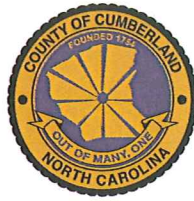


Patricia Hall,  
Chair  
Town of Hope Mills

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Town of Spring Lake  
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Town of Stedman

Donovan McLaurin,  
Wade, Falcon & Godwin



*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**

May 17, 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 APRIL 19, 2016
- VII. PUBLIC HEARING CONSENT ITEMS

REZONING CASES

- A. **P16-20.** REZONING OF 1.50+/- ACRES FROM M(P) PLANNED INDUSTRIAL & R6A RESIDENTIAL TO R6 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE WEST SIDE OF SR 2337 (WILMINGTON HIGHWAY), NORTH SIDE OF SR 3904 (STANLEY STREET); SUBMITTED BY SHERLENE M. ETHRIDGE (OWNER) AND WILLIAM S. ETHRIDGE (AGENT).
- B. **P16-21.** REZONING OF 3.40+/- ACRES FROM A1 AGRICULTURAL/CU CONDITIONAL USE FOR AN ADDITIONAL DWELLING & A1 AGRICULTURAL TO R40A RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 6833 ROSLIN FARM ROAD, SUBMITTED BY JOYCE G. CANADY (OWNER) AND CHRISTINA PATE (AGENT).
- C. **P16-23.** REZONING OF 1.00+/- ACRE FROM R40 RESIDENTIAL TO R40A RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 5343 DUNN ROAD, SUBMITTED BY ANITA WILLIAMS GRIFFIN, TIMOTHY LYNN GRIFFIN & JAMES MCNEIL WILLIAMS (OWNERS). (EASTOVER)
- D. **P16-24.** REZONING OF 31.60+/- ACRES FROM M(P) PLANNED INDUSTRIAL TO A1 AGRICULTURAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 2901 WILMINGTON HIGHWAY, SUBMITTED BY CAROLYN JEANETTE TYSON (OWNER) & LORI S. EPLER, LARRY KING & ASSOCIATES (AGENT).

- E. **P16-25.** REZONING 1.14+/- ACRES FROM RR RESIDENTIAL TO C2(P) PLANNED SERVICE & RETAIL DISTRICT OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE SOUTH SIDE OF SR 1112 (ROCKFISH ROAD), WEST OF SR 1113 (WALDO BEACH ROAD); SUBMITTED BY BARBARA M. JOHNSON (OWNER) & ABY VARGHESE (AGENT).

TEXT AMENDMENT

- F. **P16-26.** REVISION AND AMENDMENT TO THE TOWN OF HOPE MILLS ZONING ORDINANCE, REGARDING PROVISIONS RELATED TO THE HISTORIC OVERLAY DISTRICT, SPECIFICALLY ARTICLE III ZONING DISTRICTS, SECTION 102A-302. ZONE CHARACTERISTICS, (G) OVERLAY DISTRICTS, (3) HISTORIC OVERLAY DISTRICT (HOD); AND ARTICLE IX OVERLAY DISTRICTS, SECTION 102A-904. HISTORIC OVERLAY DISTRICT (HOD); AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE. (HOPE MILLS)

CONDITIONAL ZONING

- G. **P15-59.** REZONING OF 4.72+/- ACRES FROM A1 AGRICULTURAL TO R20 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE SOUTHEAST SIDE SR 4518 (DULLES ROAD), WEST OF SR 2376 (SOUTH FORTY DRIVE); SUBMITTED BY ROBERT AND STEPHANIE VAUGHN (OWNERS) AND CHRIS ROBERTS (AGENT).
- H. **P16-08.** REZONING OF 4.20+/- ACRES FROM A1 AGRICULTURAL & R40 RESIDENTIAL TO M1(P) PLANNED LIGHT INDUSTRIAL/CZ CONDITIONAL ZONING FOR INDUSTRIAL REPAIRS AND SALES, MOTOR VEHICLE REPAIR & WHOLESALE SALES OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE SOUTH SIDE OF TRANQUILITY ROAD, EAST OF NC HWY 87 S; SUBMITTED BY OSCAR BRUCE SKINNER, JR.(OWNER).
- I. **P16-22.** REZONING OF 88.50+/- ACRES FROM A1 AGRICULTURAL TO R40 RESIDENTIAL/DD DENSITY DEVELOPMENT/CZ CONDITIONAL ZONING FOR A 56 LOT SUBDIVISION OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE SOUTHEAST SIDE OF SR 2253 (SWANS CREEK CHURCH ROAD), SOUTH OF SR 2233 (SCHOOL ROAD); SUBMITTED BY MICHAEL S. BRYANT AND CURTIS C. POWELL (OWNERS) AND JIMMY KIZER, MOORMAN, KIZER & REITZEL, INC. (AGENT).

VIII. CONTESTED ITEMS

IX. DISCUSSION

DIRECTOR'S UPDATE

- JUNE 7, 2016 WORKSESSION – FAMPO

X. 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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May 10, 2016

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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 May 17, 2016 Board Meeting

**P16-20.** REZONING OF 1.50+/- ACRES FROM M(P) PLANNED INDUSTRIAL & R6A RESIDENTIAL TO R6 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE WEST SIDE OF SR 2337 (WILMINGTON HIGHWAY), NORTH SIDE OF SR 3904 (STANLEY STREET); SUBMITTED BY SHERLENE M. ETHRIDGE (OWNER) AND WILLIAM S. ETHRIDGE (AGENT).

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

The Planning and Inspections Staff recommends the board find that approval of the request for rezoning in Case No. P16-20 is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for “urban” at this location because the district requested will allow for a mix of single family and multi-family dwellings. Although the request is not consistent with the South Central Land Use Plan which calls for “airport oriented uses” at this location, the size of the subject property will limit the number of units allowed.

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 generally meets or exceeds the location criteria of the adopted Land Use Policies Plan, in that: *public water and sewer required*, public water and sewer is available; *must have direct access to a collector street*, Wilmington Highway is a minor arterial street; *must not be located in any defined critical area as defined by the Fort Bragg Small Area Study and Fayetteville Regional Airport Plan*; and *desirable to be a transition between non-residential, higher density and lower density residential areas*.

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

In addition to the above information, the Planning and Inspections Staff recommends the board approve Case No. P16-20 for the R6 Residential based on the following:

- The R6 Residential district will allow for land uses and lot sizes that exist in the general area.

The R7.5 and R15 Residential districts are also suitable for this location.

Attachments: 1 – Site Profile 2 – Sketch Map

**P16-20**  
**SITE PROFILE**

**P16-20.** REZONING OF 1.50+/- ACRES FROM M(P) PLANNED INDUSTRIAL & R6A RESIDENTIAL TO R6 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE WEST SIDE OF SR 2337 (WILMINGTON HIGHWAY), NORTH SIDE OF SR 3904 (STANLEY STREET); SUBMITTED BY SHERLENE M. ETHRIDGE (OWNER) AND WILLIAM S. ETHRIDGE (AGENT).

**Site Information:**

**Frontage & Location:** 295'+/- on SR 2337 (Wilmington Highway) & 250'+/- on SR 3904 (Stanley Street)

**Depth:** 270'+/-

**Jurisdiction:** County

**Adjacent Property:** No

**Current Use:** Vacant

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

**Nonconformities:** None

**Zoning Violation(s):** None

**Surrounding Zoning:** North: M(P), C(P), HS(P), R40A & RR; South: M(P), C(P), C3, O&I(P), RR. RR/CU (driving range ball landing area) & R6A East: M(P), A1 & RR; West: M(P) & R6A

**Surrounding Land Use:** Residential (including manufactured homes), open storage, auto repair, trade contractor

**2030 Growth Strategy Map:** Urban area

**South Central Land Use Plan:** Airport oriented uses

**Municipal Influence Area:** Fayetteville

**School Capacity/Enrolled:** Cashwell Elementary: 800/740; Ireland Drive Middle: 340/295; Byrd Middle: 700/705; Byrd High School: 1280/1125

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

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

**Soil Limitations:** Yes, hydric – Ro Roanoke and wahee loams & hydric inclusion – DgA Dogue fine sandy loam

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

**Average Daily Traffic Count (2014):** 1900 on SR 2337 (Wilmington Hwy)

**Highway Plan:** Wilmington Highway and Stanley St are local thoroughfares. 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  
R6 & R6A – 10 lots/ 11 units

2. Minimum Yard Setbacks:

**M(P)**

Front yard: 100'

Side yard: 50'

Rear yard: 50'

**R6**

Front yard: 25'

Side yard: 10'

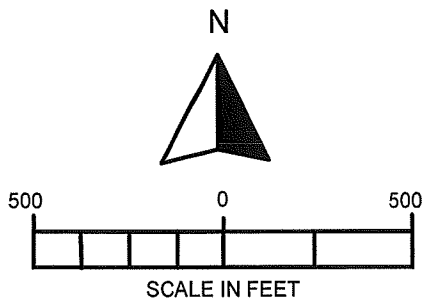
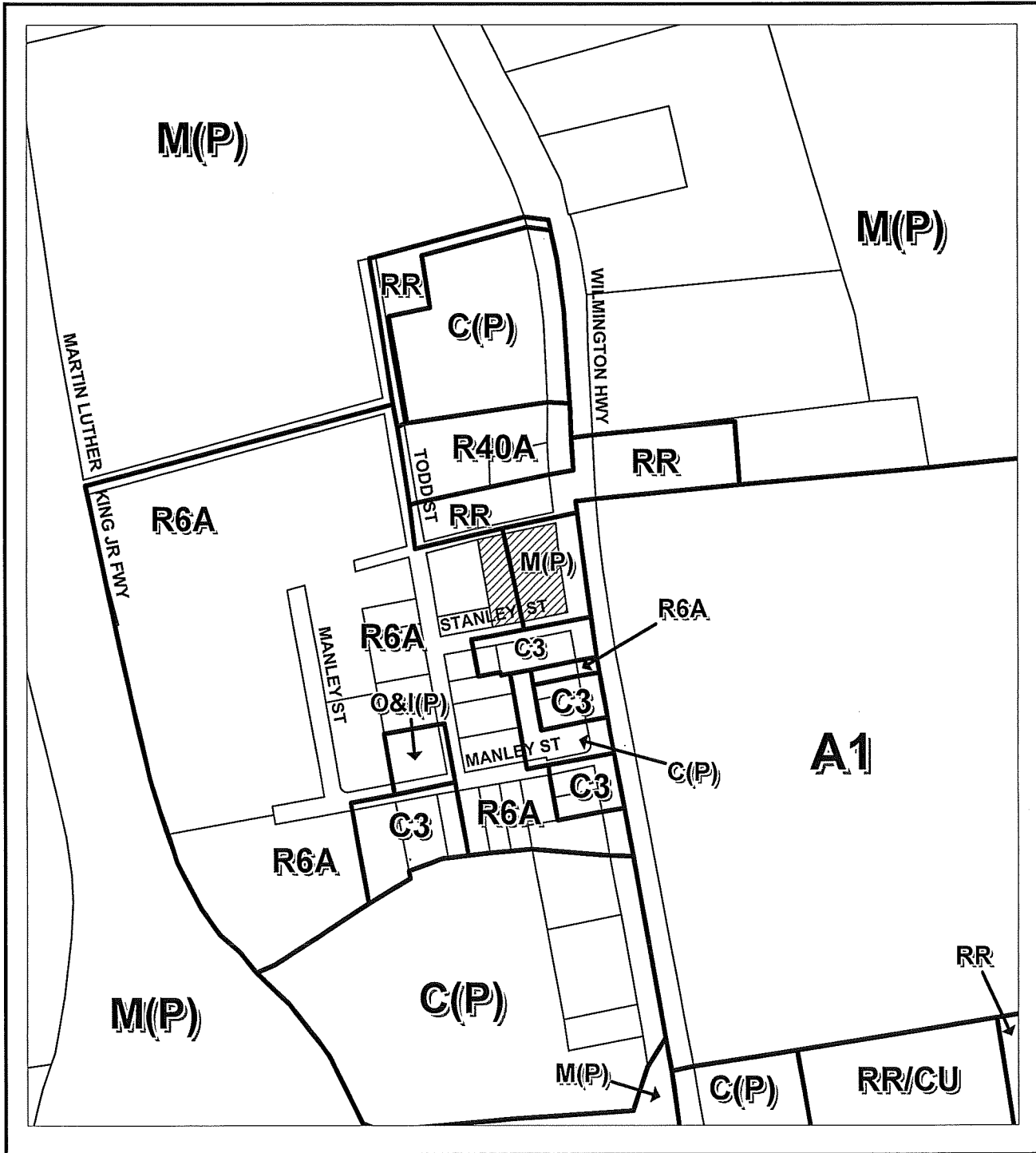
Rear yard: 30'

**R6A**

Front yard: 25'

Side yard: 10'

Rear yard: 15'



## REQUESTED REZONING M(P) AND R6A TO R6

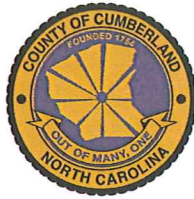
ACREAGE: 1.50 AC.+/-		HEARING NO: P16-20	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

Patricia Hall,  
Chair  
Town of Hope Mills

Charles C. Morris,  
Vice-Chair  
Town of Linden

Jami McLaughlin,  
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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 May 17, 2016 Board Meeting

**P16-21.** REZONING OF 3.40+/- ACRES FROM A1 AGRICULTURAL/CU CONDITIONAL USE FOR AN ADDITIONAL DWELLING & A1 AGRICULTURAL TO R40A RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 6833 ROSLIN FARM ROAD, SUBMITTED BY JOYCE G. CANADY (OWNER) AND CHRISTINA PATE (AGENT).

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

The Planning and Inspections Staff recommends the board find that approval of the request for rezoning in Case No. P16-21 is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for “urban fringe” at this location. The request is also consistent with the South Central Land Use Plan which calls for “suburban 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 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. P16-21 for the R40A Residential based on the following:

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

There are no other districts suitable for this request at this location.

Attachments: 1 – Site Profile 2 – Sketch Map

**P16-21**  
**SITE PROFILE**

**P16-21.** REZONING OF 3.40+/- ACRES FROM A1 AGRICULTURAL/CU CONDITIONAL USE FOR AN ADDITIONAL DWELLING & A1 AGRICULTURAL TO R40A RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 6833 ROSLIN FARM ROAD, SUBMITTED BY JOYCE G. CANADY (OWNER) AND CHRISTINA PATE (AGENT).

**Site Information:**

**Frontage & Location:** 296'+/- on SR 2243 (Roslin Farm Rd)

**Depth:** 484'+/-

**Jurisdiction:** County

**Adjacent Property:** No

**Current Use:** Residential (1 "stick-built" and 1 manufactured home)

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

**Nonconformities:** None

**Zoning Violation(s):** None

**Surrounding Zoning:** North: A1, R40A & R30/DD/CZ (66 lot subdivision); South: A1 East: A1 & R40A; West: A1 & RR/DD/CUD (234 lot subdivision)

**Surrounding Land Use:** Residential (including manufactured homes), farmland, woodlands, solar farm, utility substation

**2030 Growth Strategy Map:** Urban fringe area

**South Central Land Use Plan:** Suburban density residential

**School Capacity/Enrolled:** Gray's Creek Elementary: 495/429; Gray's Creek Middle: 1100/1025; Gray's Creek High: 1270/1368

