Williams Middle: 1270/1165; Cape Fear High: 1270/1371

Municipal Influence Area: Fayetteville

Subdivision/Site Plan: If approved, site plan review will be required

Average Daily Traffic Count (2014): 2200 on SR 1714 (River Rd)

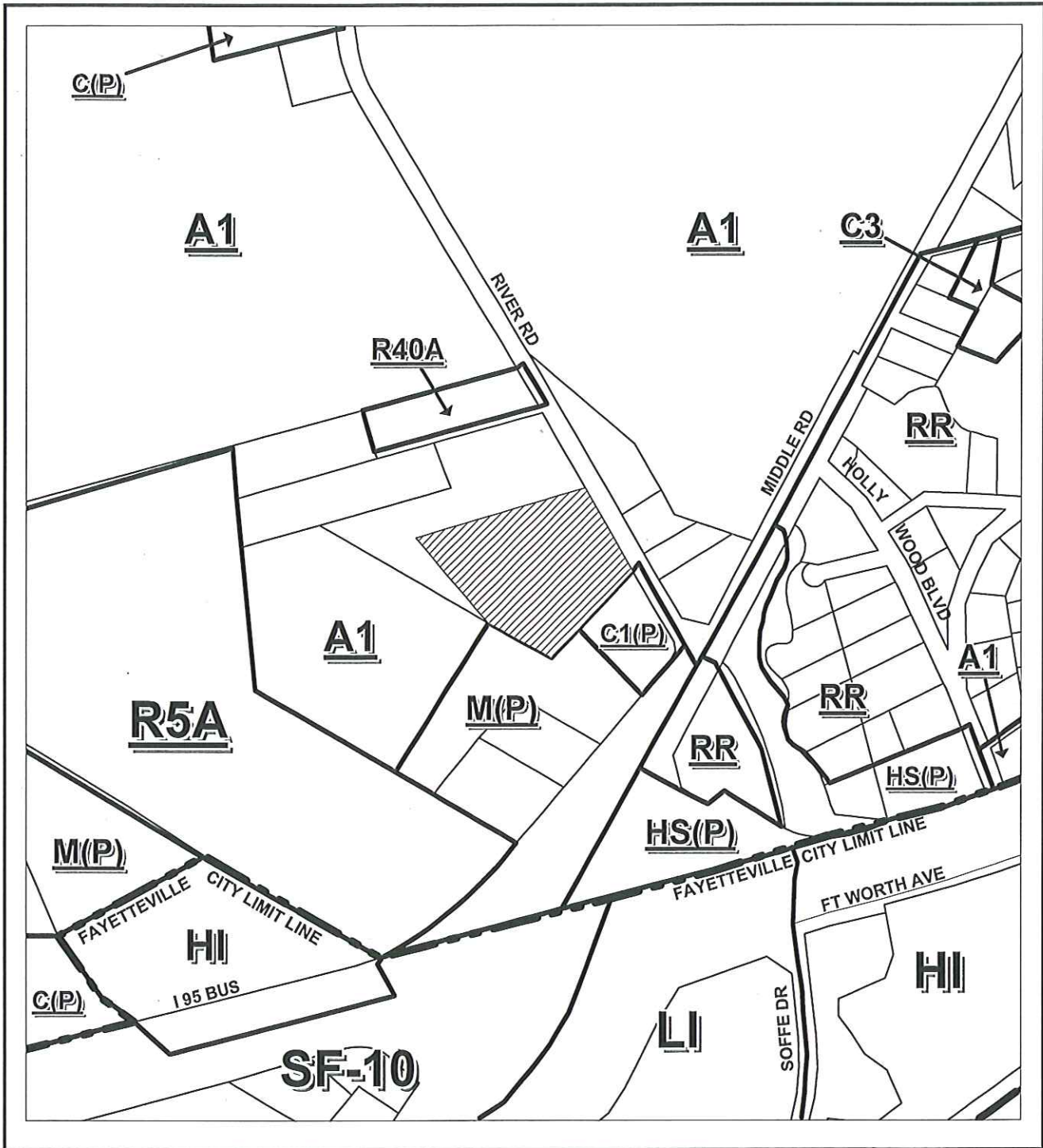
Highway Plan: River Rd is a local thoroughfare. There are no road improvements/construction specified for this area. This case has no impact on the current Highway Plan or Transportation Improvement Plan.

Notes:

1. Density
A1 – 2 lots/units

2. Minimum Yard Setbacks:

| <u>A1</u> | <u>M1(P)</u> | <u>M(P)</u> |
|-----------------|-----------------|------------------|
| Front yard: 50' | Front yard: 50' | Front yard: 100' |
| Side yard: 20' | Side yard: 30' | Side yard: 50' |
| Rear yard: 50' | Rear yard: 30' | Rear yard: 50' |



REQUESTED REZONING A1 TO M(P)

ACREAGE: 4.75 AC.+/-

HEARING NO: P16-06

ORDINANCE: COUNTY

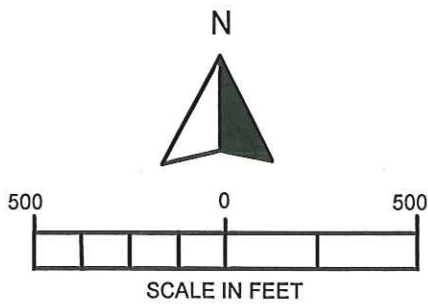
HEARING DATE

ACTION

STAFF RECOMMENDATION

PLANNING BOARD

GOVERNING BOARD



PIN: 0447-68-3354

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

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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 February 16, 2016 Board Meeting

P16-07. REZONING OF 1.00+/- ACRES R10 RESIDENTIAL TO C2(P) PLANNED SERVICE AND RETAIL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 3804 & 3814 BOONE TRAIL AND 4209 PIEDMONT AVENUE, SUBMITTED BY TOMMIE L. DOUGLAS (OWNER).

