

Charles Morris,
Chair
Town of Linden

Diane Wheatley,
Vice-Chair
Cumberland County

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

Donovan McLaurin
Wade, Falcon & Godwin



CUMBERLAND
COUNTY
NORTH CAROLINA

Planning & Inspections Department

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Vikki Andrews,
Carl Manning,
Lori Epler
Cumberland County

Stan Crumpler,
Town of Eastover

Patricia Hall,
Town of Hope Mills

TENTATIVE AGENDA

July 18, 2017
7:00 P.M.

- I. INVOCATION AND PLEDGE OF ALLEGIANCE
- II. APPROVAL OF/ADJUSTMENTS TO AGENDA
- III. PUBLIC HEARING DEFERRALS / WITHDRAWALS
 - A. **P17-23.** REZONING OF 2.04+/- ACRES FROM R6A RESIDENTIAL & CD CONSERVANCY TO C2(P) PLANNED SERVICE AND RETAIL/CZ CONDITIONAL ZONING FOR CONVENIENCE RETAIL WITH GASOLINE SALES OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE WEST SIDE OF SR 1118 (PARKTON ROAD), NORTH OF SR 1119 (MUSCAT ROAD); SUBMITTED BY DAVID MCMILLAN (OWNER) AND J. THOMAS NEVILLE (ATTORNEY). **APPLICANT REQUESTED WITHDRAWAL**
 - B. **P17-30.** REZONING OF 4.86+/- ACRES FROM R10 RESIDENTIAL TO C1(P) PLANNED LOCAL BUSINESS OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 5221 DOC BENNETT ROAD, SUBMITTED BY LEONARD & SUK-HUI WOLF (OWNERS) AND P. SINGH SANDHU (AGENT). **APPLICANT REQUESTED DEFERRAL UNTIL SEPTEMBER 19, 2017**
- IV. ABSTENTIONS BY BOARD MEMBERS
- V. POLICY STATEMENT REGARDING PUBLIC HEARING TIME LIMITS
- VI. APPROVAL OF THE MINUTES OF JUNE 20, 2017
- VII. PUBLIC HEARING CONSENT ITEMS

TEXT AMENDMENTS

- A. **P17-07.** REVISION AND AMENDMENT TO THE CUMBERLAND COUNTY SUBDIVISION ORDINANCE AMENDING ARTICLE XXIII, IMPROVEMENT AND DESIGN STANDARDS, SECTION 2302. AREA-SPECIFIC STANDARDS, A. MUNICIPAL INFLUENCE AREAS; AND APPENDIXES EXHIBIT 4, OFFICIAL MUNICIPAL INFLUENCE AREA AND SEWER SERVICE AREA MAP, AND EXHIBIT 5 MUNICIPAL INFLUENCE AREA DEVELOPMENT STANDARDS, HOPE MILLS COLUMN, ROW ENTITLED *SIDEWALKS* (PAGE E5-E).
- B. **P17-33.** REVISION AND AMENDMENT TO THE TOWN OF HOPE MILLS ZONING ORDINANCE, AMENDING ARTICLE IV PERMITTED, CONDITIONAL AND SPECIAL USES, SECTION 102A-403. USE MATRIX, *SPECIFICALLY* THE ROW ENTITLED BILLBOARDS REQUIRING A SPECIAL USE PERMIT IN THE COLUMN LABELED C(P); AND ARTICLE XIII OFF-STREET PARKING AND LOADING, SECTION 102A-1302. OFF-STREET PARKING, SUB-SECTION (A) MINIMUM REQUIREMENTS, BY INSERTING IN ALPHABETICAL ORDER UNDER THE USES COLUMN THE TERM RESTAURANTS AND ESTABLISHING PARKING REQUIREMENTS FOR THE SAME; AND UPDATING THE TABLE OF CONTENTS IF APPROPRIATE. (HOPE MILLS)

REZONING CASE

- C. **P17-27.** REZONING OF 1.84+/- ACRES FROM M(P) PLANNED INDUSTRIAL TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 2915 GILLESPIE STREET, SUBMITTED BY KINLAW'S WAREHOUSE, LLC (OWNER) AND REBECCA PERSON (AGENT).
- D. **P17-28.** REZONING OF 2.76+/- ACRES FROM A1 AGRICULTURAL & R40 RESIDENTIAL TO R40 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE SOUTHWEST SIDE OF SR 2233 (SCHOOL ROAD), WEST OF SR 2251 (YARBOROUGH ROAD); SUBMITTED BY JEFF AND JUDY DEVORE (OWNERS) AND TIM EVANS (AGENT).

CONDITIONAL ZONING CASE

- E. **P17-24.** REZONING OF .55+/- ACRES FROM R6 RESIDENTIAL TO C1(P) PLANNED LOCAL BUSINESS/CZ CONDITIONAL ZONING FOR HAIR SALON AND OFFICE SPACE OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 3957 SOUTH MAIN STREET, SUBMITTED BY NELL B. JACKSON (OWNER) AND JOHN WHITE (AGENT). (HOPE MILLS)

VIII. PUBLIC HEARING CONTESTED ITEMS

REZONING CASE

- F. **P17-29.** REZONING OF 10.00+/- ACRES FROM RR RURAL RESIDENTIAL TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE SOUTHWEST SIDE OF SR 2212 (DOC BENNETT ROAD), NORTH OF CHARLES THIGPEN ROAD; SUBMITTED BY ADAM STEELHAMMER ON BEHALF OF CRAZY WOMAN READINESS TRAINING FACILITY (OWNER).

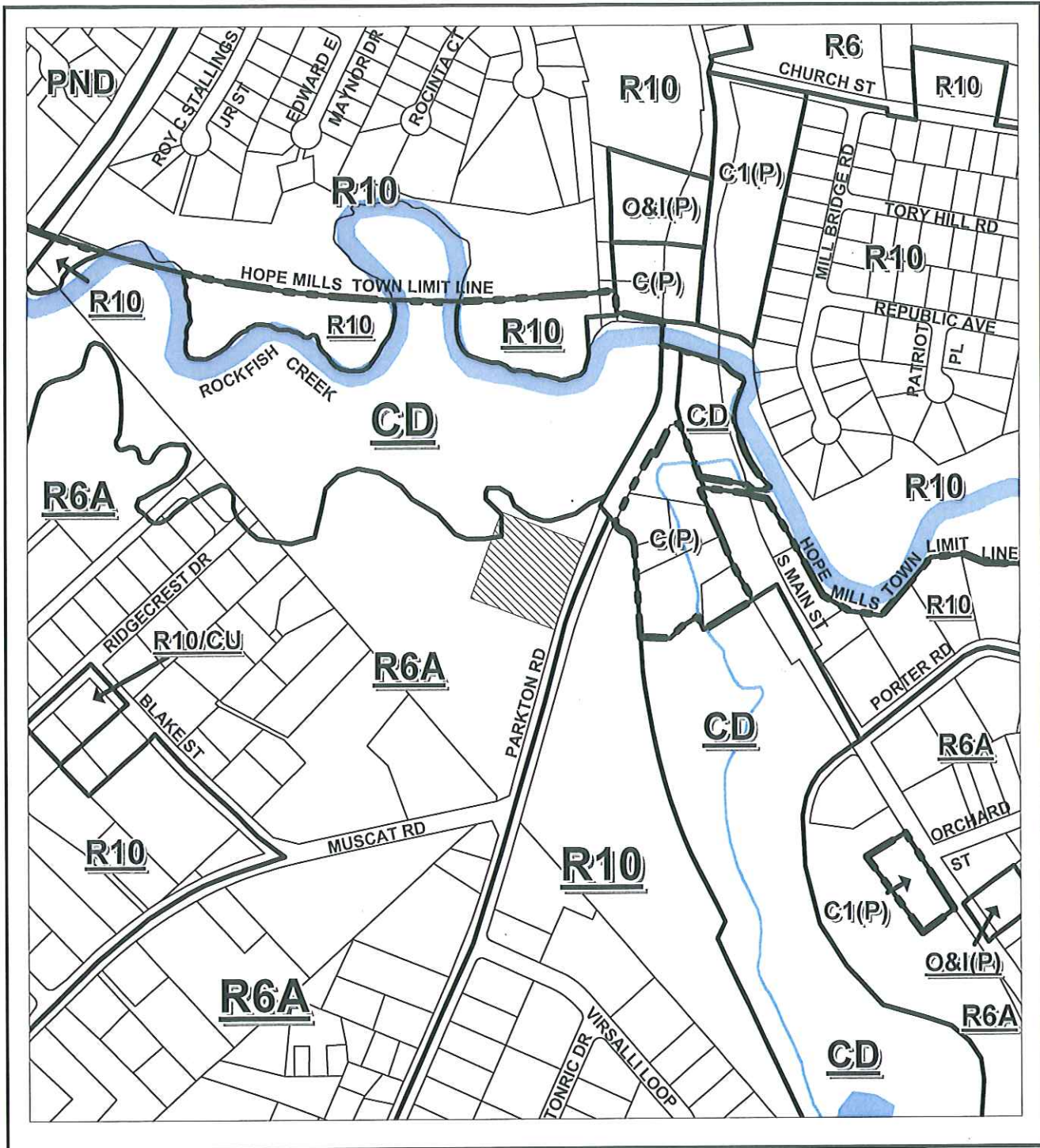
CONDITIONAL ZONING CASE

- G. **P17-26.** REZONING OF 2.00+/- ACRES FROM A1 AGRICULTURAL TO C2(P) PLANNED SERVICE AND RETAIL/CZ CONDITIONAL ZONING FOR RETAILING OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE WEST SIDE OF SR 2252 (CHICKEN FOOT ROAD), SOUTH OF BRAMBLE ACRES ROAD); SUBMITTED BY ROBERT L. BROCK (OWNER) AND ANDREW MERICLE (AGENT).

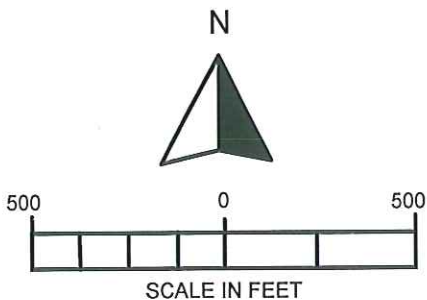
IX. DISCUSSION

DIRECTOR'S UPDATE

X. ADJOURNMENT



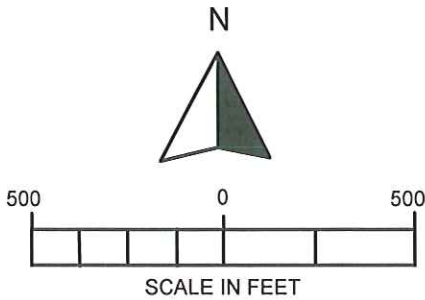
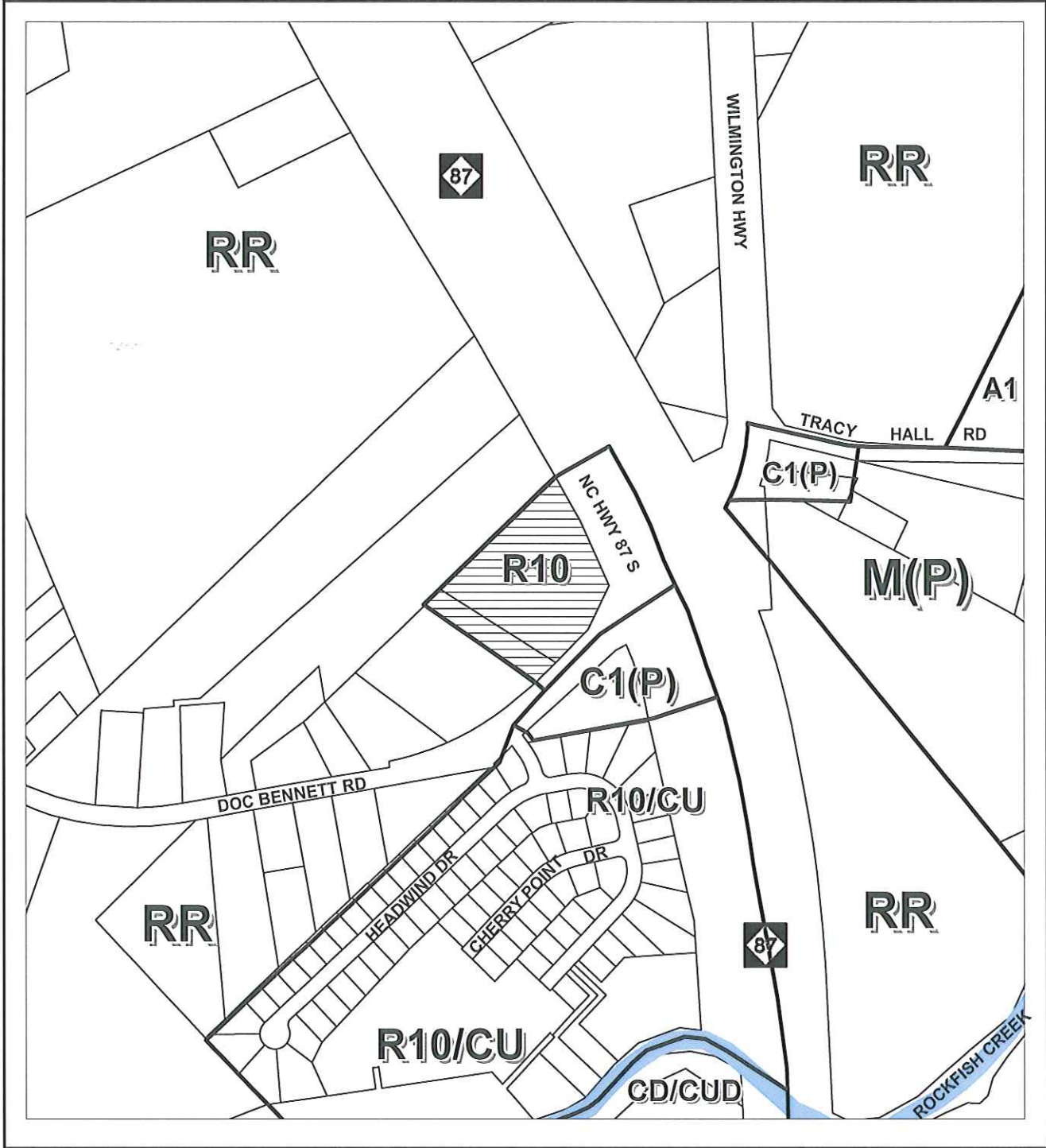
REQUESTED REZONING R6A & CD TO C2(P)/CZ



PORTION OF PIN: 0414-50-9242

| | | | |
|-----------------------------|--------------|---------------------------|--|
| ACREAGE: 2.04 AC.+/- | | HEARING NO: P17-23 | |
| ORDINANCE: COUNTY | HEARING DATE | ACTION | |
| STAFF RECOMMENDATION | | | |
| PLANNING BOARD | | | |
| GOVERNING BOARD | | | |

MB
5/22/17
5/24/17



REQUESTED REZONING R10 TO C1(P)

| | | | |
|-----------------------------|--------------|---------------------------|--|
| ACREAGE: 4.86 AC.+/- | | HEARING NO: P17-30 | |
| ORDINANCE: COUNTY | HEARING DATE | ACTION | |
| STAFF RECOMMENDATION | | | |
| PLANNING BOARD | | | |
| GOVERNING BOARD | | | |

PIN: 0444-50-8716, 06567

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CUMBERLAND
COUNTY
NORTH CAROLINA

Planning & Inspections Department

June 6, 2017

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Vikki Andrews,
Carl Manning,
Lori Epler,
Cumberland County

Benny Pearce,
Town of Eastover

Patricia Hall,
Town of Hope Mills

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Land Use Codes & Comprehensive Planning Committees
(Mr. Carl Manning, Moderator)

SUBJECT: Recommendation for the July 18, 2017 Board Meeting

P17-07. REVISION AND AMENDMENT TO THE CUMBERLAND COUNTY SUBDIVISION ORDINANCE AMENDING ARTICLE XXIII, IMPROVEMENT AND DESIGN STANDARDS, SECTION 2302. AREA-SPECIFIC STANDARDS, A. MUNICIPAL INFLUENCE AREAS; AND APPENDIXES EXHIBIT 4, OFFICIAL MUNICIPAL INFLUENCE AREA AND SEWER SERVICE AREA MAP, AND EXHIBIT 5 MUNICIPAL INFLUENCE AREA DEVELOPMENT STANDARDS, HOPE MILLS COLUMN, ROW ENTITLED *SIDEWALKS* (PAGE E5-E).

The Town of Hope Mills has requested a County Subdivision Ordinance text amendment so that the town's recently adopted sidewalk standards will apply to development of properties within the town's Municipal Influence Area (MIA). The Codes Committee has met on three occasions and the Comprehensive Planning Committee has met once concerning the above referenced subdivision ordinance text amendments. For detailed dates and explanation of pertinent events related to this recommendation, please see attached *P17-07: Timeline and Background Information* with attachments.

1st MOTION

The committees recommend the board find that the request from the Town of Hope Mills could only be consistent with the 2030 Growth Vision Plan, most particularly Policy Area 2: Well-Managed Growth and Development which specifies that "not all land is equally suited for development" and "Development that is convenient to existing public facilities maximizes taxpayer investments and minimizes local government service costs" if the modified staff recommended Hope Mills MIA boundary is approved. In addition, Policy Area 2 establishes the need for clearly defined urban and rural areas for development purposes and that different development standards should apply, "e.g. no curb and gutter, no streetlights, etc." where rural development densities are designated. The request with the modified Hope Mills MIA boundary would be more consistent with the Southwest Land Use Plan that clearly defines ideal development densities, patterns and standards for urban, suburban and farmland areas.

The committee recommends the board further find that approval of the requested text amendment would be reasonable and in the public interest *only if* the town's MIA boundary is modified as recommended by staff and agreed to by the Hope Mills Board of Commissioners with the text to Section 2302.A also being amended to

reflect the two district MIA boundaries, 10 year and 20 year which is intended to reflect those properties most likely to be annexed by the town within a 10 year and 20 year timeframe.

2nd MOTION

The committees' recommendation to approve the request provided that the boundary of the MIA is modified is based on the above information and the following:

1. The attached timeline establishes the discrepancies between the fairly recently adopted land use plans and the previously stated MIA purpose and intent;
2. The current MIA boundaries were generally created primarily as an attempt to stop the City of Fayetteville from annexing properties completely surrounding the smaller municipalities, which is no longer an issue due to the change in the annexation laws coupled with the change to the Public Works Commission's Charter; and
3. To include developed parcels within any MIA is fruitless and inequitable to the individual lot owners considering the current annexations laws.

Attachment:

1. P17-07 – Section 2302.A Proposed Text Amendment
2. P17-07 – Exhibit 4, Official Municipal Influence Area Map (Hope Mills Portion Only)
3. P17-07 – Exhibit 5, MIA Development Standards
4. P17-07 – Timeline & Background Information w/ Attachments

P17-07
COUNTY SUBDIVISION ORDINANCE TEXT AMENDMENT
[Municipal Influence Area (MIA) and Hope Mills Sidewalks in MIA]

HEADING HAS CHANGED

P17-07. REVISION AND AMENDMENT TO THE CUMBERLAND COUNTY SUBDIVISION ORDINANCE AMENDING ARTICLE XXIII, IMPROVEMENT AND DESIGN STANDARDS, SECTION 2302. AREA-SPECIFIC STANDARDS, A. MUNICIPAL INFLUENCE AREAS; AND APPENDIXES EXHIBIT 4, OFFICIAL MUNICIPAL INFLUENCE AREA AND SEWER SERVICE AREA MAP, AND EXHIBIT 5 MUNICIPAL INFLUENCE AREA DEVELOPMENT STANDARDS, HOPE MILLS COLUMN, ROW ENTITLED *SIDEWALKS* (PAGE E5-E).

ARTICLE XXIII
IMPROVEMENT AND DESIGN STANDARDS

SECTION 2302. AREA-SPECIFIC STANDARDS.

A. Municipal Influence Areas.

1. *Municipal Influence Area Application.* The Board of Commissioners may approve and establish a *Municipal Influence Area* (MIA) for a municipality. All subdivisions or developments with four or more proposed lots/units derived from the same parent tract as of the date of this ordinance and located within a municipality's MIA shall be designed and constructed in accordance with the subdivision design standards officially adopted by the municipality and explicitly listed in this ordinance, except that no payment in lieu for any required improvement may be charged as a condition of approval of the proposed development for the benefit of any municipality, and no permit or inspection fee can be imposed by the municipality so long as the property proposed for development remains outside that municipality's corporate limits at the time the property is developed. ~~as provided in any~~ The terms of any interlocal agreement adopted by the County Commissioners and affected governing bodies shall prevail in the event of conflict between the provisions of this ordinance and the agreed upon terms of the interlocal agreement. The subdivision design standards for each municipality are attached to this ordinance as "Exhibit 5" and entitled *MIA Subdivision Design Standards*.
(Amd. 12-19-11)

2. *Municipal Influence Area Map.* The official MIA map – see Exhibit 4 – shall be maintained by the Planning and Inspections Department and kept on file with the office of the Clerk to the County Board of Commissioners. Each MIA shall be designated with two distinct areas, "10 year" and a "20 year". The 10 year area shall include the properties with the highest probability of annexation and the municipal development standards shall only apply within the ten year area. Each assigned MIA boundary shall be evaluated every five years.