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

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

**Soil Limitations:** Yes, hydric – Pa Pactolus loamy sand & TR Torhunta and lynn haven soils

**Subdivision/Site Plan:** Case no. 16-062, group development conditionally approved

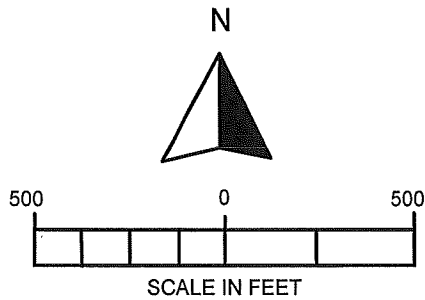
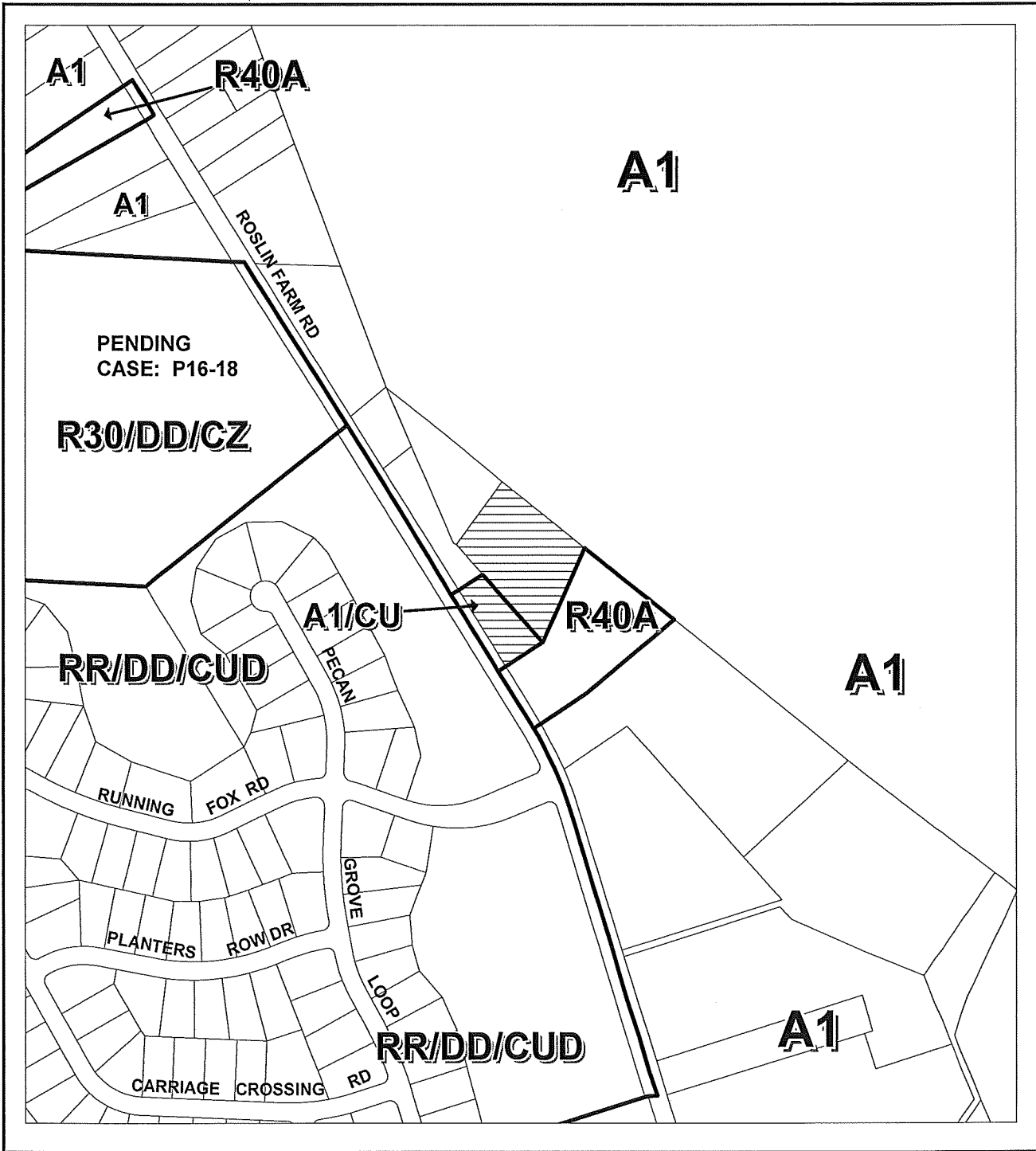
**Average Daily Traffic Count (2014):** 2400 on SR 2243 (Roslin Farm Rd)

**Highway Plan:** Roslin Farm 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 – 1 lot/ 2 units  
R40 & R40A – 3 lots/ 4 units
  
2. Minimum Yard Setbacks:

<u>A1</u>	<u>R40 &amp; R40A</u>
Front yard: 50'	Front yard: 30'
Side yard: 20'	Side yard: 15'
Rear yard: 50'	Rear yard: 35'



## REQUESTED REZONING A1 & A1/CU TO R40A

<b>ACREAGE: 3.40 AC. +/-</b>	<b>HEARING NO: P16-21</b>	
ORDINANCE: COUNTY	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

PIN: 0412-82-8537

AM

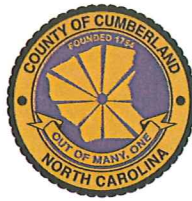


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Town of Spring Lake  
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May 10, 2016

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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 May 10, 2016 Board Meeting

**P16-23.** REZONING OF 1.00+/- ACRE FROM R40 RESIDENTIAL TO R40A RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 5343 DUNN ROAD, SUBMITTED BY ANITA WILLIAMS GRIFFIN, TIMOTHY LYNN GRIFFIN & JAMES MCNEIL WILLIAMS (OWNERS). (EASTOVER)

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

The Planning and Inspections Staff recommends the board find that approval of the request for rezoning in Case No. P16-23 is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for “community growth” at this location as the proposed district would allow development at approximately one unit per acre. Although the requested district is not entirely consistent with the Eastover Detailed Land Use Plan, which calls for “farmland” at this location, the request is generally consistent with the plan’s goal of providing one acre lots for residential uses.

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**

The Planning and Inspections Staff recommends the board approve Case No. P16-23 for the R40A Residential district based on the above information and the following:

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

There are no other districts that could be considered suitable for this request.

Attachments:

1 – Site Profile 2 – Sketch Map

**P16-23**  
**SITE PROFILE**

**P16-23.** REZONING OF 1.00+/- ACRE FROM R40 RESIDENTIAL TO R40A RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 5343 DUNN ROAD, SUBMITTED BY ANITA WILLIAMS GRIFFIN, TIMOTHY LYNN GRIFFIN & JAMES MCNEIL WILLIAMS (OWNERS). (EASTOVER)

**Site Information:**

**Frontage & Location:** 210'+/- on SR 301 (Dunn Rd)

**Depth:** 210'+/-

**Jurisdiction:** Eastover

**Adjacent Property:** Yes

**Current Use:** (2) Barns

**Initial Zoning:** R40 – October 24, 1990 (Area 18)

**Nonconformities:** Accessory structure on property without primary structure

**Zoning Violation(s):** None

**Surrounding Zoning:** North: A1 & R40; South: C(P), C(P)/CZ (hotel, restaurant, convenience store w/ gas), A1 & RR East: C(P) & A1; West: A1 & R40

**Surrounding Land Use:** Residential (including manufactured homes), farmland, woodlands, cell tower, utility substation

**2030 Growth Strategy Map:** Community growth area

**Eastover Detailed Land Use Plan:** Farmland

**School Capacity/Enrolled:** Eastover Central: 540/424; Mac Williams: 1270/1130; Cape Fear: 1425/1533

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

**Water/Sewer Availability:** Eastover Sanitary District/Septic

**Soil Limitations:** None

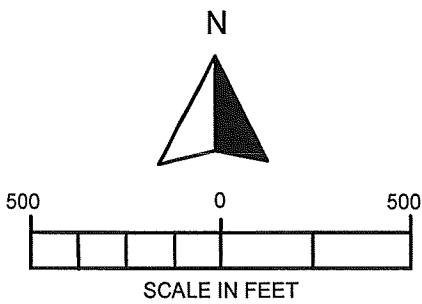
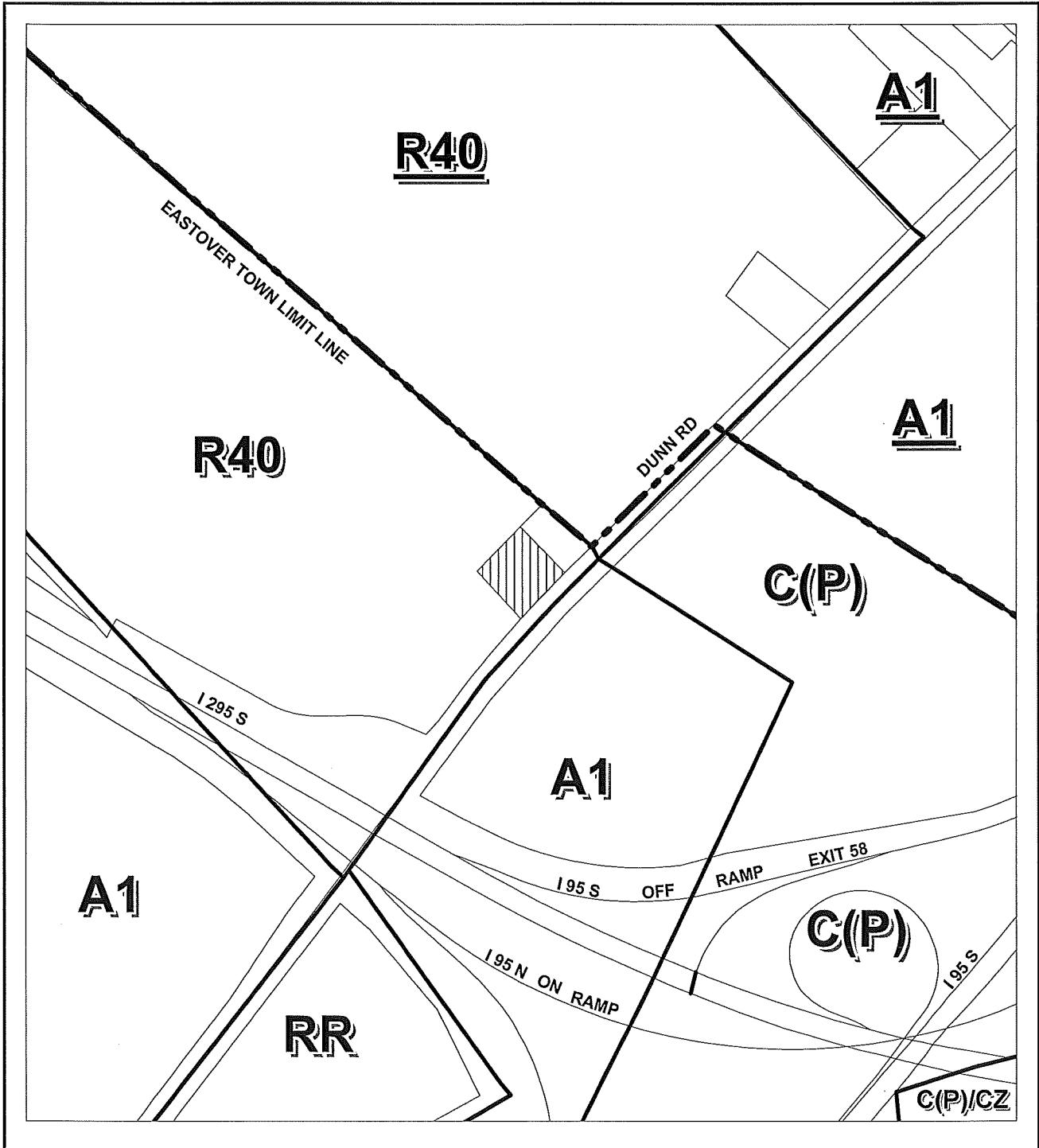
**Subdivision/Site Plan:** If approved, site plan may be required

**Average Daily Traffic Count (2014):** 2200 on NC HWY 301 (Dunn Rd)

**Highway Plan:** Dunn 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  
R40 & R40A – 1 lot/unit
  
2. Minimum Yard Setbacks:  
**R40 & R40A**  
Front yard: 30'  
Side yard: 15'  
Rear yard: 35'



## REQUESTED REZONING R40 TO R40A

**ACREAGE: 1.00 AC.+/-**      **HEARING NO: P16-23**

ORDINANCE: EASTOVER	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

PIN: 0570-21-1349

AM

Patricia Hall,  
Chair  
Town of Hope Mills

Charles C. Morris,  
Vice-Chair  
Town of Linden

Jami McLaughlin,  
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CUMBERLAND  
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Town of Eastover

**MEMORANDUM**

**TO:** Cumberland County Joint Planning Board  
**FROM:** Planning and Inspections Staff  
**SUBJECT:** Staff Recommendation for the May 17, 2016 Board Meeting

**P16-24.** REZONING OF 31.60+/- ACRES FROM M(P) PLANNED INDUSTRIAL TO A1 AGRICULTURAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 2901 WILMINGTON HIGHWAY, SUBMITTED BY CAROLYN JEANETTE TYSON (OWNER) & LORI S. EPLER, LARRY KING & ASSOCIATES (AGENT).

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

The Planning and Inspections Staff recommends the board find that approval of the request for rezoning in Case No. P16-24 is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for “urban and conservation” at this location. The request is also consistent with the South Central Cumberland Land Use Plan, which calls for “Suburban residential and open space” at this location as it will allow for land uses and lot sizes comparable to those in the surrounding 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 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. P16-24 for the A1 Agricultural and CD Conservancy district where the Special Flood Hazard Area (SFHA) and floodway exists based on the following:

- The subject and surrounding properties were initially zoned M(P) in 1979 but have mostly remained legal nonconforming residential or are undeveloped.

The applicant has not agreed with the staff recommendation. There are no other districts considered suitable for this request.

Attachments: 1 – Site Profile 2 – Sketch Map

**P16-24**  
**SITE PROFILE**

**P16-24.** REZONING OF 31.60+/- ACRES FROM M(P) PLANNED INDUSTRIAL TO A1 AGRICULTURAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 2901 WILMINGTON HIGHWAY, SUBMITTED BY CAROLYN JEANETTE TYSON (OWNER) & LORI S. EPLER, LARRY KING & ASSOCIATES (AGENT).

**Site Information:**

**Frontage & Location:** 1830'+/- on SR 2337 (Wilmington Hwy)

**Depth:** 860'+/-

**Jurisdiction:** County

**Adjacent Property:** No

**Current Use:** Vacant

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

**Nonconformities:** None

**Zoning Violation(s):** None

**Surrounding Zoning:** North: M(P), M(P)/CU (allow religious worship), M2, A1, CD, RR & R6A; South: M(P), CD, A1 & RR East: CR & RR; West: M(P), C1(P), C1(P)/CU(allow religious worship), RR

**Surrounding Land Use:** Residential (including manufactured homes), woodlands, Cape Fear River

**2030 Growth Strategy Map:** Urban and conservation area

**South Central Land Use Plan:** Suburban residential and open space

**School Capacity/Enrolled:** Cashwell Elementary: 800/740; Ireland Drive Middle: 340/295; Byrd Middle: 700/705; Byrd High: 1280/1125

**Special Flood Hazard Area (SFHA):** Yes

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

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

**Subdivision/Site Plan:** If approved, site plan may be required

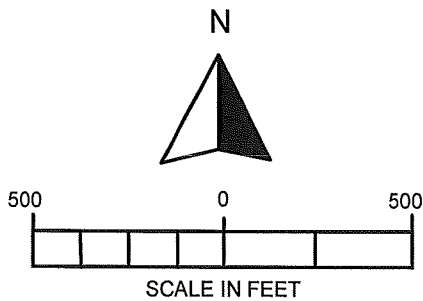
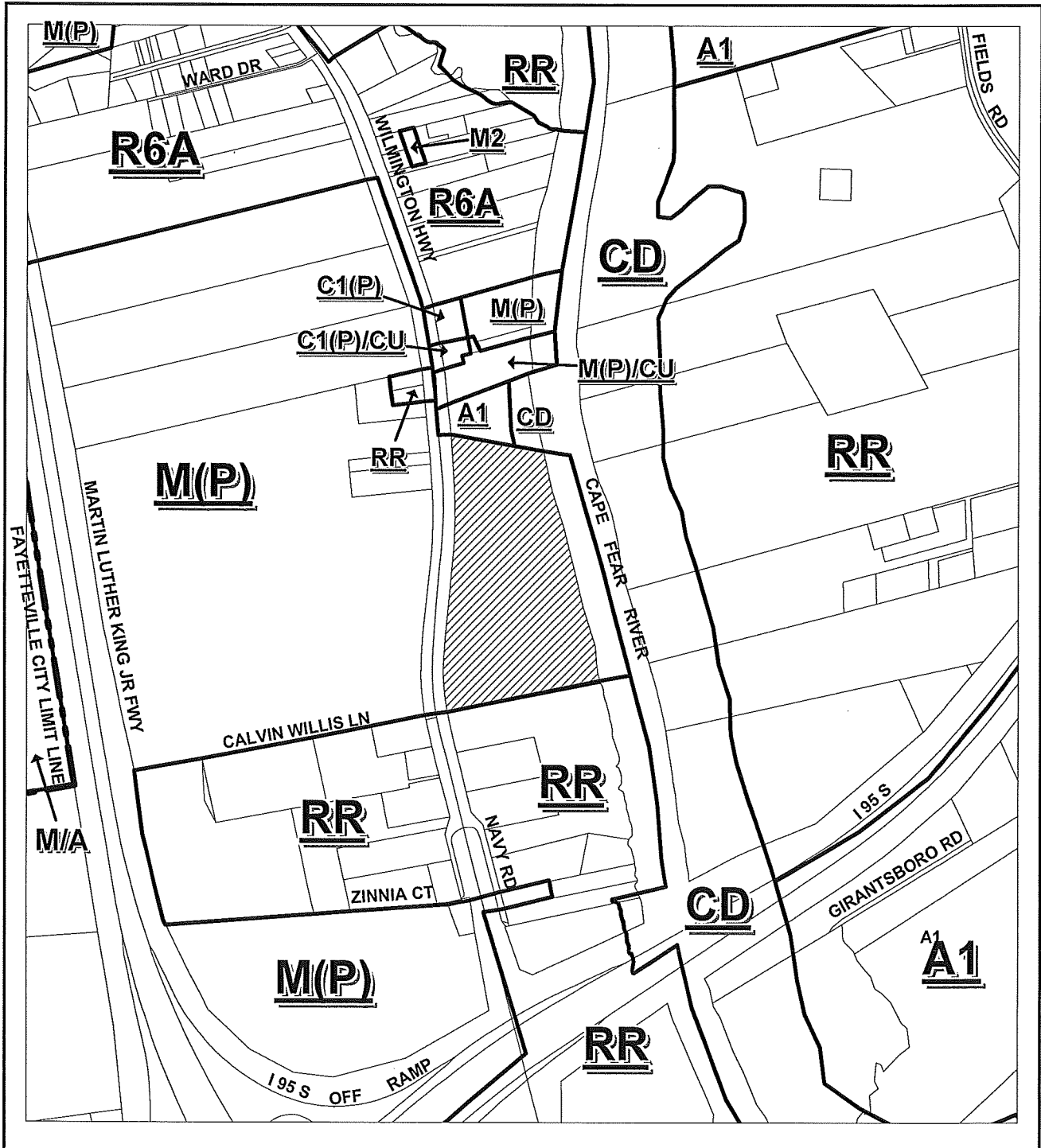
**Average Daily Traffic Count (2014):** 1600 on SR 2337 (Wilmington Hwy)

**Highway Plan:** Wilmington Hwy 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 – 15 lots/ 16 units
  
2. Minimum Yard Setbacks:

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



## REQUESTED REZONING M(P) TO A1

<b>ACREAGE: 31.60 AC.+/-</b>		<b>HEARING NO: P16-24</b>	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

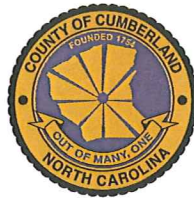
PIN: 0445-40-4868

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

May 10, 2016

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

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

Benny Pearce,  
Town of Eastover

**MEMORANDUM**

**TO:** Cumberland County Joint Planning Board  
**FROM:** Planning and Inspections Staff  
**SUBJECT:** Staff Recommendation for the May 17, 2016 Board Meeting

**P16-25.** REZONING 1.14+/- ACRES FROM RR RESIDENTIAL TO C2(P) PLANNED SERVICE & RETAIL DISTRICT OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE SOUTH SIDE OF SR 1112 (ROCKFISH ROAD), WEST OF SR 1113 (WALDO BEACH ROAD); SUBMITTED BY BARBARA M. JOHNSON (OWNER) & ABY VARGHESE (AGENT).