1st MOTION

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 subject property is located in close proximity to the Fayetteville city limits. The recommended district is generally consistent with the Southwest Cumberland Land Use Plan which calls for “heavy commercial & medium density residential” 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*, any new development may require connection to the public services; *should have direct access to a collector street*, Boone Trail is a collector street; *should serve as a transition between heavy commercial, office & institutional or residential development*, this general area has been in transition to commercial for several years and is adjacent to existing residential; *should have other light uses in the area*; *should provide convenient goods and services to the immediate surrounding neighborhood*; *may be located along a street that is in transition from residential to non-residential through redevelopment and physical improvements*; *may be located in an Activity Node or in a designated heavy commercial area*.

2nd MOTION

The Planning and Inspections Staff recommends approval of Case No. P16-07 to C2(P) Planned Service and Retail district based on the following:

- The location and character of the requested district will be in harmony with the adjacent commercially zoned properties.

The C1(P) Planned Local Business district could also be considered suitable for this location.

Attachments:

- 1 – Site Profile
- 2 – Sketch Map

P16-07
SITE PROFILE

P16-07. REZONING OF 1.00+/- ACRES R10 RESIDENTIAL TO C2(P) PLANNED SERVICE AND RETAIL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 3804 & 3814 BOONE TRAIL AND 4209 PIEDMONT AVENUE, SUBMITTED BY TOMMIE L. DOUGLAS (OWNER).

Site Information:

Frontage & Location: 100'+/- on SR 1206 (Piedmont Ave) and 145'+/- on SR 1149 (Boone Tr)

Depth: 183.50'+/-, 142'+/- & 142'+/-

Jurisdiction: Cumberland County

Adjacent Property: Yes

Current Use: Residential (3 "stick built" homes & 1 vacant non-residential building)

Initial Zoning: R10 – August 1, 1975 (Area 3)

Nonconformities: None

Zoning Violation(s): None

Surrounding Zoning: North: C1(P), C1(P)/CU (construction office and storage building), C1(P)/CU (operation of a carwash), LC (FAY), NC(FAY), R10, SF-10 (FAY), R6, R6A; South: M2, C3, C(P)/CUD (motor vehicle repair & body shop), C(P), C1(P), C2(P), RR, R10, R7.5, R6A; East: HI (FAY), C3, C1(P), R10, R6A, R6A/CU (sewing business), SF-6 (FAY); West: C3, C2(P), C1(P), R10, R6A, R6A/CU (body shop and wrecker service)

Surrounding Land Use: Residential (including manufactured homes), repair and/or servicing, motor vehicle repair and/or body work, barbering and hairdressing services (2), PWC substation, fire department, religious worship, trade contractor, retail sales, wholesale sales.

2030 Growth Strategy Map: Urban area

Southwest Cumberland Land Use Plan: Heavy commercial & medium density residential

Special Flood Hazard Area (SFHA): None

Water/Sewer Availability: PWC/PWC

Soil Limitations: None

School Capacity/Enrolled: McArthur Elementary: 465/454; Ireland Drive Middle: 340/295; Douglas Byrd Middle: 702/705; Douglas Byrd High: 1280/1125

Municipal Influence Area: Fayetteville

Subdivision/Site Plan: If approved, site plan review required prior to permits

Average Daily Traffic Count (2014): 8800 on SR 1149 (Boone Tr)

Highway Plan: Boone Trail is a local thoroughfare identified as needs improvement. The recommended improvement is 4 lane divided.

Notes:

1. Density
R10 – 6 lots/units

2. Minimum Yard Setbacks:

R10

Front yard: 30'

Side yard: 10'

Rear yard: 35'

C1(P)

Front yard: 45'

Side yard: 15'

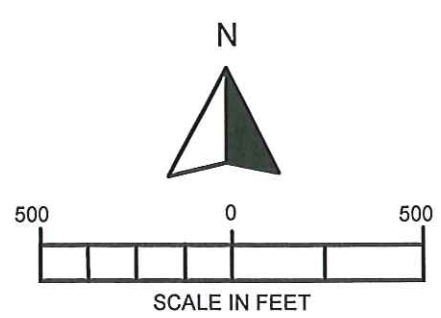
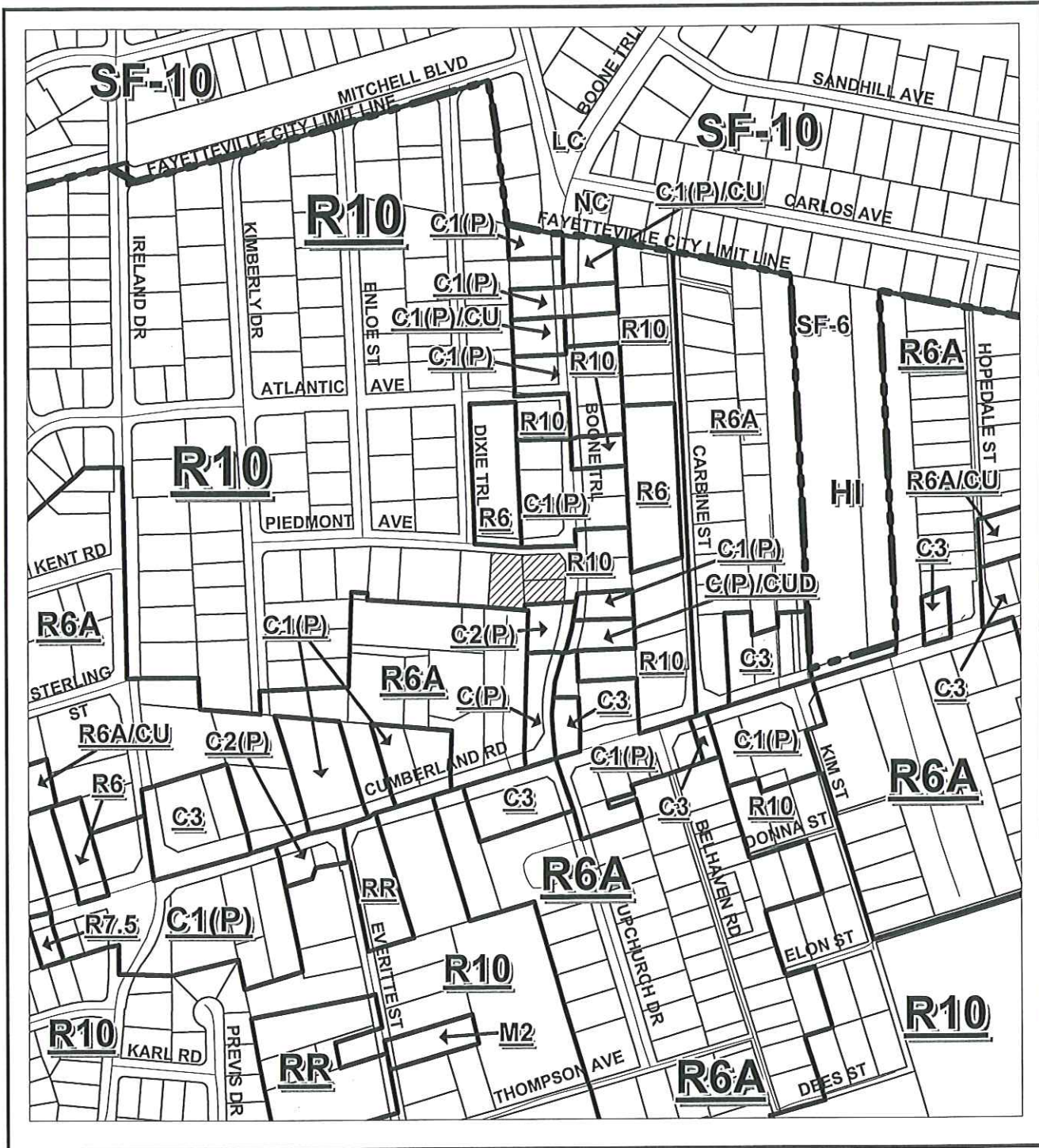
Rear yard: 20'