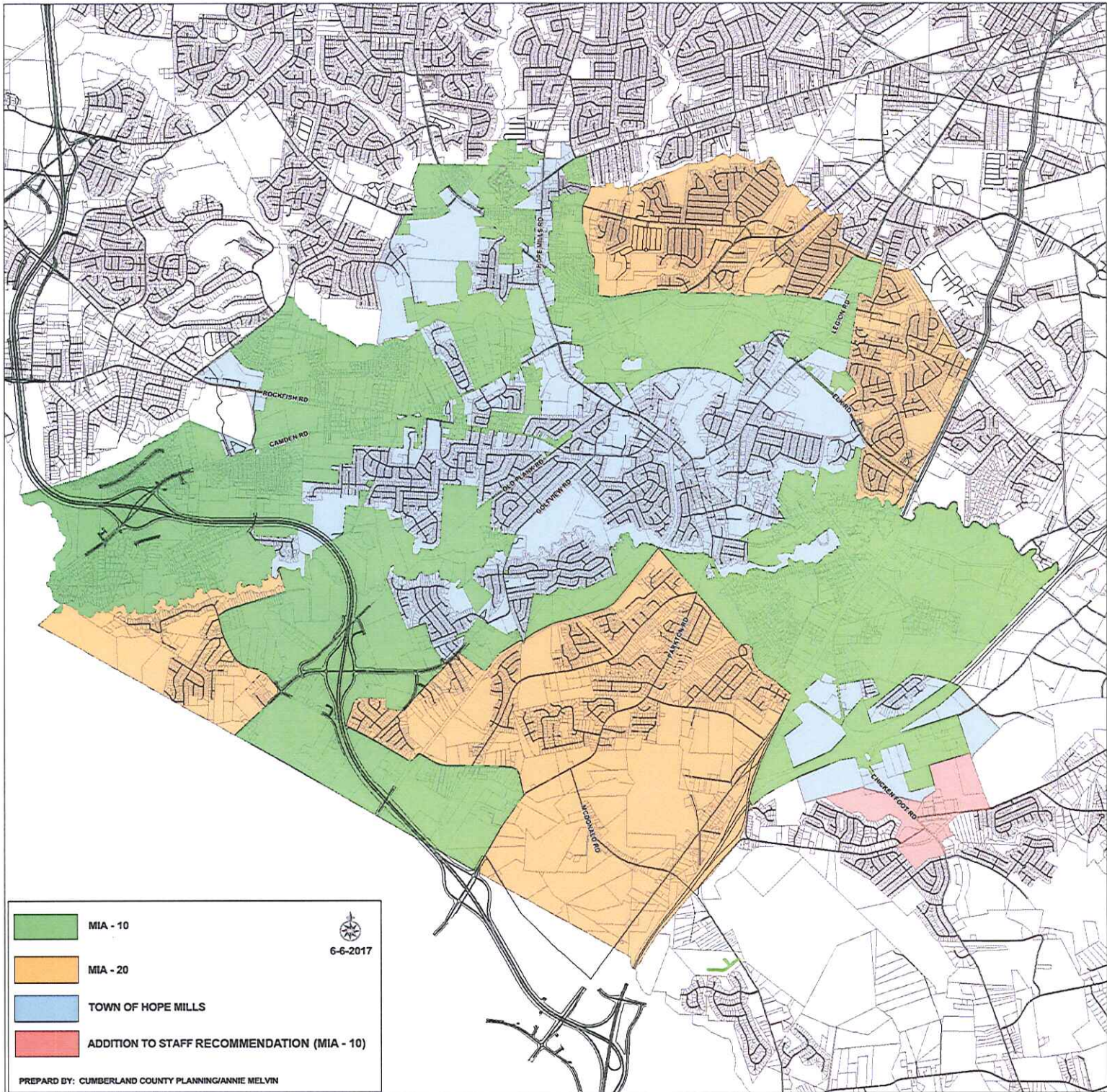


Exhibit 5 - MIA Development Standards

| DEVELOPMENT STANDARD | FAYETTEVILLE | HOPE MILLS | SPRING LAKE | EASTOVER | STEDMAN | WADE | LINDEN | FALCON | GODWIN |
|--|--|---|---|------------------------------------|---|---|---|----------------------------|----------------------------|
| Sidewalks (complying w/ ADA standards) | One side of all streets w/in development; Along existing collector or arterial street adjacent to development [Sec. 25-61(5)] [Per interlocal agreement, in SSA on one side of collector streets (serves/intended to serve at least 100 dwelling units) and both sides of all thoroughfares] | Both Density equal to or greater than 2 units per acre, both sides of all proposed streets, internal drives for non-residential & multi-family – required only when curb & gutter type street cross-section exists. and along Along existing collector or arterial street(s) adjacent to development; sidewalks standards shall not apply in the Cumberland Industrial Center [Sec. 86A-405 86-122(g)] | One side of street, location determined by Town Building Inspector [§155.67(F)] | Pending – currently same as County | 4' wide along all streets whether proposed (new) or existing, except cul-de-sac serving 8 or less lots/units When adjacent to parking area, 6' wide (Sec. 4.3.g) | 4' paved sidewalks on one side of all new streets adjacent to curb and gutter (Sec.4.1.h) | Not applicable; however, sidewalks cannot be located over Town-owned water lines & Town will not accept existing system with sidewalks over lines | | |
| Group Development Provisions | Same as County | Min. size of tract 40,000 sq ft; Setbacks comply with zoning of site 40' access point 1/35 acre per unit on site recreation | Min. size of tract 40,000 sq ft; Setbacks comply with zoning of site 40' access point | Pending – currently same as County | Same as County (Sec. 3.21) | Same as County (Sec. 3.21) | Not applicable | Same as County (Sec. 3.21) | Same as County (Sec. 3.21) |

MIA Table

E5 - e

Cumberland County Subdivision Ordinance, Sec. 2302.A
P17-07 JPB Codes Com Recommendation, HM Sidewalks June 6, 2017

P17-07: Timeline and Background Information

- May 1, 1995** 2010 Land Use Plan was adopted by the Board of Commissioners. Included in the plan was the creation of the Municipal Influence Area (MIA) concept. A MIA was established for each municipality with the intent to facilitate annexation by ensuring the minimum development standards of the affected municipality were met as properties were developed. This concept was intended to ensure that annexations were more efficient and less expensive. (pp. 4-1 to 4-2)
- May 16, 2011** Over the years, the MIA boundaries were changed and/or removed due to non-participation in the joint planning process and ultimately reinstated. The MIA boundaries as they exist today were last modified in 2011 by the County Commissioners. (p. 4-3)
- June & July 2011 & May 2012** The North Carolina General Assembly vastly changed the laws governing involuntary annexations of properties which have had the effect of municipalities finding it difficult to successfully involuntarily annex properties. (Rather than including the various bills, a blog from the UNC School of Government is included, pp. 4-4 to 4-6)
- November 18, 2013** The County Board of Commissioners adopted the Southwest Cumberland Land Use Plan (SW LUP) which included the SW Land Use Map. The map as adopted includes a considerable amount of properties within the Hope Mills MIA designated as either for “**farmland**” (preserve rural character, promote measures that protect farmland from urban development and encroachment, one unit per acre or more) or “**suburban**” (allowable density of less than two units per acre) (p. 4-7)
- March 17, 2014** The Town of Hope Mills’ Board of Commissioners adopted the SW LUP as addressed above.
- June 22, 2015** The Hope Mills Board of Commissioners approved text amendments to the town’s subdivision and zoning ordinances related to their sidewalk requirements. (The zoning ordinance amendments are irrelevant to this current case.) The text amendment was made applicable to development of properties within the town immediately. (pp. 4-8 to 4-10)
- June 29, 2016** The General Assembly ratified changes to the Public Works Commission’s Charter, among the changes is the declaration forbidding Fayetteville Council to request annexation in order to receive water service. (pp. 4-11 to 4-13)
- December 9, 2016** The Hope Mills Town Manager hand delivered a letter to the County Manager requesting that the MIA provisions concerning sidewalks be amended so that when properties within the Hope Mills MIA were developed, the June 2015 sidewalk regulations would apply. A courtesy copy of the letter was delivered to the County Planning Staff on the same day. (p. 4-14)

- January 2017 EOM** The County Planning Staff met with the then Interim Town Manager (now Manager) and the Town Planner explaining that the County Staff could only support the requested sidewalk amendment if the MIA boundaries for the town were revised. The County Staff's position was based on the adopted SW Land Use Plan and the General Assembly's Session Laws amending the annexation laws, which resulted in the staff recommending that the areas designated as farmland and suburban in addition to the developed areas being removed from the MIA.
- February 2017 BOM** The County Staff met with the Hope Mills Mayor, one Commissioner, and the Manager and Planner with the town representatives explaining their requested changes to the proposed MIA boundaries. The County Staff was agreeable to some of the requested changes.
- February 21, 2017** The County Planning Staff presented the Hope Mills requested MIA amendment to the Joint Planning Board's Codes Committee. Staff explained the proposed modification to the MIA boundary, the Land Use Plan and the town representative's position. The committee voted to recommend that the Planning Board not take action on the amendment until the staff brings back the proposed changes to the MIA.
- February 21, 2017** The Joint Planning Board voted unanimously to send the sidewalk text amendment back to the Codes Committee.
- March 6, 2017** The Hope Mills Board of Commissioners adopted a resolution indicating their specific requested boundaries and the reasoning for said boundaries. (p. 4-15 to 4-17)
- March 14, 2017** The Planning Staff re-visited the Hope Mills Commissioners' request and made some minor modifications to the proposed boundary. In addition, staff agreed that if the proposed staff version was adopted, that upon annexation the boundaries should automatically shift a similar distance.
- March 21, 2017** The Codes Committee considered the Hope Mills' Commissioners request and the County Staff's proposal. By unanimous vote, the committee recommended approval of the Hope Mills request for the town's June 2015 sidewalk regulations to apply within the town's MIA provided that the staff version of the proposed MIA boundary along with the text amendment for MIA boundaries to automatically shift was approved.
- April 18, 2017** The Codes Committee's recommendation as stated above was presented to the Joint Planning Board, after discussion the board voted unanimously to direct staff to schedule a meeting with the full Hope Mills Board of Commissioners to explain the staff recommendation.

- May 5, 2017** Director Tom Lloyd and Patti Speicher met with the Hope Mills Commissioners at a "Special Joint Meeting." At this meeting, the staff position was explained and after extensive dialogue between those present, it was agreed that the staff would change their recommendation to a 10 and 20 year MIA. (p. 4-18)
- May 9, 2017** County Planning's Graphics Section completed the proposed changes to the Hope Mills MIA map, the map was emailed to the Town Manager and Town Planner requesting the town staff and board members take a look and to let the County staff know if the town was okay with the proposal. In addition, it was explained to the Manager and Town Planner that this case would be scheduled for the July Planning Board meeting. (pp. 4-19 to 4-20)
- May 15, 2017** At the regular meeting of the Hope Mills Board of Commissioners, the Town Planner presented the proposed changes and the Hope Mills Commissioners voted unanimously to accept the County Planning Staff's revised recommendation. (pp. 4-21 to 4-22)
- May 16, 2017** Per the staff's request the Joint Planning Board deferred Case No. P17-07 to the board's July 18, 2017 meeting. (pp. 4-23 to 4-24)
- May 31, 2017** An email was sent to the County Planning Staff from the Town Planner formally notifying the staff of the town's agreement to the proposed Hope Mills' MIA map. (p. 4-25)
- June 6, 2017** At a joint meeting, the Planning Board's Comprehensive Planning and Land Use Codes committees voted unanimously to recommend approval of the proposed text amendment for sidewalks in the Hope Mills MIA and the modification to the Hope Mills MIA. The committees recommended forwarding Case P17-07 to the full Planning Board.
- July 18, 2017** Case P17-07 is included on the agenda for consideration by the Joint Planning Board.

GENERAL RECOMMENDATIONS

The Plan contains some recommendations which are broad concepts applicable to all development in the County. This Section outlines these general recommendations, which include the Urban Services Area/Municipal Influence Area Concept, "Designated Entrance Corridors" Concept, the Nodal/Corridor Urban Form Concept, the 2010 Land Use Plan Map, and the Transitional Use and Zoning Policy Concept.

THE URBAN SERVICES AREA/MUNICIPAL INFLUENCE AREA (MIA) CONCEPT

Early planning efforts in Cumberland County recognized the need to address urban sprawl. This was addressed in 1973 through the Urban Services Area Concept. Over the years, the concept was used as a planning tool by the Planning Staff in its deliberations on rezoning cases. Recently, the Board of County Commissioners adopted the policy of enforcing new development standards within the Urban Services Area. This action is a step toward developing uniform development standards throughout Cumberland County.

The Cumberland County 2010 Land Use Plan revisited this concept and found it to be conceptually sound and currently applicable. The Urban Services Area is defined in **Exhibit 3 - Urban Services Area Map**. During the Plan development process, it was found that some municipalities wanted the flexibility to be unique and maintain their identity. To meet this goal, since none of the municipalities in the County have extra-territorial jurisdiction, a concept called the Municipal Influence

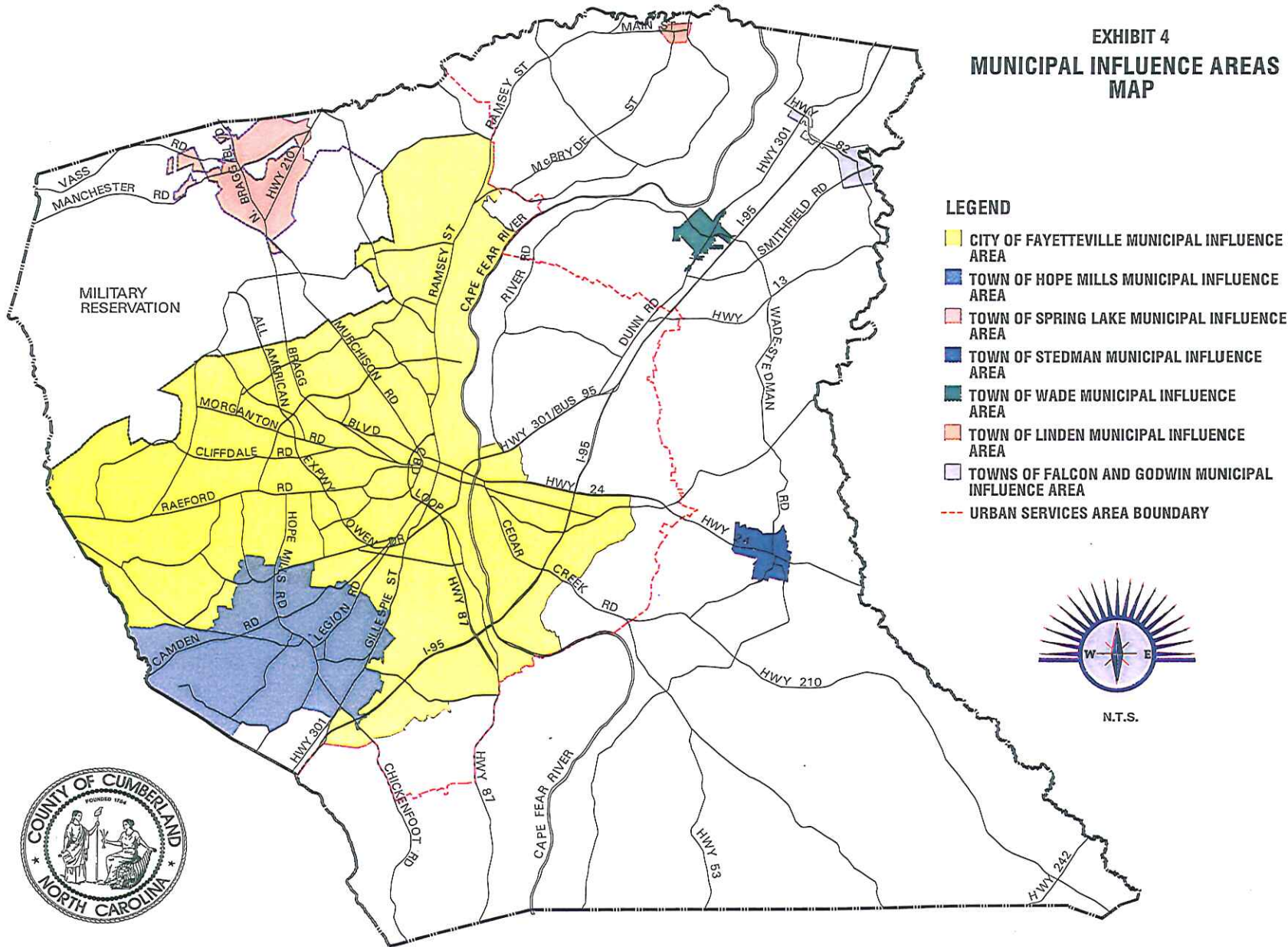
Area (MIA) was incorporated into the Urban Services Area Concept. The Municipal Influence Area (MIA) Concept was developed primarily to designate portions of the Urban Services Area that were to be developed to specific municipal standards. The Municipal Influence Areas are shown in **Exhibit 4 - Municipal Influence Areas Map**. The advantages of the MIA Concept are that it allows each governing body to be unique; it motivates them to plan and program the extension of public services and facilities in an effective and efficient manner; and it forces the municipalities to address future annexation and growth plans, and intra-municipal boundaries before they become issues; and makes future annexations into the municipality more efficient and cheaper.

The disadvantages are that the municipalities will not have approval authority for any changes, revisions, additions, or adoption of any standards they wish to implement within their municipal influence area. This approval authority rests with the Board of County Commissioners. The standards would also have to be part of the County's Zoning Ordinance or Subdivision Regulations and would be enforced by the County Inspections Department. This makes the concept somewhat cumbersome and it will not be successful unless there is good cooperation between the Board of County Commissioners and the municipal governing bodies.

The Municipal Influence Areas for Fayetteville, Hope Mills, Spring Lake, and Stedman include large areas outside their corporate limits. Changes in each Municipal Influence Area are projected to be minor because their projected growth areas are included within their defined Municipal Influence Areas.

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**EXHIBIT 4
MUNICIPAL INFLUENCE AREAS
MAP**



LEGEND

- CITY OF FAYETTEVILLE MUNICIPAL INFLUENCE AREA
- TOWN OF HOPE MILLS MUNICIPAL INFLUENCE AREA
- TOWN OF SPRING LAKE MUNICIPAL INFLUENCE AREA
- TOWN OF STEDMAN MUNICIPAL INFLUENCE AREA
- TOWN OF WADE MUNICIPAL INFLUENCE AREA
- TOWN OF LINDEN MUNICIPAL INFLUENCE AREA
- TOWNS OF FALCON AND GODWIN MUNICIPAL INFLUENCE AREA
- URBAN SERVICES AREA BOUNDARY



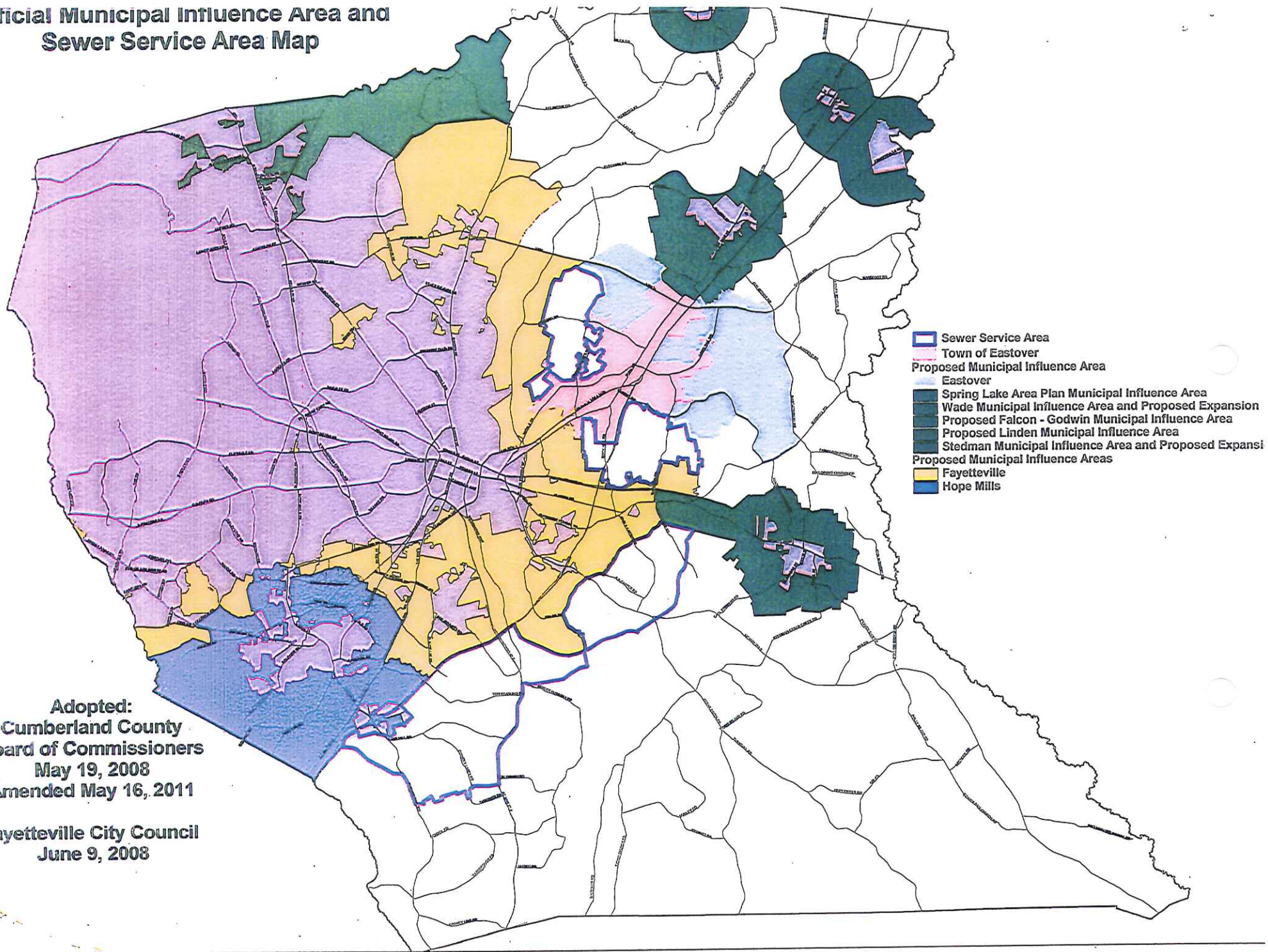
N.T.S.