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

The Planning and Inspections Staff recommends denial of the C2(P) Planned Service & Retail but approval of the C1(P) Planned Local Business district for Case No. P16-25; The recommended district is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for “urban” at this location. While the recommended district is not entirely consistent with the Southwest Cumberland Land Use Plan which calls for “medium density residential”, the subject property is located in an area that is in transition from residential to commercial.

The staff recommends the board further find that approval of the recommended 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, public water and sewer (Hope Mills) is available; must have direct access to a collector street, Rockfish Road is a street; should serve as a transition between heavy commercial, office & institutional or residential development; should have other light commercial uses in the area; should provide convenient goods and services to the immediate surrounding neighborhood; and may be located along a street that is in transition from residential to non-residential through redevelopment and physical improvements.*

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

In addition to the above information, the Planning and Inspections Staff recommends denial of the requested district of C2(P) Planned Service and Retail but approval of the C1(P) Planned Local Business district based on the following :

1. The C1(P) Planned Local Business district is logical as there are similar commercial zoning districts and uses in the general area; and
2. Approval of the C1(P) Planned Local Business district at this location will limit future heavy commercial along the south side of Rockfish Road toward the existing residential area.

The applicant has verbally agreed with the staff recommendation.

**Attachments:**

- 1 – Site Profile
- 2 – Sketch Map

**P16-25**  
**SITE PROFILE**

**P16-25.** REZONING 1.14+/- ACRES FROM RR RESIDENTIAL TO C2(P) PLANNED SERVICE & RETAIL DISTRICT OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE SOUTH SIDE OF SR 1112 (ROCKFISH ROAD), WEST OF SR 1113 (WALDO BEACH ROAD); SUBMITTED BY BARBARA M. JOHNSON (OWNER) & ABY VARGHESE (AGENT).

**Site Information:**

**Frontage & Location:** 230'+/- on SR 1112 (Rockfish Rd)

**Depth:** 217'+/-

**Jurisdiction:** County

**Adjacent Property:** Yes

**Current Use:** Vacant

**Initial Zoning:** RR – February 6, 1976 (Area 5)

**Nonconformities:** None

**Zoning Violation(s):** None

**Surrounding Zoning:** North: MXD/CUD, C2(P) & R10; South: RR & R10 East: RR; West: C2(P) & RR

**Surrounding Land Use:** Residential (including manufactured homes), shopping center, bank

**2030 Growth Strategy Map:** Urban area

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

**School Capacity/Enrolled:** Stoney Point: 900/854; John Griffin: 1274/921; Jack Britt: 1870/1955

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

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

**Soil Limitations:** None

**Subdivision/Site Plan:** If approved, site plan may be required

**Average Daily Traffic Count (2014):** 1100 on SR 1112 (Rockfish Rd)

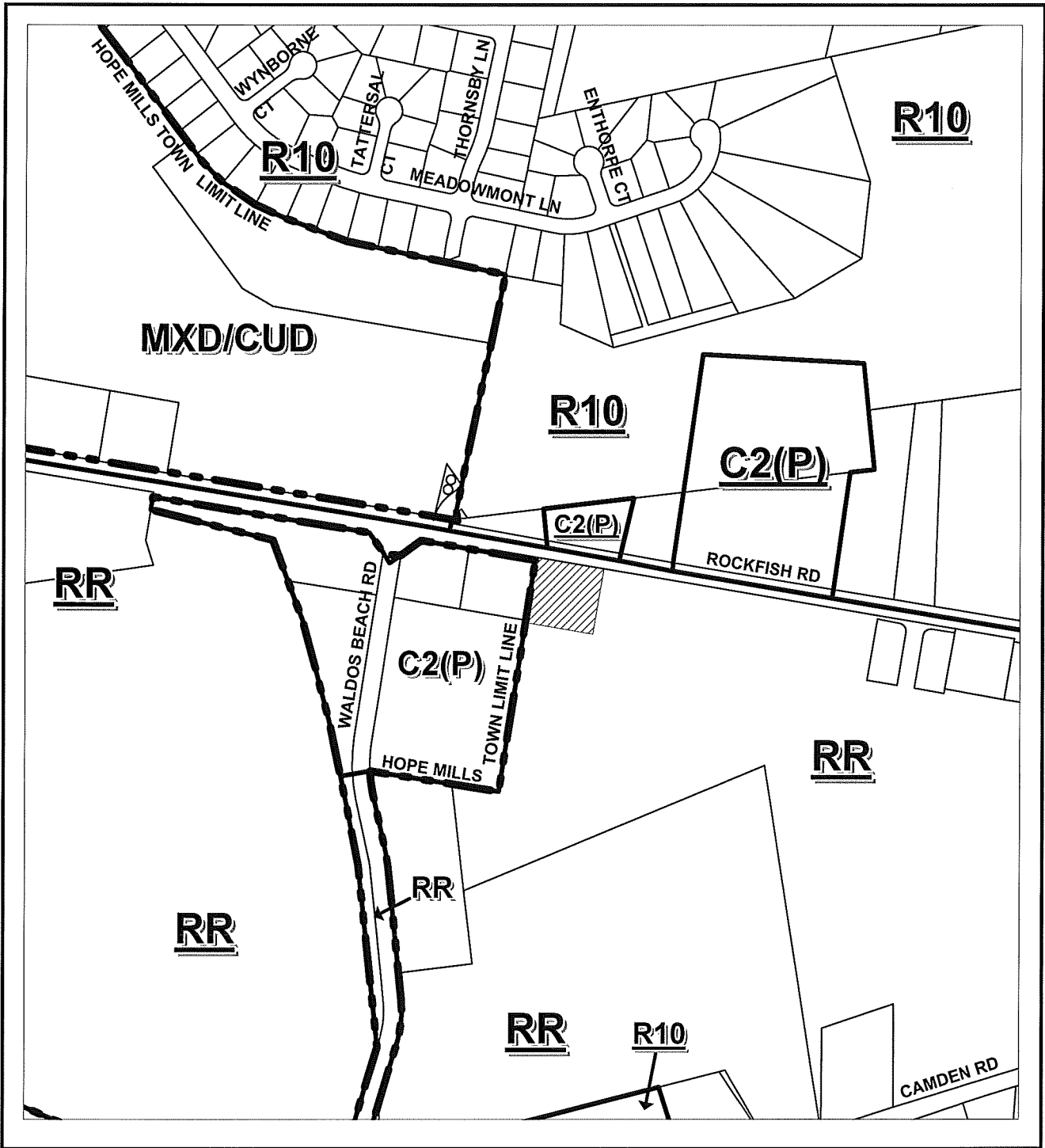
**Highway Plan:** This section of Rockfish Rd is identified as local thoroughfare needs improvement. The recommended improvement is 4 lane divided.

**Notes:**

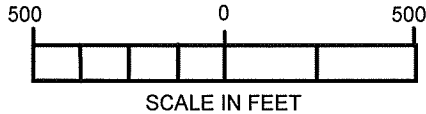
1. Density  
RR – 2 lots/units
  
2. Minimum Yard Setbacks:

<u>C2(P)</u>	<u>RR</u>
Front yard: 50'	Front yard: 30'
Side yard: 30'	Side yard: 15'
Rear yard: 30'	Rear yard: 35'





## REQUESTED REZONING RR TO C2(P)



SCALE IN FEET

PORT. OF PIN: 9494-96-1873

<b>ACREAGE: 1.14 AC.+/-</b>		<b>HEARING NO: P16-25</b>	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

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



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★ **COUNTY** ★  
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Town of Eastover

**MEMORANDUM**

**TO:** Cumberland County Joint Planning Board  
**FROM:** Planning and Inspections Staff  
**SUBJECT:** Staff Recommendation for the May 17, 2016 Board Meeting

**P16-26.** REVISION AND AMENDMENT TO THE TOWN OF HOPE MILLS ZONING ORDINANCE, REGARDING PROVISIONS RELATED TO THE HISTORIC OVERLAY DISTRICT, SPECIFICALLY ARTICLE III ZONING DISTRICTS, SECTION 102A-302. ZONE CHARACTERISTICS, (G) OVERLAY DISTRICTS, (3) HISTORIC OVERLAY DISTRICT (HOD); AND ARTICLE IX OVERLAY DISTRICTS, SECTION 102A-904. HISTORIC OVERLAY DISTRICT (HOD); AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE. (HOPE MILLS)

**1<sup>ST</sup> MOTION**

The Planning and Inspections Staff recommends approval of Case No. P16-26 for a text amendment revising provisions related to the Historic Overlay District based on the following:

1. If approved, the proposed amendment would establish the standards used by the Historic Preservation Commission to maintain the character of the Historic Overlay District within the town.
2. The amendment was requested by the Town of Hope Mills.

**2<sup>ND</sup> MOTION**

The Planning and Inspections Staff recommends the board find that approval of the text amendment in Case No. P16-26 is consistent with policy 10.6 of the *2030 Growth Vision Plan* which states that new development, redevelopment, rehabilitation and maintenance of structures and sites should be consistent and supportive of the neighborhood and architectural context of designated neighborhood conservation areas, such as the historic downtown of Hope Mills. It is also consistent with the Southwest Cumberland Land Use Plan as it will afford the Town and the Historic Preservation Commission the ability to enforce the historic preservation of properties within the Historic Overlay District.

The Planning and Inspections Staff further recommends the board find that the approval of the text amendment in Case No. P16-26 is reasonable because, if approved, historic properties worthy of protection will be preserved.

Attachment:  
P16-26 Hope Mills Zoning Ordinance Text Amendment

**P16-26**

**Town of Hope Mills Zoning Ordinance  
Text Amendment  
(Historic District Overlay)**

**P16-26.** REVISION AND AMENDMENT TO THE TOWN OF HOPE MILLS ZONING ORDINANCE, REGARDING PROVISIONS RELATED TO THE HISTORIC OVERLAY DISTRICT, SPECIFICALLY ARTICLE III ZONING DISTRICTS, SECTION 102A-302. ZONE CHARACTERISTICS, (G) OVERLAY DISTRICTS, (3) HISTORIC OVERLAY DISTRICT (HOD); AND ARTICLE IX OVERLAY DISTRICTS, SECTION 102A-904. HISTORIC OVERLAY DISTRICT (HOD); AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE. (HOPE MILLS)

**AMEND Article III Zoning Districts, Section 102A-302. Zone Characteristics, (g) Overlay districts, (3) *Historic overlay district (HOD)* as follows:**

(3) *Historic overlay district (HOD)*. This overlay district is designed to promote the preservation and restoration of structures and landscape features within specified areas and/or neighborhoods of the town that are of historical, architectural and cultural importance, having significant character, design, setting, materials or value for their association with the town, Cumberland County, North Carolina or the nation. This district is designed to protect buildings, structures and sites, and their environs through guidelines and certificates of appropriateness issued through the town's Historic Preservation Commission. ~~administered by the town's Historic Advisory Committee.~~

**AMEND Article IX Overlay Districts, Section 102A-904. Historic Overlay District (HOD) as indicated below:**

**Sec. 102A-904. Historic overlay district ("HOD").**

(a) *Purpose and intent.* The historic overlay district ("HOD") is created for the purpose of promoting the general welfare, education, economic prosperity, and recreational pleasure of the public, through the identification, preservation, and enhancement of those buildings, structures, neighborhoods, landscapes, places and areas that have special historical significance and which have been officially designated by the Board of Commissioners. The regulations herein are intended to protect against destruction of or encroachment upon such areas, structures, and premises; to encourage uses which will lead to their continuance, conservation and improvement; and to promote the upkeep and rehabilitation of significant older structures and encourage appropriate land use planning and development that will enhance both the economic viability and historic character of the district.

(b) *Designated district area.* The provisions of this section shall apply within the area designated by the Board of Commissioners after their determination of the area that is intended to be preserved due to the area's historical significance and as may be amended from time to time, is hereby officially adopted, as shown on a map entitled: *Hope Mills Historic Overlay District*, and is incorporated herewith as Exhibit 2 of this ordinance.

~~(c) *Allowed uses.* All uses, including signs, allowed in the underlying zoning district under the provisions of this ordinance and in the district as shown on the officially adopted zoning map are allowed uses within the historic overlay district; however, before any exterior structural changes, modifications, additions or demolitions are made to any property within this overlay district or a new structure is built, a *Certificate of Appropriateness* issued through the auspices of the Town's Historic Advisory Committee must first be obtained signifying that the proposed exterior structural changes, modifications, additions or demolitions and/or new construction is consistent with the provisions of the *Hope Mills Heritage Preservation Plan* (September, 1995) or subsequent comparable document, specifically the provisions of the ordinance entitled *Rehabilitation Guidelines for Properties in the Historic District*. In the event, the proposed development requires approval from the Board of Commissioners, the *Certificate of Appropriateness* must be obtained prior to presentation of the plan for the Commissioners' consideration.~~

~~(d) *Dimensional requirements and exceptions.* In addition to the provisions of the *Hope Mills Heritage Preservation Plan*, or subsequent comparable amendment, development shall comply with the regulations of the underlying zoning district, except as follows:~~

~~(1) Structures erected in the historic overlay district shall use the prevailing setback of structures in the same underlying zoning district on the same side of the street;~~

~~(2) All applicable zoning regulations shall apply to property within a historic overlay district unless a variance is approved by the Board of Adjustment. The said variance shall be granted only if the request complies with the intent of the architectural and historic guidelines of the historic overlay district, if the request first receives a favorable recommendation from the Historic Advisory Committee and the request is not for a use of the property.~~

~~(e) *Certain Changes Not Prohibited.* The provisions of this section shall not be construed to prevent the following:~~

~~(1) The ordinary maintenance or repair of any exterior architectural feature in a historic district which does not involve a change in design, material, or outer appearance thereof;~~

~~(2) The construction, reconstruction, alteration, restoration, moving or demolition~~

~~of any such feature which the Chief Building Inspector or the inspector's designee shall certify in writing to the committee is required to protect the public safety because of unsafe or dangerous conditions; and~~

~~(3) The ordinary maintenance or repair of streets, sidewalks, pavement markings, utility service lines, street signs, traffic signs and/or replacement of street light fixtures in the event of equipment failure, accidental damage or natural occurrences such as electrical storms, tornadoes, ice storms, and the like.~~

~~(f) *Appeal of Historic Advisory Committee decision.* In any action granting or denying a *Certificate of Appropriateness*, an appeal by an aggrieved party may be taken to the Board of Adjustment. Written notice of the intent to appeal and the reasons therefore must be delivered to the County Planning Department and the appeal shall be scheduled for the next available Board of Adjustment meeting. The appeal process shall be the same as for an appeal of an administrative officer's decision as established in this ordinance.~~

(c) *Certificate of Appropriateness Required.*

(1) From and after the designation of HOD and adoption of guidelines by the Historic Preservation Commission (the "Commission"), no exterior portion of any building or other structure (including masonry walls, fences, light fixtures, steps and pavement or other appurtenant features), nor any above-ground utility structure nor any type of outdoor advertising sign shall be erected, altered, restored, moved or demolished within the HOD until after an application for a certificate of appropriateness as to exterior features has been submitted to and approved by the Commission. Such a certificate is required to be issued by the Commission prior to the issuance of a building permit or other permit granted for the purposes of constructing, altering, moving or demolishing structures, which certificate may be issued subject to reasonable conditions necessary to carry out the purposes of this ordinance. In the event the proposed development plan requires approval from the Board of Commissioners or the Board of Adjustment under the terms of the zoning and/or subdivision regulations, the certificate of appropriateness must be obtained prior to presentation of the development plan application for either board's consideration. A certificate of appropriateness shall be required whether or not a building or other permit is required. A certificate of appropriateness shall be required whether or not a building or other permit is required.

(2) For purposes of this ordinance, "exterior features" shall include the architectural style, general design and general arrangement of the exterior of a building or other structure, including the kind and texture of the building material, the size and scale of the building, and the type and style of all windows, doors, light fixtures, signs and other appurtenant features. Exterior features may also include historic signs, color, and significant landscape, archaeological and natural features of the area. In the case of outdoor advertising signs, "exterior features" shall be construed to mean the style, material, size and location of all such signs.