C2(P)

Front yard: 50'

Side yard: 30'

Rear yard: 30'



REQUESTED REZONING R10 TO C2(P)

| | | |
|-----------------------|--------------------|--------|
| ACREAGE: 1.00 AC. +/- | HEARING NO: P16-07 | |
| ORDINANCE: COUNTY | HEARING DATE | ACTION |
| STAFF RECOMMENDATION | | |
| PLANNING BOARD | | |
| GOVERNING BOARD | | |

PIN: 0416-90-3734
 0416-90-3645
 0416-90-2609

Patricia Hall,
Chair
Town of Hope Mills

Charles C. Morris,
Vice-Chair
Town of Linden

Jami McLaughlin,
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Benny Pearce,
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February 9, 2016

TO: Cumberland County Joint Planning Board
FROM: Planning & Inspections Staff
SUBJECT: Staff Recommendation for the February 16, 2016 Board Meeting

P16-12. REZONING OF 4.91+/- ACRES FROM R10 RESIDENTIAL TO C(P) PLANNED COMMERCIAL OR MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 901 LILLINGTON HIGHWAY (NC HWY 210), SUBMITTED BY CUMBERLAND COUNTY BOARD OF EDUCATION (OWNER) AND DAVID SULLIVAN (ATTORNEY) ON BEHALF OF FAYETTEVILLE TECHNICAL COMMUNITY COLLEGE. (SPRING LAKE)

1st MOTION

The County Planning Staff recommends the board find that approval of the request is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan* because the Plan calls for "urban" at this location, the subject property is located inside the Spring Lake corporate limits. The request is also consistent with the Spring Lake Area Detailed Land Use Plan which calls for "government" at this location; C(P) allows for government uses.

The staff recommends the board further find that approval of request 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*, Lillington Highway is a principal arterial street, and *located on a sufficient site that provides adequate area for buffering, screening and landscaping*, the portion to be rezoned is 4.91+/- acres.

2nd MOTION

The Planning and Inspections Staff recommends approval of Case No. P16-12 for C(P) Planned Commercial district based on the following:

- If approved, the zoning would be consistent with the zoning and uses of properties in the general area.

The C3 district could also be considered suitable for this location.

Attachments:

1. Site Profile
2. Sketch Map

P16-12
SITE PROFILE

P16-12. REZONING OF 4.91+/- ACRES FROM R10 RESIDENTIAL TO C(P) PLANNED COMMERCIAL OR MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 901 LILLINGTON HIGHWAY (NC HWY 210), SUBMITTED BY CUMBERLAND COUNTY BOARD OF EDUCATION (OWNER) AND DAVID SULLIVAN (ATTORNEY) ON BEHALF OF FAYETTEVILLE TECHNICAL COMMUNITY COLLEGE. (SPRING LAKE)

Site Information:

Frontage & Location: 710'+/- on NC HWY 210 (Lillington Highway), 358'+/- on Samuel Drive

Depth: 358'+/-

Jurisdiction: Spring Lake

Adjacent Property: Yes

Current Use: Vacant public school (Mae Rudd Elementary School)

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

Nonconformities: Building does not conform to setbacks due to when it was built and NCDOT right-of-way expansion.

