

Charles Morris,
Chair
Town of Linden

Diane Wheatley,
Vice-Chair
Cumberland County

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

Vacant
Wade, Falcon & Godwin



CUMBERLAND
COUNTY
NORTH CAROLINA

Planning & Inspections Department

Joel Strickland,
Acting 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

December 18, 2018
7:00 P.M.

- I. INVOCATION AND PLEDGE OF ALLEGIANCE
- II. APPROVAL OF/ADJUSTMENTS TO AGENDA
- III. PUBLIC HEARING DEFERRALS WITHDRAWALS
- IV. ABSTENTIONS BY BOARD MEMBERS
- V. POLICY STATEMENT REGARDING PUBLIC HEARING TIME LIMITS
- VI. APPROVAL OF THE MINUTES OF NOVEMBER 20, 2018
- VII. PUBLIC HEARING CONSENT ITEMS

CONDITIONAL ZONING CASES

- A. **P18-16.** REZONING OF 2.56+/- ACRES FROM R6A RESIDENTIAL & CD CONSERVANCY DISTRICT TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT THE NORTHWEST QUADRANT OF THE INTERSECTION OF SR 1118 (PARKTON ROAD) & NC 59 (SOUTH MAIN STREET), SOUTH OF ROCKFISH CREEK; SUBMITTED BY DAVID MCMILLAN (OWNER) & LORI S. EPLER ON BEHALF OF LARRY KING & ASSOCIATES (AGENT). **(Applicant has modified request to rezone 95.72+/- acres to MXD Mixed Use Development/CZ Conditional Zoning)** (HOPE MILLS & COUNTY)

CASE HEADING HAS CHANGED

- B. **P18-37.** REZONING OF 29.89+/- ACRES FROM A1 AGRICULTURAL TO R40 RESIDENTIAL/CZ CONDITIONAL ZONING FOR A 20 LOT SUBDIVISION OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE WEST SIDE OF SR 1826 (WADE STEDMAN ROAD), SOUTH OF SR 1825 (DEERSTAND ROAD); SUBMITTED BY ERNEST A. BUNCE JR. (OWNER) & MIKE ADAMS ON BEHALF OF M.A.P.S. SURVEYING INC. (AGENT).

REZONING CASES

- C. **P18-48.** REZONING OF 42.02+/- ACRES FROM A1 AGRICULTURAL & CD CONSERVANCY DISTRICT TO R40 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE SOUTHWEST SIDE OF SR 2243 (ROSLIN FARM ROAD), EAST OF I-95; SUBMITTED BY CHRISTOPHER CATES ON BEHALF OF ROSLIN FARMS WEST, LLC (OWNER) & JAMES M. KIZER JR., PE ON BEHALF OF MOORMAN, KIZER & REITZEL, INC. (AGENT).

- D. **P18-49.** REZONING OF 4.88+/- ACRES FROM RR RURAL RESIDENTIAL & R10 RESIDENTIAL TO R5 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE NORTH SIDE OF SR 1003 (CAMDEN ROAD), EAST OF BROWN ROAD; SUBMITTED BY KYUNGSOOK JANG ON BEHALF OF SPRINGS PROPERTY MANAGEMENT, LLC (OWNER) & JEFFREY W. WRIGHT (AGENT).

VIII. PUBLIC HEARING CONTESTED ITEMS

TEXT AMENDMENT

CASE HEADING HAS CHANGED

- E. **P18-44.** REVISION AND AMENDMENT TO THE HOPE MILLS SUBDIVISION ORDINANCE AMENDING ARTICLE IV DEVELOPMENT IMPROVEMENT AND DESIGN STANDARDS, SECTION 86A-403. MINIMUM LOT STANDARDS, SUB-SECTION F. LOTS INTENDED FOR COMMERCIAL AND INDUSTRIAL USES; AND SECTION 86A-405. SIDEWALKS AND WALKWAYS, SUB-SECTION A. SIDEWALKS AND WALKWAYS REQUIRED; AND REVISION AND AMENDMENT TO THE HOPE MILLS ZONING ORDINANCE AMENDING ARTICLE XV PLANNED DISTRICTS, SECTION 102A-1502. DETAILED SITE PLAN SPECIFICATIONS; AND SECTION 102A-1503. SITE PLAN REVIEW; AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE. (HOPE MILLS)

CONDITIONAL ZONING CASE

- F. **P18-35.** REZONING OF 21.56+/- ACRES FROM M(P) PLANNED INDUSTRIAL TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON BOTH SIDES OF LAZY ACRES STREET, EAST OF SR 2341 (CLAUDE LEE ROAD); SUBMITTED BY JOHN LEE, FRED LEE, JR. AND JAMES LEE (OWNERS) & JAMES C. ROBINSON (AGENT). **(Applicant has modified request to RR Rural Residential/CZ Conditional Zoning for a recreational vehicle park and/or campground)**

REZONING CASES

- G. **P18-46.** REZONING OF 3.00+/- ACRES FROM R10 RESIDENTIAL & CD CONSERVANCY DISTRICT TO R6A RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 5187 & 5175 LAKEWOOD DRIVE, SUBMITTED BY WAREES & ASUMPTER WAREES (OWNERS).
- H. **P18-50.** REZONING OF .47+/- ACRES FROM A1 AGRICULTURAL TO R6A RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 315 JOHN B CARTER ROAD; SUBMITTED BY MARY K. WHITTED, BRENDA WILLIAMS, DEBORAH WRIGHT, DELLA W. PERKINS & BETTY JAMES ON BEHALF OF LILLIE MAE WHITTED HEIRS (OWNER).

XI. DISCUSSION

XII. ADJOURNMENT

REQUEST
R6A, R10 & CD to MXD/CZ

ACREAGE: **95.72+/-**

PROPERTY OWNER/APPLICANT
DAVID McMILLAN (OWNER) & LORI S. EPLER ON
BEHALF OF LARRY KING & ASSOCIATES (AGENT)

PROPERTY ADDRESS/LOCATION

**Both sides of SR 1118 (Parkton Rd),
southwest side of NC 59 (South Main St)**

Jurisdiction: **Hope Mills & County**

PROPERTY INFORMATION

Frontage & Location: 930'+/- on NC Hwy 59 (S Main St); 2,460'+/- on SR 1118 (Parkton Road); 840'+/- on SR 1123 (Jefferson St)

Depth: 1020'+/-

Adjacent Property: None

Current Use: Vacant

Municipal Influence Area: Hope Mills (County portion)

Town of Hope Mills: Comments requested, none received

Initial Zoning: R6A, R10 & CD – February 3, 1977 (Area 7)

Nonconformities: None

Zoning Violation(s): None

School Capacity/Enrolled: Comments requested, none received

Special Flood Hazard Area (SFHA): Yes

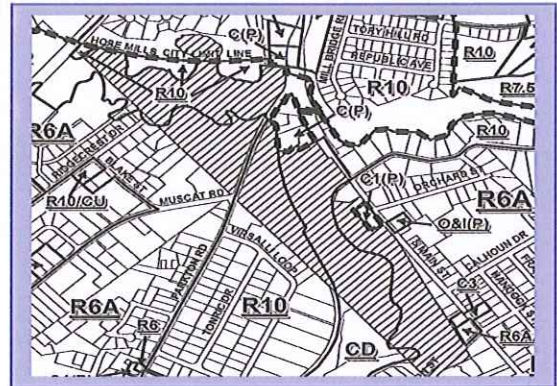
Water/Sewer Availability: PWC/PWC

Soil Limitations: Yes – Hydric: JT (Johnston loam) & Pa (Pactolus Loamy Sand); Hydric Inclusion: Ly (Lynchburg sandy loam)

Subdivision/Site Plan: See Ordinance Related Conditions

Average Daily Traffic County (2016): 7,600 on SR 1118 (Parkton Road); 14,000 on NC Hwy 59 (S Main St)

Highway Plan: South Main Street and Parkton Road are both identified as recommended thoroughfares in the 2040 Metropolitan Transportation Plan. South Main Street is planned in the State Transportation Improvement Plan as U-6001, a widening project from SR 1243 (Shipman Road) to NC 59 (S Main Street) with Right-of-Way acquisition starting in 2020.



SURROUNDING LAND USE: Residential [including manufactured homes and manufactured home park(2)], medical office (2), convenience retail with gasoline sales, public utility substation (2), retailing & servicing, religious worship facility, barbering & hairdressing salon, general office, motor vehicle sales

COMPREHENSIVE PLANS:
2030 Growth Vision Plan: Urban & Urban Fringe
Southwest Cumberland Land Use Plan (2013): Open Space, Suburban Residential, Mixed Use Development, Medium Density Mixed Housing

Notes:

1. **Density (minus 15% for r/w)**

R10- 472 lots/473 units
R6A- 884 lots/885 units
MHP- 765 units

2. **Minimum Yard Setbacks:**

	CD	R6A	R10(R7.5)
Front yard:	50'	25'	30'
Side yard:	50'	10'	10'
Rear yard:	50'	15'	35'

3. The property owner has agreed to all ordinance related conditions.

STAFF RECOMMENDATION

APPROVAL

APPROVAL WITH CONDITIONS

DENIAL

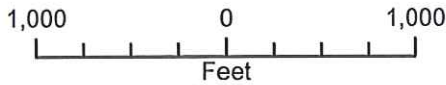
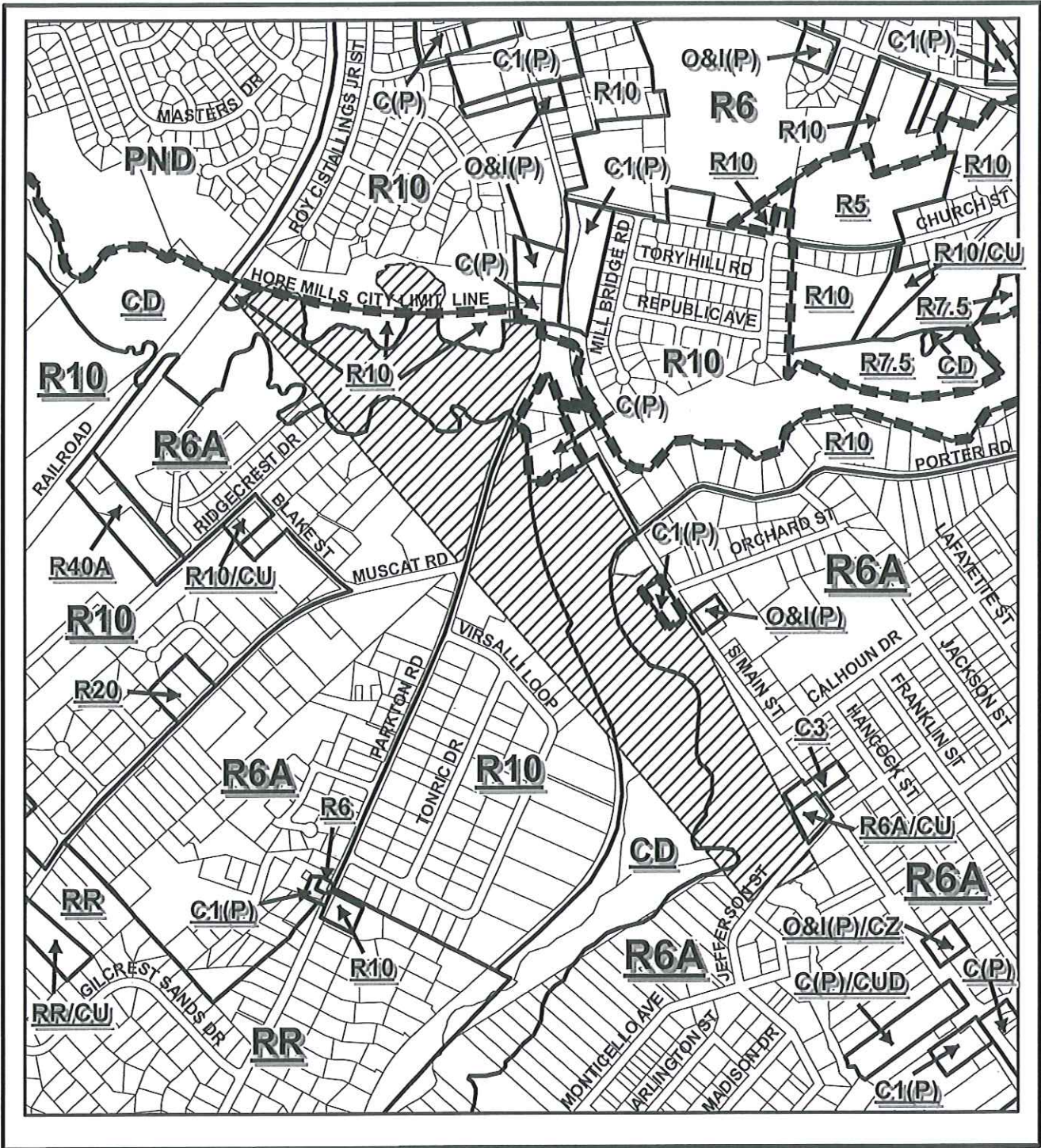
In Case P18-16, the Planning and Inspections Staff recommends approval of the rezoning from R6A Residential, R10 Residential & CD Conservancy District to MXD Mixed Use Development/CZ Conditional Zoning except for that portion located within the Special Flood Hazard Area and Floodway to be zoned CD Conservancy District subject to the conditions within our packet and find this recommendation to be generally consistent with the Southwest Cumberland Land Use Plan (2013) which calls for "open space, suburban residential, mixed use development, and medium density mixed housing", the "mixed use development" designation allows for residential uses and further find approval of the request is reasonable and in the public interest because the district requested will require public utilities to be extended to an area not currently served and the submitted site plan shows a density in harmony with the surrounding existing zoning and land uses while preserving existing conditions in the Conservancy District.

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.