(3) The State of North Carolina (including its agencies, political subdivisions and instrumentalities), the Town of Hope Mills and all public utilities shall be required to obtain a certificate of appropriateness for construction, alteration, moving or demolition within the HOD.

(d) *Application for Certificate of Appropriateness.* Applications for a certificate of appropriateness shall be obtained from and when completed, filed with the town planner. The application shall be filed not less than twenty-one (21) calendar days prior to the next regularly scheduled meeting of the Commission. Each application shall be accompanied by sketches, drawings, photographs, specifications, descriptions and other information of sufficient detail to clearly show the proposed exterior alterations, additions, changes or new construction. The names and mailing addresses of property owners filing and/or subject to the application and the addresses of all property within 100 feet on all sides of the property which is the subject of the application must also be filed. No application which does not include the aforementioned information will be accepted. The Commission shall adopt, through its rules of procedure, appropriate procedures for pre-application meetings.

(e) *Action on Application for Certificate of Appropriateness.*

(1) The town planner shall, by a mailing that is sent not less than seven (7) days prior to the meeting at which the matter is to be heard, provide notification of the application to the owners of property within 100 feet on all sides of the subject property.

(2) Applications for certificates of appropriateness shall be acted upon within ninety (90) days after filing, otherwise the application shall be deemed to be approved and certificate shall be issued. An extension of time may be granted by mutual consent of the Commission and the applicant.

(3) As part of the review procedures, the Commission may view the premises and seek the advice of the North Carolina Department of Cultural Resources or other such expert advice as it may deem necessary under the circumstances. The Commission shall hold a quasi-judicial hearing on each application, other than one for approval as a minor work.

(4) The action on an application shall be approval, approval with conditions or denial, and the decision of the Commission must be supported by specific findings of fact indicating the extent to which the application is or is not congruous with the special character of the HOD.

(5) Once issued, a certificate of appropriateness shall be void after six (6) months from the date of issue unless work has begun on the project by that time. The town planner may issue one six-month extension on the time to begin work. If after work commences it stops for a period of six (6) months or more, the certificate of appropriateness shall expire.

(f) Hearings for Certificate of Appropriateness.

(1) Prior to the issuance or denial of a certificate of appropriateness, the applicant and other property owners likely to be materially affected by the application shall be given an opportunity to be heard. All meetings of the Commission shall be open to the public in accordance with the North Carolina Open Meetings Law, G.S. Chpt. 143, Article 33C.

(2) The Commission shall have no jurisdiction over interior arrangement, except as provided below, and shall take no action under this ordinance except to prevent the construction, reconstruction, alteration, restoration, moving or demolition of buildings, structures, appurtenant features, outdoor advertising signs or other significant features which would be incongruous with the special character of the HOD.

(4) In any action granting or denying a certificate of appropriateness, an appeal by an aggrieved party may be taken to the Board of Adjustment.

(5) Written notice of the intent to appeal must be sent to the Commission via the town planning department, postmarked within 30 days following the decision. Appeals shall be in the nature of certiorari. Appeals of decisions of the Board of Adjustment shall be heard by the Superior Court of Cumberland County.

(6) The State of North Carolina shall have a right of appeal to the North Carolina Historical Commission, which shall render its decision within thirty (30) days from the date that a notice of appeal by the state is received by the Historical Commission. The decision of the Historical Commission shall be final and binding upon both the State and the Commission.

(g) Administrative Approval of Minor Works.

(1) Notwithstanding subsection 102A-904(c) above, upon receipt of a completed application the town planner may issue a certificate of appropriateness for minor works that are consistent with the provisions of subsection and the Design Principles and Guidelines adopted by the Commission. If the town planner determines that an applicant seeks a certificate of appropriateness for a minor work as defined herein, he or she may waive the requirement that the application be submitted twenty-one (21) days prior to the next Commission meeting and the requirement that the application contain the names and addresses of nearby property owners.

(2) Minor works are defined as those exterior changes that do not involve a change to the visual character of the property and do not involve substantial alterations, additions or removals that could impair the integrity of the property and/or district as a whole. The town planner shall make the determination as to whether the application involves a minor work as defined herein.

(3) The town planner may approve but may not deny an application for a certificate of appropriateness for minor works. If the town planner decides not to issue a certificate of appropriateness for a minor work, the application shall be referred to the Commission for action.

(4) A decision by the town planner to issue a certificate of appropriateness for minor works may be appealed to the Board of Adjustment in the same manner as other decisions are appealable to the board.

(h) Review Criteria.

(1) No certificate of appropriateness shall be granted unless the Commission finds that the application complies with the principles and guidelines adopted by the Commission for review of changes. It is the intent of these regulations to insure, insofar as possible, that construction, reconstruction, alteration, restoration, moving or demolition of buildings, structures, appurtenant fixtures, outdoor advertising signs or other significant features in the HOD shall be congruous with the special character of the district. Notwithstanding the foregoing, the Commission may apply the above-mentioned principles and guidelines in a manner that is consistent with their spirit, rather than literally, when it concludes that the benefit derived from strict adherence to the principles and guidelines is outweighed by the practical or financial hardships imposed on an applicant by such literal application on non-contributing structures.

(2) In addition to the principles and guidelines, the following features or elements of design shall be considered in reviewing applications for certificates of appropriateness:

(a) Lot coverage, defined as the percentage of the lot area covered by primary structures;

(b) Setback, defined as the distance from the lot lines to the building;

(c) Building height.

(d) Spacing of buildings, defined as the distance between adjacent buildings;

(e) Proportion, shape, positioning, location, pattern, sizes and style of all elements of fenestration and entry doors;

(f) Surface materials and textures;

(g) Roof shapes, forms and materials;

(h) Use of regional or local architectural traditions;



- (i) General form and proportion of buildings and structures and the relationship of additions to the main structure;
- (j) Expression of architectural traditions;
- (k) Orientation of the building to the street;
- (l) Scale, determined by the size of the units of construction and architectural details in relation to the human scale and also by the relationship of the building mass to adjoining open space and nearby buildings and structures, maintenance of pedestrian scale;
- (m) Proportion of width to height of the total building façade;
- (n) Archaeological sites and resources associated with standing structures;
- (o) Effect of trees and other landscape elements;
- (p) Major landscaping which would impact known archaeological sites;
- (q) Style, material, size and location of all outdoor advertising signs;
- (r) Appurtenant features and fixtures, such as lighting;
- (s) Structural condition and soundness;
- (t) Walls – physical ingredients, such as brick, stone or wood walls, wrought iron fences, evergreen landscape masses;
- (u) Ground cover or paving; and
- (v) Significant landscape, archaeological and natural features.

(3) The United States Secretary of the Interior’s “Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings” shall be the sole principles of and guidelines used in reviewing applications of the State of North Carolina for certificates of appropriateness.

(i) *Certain Changes Not Prohibited.* Nothing in this ordinance shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in a historic district or of a landmark which does not involve a change in design, materials or outer appearance thereof; the ordinary maintenance or repair of streets, sidewalks, pavement markings, street signs or traffic signs; or the construction, reconstruction, alteration,

restoration or demolition of any such feature which the building inspector shall certify is required for the public safety because of an unsafe or dangerous condition. None of the foregoing work shall require a certificate of appropriateness. Nothing herein shall be construed to prevent (1) the maintenance or (2) in the event of an emergency, the immediate restoration of the existing above-ground utility structure without approval by the Commission.

(i) *Enforcement and Remedies.*

(1) Compliance with the terms of the certificate of appropriateness shall be enforced by the town. Failure to comply with the certificate shall be a violation of the provisions of this ordinance that pertain to zoning and shall be punishable according to established procedures and penalties for such violations.

(2) In case any building, structure, site, area or object designated as being within the HOD is about to be demolished, whether as a result of deliberate neglect or otherwise materially altered, remodeled, removed or destroyed except in compliance with this ordinance, the Board of Commissioners, the Commission, or other party aggrieved by such action may institute any appropriate action or proceeding to prevent such unlawful demolition, destruction, material alteration, remodeling or removal to restrain, correct or abate such violation or to prevent any illegal act or conduct with respect to such a building or structure.

(k) *Delay in Demolition Within the HOD.*

(1) An application for a certificate of appropriateness authorizing the demolition, removal or destruction of a building, structure or site within a historic district may not be denied except as provided herein. However, the effective date of such a certificate may be delayed for up to 365 days from the date of approval. The period of delay shall be reduced by the Commission if it finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use or return from such property by virtue of the delay. During the delay period, the Commission shall negotiate with the owner in an effort to find a means of preserving the building, structure or site. If the Commission finds that a building, structure or site has no special significance or value toward maintaining the character of a district, it shall waive all or part of such period of delay and authorize earlier demolition or removal.

(2) If the Commission has voted to recommend the designation of a landmark or the designation of an area as a historic district and final designation has not been made by the Board of Commissioners, the demolition or destruction of any building, structure or site in the proposed district or on the property of the designated landmark may be delayed by the Commission for up to 180 days or until the Board of Commissions takes final action on the designation, whichever occurs first.

(3) An application for a certificate of appropriateness authorizing the demolition of a building, structure or site determined by the State Historic Preservation Officer as having

statewide significance as defined in the criteria of the National Register of Historic Places may be denied except where the Commission finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use or return by virtue of the denial.

(l) *Prevention of Demolition By Neglect.*

(1) Intent. The purpose of this section is to permit the Town of Hope Mills, through the Commission and the town staff, to protect the town's historic resources by intervening when a contributing property is undergoing demolition by neglect.

(2) Definitions.

- (a) *Contributing Property.* Any property, building or structure, or part thereof, that has been designated as "contributing" to the Hope Mills Historic District.
- (b) *Demolition By Neglect.* The deterioration of any contributing property to such an extent that the structural integrity of its architectural details of historic value or other important historic aspects of the property may be lost to current and future generations.
- (c) *Owner.* For the purposes of this section, the "owner" shall include the legal owner of record of a property, building or structure, as indicated by the Cumberland County tax records and the Cumberland County Registry. The owner shall also include any other person exercising lawful control over a property, building or structure (for example, a tenant or other occupant) who can be discovered by the Town staff using reasonable diligence.
- (d) *Undue Economic Hardship.* An owner's financial inability to make the repairs specified in an order issued pursuant to this subsection.

(3) Standards. The owner of a contributing property shall prevent the demolition by neglect of the property, including the preservation of exterior architectural features and the prevention and/or correction of structural defects. The following nonexhaustive list includes examples of defects which may constitute demolition by neglect:

- (a) *Deterioration of exterior walls, foundations, or other vertical supports which results in leaning, sagging, splitting, listing, or buckling;*
- (b) *Deterioration of flooring or floor supports, roofs, or other horizontal members which results in leaning, sagging, splitting, listing, or buckling;*
- (c) *Deterioration of an external chimney which results in leaning, sagging, splitting, listing, or buckling of the chimney;*

- (d) Deterioration or crumbling of exterior plasters or mortars where there is evidence that such condition exposes structural elements to decay;
- (e) Ineffective waterproofing of exterior walls, roofs, and foundations, including broken windows or doors or broken or malfunctioning gutters;
- (f) Defective protection or lack of weather protection for exterior wall and roof coverings, including lack of paint, or excessive weathering due to lack of paint or other protective covering;
- (g) Rotting, holes, and other forms of decay where there is evidence that such conditions have exposed structural elements;
- (h) Deterioration of exterior stairs, porches, handrails, window and door frames, cornices, entablatures, wall facings, and architectural details that causes delamination, instability, loss of shape and form, or crumbling;
- (i) Deterioration of contributing accessory structures; and
- (j) Overgrown plants/landscaping features which threaten the structural integrity or relevant, significant architectural detail of a structure.

(4) Procedure for Enforcement.

- (a) Any citizen who believes that a contributing property is undergoing demolition by neglect may make a written complaint to the town planner. The complaint must include a description of the property, including a street address, and the nature of the deterioration claimed to constitute demolition by neglect.
- (b) Upon the receipt of the complaint or where there is otherwise a reasonable basis to believe that demolition by neglect may be occurring, the town planner or other person designated by the town manager will conduct a preliminary investigation, and if upon investigation, the staff person determines that a contributing property may be undergoing demolition by neglect, he or she shall provide the owner written notice that the matter will be brought before the Commission at its next regularly scheduled meeting that is at least ten (10) days from the date of the notice.
- (c) The written notice shall include the following:
  - 1. A summary of the defects alleged to constitute demolition by neglect;

2. The date, time and location for when and where the Commission will hear and consider the matter;
  3. Any reports prepared by the town staff;
  4. A summary description of the demolition by neglect review process;
  5. A statement that during the hearing the owner and any other interested persons have the right to be represented by an attorney and present evidence at the hearing, including evidence of any undue economic hardship that repairing the alleged demolition by neglect would cause; and
  6. A statement that additional information can be obtained from the town during regular business hours.
- (d) The Commission shall conduct a quasi-judicial hearing of the matter, and if it finds that a contributing property is undergoing demolition by neglect, it shall prepare a written order directing the owner to take corrective action within a reasonable period of time. The order shall include findings of fact; conclusions of law; and when possible references to applicable HOD design guidelines.
- (e) If the Commission issues an order requiring the repair of any demolition by neglect, the owner may file a claim stating that complying with the order would cause the owner undue economic hardship. A claim of undue economic hardship must be submitted in writing to the town planner no later than ten (10) days after the date the written order to repair is issued. An applicant must include with a claim all available supporting evidence and a statement of what specific relief is requested (i.e. more time to comply, waiving of certain repair work, etc.). Should additional evidence become available after a claim is made but before the Commission considers the matter, it shall be duty of the owner to provide this additional evidence to the town planner immediately. The order to repair the demolition by neglect shall be stayed while the claim of undue economic hardship is pending.
- (f) Using a quasi-judicial hearing, the Commission shall consider a claim of undue economic hardship at least ten (10) days after the filing of said claim. The order approving or denying some or all requested relief shall be in writing, include relevant findings of fact, and shall specify the relief granted.

(5) Methods of Service.

- (a) Notices and orders issued by the town in connection with a demolition by neglect complaint shall be served by first class mail upon the owner of record at the most recent mailing address listed in the Cumberland County tax records.
- (b) If, after using reasonable diligence, the town staff determine that a person other than the legal owner has lawful control and/or custody of the property, building or structure, the staff shall also serve a copy of all notices and orders on said person by first class mail to the person's last known mailing address.
- (c) The town staff shall also serve a copy of all notices and orders by first class mail upon any lienholders of record and holders of deeds of trust or mortgages of record. Failure to comply with this subsection shall in no way affect the validity of any notice or order that has otherwise been properly served.

(6) Safeguards from Undue Economic Hardship.

- (a) When a claim of undue economic hardship is made, the owner must provide evidence describing the circumstances of the hardship. The owner shall provide, at a minimum, the following information:
  - 1. The nature of the ownership (individual, business, or nonprofit) of the property, building or structure and a statement of the legal relationship of the owner to the property (i.e. fee simple ownership, tenant, etc.);
  - 2. If the owner has legal title to all or some part of the property, building or structure, the owner shall also state how much was paid for the property, building or structure; the date of acquisition; from whom the property, building or structure was purchased, including a description of the relationship between the owner and the person from whom the property, building or structure was acquired; and whether the property, building or structure or was acquired by other means such as by gift or inheritance;
  - 3. The financial resources of the owner;
  - 4. The estimated cost of repairs necessary to comply with an order to repair. Whenever possible, these estimates should be in the form of written estimates by a contractor, engineer or architect licensed in North Carolina;
  - 5. Assessed value of the land and improvements;
  - 6. Annual debt service (i.e., mortgage payments), if any, for the previous two

(2) years; and

7. Any listing of the property for sale or rent, price asked, and offers received, if any.

Additionally for income-producing properties, the owner shall provide the following information:

8. Annual gross income from the property for the previous two (2) years;
9. Itemized operating and maintenance expenses for the previous two (2) years;
10. Proof that adequate and competent management procedures have been used for the management of the property, building or structure; and
11. Annual cash flow for the previous two (2) years.

- (b) The Commission may require any additional evidence that it deems relevant to the questions of whether undue economic hardship exists and the appropriateness of the relief proposed to be granted.

(7) Appeals. Any order to repair and any order pertaining to a claim of undue economic hardship may be appealed by an aggrieved party to the Board of Adjustment within the same time, in the same manner and for the same filing fee as appeals of decisions to grant or deny a certificate of appropriateness. Such appeals shall be in the nature of certiorari and not *de novo*.

(8) Enforcement. Failure to comply with an order to repair or, if applicable, an order granting relief from undue economic hardship shall be a violation of the Hope Mills Zoning Ordinance and shall be punishable according to established procedures and penalties for such violations. The town's remedies shall include, but not be limited to, the levying of civil penalties, with each day that violation continues being deemed a separate violation; the seeking of an injunction and/or an order of abatement; and such other equitable relief as may be available.

(9) Other Town Powers. Nothing in this ordinance shall diminish the town's power to declare a property, building or structure to be a public nuisance or otherwise in violation of the North Carolina State Building Code or the Hope Mills Minimum Housing Code.

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

May 10, 2016

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

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

Benny Pearce,  
Town of Eastover

**MEMORANDUM**

**TO:** Cumberland County Joint Planning Board  
**FROM:** Planning and Inspections Staff  
**SUBJECT:** Staff Recommendation for the May 17, 2016 Board Meeting

**P15-59:** REZONING OF 4.72+/- ACRES FROM A1 AGRICULTURAL TO R20 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE SOUTHEAST SIDE SR 4518 (DULLES ROAD), WEST OF SR 2376 (SOUTH FORTY DRIVE); SUBMITTED BY ROBERT AND STEPHANIE VAUGHN (OWNERS) AND CHRIS ROBERTS (AGENT).