Zoning Violation(s): None

Surrounding Zoning: North: M1(P)/CUD (mini-warehousing), C(P), C3, C1(P), R10, R6A, R6; South: M2, C(P), C3, R10, R6, R5A; East: C3, R6A, R6A/CU (family resource center), R6; West: R10, R6A, R6, R5A

Surrounding Land Use: Residential (including manufactured homes), retail sales, automobile sales, trade contractor, automobile washing, taxicab stand operation, office use, daycare (2)

2030 Growth Strategy Map: Urban area

Spring Lake Land Use Plan: Governmental

Special Flood Hazard Area (SFHA): None

Water/Sewer Availability: Town of Spring Lake

Soil Limitations: None

Subdivision/Site Plan: If approved, site plan review will be required

Average Daily Traffic Count (2014): 2200 on SR 1714 (River Rd)

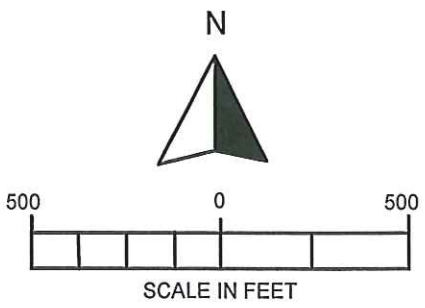
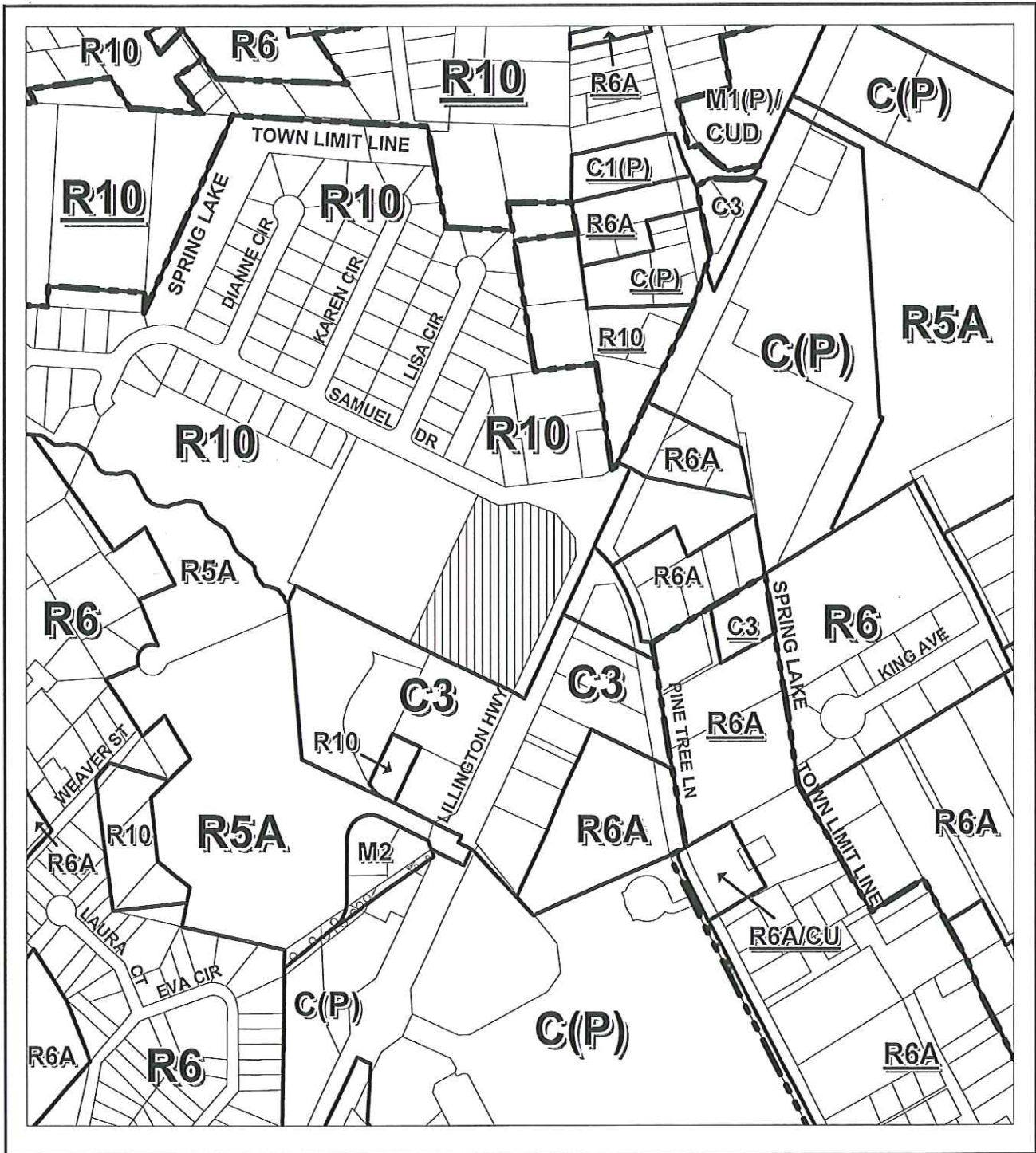
Highway Plan:

Notes:

1. Density
R10 – 60 lots/units

2. Minimum Yard Setbacks:

| <u>R10</u> | <u>C(P)</u> | <u>C3</u> |
|-----------------|-----------------|-----------------|
| Front yard: 30' | Front yard: 50' | Front yard: 45' |
| Side yard: 20' | Side yard: 30' | Side yard: 15' |
| Rear yard: 50' | Rear yard: 30' | Rear yard: 20' |



PORT. OF PIN: 0501-99-3993

REQUESTED REZONING R10 TO C(P)

| | | |
|-------------------------------|---------------------------|---------------|
| ACREAGE: 4.91 AC.+/- | HEARING NO: P16-12 | |
| ORDINANCE: SPRING LAKE | HEARING DATE | ACTION |
| STAFF RECOMMENDATION | | |
| PLANNING BOARD | | |
| GOVERNING BOARD | | |

16-010
SITE PROFILE

CASE NO. 16-010. CONSIDERATION OF THE SOUTH CYPRESS SUBDIVISION REVIEW; REQUEST FOR A WAIVER FROM THE REQUIREMENT TO CONNECT TO PUBLIC SEWER WITHIN THE SEWER SERVICES AREA; COUNTY SUBDIVISION ORDINANCE, SECTION 2306.A.1.B, UTILITIES; ZONED: A1; TOTAL ACREAGE: 4.71+/-; LOCATED ON BOTH SIDES OF SR 4518 (DULLES ROAD), SOUTHWEST OF SR 3933 (DELANCY DRIVE); SUBMITTED BY ROBERT AND STEPHANIE VAUGHN (OWNER) AND CHRIS ROBERTS (AGENT).