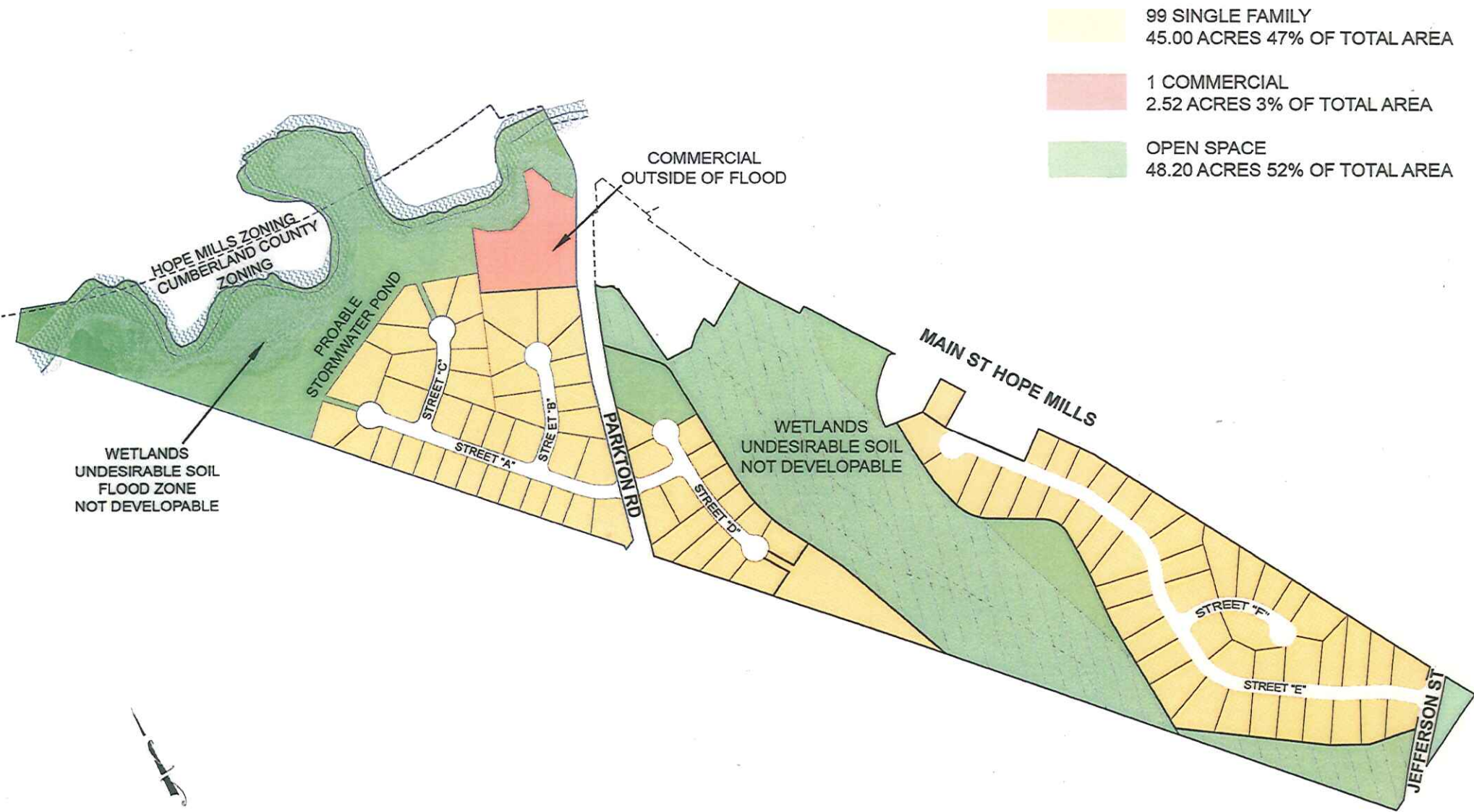


PIN: 0414-50-9242

REQUESTED REZONING R6A, R10 & CD TO MXD/CZ

ACREAGE: 95.72 AC. +/-	HEARING NO: P18-16	
ORDINANCE: COUNTY/HOPE MILLS	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

MB
12/4/18



MXD MIXED USE DEVELOPMENT/CZ CONDITIONAL ZONING

REQUEST: REZONING R6A, R10 AND CD TO MXD/CZ

CASE: P18-16 ACREAGE: 95.72 AC +/-

SCALE: NTS

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

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 ROBERT STAFFORD/AGENT
2. Address: 246 VALLEYFIELD LN, SOUTHERN PINES, NC Zip Code 28371
3. Telephone: (Home) 910.263.0919 CELL _____ (Work) 910.692.9808
4. Location of Property: WEST OF S. MAIN ST., NORTH OF PARKTON RD., SOUTH OF PARKTON RD., NORTH OF JEFFERSON ST. AND SOUTH OF JEFFERSON ST.
5. Parcel Identification Number (PIN #) of subject property: 0414-50-9242
(also known as Tax ID Number or Property Tax ID)
6. Acreage: 95.72 ACRES Frontage: VARIES Depth: VARIES
7. Water Provider: PWC Septage Provider: PWC
8. Deed Book 5740, Page(s) 0877, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
9. Existing use of property: VACANT
10. Proposed use(s) of the property: SINGLE FAMILY RESIDENTIAL AND COMMERCIAL

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: R6A, CD, R10

TO: (Select one)

- _____ Conditional Zoning District, with an underlying zoning district of _____
(Article V)
- x _____ 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.)

2.52 ACRES COMMERCIAL
45 ACRES SINGLE FAMILY RESIDENTIAL
48.2 ACRES OPEN SPACE (INCLUDING STREAMS, GREENWAY AND CD AREA)

- 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.

95.72 (PER TAX RECORDS) / 100 LOTS = 0.96 ACRES PER UNIT

2. DIMENSIONAL REQUIREMENTS:

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

PROPOSED SETBACKS:
FRONT - 30 FEET
SIDE - ZERO LOT LINE ON INTERIOR, 10 FEET ON PERIFERY BOUNDARY
REAR - ZERO LOT LINE ON INTERIOR, 35 FEET ON PERIFERY

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

ALL OFF STREET PARKING AND LOADING FOR THE COMMERCIAL TRACT WILL BE IN ACCORDANCE WITH THE ORDINANCE.

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.

ALL SIGNAGE WILL BE IN ACCORDANCE WITH THE ORDINANCE.

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.**

LANDSCAPING WILL BE DONE IN ACCORDANCE WITH THE APPLICABLE ORDINANCE. NO SITE PLAN FOR THE COMMERCIAL TRACT AVAILABLE BUT WILL GO THROUGH THE APPROPRIATE REVIEW PROCESS AT THE TIME OF INCEPTION.

- 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.**

BUFFERS WILL BE INSTALLED ACCORDING TO THE APPLICABLE ORDINANCE REQUIREMENTS.

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.

NOT AVAILABLE AT THIS TIME. SPECIFICS WILL BE REVIEWED UPON SUBMITTAL OF THE COMMERCIAL SITE PLAN.

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.

DAVID B McMILLAN

NAME OF OWNER(S) (PRINT OR TYPE)

PO BOX 218, PARKTON, NC 28371

ADDRESS OF OWNER(S)

BOB - 910.692.9808

HOME TELEPHONE #

WORK TELEPHONE #

LARRY KING & ASSOCIATES, R.L.S., P.A.

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

PO BOX 53787, FAYETTEVILLE NC 28305

ADDRESS OF AGENT, ATTORNEY, APPLICANT

STAFFLAND1 @ EARTHLINK.NET AND LEPLER@LKANDA.COM

E-MAIL

HOME TELEPHONE #

910.483.4300

WORK TELEPHONE #

SIGNATURE OF OWNER(S)

Lou S. Epler
SIGNATURE OF AGENT, ATTORNEY OR APPLICANT

SIGNATURE OF OWNER(S)

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

7. STATEMENT OF ACKNOWLEDGMENT:

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

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

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

Betsy Corney AIF David B. McMillan
NAME OF OWNER(S) (PRINT OR TYPE)

PO Box 218 Parkton NC 28371
ADDRESS OF OWNER(S)

meinc3701@yahoo.com
E-MAIL

910-237-0998
HOME TELEPHONE

910-237-6443
WORK TELEPHONE

Betsy Corney AIF
SIGNATURE OF OWNER(S)

David B. McMillan
SIGNATURE OF OWNER(S)

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

ADDRESS OF AGENT, ATTORNEY, APPLICANT

HOME TELEPHONE

WORK TELEPHONE

E-MAIL ADDRESS

FAX NUMBER

SIGNATURE OF AGENT, ATTORNEY, OR APPLICANT

MXD MIXED USE DEVELOPMENT/CZ CONDITIONAL ZONING DISTRICT

DRAFT

Ordinance Related Conditions

for

Open Space, Commercial, and 99 Single-Family Residential Dwellings

Pre- Permit Related:

1. Prior to any development on the commercial portion of this Mixed Use Development, the developer must submit three copies of a site plan for staff review and approval; the revised plans must include:
 - a. Landscaping provided in accordance with the provisions in Section 1102.N, Landscaping, County Zoning Ordinance;
 - b. Location of all freestanding signs reflected on the site plan in accordance with provisions in Article XIII, Sign Regulations, County Zoning Ordinance;
 - c. Off-street parking in accordance with the provisions in Section 1202, Off-Street Parking, County Zoning Ordinance;
 - d. A solid buffer must be provided along all property lines that abut residential zoning in accordance with the provisions in Section 1102 G, County Zoning Ordinance;
 - e. Drives and internal circulation patterns;
 - f. NC Department of Transportation's (NCDOT) required improvements, if any, for the driveway permit;
 - g. Loading space(s) in accordance with the provision in Section 1203, Off-Street Parking, County Zoning Ordinance;
 - h. Sidewalks must be installed along internal drives, along the building side of the off-street parking area and along SR 1118 (SR 1118 Parkton Road) - see Hope Mills Subdivision Ordinance §86-405(a) for more information;
 - i. A fire hydrant must be installed a maximum of 300 feet from the commercial structure- see Hope Mills Subdivision Ordinance §86-406(b) for more information;
 - j. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides; and
 - k. Depending on the proposed use(s) and site layout, additional conditions will apply.
2. A recorded plat is required prior to permit application, see Plat-Related conditions below. [Sec. 4-8(b)(7), County Code]
3. Land Use Codes must approve the individual plot plan for each lot prior to permit application. (Sec. 2402, County Subdivision Ord.)
4. Prior to permit application, the developer must provide to the Code Enforcement Section documentation of NC Department of Environmental Quality Division of Energy, Mineral and Land Resources' (NCDEQ DEMLR) approval of the Sedimentation and Erosion control plan for this project. NCDEQ DEMLR requires a Sedimentation and Erosion control plan be submitted and approved 30 days prior to land disturbing activities if said land disturbing activity will exceed one acre.

If a plan is not required, per 15ANCAC 04B.0105 "Person conducting land disturbing activity shall take all reasonable measures to protect public and private property from damage cause by such activities." Sedimentation and erosion control measures will need to be installed to protect adjacent properties.
[Sec. 4-8(b)(6), County Code; originally under County jurisdiction relinquished to NCDEQ around 2000]
5. The *Special Flood Hazard Area* (SFHA) exists on this tract; any development within SFHA must have first flood elevations, including all mechanical and electrical equipment above base flood elevation (BFE) plus two feet of freeboard. Proper Floodplain Development Permits are required, issued by the County Engineer, prior to any building/permit application. A copy of the approved Floodplain Development Permit must be provided to Code Enforcement at the time of building/zoning permit applications. [Sec. 6.5-21, County Code]

Permit-Related:

6. The owner/developer(s) of these lots must obtain detailed instructions from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street on provisions of the County Zoning Ordinance and any permits that may be required to place any structure within this development or to commence any use of the subject property. For additional information, the developer should contact a Code Enforcement Officer. (Chpt. 4, County Code & Sec. 107, County Zoning Ord.)
7. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application. [Sec. 4-8(b)(2), County Code]
8. 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 preliminary site plan was provided to the Town Staff for their review; however, as of the date of these draft conditions Town Staff comments have not been received.
9. **Driveway Permit Required.** 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's (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.

In the event that a structure (house) is built by a contractor for commercial gain and/or if property changes ownership from existing owner to builder, an approved Driveway Permit must be secured.

Note: In the event the NCDOT driveway permit process alters the site plan in any manner, three copies of a revised site plan (and \$50.00 revision fee) 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.
[§ 136-18(29), NCGS]

10. The developer must formally notify the NC Department of Transportation once construction of the public streets is complete and initiate the process of transferring the responsibility of road maintenance to the NCDOT. If application to the NCDOT District Engineer has not been formally submitted by the time building permits have been issued for 80% of the lots shown on the preliminary plan, no additional building permits can be issued until the NCDOT District Engineer notifies this department of the receipt of the application. (Sec. 2304.B.2, County Subdivision Ordinance & Sec. 107, County Zoning Ord.)
11. 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 Department of Energy, Minerals and Land Resources, NC Department of Environmental Quality (DEMLR NCDEQ). If one acre or more of land is to be disturbed, a copy of the State's *Post-Construction Permit* must be provided to County Code Enforcement prior to the issuance of the Certificate of Occupancy. (Note: If any retention/detention basins are required for state approval of this plan, three copies of a revised plan (and \$25/\$50 revision fee) must be submitted and approved by Planning & Inspections.) (Sec. 2306.D, County Subdivision Ord. & 2006-246, NC Session Law)
12. Prior to application for the Certificate of Occupancy, connection to public water and sewer is required, the Public Works Commission (PWC) must approve water and sewer plans. A copy of the PWC approval must be provided to Code Enforcement. Contact Sam Powers with PWC for more information. (Section 2306 A, County Subdivision Ord. & Sec. 1403.I, County Zoning Ord.)

Note: Due to an existing agreement between the PWC and the Town of Hope Mills, an annexation petition most likely will be required prior to the PWC's review of any utility plans. Upon submission of the annexation petition the town most likely will require an engineer's sealed certification as to the guarantee of improvements. In addition, the town may require a bond or other financial guarantee as assurance that all required improvements will be properly installed.