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

The Planning and Inspections Staff recommends the board find that approval of the request for rezoning in Case No. P15-59 is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for “urban” because the site is located in an area that is quickly becoming urbanized. The request is consistent with the South Central Land Use Plan which calls for “low density residential” at this location. This request is also reasonable because preserving the character of the area and promoting infill are residential goals of the South Central Land Use Plan adopted on June 15, 2015.

The staff recommends the board further find the request is reasonable and in the public interest because the district requested for the subject property meets most of the location criteria of the adopted Land Use Policies Plan, in that: *public or community water and sewer required*, the adjacent subdivision is served by PWC utilities with the subject property served by PWC water; *must have direct access to a public collector street*, Dulles Road is not a collector street, however, it does have access to South Forty Drive which is a collector street; *must not be located in any defined critical area as defined by the Fort Bragg Small Area Study*; *desirable to not be located in the Special Flood Hazard Area and must not be an area with hydric soils unless sewer is available*.

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

In addition to the above information, the Planning and Inspections Staff recommends the board approve Case No. P15-59 for the R20 Residential/CZ Conditional Zoning district based on the following:

1. The location and character of the requested district will be in harmony with the general area and allow for similar lot sizes and uses as the existing properties.
2. A condition of approval has been added requiring submission of drainage plans, approved by NCDEQ, which must indicate no runoff will affect Dulles Road or any properties to the north and west of the subject property.

The R40 and R30 districts could also be considered suitable for this request. The property owner has voluntarily agreed to all Ordinance Related Conditions.”

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



**P15-59**  
**SITE PROFILE**

**P15-59:** REZONING OF 4.72+/- ACRES FROM A1 AGRICULTURAL TO R20 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE SOUTHEAST SIDE SR 4518 (DULLES ROAD), WEST OF SR 2376 (SOUTH FORTY DRIVE); SUBMITTED BY ROBERT AND STEPHANIE VAUGHN (OWNERS) AND CHRIS ROBERTS (AGENT).

**Site Information:**

**Frontage & Location:** 520.00+/- on SR 4518 (Dulles Road)

**Depth:** 590.28'+/-

**Jurisdiction:** Cumberland County

**Adjacent Property:** No

**Current Use:** Vacant land

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

**Nonconformities:** None

**Zoning Violation(s):** None

**Surrounding Zoning:** North: A1, R40, R20 & RR ; South: C(P), C1(P), RR, R15 & R10; East: A1, R20, RR & R15; West: R15

**Surrounding Land Use:** Residential & woodlands

**2030 Land Use Plan:** Urban

**South Central Land Use Plan:** Low density residential

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

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

**Soil Limitations:** None

**Sewer Service Area:** Yes

**School Capacity/Enrolled:** Alderman Road Elementary: 750/731; Gray's Creek Middle: 1100/1025; Gray's Creek High: 1,270/1,368

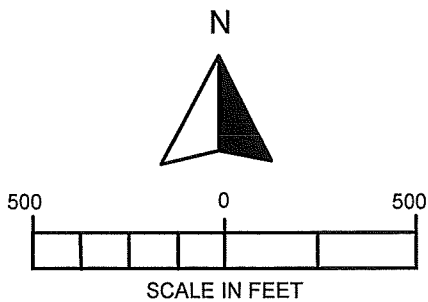
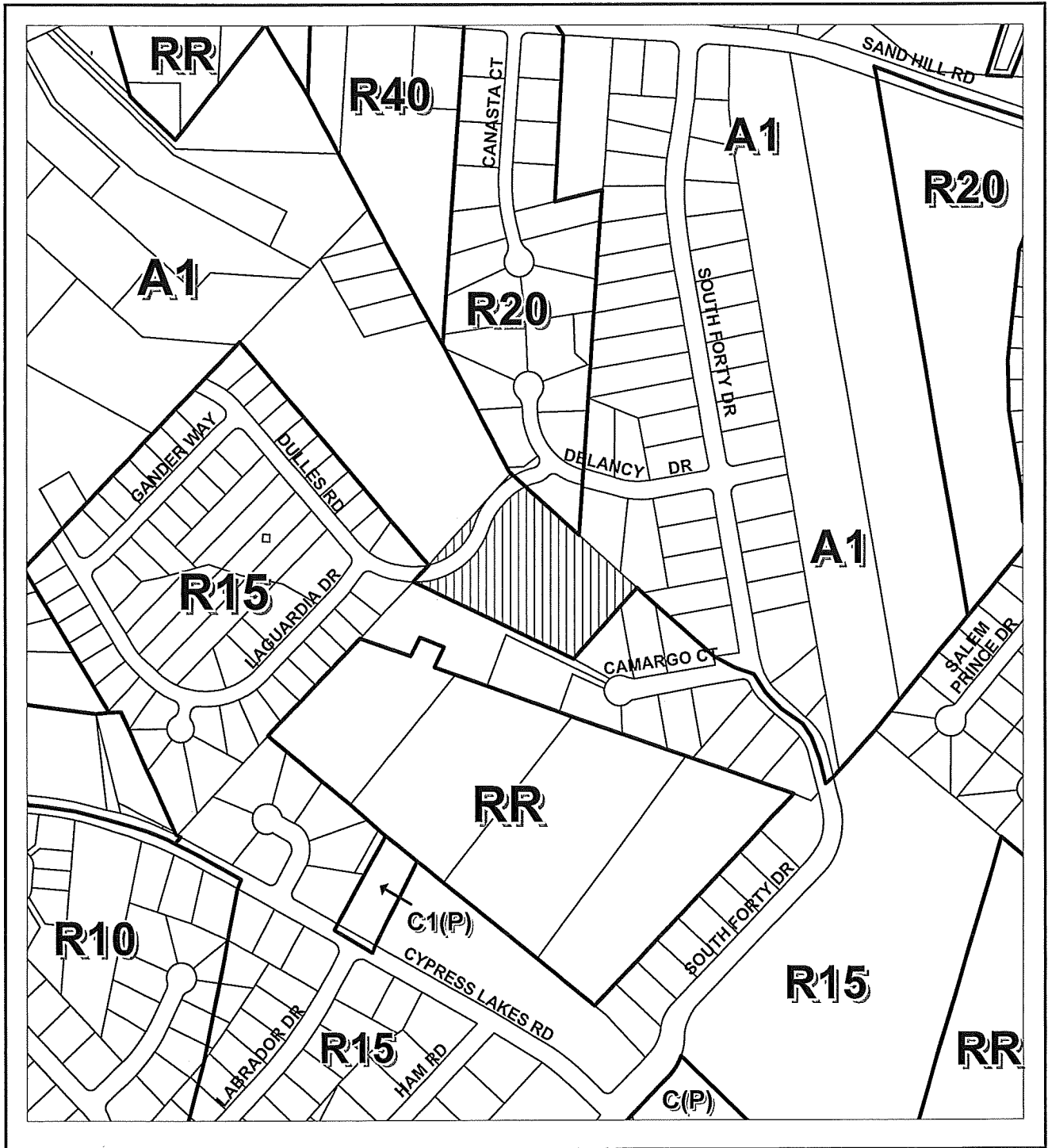
**Subdivision/Site Plan:** If approved, review may be required

**Average Daily Traffic Count (2012):** 1,500 on SR 2239 (Cypress Lakes Road)

**Highway Plan:** Dulles Road and South Forty Drive are both identified as local roads in the Highway Plan. There are no planned improvements or construction for this area. This project has no impact on the current Highway Plan or Transportation Improvement Program.

**Notes:**

- |    |  |  |
|----|--|--|
| 1. | <u>Density</u>                           | <u>Density (minus 15%)</u>                           |
|    | A1 – 2 lots/units                        | R40 – 4 lots/units                                   |
|    | R40 – 5 lots/units                       | R30 – 5 lots/units                                   |
|    | R30 – 6 lots/units                       | R20 – 8 lots/9 units                                 |
|    | R20 – 10 lots/units                      |  |
| 2. | <u>Minimum Yard Setback Regulations:</u> |  |
|    | <u>A1</u>                                | <u>R40 &amp; R30</u> <u>R20</u>                      |
|    | Front yard: 50'                          | Front yard: 30'                      Front yard: 30' |
|    | Side yard: 20'                           | Side yard: 15'                      Side yard: 15'   |
|    | Rear yard: 50'                           | Rear yard: 35'                      Rear yard: 35'   |

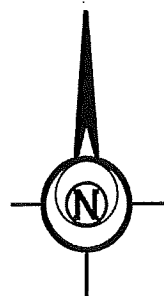


## REQUESTED REZONING A1 TO R20/CZ

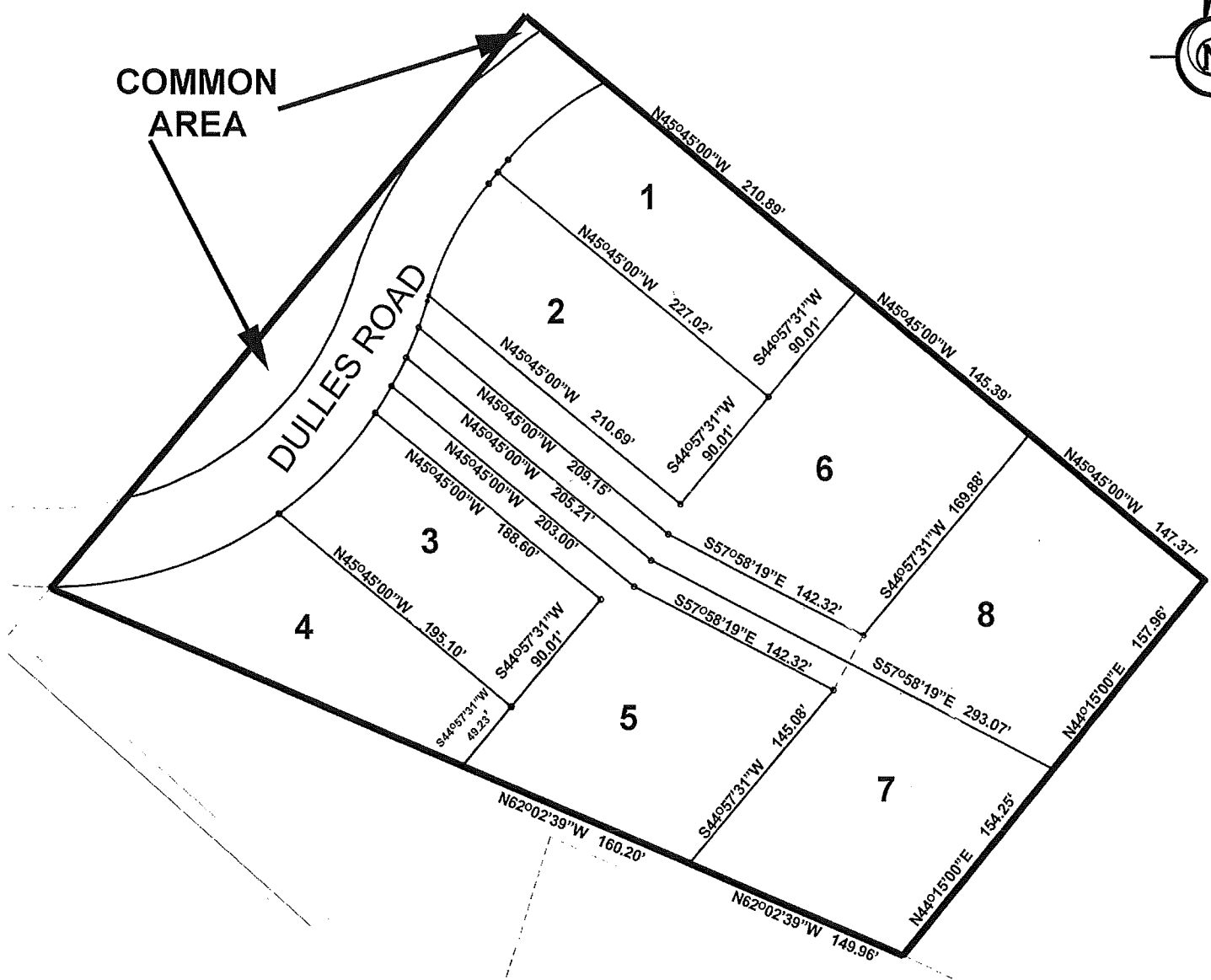
<b>ACREAGE: 4.72 AC. +/-</b>	<b>HEARING NO: P15-59</b>	
<b>ORDINANCE: COUNTY</b>	<b>HEARING DATE</b>	<b>ACTION</b>
<b>STAFF RECOMMENDATION</b>		
<b>PLANNING BOARD</b>		
<b>GOVERNING BOARD</b>		

PINS: 0433-50-3434  
 0433-50-1505  
 0433-50-2785

04-20-15  
 02-15-15  
 12-11-15  
 AM



COMMON  
AREA



**R20 RESIDENTIAL DISTRICT/ CZ CONDITIONAL ZONING  
REQUEST: TO ALLOW AN 8 LOT SUBDIVISION  
CASE: P15-59 ACREAGE: 4.72 AC+/-  
ZONED: A1 SCALE: NTS  
\*SCALED DETAILED SITE PLAN IN FILE AVAILABLE FOR REVIEW UPON REQUEST**

**R20 RESIDENTIAL/CZ CONDITIONAL ZONING DISTRICT**

**DRAFT**

Ordinance Related Conditions  
for  
Eight Lot Residential Subdivision

**Pre-Plat Related:**

1. Prior to submission for final plat approval of any portion of this development, the property owner must submit a copy of drainage plans approved by NC Department of Environmental Quality (NCDEQ). The approved plan must indicate there will be no runoff to Dulles Road and/or to the properties to the north and west of the subject property.

**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. The County Health Department must approve sewer plans prior to application for any permits. Site and soil evaluations must be conducted on the property by the County Environmental Health Department prior to application for permits. A copy of the Health Department approval must be provided to Code Enforcement at the time of application for any building/zoning permits. (Note: All Health Department requirements must be met prior to issuance of final permits.) (Section 2306 A, Water and Sewer, County Subdivision and Development Ordinance) **(Note: Connection to public sewer not required because the development does not exceed the 2.2 minimum units/lots density which would require the connect under the Sewer Service Area agreement.)**
4. Connection to public water is required, the Public Works Commission (PWC) must approve water plans prior to application for any permits. A copy of the PWC approval must be provided to Code Enforcement at the time of application for building/zoning permits. (Section 2306 A.1, Public Water and Sewer Systems, County Subdivision and Development Ordinance)
5. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
6. New development where the developer will disturb or intends to disturb more than one acre of land is subject to the Post-Construction Stormwater Management Permitting Program (Phase II Stormwater Management Requirements) administered by the Division of Water Quality, North Carolina Department of Environmental Quality. If one acre or more of land is to be disturbed, prior to the issuance of any building/zoning permits for this site, a copy of the State's *Post-Construction Permit* must be provided to County Code Enforcement.
7. For any new development where the developer disturbs or intends to disturb more than one acre of land, the developer must provide the Code Enforcement Section with an approved NC Department of 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 Code Enforcement at the time of application for any building/zoning permits.
8. 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.
9. 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:**

10. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Development Ordinance and Zoning Ordinances for the R20 zoning district must be complied with, as applicable, until such time that the subject property is rezoned to a different district.
11. 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.)
12. All applicable provisions of Section 2401, "Group Developments", County Subdivision and Development Ordinance, must be complied with.
13. For any new development, an adequate drainage system must be installed by the developer in accordance with the NC Department of Environmental Quality's (NCDEQ) *Manual on Best Management Practices* and all drainage ways must be kept clean and free of debris. (Section 2306 D, County Subdivision and Development Ordinance)
14. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision and Development Ordinance)
15. In the event a stormwater utility structure is required by the NC Department of Environmental Quality (NCDEQ), the owner/developer must secure the structure with a four foot high fence with a lockable gate, and is required to maintain the detention/retention basin, keeping it clear of debris and taking measures for the prevention of insect and rodent infestation.
16. 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:**

17. The final plat must be labeled as a "Zero Lot Line" development.
18. 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.
19. 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. 30 below.*
20. "Dulles Road" must be labeled as "SR 4518 (Dulles Road)" on the final plat.
21. "DeLancy Drive" must be labeled as "SR 3933 (DeLancy Drive)" on the final plat.
22. "Laguardia Drive" must be labeled as "SR 4220 (Laguardia Drive)" on the final plat.
23. "Camargo Court" must be labeled as "SR 3931 (Camargo Court)" on the final plat.
24. 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)

25. 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.
26. 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.
27. 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.
28. 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.
29. 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)
30. 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.)
31. 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.
32. 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:**

33. 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:**

34. The applicant is advised to consult an expert on wetlands before proceeding with any development.
35. 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.
36. 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.
37. 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.
38. 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.