Summary of Request

The developer is requesting a waiver from the requirement to connect to the public sewer system and to be allowed to use septic systems for the proposed lots. There is an existing 8" sewer line that is located at the western corner of this development. Under the County's Subdivision Ordinance the developer would be required to extend and connect to the existing sewer system. The developer has proposed to connect and extend water to the eight proposed 20,000 square foot lots. The developer will be required to be rezoned to the property to either RR Rural Residential or R20 Residential to be allowed the 20,000 square foot lot size for this development.

Site Information:

Frontage & Location: 490.00' feet of street frontage along SR 4518 (Dulles Road)

Depth: 500.00' +/-

Jurisdiction: Cumberland County

Municipal Influence Area (MIA): N/A

Sewer Services Area (SSA): Yes

Adjacent Property: N/A

Nonconformities: N/A

Water & Sewer: PWC/PWC

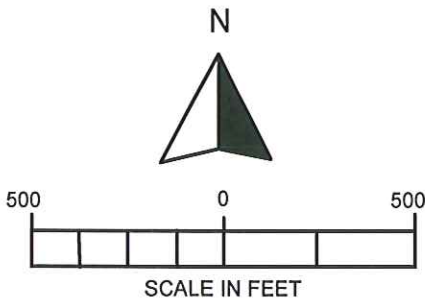
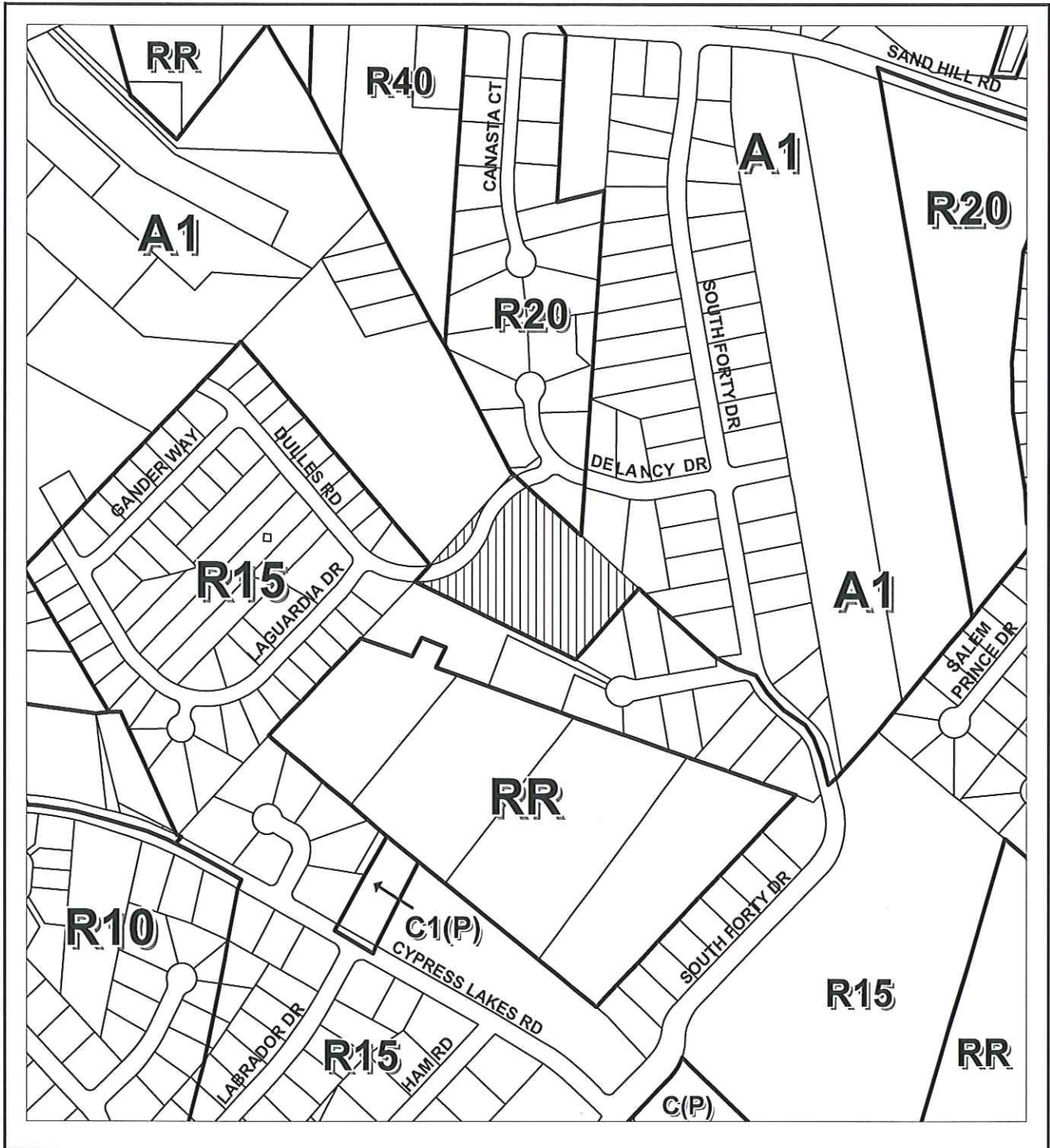
Special Flood Hazard Area (SFHA): No

Applicable County Subdivision Ordinance Provisions

Section 2306 UTILITIES, A.1.b. Connection to public water and sanitary sewer required. When not predicated upon a prior mandatory annexation policy and where any portion of a subdivision or other development submitted for approval under the terms of this ordinance or the County Zoning Ordinance proposed two to ten lots or units is within 300 feet of public water or sewer, the public utilities shall be extended and connected. Where any portion of eleven to twenty lots or units is within 500 feet of public water or sewer, the public utilities shall be extended and connected. For more than twenty lots or units proposed within the Sewer Service Area and/or and where density is greater than two lots or units per acre, the extension of and connection to public water and sewer service is required. Sanitary sewer service outside of the Sewer Service Area requires approval in accordance with the terms of any interlocal agreement officially adopted by the Board of Commissioners.