13. 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. (Sec. 107.B, County Zoning Ord.; & Secs. 2005 & 2007 County Subdivision Ord.)

Site-Related:

14. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Development Ordinance, and County Zoning Ordinance for the MXD Mixed Use Development/CZ Conditional Zoning district must be complied with, as applicable.

Note: A very limited type of retail and other uses are allowed in the MXD/CZ zoning district specifically all the uses permitted in the O&I(P) and C1(P) districts and the listed uses in Section 603.C, Uses Allowed, County Zoning Ordinance for the C2(P) and C(P) zoning districts; the developer/property owner is encouraged to contact Code Enforcement or Land Use Codes prior to entering into a contract/lease with any tenant to verify the permissibility of the intended use.

15. All corner lots and lots fronting more than one street must provide front yard setbacks from each street. (Secs. 1101.G & 1102.B, County Zoning Ord.)
16. This conditional approval is not approval of any freestanding or development signs. If a freestanding or development sign is desired, re-submittal of the site plan is required prior to application for any freestanding sign permits. Attached signage for this development must be in accordance with the applicable sign regulations as set forth in Article XIII of the County Zoning Ordinance and that the proper permit(s) must be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is **not** approval of the size, shape, or location of any signs.) (Art. XIII, County Zoning Ord.)
17. All applicable provisions of Section 2401, "Group Developments", County Subdivision and Development Ordinance, must be complied with. (Sec. 2402, County Subdivision Ord.)
18. The small stream standards set forth in Section 6.5-44, County Flood Damage Prevention Ordinance, shall be complied with during construction and upon completion of development within this subdivision as enforced by the County Engineer's Office. (Sec. 2307.D, County Subdivision Ord.)
19. "Main St Hope Mills" must be labeled as "NC Hwy 59 (South Main Street)", "Parkton Rd" must be labeled as "SR 1118 (Parkton Road)" and "Jefferson St" must be labeled as "SR 1123 (Jefferson Street)" on all future plans. (Sec. 2203, County Subdivision Ord.)
20. 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 2307.A, County Subdivision Ord.)
21. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306.C, County Subdivision Ord.)
22. 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. (Sec. 1102.O, County Zoning Ord.)
23. 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. (Sec. 2304B, County Subdivision Ord.)
24. The NC Department of Transportation's (NCDOT) approval of the street plans is required and the street(s) are required to be constructed to the NCDOT standards for secondary roads. (Sec. 2304B, County Subdivision Ord. & NCGS §136-102.6)
25. Turn lanes may be required by the NC Department of Transportation (NCDOT). [Art. XIV, County Zoning Ord. & NCGS §136-18(5) & §136-93]

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.

26. All lots, except Lot 99 and the commercial lot within this development are required to be served by an internal street system. (Sec. 2001, County Subdivision Ord. & Sec. 101, County Zoning Ord.)
27. For purposes of protecting the aquatic and wildlife habitat and to ensure bank stabilization for this area of the Rockfish Creek, a riparian buffer must be provided along the western boundary of this development. The first 30 feet from the western property line must remain undisturbed while an additional 20 feet may be cleared so long as no structures are constructed in that portion. Note: This ordinance provision does allow for clearing of a minimal access to the river. (1102.H, County Zoning Ord.)

Plat-Related:

28. All final plats including any portion of this development must be labeled as a “Zero Lot Line” development.
29. The proposed development is located in a Special Flood Hazard Area (SFHA). The final plat must show the limits of the SFHA; information may be obtained from the County Engineer’s office or the Federal Emergency Management Agency’s (FEMA) website at www.ncfloodmaps.com. Any development within the SFHA is subject to the requirements of the County Flood Damage Prevention Ordinance administered by the County Engineering Department. [Sec. 6.5-43, County Code]
30. Prior to submission for final plat approval, concrete sidewalks must be constructed along all proposed streets and along both sides of SR 1118 (Parkton Road) and NC HWY 59 (South Main Street) where said roads are adjacent to any portion of this development; and such sidewalks must meet the specifications of the Town’s Standards and Specifications Manual in accordance with good engineering practice. [Co. Subdivision Ord., Sec. 2302, Area Specific Standards, A. Municipal Influence Area & Fayetteville Subdivision Ord., Sec. 25-61(5) Sidewalks] *Also see related Condition No. 46.* Contact the Hope Mills Public Works Director for questions related to sidewalk specifications.
31. Prior to submission for final plat approval, fire hydrants to the Town’s Standards and Specifications Manual must be installed. Contact the Hope Mills Public Works and the PWC for more information regarding this condition.
32. A riparian buffer must be provided along the Rockfish Creek. The buffer area must be delineated as a separate parcel and noted on the plat as “Common Area” with two zones having a minimum combined width of 50 feet. The first zone, “Zone One” must include the existing vegetated area that is undisturbed except for minimal encroachment for purposes of river or creek access, provided the development has no more than one such access point. If Zone One has been or is to be disturbed for purposes of utility installation, the area disturbed shall count as the access point. Zone One is required to begin at the common property line with the river or creek, or at the top of the bank and where the top of the bank is not easily discernible Zone One shall begin at the root growth area closest to the surface water, and extend landward a distance of 30 feet on all sides of the surface water, measured horizontally on a line perpendicular to a vertical line marking the top of the bank or the root growth area closest to the surface water. The second zone, Zone Two. Must consist of a stable, vegetated area that is preferably left undisturbed; however, grading and re-vegetating in Zone Two is allowed provided that the health of the vegetation in Zone One is not compromised. Zone Two begins at the outer edge of Zone One and extends landward 20 feet as measured horizontally on a line perpendicular to the surface water. (*Also see related Condition No. 32 below.*) (Sec. 1102.H, County Zoning Ord.)
33. All “wetlands/undesirable soil-not developable & probable stormwater pond” areas are required to be labeled as “common area” on the final plat.
34. The developer is required to submit to Land Use Codes either one set of a hard copy or one set of a pdf email copy Chancer McLaughlin at cmclaughlin@townofhopemills.com the following documents :
 - a. One copy of proposed covenants, by-laws and articles of incorporation for the proposed development designating responsibility for the maintenance and upkeep of the common area by the owners’ association for the development;
 - b. One copy of the deeds proposed for recordation conveying all common area to the proposed owners association;
 - c. One copy of any proposed supplemental covenants if the proposed development is to be submitted for final approval in phases; and

- d. One copy of each proposed final plat prior to the submission for final approval – can be a phase of the approved development or the complete development as approved.

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

(Sec. 2402.G., County Subdivision Ord.)

Note: A copy of the recorded deed or deeds conveying all common area to the owners' association as shown on each plat must be provided to Land Use Codes prior to submission for approval for recordation of the next succeeding phase/section of this development.

Note: The developer is encouraged to consider the creation of a master association for the entire mixed use development, with separate subordinate associations for the proposed residential developments.

35. The street name signs, in compliance with the County Street Sign Specifications, must be installed prior to final plat approval. The developer should contact Location Services for inquiries regarding the County's policy for street sign installation or, if the sign is commissioned from a private source, to schedule an inspection of the street sign(s). Land Use Codes must receive notice of agreement with the Location Services Section for sign installation or of satisfactory inspection prior to the approval of the final plat. Sec. 4-171, County Code)
36. Prior to submission for final plat approval of any portion of this development that includes any new street, the developer must contact the Location Services section of the Planning and Inspections Department for approval of street names within this development. The approved street names must be reflected on the final plat.
37. "Main St Hope Mills" must be labeled as "NC Hwy 59 (South Main Street)", "Parkton Rd" must be labeled as "SR 1118 (Parkton Road)", "Jefferson St" must be labeled as "SR 1123 (Jefferson Street), and "Muscat Road" must be labeled as "SR 1119 (Muscat Road)" on the final plat. (Section 2203.C & D, County Subdivision Ord.)
38. All metes and bounds and dimensions of all property lines must be reflected on the final plat.
39. The developer is opting to provide park, recreation or open space area (common area) on-site; therefore, when phasing a development all common area must be recorded prior to the recording of the first phase or section of the development or the common area must be recorded incrementally, ensuring that a minimum of 800 square feet of land area is recorded as common area for each lot included, on the final plat.
40. The builder/developer must provide the buildable envelopes on the final plat: providing a five-foot maintenance easement along each side of all common internal lines with all other applicable setbacks being provided for; or at the time of permit application, the individual plot plans must be approved by Land Use Codes prior to issuance of any permits.
41. 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.
42. All lots, except Lot 99 within this development must be served by an internal street system and a "no access" easement must be reflected on the final plat along SR 1118 (Parkton Road) for Lots 77-81, Lots 83-85, Lot 46, Lot 98, & Lot 96; NC Hwy 59 (South Main Street) for Lots 23-29, Lots 32-36 & Lots 42-45 and SR 1123 (Jefferson Street) for Lots 1 & 45.
43. A 10' x 70' sight distance easement is required at the intersection on both sides of "SR 1118 (Parkton Road)" with "Street A" & the intersection of "SR 1123 (Jefferson Street)" with "Street E" and must be reflected on the final plat. In addition sight distance easement must be reflected on the subject property at the intersection of SR 1119 (Muscat Road)
44. A 25' right-of-way radius is required at all intersections and must be reflected on the final plat. (Section 2304.10.c, Street Design, County Subdivision and Development Ordinance)

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.

45. The NC Department of Transportation (NCDOT) stamp must be affixed to the final plat prior to submission for final plat approval by Land Use Codes.

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.

46. 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)
47. The developer is reminded that the improvements must be in place or that final plat approval will only be granted in accordance with Section 2502 B, C, or D, Final Plat – Guarantees of Improvements, County Subdivision and Development Ordinance. (Note: Once the improvements are in place, the developer is responsible for contacting Jeff Barnhill to schedule an inspection of the improvements.)
48. 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:

49. 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.”

50. Because the streets in this development have been approved as “public” streets and the streets do not yet qualify for acceptance by the Town of Hope Mills to the Town system for maintenance purposes, the following statement is required to be included on the final plat:

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

Advisories:

51. The applicant is advised to consult an expert on wetlands before proceeding with any development. There may be wetlands located in the project area that are subject to the permit requirements of Section 404 of the Clean Water Act. To avoid a violation of federal and/or state law, it is recommended the developer contact the Office of the Army Corp of Engineers or hire an environmental consultant to identify and delineate any wetlands in the project area prior to construction. A Section 404 permit will be required if the applicant needs to fill wetlands and the permit must be obtained prior to any construction on this site.
52. Because this subdivision has been approved as a Mixed Use Development, the entire development would be required to be included on any future rezoning applications.
53. A review of the data available to the Army Corp of Engineers indicates that jurisdictional waters are likely to be present on this property and therefore are likely to be impacted by the proposed project. However, without an official Jurisdictional Determination at the property, these findings cannot be confirmed.

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

54. The subject property is located within the Town of Hope Mills Municipal Influence Area (MIA) and the town has tree preservation standards in their ordinances. The developer is encouraged to retain as many of the existing trees as possibly on this site.

55. 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.
56. The subject property sits on the corner of South Main Street (NC 59) and Parkton Road (SR 1118). South Main Street and Parkton Road are both identified as recommended thoroughfares in the 2040 Metropolitan Transportation Plan. South Main Street is planned in the State Transportation Improvement Plan as U-6001, a widening project from SR 1243 (Shipman Road) to Parkton Road with Right-of-Way acquisition starting in 2020. For questions related to this comment, please contact Transportation Planning.
57. 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.
58. 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.
59. 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.
60. The developer(s) and any future lot owners are responsible for the maintenance and upkeep of the streets until such time the streets are added to the Town system by the Town Board of Commissioners for maintenance purposes. The developer is advised to give notice of the street status to any future lot owners in the event the lots are conveyed prior to the Town's acceptance.

Thank you for creating building lots in Cumberland County and the Town of Hope Mills area!

If you need clarification of any conditions, please contact Betty Lynd at 910-678-7603 or Hope Page at 910-678-7602 with the Land Use Codes Section; otherwise, contact the appropriate agency at the contact numbers below.

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

Subdivision/Site Plan/Plat	Ed Byrne	678-7609	ebyrne@co.cumberland.nc.us
Code Enforcement (Permits):	Scott Walters	321-6654	swalters@co.cumberland.nc.us
County Building Inspections:	Michael Naylor	321-6657	mnaylo@co.cumberland.nc.us
Fire Marshal – Emergency Services	Kevin Lowther	321-6625	klowther@co.cumberland.nc.us
	Gene Booth	678-7641	wbooth@co.cumberland.nc.us
County Engineer's Office:	Wayne Dudley	678-7636	wdudley@co.cumberland.nc.us
County Health Department:	Fred Thomas	433-3692	fthomas@co.cumberland.nc.us
PWC:	Joe Glass	223-4740	joe.glass@faypwc.com
	Sam Powers	223-4370	sam.powers@faypwc.com
Town of Hope Mills:		424-4555**	
Town Clerk:	Jane Starling		jstarling@townofhopemills.com
Planner – Zoning Permits	Chancer McLaughlin		cmclaughlin@townofhopemills.com
Chief Building Inspector:	David (Ray) Reeves		dreeves@townofhopemills.com
Stormwater/Flood Administrator:	Beth Brown		eabrown@townofhopemills.com
Zoning Inspector:	Chancer McLaughlin		cmclaughlin@townofhopemills.com
Fire Marshal	Brett A. Ham		baham@townofhopemills.com
Public Works – Streets/sidewalks	Don Sisko		dsisko@townofhopemills.com
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:	Will Phipps	678-7666	wphipps@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	364-0601	tlbaker@ncdot.gov
NCDOT (subdivision roads):	Earl C. Locklear	364-0601	elocklear@ncdot.gov
Transportation Planning:	Katrina Evans	678 7614	kevans@co.cumberland.nc.us
N.C. Division of Water Quality:	Annette Lucas	(919) 807-6381	annette.lucas@ncdenr.gov

*County contact information is provided only because the subject property is currently in the County's jurisdiction. The developer is strongly encouraged to contact the Town of Hope Mills' staff for any questions related to the development of this site.