SOURCE: CUMBERLAND COUNTY JOINT PLANNING BOARD, 1996

4-2

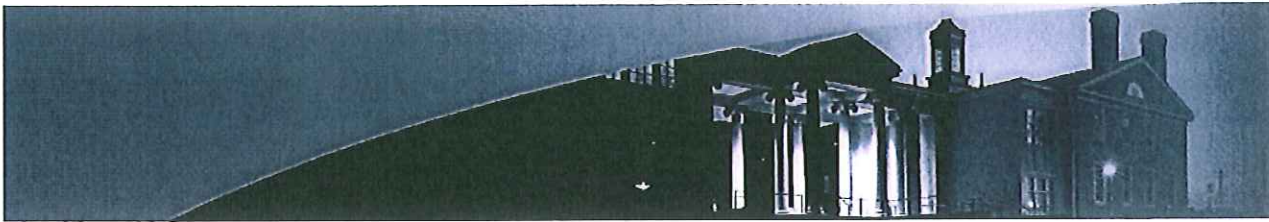
Official Municipal Influence Area and Sewer Service Area Map



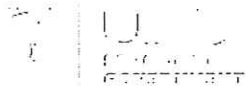
Adopted:
 Cumberland County
 Board of Commissioners
 May 19, 2008
 Amended May 16, 2011

Fayetteville City Council
 June 9, 2008

5-17



Coates' Canons:
[NC Local Government Law](#)



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- [About the Authors](#)

Annexation Reform: A Summary of the New Law

About the author

Frayda Bluestein



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This entry was posted on July 15th, 2011 and is filed under [Annexation](#), [Finance & Tax](#), [General Local Government \(Miscellaneous\)](#), [Miscellaneous](#).



UPDATE August 2013: In 2012, the legislature replaced the petition process described below with a referendum requirement. The current law is summarized [here](#).

Nearly 40 annexation-related bills were introduced during this legislative session. Included in this number were identical [House](#) and [Senate](#) bills that would have imposed a one-year moratorium on involuntary annexation, as well as several local bills undoing specific annexations that had been adopted but had not yet become effective. The legislature opted for reform instead of a moratorium and enacted [S.L. 2011-396 \(HB 845\)](#). In addition, the legislature has created an exclusion from annexation for land used for farm purposes, as set forth in a separate act, [S.L. 2011-363](#), which also affects authority over farm property in the ETJ. Local bills to repeal certain completed annexations were revised and combined in two separate acts, [S.L. 2011-173 \(SB 27\)](#) and [2011-177 \(HB 56\)](#). These acts allow completed annexations in nine cities to be terminated by petition of the owners of 60% of the annexed parcels. This post updates and replaces my earlier post about the statewide bill, and provides a summary of the new annexation law (which became effective without the Governor's signature on July 1, 2011), and of the other related legislation.

Overview of Key Provisions

There are several significant changes in the new statewide law. First, an annexation can now be terminated if the owners of 60% of the parcels in the area to be annexed sign petitions to deny the annexation. Second, cities that provide water and sewer services are required to extend water and sewer services to properties in the annexed areas within 3 and 1/2 years of the annexation at no cost to the property owners, if the owners of a majority of the parcels request services within the timeframe set out in the law. Third, the new law amends the voluntary annexation law to allow petitions for voluntary annexation of contiguous property in high poverty areas, modifying the 100% petition requirement, and allowing petitions by residents in addition to property owners. The section pertaining petitions by property owners in high poverty areas *requires* the city to annex the property and to provide water and sewer services to the area.

Decoding the Session Law

The new law reorganizes the annexation provisions in the statutes, which are codified in Article 4A of Chapter 160A. The voluntary annexation provisions are in Part 1 (contiguous) and Part 4 (satellite). Part 2 contained the involuntary annexation provisions for cities of less than 5,000, and Part 3 contained the

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involuntary provisions for cities of 5,000 or more. The new law repeals Parts 2 and 3 and enacts a new Part 7 containing the requirements for involuntary annexation by all cities. The new part incorporates the same urbanization standards (the requirements for qualifying areas that may be annexed) that applied to cities of 5,000 or more, which now apply to all cities. The new part also includes changes in various sections that reflect interpretations in court cases and clarification of existing law. The basic structure of the process remains the same, beginning with a resolution of consideration, then the resolution of intent, preparation of an annexation report, public informational meeting, public hearing, and adoption of the ordinance. New components are added to provide the opportunity for property owners to request water and sewer service, and to deny the annexation by petition, so the process also includes procedures and time frames for providing notice and receiving responses as to each of these new options.

Water and Sewer Services

The city's obligation to provide water and sewer service is set out in new G.S. 160A-58.56. Under this provision, at an early stage of the annexation procedure – just after the adoption of the resolution of intent to annex – the city must provide notice to the property owners in the annexed area describing their right to have water and sewer lines and connections installed and extended to their property at no cost to them (other than user fees). Property owners have 65 days to request service. The city's obligation to extend lines to these properties at no cost kicks in only if a the owners of a majority of parcels in the area to be annexed request service. (If a majority opt in, the law requires a second notice to those who didn't, in case they want to change their minds.) If the obligation to extend service is triggered, the city is required to complete all of the improvements necessary to provide water and sewer service to each property within 3 1/2 years of the effective date of the ordinance. The language of the new law indicates that the required improvements include service to and within the property, including the part of the extension that becomes the private property of the owner.

If a the owners of a majority of parcels do not request service within the initial time frame, the city is not required to extend service. If the city does extend the lines, and property owners request service, the law sets a sliding scale (based on how much later the requests come in), which limits how much the city may charge these customers, expressed as a percentage of the total cost of connecting under the policies then in effect. This limitation on the amounts that may be charged applies to requests received within the first five years following annexation, after which property owners requesting service may be charged according the policies in effect at the time of the request.

The obligation to provide water and sewer services relates back the provision that requires provision of services “on substantially the same basis and in the same manner as such services are provided in the rest of the municipality.” So if a city doesn't provide or contract for the provision of water and sewer services, it would not apply. G.S. 160A-58.56(a) also provides that the city has no financial responsibility for the extension of lines if water and sewer services are provided under contract with another water or sewer system, and the contract does not require the city to pay for extensions to annexed areas.

Petitions to Deny Annexation

Under new G.S. 160A-58.55(i), after the city completes the entire process and adopts an ordinance annexing property, owners of property in the area to be annexed have the opportunity to sign a petition to terminate the annexation. If the owners of at least 60% of the parcels in the annexation area sign petitions to deny the annexation, it is terminated, and the city is prohibited from considering annexation of the property for at least 36 months. For a property with multiple owners to count toward the 60%, a majority of the owners must sign a petition.

The statute gives the county board of elections the responsibility for distributing and collecting the pre-printed petitions for denial. The process begins with the county tax assessor providing to the board of elections a list of property owners in the area proposed for annexation. The board of elections prepares and mails pre-printed petitions. Detailed procedures and time frames are specified for the contents, mailing, receipt, and review of petitions. Results are determined and certified by the board of elections. The statute calls for observation of this determination by three property owners, chosen by the board of elections from among those who volunteer, and three people designated by the city. If the 60% requirement is met, the annexation is terminated by operation of law, without any action by the city.

Exception for Land Used for Farm Purposes

The annexation laws previously provided for special treatment of land subject to present use value taxation under G.S. 105-277.3, allowing annexation but limiting the extent of regulation and taxation of this type of property. These provisions are not included in the new involuntary annexation provisions. Instead, the legislature has created an exception to the city's annexation authority for land used for bona fide farm purposes. In S.L. 2011-363 the legislature adopted G.S. 160A-58.54 (in the new Part 7 of the annexation laws), which provides that, “Property that is being used for bona fide farm purposes on the date of the resolution of intent to consider annexation may not be annexed without the written consent of the owner or owners of the property.” Although the language is a bit confusing, the pertinent date is probably the date of the resolution of consideration. Under a separate section of this session law the legislature lists evidence that may be provided to demonstrate that property is being used for bona fide farm purposes. I refer readers to the session law for the list, which effectively exempts from annexation a significantly larger category of property than was covered by the prior “present use value” provisions.

Amendments to Voluntary Annexation Laws

Under existing law, petitions for voluntary annexation (whether contiguous or satellite) must be signed by 100% of the property owners in the area to be annexed, and the city has no legal obligation to annex the property upon receipt of a valid petition. The new law creates two exceptions to the 100% petition requirement and creates a new requirement to annex upon receipt of a petition. These new provisions apply only to contiguous – not to satellite – annexations.

The new law adds a new subsection (b1) to G.S. 160A-31, to allow *property owners* in high poverty areas to petition for voluntary annexation. High poverty is defined as an area in which 51% of the households have incomes that are 200% or less than the most recent US Census Bureau poverty thresholds. If the owners of 75% of the parcels in such areas petition for annexation, the city *must* annex the property. The population in the area to be annexed must not exceed 10% of the existing city population, and the area must have a minimum 1/8 contiguity with the existing city limits. A city is not required to annex more than one of these areas within a 36-month period.

A second provision (new subsection (j) of G.S. 160A-31), allows *residents* in “distressed areas” – defined the same way as in (b1) described above – to petition for voluntary annexation. Under this provision, the city may consider annexation if it receives petitions signed by at least one adult resident of at least two-thirds of the resident households in the area to be annexed. The statute allows the city to require reasonable proof that the petitioner actually resides at the address indicated. The area must be contiguous, but no minimum amount of contiguity is specified. This provision *does not require* the city to annex upon receipt of a valid petition.

Cities annexing under either of these provisions must provide services to the annexed areas in accordance with the provisions in Part 7 (the new involuntary annexation provisions). This means that if the annexing city provides water and sewer services, lines must be extended at no cost to the annexed areas. The

voluntary annexation statute does allow a city to deny a petition under subsection (b1) if the cost of extending lines is too high, as determined by a formula set out in the statute (new G.S. 160A-31(d2)), and subject to review by the Local Government Commission. If a petition is denied, another request may not be filed within the next 36 months, but during that time, the law requires the city to make ongoing efforts to secure funding sufficient to make the extension feasible. The law also requires the relevant state agencies to give priority consideration to grant requests for water and sewer projects in these areas.

Annexing State Rights of Way

Another change to the voluntary annexation laws appears to address a narrow circumstance involving annexation of state maintained streets. [S.L. 2011-57 \(HB 171\)](#) prohibits a city from petitioning itself for annexation of property it doesn't own (including a state-maintained right of way in which the city does not own a fee simple interest). Ownership of an easement in a state-owned right of way is not sufficient to support a self-annexation petition. It also prohibits the acceptance of a petition that is not signed, or that does not require a signature (which is the case for tax exempt or utility property) and the property owner objects to the annexation.

For some insights into the tax effects of these changes, check out Chris McLaughlin's [latest blog post](#).

For more information about this and other recent legislation consider attending or purchasing the archive version of our [legislative webinar](#).

«

[Property Tax Implications of the New Annexation Law](#)

[Legislation Affecting Environmental Health Programs](#)

»

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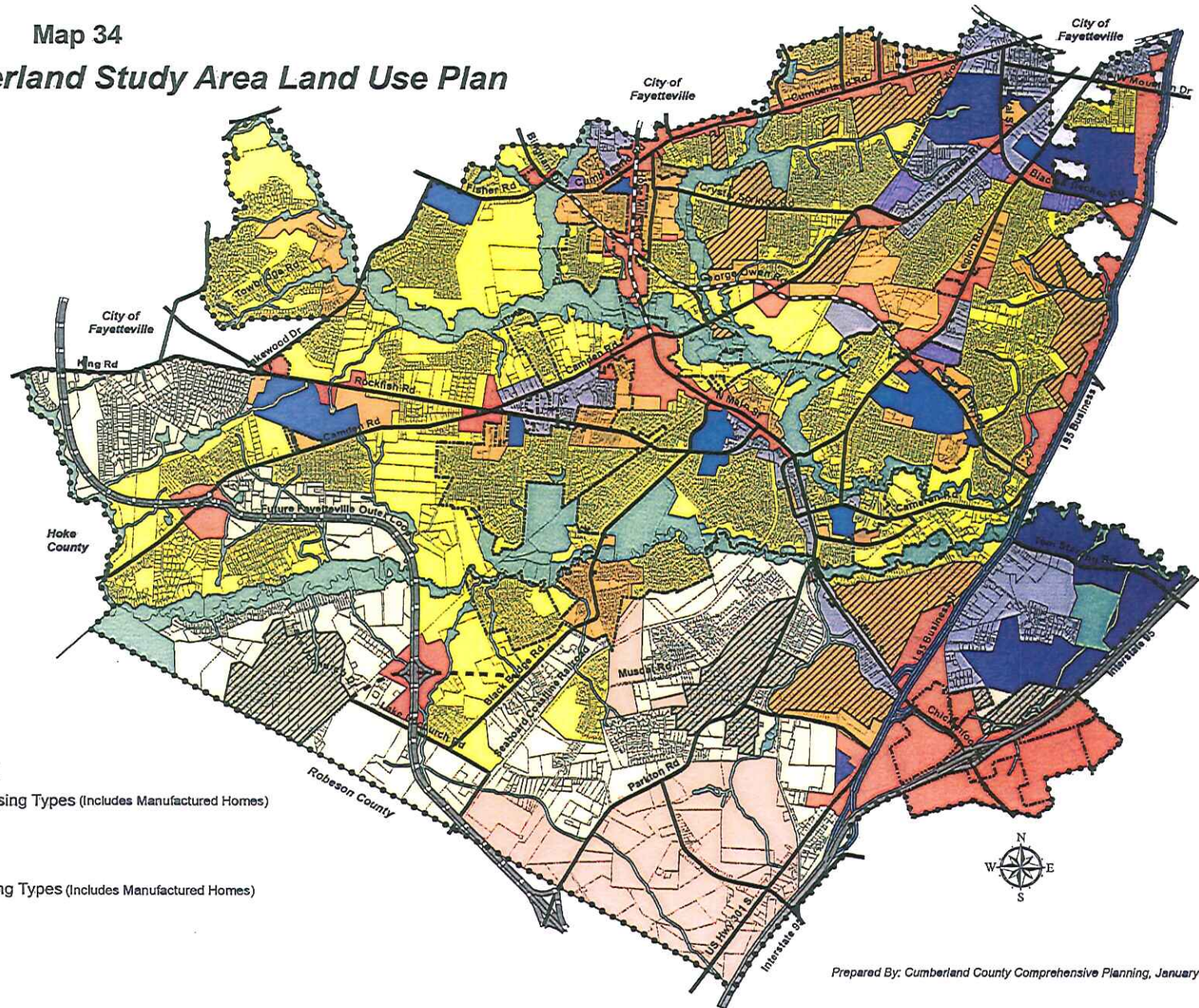
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- [\[+\]Community & Economic Development\(42\)](#)
- [\[+\]Elections\(46\)](#)
- [\[+\]Emergency Management\(10\)](#)
- [\[+\]Employment\(54\)](#)
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- [\[+\]Finance & Tax\(268\)](#)
 - [Miscellaneous\(1\)](#)
- [\[+\]General Local Government \(Miscellaneous\)\(109\)](#)
 - [Annexation\(6\)](#)
- [\[+\]Land Use & Code Enforcement\(147\)](#)
- [\[+\]Liability & Immunity\(4\)](#)
- [\[+\]Open Government\(114\)](#)

Map 34

Southwest Cumberland Study Area Land Use Plan

Legend

- Study Area Boundary
- Hope Mills Town Limit
- ==== Existing Freeway
- ==== Future Freeway
- ==== Existing Expressway
- ==== Existing Boulevard
- ==== Existing Thoroughfare
- Future Thoroughfare
- Office Institutional & Parks
- Heavy Commercial
- Industrial
- Light Industrial
- Farmland
- Open Space
- Suburban Density Residential
- Suburban Density Mixed Housing Types (Includes Manufactured Homes)
- Low Density Residential
- Medium Density Residential
- Medium Density Mixed Housing Types (Includes Manufactured Homes)
- High Density Residential
- Mixed Use Development



Prepared By: Cumberland County Comprehensive Planning, January 2013

4-7

Approved
6-22-15

ATTACHMENT B

P15-29

Town of Hope Mills

Subdivision and Zoning Ordinances

(Sidewalks & Walkways)

P15-29. REVISION AND AMENDMENT TO THE TOWN OF HOPE MILLS SUBDIVISION AND ZONING ORDINANCES TO MODIFY THE SIDEWALK PROVISIONS PERTAINING TO DEVELOPMENTS WITHIN THE TOWN; SPECIFICALLY AMENDING THE HOPE MILLS SUBDIVISION ORDINANCE, ARTICLE IV DEVELOPMENT IMPROVEMENT AND DESIGN STANDARDS, SECTION 86A-405. SIDEWALKS AND WALKWAYS; AND AMENDING THE HOPE MILLS ZONING ORDINANCE, ARTICLE I ADMINISTRATIVE PROVISIONS, SECTION 102A-107. ZONING PERMIT AND ARTICLE XV PLANNED DISTRICTS, SECTIONS 102A-1501. GENERAL OBJECTIVES, 102A-1502. DETAILED SITE PLAN SPECIFICATIONS, 102A-1503. SITE PLAN REVIEW, 102A-1504. BOARD OF COMMISSIONERS' CONSIDERATION; AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE. (HOPE MILLS)

AMEND the Hope Mills Subdivision Ordinance, Article IV Development Improvement and Design Standards, Section 86A-405. Sidewalks and walkways, as indicated below:

HOPE MILLS SUBDIVISION ORDINANCE

ARTICLE IV

DEVELOPMENT IMPROVEMENT AND DESIGN STANDARDS

Sec. 86A-405. Sidewalks and walkways.

(a) *Sidewalks and walkways required.*

(1) Except as described herein, sidewalks shall be installed along public and private right(s)-of-way within and adjacent to any development located in the town's jurisdiction, and shall be constructed in accordance with the town's sidewalk specifications and construction standards, and good engineering practices. Sidewalks shall be located according to the following:

a. For proposed residential subdivisions or developments, sidewalks shall be installed on both sides of all proposed streets and drives, and along the existing street right-of-way to which the project abuts. For multi-family developments, sidewalks shall be provided along the building side of the off-street parking area in addition to other sidewalk requirements of this ordinance.

~~b. For existing residential subdivisions or developments, if a sidewalk exists along the same side of the street abutting the new development or redevelopment of a principal structure, including situations where a principal structure is destroyed by more than 50%, regardless of distance away from the proposed development, a sidewalk shall be required along the lot to be developed; if no sidewalk exists on the same street side, payment of a fee in lieu of sidewalk construction shall be mandatory as regulated in sub-section (b) of this section.~~

be. For all non-residential development with no new streets proposed, sidewalks are required along internal drives and along the existing street(s) adjacent to the subject property. Where new streets are proposed in conjunction with any non-residential development, sidewalks are required along all proposed street(s) and internal drives, and along the existing street(s) adjacent to the subject property. For non-residential developments, sidewalks shall be provided along the building side of the off-street parking area in addition to other sidewalk requirements of this ordinance.

(2) A walkway shall be installed when any subdivision or development proposed is adjacent to an existing or proposed public school or park property. The shall construct and offer for dedication to the affected public agency owning the affected park or school property a walkway not less than ten feet in width in such a location as to facilitate direct convenient access to the adjacent school or park property from the proposed subdivision or development.

(3) Sidewalks and walkways shall be constructed by the developer and inspected by the town staff prior to the completion of any building final inspection or submission of final plat approval for recordation, except where a guarantee has been approved and posted as authorized in Section 86A-602.

(4) The developer shall be responsible for the entire cost of installing sidewalks and walkways within and adjacent to the subdivision or development. Payment in-lieu of sidewalk construction may be considered by the Board of Commissioners in accordance with sub-section (b) of this section.

(b) Payment in-lieu of sidewalk construction.

(1) *General.* The payment of fees in-lieu of installing a required sidewalk or walkway may be made upon written request of the developer with approval from the Board of Commissioners upon the board finding that:

a. The street is designated as a state or local road subject to widening or improvement on an officially adopted plan;

b. The right-of-way, developing lot, or lot abutting a proposed sidewalk is not suitable for sidewalks due to floodplains, wetlands, riparian buffers, required tree preservation areas, slopes exceeding 25 percent, or other unique site conditions; or

c. The area to be subdivided or developed is too small for the construction of sidewalks or walkways to be practicable.