Attachments

- 1 - Sketch Map
- 2 - Subdivision Sketch Plan
- 3 - Aerial Photo
- 4 - Application for Waiver
- 5 - Draft Conditions of Approval

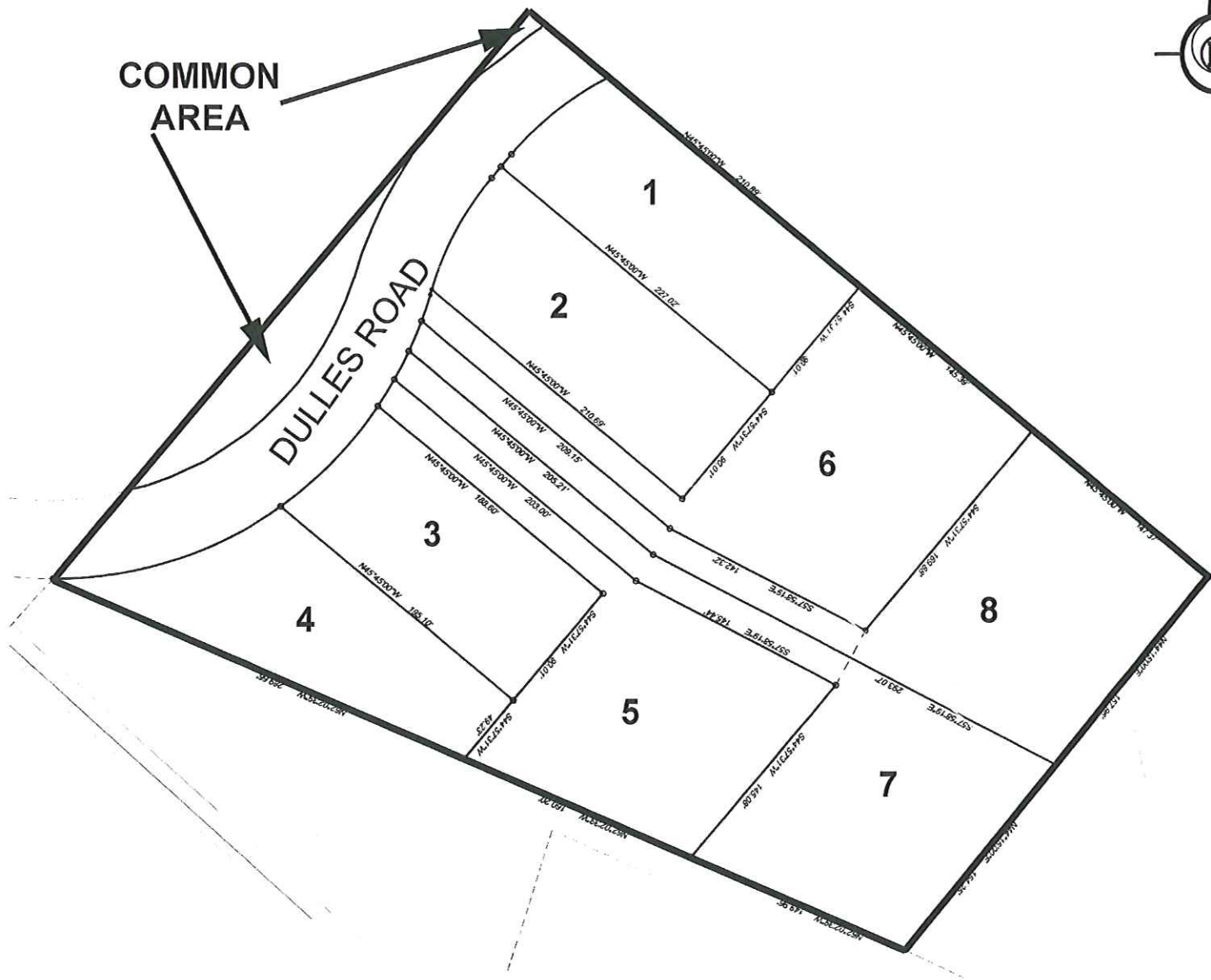


COUNTY SUBDIVISION ORDINANCE WAIVER

| | | |
|-----------------------------|---------------------------|---------------|
| ACREAGE: 4.72 AC.+/- | HEARING NO: 16-010 | |
| ORDINANCE: COUNTY | HEARING DATE | ACTION |
| GOVERNING BOARD | | |

PIN: 0433-50-3434,1505,2785

AM



**SOUTH CYPRESS
SUBDIVISION REVIEW**

**REQUEST: A WAIVER FROM SECTION 2305.A.1.B CONNECTION TO
PUBLIC SEWER**

CASE: 16-010 ACREAGE: 4.71 AC+/-

ZONED: A1 SCALE: NTS

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



SUBJECT PROPERTY

--- WATER
--- SEWER

**AERIAL PHOTO
CASE NO: 16-010**



**TO THE CUMBERLAND COUNTY JOINT PLANNING BOARD,
FAYETTEVILLE, NORTH CAROLINA:**

I (We), the undersigned, hereby submit this application, and petition the Cumberland County Joint Planning Board to waive [vary] certain adopted provisions of the County's Subdivision Ordinance as specified below and provided for under the terms of the Subdivision Ordinance. In support of this petition, the following facts are submitted:

LOCATION OF PROPERTY: South east side RR 4518 (Dulles Rd)
OWNER: Robert Vaughn
ADDRESS: 2433 Cypress Lake Rd ZIP CODE: 28348
TELEPHONE: HOME _____ WORK _____
AGENT: Chris Roberts
ADDRESS: 3102 N. Main st Hope Mills NC 28348
TELEPHONE: HOME 910 423 2900 WORK 910 423 2900

**APPLICATION FOR A WAIVER [VARIANCE]
As required by the Subdivision Ordinance**

- A. Parcel Identification Number (PIN #) of subject property: 0433-50-3434
(also known as Tax ID Number or Property Tax ID)
- B. Acreage: 4.56 Frontage: _____ Depth: _____
- C. Water Provider: PWC
- D. Septage Provider: PWC
- E. Deed Book 07030, Page(s) 00572, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
- F. Existing and/or proposed use of property: _____
- G. Section and provision of the Cumberland County Subdivision Ordinance from which a waiver [variance] is requested:
Section 2306, A. 1. b.