**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
A1 to R40/CZ for a 20 lot subdivision

ACREAGE: 29.89+/-

PROPERTY OWNER/APPLICANT
ERNEST A. BUNCE JR. (OWNER) & MIKE ADAMS ON
BEHALF OF M.A.P.S. SURVEYING INC. (AGENT)

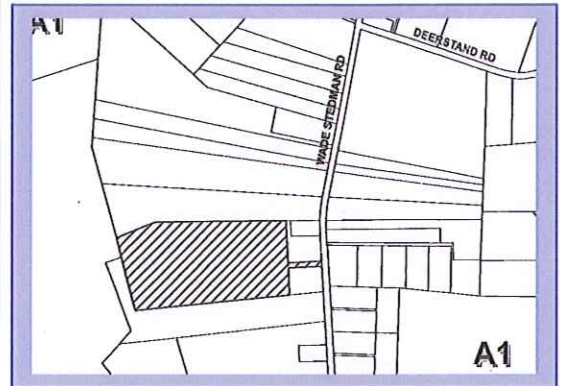
PROPERTY ADDRESS/LOCATION

West side of SR 1826 (Wade Stedman Road), South of SR 1825 (Deerstand Road)

Jurisdiction: County

PROPERTY INFORMATION

Frontage & Location: 100'+/- on SR 1826 (Wade Stedman Road)
Depth: 1966'+/-
Adjacent Property: None
Current Use: Farmland
Municipal Influence Area: Eastover
Town of Eastover: No comment
Initial Zoning: A1 – August 23, 1994 (Area 19)
Nonconformities: None
Zoning Violation(s): None
School Capacity/Enrolled: Eastover Central Elementary: 540/396; Mac Williams Middle 1270/1164; Cape Fear High: 1425/1452
Special Flood Hazard Area (SFHA): None
Water/Sewer Availability: Eastover Sanitary District/Septic
Soil Limitations: Yes – Hydric: Le (Leon sand), TR (Torhunta and Lynn Haven soils); Hydric inclusion: St (Stallings loamy sand)
Subdivision/Site Plan: See Ordinance Related Conditions
Average Daily Traffic County (2016): 1,800 on SR 1826 (Wade Stedman Rd)
Highway Plan: Wade Stedman Road is identified as an existing thoroughfare in the 2040 Metropolitan Transportation Plan with no constructions/improvements planned; no impact on the Transportation Improvement Plan.



SURROUNDING LAND USE: Residential (including manufactured homes), woodland & farmland

COMPREHENSIVE PLANS:
2030 Growth Vision Plan: Rural Areas
Eastover Land Use Plan (2018): Rural Density Residential

Notes:

1. Density (minus 15% for r/w)
A1- 12 lots/13 units
R40- 27 lots/28 units
2. Minimum Yard Setbacks:

	A1	R40
Front yard:	50'	30'
Side yard:	20'	15'
Rear yard:	50'	35'
3. The property owner has agreed to all ordinance related conditions.

STAFF RECOMMENDATION

APPROVAL

APPROVAL WITH CONDITIONS

DENIAL

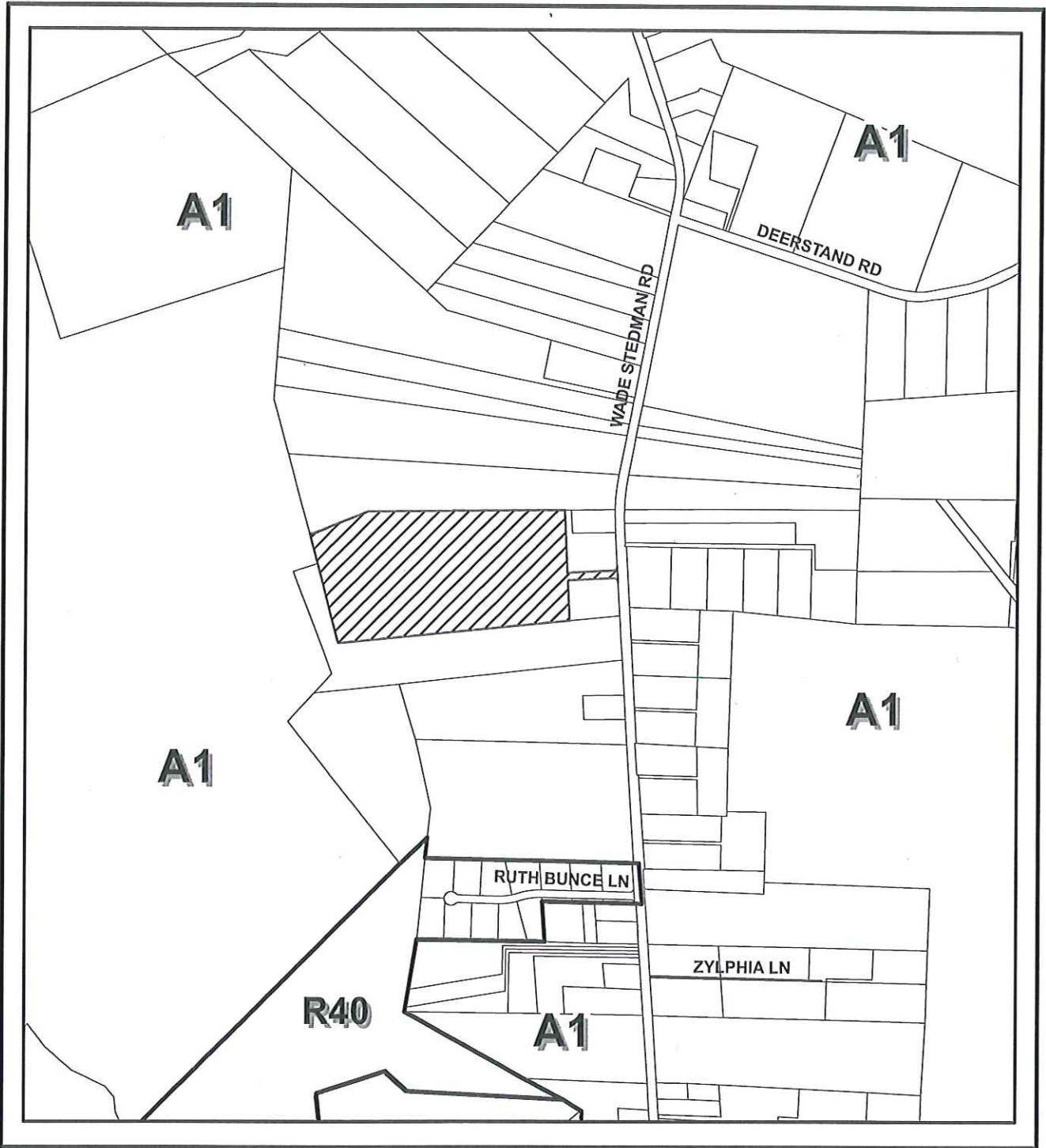
In Case P18-37, the Planning and Inspections Staff recommends approval of the rezoning from A1 Agricultural to R40 Residential/CZ Conditional Zoning for a 20 lot subdivision subject to the conditions within our packet and find this recommendation to be consistent with the Eastover Land Use Plan (2018) which calls for "rural density residential" at this location, the "rural density residential" designation allows for one unit per acre and further find approval of the request is reasonable and in the public interest because the district requested is in harmony with surrounding zoning and existing land uses.

OTHER SUITABLE DISTRICTS: None

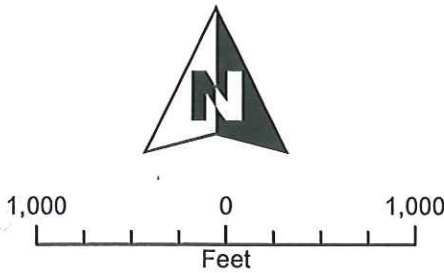
ATTACHMENTS: SKETCH MAP SITE PLAN APPLICATION ORDINANCE RELATED CONDITIONS

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.



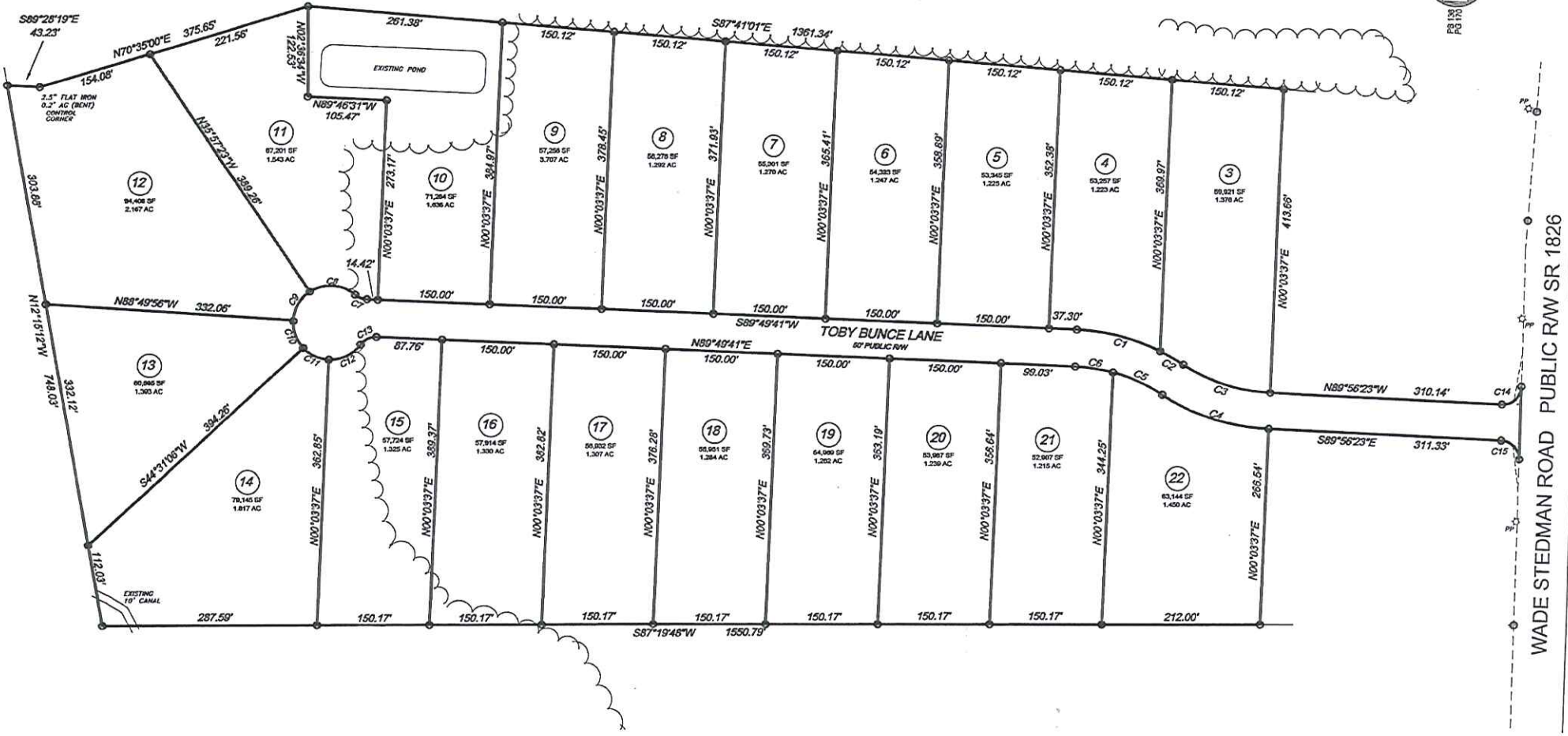
REQUESTED REZONING A1 TO R40/CZ



ACREAGE: 29.89 AC. +/-	HEARING NO: P18-37	
ORDINANCE: COUNTY	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

PIN: 0498-05-1448

11/20/18
MB



R40 RESIDENTIAL DISTRICT/CZ CONDITIONAL ZONING
REQUEST: A 20 LOT SUBDIVISION
CASE: P18-37 ACREAGE: 29.89 AC +/-
ZONED: A1 SCALE: NTS
 *SCALED DETAILED SITE PLAN IN FILE AVAILABLE FOR REVIEW UPON REQUEST

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 Ernest A. Bunce Jr
2. Address: 7029 Maxwell Rd Stedman NC Zip Code 28391
3. Telephone: (Home) _____ (Work) _____
4. Location of Property: Wade Stedman Rd
5. Parcel Identification Number (PIN #) of subject property: 0498-05-1448;
(also known as Tax ID Number or Property Tax ID)
6. ~~AD~~ ^{AD} Acreage: 29.89 Frontage: 100' +/- Depth: 1650' +/-
7. Water Provider: Eastover Sanitary District Septage Provider: Septic Tank
8. Deed Book 2315, Page(s) 329-334, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
9. Existing use of property: Farmland And Residential
10. Proposed use(s) of the property: Residential- Single Family

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 R40
(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.)

Single Family Housing

- 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.

All lots are residential

20 proposed lots

2. DIMENSIONAL REQUIREMENTS:

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

R40 Setbacks

F-30 S-15

R-35

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

Street to be paved - built to NCOOT standards

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.