***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	<a href="mailto:ebyrne@co.cumberland.nc.us">ebyrne@co.cumberland.nc.us</a>
Code Enforcement (Permits):	Scott Walters	321-6654	<a href="mailto:swalters@co.cumberland.nc.us">swalters@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>
Ground Water Issues:	Matt Rooney	678-7625	<a href="mailto:mrooney@co.cumberland.nc.us">mrooney@co.cumberland.nc.us</a>
PWC:	Joe Glass	223-4740	<a href="mailto:joe.glass@faypwc.com">joe.glass@faypwc.com</a>
Fayetteville Planning:	Marsha Bryant	433-1416	<a href="mailto:mbryant@ci.fay.nc.us">mbryant@ci.fay.nc.us</a>
County Public Utilities:	Amy Hall	678-7637	<a href="mailto:ahall@co.cumberland.nc.us">ahall@co.cumberland.nc.us</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>
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:tlbaker@ncdot.gov">tlbaker@ncdot.gov</a>
NCDOT (subdivision roads):	Earl Locklear	486-1496	<a href="mailto:elocklear@ncdot.gov">elocklear@ncdot.gov</a>
N.C. Division of Water Quality:	Mike Randall	(919) 807-6374	<a href="mailto:mike.randall@ncdenr.gov">mike.randall@ncdenr.gov</a>

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

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

1. Requested Rezoning from A1 to ~~R20~~ ~~R15~~ R20 <sup>CR CR CR</sup>
2. Address of Property to be Rezoned: 12-9-15
3. Location of Property: South east side of Dulles
4. Parcel Identification Number (PIN #) of subject property: 0433-50-3434  
(also known as Tax ID Number or Property Tax ID)
5. Acreage: 4.56 Frontage: \_\_\_\_\_ Depth: \_\_\_\_\_
6. Water Provider: Well: \_\_\_\_\_ PWC:  Other (name): \_\_\_\_\_
7. Septage Provider: Septic Tank  PWC \_\_\_\_\_
8. Deed Book 07030, Page(s) 00572, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
9. Existing use of property: Woods
10. Proposed use(s) of the property: 8 Residential Lots
11. Do you own any property adjacent to or across the street from this property?  
Yes \_\_\_\_\_ No  If yes, where? \_\_\_\_\_
12. Has a violation been issued on this property? Yes \_\_\_\_\_ No

A copy of the recorded deed(s) and/or recorded plat map(s) must be provided. If the area is a portion of a parcel, a written legal description by metes and bounds, showing acreage must accompany the deeds and/or plat. If more than one zoning classification is requested, a correct metes and bounds legal description, including acreage, for each bounded area must be submitted.

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



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

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

1. Applicant/Agent \_\_\_\_\_
2. Address: \_\_\_\_\_ Zip Code \_\_\_\_\_
3. Telephone: (Home) \_\_\_\_\_ (Work) \_\_\_\_\_
4. Location of Property: \_\_\_\_\_
5. Parcel Identification Number (PIN #) of subject property: \_\_\_\_\_  
(also known as Tax ID Number or Property Tax ID)
6. Acreage: \_\_\_\_\_ Frontage: \_\_\_\_\_ Depth: \_\_\_\_\_
7. Water Provider: \_\_\_\_\_ Septage Provider: \_\_\_\_\_
8. Deed Book \_\_\_\_\_, Page(s) \_\_\_\_\_, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
9. Existing use of property: \_\_\_\_\_
10. Proposed use(s) of the property: \_\_\_\_\_

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

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

TO: (Select one)

- Conditional Zoning District, with an underlying zoning district of R20  
(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.)

Residential

- 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.

8 Lots

2. DIMENSIONAL REQUIREMENTS:

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

Per ordinance

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

N/A

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.

N/A

4. LANDSCAPE AND BUFFER REQUIREMENTS:

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

N/A

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

N/A

5. MISCELLANEOUS:

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

N/A

6. SITE PLAN REQUIREMENTS:

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

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.

2nd  
1000 ML  
2nd  
2012

ROBERTS + STEPHANIE VANGAN

NAME OF OWNER(S) (PRINT OR TYPE)

100 SADDLEBROOK DR, PEACHTREE CITY, GA 30269

ADDRESS OF OWNER(S)

910 322 2313

HOME TELEPHONE #

WORK TELEPHONE #

800  
300  
L  
2nd  
2012

Chris Roberts

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

3102 N. Main St Hope Mills NC 28348

ADDRESS OF AGENT, ATTORNEY, APPLICANT

MarketPlaceBuilders@gmail.com

E-MAIL

HOME TELEPHONE #

WORK TELEPHONE #

[Signature]

SIGNATURE OF OWNER(S)

910 987 2900

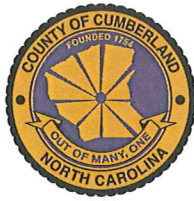
Chris Roberts

SIGNATURE OF AGENT, ATTORNEY OR APPLICANT

Stephanie Anabelle Vaughn

SIGNATURE OF OWNER(S)

**The contents of this application, upon submission, become "public record."**



CUMBERLAND  
COUNTY  
NORTH CAROLINA

Planning & Inspections Department

May 10, 2016

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

**MEMORANDUM**

**TO:** Cumberland County Joint Planning Board  
**FROM:** Planning and Inspections Staff  
**SUBJECT:** Staff Recommendation for the May 17, 2016 Board Meeting

**P16-08.** REZONING OF 4.20+/- ACRES FROM A1 AGRICULTURAL & R40 RESIDENTIAL TO M1(P) PLANNED LIGHT INDUSTRIAL/CZ CONDITIONAL ZONING FOR INDUSTRIAL REPAIRS AND SALES, MOTOR VEHICLE REPAIR & WHOLESALE SALES OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE SOUTH SIDE OF TRANQUILITY ROAD, EAST OF NC HWY 87 S; SUBMITTED BY OSCAR BRUCE SKINNER, JR.(OWNER).

**Note:** Since the original notice was given for this case, the property owner has modified the request. The only uses now requested are for industrial repairs with sales and motor vehicle repair.

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

The Planning and Inspections Staff recommends the board find that approval of the request for rezoning in Case No. P16-08. While the request is not consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for “rural” or the South Central Land Use Plan which calls for “farmland” at this location, approval would allow the property owner to live and work at home in an area that is just north of an industrial site.

The staff recommends the board further find that approval of this request is reasonable and in the public interest because the district requested for the subject property meets most of the location criteria of the adopted Land Use Policies Plan, in that: *individual well and septic systems allowed; should have a minimum direct access to a public street*, Tranquility Road is not a public street, however, it does have access to NC HWY 87 S; *should not be in a predominantly residential or office & institutional area*, subject property is mostly surrounded by agricultural land; *must be located on a tract that provides adequate area for buffering, screening, and landscaping unless located in an existing or proposed heavy industrial/manufacturing area*, the proposed site is 4.20+/- acres; *and located outside the Special Flood Hazard Area (100-year Flood Area)*.

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

In addition to the above information, the Planning and Inspections Staff recommends the board approve Case No. P16-08 for the M1(P) Light Industrial/CZ Conditional Zoning district for Industrial Repairs and Motor Vehicle Repair based on the following:

- The location and character of the requested district will be in harmony with the general area as it is contained within a 25.25+/- acre tract and the property owner has agreed to take measures to ensure there is very minimal impact on the surrounding area.

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

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

**P16-08**  
**SITE PROFILE**

**P16-08.** REZONING OF 4.20+/- ACRES FROM A1 AGRICULTURAL & R40 RESIDENTIAL TO M1(P) PLANNED LIGHT INDUSTRIAL/CZ CONDITIONAL ZONING FOR INDUSTRIAL REPAIRS AND SALES, MOTOR VEHICLE REPAIR & WHOLESALE SALES OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE SOUTH SIDE OF TRANQUILITY ROAD, EAST OF NC HWY 87 S; SUBMITTED BY OSCAR BRUCE SKINNER, JR.(OWNER).

**Site Information:**

**Frontage & Location:** 340'+/- on Tranquility Road; 228'+/- frontage on NC HWY 87

**Depth:** 554'+/-

**Jurisdiction:** Cumberland County

**Adjacent Property:** Yes

**Current Use:** Woodland

**Initial Zoning:** A1 & R40 – March 1<sup>st</sup>, 1994 (Area 17)

**Nonconformities:** None

**Zoning Violation(s):** None

**Surrounding Zoning:** North: A1, R40 & RR; South: A1, R40A; East: A1, R40A; West: A1 & A1/CU (mini-warehousing)

**Surrounding Land Use:** Residential (including manufactured homes), mini-warehousing, religious worship, & cemetery, woodlands, farmland

**2030 Growth Strategy Map:** Rural Area

**South Central Land Use Plan:** Farmland

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

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

**Soil Limitations:** None

**School Capacity/Enrolled:** Gray's Creek Elementary: 495/430; Gray's Creek Middle: 1100/1025; Gray's Creek High: 1270/1371

**Subdivision/Site Plan:** "Ordinance Related Conditions" will apply.

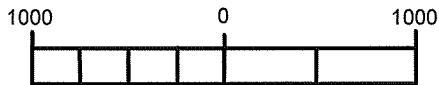
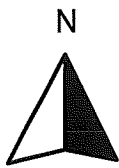
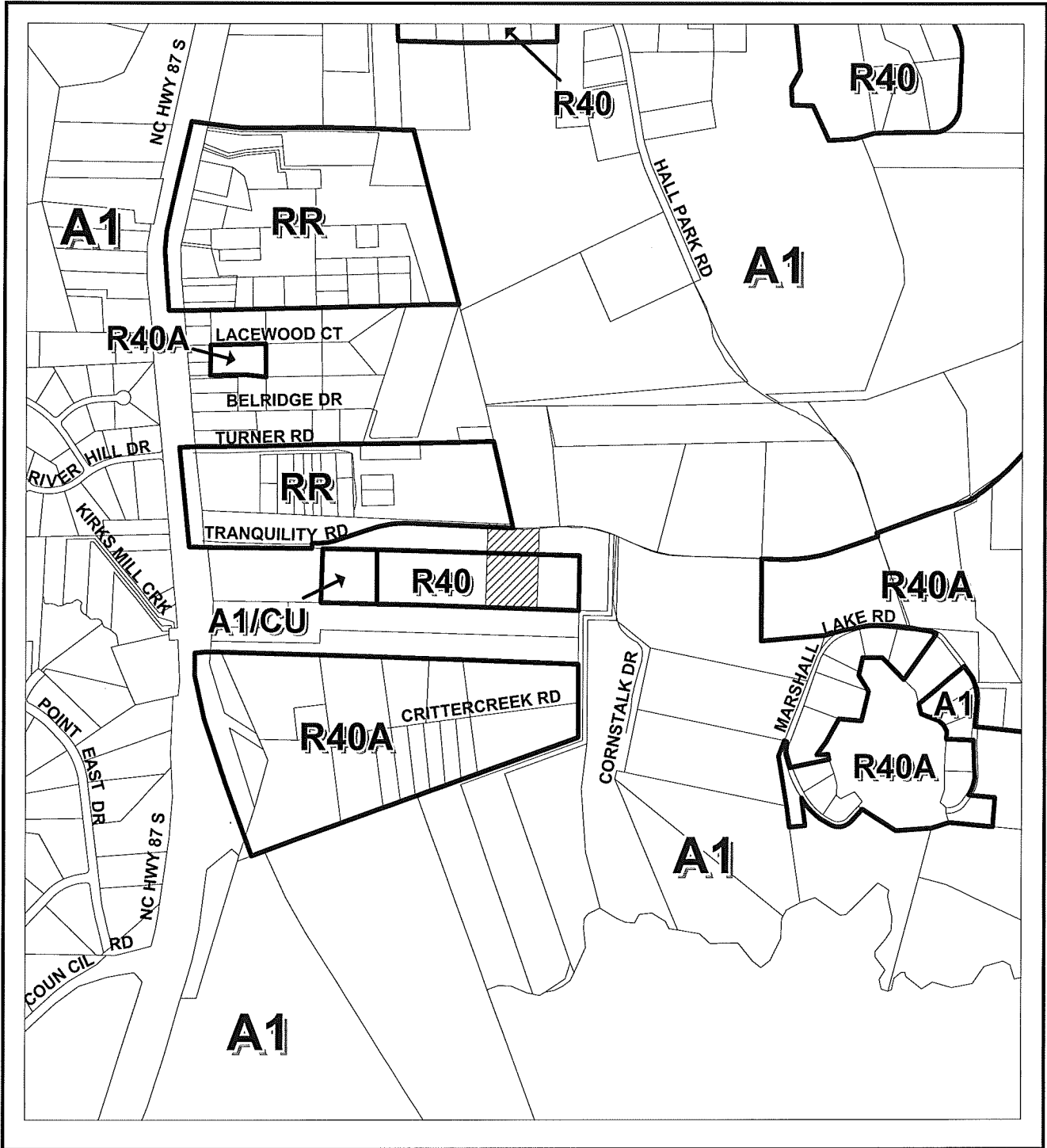
**Average Daily Traffic Count (2014):** 8900 on NC 87

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

**Notes:**

1. Density  
1 acre non-residential; 2 lots/units for residential
  
2. Minimum Yard Setbacks:

<u>A1</u>	<u>R40</u>	<u>M1(P)</u>
Front yard: 50'	Front yard: 30'	Front yard: 50'
Side yard: 20'	Side yard: 15'	Side yard: 30'
Rear yard: 50'	Rear yard: 35'	Rear yard: 30'
  
3. Total property size is 25.25+/- acres

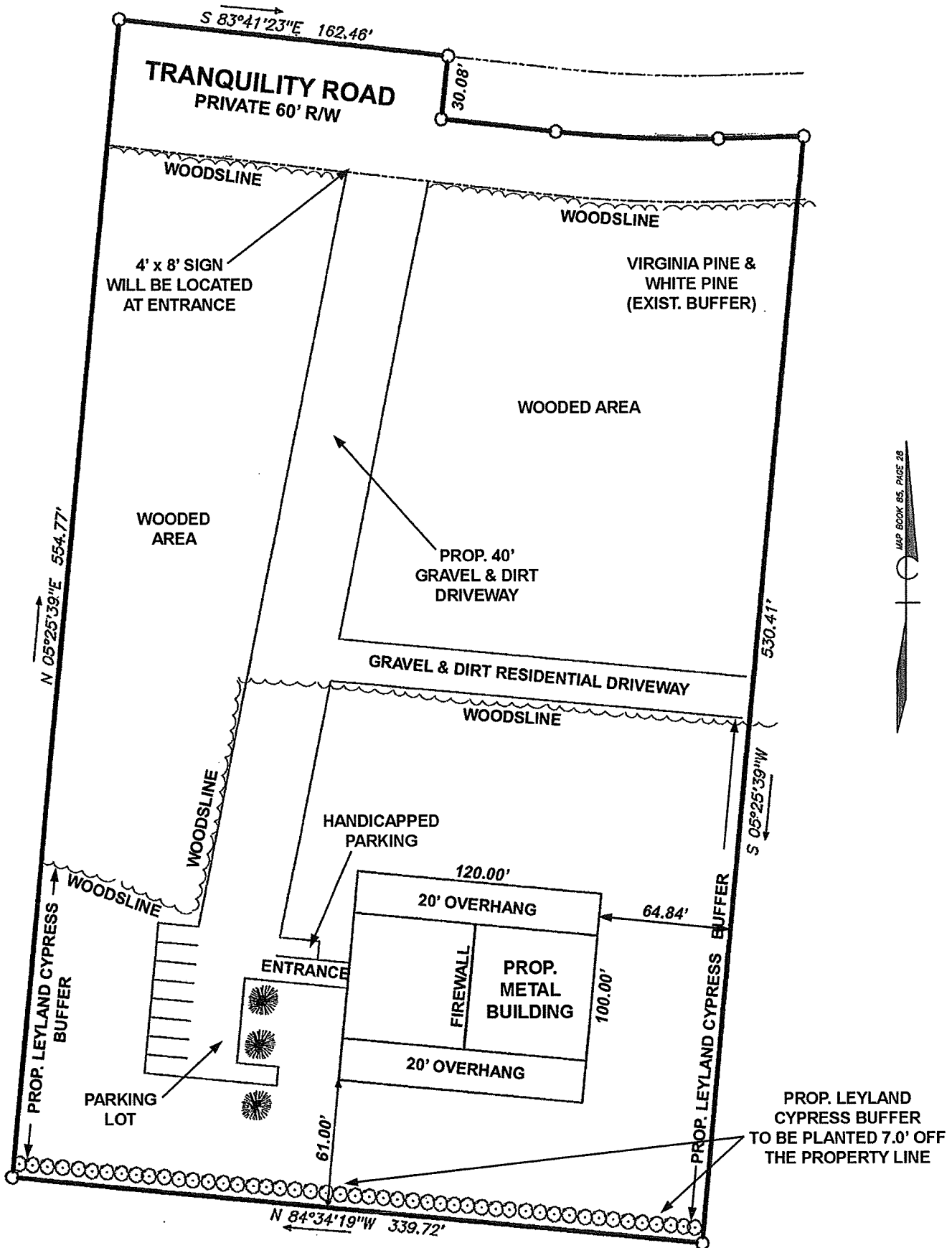


SCALE IN FEET

PORT. OF PIN: 0440-64-7797

## REQUESTED REZONING A1 & R40 TO M1(P)/CZ

<b>ACREAGE: 4.20 AC.+/-</b>	<b>HEARING NO: P16-08</b>	
<b>ORDINANCE: COUNTY</b>	<b>HEARING DATE</b>	<b>ACTION</b>
<b>STAFF RECOMMENDATION</b>		
<b>PLANNING BOARD</b>		
<b>GOVERNING BOARD</b>		



**M1(P) PLANNED LIGHT INDUSTRIAL/CZ CONDITIONAL ZONING**  
**REQUEST: FOR INDUSTRIAL REPAIRS AND SALES**  
**CASE: P16-08 ACREAGE: 4.20 AC+/-**  
**ZONED: A1 SCALE: NTS**  
**PARKING: AS SHOWN**

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

04-14-2016



**M1(P) PLANNED LIGHT INDUSTRIAL/CZ CONDITIONAL ZONING DISTRICT**

**DRAFT**

Ordinance Related Conditions  
for  
Industrial Repairs w/ Sales & Motor Vehicle Repair

**Pre-Permit Related:**

1. The developer must submit the entire tract, including all structures that are proposed and currently exist, for group development review and approval. Approval must be granted prior to application for any permits. Five copies of the site plan and \$25.00 fee must be submitted – contact Jeff Barnhill for more information regarding this condition.