(2) *Procedure for approval.* The payment of such fees in-lieu shall be reviewed and approved as part of the subdivision or development application submittal. A sidewalk or walkway easement shall be included on the plan in the general area where a sidewalk or walkway would have been built had the fee in-lieu not been paid. The easement shall be offered for dedication to the town or in the case of walkways required by sub-section (a)(2) above to the agency owning the public park or

school. The request to pay the fee in lieu must be attached to the plan application, in letter form and include an itemized estimate of the expected costs of sidewalk construction sealed by the developer's engineer or other qualified licensed professional. At the meeting in which the plan approval occurs, the Board of Commissioners shall also consider the request for the payment in lieu of installing the sidewalk. If the letter requesting payment in lieu of sidewalk construction is submitted on a date after the date the application is submitted, a new and separate fee equal to one-half of the original subdivision/development submittal fee shall be charged.

(3) *Time of payment.* The fees in-lieu of sidewalks shall be paid prior to the building final inspection and/or approval of each phase of the subdivision or development submitted for final plat approval as directed by the Board of Commissioners.

(4) *Use of funds.* Payments in-lieu of sidewalk construction received in accordance with this sub-section shall be used only for the development of new sidewalks or multi-use pedestrian/bicycle paths.

(c) Exemptions. The sidewalk and in-lieu fee requirements of this section do not apply to (i) existing residential subdivisions or other existing residential development, (ii) new development consisting solely of an accessory residential structure (for example a pool, garage or shed), (iii) new development consisting solely of an addition to an existing principal residential structure that is a single-family dwelling, or (iiiv) the repair or reconstruction of a damaged principal residential structure; ~~provided that the damage to the structure is 50% or less than the value of the structure at the time it is damaged. The Town Planner may determine the value of the structure using fair assessment information, an appraisal or other similarly credible sources.~~

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

SESSION LAW 2016-47
HOUSE BILL 392

AN ACT AMENDING THE CHARTER OF THE CITY OF FAYETTEVILLE TO MAKE CHANGES RELATED TO THE MEMBERSHIP AND OPERATION OF THE PUBLIC WORKS COMMISSION.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter VI of the Charter of the City of Fayetteville, being Chapter 557 of the 1979 Session Laws, as amended by Chapter 756 of the 1981 Session Laws, S.L. 1998-61, and S.L. 2008-103, is repealed.

SECTION 2. The Charter of the City of Fayetteville, being Chapter 557 of the 1979 Session Laws, as amended, is amended by adding a new Chapter to read as follows:

"Chapter VIA. Public Works Commission.

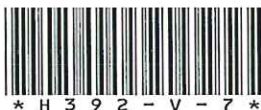
"§ 6A.1. Commission continued; election and term of members; vacancy. (a) A Commission of the City of Fayetteville to be known as the "Fayetteville Public Works Commission" (hereinafter "Commission"), as heretofore created, established, and now existing, is hereby continued and the number of members shall be four. The terms of office of each member shall be four years, and the terms shall expire four years from the date on which the appointment was originally made, provided that a member shall continue to serve until a successor is appointed. A new appointment shall be made in September of 2016, and it shall be for a term of four years. As each appointment expires, the City Council shall, at its regular meeting in September of each year, elect a member of the Commission for a term of four years to replace the expiring member. In addition, the Mayor shall annually designate a member of the City Council to serve on the Commission as an ex officio, nonvoting member.

(b) No member of the Commission may serve more than two consecutive terms. Except for the ex officio designee appointed by the Mayor, no person shall be eligible for appointment to the Commission who is an elected official of the City of Fayetteville or an employee of the City or the Commission. If a member resigns, dies, or otherwise becomes incapable of performing his or her duties, the City Council shall appoint a person to fill the remainder of the term. The four members appointed to the Commission by the City Council and the Mayor's ex officio designee shall constitute the entire Fayetteville Public Works Commission.

"§ 6A.2. Qualifications of Commissioners. The members of the Commission shall be residents of the City of Fayetteville at the time of their initial appointment and must remain so throughout their tenure on the Commission and shall be persons of recognized ability and good business judgment and standing who, in the opinion of the City Council, can and will perform their official duties (i) in accordance with prudent management and sound financial principles, (ii) in the manner provided for in this Chapter, and (iii) to the best interest of the City. If it is determined that a member of the Commission is no longer a resident of the City, that seat shall immediately become vacant and a successor shall be appointed in accordance with Section 6A.1(b) of this Chapter.

"§ 6A.3. Organization; chair, vice-chair, secretary, and treasurer. The members of the Commission shall meet as soon after their appointment as possible and shall elect out of their number a chair, vice-chair, secretary, and treasurer, each of whom shall be a different person. The duties of each shall be as prescribed by the Commission from time to time but shall not be inconsistent with the provisions of this Chapter. Each member of the Commission, including the chair, but not the ex officio City Council member, shall be entitled to vote on any question before the Commission.

"§ 6A.4. Bonds of members of the Commission. Each voting member of the Commission shall give bond to the City in the following amounts: the sum of fifty thousand dollars



accounts, and revenues) shall be and remain in the name of the City of Fayetteville. Nothing in this Chapter shall be construed as conferring upon the Commission any power or authority to convey title or ownership to sell, lease, or otherwise transfer or dispose of any property owned or held in the name of the City of Fayetteville, but under the management and control of the Commission, unless such transaction is approved by resolution of the City Council and is in compliance with the Financing Documents.

"§ 6A.10. Sale of water service. The Commission is hereby authorized and empowered to extend its water system and to sell water in any geographical area permitted in G.S. 160A-312 or other State law. The City Council shall not directly or indirectly require any individual, group, or developer to request annexation of its property by the City in order to receive water service from a water system under the management and control of the Commission. The Commission may adopt schedules of rents, rates, fees, charges, and penalties that vary according to classes of service, and different schedules may be adopted for services provided outside the corporate limits of the City.

"§ 6A.11. Billing electric utility customers. The Commission shall provide electric power for street lighting on all City streets and thoroughfares that are served by the Commission's electric utility service and shall bill the appropriate electric utility customer for the same, except the City of Fayetteville. The Commission shall not be responsible for providing street lighting on City streets and thoroughfares that are not served by the Commission's electric utility service.

"§ 6A.12. Budget. The Commission is a public authority as defined in G.S. 159-7(b)(10) and therefore shall prepare a budget as provided in Article 3 of Subchapter III of Chapter 159 of the General Statutes and shall publish the budget in the manner provided for in G.S. 159-12. Approval of the budget by the City Council is not required.

"§ 6A.13. Records and accounts. The Commission shall keep full and accurate minutes of all official meetings held as provided in G.S. 143-318.10 and shall exercise fiscal control related to all matters, including establishing and maintaining an accounting system and designating an official depository as provided in Part 3 of Article 3 of Subchapter III of Chapter 159 of the General Statutes.

"§ 6A.14. Receipts and disbursements. All funds handled by the Commission shall be paid over to the treasurer thereof, and all disbursements by the Commission shall only be made by order upon the treasurer, signed by the secretary, and countersigned by the chair thereof. All orders shall state for what object the same is drawn, and a record shall be kept of all such orders.

"§ 6A.15. Cash reserves. Subject to the provisions in any Financing Documents, in each fiscal year, the Commission shall maintain in the Electric Fund, the Water/Wastewater Fund, and any other utility fund established pursuant to this Chapter, sufficient cash reserves to cover not less than 90 days' operating expenses, capital outlay, and debt service on outstanding revenue bonds or notes, as shown by the budget ordinance, but shall set a target for cash reserves to cover not less than 120 days or as otherwise required by any Financing Documents.

"§ 6A.16. Remittances to City. Beginning July 1, 2016, and each year thereafter, the Commission shall, each month, if funds are available without violating the provisions of any Financing Documents, remit to the City one-twelfth of an annual amount equal to two and forty-five one hundredths percent (2.45%) of the value of the Total Net Position of the Electric Fund as reported in the Comprehensive Annual Financial Report for the Public Works Commission for each immediately preceding fiscal year ending June 30. There shall be no additional cash contributions or transfers from the Commission to the City unless the following conditions are met: (i) the Mayor declares a state of emergency under the authority granted in G.S. 166A-19.22(a) and (ii) the Commission and City Council agree on the amount of the cash contribution or transfer. No transfer of funds from the Commission to the City shall exceed the amount authorized in G.S. 159-13(14).

"§ 6A.17. Audit of books; access to financial records. At the end of each fiscal year, the books, accounts, and records of the Commission shall be audited by a certified public accountant or an accountant certified by the Local Government Commission as provided in G.S. 159-34. The City Council shall select the auditor, and the auditor shall report directly to the City Council and the Commission. Upon giving reasonable notice, the City Council shall have full access to the books, accounts, and records of the Commission.

"§ 6A.18. Quarterly and annual reports. (a) The Commission shall, on a quarterly basis, provide to the City Council a report on its activities and the utilities under its management and

- (1) The actions of the Commission authorized pursuant to the terms of this new Chapter VIA of the Charter of the City of Fayetteville shall be deemed to be caused by actions of the City.
- (2) No provisions of these amendments to the Charter shall be interpreted or applied to change the ownership or status of any revenues, plant, property, or equipment pledged as security for any outstanding indebtedness, and any such revenues, plant, property, and equipment shall remain so pledged.
- (3) The budget process, the handling of records and accounts, receipts and disbursements, maintenance of cash reserves, remittances of funds to the City, and payment of bond proceeds as set forth in Sections 6A.12 through 6A.16 and Section 6A.19 of the Charter amendments shall be subject to the terms of any Financing Documents.
- (4) Nothing herein shall be deemed to limit, impair, or alter the rights vested to bondholders or creditors under any Financing Documents.
- (5) To the extent that Section 6A.16 of the Charter is inconsistent with the document titled "Agreement Between the City of Fayetteville and the Public Works Commission of the City of Fayetteville Establishing a Formal Operating Transfer," originally dated May 12, 2008, and as amended from time to time thereafter, then the provisions of Section 6A.16 of the Charter shall control.

SECTION 5. This act becomes effective July 1, 2016.

In the General Assembly read three times and ratified this the 29th day of June,

2016.

s/ Harry Brown
Presiding Officer of the Senate

s/ Tim Moore
Speaker of the House of Representatives



December 9, 2016

Ms. Amy Cannon
Cumberland County Manager
County Courthouse
117 Dick Street
Fayetteville, NC 28301

Via Hand Delivery and Courtesy Copies by Electronic Mail

Dear Ms. Cannon:

In 2015, the Hope Mills Board of Commissioners adopted a revision to our subdivision and zoning ordinance amending the requirements for sidewalks and walkways. Based on conversations with County Planning staff, it is my understanding that the Cumberland County Board of Commissioners needs to approve ordinance revisions for the Town of Hope Mills as part of the standards for Hope Mills' MIA so these requirements can be enforced in the MIA.

The revised ordinance is on the County Planning website and your planning staff is very familiar with it. They have indicated they will provide the ordinance information once the process has started. I have included the portion of our minutes indicating that the ordinance revision was approved. Accordingly, please begin the process on behalf of the Town to have these requirements included in our MIA standards. Please let me know what other actions we need to take.

As always, thank you and other County staff for all that you do for the Town of Hope Mills.

Sincerely,

John W. Ellis, III
Town Manager

Cc: Hope Mills Mayor and Board of Commissioners
Melissa P. Adams – Town Clerk
Chancer McLaughlin – Planning and Development Director
Dan Hartzog, Jr. – Town Attorney
Cumberland County Planning Staff via Patricia Speicher

Office of the Town Manager
Office (910) 426 - 4116
Electronic Mail - jwellis@townofhopemills.com

Received
12-9-16
PSS 4-14

**RESOLUTION
OF THE BOARD OF COMMISSIONERS
OF THE
TOWN OF HOPE MILLS, NORTH CAROLINA**

Resolution No. 2017-07

WHEREAS, the Town of Hope Mills has a Municipal Influence Area (MIA) agreement with Cumberland County; and

WHEREAS, Cumberland County has requested that the Town of Hope Mills re-evaluate the boundaries of the existing Municipal Influence Area; and

WHEREAS, the Town of Hope Mills is currently allocating funds for the construction of a Public Safety Facility that will facilitate an increase in emergency services personnel; and

WHEREAS, the Town of Hope Mills is currently working on a Municipal Influence Area plan in an effort to identify viable avenues of the expansion of the Town of Hope Mills limits; and

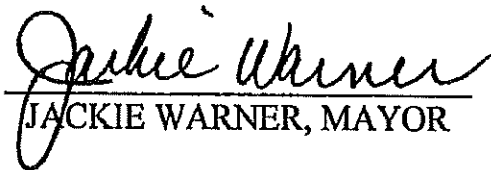
WHEREAS, Cumberland County has provided recommendations on new Municipal Influence Area boundaries while requesting that the Town of Hope Mills determine which areas to remain inside of the MIA; and

WHEREAS, the Town of Hope Mills is requesting to keep all areas of the current MIA to the south of the town limits identified by the county on the attached map (Exhibit A) as "*Planning and Hope Mills recommends removal from the MIA*", and would like to remove the remaining areas of the MIA on the attached Exhibit A to the north of the town limits identified as "*Planning and Hope Mills recommends removal from the MIA*"; and

WHEREAS, the Town of Hope Mills agrees with the Cumberland County recommendation on Exhibit A identified as "*Planning recommends addition to the Hope Mills MIA*";

NOW THEREFORE BE IT RESOLVED that the Town of Hope Mills does hereby support the above referenced changes to the Municipal Influence Area boundaries.

Adopted this 6th day of March, 2017.


JACKIE WARNER, MAYOR

ATTEST:


Deborah Holland, Interim Town Clerk

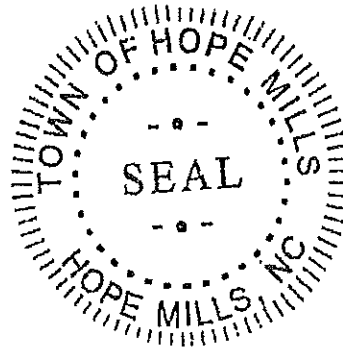
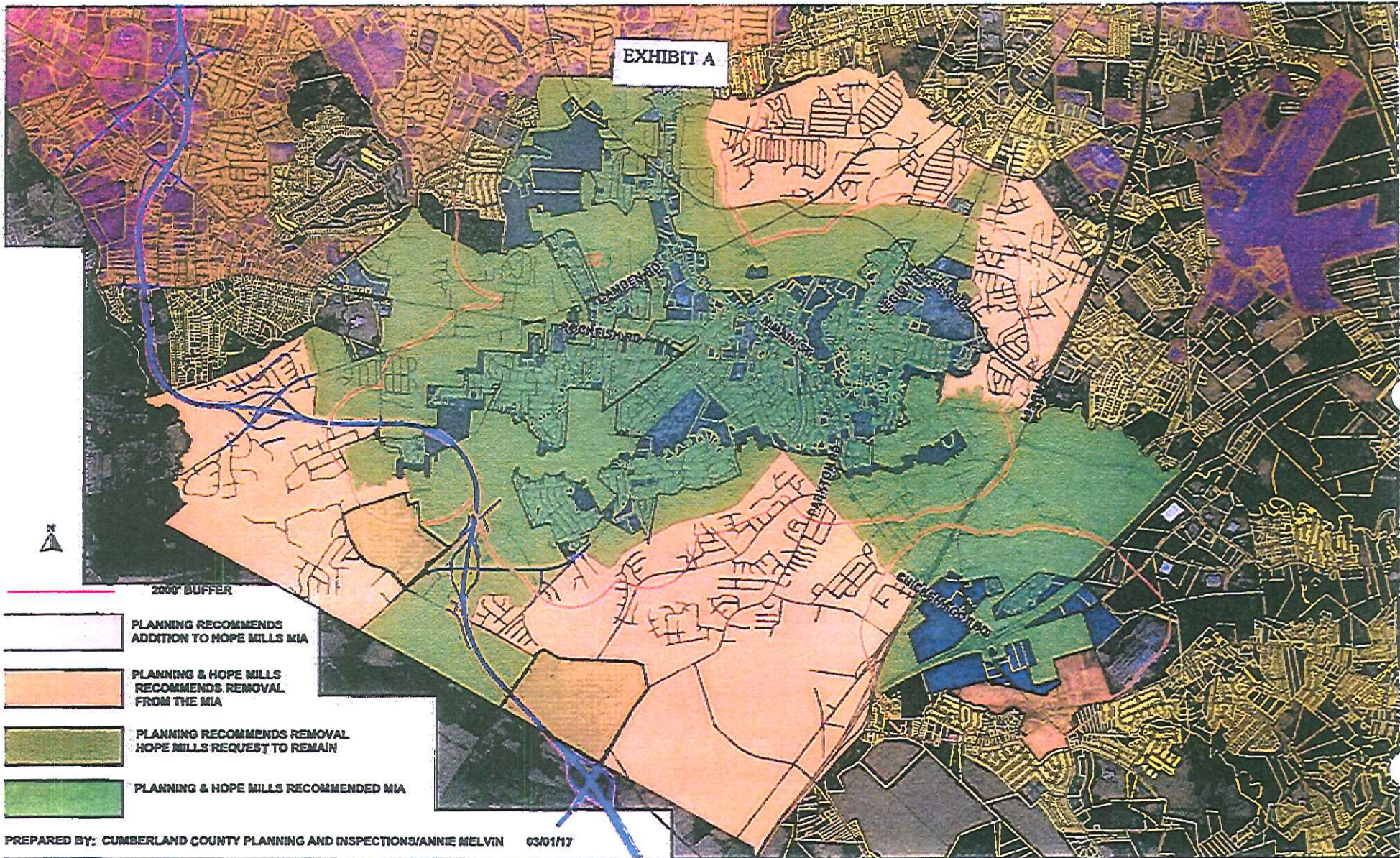


EXHIBIT A



4-17

Patricia Speicher

From: Holland, Deborah O. [DHolland@townofhopemills.com]
Sent: Tuesday, May 02, 2017 2:21 PM
To: Bob Gorman; Bryan Marley; Edwards, Pat; Gorman, Bob; Jackie Warner; Jerry Legge; Legge, Jerry D.; Marley, Bryan A.; Pat Edwards; Warner, Jackie
Cc: Adams, Melissa P; Edward Byrne; Patricia Speicher; Brown, Elisabeth A.; Hodges, Charles L.; Sisko, Don S.; Cruz, Hector A.; Holland, Deborah O.; Acciaro, Joel; Bullock, Kenny; Daniels-Black, Laticia M.; McLaughlin, Chancer; Reeves, David; Holland, Drew; Lopez, Charles
Subject: Notice of Special Meeting
Attachments: Special Meeting for May 5, 2017.pdf

Please see attached notice of Special Meeting for Friday, May 5, 2017 at 9:00 a.m. in the William "Bill" Luther Board Room located in Town hall at 5770 Rockfish Road.

Debbie Holland

Interim Town Clerk
Town of Hope Mills
5770 Rockfish Road
Hope Mills, NC 28348
910-426-4113

dholland@townofhopemills.com

Please note that email sent to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties

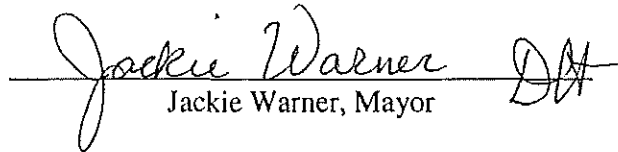


NOTICE OF SPECIAL MEETING

The Hope Mills Board of Commissioners will hold a Special Joint Meeting with Cumberland County Planning Staff on Friday, May 5, 2017 at 9:00 a.m., at the Hope Mills Town Hall, 5770 Rockfish Road, William F. "Bill" Luther, Jr. Board Room for the following purpose:

- To discuss the Municipal Influence Area (MIA).

This the 2nd day of May, 2017.


Jackie Warner, Mayor

Posted May 2, 2017
Emailed to "Sunshine List"

Patricia Speicher

From: Patricia Speicher
Sent: Tuesday, May 09, 2017 2:05 PM
To: Melissa P. Adams (mpadams@townofhopemills.com); Chancer McLaughlin (cmclaughlin@townofhopemills.com)
Cc: Thomas Lloyd; Edward Byrne
Subject: FW: Emailing: HOPE MILLS PROPOSED MIA.jpg
Attachments: HOPE MILLS PROPOSED MIA.jpg

Hello Melissa and Chancer,

We made some changes to the proposed MIA map in the Camden Rd/Outer Loop area and also the property that I think Mrs. Hall was talking about in the Fox Meadow area. In addition, we re-designated the areas.

Could you please review this map, possibly also getting your board members and Mayor to take a look and let us know what you all think? The text of the proposed amendment will change some too but we want to get the map straight first.

I have set this on the Planning Board's agenda for this month to be deferred to the July 18th meeting. July was chosen because the County Commissioners do not meet in July, therefore it does not matter if this amendment is on the June or July PB agenda because both month's PB cases will go to the August County BOC meeting. We are hoping we can have it all worked out by the July PB meeting.

If you have any questions, please ask. I have been having problems getting this map to go through the email, could you please confirm for me that you have received it? Thank you!