N/A

4. LANDSCAPE AND BUFFER REQUIREMENTS:

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

N/A

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

N/A

5. MISCELLANEOUS:

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

N/A

6. SITE PLAN REQUIREMENTS:

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

7. STATEMENT OF ACKNOWLEDGMENT:

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

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

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

✓ Ernest A. Bunce Jr
NAME OF OWNER(S) (PRINT OR TYPE)

7029 Maxwell Rd Stedman NC 28391
ADDRESS OF OWNER(S)

E-MAIL

910-483-0384
HOME TELEPHONE WORK TELEPHONE

Ernest A. Bunce Jr
SIGNATURE OF OWNER(S) SIGNATURE OF OWNER(S)

✓ MAPS Surveying Inc (Mike Adams)
NAME OF AGENT, ATTORNEY, APPLICANT (by assign) (PRINT OR TYPE)

1401 Morganton Rd Fay. NC 28305
ADDRESS OF AGENT, ATTORNEY, APPLICANT

910-484-6432
HOME TELEPHONE WORK TELEPHONE

Mike.adams@mapssurveying.com N/A
E-MAIL ADDRESS FAX NUMBER


SIGNATURE OF AGENT, ATTORNEY, OR APPLICANT

R40 RESIDENTIAL/CZ CONDITIONAL ZONING DISTRICT

DRAFT

Ordinance Related Conditions for 20 Lot Residential Subdivision

Pre-Permit Related:

1. A recorded plat is required prior to permit application, see Plat-Related conditions below. [Sec. 4-8(b)(7), County Code]
2. Prior to permit application, the developer must provide to the Code Enforcement Section documentation of NC Department of Environmental Quality Division of Energy, Mineral and Land Resources' (NCDEQ DEMLR) approval of the Sedimentation and Erosion control plan for this project. NCDEQ DEMLR requires a Sedimentation and Erosion control plan be submitted and approved 30 days prior to land disturbing activities if said land disturbing activity will exceed one acre.

If a plan is not required, per 15ANCAC 04B.0105 "Person conducting land disturbing activity shall take all reasonable measures to protect public and private property from damage cause by such activities." Sedimentation and erosion control measures will need to be installed to protect adjacent properties.
[Sec. 4-8(b)(6), County Code; originally under County jurisdiction relinquished to NCDEQ around 2000]
3. Prior to application for any permits, the recorded corrective plat (Plat Bk. 141, pg. 140) must be activated and a new Parcel Identification Number (PIN) assigned. Please contact Tax Mapping for questions related to the plat activation process. The developer must provide a copy of the recorded corrective plat and the new PIN to the Code Enforcement Officer at the time of submission for permits. [Sec. 4-8(b)(2), County Code]
4. Authorization for wastewater system construction required before other permits to be issued. The County Health Department must approve sewer plans. Lots not served by public sewer systems are required to be large enough and of such physical character to comply with the Health Department's minimum standards. Site and soil evaluations must be conducted on the property by the County Environmental Health Department. A copy of the Health Department approval must be provided to Code Enforcement. (Note: All Health Department requirements must be met prior to issuance of final permits.) (NCGS § 130A-338 & Sec. 2306 A, County Subdivision Ord. & Sec. 1101.E, County Zoning Ord.)

Permit-Related:

5. The owner/developer(s) of these lots must obtain detailed instructions from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street on provisions of the County Zoning Ordinance and any permits that may be required to place any structure within this development or to commence any use of the subject property. For additional information, the developer should contact a Code Enforcement Officer. (Chpt. 4, County Code & Sec. 107, County Zoning Ord.)
6. The County Fire Marshal specifies that the developer is to ensure the turning radius will accommodate the largest piece of fire apparatus in which responds to this location. For questions related to this comment, please contact the Fire Marshall's office.
7. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application. [Sec. 4-8(b)(2), County Code]
8. **Driveway Permit Required.** 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's (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.

In the event that a structure (house) is built by a contractor for commercial gain and/or if property changes ownership from existing owner to builder, an approved Driveway Permit must be secured.

Note: In the event the NCDOT driveway permit process alters the site plan in any manner, three copies of a revised site plan (and \$50.00 revision fee) 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.

[§ 136-18(29), NCGS]

9. The developer must formally notify the NC Department of Transportation once construction of the public streets is complete and initiate the process of transferring the responsibility of road maintenance to the NCDOT. If application to the NCDOT District Engineer has not been formally submitted by the time building permits have been issued for 80% of the lots shown on the preliminary plan, no additional building permits can be issued until the NCDOT District Engineer notifies this department of the receipt of the application. (Sec. 2304.B.2, County Subdivision Ordinance & Sec. 107, County Zoning Ord.)
10. 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 Department of Energy, Minerals and Land Resources, NC Department of Environmental Quality (DEMLR NCDEQ). If one acre or more of land is to be disturbed, a copy of the State's *Post-Construction Permit* must be provided to County Code Enforcement prior to the issuance of the Certificate of Occupancy. (Note: If any retention/detention basins are required for state approval of this plan, three copies of a revised plan (and \$25 revision fee) must be submitted and approved by Planning & Inspections.) (Sec. 2306.D, County Subdivision Ord. & 2006-246, NC Session Law)
11. Prior to application for the Certificate of Occupancy, connection to public water is required, the Eastover Sanitary District (ESD) must approve water plans. A copy of the ESD approval must be provided to Code Enforcement. Contact Connie Spell with ESD for more information. (Section 2306 A, County Subdivision Ord. & Sec. 1403.I, County Zoning Ord.)

Site-Related:

12. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Development Ordinance, and County Zoning Ordinance for the R40 Residential/CZ conditional zoning for a 20 lot subdivision zoning district must be complied with, as applicable.
13. This conditional approval is not approval of any special entrance signs. If a sign is desired, re-submittal of the site plan is required prior to application for any freestanding sign permits. (Note: This conditional approval is **not** approval of the size, shape, or location of any signs.) (Art. XIII, County Zoning Ord.)
14. 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 2307.A, County Subdivision Ord.)
15. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306.C, County Subdivision Ord.)
16. In the event a stormwater utility structure is required by the NC Department of Environmental Quality (NCDEQ), the owner/developer must secure the structure with a four foot high fence with a lockable gate, and is required to maintain the detention/retention basin, keeping it clear of debris and taking measures for the prevention of insect and rodent infestation. (Sec. 1102.O, County Zoning Ord.)
17. This review does not constitute a "subdivision" approval by NC Department of Transportation (NCDOT). A separate submittal to NCDOT will be required prior to consideration for addition to the system of any street within this development. (Sec. 2304B, County Subdivision Ord.)

18. The NC Department of Transportation's (NCDOT) approval of the street plans is required and the street(s) are required to be constructed to the NCDOT standards for secondary roads. (Sec. 2304B, County Subdivision Ord. & NCGS §136-102.6)
19. Turn lanes may be required by the NC Department of Transportation (NCDOT). [Art. XIV, County Zoning Ord. & NCGS §136-18(5) & §136-93]

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.

Plat-Related:

20. Prior to submission for final plat approval of any portion of this development, fire hydrants must be installed along all proposed streets and drives; hydrants must be located no further than 1,000 feet apart and at a maximum of 500 feet from any lot. (Secs. 2302.A & 2306.B, County Subdivision Ord.)
21. The street name signs, in compliance with the County Street Sign Specifications, must be installed prior to final plat approval. The developer should contact Location Services for inquiries regarding the County's policy for street sign installation or, if the sign is commissioned from a private source, to schedule an inspection of the street sign(s). Land Use Codes must receive notice of agreement with the Location Services Section for sign installation or of satisfactory inspection prior to the approval of the final plat. Sec. 4-171, County Code)
22. Prior to final plat approval of any portion of this development, the developer is required to submit a check or cash in the amount of \$1533.09 (\$76.65 per lot/20 lots) payable to "Cumberland County". This condition is in accordance with Section 2308, Parks, Recreation and Open Space, County Subdivision and Development Ordinance, which requires every residential dwelling unit to provide a portion of land, in certain instances, or pay a fee in lieu of dedication, for the purposes of providing park, recreation and open space areas. (Park District #1)
23. 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.
24. A 10' x 70' sight distance easement is required at the intersection of Toby Bunce Lane with SR 1826 (Wade Stedman Road) and must be reflected on the final plat.
25. A 25' right-of-way radius is required at all intersections and must be reflected on the final plat. (Section 2304.10.c, Street Design, County Subdivision and Development Ordinance)

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.

26. The NC Department of Transportation (NCDOT) stamp must be affixed to the final plat prior to submission for final plat approval by Land Use Codes.

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.

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 developer is reminded that the improvements must be in place or that final plat approval will only be granted in accordance with Section 2502 B, C, or D, Final Plat – Guarantees of Improvements, County Subdivision and Development Ordinance. (Note: Once the improvements are in place, the developer is responsible for contacting Jeff Barnhill to schedule an inspection of the improvements.)

29. 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:

30. Since this development does not have public 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 services available, and no lots have been approved by the Health Department for on-site sewer services at the date of this recording.”

Note: The final plat must reflect the sewer disclosure statement as written above.

31. Since this development is not located within the *Farmland Protection Area* as defined on the current Land Use Plan map, the disclosure statement need not be reflected on the final plat.
32. Because the streets in this development have been approved as “public” streets and the streets do not yet qualify for acceptance by the NC Department of Transportation to the State system for maintenance purposes, the following statement is required to be included on the final plat (Section 2504 E, County Subdivision and Development Ordinance):

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

Other Relevant Conditions:

33. The applicant is advised to consult an expert on wetlands before proceeding with any development. There may be wetlands located in the project area that are subject to the permit requirements of Section 404 of the Clean Water Act. To avoid a violation of federal and/or state law, it is recommended the developer contact the Office of the Army Corp of Engineers or hire an environmental consultant to identify and delineate any wetlands in the project area prior to construction. A Section 404 permit will be required if the applicant needs to fill wetlands and the permit must be obtained prior to any construction on this site.
34. A review of the data available to the Army Corp of Engineers indicates that jurisdictional waters are likely to be present on this property and therefore are likely to be impacted by the proposed project. However, without an official Jurisdictional Determination at the property, these findings cannot be confirmed.
- A permit will be required for this project if construction will involve the temporary and/or permanent placement of fill in waters of the United States including wetlands. If a permit is required, the applicant will be required to avoid and minimize impacts to wetland/waters of the United States and may need to provide compensatory mitigation for unavoidable impacts.
35. The owner/developer is responsible for ensuring easements which may exist on the subject property are accounted for, not encumbered and that no part of this development is violating the rights of the easement holder.
36. The 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.
37. The developer(s) and any future lot owners are responsible for the maintenance and upkeep of the streets until such time the streets are added to the State system by the NC Department of Transportation (NCDOT) for maintenance purposes. The developer is advised to give notice of the street status to any future lot owners in the event the lots are conveyed prior to the NCDOT’s acceptance.
38. The subject property lies on Wade Stedman Road. Wade Stedman 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. For questions related to this comment, please contact Transportation Planning.

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

“Public 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 creating building lots in Cumberland County!

If you need clarification of any conditions, please contact Betty Lynd at 910-678-7603 or Hope Page at 910-678-7602 with the Land Use Codes Section; otherwise, contact the appropriate agency at the contact numbers below.

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

Subdivision/Site Plan/Plat	Ed Byrne	678-7609	ebyrne@co.cumberland.nc.us
Code Enforcement (Permits):	Scott Walters	321-6654	swalters@co.cumberland.nc.us
County Building Inspections:	Michael Naylor	321-6657	mnaylor@co.cumberland.nc.us
Fire Marshal – Emergency Services	Kevin Lowther	321-6625	klowther@co.cumberland.nc.us
	Gene Booth	678-7641	wbooth@co.cumberland.nc.us
County Health Department:	Fred Thomas	433-3692	ftthomas@co.cumberland.nc.us
Eastover Sanitary District:	Connie Spell	229-3716	cfspelled@ncrbiz.com
Town of Eastover:	Kim Nazarchyk (Manager)	323-0707	townmanager@eastoverncc.com
County Public Utilities/NORCRESS:	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:	Will Phipps	678-7666	wphipp@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	364-0601	tlbaker@ncdot.gov
NCDOT (subdivision roads):	Earl C. Locklear	364-0601	elocklear@ncdot.gov
Transportation Planning:	Greg Shermeto	678 7615	gshermeto@co.cumberland.nc.us
N.C. Division of Water Quality:	Annette Lucas	(919) 807-6381	annette.lucas@ncdenr.gov

cc: Kim Nazarchyk, Town of Eastover
Connie Spell, Eastover Sanitary District

CASE NUMBER: P18-48

PLANNING BOARD HEARING DATE:
12/18/2018

REQUEST
A1 & CD to R40

ACREAGE: 42.02+/-

PROPERTY OWNER/APPLICANT
CHRISTOPHER CATES ON BEHALF OF ROSLIN
FARMS WEST, LLC (OWNER) & JAMES M. KIZER JR.,
PE ON BEHALF OF MOORMAN, KIZER & REITZEL,
INC. (AGENT)

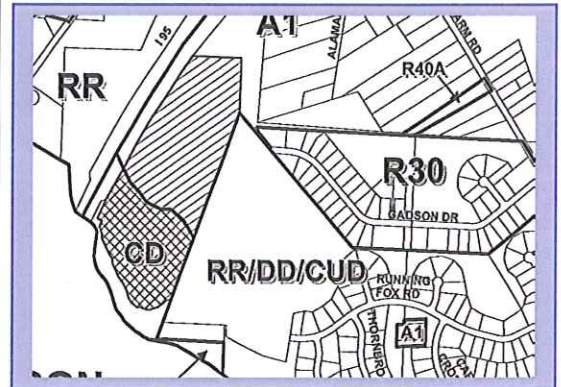
PROPERTY ADDRESS/LOCATION

Southwest side of SR 2243 (Roslin Farm
Road), East of I-95

Jurisdiction: County

PROPERTY INFORMATION

Frontage & Location: 1845'+/- on I-95
Depth: 876'+/-
Adjacent Property: Yes
Current Use: Farmland
Initial Zoning: A1 & CD – June 25, 1980 (Area 13)
Nonconformities: None
Zoning Violation(s): None
School Capacity/Enrolled: Comments requested, none received
Special Flood Hazard Area (SFHA): Yes
Water/Sewer Availability: Well/Septic
Soil Limitations: Yes- Hydric: Ra (Rains sandy loam) & JT (Johnston loam)
Subdivision/Site Plan: If approved, subdivision or site plan review required
Average Daily Traffic County (2016): 2,800 on SR 2243 (Roslin Farm Road)
Highway Plan: Roslin Farm Road is identified as an existing thoroughfare in
the 2040 Metropolitan Transportation Plan with no constructions/improvements
planned; no impact on the Transportation Improvement Plan.