H. Nature and extent of hardship involved in strict application of the County Subdivision Ordinance – attach additional sheet if necessary:
Because of the size of the tract to be subdivided, The public purpose would be met because septic will meet all state Guidelines! The majority of the homes in that area are served by septic.

STATEMENT OF ACKNOWLEDGEMENT

Regarding appearance before the Joint Planning Board, the undersigned owner(s), agents, or their assigns, by virtue of their signature(s) to this application, hereby acknowledge the following:

- That although appearance before the board is not required, it is strongly encouraged;
- The board will hear any and all arguments for and against this matter before them and such relevant facts will be given under sworn testimony;
- At the public hearing the board has the authority to issue a final approval or denial decision on this request, or defer the request for additional information to be provided;
- If the petitioner or the representative of this application does not appear personally before the board, whether there is opposition or not, the board has full authority to consider the case and defer, approve, or deny the case.
- If the board's action is to deny the matter before them, the course of appeal to the decision will be that of Cumberland County Superior Court. (Affected parties of the board's decision have 30 days from date of proper notification in which to serve notice of appeal).

Signed acknowledgement that the County Planning & Inspections Staff has explained the application process and procedures regarding this request and the public hearing procedure stated above and that the application is complete and accurate.

Steve Vaughn
Property owner(s)' signature(s)

Steve Vaughn
Property owner(s)' name (print or type)

Complete mailing address of property owner(s)

91063222313
Telephone number Alternative telephone number

Email address FAX number

Chris Roberts

Agent, attorney, or applicant's signature (other than property owner)

Agent, attorney, or applicant (other than property owner) (print or type)

3102 N. Main St Hope Mills NC 28348
Complete mailing address of agent, attorney, or applicant

910 423 2900

Telephone number

910 ~~423~~ 987 2900

Alternative telephone number

MarketPlace Builders @ gmail. 910 423 2941

Email address

FAX number

Upon submission, the contents of this application becomes "public record" and is available for review and/or copies upon request.



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

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

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

Benny Pearce,
Town of Eastover

CUMBERLAND COUNTY NORTH CAROLINA

Planning & Inspections Department

STAFF REVIEW: 01-22-16 PLANNING BOARD DECISION: 02-16-16

CASE NO: 16-010 NAME OF DEVELOPMENT: SOUTH CYPRESS SUBDIVISION

MIA: N/A (FAY SSA) ZERO LOT LINE SUBDIVISION REVIEW

LOCATION: SOUTH SIDE OF DULLES ROAD (SR 4518) ZONING: A1

SOUTHWEST OF DELANCY DRIVE (SR 3933) PIN: 0433-50-3434

OWNERS / DEVELOPER: MCL, LLC ENGINEER OR DESIGNER: N/A

PLANNING & INSPECTIONS DEPARTMENT ACTION:

- PRELIMINARY
- EXTENSION REVISION
- APPROVED CONDITIONALLY
- DENIED

PLANNING 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/Pre-Plat:

1. Prior to application for any permits and/or prior to submission for final plat approval of any portion of this development, the property owner must submit for rezoning to a district that will allow the density for the number of lots shown on the preliminary plan.

Permit-Related:

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

Note: The developer has requested a waiver from the requirement to connect to the public sewer system. The waiver request is scheduled to be considered at the February 16, 2016 Planning Board meeting.

4. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
5. New development where the developer will disturb or intends to disturb more than one acre of land is subject to the Post-Construction Stormwater Management Permitting Program (Phase II Stormwater Management Requirements) administered by the Division of Water Quality, North Carolina Department of Environment and Natural Resources. If one acre or more of land is to be disturbed, prior to the issuance of any building/zoning permits for this site, a copy of the State's *Post-Construction Permit* must be provided to County Code Enforcement.
6. For any new development where the developer disturbs or intends to disturb more than one acre of land, the developer must provide the Code Enforcement Section with an approved NC Department of Environment and Natural Resources (NCDENR) sedimentation and erosion control plan (S&E) prior to any application for permits. (Note: If any retention/detention basins are required for state approval of this plan, then three copies of a revised plan must be submitted and approved by Planning & Inspections prior to application for any building/zoning permits.) A copy of the NCDENR approval must be provided to Code Enforcement at the time of application for any building/zoning permits.
7. The building final inspection cannot be accomplished until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans.
8. The developer must obtain a driveway permit from the NC Department of Transportation (NCDOT). A copy of the approved driveway permit must be provided to Code Enforcement at the time of application for building/zoning permits. 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 Division 6 / District 2 office at the number 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.

Site-Related:

9. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Development Ordinance and Zoning Ordinances for the A1 zoning district must be complied with, as applicable, until such time that the subject property is rezoned to a different district.
10. This conditional approval is not approval of any freestanding signs, to include a development sign. If a sign is desired, re-submittal of the site plan is required prior to application for any sign permits. 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.)
11. All applicable provisions of Section 2401, "Group Developments", County Subdivision and Development Ordinance, must be complied with.
12. For any new development, an adequate drainage system must be installed by the developer in accordance with the NC Department of Environment and Natural Resources' (NCDENR) *Manual on Best Management Practices* and all drainage ways must be kept clean and free of debris. (Section 2306 D, County Subdivision and Development Ordinance)
13. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision and Development Ordinance)
14. In the event a stormwater utility structure is required by the NC Department of Environment and Natural Resources (NCDENR), the owner/developer must secure the structure with a four foot high fence with a lockable gate, and is required to maintain the detention/retention basin, keeping it clear of debris and taking measures for the prevention of insect and rodent infestation.
15. This review does not constitute a "subdivision" approval by NC Department of Transportation (NCDOT). A separate submittal to NCDOT will be required prior to consideration for addition to the system of any street within this development.