Patti

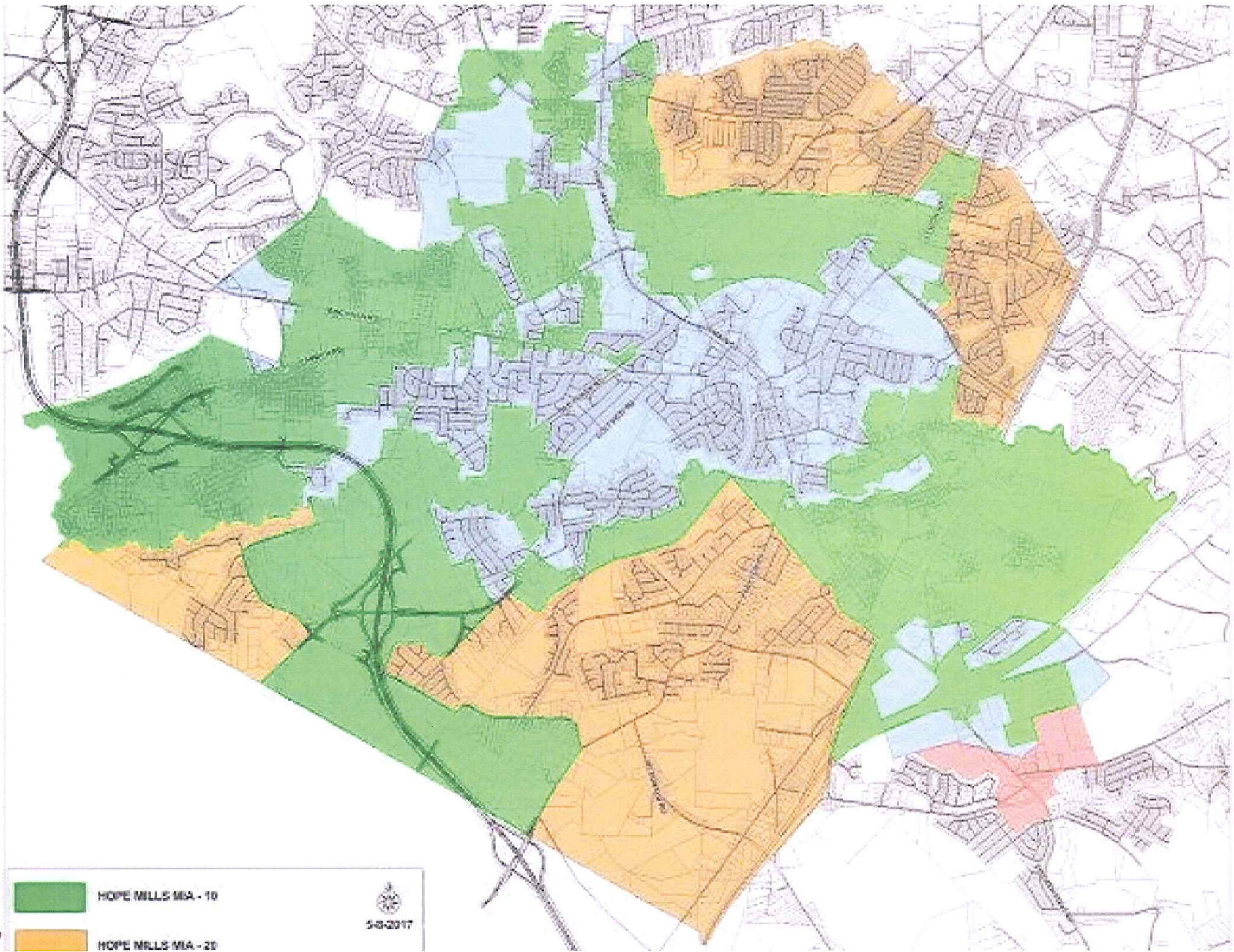
-----Original Message-----

From: Annie Melvin
Sent: Tuesday, May 09, 2017 2:01 PM
To: Patricia Speicher
Subject: Emailing: HOPE MILLS PROPOSED MIA.jpg

Your message is ready to be sent with the following file or link attachments:

HOPE MILLS PROPOSED MIA.jpg

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.



4-20

- HOPE MILLS MIA - 10
- HOPE MILLS MIA - 20

5-8-2017

**TOWN OF HOPE MILLS
BOARD OF COMMISSIONERS REGULAR MEETING
MONDAY MAY 15, 2017, 7:00 P.M.
BILL LUTHER BOARD MEETING ROOM**

CALL TO ORDER – Mayor Warner

INVOCATION – Pastor Michael Mathis of Mission Field Ministries

PLEDGE OF ALLEGIANCE – Mayor Warner

1. APPROVAL OF AGENDA – ADDITIONS OR DELETIONS.

2. PRESENTATIONS:

- a. Presentation from Professor Adam Walls of UNC Pembroke regarding Art in the Park. **TAB 1**
- b. National Public Works Week – May 21 - 27, 2017. Mayor Warner will present Certificates of Appreciation to Public Works Employees. **TAB 2**
- c. Sally Bailey, Chair of Appearance Committee, presentation from the committee.

3. PUBLIC HEARINGS:

- a. Case No. P17-14. Rezoning of .70+/- acres from C3 heavy commercial to M(P) planned industrial/CZ conditional zoning for open storage and warehousing or to a more restrictive zoning district; located at 5417 Trade Street; submitted by Louise M. Autry and James A. McLean on behalf of Autry & McLean, LLC (owner) and Terry C. Faircloth, PLS (agent). (Hope Mills) **TAB 3**

4. PUBLIC COMMENTS:

Each speaker is asked to limit comments to three (3) minutes, and the total comment period will be 30 minutes or less. Citizens should sign up with the Town Clerk to speak prior to the start of the meeting. Direct comments to the full Board, not to an individual Board member or staff member. Although the Board is interested in hearing your concerns, speakers should not expect Board action or deliberation on subject matter brought up during the Public Comment segment. Topics requiring further investigation will be referred to the appropriate town officials or staff and may be scheduled for a future agenda.

5. **CONSENT AGENDA:**

All items on the Consent Agenda are considered routine, to be enacted by one motion and without discussion. If a member of the governing body requests discussion of an item, the item will be removed from the Consent Agenda and considered separately under New Business.

- a. Consideration of minutes from April 26, 2017 Regular Board Meeting. **TAB 4**
- b. Consideration of minutes from May 1, 2017 Regular Board Meeting. **TAB 5**
- c. Consideration of minutes from May 5, 2017 Special Meeting. **TAB 6**
- d. Consideration to accept the April, 2017 Financial Statements. **TAB 7**
- e. Consideration and approval of setting date for a public hearing for the proposed FY 2017-2018 Budget for June 5, 2017 at 7:00. **TAB 8**
- f. Consideration of Budget Amendment #25 in the amount of \$125,975.00 for reimbursement from FEMA for Hurricane Matthew Category A–Debris Removal. **TAB 9**
- g. Consideration of Budget Amendment #26 in the amount of \$411,325.00 for the remaining fund transfer for West Patterson Street Project. **TAB 10**
- h. Consideration of property appraisal services of Tom Keith & Associates for the property located on 3715 S. Main Street (Episcopal Church Building) in the amount of \$2,500.00 and to authorize the Town Manager to execute the agreement. **TAB 11**
- i. Consideration of selection of McGill Associates for the engineering and design of sidewalk along Johnson Street between Rockfish Road and Trade Street and to authorize the Town Manager to negotiate a contract with McGill Associates for the preliminary engineering and design phase of this project. **TAB 12**
- j. Consideration of approval of the proposal from MCCI (Municipal Code Corp Innovations) for Laserfiche software indexing system for the Clerk’s office records in the amount of \$29,543.00. **TAB 13**

6. **OLD BUSINESS:**

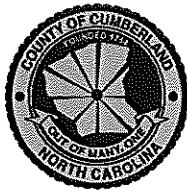
- a. Discussion and Consideration of Updated MIA Map received from Cumberland County Planning Department. **TAB 14**
- b. Update on Fellowship Hall/Museum Project.
Handouts (if available) may be given at the meeting.

Charles Morris,
Chair
Town of Linden

Diane Wheatley,
Vice-Chair
Cumberland County

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

Donovan McLaurin
Wade, Falcon & Godwin



CUMBERLAND
★ **COUNTY** ★
NORTH CAROLINA

Planning & Inspections Department

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Vikki Andrews,
Carl Manning,
Lori Epler
Cumberland County

Benny Pearce,
Town of Eastover

Patricia Hall,
Town of Hope Mills

AGENDA
May 16, 2017
7:00 P.M.

- I. INVOCATION AND PLEDGE OF ALLEGIANCE
- II. APPROVAL OF/ADJUSTMENTS TO AGENDA
- III. PUBLIC HEARING DEFERRALS
 - A. **P17-07.** REVISION AND AMENDMENT TO THE CUMBERLAND COUNTY SUBDIVISION ORDINANCE AMENDING ARTICLE XXIII, IMPROVEMENT AND DESIGN STANDARDS, SECTION 2302. AREA-SPECIFIC STANDARDS, A. MUNICIPAL INFLUENCE AREAS; AND APPENDIXES EXHIBIT 4, OFFICIAL MUNICIPAL INFLUENCE AREA AND SEWER SERVICE AREA MAP, AND EXHIBIT 5 MUNICIPAL INFLUENCE AREA DEVELOPMENT STANDARDS, HOPE MILLS COLUMN, ROW ENTITLED *SIDEWALKS* (PAGE E5-E). **DEFERRED UNTIL JULY 18, 2017**
 - B. **P17-18.** REZONING OF .29+/- ACRES FROM R10 RESIDENTIAL TO C2(P) PLANNED SERVICE AND RETAIL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 3216 NORTH MAIN STREET, SUBMITTED BY CHARLOTTE MCKENZIE (OWNER) AND D. ERIC NOBLES (AGENT). (HOPE MILLS) **DEFERRED UNTIL JUNE 20, 2017**
- IV. ABSTENTIONS BY BOARD MEMBERS
- V. POLICY STATEMENT REGARDING PUBLIC HEARING TIME LIMITS
- VI. APPROVAL OF THE MINUTES OF APRIL 18, 2017
- VII. PUBLIC HEARING CONSENT ITEMS

TEXT AMENDMENTS

- C. **P17-19.** REVISION AND AMENDMENT TO THE HOPE MILLS ZONING ORDINANCE AMENDING ARTICLE XIV, SIGNS, IN ITS ENTIRETY. (HOPE MILLS)

CONDITIONAL ZONING CASE

- D. **P17-12.** REZONING OF 8.03+/- ACRES FROM A1 AGRICULTURAL TO R40 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE NORTH SIDE OF THROWER ROAD, WEST OF NC HWY 87 S; SUBMITTED BY VANCE TYSON (OWNER) AND TIM EVANS (AGENT).

VIII. PUBLIC HEARING CONTESTED ITEMS

TEXT AMENDMENT

- E. P17-17. REVISION AND AMENDMENT TO THE CUMBERLAND COUNTY ZONING ORDINANCE, ARTICLE XVI, BOARD OF ADJUSTMENT; AND REQUESTING PERMISSION TO REPRINT THE ZONING ORDINANCE INSERTING ALL TEXT AMENDMENTS APPROVED SINCE JUNE 20, 2005 AS LISTED.

IX. DISCUSSION

DIRECTOR'S UPDATE

- HOPE MILLS MUNICIPAL INFLUENCE AREA

X. ADJOURNMENT

Patricia Speicher

From: McLaughlin, Chancer [cmclaughlin@townofhopemills.com]
Sent: Wednesday, May 31, 2017 4:03 PM
To: Patricia Speicher
Cc: Edward Byrne; Adams, Melissa P
Subject: MIA Map

Patti,

Not sure if we have officially notified you all in writing or if Ed informed you but the Town of Hope Mills Board of Commissioners voted at the May 15, 2017 hearing to officially accept/approve the newly revised MIA map from the County that indicates the 10 year and 20 year MIA sections. I know Ed was present but I'm not sure if you all needed something from us in writing.

Please accept this email as a formal notification.

Thanks,

Chancer F. McLaughlin
Development and Planning Administrator
Town of Hope Mills
5770 Rockfish Road
Hope Mills, NC 28348
Phone: 910.426.4103
Email: cmclaughlin@townofhopemills.com
Website: www.townofhopemills.com

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Cumberland County

Jami McLaughlin,
Town of Spring Lake
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CUMBERLAND
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—◆—
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Deputy Director

Vikki Andrews,
Carl Manning,
Lori Epler,
Cumberland County

Stan Crumpler,
Town of Eastover

Patricia Hall,
Town of Hope Mills

July 11, 2017

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Recommendation for the July 18, 2017 Board Meeting

P17-33. REVISION AND AMENDMENT TO THE TOWN OF HOPE MILLS ZONING ORDINANCE, AMENDING ARTICLE IV PERMITTED, CONDITIONAL AND SPECIAL USES, SECTION 102A-403. USE MATRIX, SPECIFICALLY THE ROW ENTITLED BILLBOARDS REQUIRING A SPECIAL USE PERMIT IN THE COLUMN LABELED C(P); AND ARTICLE XIII OFF-STREET PARKING AND LOADING, SECTION 102A-1302. OFF-STREET PARKING, SUB-SECTION (A) MINIMUM REQUIREMENTS, BY INSERTING IN ALPHABETICAL ORDER UNDER THE USES COLUMN THE TERM RESTAURANTS AND ESTABLISHING PARKING REQUIREMENTS FOR THE SAME; AND UPDATING THE TABLE OF CONTENTS IF APPROPRIATE. (HOPE MILLS)

The Planning & Inspections staff recommends approval of the attached Hope Mills Zoning Ordinance text amendment which, if approved, would correct two inadvertent issues within the ordinance. The provisions regulating billboards currently specify standards for approval of a Special Use Permit; however, the Use Matrix indicates that approval of a Conditional Zoning application is required for billboards in the C(P) Planned Commercial district. Also, off-street parking requirements for restaurants were not included in the 2008 re-write of the ordinance. This amendment was requested by the town staff.

In addition, the staff recommends the board find that approval of these amendments to the town's zoning ordinance is consistent with the adopted comprehensive plan designated as the **2030 Growth Vision Plan**, specifically including: Policy Area 2: *Well-Managed Growth and Development*. The proposed amendment is also consistent with the **Southwest Cumberland Land Use Plan** in that the objectives for development are clearly defined.

The staff further recommends the board find that approval of this amendment is reasonable and in the public interest based on the foregoing information and because if approved, the amendment will clear up conflicts within the ordinance.

Attachment: P17-33 Hope Mills Zoning Ordinances Text Amendment

P17-33

P17.33. REVISION AND AMENDMENT TO THE TOWN OF HOPE MILLS ZONING ORDINANCE, AMENDING ARTICLE IV PERMITTED, CONDITIONAL AND SPECIAL USES, SECTION 102A-403. USE MATRIX, SPECIFICALLY THE ROW ENTITLED BILLBOARDS REQUIRING A SPECIAL USE PERMIT IN THE COLUMN LABELED C(P); AND ARTICLE XIII OFF-STREET PARKING AND LOADING, SECTION 102A-1302. OFF-STREET PARKING, SUB-SECTION (A) MINIMUM REQUIREMENTS, BY INSERTING IN ALPHABETICAL ORDER UNDER THE USES COLUMN THE TERM RESTAURANTS AND ESTABLISHING PARKING REQUIREMENTS FOR THE SAME; AND UPDATING THE TABLE OF CONTENTS IF APPROPRIATE. (HOPE MILLS)

AMEND Article IV Permitted, Conditional and Special Uses, Section 102A-403. Use matrix. Specifically the row entitled Billboards and column labeled C(P) so that approval for any billboard in the C(P) district requires issuance of a Special Use Permit by the Hope Mills' Board of Adjustment, as indicated below:

ARTICLE IV
PERMITTED, CONDITIONAL AND SPECIAL USES

Sec. 102A-403. Use matrix.

(See next page for Use Matrix listing billboards, page 36 of ordinance.)

Sec. 102A-403. Use matrix.

| Hope Mills Zoning Ordinance P = Permitted use C = Conditional use (Board of Commissioners approval required) S = Special use (Board of Adjustment approval required) | | | | | | | | | | | | | | | |
|---|-----------------------|----|-----|-----|------|----|-----|----|-----|---------|-------|-------|------|-------|------|
| LAND USES | ZONING CLASSIFICATION | | | | | | | | | | | | | | |
| | CD | RR | R20 | R15 | R7.5 | R6 | R6A | R5 | R5A | O& I(P) | C1(P) | C2(P) | C(P) | M1(P) | M(P) |
| Accessory uses incidental to any permitted use | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P |
| Addressing service | | | | | | | | | | | | P | P | P | P |
| Agricultural or rural farm use | P | P | P | P | P | P | P | | | | | | | | |
| Airport operations (minor) | | | | | | | | | | | | | | S | S |
| Airport operations (major) (§102A-1002) | | | | | | | | | | | | | | | P |
| Alcoholic beverages, (control sales) | | | | | | | | | | | | | P | | |
| Apparel and accessory sales | | | | | | | | | | | P | P | P | | |
| Assemblies (including assembly hall, armory, stadium, coliseum, community center, fairground activities) (§102A-1015) | | S | S | S | S | S | S | S | S | P | P | P | P | | |
| Auction sales (excluding livestock auctioning & motor vehicles) | | | | | | | | | | | | | P | P | P |
| Bakery production and wholesale sales | | | | | | | | | | | | | P | P | P |
| Baking, on-premises and retail only | | | | | | | | | | | P | P | P | | |
| Bank, savings and loan company and other financial activities | | | | | | | | | | P | P | P | P | | |
| Bars & night clubs, not regulated by Sec. 102A-1023 | | | | | | | | | | | | | P | | |
| Barbering and hairdressing services | | | | | | | | | | | | P | P | | |
| Bed and breakfast (§102A-1003) | | P | P | P | P | P | P | P | P | | | P | P | | |
| Billboards (§102A-1407) | | | | | | | | | | | | | SZ | | P |

AMEND Article IV Permitted, Conditional and Special Uses, Section 102A-1302. Off-street parking, sub-section (a) *Minimum requirements*. by INSERTING the term Restaurants under the *Uses* column in alphabetical order and under the *Required Parking* INSERTING provisions for calculation of off-street spaces required when a restaurant is proposed, as indicated below:

**ARTICLE XIII
OFF-STREET PARKING AND LOADING**

Sec. 102A-1302. Off-street parking.

(a) Minimum requirements. Off-street parking spaces shall be provided and permanently maintained by the owners or occupants of the following types of property uses on the basis indicated:

| <i>Uses</i> | <i>Required Parking</i> |
|-------------|--|
| Restaurants | One space for each four inside seats plus outside serving spaces |

(See next page for page 119 of ordinance.)

| | |
|---|---|
| Lodges, fraternal, and social organizations | One space for each 300 square feet of net floor area |
| Manufacturing, processing, fabrication, assembly, construction, contracting building trades | 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 |
| Manufactured home and travel trailer sales lot | One space for each employee & one space for each 3,000 square feet of display area |
| Medical clinics, doctors' and dentists' offices | Five spaces for each doctor practicing on the premises |
| Motel, hotel, tourist home | One space for each room or unit to be rented; plus one space for each three employees; plus one space for each 100 square feet of floor area utilized for meeting rooms |
| Motor vehicle gas stations | Ten spaces |
| Motor vehicle repair and/or sales garage | One space for each 200 square feet of net floor area |
| Nursery, kindergarten, elementary, and junior high/ middle schools | One space for each employee |
| Nursing homes, convalescent and senior citizens homes | One space for each four beds intended for resident use, plus one parking space for each employee on the largest shift |
| Religious worship facility | One space for each five seats |
| <u>Restaurants</u> | <u>One space for each four inside seats plus outside serving spaces</u> |
| Retail stores, service shops, food & beverage establishments including planned shopping centers | One space for each 200 square feet of net floor area |
| Rooming or boarding house | One space for each bedroom |

Patricia Speicher

From: McLaughlin, Chancer [cmclaughlin@townofhopemills.com]
Sent: Tuesday, June 27, 2017 11:26 AM
To: Patricia Speicher
Cc: Thomas Lloyd; Edward Byrne; Adams, Melissa P
Subject: RE: use matrix - bill board

Patti,

Please add the amendment to the Town of Hope Mills Ordinance for parking to the list of requested amendments that include the change needed to the matrix with respect to Bill Boards.

Let me know the timetable in terms of the schedule for planning board so I can keep Mr. Stancil updated.

Thanks,

Chancer F. McLaughlin
Development and Planning Administrator
Town of Hope Mills
5770 Rockfish Road
Hope Mills, NC 28348
Phone: 910.426.4103
Email: cmclaughlin@townofhopemills.com
Website: www.townofhopemills.com

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties

From: Patricia Speicher [mailto:pspeicher@co.cumberland.nc.us]
Sent: Tuesday, June 27, 2017 8:46 AM
To: McLaughlin, Chancer
Cc: Thomas Lloyd; Edward Byrne
Subject: FW: use matrix - bill board

Chancer,

Please reply to this email and request that we also process an amendment for the off-street parking issue. Thanks!
Patti

From: McLaughlin, Chancer [mailto:cmclaughlin@townofhopemills.com]
Sent: Friday, June 23, 2017 3:50 PM
To: Edward Byrne
Cc: Patricia Speicher; Thomas Lloyd; Adams, Melissa P
Subject: RE: use matrix - bill board

Ed,

In order to get this amendment moving forward would you need just an email request or do we need the Board of Commissioners to take a formal vote? I can't remember if we did this when we did the sexually oriented businesses amendment or not. If so, I will draft the amendment and if not, let this email serve as the official request.