SURROUNDING LAND USE: Residential
(including manufactured homes), tower

COMPREHENSIVE PLANS:
2030 Growth Vision Plan: Urban Fringe
& Conservation Area
South Central Land Use Plan (2015):
Open Space & Farmland

Notes:

- Density (minus 15% for r/w)
A1- 17 lots/18 units
R40- 38 lots/39 units

2. Minimum Yard Setbacks:

	CD	A1	R40
Front yard:	50'	50'	30'
Side yard:	50'	20'	15'
Rear yard:	50'	50'	35'

STAFF RECOMMENDATION

APPROVAL

APPROVAL WITH CONDITIONS

DENIAL

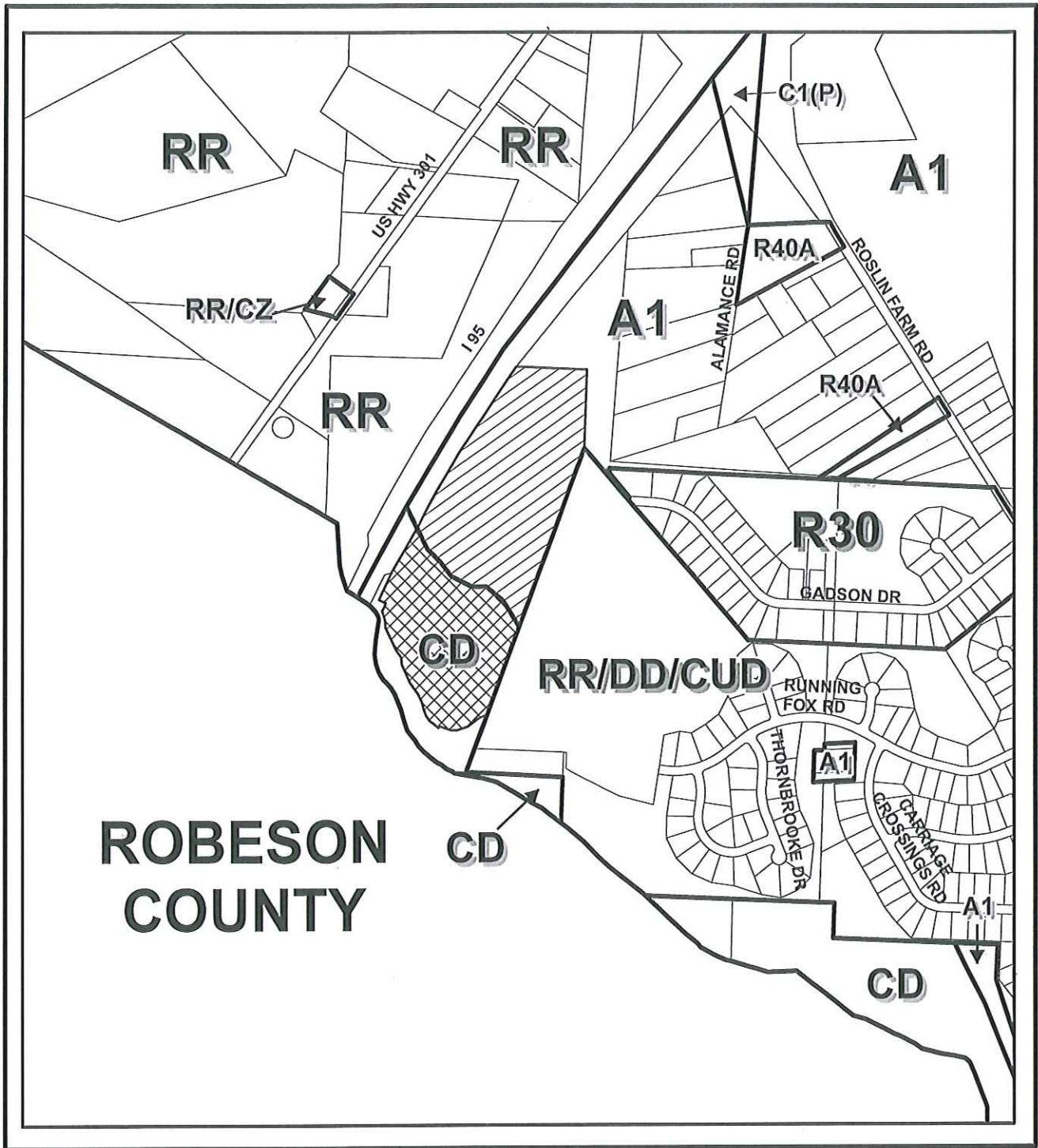
In Case P18-48, the Planning and Inspections Staff recommends approval of the rezoning from A1 Agricultural & CD Conservancy District to R40 Residential except for that portion located within the Special Flood Hazard Area and Floodway to be zoned CD Conservancy District and find this recommendation to be consistent with the South Central Land Use Plan (2015) which calls for "open space & farmland" at this location, the "farmland" designation allows for one unit per acre with suitable soils for septic and the "open space" designation allows for the protection of the Special Flood Hazard Area, and further find that approval of the request is reasonable and in the public interest because the district requested is in harmony with surrounding zoning, existing land uses and lot sizes while preserving existing conditions within the Conservancy district.

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.



**ROBESON
COUNTY**

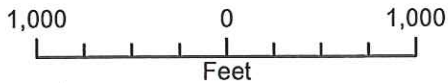
REQUESTED REZONING



A1 TO R40
25.50 ac +/-



CD TO R40
16.52 ac +/-



ACREAGE: 42.02 AC. +/-	HEARING NO: P18-48
ORDINANCE: COUNTY	
STAFF RECOMMENDATION	
PLANNING BOARD	
GOVERNING BOARD	

PORT OF PIN: 0412-43-4171

AM

REQUEST
RR & R10 to R5

ACREAGE: 4.88+/-

PROPERTY OWNER/APPLICANT
KYUNGSOOK JANG ON BEHALF OF SPRINGS
PROPERTY MANAGEMENT, LLC (OWNER) &
JEFFREY W. WRIGHT (AGENT)

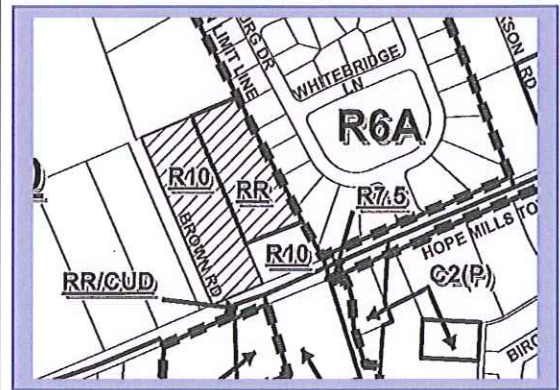
PROPERTY ADDRESS/LOCATION

North side of SR 1003 (Camden Road),
East of Brown Road

Jurisdiction: County

PROPERTY INFORMATION

Frontage & Location: 194'+/- on SR 1003 (Camden Road)
Depth: 625'+/-
Adjacent Property: No
Current Use: Single family dwelling
Municipal Influence Area: Hope Mills
Initial Zoning: R10 – February 6, 1976 (Area 5); Portion rezoned to RR (Case P89-162) on January 23, 1990
Nonconformities: Eastern subject property is landlocked.
Zoning Violation(s): None
School Capacity/Enrolled: Comments requested, none received
Special Flood Hazard Area (SFHA): None
Water/Sewer Availability: PWC/PWC
Soil Limitations: None
Subdivision/Site Plan: If approved, recombination, subdivision or group development review required
Average Daily Traffic County (2016): 19,000 on SR 1003 (Camden Road)
Highway Plan: Camden Road is identified as a thoroughfare needing improvement in the 2040 Metropolitan Transportation Plan with no constructions/improvements planned. Brown Road is identified as a local road the 2040 Metropolitan Transportation Plan with no constructions/improvements planned; no impact on the Transportation Improvement Plan.



SURROUNDING LAND USE: Residential (including manufactured home and manufactured home park), barbering & hairdressing services, vacant commercial, retailing & servicing, convenience retail w/ gasoline sales, motor vehicle wash & day care facility

COMPREHENSIVE PLANS:
2030 Growth Vision Plan: Urban
Southwest Cumberland Land Use Plan (2013): Mixed Use Development

Notes:

1. **Density**
RR- 10 lots/11 units
R10- 28 lots/units
R5- 136 lots/units
2. **Minimum Yard Setbacks:**

	RR	R10(R7.5)	R5
Front yard:	30'	30'	25'
Side yard:	15'	10'	10'
Rear yard:	35'	35'	30'

STAFF RECOMMENDATION

APPROVAL

APPROVAL WITH CONDITIONS

DENIAL

In Case P18-49, the Planning and Inspections Staff recommends approval of the rezoning from RR Rural Residential & R10 Residential to R5 Residential and find:

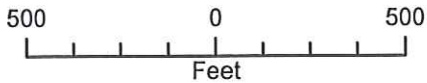
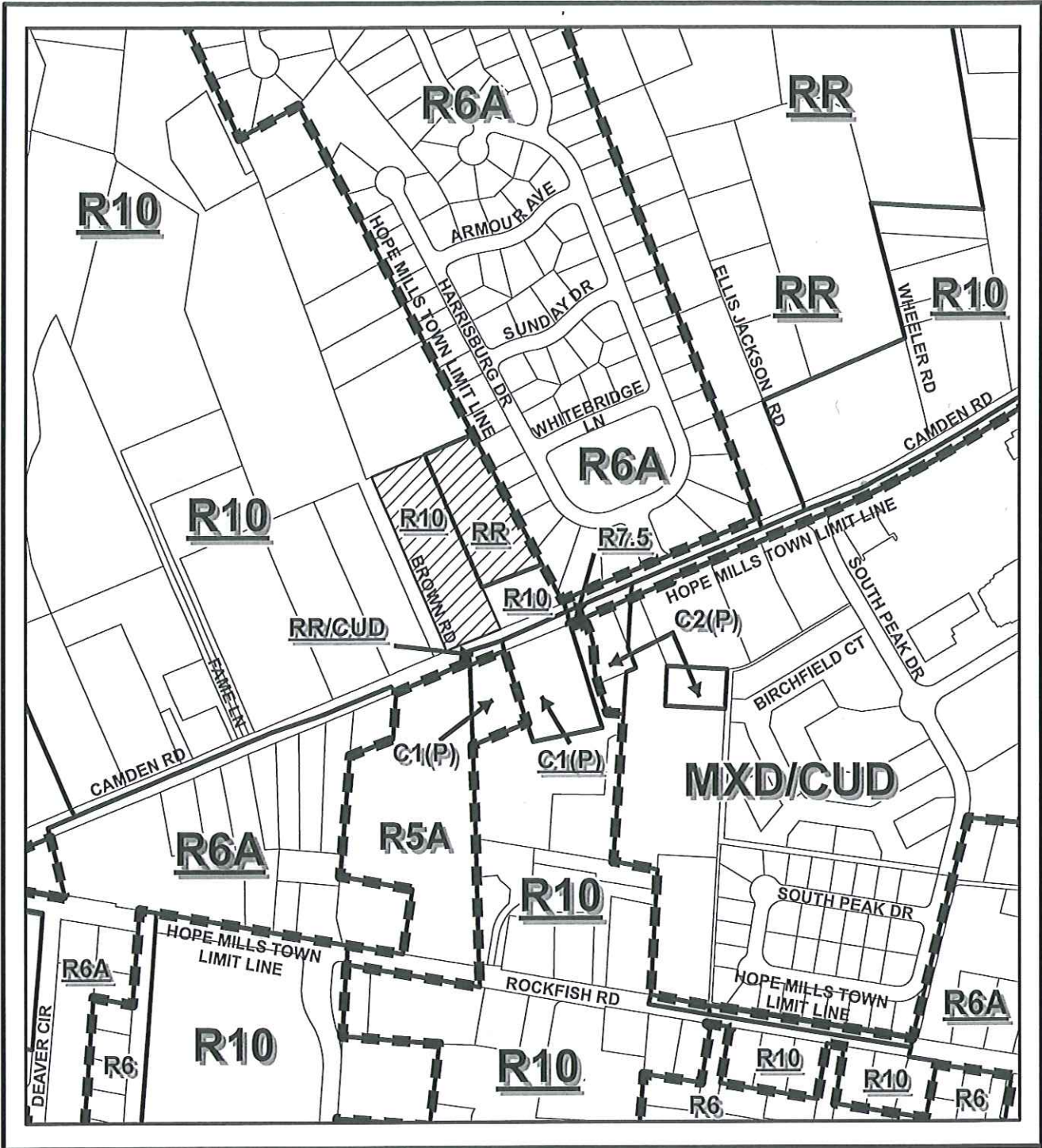
- a. The approval is an amendment to the adopted current Southwest Cumberland Land Use Plan (2013) map; and that the Board of Commissioners should not require any additional request or application for amendment to said map for this request;
- b. The following change in conditions was considered in amending the zoning ordinance (zoning map) to meet the development needs of the community: the subject property meets the location criteria for "high density residential" as defined in the Land Use Policies Plan (2009);
- c. And, this rezoning approval is reasonable and in the public interest because the district requested is in harmony with the surrounding existing land uses and zoning.

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.