Plat-Related:

16. The final plat must be labeled as a “Zero Lot Line” development.
17. Prior to submission for final plat approval for any portion of this development, the developer must submitted for a rezoning of this property to a zoning district which will allow for the density for the proposed eight lot subdivision. The property must be successfully rezoned prior to the final plat approved for recordation.
18. Prior to submission for final plat approval of any portion of this development, fire hydrants must be installed along all proposed streets and drives; hydrants must be located no further than 1,000 feet apart and at a maximum of 500 feet from any lot. (Section 2306 B, Fire hydrants, County Subdivision and Development Ordinance) *Also see related Condition No. 29 below.*
19. “Dulles Road” must be labeled as “SR 4518 (Dulles Road)” on the final plat.
20. “DeLancy Drive” must be labeled as “SR 3933 (DeLancy Drive)” on the final plat.
21. “Laguardia Drive” must be labeled as “SR 4220 (Laguardia Drive)” on the final plat.
22. “Camargo Court” must be labeled as “SR 3931 (Camargo Court)” on the final plat.
23. Prior to final plat approval of any portion of this development, the developer is required to submit a check or cash in the amount of \$1,236.48 (\$154.48 per lot/8 lots) payable to “Cumberland County”. This condition is in accordance with Section 2308, Parks, Recreation and Open Space, County Subdivision and Development Ordinance, which requires every residential dwelling unit to provide a portion of land, in certain instances, or pay a fee in lieu of dedication, for the purposes of providing park, recreation and open space areas. (Park District #3)
24. The builder/developer must provide the buildable envelopes on the final plat: providing a five-foot maintenance easement along each side of all common internal lines with all other applicable setbacks being provided for; or at the time of permit application, the individual plot plans must be approved by Land Use Codes prior to issuance of any permits.
25. 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.
26. The NC Department of Transportation (NCDOT) most likely will not allow a driveway for each individual lot. If joint driveways are required, the joint driveways must be reflected on the final plat.
27. 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.
28. The notarized signature(s) of all current tax record owner(s) and notary certifications appear on the final plat when submitted for final approval. (Section 2503 D, Certificate of Ownership and Dedication, County Subdivision and Development Ordinance)
29. The developer is reminded that the improvements must be in place or that final plat approval will only be granted in accordance with Section 2502 B, C, or D, Final Plat – Guarantees of Improvements, County Subdivision and Development Ordinance. (Note: Once the improvements are in place, the developer is responsible for contacting Jeff Barnhill to schedule an inspection of the improvements.)
30. 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.
31. The developer should be aware that any addition and/or revision to this plat may require an additional review and approval by the Planning & Inspections Department prior to submission for final plat approval of any portion of this development.

Plat-Required Statements:

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

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

Other Relevant Conditions:

- 33. The applicant is advised to consult an expert on wetlands before proceeding with any development.
- 34. The Planning Staff recommends the developer reconsider the proposed layout of the lots as shown on the preliminary plan. It would be prudent for the developer to consider proposing a design with a street (cul-de-sac) serving the proposed lots for access purposes.
- 35. An internal street system most likely will be required by the NC Department of Transportation (NCDOT) to serve any future divisions of the subject properties.
- 36. 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.
- 37. The US Postal Service most likely will require this development to have centralized cluster boxes for postal service to each lot or unit. The developer is advised contact the US Postal Growth Coordinator for the Mid-Carolinas District to determine the appropriate location for the cluster boxes. If the cluster box location requires changes to the subdivision or site plan, a revised preliminary/plan must be submitted to the Planning & Inspections Department for review and approval.
- 38. In the event the Planning Board approves the waiver request, additional conditions will apply.

Thank you for creating building lots in Cumberland County!

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

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

| | | | |
|---------------------------------|-------------------|----------------|--|
| Subdivision/Site Plan/Plat | Ed Byrne | 678-7609 | ebyrne@co.cumberland.nc.us |
| Code Enforcement (Permits): | Scott Walters | 321-6654 | swalters@co.cumberland.nc.us |
| County Health Department: | Daniel Ortiz | 433-3680 | dortiz@co.cumberland.nc.us |
| Ground Water Issues: | Matt Rooney | 678-7625 | mrooney@co.cumberland.nc.us |
| PWC: | Joe Glass | 223-4740 | joe.glass@faypwc.com |
| Fayetteville Planning: | Marsha Bryant | 433-1416 | mbryant@ci.fay.nc.us |
| County Public Utilities: | Amy Hall | 678-7637 | ahall@co.cumberland.nc.us |
| US Postal Service | Laricia McIver | (704) 393-4481 | laricia.mciver@usps.gov |
| Corp of Engineers (wetlands): | Liz Hair | (910) 251-4049 | hair@usacr.army.mil |
| NCDEQ (E&S): | Leland Cottrell | (910) 433-3393 | leland.cottrell@ncdenr.gov |
| US Fish & Wildlife Services | Susan Ladd Miller | (910) 695-3323 | susan_miller@fws.gov |
| Location Services: | | | |
| Site-Specific Address: | Ron Gonzales | 678-7616 | rgonzalez@co.cumberland.nc.us |
| Street Naming/Signs: | Diane Shelton | 678-7665 | nameit2@co.cumberland.nc.us |
| Tax Parcel Numbers: | | 678-7549 | |
| NCDOT (driveways/curb-cuts): | Troy Baker | 486-1496 | tlbaker@ncdot.gov |
| NCDOT (subdivision roads): | David Plummer | 486-1496 | rdplummer@ncdot.gov |
| N.C. Division of Water Quality: | Mike Randall | (919) 807-6374 | mike.randall@ncdenr.gov |

cc: Marsha Bryant, City of Fayetteville