Once we move forward I want to keep Mr. Stancil updated as things progress.

Thanks,

Chancer F. McLaughlin
Development and Planning Administrator
Town of Hope Mills
5770 Rockfish Road
Hope Mills, NC 28348
Phone: 910.426.4103
Email: cmclaughlin@townofhopemills.com
Website: www.townofhopemills.com

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties

From: Edward Byrne [<mailto:ebyrne@co.cumberland.nc.us>]
Sent: Friday, June 09, 2017 4:33 PM
To: McLaughlin, Chancer
Cc: Patricia Speicher; Thomas Lloyd
Subject: [LIKELY_SPAM]use matrix - bill board

Chancer I wanted to make sure I am clear on what you asked about the billboard matrix table having a conflict with the sign section for billboard. The matrix has billboard being required to be approval as a condition zoning and the section within the sign ordinance requires the billboard to be approved as a special use permit. As I have stated since there is a conflict between the two sections than the more restrictive requirement would prevail. This would mean that the proposed billboard will be required to be approved as a conditional zoning request. If the town wanted to change the matrix as you asked then yes the town would need to submit an amendment to the zoning ordinance to change the matrix to reflect billboard needing to be approved as a special use permit if that is what the Town wants.

Ed Byrne
Senior Planner
Cumberland County Planning & Inspections
(910) 678-7609
Ebyrne@co.cumberland.nc.us



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REQUEST
M(P) TO C(P)

ACREAGE: 1.84+/-

APPLICANT/PROPERTY OWNER
KINLAW'S WAREHOUSE (OWNER)/ REBECCA
PERSON, ATTORNEY (AGENT)

PROPERTY ADDRESS/LOCATION
2915 GILLESPIE ST

Jurisdiction: **County**

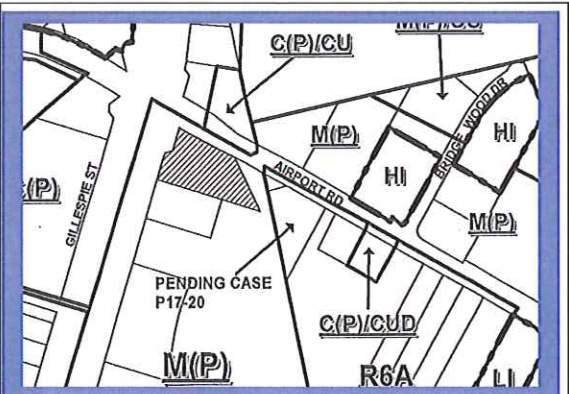
PROPERTY INFORMATION

Frontage & Location: 258'+/- on SR 2273 (Gillespie St)
Depth: 470'+/-
Adjacent Property: No
Current Use: Vacant industrial building
Initial Zoning: M(P) – March 15, 1979 (Area 6)
Nonconformities: None
Zoning Violation(s): None
School Capacity/Enrolled: Cashwell Elementary: 803/655; South View Middle: 900/664; South View High: 1800/1775
Municipal Influence Area: Fayetteville
Special Flood Hazard Area (SFHA): No
Water/Sewer Availability: PWC/PWC
Soil Limitations: Yes, hydric – JT Johnston loam
Airport Overlay District – Yes, Impact Zone 6
Subdivision/Site Plan: If approved, site plan review required
Average Daily Traffic Count (2014): 17,000 on I-95 Business (Gillespie St)
Highway Plan: The subject property lies between Gillespie Street and Airport Road. Gillespie Street is identified in that area as a local road in the 2040 Metropolitan Transportation Plan with no constructions/improvements planned in that area. Airport Road is identified as an existing boulevard in the 2040 Metropolitan Transportation Plan with no constructions/improvements planned. The subject property will have no impact on the Transportation Improvement Plan.

Notes:

- Minimum Yard Setbacks:**

| | |
|------------------|-----------------|
| M(P) | C(P) |
| Front yard: 100' | Front yard: 50' |
| Side yard: 50' | Side yard: 30' |
| Rear yard: 50' | Rear yard: 30' |



SURROUNDNG LAND USE: Residential, motor vehicle rental, retail, storage building sales, manufactured home sales, manufactured home parts & supply, pest control, cemetery, bottled water distribution, trade school, motor vehicle storage yard & manufactured home park

COMPREHENSIVE PLANS: 2030 Growth Vision Plan: Urban; South Central Land Use Plan: Heavy commercial

STAFF RECOMMENDATION

APPROVE

APPROVE WITH CONDITIONS

DENY

FIRST MOTION

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

The staff recommends the board further find that approval of this rezoning is reasonable and in the public interest because the district requested for the subject property meets or exceeds the location criteria of the adopted Land Use Policies Plan, in that: *public water and sewer required*, PWC water and sewer is available; *should have minimum direct access to a collector street*, the subject property has access to Airport Road, which is a minor arterial street; *should not be in a predominantly residential, office & institutional, or light commercial area*, the area is predominantly zoned industrial and heavy commercial; *may be co-located with light industrial/manufacturing uses*; *must be located on a sufficient site that provides adequate area for buffering, screening, and landscaping*, subject property is located on 1.84+/- acres; and *is located within an Activity Node area*.

SECOND MOTION

In addition to the above information, the Planning and Inspections Staff recommends the board approve Case No. P17-27 for C(P) Planned Commercial based on the following:

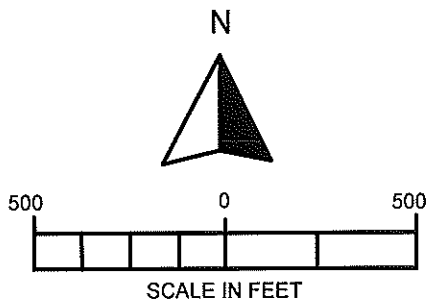
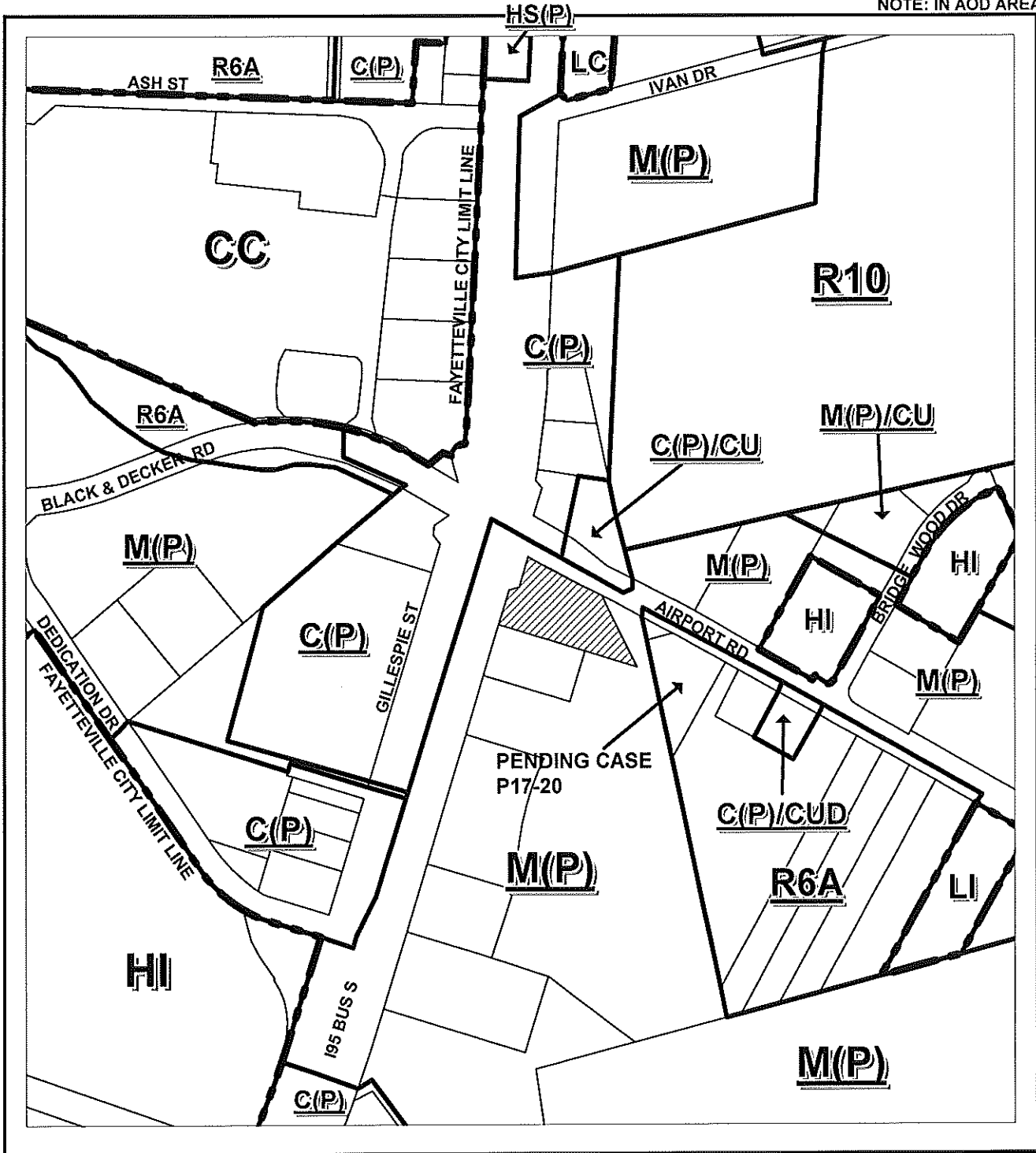
- The district requested will allow for land uses that exist in the general area; and
- If approved, will help ensure that a relatively large vacant non-residential structure is occupied.

OTHER SUITABLE DISTRICTS: None

ATTACHMENTS: SKETCH MAP

First Class and Record Owners' Mailed Notice Certification

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



REQUESTED REZONING M(P) TO C(P)

| | | | |
|----------------------|--------------|--------------------|--|
| ACREAGE: 1.84 AC.+/- | | HEARING NO: P17-27 | |
| ORDINANCE: COUNTY | HEARING DATE | ACTION | |
| STAFF RECOMMENDATION | | | |
| PLANNING BOARD | | | |
| GOVERNING BOARD | | | |

REQUEST
A1 & R40 TO R40

ACREAGE: 2.76+/-

APPLICANT/PROPERTY OWNER
JEFF & JUDY DEVORE (OWNERS)/ TIM EVANS (AGENT)

PROPERTY ADDRESS/LOCATION
SOUTHWEST SIDE OF SR 2233 (SCHOOL RD), WEST OF SR 2251 (YARBOROUGH RD)

Jurisdiction: **County**

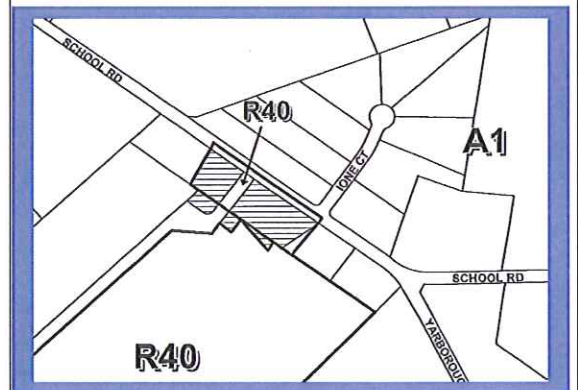
PROPERTY INFORMATION

Frontage & Location: 550'+/- on SR 2233 (School Rd)
Depth: 270'+/-
Adjacent Property: Yes
Current Use: Vacant
Initial Zoning: A1 – June 25, 1980 (Area 13); rezoned to A1 & R40 on May 19, 2014 (Case P14-14)
Nonconformities: None
Zoning Violation(s): None
School Capacity/Enrolled: Gray's Creek Elementary: 495/440; Gray's Creek Middle: 1100/1076; Gray's Creek High: 1270/1440
Special Flood Hazard Area (SFHA): No
Water/Sewer Availability: Well/septic
Soil Limitations: None
Subdivision/Site Plan: Part of approved site plan, see case 17-072
Watershed Review Officer: Watershed review and approval will be required
Average Daily Traffic Count (2014): 1,400 on SR 2233 (School Road)
Highway Plan: School Road is identified as an existing thoroughfare in the 2040 Metropolitan Transportation Plan with no constructions/improvements planned. The subject property will have no impact on the Transportation Improvement Plan.

Notes:

1. Density
 A1 – 1 lot/unit
 A1A – 2 lots/ 3 units
 R40 – 3 lots/units
2. Minimum Yard Setbacks:

| | |
|---------------------|-----------------|
| <u>A1 & A1A</u> | <u>R40</u> |
| Front yard: 50' | Front yard: 30' |
| Side yard: 20' | Side yard: 15' |
| Rear yard: 50' | Rear yard: 35' |
3. Request is intended to clean up zoning lines within approved subdivision



SURROUNDNG LAND USE: Residential, elementary school, community center, religious worship, salon, woodland & farm land

COMPREHENSIVE PLANS: 2030 Growth Vision Plan: Rural; South Central Land Use Plan: Farmland

STAFF RECOMMENDATION

APPROVE

APPROVE WITH CONDITIONS

DENY

FIRST MOTION

The Planning and Inspections Staff recommends the board find approval of the request is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for "rural" development 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 entirely consistent with the South Central Land Use Plan which calls for "farmland," the requested district would restrict development to approximately one acre lots where soil conditions are suitable for septic systems.

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.*

SECOND MOTION

In addition to the above information, the Planning and Inspections Staff recommends the board approve Case No. P17-28 for R40 Residential based on the following:

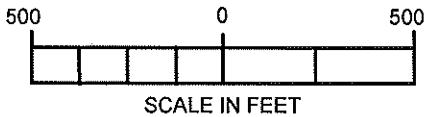
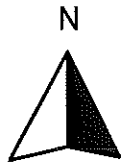
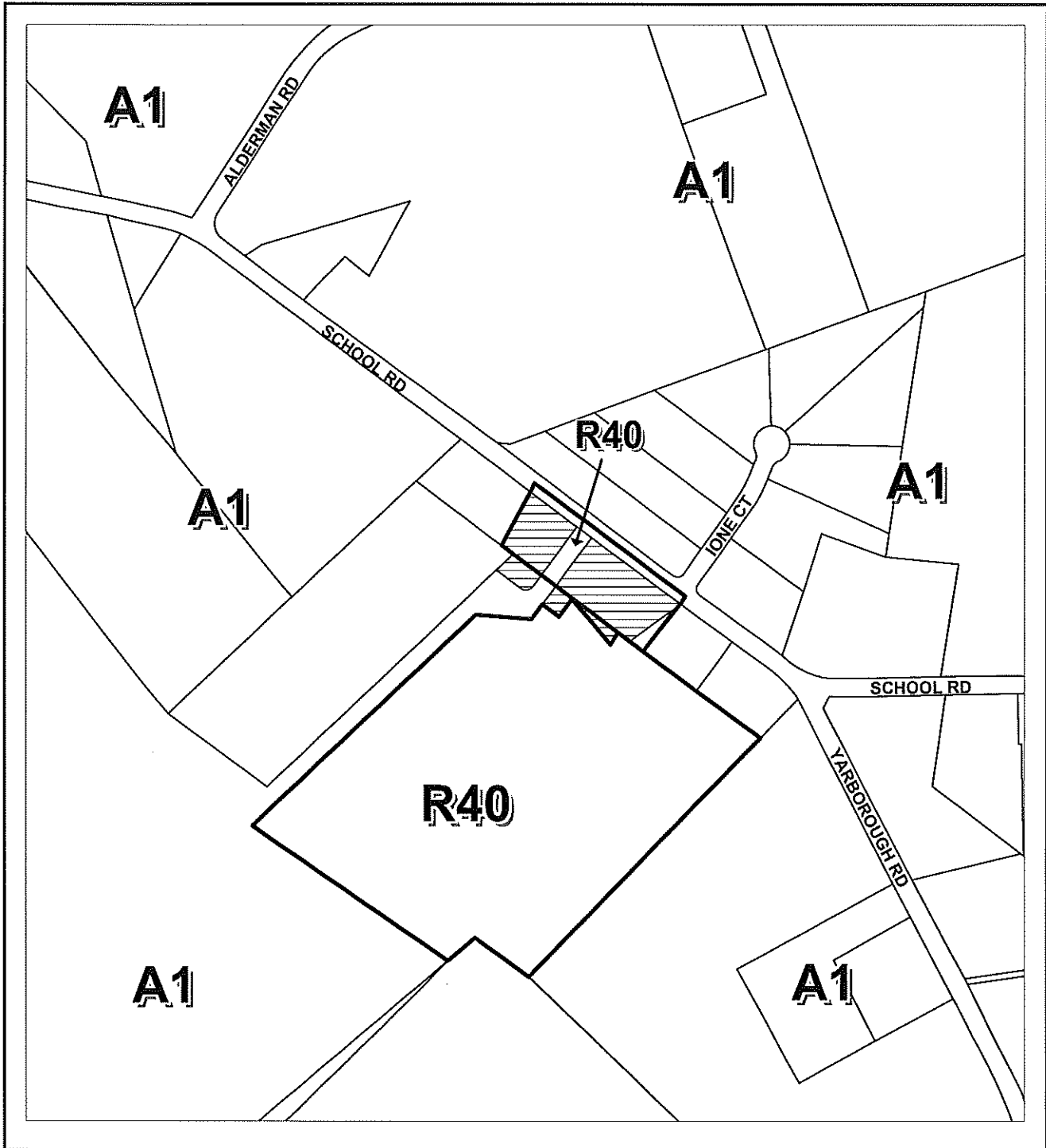
- The district requested will allow for land uses and lot sizes that exist in the general area.

OTHER SUITABLE DISTRICTS: A1A

ATTACHMENTS: SKETCH MAP

First Class and Record Owners' Mailed Notice Certification

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



PIN: 0441-04-6475, 4622

REQUESTED REZONING A1 & R40 TO R40

ACREAGE: 2.76 AC.+/-

HEARING NO: P17-28

ORDINANCE: COUNTY

HEARING DATE

ACTION

STAFF RECOMMENDATION

PLANNING BOARD

GOVERNING BOARD

REQUEST
R6 TO C1(P)/CZ FOR HAIR SALON & GENERAL
OFFICE SPACE

ACREAGE
.55+/-

APPLICANT/PROPERTY OWNER
NELL B. JACKSON (OWNER) / JOHN WHITE
(AGENT)

PROPERTY ADDRESS/LOCATION
3957 S MAIN ST

Jurisdiction: **HOPE MILLS**

PROPERTY INFORMATION

Frontage & Location: 157'+/- on NC HWY 59 (S Main St)

Depth: 149'+/-

Adjacent Property: No

Current Use: Residential

Initial Zoning: R6 – 1985 (Town of Hope Mills)

Nonconformities: Yes – existing building does not meet front yard setback

Zoning Violation(s): None

School Capacity/Enrolled: Baldwin Elementary: 790/716; Hope Mills Middle:
740/571; South View High: 1800/1775

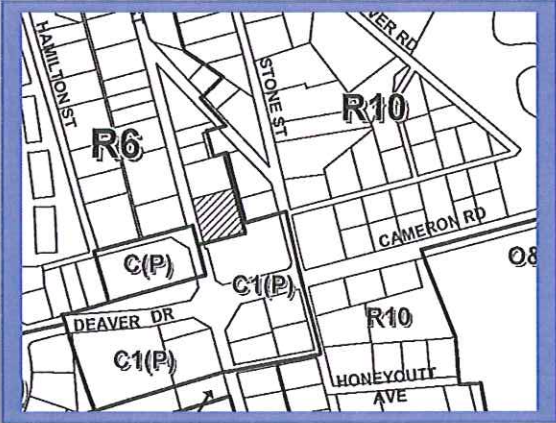
Special Flood Hazard Area (SFHA): No

Water/Sewer Availability: PWC/PWC

Soil Limitations: None

Average Daily Traffic Count (2014): 16,000 on NC HWY 59

Highway Plan: South Main Street is considered a thoroughfare needing
improvement in the 2040 Metropolitan Transportation Plan. Currently, there are no
constructions/improvements planned in the area of South Main Street. The subject
property will have no impact on the Transportation Improvement Plan



SURROUNDING LAND USE: Residential (including multi-family), retail sales, convenience store w/ gasoline (2), daycare & produce stand

COMPREHENSIVE PLANS: 2030 Growth Vision
Plan: Urban Southwest Cumberland Land Use
Plan: Mixed use development

Notes:

1. Density
R6 – 4 lots/ 5 units
2. Minimum Yard Setbacks:

| | |
|-----------------|-----------------|
| C1(P) | R6 |
| Front yard: 45' | Front yard: 25' |
| Side yard: 15' | Side yard: 10' |
| Rear yard: 20' | Rear yard: 30' |

STAFF RECOMMENDATION

APPROVE

APPROVE WITH CONDITIONS

DENY

FIRST MOTION

The Planning and Inspections Staff recommends the board approve Case No. P17-24 for C1(P) Planned Local Business/CZ Conditional Zoning for hair salon and office space based on the following:

- The applicant has voluntarily agreed to the Planning Board's request for changes to the site plan and application, to include retaining the historical nature of the exterior of the structure.