PIN: 0404-67-0848
 PIN: 0404-57-8795

REQUESTED REZONING RR & R10 TO R5

ACREAGE: 4.88 AC. +/-	HEARING NO: P18-49	
ORDINANCE: COUNTY	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

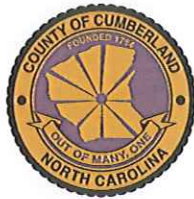
LH
 11-08-2018

Charles Morris,
Chair
Town of Linden

Diane Wheatley,
Vice-Chair
Cumberland County

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

Vacant
Wade, Falcon & Godwin



CUMBERLAND
COUNTY
NORTH CAROLINA

Planning & Inspections Department

Joel Strickland,
Acting 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

December 11, 2018

MEMORANDUM

TO: Cumberland County Joint Planning Board
FROM: Planning & Inspections Staff
SUBJECT: Recommendation for the December 18, 2018 Board Meeting

P18-44. REVISION AND AMENDMENT TO THE HOPE MILLS SUBDIVISION ORDINANCE AMENDING ARTICLE IV DEVELOPMENT IMPROVEMENT AND DESIGN STANDARDS, SECTION 86A-403. MINIMUM LOT STANDARDS, SUB-SECTION F. LOTS INTENDED FOR COMMERCIAL AND INDUSTRIAL USES; AND SECTION 86A-405. SIDEWALKS AND WALKWAYS, SUB-SECTION A. SIDEWALKS AND WALKWAYS REQUIRED; AND REVISION AND AMENDMENT TO THE HOPE MILLS ZONING ORDINANCE AMENDING ARTICLE XV PLANNED DISTRICTS, SECTION 102A-1502. DETAILED SITE PLAN SPECIFICATIONS; AND SECTION 102A-1503. SITE PLAN REVIEW; AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE. (HOPE MILLS)

BACKGROUND: Proposed major changes to Hope Mills Subdivision Ordinance Article IV & Hope Mills Zoning Ordinance Article XV:

1. Lateral access will be required on all development of commercial and industrial zoned lots to adjacent compatible lots;
2. Sidewalks shall no longer be required for non-residential construction that does not propose renovations of more than 50 % of existing structure or does not propose any new construction while utilizing existing structure on a parcel.

RECOMMENDATION: In Case P18-44, the Planning & Inspections staff recommends approval of the portion of the text amendment to the Hope Mills Subdivision and Zoning Ordinance concerning lateral access finding it is consistent with the adopted comprehensive plan designated as the 2030 Growth Vision Plan, specifically including: *Policy Area 4: A Balanced Transportation System* and *Policy Area 9: Compatible Commercial Development*. The proposed amendment is also generally consistent with the Southwest Cumberland Land Use Plan (2014) in that one of the adopted goals and objectives of the plan strives to decrease travel times and improve the mobility of all residents while accommodating the movement of goods and services without congestion; and further find that approval of the amendment is reasonable and in the public interest because the amendment if approved, would increase shared access among commercial and industrial developments thus decreasing the number of direct access points to roads. The Planning & Inspections staff recommends denial of the text amendment to the Hope Mills Subdivision Ordinance concerning sidewalks and find it is not consistent with the 2030 Growth Vision Plan, specifically including: *Policy Area 2: Well-Managed Growth and Development*; *Policy Area 3: Infrastructure That Keeps Pace*; *Policy Area 4: A Balanced Transportation System*; *Policy Area 6: Expanded Parks and Recreation*; *Policy Area 11: A Healthy, Sustainable Environment*; and *Policy Area 12: Vibrant Downtown Areas*. The proposed amendment is also not consistent with the Southwest Cumberland Land Use Plan (2014) in that one of the adopted goals and objectives of the plan strives to increase pedestrian mobility to schools, parks, and downtown areas and pedestrian safety while providing sidewalks on both sides of thoroughfares and boulevards; and further find that denial of the amendment is reasonable and in the public interest because the provision of sidewalks and walkways within the town encourages citizens to participate in a healthier lifestyle by increasing their walking thus alleviating some traffic on town streets. This amendment was prepared and submitted by the Town of Hope Mills.

This proposed text amendment would not cause any changes to the Southwest Cumberland Land Use Plan map.

Attachment: P18-44 Hope Mills Text Amendment

P18-44
Town of Hope Mills
Subdivision and Zoning Ordinances
(Lateral Access, Sidewalks and Walkways)

P18-44. REVISION AND AMENDMENT TO THE HOPE MILLS SUBDIVISION ORDINANCE AMENDING ARTICLE IV DEVELOPMENT IMPROVEMENT AND DESIGN STANDARDS, SECTION 86A-403. MINIMUM LOT STANDARDS, SUB-SECTION F. LOTS INTENDED FOR COMMERCIAL AND INDUSTRIAL USES; AND SECTION 86A-405. SIDEWALKS AND WALKWAYS, SUB-SECTION A. SIDEWALKS AND WALKWAYS REQUIRED; AND REVISION AND AMENDMENT TO THE HOPE MILLS ZONING ORDINANCE AMENDING ARTICLE XV PLANNED DISTRICTS, SECTION 102A-1502. DETAILED SITE PLAN SPECIFICATIONS; AND SECTION 102A-1503. SITE PLAN REVIEW; 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-403. Minimum lot standards; Section 86A-405. Sidewalks and walkways; as indicated below:

HOPE MILLS SUBDIVISION ORDINANCE
ARTICLE IV
DEVELOPMENT IMPROVEMENT AND DESIGN STANDARDS

Sec. 86A-403. Minimum lot standards.

(f) *Lots intended for commercial and industrial uses.* Commercial and industrial lots may be arranged in convenient units of width and to a depth that is appropriate to the development contemplated, provided that the minimum requirements for lots, blocks and zoning are met. Lateral access shall be provided or reserved for future interconnectivity, and designed and constructed to the same standards of improvements as required by Section 86A-404 on lots intended for commercial and industrial uses. ~~The lateral access minimum right of way width shall be 40 feet, the same as marginal access streets.~~ All development of commercial and industrial zoned lots within the Town of Hope Mills limits must be designed to facilitate and allow for lateral cross access to adjacent similarly zoned, compatible, or developed parcels of land in accordance with the following design and construction standards:

(1) Design: Lateral access shall be located and designed in compliance with the standards of this section, however no development shall be required to provide lateral access to more than two (2) adjacent parcels.

(2) Width: Any lateral access required must provide for two way traffic through a single driveway at a minimum width of 40 feet or a double driveway with each aisle set at a minimum width of 20 feet each.

(3) Future Development: Lateral Cross access easements to any adjacent undeveloped or vacant land must be provided in at least one location.

(4) Standards and Specifications: Any new lateral cross access must comply with the established Standards and Specifications Manual for the Town of Hope Mills.

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:

b. 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 development, sidewalks shall be provided along the building side of the off-street parking area in addition to other sidewalk requirements of this ordinance. Sidewalks shall not be required for non-residential construction under the following circumstances:

1. Development that does not propose renovations more than 50% of existing building.
2. Development that does not propose any new construction while utilizing an existing structure.

AMEND the Hope Mills Zoning Ordinance, Article XV Planned Districts, Section 102A-1502. Detailed site plan specifications; Section 102A-1503. Site Plan review; as indicated below:

**HOPE MILLS ZONING ORDINANCE
ARTICLE XV
PLANNED DISTRICTS**

Sec. 102A-1502. Detailed site plan specifications.

In any planned district, permits shall not be issued by the Town Planner except in conformance with a detailed plan submitted to the County Planning Staff, reviewed by the town and county planning staffs, and approved by the Board of Commissioners or where applicable, the Board of Adjustment. Plans submitted for approval shall be in the number as required by the County Planning Director, drawn to

an engineering scale of not less than one inch equaling 200 feet, and shall show all information necessary for proper evaluation of the plan, including:

(b) The parking and general circulation plan, including entrances, exits, pedestrian ways, and lateral access to adjoining commercial or industrial properties where practical. All development of commercial and industrial zoned lots within the Town of Hope Mills limits must be designed to facilitate and allow for lateral cross access to adjacent similarly zoned, compatible, or developed parcels of land in accordance with the following design and construction standards.

(1) Design: Lateral access shall be located and designed in compliance with the standards of this section, however no development shall be required to provide lateral access to more than two (2) adjacent parcels.

(2) Width: Any lateral access required must provide for two way traffic through a single driveway at a minimum width of 40 feet or a double driveway with each aisle set at a minimum width of 20 feet each.

(3) Future Development: Lateral Cross access easements to any adjacent undeveloped or vacant land must be provided in at least one location.

(4) Standards and Specifications: Any new lateral cross access must comply with the established Standards and Specifications Manual for the Town of Hope Mills.

Sec. 102A-1503. Site plan review.

Plans for development shall be submitted to the County Planning staff and shall be processed in accordance with the terms of this ordinance. The County Planning staff shall ensure the plan is in compliance with this ordinance and the town's subdivision regulations if applicable, and shall provide copies to the town staff for their review and comment prior to presentation to the board for final determination.

The burden shall be on the developer to show that their plans are in the best interests of the community and the users of the proposed developments. Site planning of the proposed development shall demonstrate that protection of the development from potentially adverse surrounding influences and protection of surrounding areas from potentially adverse influences is provided. The development plan shall show, and careful review shall be given to, the following information:

(j) Sidewalks and walkways, complying with the Americans with Disabilities Act (ADA), shall be provided along the street right(s)-of-way; all such sidewalks shall be constructed in accordance with the town's sidewalk specifications and construction standards. Sidewalks and payments in-lieu shall be required in accordance with the provisions of Section 86A-405 of the Hope Mills Subdivision Ordinance. Sidewalks shall not be required for non-residential construction under the following circumstances:

1. Development that does not propose renovations more than 50% of existing building.
2. Development that does not propose any new construction while utilizing an existing structure.

REQUEST

ACREAGE: 21.56+/-

PROPERTY OWNER/APPLICANT
JOHN LEE, FRED LEE, JR. AND JAMES LEE
(OWNERS) & JAMES C. ROBINSON (AGENT)

M(P) to RR/CZ for a recreational vehicle park and/or campground

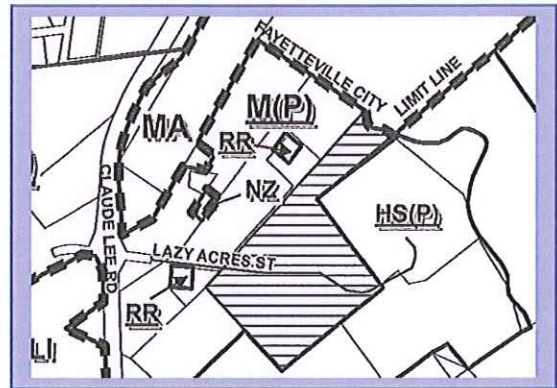
PROPERTY ADDRESS/LOCATION

Both sides of Lazy Acres Street, East of SR 2341 (Claude Lee Road)

Jurisdiction: **County**

PROPERTY INFORMATION

Frontage & Location: N/A
Depth: 1,158'+/-
Municipal Influence Area: Fayetteville
Adjacent Property: None
Current Use: Vacant
Initial Zoning: M(P) – March 15, 1979 (Area 6)
Nonconformities: Subject property is landlocked
Zoning Violation(s): None
School Capacity/Enrolled: Comments requested, none received
Special Flood Hazard Area (SFHA): None
Water/Sewer Availability: Well/Septic
Soil Limitations: Yes- Hydric: JT (Johnston loam)
Subdivision/Site Plan: See Ordinance Related Conditions
Average Daily Traffic County (2016): 3,400 on SR 2341 (Claude Lee Road)
Highway Plan: Lazy Acres Street is identified as a Local Road in the 2040 Metropolitan Transportation Plan with no constructions/improvements planned. Claude Lee Road is identified as an existing thoroughfare in the 2040 Metropolitan Transportation Plan with no constructions/improvements planned; no impact on the Transportation Improvement Plan.
Fayetteville Regional Airport: Parcel is toward the approach end of Runway 4.



SURROUNDING LAND USE: Residential (including manufactured homes), airport operation (major), recreational vehicle park and/or campground, borrow source operation, vending machine rental, truck terminal activities & woodlands

COMPREHENSIVE PLANS:
2030 Growth Vision Plan: Urban
South Central Land Use Plan (2015): Airport Oriented Uses

Notes:

- Minimum Yard Setbacks:**

	RR	M(P)
Front yard:	30'	100'
Side yard:	15'	50'
Rear yard:	35'	50'
- Lazy Acres Street is not an approved street.
- The property owners have agreed with all ordinance related conditions.