Note: The group development site plan must include the minimum off-street parking standards as required by the County Zoning Ordinance for the proposed conditional zoning portion of the subject property. Off-street parking is calculated as: Wholesale establishments – 900 sf of gross floor area, motor vehicle repair – 200 sf of net floor area, and industrial repairs – one space for each vehicle used directly in the conduct of the use, plus two additional spaces for each three employees on the largest shift.

Note2: A minimum of 1 off-street loading spaces(s) measuring 12' x 25' with 14' overhead clearance must be included on the group development site plan for the industrial repairs and sales area.

**Watershed-Related:**

2. An application for a Watershed “No Approval Required” development must be submitted to the Watershed Review Officer (WRO) and plans must be approved by the WRO prior to final plat approval and/or prior to application for any building/zoning permits, site plan approval is required. A copy of the WRO’s approval of this plat/plan must be submitted to Code Enforcement at the time of application for any permits.

**Permit-Related:**

3. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the County Zoning Ordinance and permits required to place any structure within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. For additional information, the developer should contact a Code Enforcement Officer.
4. The County Health Department must approve water and sewer plans prior to application for any permits. Site and soil evaluations must be conducted on the property by the County Environmental Health Department prior to application for permits. A copy of the Health Department approval must be provided to Code Enforcement at the time of application for any building/zoning permits. (Note: All Health Department requirements must be met prior to issuance of final permits.) (Section 2306 A, Water and Sewer, County Subdivision and Development Ordinance)
5. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
6. New development where the developer will disturb or intends to disturb more than one acre of land is subject to the Post-Construction Stormwater Management Permitting Program (Phase II Stormwater Management Requirements) administered by the Division of Water Quality, North Carolina Department of Environmental Quality. If one acre or more of land is to be disturbed, prior to the issuance of any building/zoning permits for this site, a copy of the State’s *Post-Construction Permit* must be provided to County Code Enforcement.
7. For any new development where the developer disturbs or intends to disturb more than one acre of land, the developer must provide the Code Enforcement Section with an approved NC Department of 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 Code Enforcement at the time of application for any building/zoning permits.

8. 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.
9. A review of the data available to the Army Corp of Engineers indicates that jurisdictional waters are likely to be present on this property and therefore are likely to be impacted by the proposed project. However, without an official Jurisdictional Determination at the property, these findings cannot be confirmed.  
  
A permit will be required for this project if construction will involve the temporary and/or permanent placement of fill in waters of the United States including wetlands. If a permit is required, the applicant will be required to avoid and minimize impacts to wetland/waters of the United States and may need to provide compensatory mitigation for unavoidable impacts.
10. Storage of junked vehicles on this site is not permitted; the temporary storage of motor vehicles awaiting repairs must be temporarily stored in such an area that the vehicles are screened from view and cannot be seen from the street or the adjacent properties. **Note: If outside storage of vehicles awaiting repairs is intended, five copies of a revised site plan (and \$50.00 review fee) including the outside storage area and type and location of buffering must be submitted for staff review and approval prior to application for any permits.**
11. Due to the traffic for the proposed uses accessing off of NC HWY 87 South, a driveway permit from the NC Department of Transportation (NCDOT) may be required. **If required, 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:**

12. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Development Ordinance and Zoning Ordinances for the M1(P)/CZ zoning district, to include the contents of the application and site plan, must be complied with, as applicable.
13. The open storage areas as shown on the site plan must be completely screened from view from the adjacent properties. In addition, the only material to be stored in the open storage areas must be for the approved business use. **This site is not approved for junk and/or junk motor vehicles.**
14. This conditional approval is not approval of the permit for the freestanding sign. The proposed sign must comply with Section 1306.A.4 of the County Zoning Ordinance. Attached signage for this development must be in accordance with the applicable sign regulations as set forth in Article XIII of the County Zoning Ordinance and that the proper permit(s) must be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is **not** approval of the size, shape, or location of any signs.)
15. For any new development, an adequate drainage system must be installed by the developer in accordance with the NC Department of Environmental Quality's (NCDEQ) *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)
16. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision and Development Ordinance)
17. In the event a stormwater utility structure is required by the NC Department of Environmental Quality (NCDEQ), 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.

18. All lighting is required to be directed internally within this development and comply with the provisions of Section 1102 M, Outdoor Lighting, County Zoning Ordinance.
19. A solid buffer must be provided and maintained as shown on the site plan. (Note: Chain link fencing cannot be used to satisfy the buffer requirement.)
20. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.
21. Strict compliance with the County's Noise regulations is required. In any event, the noise level, regardless of the time of day, shall not become a nuisance to neighboring properties.

**Other Relevant Conditions:**

22. The applicant is advised to consult an expert on wetlands before proceeding with any development.
23. Upgrading of the Class "C" private street is required prior to consideration for any division of the subject property.
24. 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.
25. 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.
26. This conditional approval is not to be construed as all encompassing of the applicable rules, regulations, etc. which must be complied with for any development. Other regulations, such as building, environmental, health and so forth, may govern the specific development. The developer is the responsible party to ensure full compliance with all applicable Federal, State, and local regulations.

*Thank you for making Cumberland County your home and 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):**

Watershed Review Officer:	Jeff Barnhill	678-7765	<a href="mailto:jbarnhill@co.cumberland.nc.us">jbarnhill@co.cumberland.nc.us</a>
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>
Code Enforcement (Permits):	Scott Walters	321-6654	<a href="mailto:swalters@co.cumberland.nc.us">swalters@co.cumberland.nc.us</a>
County Building Inspections:	Gary Faulkner	321-6648	<a href="mailto:gfaulkner@co.cumberland.nc.us">gfaulkner@co.cumberland.nc.us</a>
Fire Marshal – Emergency Services	Rodney Ward	321-6625	<a href="mailto:rward@co.cumberland.nc.us">rward@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>
Ground Water Issues:	Matt Rooney	678-7625	<a href="mailto:mrooney@co.cumberland.nc.us">mrooney@co.cumberland.nc.us</a>
County Public Utilities:	Amy Hall	678-7637	<a href="mailto:ahall@co.cumberland.nc.us">ahall@co.cumberland.nc.us</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>
NCDEQ (E&S):	Leland Cottrell	(910) 433-3393	<a href="mailto:leland.cottrell@ncdenr">leland.cottrell@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>
NCDOT (subdivision roads):	David Plummer	486-1496	<a href="mailto:rdplummer@ncdot.gov">rdplummer@ncdot.gov</a>
N.C. Division of Water Quality:	Mike Randall	(919) 807-6374	<a href="mailto:mike.randall@ncdenr.gov">mike.randall@ncdenr.gov</a>

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

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

1. Applicant/Agent Oscar Bruce Skinner Jr.
2. Address: 3834 Tranquility Rd Zip Code 28306
3. Telephone: (Home) 910-484-3447 (Work) 910-308-8734
4. Location of Property: 14 miles South of Fayetteville, Hwy 87S, 1/2 mile on left of Tranquility Rd.
5. Parcel Identification Number (PIN #) of subject property: 0440-64-7997  
(also known as Tax ID Number or Property Tax ID)
6. Acreage: 4.2 Frontage: 340 ft. Depth: 554 ft
7. Water Provider: Well Septage Provider: Septic Tank
8. Deed Book 0133, Page(s) 0122, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
9. Existing use of property: Pasture and Woodlands
10. Proposed use(s) of the property: Industrial repairs and sales to local industries. Currently repairing fiberglass & polypropylene panels for material handling needs. See attachment 1 A application
11. Do you own any property adjacent to, including across the street from, the property being submitted for rezoning? Yes  No  Remains parent tract
12. Has a violation been issued on this property? Yes  No
13. It is requested that the foregoing property be rezoned FROM: A-1 and R-40

TO: (Select one)

- Conditional Zoning District, with an underlying zoning district of M1 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.)

Repair fiberglass and polypropylene pencils used for material handling at a local manufacturing site<sup>land</sup> and motor vehicle repair.

- 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.

4.2 acres      7,200 sqft Enclosed one story  
4,800 sqft Open side shelters  
Fire wall divides 7,200 sqft into two 3,600 sqft sections.

2. DIMENSIONAL REQUIREMENTS:

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

See Site Plan

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

See Site Plan      9 spaces plus 1 handicapped space  
Gravel & Dirt for 9 spaces      Concrete for handicapped space

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.

4'x8' Sign See Site Plan

4. LANDSCAPE AND BUFFER REQUIREMENTS:

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

Leyland cypress to be planted on west, south, and east property border with wooded area on north border.

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

Vegetated border  
See site plan.

5. MISCELLANEOUS:

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

Victory Fiberglass Inc. 8-5 Mon-Fri. One employee with anticipated growth to 6 employees as business grows.  
I currently use fiberglass resin, acetone, hot glue, and Warren 500 degreaser. All items are in 1 gallon containers. All waste are disposed in a proper municipal landfill.

6. SITE PLAN REQUIREMENTS:

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

7. STATEMENT OF ACKNOWLEDGMENT:

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

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

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

✓ Oscar Bruce Skinner Jr.

NAME OF OWNER(S) (PRINT OR TYPE)

3834 Tranquility Road, Fay., N.C. 28306

ADDRESS OF OWNER(S)

bsgencusa@gmail.com

E-MAIL

910-484-3447

910-308-8734

HOME TELEPHONE

WORK TELEPHONE

Oscar Bruce Skinner Jr.

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

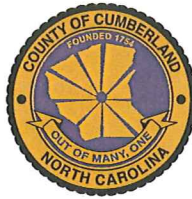
SIGNATURE OF AGENT, ATTORNEY, OR APPLICANT

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

May 10, 2016

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

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

Benny Pearce,  
Town of Eastover

**MEMORANDUM**

**TO:** Cumberland County Joint Planning Board  
**FROM:** Planning and Inspections Staff  
**SUBJECT:** Staff Recommendation for the May 17, 2016 Board Meeting

**P16-22.** REZONING OF 88.50+/- ACRES FROM A1 AGRICULTURAL TO R40 RESIDENTIAL/DD DENSITY DEVELOPMENT/CZ CONDITIONAL ZONING FOR A 56 LOT SUBDIVISION OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE SOUTHEAST SIDE OF SR 2253 (SWANS CREEK CHURCH ROAD), SOUTH OF SR 2233 (SCHOOL ROAD); SUBMITTED BY MICHAEL S. BRYANT AND CURTIS C. POWELL (OWNERS) AND JIMMY KIZER, MOORMAN, KIZER & REITZEL, INC. (AGENT).

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

The Planning and Inspections Staff recommends the board find that approval of the request for rezoning in Case No. P16-22 is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for “rural” at this location because the district requested will allow for single family dwelling units on relatively large lots in a rural area. Although the request is not consistent with the South Central Land Use Plan which calls for “farmland”, it is consistent with the residential goals, in that the front 40 foot buffer preserves the character of the area, employs low impact development techniques and locates a residential developed area with respect to natural and environmental sensitive areas.

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 Area Study; desirable to be limited to one unit per acre in areas with hydric and severe septic tank limitations soils; 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. P16-22 for the R40 Residential/DD Density Development/CZ Conditional Zoning district for a 56 lot residential subdivision based on the following:

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

Generally, there are no other districts suitable for this request at this location. The property owner has voluntarily agreed to all “Ordinance Related Conditions”.

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



**P16-22**  
**SITE PROFILE**

**P16-22.** REZONING OF 88.50+/- ACRES FROM A1 AGRICULTURAL TO R40 RESIDENTIAL/DD DENSITY DEVELOPMENT/CZ CONDITIONAL ZONING FOR A 56 LOT SUBDIVISION OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE SOUTHEAST SIDE OF SR 2253 (SWANS CREEK CHURCH ROAD), SOUTH OF SR 2233 (SCHOOL ROAD); SUBMITTED BY MICHAEL S. BRYANT AND CURTIS C. POWELL (OWNERS) AND JIMMY KIZER, MOORMAN, KIZER & REITZEL, INC. (AGENT).

**Site Information:**

**Frontage & Location:** 1330'+/- on SR 2253 (Swans Creek Church Rd)

**Depth:** 2200'+/-

**Jurisdiction:** County

**Adjacent Property:** No

**Current Use:** Vacant

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

**Nonconformities:** None

**Zoning Violation(s):** None

**Surrounding Zoning:** North: A1, A1/CU(39 lot subdivision), R40 & R40A; South: A1 & R40A East: A1; West: A1, A1/CU (store, carwash, mini-warehousing) & R40/DD/CZ (66 lot subdivision)

**Surrounding Land Use:** Residential (including manufactured homes), farmland, religious worship, hunting club

**2030 Growth Strategy Map:** Rural area

**South Central Land Use Plan:** Farmland

**School Capacity/Enrolled:** Gray's Creek Elementary: 495/429; Gray's Creek Middle: 1100/1025; Gray's Creek High: 1270/1368

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

**Watershed Review Officer:** In watershed, will need low density approval

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

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

**Subdivision/Site Plan:** Review required prior to development

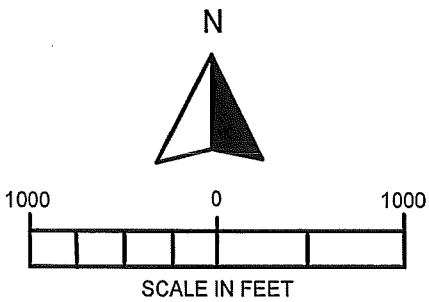
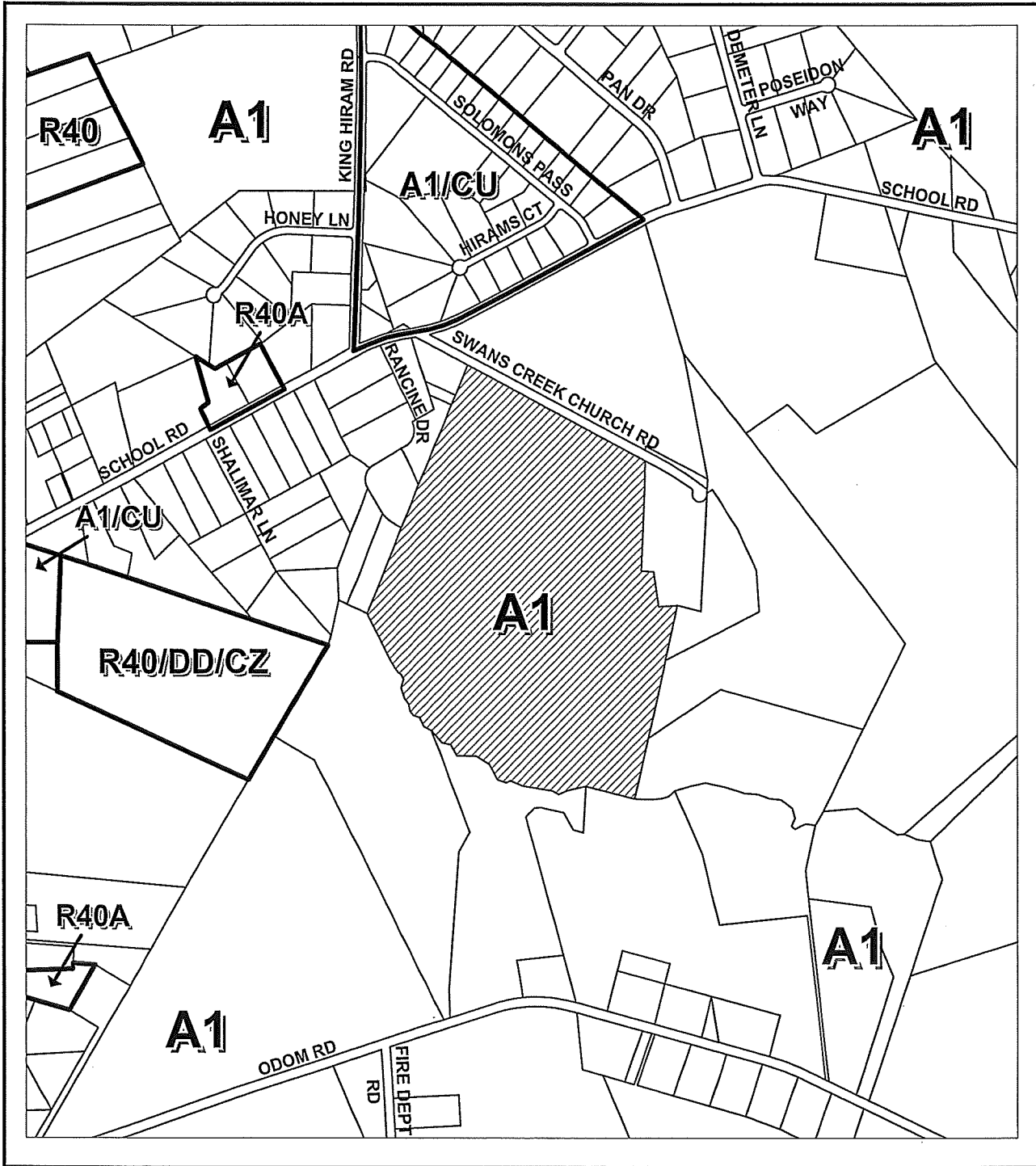
**Average Daily Traffic Count (2014):** 1400 on SR 2233 (School Rd)