SECOND MOTION

The Planning and Inspections Staff recommends the board further find that approval of the request is consistent with the adopted 2030 Growth Vision Plan map, which calls for "urban" development, as well as generally consistent with the Southwest Cumberland Land Use Plan, which calls for "mixed use" development at this location.

The staff also recommends that the Town of Hope Mills consider adding this property, along with others in the area, to its Historic Preservation District to continue the work of preserving the town's historical architecture. This would aid the town in retaining the unique and quaint character of this portion of Main Street.

The applicant has agreed to the Ordinance Related Conditions.

OTHER SUITABLE DISTRICTS: None

ATTACHMENTS:

SKETCH MAP

SITE PLAN

APPLICATION

ORDINANCE RELATED
CONDITIONS

First Class and Record Owners' Mailed Notice Certification

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

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

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

1. Applicant/Agent John "JJ" White
2. Address: 4068 Ardenwoods Dr Zip Code 28306
3. Telephone: (Home) 910-423-6649 (Work) 910-818-4303
4. Location of Property: 3957 S Main St, Hope Mills NC 28348
5. Parcel Identification Number (PIN #) of subject property: 0414-62-7798
(also known as Tax ID Number or Property Tax ID)
6. Acreage: .55 Frontage: 156.97 Depth: 153.21
7. Water Provider: PWC Septage Provider: PWC
8. Deed Book 08410, Page(s) 152, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
9. Existing use of property: Residential
10. Proposed use(s) of the property: Hair Salon
Office space and or storage on second floor

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: R6

TO: (Select one)

- X Conditional Zoning District, with an underlying zoning district of C1(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.)

Hair Salon, Office Space, and Incidental Storage

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

See Site Plan

2. DIMENSIONAL REQUIREMENTS:

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

See Site Plan

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

See Site Plan

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.

See Site Plan

4. LANDSCAPE AND BUFFER REQUIREMENTS:

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

See Site Plan

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

See Site Plan

5. MISCELLANEOUS:

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

Days and Hours: 7 days a week, 14 hours per day

Employees: 14 employees for salon

Exterior Lighting: Outdoor motion detection lights

Noise: NA

Odor/Smoke: NA

Emission Controls: NA

Exterior will stay as is with exception of repairs and painting

6. SITE PLAN REQUIREMENTS:

Return option to restore balcony 4760 6/22/2017

Handwritten note: 4760 6/22/2017

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 County Planning Department a valid request within a complete application.

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

✓ **Nell B Jackson**

NAME OF OWNER(S) (PRINT OR TYPE)

✓ **3957 S Main Street, Hope Mills NC 28348**

ADDRESS OF OWNER(S)

E-MAIL

HOME TELEPHONE

WORK TELEPHONE

SIGNATURE OF OWNER(S)

SIGNATURE OF OWNER(S)

✓ **John "JJ" White**

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

✓ **4068 Ardenwoods Dr, Fayetteville NC 28306**

ADDRESS OF AGENT, ATTORNEY, APPLICANT

HOME TELEPHONE

WORK TELEPHONE

E-MAIL ADDRESS

FAX NUMBER

SIGNATURE OF AGENT, ATTORNEY, OR APPLICANT

C1(P) PLANNED LOCAL BUSINESS/CZ CONDITIONAL ZONING DISTRICT

DRAFT

Ordinance Related Conditions
for
Hair Salon & General Office Space

Pre- Permit Related:

1. The Town of Hope Mills has tree preservation provisions in their ordinance; the developer must contact Chancer McLaughlin, Hope Mills Town Planner concerning the removal of trees from this site prior to obtaining a tree removal permit.
2. Prior to application for any permits, the eight foot wide alley along the rear of the property must be formally closed. Contact the Town Clerk regarding street/alley closing requirements.

Permit-Related:

3. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the Hope Mills Zoning Ordinance and building/zoning permits required to place any structure within this development from the Hope Mills Inspection Department/Planning Department, in Town Hall at 5770 Rockfish Road. For additional information, the developer should contact a Town Planner.

Note: The developer is strongly encouraged to discuss their plans with the Town Building Inspector prior to commencement of this project, particularly as related to any improvements required for conversion of the structure from residential to non-residential use.

4. The Town's Plan Review Committee requirements must be complied with and in the event any significant changes to the site plan are necessary to satisfy the Plan Review Committee's requirements, re-submittal of the site plan may be required. The following comments were submitted by the town staff:
 - a. *Town of Hope Mills Storm Water Department:* Subject property is below 1 acre but all water must be captured on site.
 - b. *Town of Hope Mills Planning Department:* Although the 2030 Growth and Vision Land Use plan calls for Urban Development, the Southwest Cumberland Land Use Plan designates this property as Low Density Residential. As there is a residential structure on the site, staff does not support this request.
 - c. *Town of Hope Mills Public Works Department:* No Comment
 - d. *Town of Hope Mills Fire Department:* Fire code requires an all weatherized surface of 20 feet minimum around the entire facility. The current width does not meet these criteria so they will have to provide alternative means for fire protection. **Note: The applicant has modified the site plan to comply with this condition.**
5. Connection to public water and sewer is required, the Public Works Commission (PWC) must approve water and sewer plans prior to application for any permits. A copy of the PWC approval must be provided to the Hope Mills Inspections Department/Planning Department at the time of application for building/zoning permits. (Section 86A-406 (1), Public Water and Sewer Systems Hope Mills Subdivision Ordinance)
6. New development that will disturb one acre or more of land or is part of a larger common plan of development that will disturb one acre or more of land is subject to the Post-Construction Stormwater Management Permitting Program administered by the Hope Mills Stormwater Department. If one acre or more of land is to be disturbed, prior to the issuance of any building/zoning permits for this site a copy of the Town's Stormwater Management Permit must be provided to the Hope Mills Inspections Department/Planning Department.
7. For any new development, the developer must/may have to provide the Hope Mills Inspections Department/Planning Department with an approved NC Department of Environmental Quality (NCDEQ) sedimentation and erosion control plan (S&E) prior to any application for permits. (Note: If any retention/detention basins are required for state approval of this plan, then three copies of a revised plan must be submitted and approved by Planning & Inspections prior to application for any building/zoning permits.) A copy of the NCDEQ approval must be provided to the Hope Mills Town Inspections Department/Planning Department at the time of application for any building/zoning permits.
8. The developer must provide a site-specific address and tax parcel number to the Hope Mills Inspections Department/Planning Department at the time of building/zoning permit application.
9. Landscaping must be provided in accordance with Section 102A-1202(n), Landscaping, Hope Mills Zoning Ordinance and/as shown on the site plan. The following are the minimum standards for the required landscaping of this site:
 - a. Three large shade trees or nine small ornamental trees within the front yard setback area;
 - b. One small ornamental trees and 4 shrubs are required in the building yard area; and
 - c. One tree and six shrubs are required within the parking area.

In addition:

- a. Required plant materials shall be maintained by the property owner, including replacing dead or unhealthy trees and shrubs; and
 - b. All yard and planting areas shall be maintained in a neat, orderly, and presentable manner and kept free of weeds and debris.
10. Prior to the final inspection, a concrete, or other approved surface material, sidewalks are required to be constructed along NC HWY 59 (S Main Street). Contact Hector A Cruz-Alicea for sidewalk specifications and standards.
 11. Prior to the final inspection, installation of a fire hydrant most likely will be required to be constructed along NC HWY 59 (South Main Street). Contact the town's Fire Marshal to determine if required and the preferred location of the hydrant.
 12. A *Certificate of Occupancy* will not be issued until the Hope Mills Stormwater Department inspects the site and certifies that it has been developed in accordance with the approved drainage plans.
 13. A *Certificate of Occupancy* will not be issued until the Town Planner inspects the site and certifies that the site is developed in accordance with the approved plans.
 14. **Driveway Permit required.** Proposed development requires concurrent interdepartmental review.

Construction of any new connection or alteration of any existing connection may require an approved Driveway Permit. For additional information contact the NC Department of Transportation (NCDOT) Division 6 / District 2 office.

Change of use of subject properties shall require an approved Driveway Permit. 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.

Note: The developer must also contact the town's street department to determine if a separate driveway permit to be issued by the town is required.

Note: In the event both driveways are not approved by the NCDOT and/or the town staff as currently proposed, a revised site plan must be submitted for staff review and approval prior to application for any permits.

Site-Related:

15. All uses, dimensions, setbacks and other related provisions of the Hope Mills Subdivision Ordinance and Zoning Ordinance for the C1(P)/CZ zoning district for a beauty salon and general office, to include the contents of the application and site plan, must be complied with, as applicable.

Note: If/once approved, no additional uses can be permitted on the subject property without first obtaining a new rezoning.

Note: The applicant has voluntarily agreed to provide lateral access to the adjacent property to the north of the subject site. This access is intended to be opened and utilized only in the event the property to the north becomes a non-residential use at some point in the future.

Note: The applicant has voluntarily agreed that the only exterior changes will be to paint and make necessary repairs while maintaining the exterior appearance of the structure, in addition to possibly restore the balcony that was once located over the front portico.

16. This conditional approval is not approval of the permit for the freestanding sign. Attached signage for this development must be in accordance with the applicable sign regulations as set forth in Article XIV of the Hope Mills Zoning Ordinance and that the proper permit(s) must be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is **not** approval of the size, shape, or location of any signs.)
17. "NC HWY 59 (S Main St) must be labeled on all future plans.
18. A drainage permit from the Town of Hope Mills Stormwater Department is required for any development or redevelopment that will construct, alter, repair, relocate, or demolish any storm sewer natural watercourse, or other drainage facility. The standards used for the design and construction of all stormwater drainage structures and/or stormwater BMP facilities shall be in accordance with the "Town of Hope Mills Stormwater Design Standards", the Design Manual, and shall be subject to the requirements of Chapter 67 Article III.
19. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 86A-406(c), Underground utilities required, Hope Mills Subdivision Ordinance)
20. Turn lanes may be required by the Hope Mills Street Department and/or the NC Department of Transportation (NCDOT).
Note: The property owner most likely will be required to provide a copy of a recorded plat and deed conveying to the NCDOT that portion of the subject property located within or to be located within the right-of-way at the time of driveway permit application.
21. All lighting is required to be directed internally within this development and comply with the provisions of Section 102A-1202(m), Outdoor Lighting, Hope Mills Zoning Ordinance.

22. A solid buffer must be provided and maintained along the rear and side property lines where this tract/site abuts residential in accordance with the provisions of Section 102A-1202(g), Buffer Requirements, Hope Mills Zoning Ordinance. (Note: Chain link fencing cannot be used to satisfy the buffer requirement.)
23. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.
24. All required off-street parking spaces shall be a minimum of 9' x 20' and shall be surfaced, with a permanent material such as asphalt or concrete, and striped prior to application for the building final inspection. A minimum of 15 off-street parking spaces is required for this development. (Section 102A-1302, Off-street parking, Hope Mills Zoning Ordinance.)
25. The owner/developer is responsible and liable for maintenance and upkeep of this site, all structures, and appurtenances, to include ensuring that the site is kept free of litter and debris, all grass areas mowed, all buffers and shrubbery kept trim and maintained, so that the site remains in a constant state of being aesthetically and environmentally pleasing.

Other Relevant Conditions:

26. The applicant is advised to consult an expert on wetlands before proceeding with any development.
27. 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.
28. South Main Street is considered a thoroughfare needing improvement in the 2040 Metropolitan Transportation Plan. Currently, there are no constructions/improvements planned in that area of South Main Street. The subject property will have no impact on the Transportation Improvement Plan. For questions related to this comment, please contact Transportation Planning.
29. 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.
30. 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.

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

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

| | | | |
|----------------------------------|----------------------|----------------|--|
| Subdivision/Site Plan/Plat | Ed Byrne | 678-7609 | ebyrne@co.cumberland.nc.us |
| County Health Department: | Daniel Ortiz | 433-3680 | dortiz@co.cumberland.nc.us |
| Food & Lodging Env. Health: | Daniel Ortiz | 433-3680 | dortiz@co.cumberland.nc.us |
| PWC: | Joe Glass | 223-4740 | joe.glass@faypwc.com |
| Town of Hope Mills: | | 424-4555* | |
| Interim Town Clerk: | Debra Holland | | dholland@townofhopemills.com |
| Planner – Zoning Permits | Chancer McLaughlin | | cmclaughlin@townofhopemills.com |
| Chief Building Inspector: | David Reeves | | dreeves@townofhopemills.com |
| Stormwater/Flood Administrator: | Beth Brown | | eabrown@townofhopemills.com |
| Zoning Inspector: | David (Ray) Reeves | | dreeves@townofhopemills.com |
| Fire Marshal | Brett A. Ham | | baham@townofhopemills.com |
| Public Works – Streets/sidewalks | Hector A Cruz-Alicea | | hacruz@townofhopemills.com |
| US Postal Service | Jonathan R. Wallace | (704) 393-4412 | jonathan.r.wallace@usps.gov |
| Corp of Engineers (wetlands): | Liz Hair | (910) 251-4049 | hair@usacr.army.mil |
| NCDEQ (E&S): | Leland Cottrell | (910) 433-3393 | leland.cottrell@ncdenr.gov |
| US Fish & Wildlife Services | Susan Ladd Miller | (910) 695-3323 | susan_miller@fws.gov |
| Location Services: | | | |
| Site-Specific Address: | Ron Gonzales | 678-7616 | rgonzalez@co.cumberland.nc.us |
| Tax Parcel Numbers: | | 678-7549 | |
| NCDOT (driveways/curb-cuts): | Troy Baker | 364-0601 | tbaker@ncdot.gov |
| Transportation Planning: | Greg Shermeto | 678-7615 | gshermeto@co.cumberland.nc.us |
| N.C. Division of Water Quality: | Mike Randall | (919) 807-6374 | mike.randall@ncdenr.gov |

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

cc: Chancer McLaughlin, Town of Hope Mills

REQUEST
RR TO C(P)

ACREAGE: 10.00+/-

APPLICANT/PROPERTY OWNER
ADAM STEELHAMMER ON BEHALF OF CRAZY
WOMAN READINESS TRAINING FACILITY (OWNER)

PROPERTY ADDRESS/LOCATION
SOUTHWEST SIDE OF SR 2212 (DOC BENNETT
ROAD), NORTH OF CHARLES THIGPEN ROAD

Jurisdiction: **County**

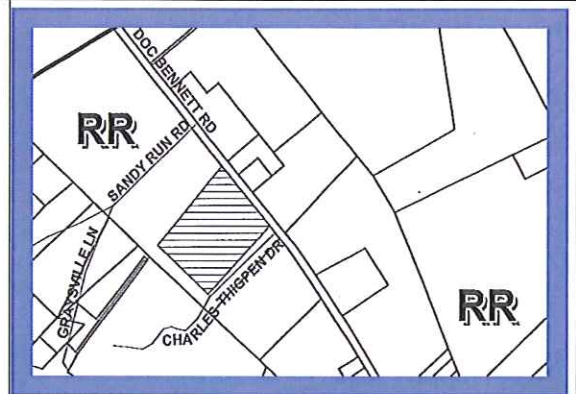
PROPERTY INFORMATION

Frontage & Location: 600'+/- on SR 2212 (Doc Bennett Rd)
Depth: 760'+/-
Adjacent Property: No
Current Use: Vacant
Initial Zoning: RR – March 15, 1979 (Area 6)
Nonconformities: None
Zoning Violation(s): None
School Capacity/Enrolled: Comments requested, none received
Sewer Service Area: Yes
Special Flood Hazard Area (SFHA): No
Water/Sewer Availability: PWC/Septic
Soil Limitations: None
Airport Overlay District: Yes, Impact Zone 6
Subdivision/Site Plan: If approved, site plan review required
Average Daily Traffic Count (2014): 1,600 on SR 2212 (Doc Bennett Road)
Highway Plan: Doc Bennett Road is identified as an existing thoroughfare in the 2040 Metropolitan Transportation Plan with no constructions/improvements planned. The subject property will have no impact on the Transportation Improvement Plan

Notes:

- Density (minus 15% for RW)
RR – 18 lots/ 19 units
- Minimum Yard Setbacks:

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



SURROUNDNG LAND USE: Residential (including manufactured homes) & woodland

COMPREHENSIVE PLANS: 2030 Growth Vision Plan: Urban; South Central Land Use Plan: Low Density Residential

STAFF RECOMMENDATION

APPROVE

APPROVE WITH CONDITIONS

DENY

FIRST MOTION

The Planning and Inspections Staff recommends the board find that while approval of the request could be found to be consistent with the adopted comprehensive plan designated as the 2030 Growth Vision Plan, which calls for "urban" at this location, it is recommended that the developer withdraw their request and apply for a Special Use Permit with the Board of Adjustment. This would allow the zoning district to remain the same while also removing the ability for additional commercial development. This would ensure that all ordinance related standards can be met and that there will be no deleterious effect on the surrounding area. In addition, the request is not consistent with the South Central Land Use Plan which calls for "low density residential".

The staff recommends the board further find that approval of this request is not reasonable or in the public interest because the district requested for the subject property does not generally meet or exceed the location criteria of the adopted Land Use Policies Plan in that: *public water and sewer required*, public sewer is not available; and *should not be in a predominantly residential, office & institutional, or light commercial area*, subject property is surrounded by residentially zoned areas.

SECOND MOTION

In addition to the above information, the Planning and Inspections Staff recommends the board deny Case No. P17-29 for C(P) Planned Commercial based on the following:

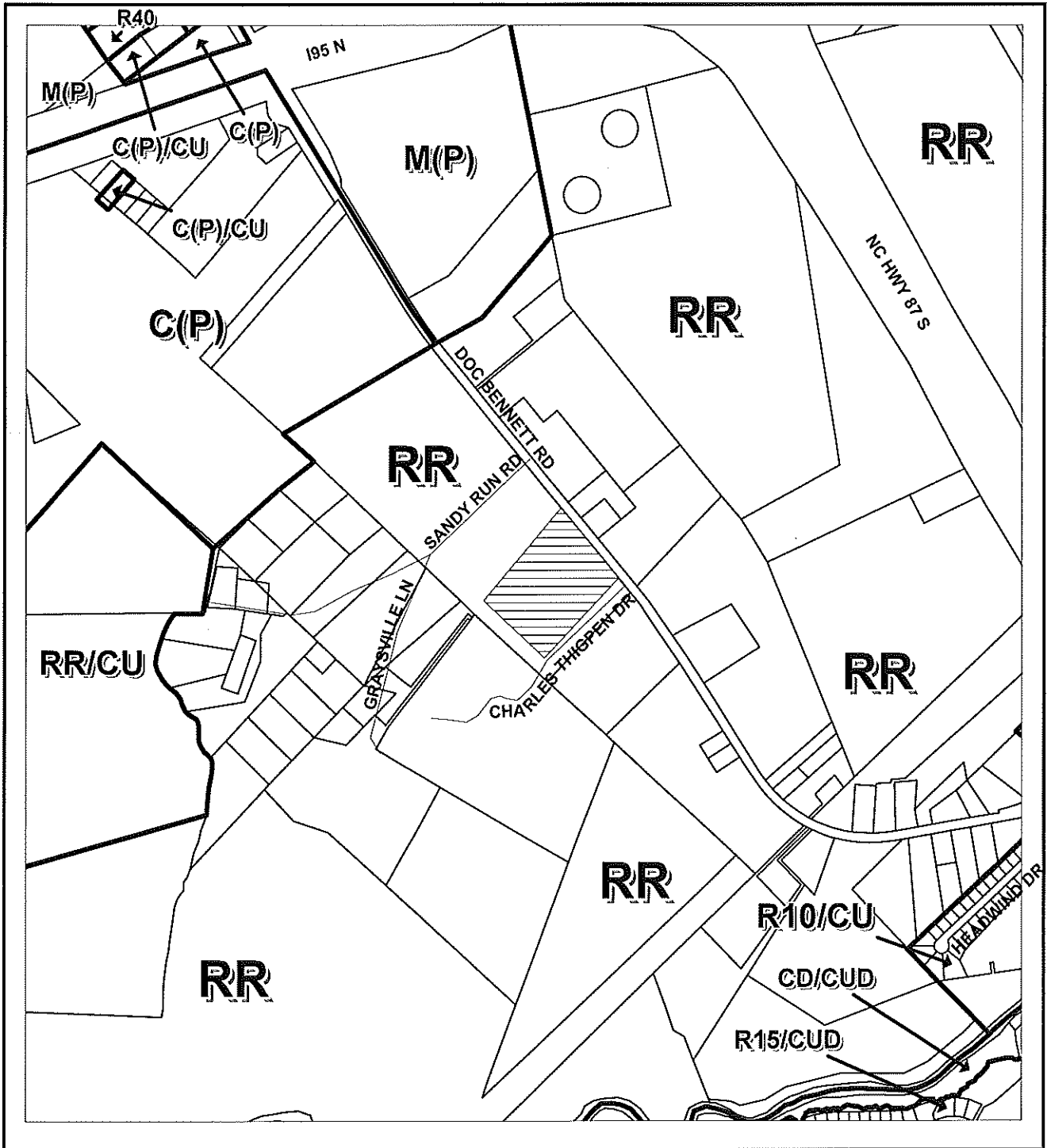
- The request is for a heavy commercial district on a very large tract in a predominantly residential area without a detailed site plan, which is cause for concern; and
- Approval of the request will not afford protective measures to be put in place as related to the airport.

OTHER SUITABLE DISTRICTS: None

ATTACHMENTS: SKETCH MAP

First Class and Record Owners' Mailed Notice Certification

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



N



1000 0 1000



SCALE IN FEET

PORT. OF PIN: 0444-12-4550

REQUESTED REZONING RR TO C(P)

| | | |
|------------------------------|---------------------------|---------------|
| ACREAGE: 10.00 AC.+/- | HEARING NO: P17-29 | |
| ORDINANCE: COUNTY | HEARING DATE | ACTION |
| STAFF RECOMMENDATION | | |
| PLANNING BOARD | | |
| GOVERNING BOARD | | |

REQUEST
A1 TO C2(P)/CZ FOR RETAILING

ACREAGE: 2.00+/-

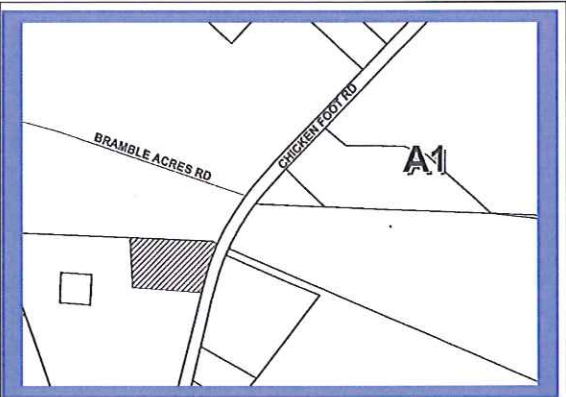
APPLICANT/PROPERTY OWNER
ROBERT L. BROCK (OWNER)/ ANDREW MERICLE,
ENGINEER (AGENT)

PROPERTY ADDRESS/LOCATION
WEST SIDE OF SR 2252 (CHICKEN FOOT ROAD),
SOUTH OF BRAMBLE ACRES ROAD

Jurisdiction: **County**

PROPERTY INFORMATION

Frontage & Location: 238' +/- on SR 2252 (Chicken Foot Rd)
Depth: 350' +/-
Adjacent Property: Yes
Current Use: Vacant
Initial Zoning: A1 – June 25, 1980 (Area 13)
Nonconformities: None
Zoning Violation(s): None
School Capacity/Enrolled: Gray's Creek Elementary: 495/440; Gray's Creek Middle: 1100/1076; Gray's Creek High: 1270/1440
Special Flood Hazard Area (SFHA): No
Water/Sewer Availability: Well/septic
Soil Limitations: None
Subdivision/Site Plan: If approved, Ordinance Related Conditions apply
Average Daily Traffic Count (2014): 3,100 on SR 2252 (Chicken Foot Road)
Highway Plan: Chicken Foot Road is considered an existing thoroughfare in the 2040 Metropolitan Transportation Plan with no constructions/improvements planned. The subject property will have no impact on the Transportation Improvement Plan



Notes:

1. Density
A1 – 1 lot/unit (2 units if non-residential uses)
2. Minimum Yard Setbacks:

| | |
|-----------------|-----------------|
| <u>C2(P)</u> | <u>A1</u> |
| Front yard: 50' | Front yard: 50' |
| Side yard: 30' | Side yard: 20' |
| Rear yard: 30' | Rear yard: 50' |

SURROUNDNG LAND USE: Residential (including manufactured homes), woodland, farmland & religious worship

COMPREHENSIVE PLANS: 2030 Growth Vision Plan: Rural; South Central Land Use Plan: Farmland

STAFF RECOMMENDATION

APPROVE

APPROVE WITH CONDITIONS

DENY

FIRST MOTION

The Planning and Inspections Staff recommends the board find that approval of the request for rezoning in Case No. P17-26 is not consistent with the adopted comprehensive plan designated as the 2030 Growth Vision Plan, which calls for "rural" development at this location. In addition, the request is not consistent with the South Central Land Use Plan which calls for "farmland".

The staff recommends the board further find that approval of this rezoning is not reasonable or in the public interest because of the lack of public water and sewer to serve the development. Additionally, this property is surrounded by agriculturally zoned land which is not conducive to larger scale commercial development.

SECOND MOTION

In addition to the above information, the Planning and Inspections Staff recommends the board deny Case No. P17-26 for C2(P)/CZ Conditional Zoning for convenience retailing based on the following:

- The property is not located in an Activity Node or a designated heavy commercial area.

Applicant has agreed to the Ordinance Related Conditions.

OTHER SUITABLE DISTRICTS: None

ATTACHMENTS:

SKETCH MAP

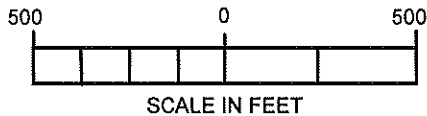
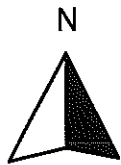
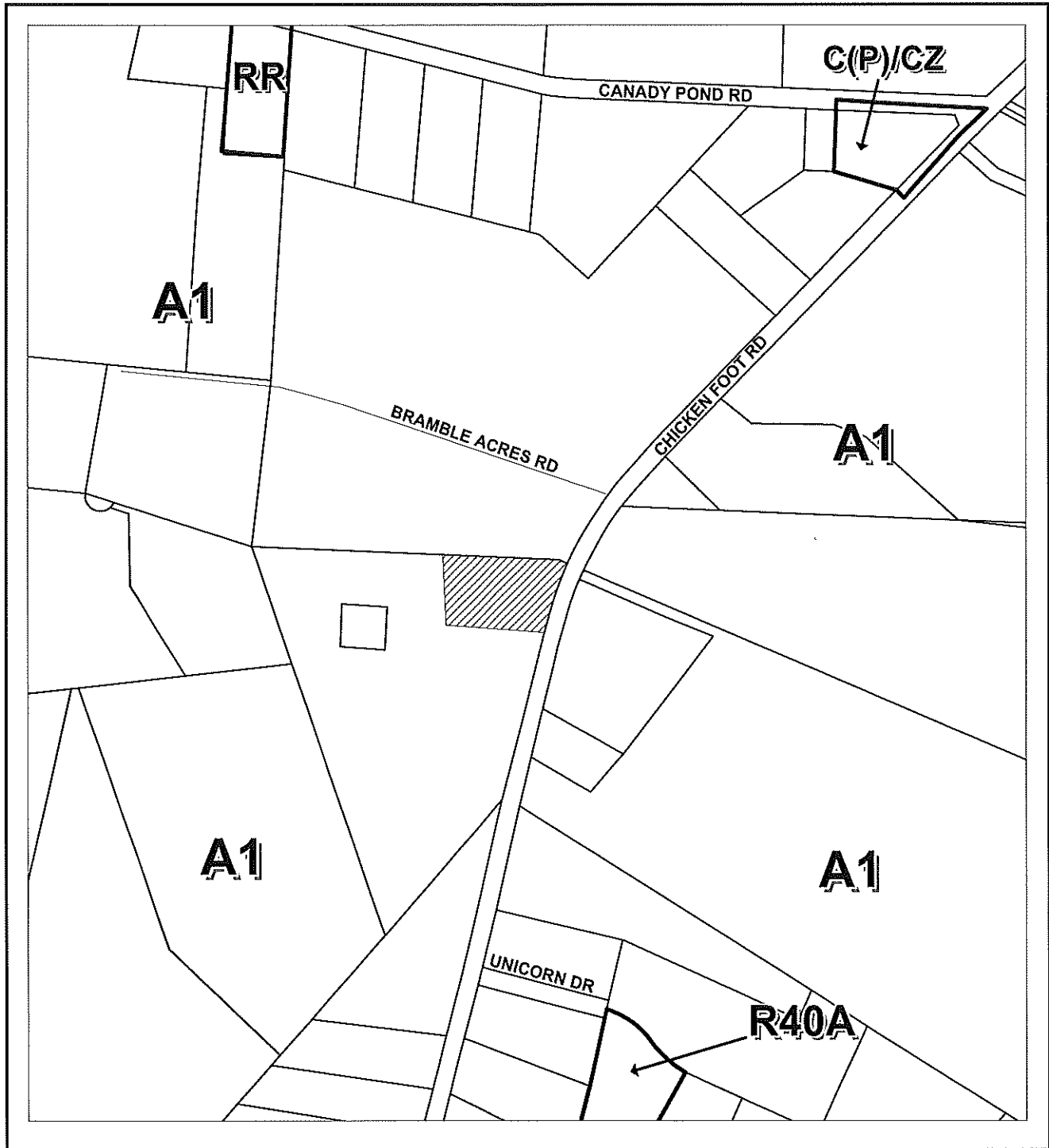
SITE PLAN

APPLICATION

ORDINANCE RELATED
CONDITIONS

First Class and Record Owners' Mailed Notice Certification

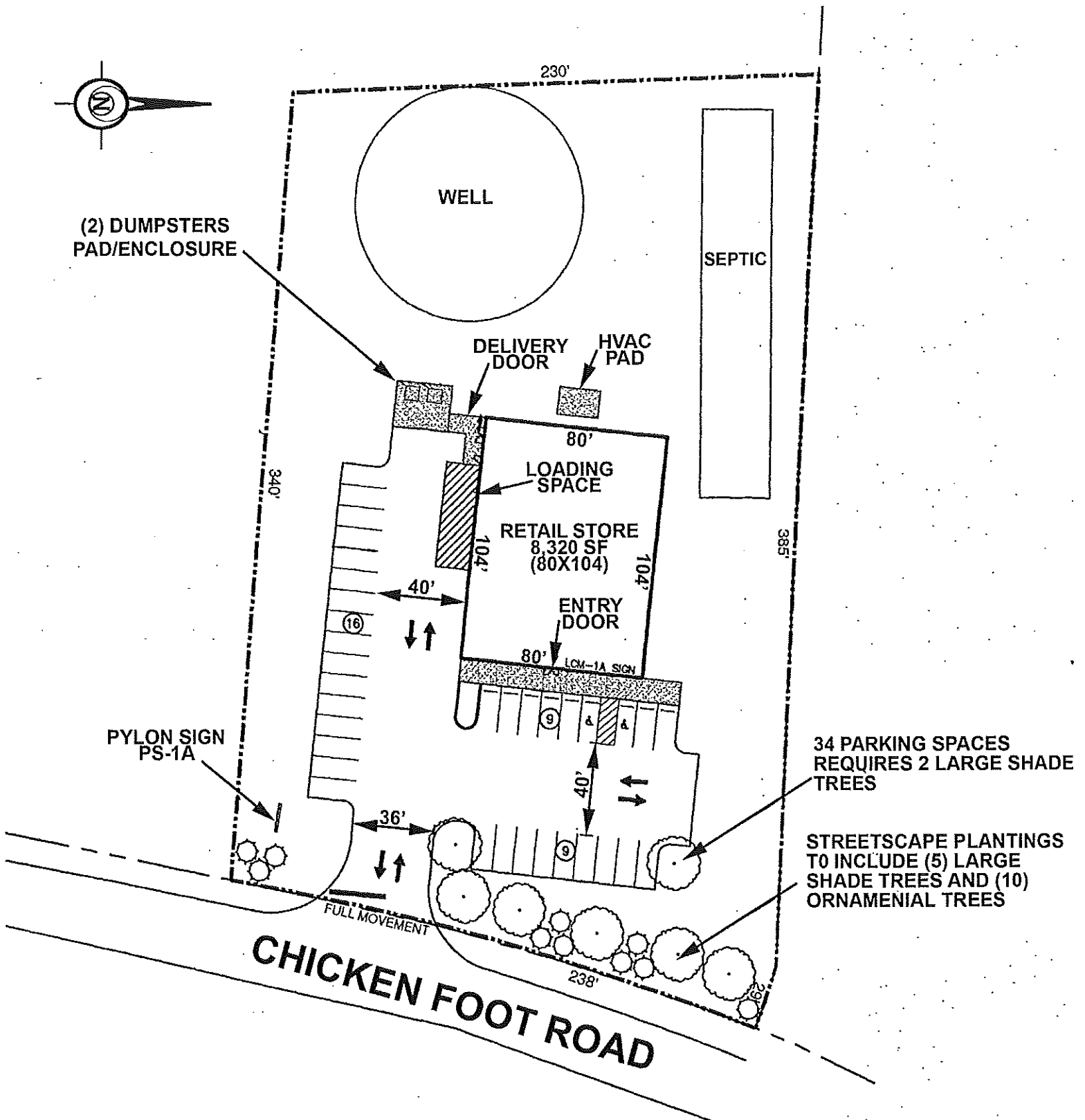
A certified copy of the listing with the tax record owner(s) of the subject and adjacent properties, along with their tax record mailing addresses, is contained within the case file and incorporated by reference as if delivered herewith.



PORT. OF PIN: 0420-97-1168

REQUESTED REZONING A1 TO C2(P)/CZ

| | | |
|-----------------------------|---------------------------|--------|
| ACREAGE: 2.00 AC.+/- | HEARING NO: P17-26 | |
| ORDINANCE: COUNTY | HEARING DATE | ACTION |
| STAFF RECOMMENDATION | | |
| PLANNING BOARD | | |
| GOVERNING BOARD | | |



**C(P) PLANNED COMMERCIAL/CZ CONDITIONAL ZONING
REQUEST: RETAILING**

CASE: P17-26 ACREAGE: 2.00 AC +/-

SCALE: NTS PARKING: 34 SPACES

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

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 ANDREW MERICLE, P.E. DRAPER ADEN ASSOCIATES
2. Address: 930 MAIN CAMPUS DRIVE STE 151 Zip Code 27606
3. Telephone: (Home) _____ (Work) 919-827-0864
4. Location of Property: IN BETWEEN BRAMBLE ACRES RD + UNICORN DR.
5. Parcel Identification Number (PIN #) of subject property: 0420-97-1168
(also known as Tax ID Number or Property Tax ID)
6. Acreage: 2.000 Frontage: 238 Depth: ≈ 350
7. Water Provider: WELL Septage Provider: SEPTIC TANK
8. Deed Book 09603, Page(s) 0302, 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: RETAIL STORE

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: A1

TO: (Select one)

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

APPLICATION FOR
CONDITIONAL ZONING

1. PROPOSED USE(S):

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

Retail

- 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.

N/A

2. DIMENSIONAL REQUIREMENTS:

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

per 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.

per site plan

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.

per 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.**

per site plan

- 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.**

none required

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.

✓ ROBERT L BROCK
NAME OF OWNER(S) (PRINT OR TYPE)

✓ 20514 WILD SPRINGS DRIVE, SAN ANTONIO TX 78258
ADDRESS OF OWNER(S)

N/A HOME TELEPHONE # N/A WORK TELEPHONE #

✓ ANDREW MERICLE
NAME OF AGENT, ATTORNEY, APPLICANT (PRINT OR TYPE)


✓ 930 MAIN CAMPUS DRIVE STE 151, RALIEGH NC 27606
ADDRESS OF AGENT, ATTORNEY, APPLICANT

AMERICLE@DAA.COM
E-MAIL

804-240-1911
HOME TELEPHONE #

919-827-0864
WORK TELEPHONE #


SIGNATURE OF OWNER(S)


SIGNATURE OF AGENT, ATTORNEY OR APPLICANT

SIGNATURE OF OWNER(S)

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

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

DRAFT

Ordinance Related Conditions
for
Retailing (Includes Subdivision)

Pre-Plat & Permit Related:

1. Prior to submission for final approval of the subdivided lot and/or prior to application for any permits, three copies of a revised plan must be submitted for review and approval. The revision must address the following:
 - a. Landscaping must be provided in accordance with Section 1102 N, Landscaping, County Zoning Ordinance and/as shown on the site plan. The following are the minimum standards for the required landscaping of this site:
 - (1) Five large shade trees or 10 small ornamental trees within the front yard setback area along SR 2252(Chicken Foot Road);
 - (2) Two ornamental trees and 16 shrubs are required in the building yard area; and
 - (3) Two large shade trees or 4 small ornamental trees are required within the parking area.

In addition:

- (1) Required plant materials shall be maintained by the property owner, including replacing dead or unhealthy trees and shrubs; and
 - (2) All yard and planting areas shall be maintained in a neat, orderly, and presentable manner and kept free of weeds and debris.
- b. All required off-street parking spaces are required to be a minimum of 9' x 20'; a minimum of 36 off-street parking spaces is required for this development based on the typical net retail square footage area for the building type and size.
 - c. Lateral access must be reflected on the final plat, allowing for the potential of future access to the adjacent properties on each side of the subject lot. *(Also see related Condition No. 24 below.)*

Watershed-Related:

2. An application for watershed approval 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. (Note: This approval may require additional conditions restricting the development of this property.) 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.
3. Prior to application for the building final inspection, a Watershed Occupancy Permit must be issued for each lot/tract within this development.

Permit-Related:

4. 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.
5. 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)

6. At the time of application for permits, the developer must provide to Code Enforcement approval from the entity that owns and/or regulates the type water and sewer serving the proposed development.
7. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
8. 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.
9. 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.
10. The building final inspection cannot be accomplished until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans.
11. **Driveway Permit is required.** 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.

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

Site-Related:

12. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Development Ordinance and Zoning Ordinances for the C2(P)/CZ zoning district for a retail store, to include the contents of the application and the site plan, must be complied with, as applicable.
13. This conditional approval is not approval of the permit for the freestanding sign. Attached signage for this development must be in accordance with the applicable sign regulations as set forth in Article XIII of the County Zoning Ordinance and that the proper permit(s) must be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is **not** approval of the size, shape, or location of any signs.)
14. "Chicken Foot Road" must be labeled as "SR 2252 (Chicken Foot Road)" on all future plans.
15. For any new development, an adequate drainage system must be installed by the developer in accordance with the NC Department of Environmental Quality (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. 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.
19. Turn lanes may be required by the NC Department of Transportation (NCDOT).

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

20. 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.
21. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.
22. A minimum of one off-street loading spaces(s) measuring 12' x 25' with 14' overhead clearance must be provided for the retail area.

Plat-Related:

23. "Chicken Foot Road" must be labeled as "SR 2252 (Chicken Foot Road)" on the final plat.
24. A lateral access easement must be reflected on the final plat with the easement allowing for future potential access to the properties on each side of the subject lot in the event the adjacent properties become commercial uses at some point in the future. *(Also see related Condition No. 1.c above.)*
25. Any/All easements must be reflected on the final plat and labeled as to type of easement, reference number for document creating the easement, and the name of the agency, individual, etc. who holds the easement.
26. Chicken Foot Road is considered an existing thoroughfare in the 2040 Metropolitan Transportation Plan with no constructions/improvements planned. The subject property will have no impact on the Transportation Improvement Plan. For questions related to this comment, please contact Transportation Planning.
27. 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)
28. 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:

29. 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."

30. 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.”

31. 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:

32. The applicant is advised to consult an expert on wetlands before proceeding with any development.
33. An internal street system most likely will be required to serve any future divisions of the parent tract. **Prior to submission for approval of any additional lots and/or units, the property owner must submit two copies of an overall sketch plan to Land Use Codes.** This overall sketch must at a minimum show proposed curb cut locations as well as all potential future lots.
34. 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.
35. 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.
36. The developer’s subsequent application for permits upon receipt of these conditions of approval constitutes the developer’s understanding and acceptance of the conditions of approval for this development.
37. This conditional approval is not to be construed as all encompassing of the applicable rules, regulations, etc. which must be complied with for any development. Other regulations, such as building, environmental, health and so forth, may govern the specific development. The developer is the responsible party to ensure full compliance with all applicable Federal, State, and local regulations.
38. 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 choosing Cumberland County for your business location!

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

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

| | | | |
|-------------------------------|---------------------|----------------|--|
| Watershed Review Officer: | Jeff Barnhill | 678-7765 | jbarnhill@co.cumberland.nc.us |
| Subdivision/Site Plan/Plat | Ed Byrne | 678-7609 | ebyrne@co.cumberland.nc.us |
| Code Enforcement (Permits): | Scott Walters | 321-6654 | swalters@co.cumberland.nc.us |
| County Health Department: | Daniel Ortiz | 433-3680 | dortiz@co.cumberland.nc.us |
| Ground Water Issues: | Daniel Ortiz | 678-7625 | dortiz@co.cumberland.nc.us |
| County Public Utilities: | Amy Hall | 678-7637 | ahall@co.cumberland.nc.us |
| US Postal Service | Jonathan R. Wallace | (704) 393-4412 | jonathan.r.wallace@usps.gov |
| Corp of Engineers (wetlands): | Liz Hair | (910) 251-4049 | hair@usacr.army.mil |
| NCDEQ (E&S): | Leland Cottrell | (910) 433-3393 | leland.cottrell@ncdenr.gov |
| US Fish & Wildlife Services | Susan Ladd Miller | (910) 695-3323 | susan_miller@fws.gov |
| Location Services: | | | |
| Site-Specific Address: | Ron Gonzales | 678-7616 | rgonzalez@co.cumberland.nc.us |

| | | | |
|---------------------------------|------------------|----------------|--|
| Street Naming/Signs: | Diane Shelton | 678-7665 | nameit2@co.cumberland.nc.us |
| Tax Parcel Numbers: | | 678-7549 | |
| NCDOT (driveways/curb-cuts): | Troy Baker | 486-1496 | tlbaker@ncdot.gov |
| NCDOT (subdivision roads): | Earl C. Locklear | 486-1496 | elocklear@ncdot.gov |
| Transportation Planning: | Greg Shermeto | 678 7615 | gshermeto@co.cumberland.nc.us |
| N.C. Division of Water Quality: | Mike Randall | (919) 807-6374 | mike.randall@ncdenr.gov |