**Highway Plan:** Swans Creek Church 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 minus 15% for R/W  
A1 – 37 lots/ 38 units  
R40 – 81 lots/ 82 units
  
2. Minimum Yard Setbacks:

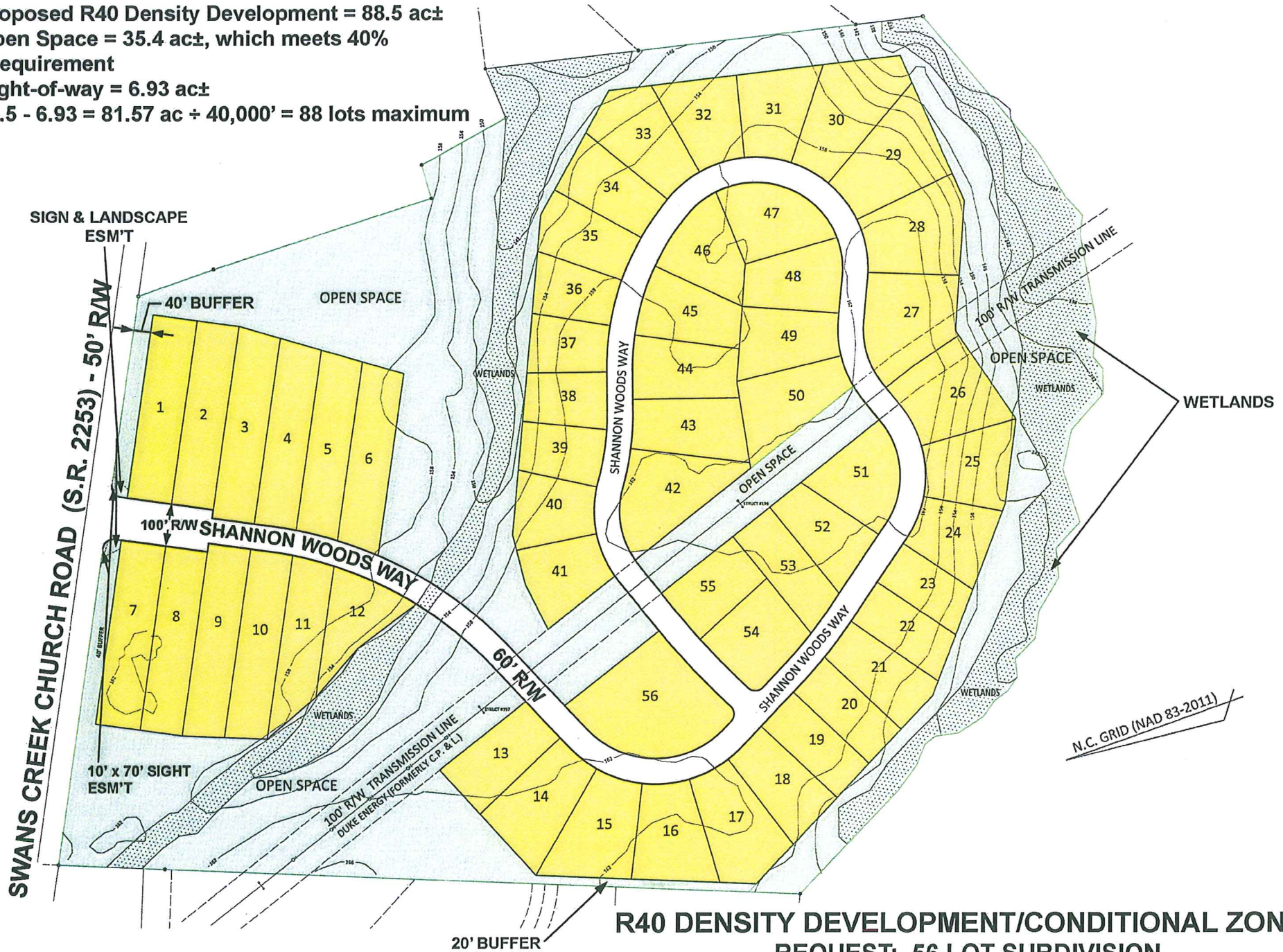
<u>A1</u>	<u>R40</u>
Front yard: 50'	Front yard: 30'
Side yard: 20'	Side yard: 15'
Rear yard: 50'	Rear yard: 35'
  
3. Contents of Application and Site Plan
  1. Average lot size is .82 acres
  2. Requesting 56 lots
  3. Site plan provides 40% open space, as required



## REQUESTED REZONING A1 TO R40/DD/CZ

<b>ACREAGE: 88.5 AC.+/-</b>	<b>HEARING NO: P16-22</b>	
<b>ORDINANCE: COUNTY</b>	<b>HEARING DATE</b>	<b>ACTION</b>
<b>STAFF RECOMMENDATION</b>		
<b>PLANNING BOARD</b>		
<b>GOVERNING BOARD</b>		

Proposed R40 Density Development = 88.5 ac±  
 Open Space = 35.4 ac±, which meets 40%  
 requirement  
 Right-of-way = 6.93 ac±  
 $88.5 - 6.93 = 81.57 \text{ ac} \div 40,000' = 88 \text{ lots maximum}$



**R40 DENSITY DEVELOPMENT/CONDITIONAL ZONING**

**REQUEST: 56 LOT SUBDIVISION**

**CASE: P16-22 ACREAGE: 88.5 AC±**

**ZONED: A1 SCALE: NTS**

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

**R40 RESIDENTIAL/DD DENSITY DEVELOPMENT/CZ CONDITIONAL ZONING DISTRICT**

**DRAFT**

Ordinance Related Conditions

**Watershed-Related:**

1. An application for a Watershed “No Approval Required” development must be submitted to the Watershed Review Officer (WRO) and plans must be approved by the WRO prior to final plat approval and/or prior to application for any building/zoning permits, site plan approval is required. A copy of the WRO’s approval of this plat/plan must be submitted to Code Enforcement at the time of application for any permits.

**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. The County Health Department must approve water and sewer plans prior to application for any permits. Site and soil evaluations must be conducted on the property by the County Environmental Health Department prior to application for permits. A copy of the Health Department approval must be provided to Code Enforcement at the time of application for any building/zoning permits. (Note: All Health Department requirements must be met prior to issuance of final permits.) (Section 2306 A, Water and Sewer, County Subdivision and Development Ordinance)
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 Environmental Quality. 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 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 Code Enforcement at the time of application for any building/zoning permits.
7. A review of the data available to the Army Corp of Engineers indicates that jurisdictional waters are likely to be present on this property and therefore are likely to be impacted by the proposed project. However, without an official Jurisdictional Determination at the property, these findings cannot be confirmed.

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

8. The developer must formally notify the NC Department of Transportation once construction of the public streets is complete and initiate the process of transferring the responsibility of road maintenance to the NCDOT. If application to the NCDOT District Engineer has not been formally submitted by the time building permits have been issued for 80% of the lots shown on the preliminary plan, no additional building permits can be issued until the NCDOT District Engineer notifies this department of the receipt of the application.

**Site-Related:**

9. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Development Ordinance and Zoning Ordinances for the R40/DD/CZ zoning district for a 56 lot residential subdivision, to include the contents of the application and site plan must be complied with, as applicable.
10. All corner lots and lots fronting more than one street must provide front yard setbacks from each street.
11. This conditional approval is not approval of the permit for any development entrance sign. If a freestanding sign is desired, re-submittal of the site plan for staff review and approval is required prior to application for any freestanding sign permits. Attached signage for this development must be in accordance with the applicable sign regulations as set forth in Article XIII of the County Zoning Ordinance and that the proper permit(s) must be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is **not** approval of the size, shape, or location of any signs.)
12. All applicable provisions of Section 2401, "Group Developments", County Subdivision and Development Ordinance, must be complied with.
13. The small stream standards set forth in Section 6.5-44, County Flood Damage Prevention Ordinance, shall be complied with during construction and upon completion of development within this subdivision as enforced by the County Engineer's Office.
14. For any new development, an adequate drainage system must be installed by the developer in accordance with the NC Department of Environmental Quality's (NCDEQ) *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)
15. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision and Development Ordinance)
16. In the event a stormwater utility structure is required by the NC Department of Environmental Quality (NCDEQ), 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.
17. 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.
18. 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.
19. The NC Department of Transportation (NCDOT) must approve the street plans and the street(s) are required to be constructed to the NCDOT standards for secondary roads.
20. Turn lanes may be required by the NC Department of Transportation (NCDOT).
21. The open space shall be preserved and used only as natural scenic, passive recreational, agricultural, pasture and/or meadow, forestry, wetlands or horticultural uses.
22. The perimeter buffer must be provided and maintained in accordance with Section 803.E of the County Zoning Ordinance. The application indicates the developer's intention of using the existing natural vegetation; however, in order to obtain opacity within three years, additional plantings may be required. Any new plantings are required to be three feet in height at the time of planting, to reach a height of six feet within three years. A berm or combination berm and plantings may be also used provided an initial height of three feet is achieved with a total height of six feet within three years.
23. All notes and calculations as shown on the site plan and contained in the application are to be considered as a part of this density development approval.

**Plat-Related:**

24. The final plat must be labeled as "Zero Lot Line" development.

25. If the developer intends to construct a median at the entrance to the development, five copies of a revised plan must be submitted for review and approval prior to submission of any final plat for this development. When a median is provided the right-of-way can be no less than 70' in width with the median strip no less than 10' wide.
26. The open space, stormwater structures, perimeter buffer and recreation areas must also be labeled a "Common Area" on the final plat.
27. The developer is required to submit to Land Use Codes:
  - a. Three copies of proposed covenants, by-laws and articles of incorporation for the proposed development designating responsibility for the maintenance and upkeep of all common area by the owners' association for the development;
  - b. One copy of the deeds proposed for recordation conveying all common area to the proposed owners association;
  - c. One copy of any proposed supplemental covenants if the proposed development is to be submitted for final approval in phases; and
  - d. Two copies of each proposed final plat prior to the submission for final approval – can be a phase of the approved development or the complete development as approved.

These documents must be approved by the County Attorney prior to the sale of or submission for final plat approval of any lot or unit within this development.

28. The street name signs, in compliance with the County Street Sign Specifications, must be installed prior to final plat approval. The developer should contact Location Services for inquiries regarding the County's policy for street sign installation or, if the sign is commissioned from a private source, to schedule an inspection of the street sign(s). Land Use Codes must receive notice of agreement with the Location Services Section for sign installation or of satisfactory inspection prior to the approval of the final plat
29. Because this development is a "density development" all common area (open space and perimeter) must be recorded as one initial final plat or if phasing the development the common area must be recorded incrementally, ensuring the 40% required open space is held to.
30. 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.
31. 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.
32. The NC Department of Transportation (NCDOT) may not allow a driveway for each individual lot. If joint driveways are required for Lots 1-10, the joint driveways must be reflected on the final plat.
33. A 10' x 70' sight distance easement is required at the intersection of SR 2253 (Swans Creek Church Road) with the main entrance to the development and must be reflected on the final plat.
34. A 25' right-of-way radius is required at all intersections and must be reflected on the final plat. (Section 2304.10.c, Street Design, County Subdivision and Development Ordinance)
35. 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.
36. 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)
37. 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.)

38. 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:**

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

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

40. Since this development is located within the *Farmland Protection Area* as defined on the current Land Use Plan map, the following disclosure statement is required to be provided on the final plat (Section 2504 B, Farmland Protection Area Disclosure, County Subdivision and Development Ordinance):

“This property or neighboring property may be subject to inconvenience, discomfort, and the possibility of injury to property and health arising from normal and accepted farming and agricultural practices and operations, including but not limited to noise, odors, dust, the operation of any kind of machinery the storage and disposal of manure, and the application of fertilizers, soil amendments, herbicides, and pesticides.”

41. 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.”

42. Because the streets in this development have been approved as “public” streets and the streets do not yet qualify for acceptance by the NC Department of Transportation to the State system for maintenance purposes, the following statement is required to be included on the final plat (Section 2504 E, County Subdivision and Development Ordinance):

“The streets shown on this plat though labeled as “public” – unless otherwise noted – have not been accepted by the NC Department of Transportation as of the date of this recording. Until such time that the streets are accepted and formally added to the State system, maintenance and liability of the streets are the responsibility of the developer and any future lot owner(s).”

**Other Relevant Conditions:**

43. The applicant is advised to consult an expert on wetlands before proceeding with any development. There may be wetlands located in the project area that are subject to the permit requirements of Section 404 of the Clean Water Act. To avoid a violation of federal and/or state law, it is recommended the developer contact the Office of the Army Corp of Engineers or hire an environmental consultant to identify and delineate any wetlands in the project area prior to construction. A Section 404 permit will be required if the applicant needs to fill wetlands and the permit must be obtained prior to any construction on this site.
44. 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.
45. 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.
46. The developer(s) and any future lot owners are responsible for the maintenance and upkeep of the streets until such time the streets are added to the State system by the NC Department of Transportation (NCDOT) for maintenance purposes. The

developer is advised to give notice of the street status to any future lot owners in the event the lots are conveyed prior to the NCDOT's acceptance.

47. The owner/developer be aware that every deed created for a lot being served by an on-site water and/or sewer system must contain the following disclosure when filed with the County Register of Deeds:

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

*Thank you for developing 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):

Watershed Officer/Improvements:	Jeff Barnhill	678-7765	<a href="mailto:jbarnhill@co.cumberland.nc.us">jbarnhill@co.cumberland.nc.us</a>
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>
Code Enforcement (Permits):	Scott Walters	321-6654	<a href="mailto:swalters@co.cumberland.nc.us">swalters@co.cumberland.nc.us</a>
County Building Inspections:	Gary Faulkner	321-6648	<a href="mailto:gfaulkner@co.cumberland.nc.us">gfaulkner@co.cumberland.nc.us</a>
Fire Marshal – Emergency Services	Rodney Ward	321-6625	<a href="mailto:rward@co.cumberland.nc.us">rward@co.cumberland.nc.us</a>
County Engineer's Office:	Wayne Dudley	678-7636	<a href="mailto:wdudley@co.cumberland.nc.us">wdudley@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>
Ground Water Issues:	Matt Rooney	678-7625	
County Public Utilities/NORCRESS:	Amy Hall	678-7637	<a href="mailto:ahall@co.cumberland.nc.us">ahall@co.cumberland.nc.us</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>
NCDEQ (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>
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:tlbaker@ncdot.gov">tlbaker@ncdot.gov</a>
NCDOT (subdivision roads):	Earl Locklear	486-1496	<a href="mailto:elocklear@ncdot.gov">elocklear@ncdot.gov</a>
Transportation Planning:	Michael Mandeville	678 7620	<a href="mailto:mmandeville@co.cumberland.nc.us">mmandeville@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>



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

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

1. Applicant/Agent Michael S. Bryant & Curtis C. Powell
2. Address: 1229 Masterpiece Dr, Hope Mills, NC Zip Code 28348
3. Telephone: (Home) 910-624-7303 (Work) \_\_\_\_\_
4. Location of Property: Off of Swans Creek Church Road, SR 2253
5. Parcel Identification Number (PIN #) of subject property: 0431-53-8371  
(also known as Tax ID Number or Property Tax ID)
6. Acreage: 88.5 acres Frontage: 1330' Depth: 2160' avg
7. Water Provider: Individual Well Septage Provider: Individual Septic Tank
8. Deed Book 4348, Page(s) 0254-0256, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
9. Existing use of property: Agricultural
10. Proposed use(s) of the property: Single Family Subdivision

**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: A-1

TO: (Select one)

- \_\_\_\_\_ Conditional Zoning District, with an underlying zoning district of \_\_\_\_\_  
(Article V)
- \_\_\_\_\_ Mixed Use District/Conditional Zoning District (Article VI)
- \_\_\_\_\_ Planned Neighborhood District/Conditional Zoning District (Article VII)
- X \_\_\_\_\_ Density Development/Conditional Zoning District, at the R-40 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.)

For the Development of a 56 lot single family residential subdivision with an average lot size of 0.78 acres.

- 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.

The project site contains 88.5 acres and will be divided up into 6.93 acres (8%) for streets and right of way, 46.17 acres (52%) of residential subdivision encompassing 56 lots and 35.4 acres (40%) of passive open space including a mail kiosk area.

2. DIMENSIONAL REQUIREMENTS:

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

Setbacks are proposed to be those of the *R-40 ZONING DISTRICT*.

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

The subdivision streets will be constructed to NCDOT requirements and will comprise of 60' right of ways with 22' wide strip pavement and side ditches. The street will have 2" thick SF9.5A asphalt surface with either an ABC stone or sand-clay base.

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.

It is anticipated that ground signs will be installed on both sides of the entrance road into the site off of Swans Creek Church Road to designate the subdivision. The signs shall conform with Section 1306, Item (A-2) Development Signs for Sign Copy Area and Section 1305 for sign height and location.

4. LANDSCAPE AND BUFFER REQUIREMENTS:

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

N/A

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

A 40' wide buffer will be provided along SR2253 Swans Creek Church Road and a minimum 20' wide buffer will be provided along the perimeter boundary of the site. In some areas, the natural features and open space will allow the perimeter buffer to be much larger.

5. MISCELLANEOUS:

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

N/A

6. SITE PLAN REQUIREMENTS:

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

7. STATEMENT OF ACKNOWLEDGMENT:

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

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

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

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Curtis C Powell  
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