STAFF RECOMMENDATION

APPROVAL

APPROVAL WITH CONDITIONS

DENIAL

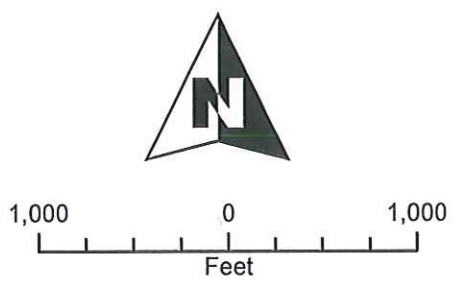
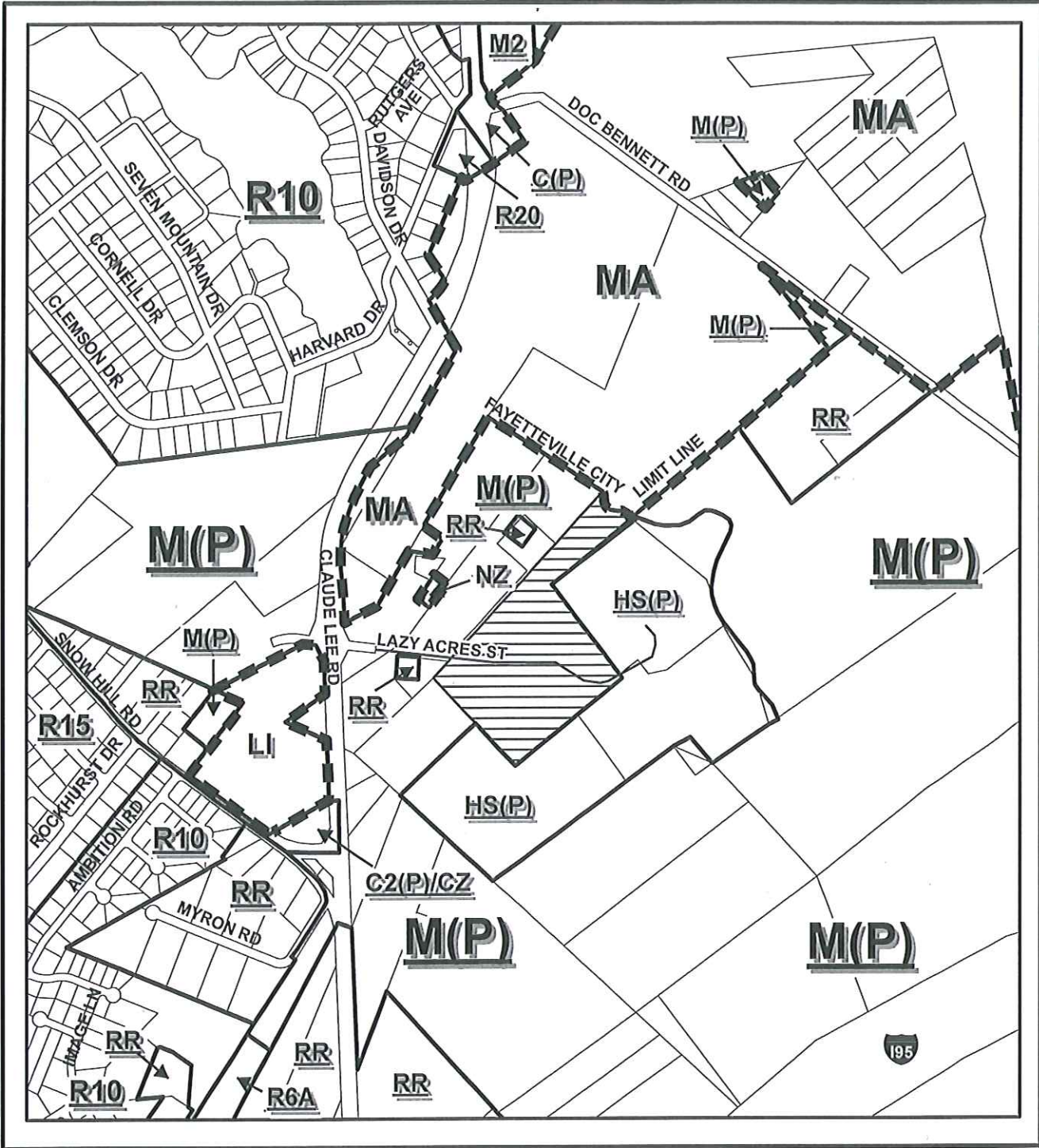
In Case P18-35, the Planning and Inspections Staff recommends denial of the rezoning from M(P) Planned Industrial to RR Rural Residential/CZ Conditional Zoning for a recreational vehicle park and/or campground and find it is not consistent with the adopted South Central Land Use Plan (2015) which calls for "Airport Oriented Uses" at this location, the "Airport Oriented Uses" designation defines critical areas around the airport based on safety and the protection of citizens; and further find that denial of the request is reasonable and in the public interest because the level of density shown on the site plan is likely to create a situation that would not be compatible with airport operations at the southern end of the runway and the property lacks access to an approved street.

OTHER SUITABLE DISTRICTS: None

ATTACHMENTS: SKETCH MAP SITE PLAN APPLICATION ORDINANCE RELATED CONDITIONS

First Class and Record Owners' Mailed Notice Certification

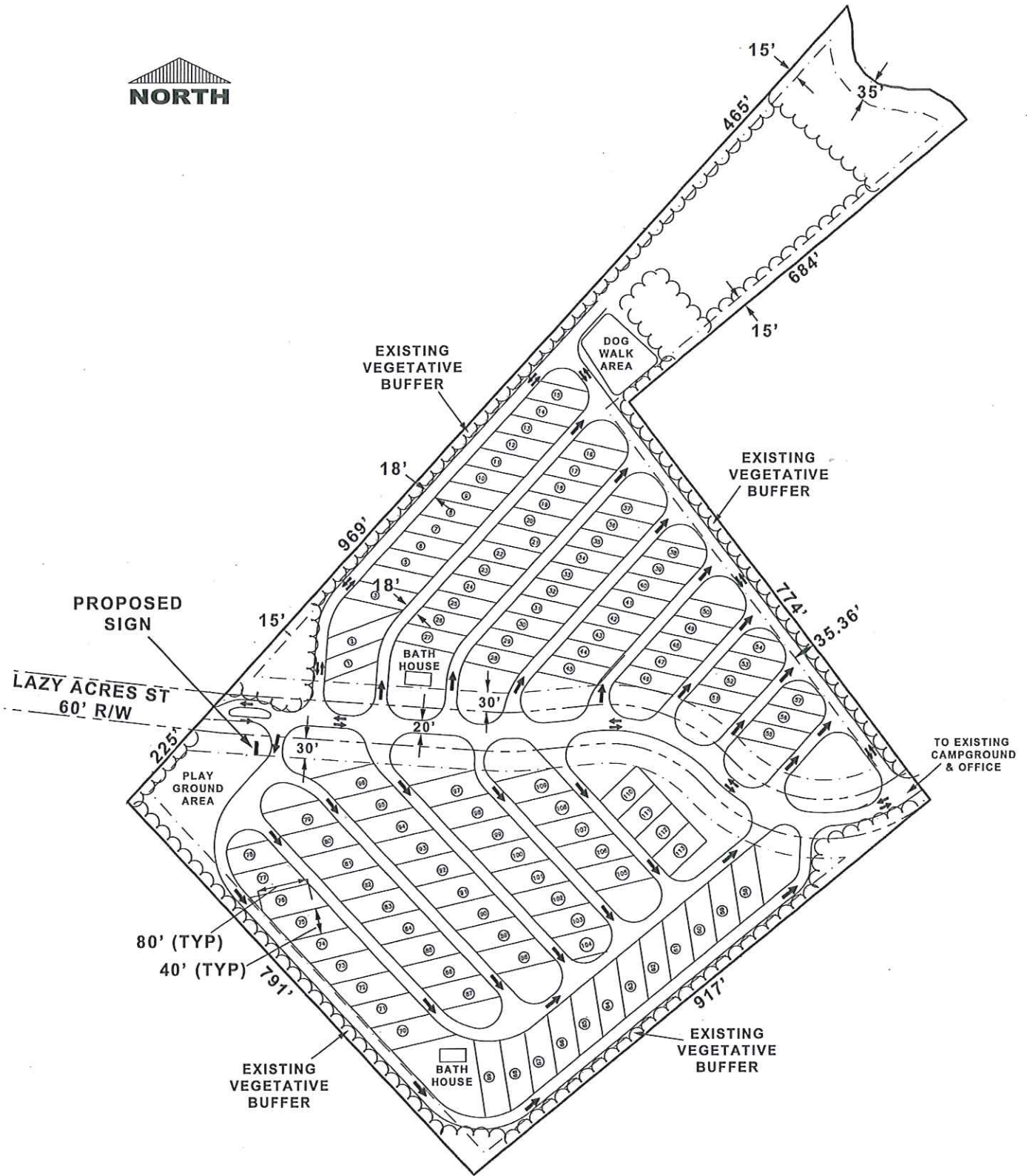
A certified copy of the listing with the tax record owner(s) of the subject and adjacent properties, along with their tax record mailing addresses, is contained within the case file and incorporated by reference as if delivered herewith.



REQUESTED REZONING M(P) TO RR/CZ

ACREAGE: 21.56 AC. +/-	HEARING NO: P18-35	
ORDINANCE: COUNTY	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

MB



RR RURAL RESIDENTIAL DISTRICT/ CZ CONDITIONAL ZONING DISTRICT
REQUEST: ALLOW A RECREATIONAL VEHICLE PARK AND/OR CAMPGROUND
CASE: P18-35 ACREAGE: 21.56 AC+/-
ZONED: M(P) SCALE: NTS

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

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

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

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

NOTE: Be specific and list all intended uses.

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

TO: (Select one)

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

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

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

1. Requested Rezoning from MP to CP
2. Address of Property to be Rezoned Lazy Acres Street, East of Claude Lee Rd
3. Location of Property: Lazy Acres Street, East of Claude Lee Rd

4. Parcel Identification Number (PIN #) of subject property: 0474-35-2885
(also known as Tax ID Number or Property Tax ID)
5. Acreage: 21.56 Frontage: 1059 Depth: 1658
6. Water Provider: Well: PWC: _____ Other (name): _____
7. Septage Provider: Septic Tank PWC _____
8. Deed Book 4490, Page(s) 235, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
9. Existing use of property: VACANT LAND
10. Proposed use(s) of the property: Recreational Vehicle Park

11. Do you own any property adjacent to or across the street from this property?
Yes No _____ If yes, where? _____
12. Has a violation been issued on this property? Yes _____ No

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

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

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.)

Recreational Vehicle Park

- 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.

21.56 Acres RV Park

113 Vehicle sites

2. DIMENSIONAL REQUIREMENTS:

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

RR front 30 FT side 15 FT rear 35 FT

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

Adequate parking provided on adjacent parcel

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. Existing vegetative buffer

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.

Access to be approved off Lazy Acres St.

*Monday through Saturday 9:00 AM - 12:00 PM + 1:00 PM - 6:00 PM
Sunday 11:00 AM - 6:00 PM*

There are 4 employees

There are 8 overhead lights

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.

✓ John H LEE, Fred LEE JR, Jame LEE
NAME OF OWNER(S) (PRINT OR TYPE)

7774 Snow Camp Rd Snow Camp NC 27349
ADDRESS OF OWNER(S)

336-376-9226 HOME TELEPHONE # WORK TELEPHONE #

✓ James C. Robinson
NAME OF AGENT, ATTORNEY, APPLICANT (PRINT OR TYPE)

821 Lazy Acres St Box 29
ADDRESS OF AGENT, ATTORNEY, APPLICANT

lazyacresrvcamp@gmail.com
E-MAIL

910-689-3131 HOME TELEPHONE # 910-425-9218 WORK TELEPHONE #

Fred W. Lee Jr. SIGNATURE OF OWNER(S) James C. Robinson SIGNATURE OF AGENT, ATTORNEY OR APPLICANT

John H. Lee
SIGNATURE OF OWNER(S)

James C. Robinson

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

RR RURAL RESIDENTIAL/CZ CONDITIONAL ZONING DISTRICT

DRAFT

Ordinance Related Conditions *for* *Recreational vehicle park and/or campground*

Pre- Permit Related:

1. Prior to permit application, the developer must provide to the Code Enforcement Section documentation of NC Department of Environmental Quality Division of Energy, Mineral and Land Resources' (NCDEQ DEMLR) approval of the Sedimentation and Erosion control plan for this project. NCDEQ DEMLR requires a Sedimentation and Erosion control plan be submitted and approved 30 days prior to land disturbing activities if said land disturbing activity will exceed one acre.

If a plan is not required, per 15ANCAC 04B.0105 "Person conducting land disturbing activity shall take all reasonable measures to protect public and private property from damage cause by such activities." Sedimentation and erosion control measures will need to be installed to protect adjacent properties.

[Sec. 4-8(b)(6), County Code; originally under County jurisdiction relinquished to NCDEQ around 2000]

2. Authorization for wastewater system construction required before other permits to be issued. The County Health Department must approve sewer plans. Lots not served by public sewer systems are required to be large enough and of such physical character to comply with the Health Department's minimum standards. Site and soil evaluations must be conducted on the property by the County Environmental Health Department. A copy of the Health Department approval must be provided to Code Enforcement. (Note: All Health Department requirements must be met prior to issuance of final permits.) (NCGS § 130A-338 & Sec. 2306 A, County Subdivision Ord. & Sec. 1101.E, County Zoning Ord.)

Permit-Related:

3. The owner/developer(s) of these lots must obtain detailed instructions from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street on provisions of the County Zoning Ordinance and any permits that may be required to place any structure within this development or to commence any use of the subject property. For additional information, the developer should contact a Code Enforcement Officer. (Chpt. 4, County Code & Sec. 107, County Zoning Ord.)
4. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application. [Sec. 4-8(b)(2), County Code]
5. **Driveway Permit Required.** 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's (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.

In the event that a structure (house) is built by a contractor for commercial gain and/or if property changes ownership from existing owner to builder, an approved Driveway Permit must be secured.

Note: In the event the NCDOT driveway permit process alters the site plan in any manner, three copies of a revised site plan (and \$25.00 revision fee) 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.
[§ 136-18(29), NCGS]

6. Because the subject property is located within the Airport Overlay District and in the event any structure is greater than 200 feet in height, the developer will be required to provide a FCC Form 7460-1 to Code Enforcement at the time of permit application. This form must be acknowledged by the FCC that the structure is not a hazard or obstruction to air traffic. (Section 8.101.D, County Zoning Ord.)
7. 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 Department of Energy, Minerals and Land Resources, NC Department of Environmental Quality (DEMLR NCDEQ). If one acre or more of land is to be disturbed, a copy of the State's *Post-Construction Permit* must be provided to County Code Enforcement prior to the issuance of the Certificate of Occupancy. (Note: If any retention/detention basins are required for state approval of this plan, three copies of a revised plan (and \$25/\$50 revision fee) must be submitted and approved by Planning & Inspections.) (Sec. 2306.D, County Subdivision Ord. & 2006-246, NC Session Law)
8. The County Health Department must approve water plans. Lots not served by public water system is required to be large enough and of such physical character to comply with the Health Department's minimum standards. A copy of the Health Department approval must be provided to Code Enforcement. (Note: All Health Department requirements must be met prior to issuance of final permits.) (Sec. 2306 A, County Subdivision Ord. & Sec. 1101.E, County Zoning Ord.)
9. The County Fire Marshall specifies that the developer is to ensure that fire department access is met. For questions related to this comment, please contact the Fire Marshall's office.
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. (Sec. 107.B, County Zoning Ord.; & Secs. 2005 & 2007 County Subdivision Ord.)

Site-Related:

11. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Development Ordinance, and County Zoning Ordinance for the RR Rural Residential/CZ Conditional Zoning for a recreational vehicle park and/or campground zoning district must be complied with, as applicable.

Note: By showing the access to the site as Lazy Acres Street, which is not an approved street, the applicant is requesting the Commissioners vary the ordinance by allowing development of the site without the minimum required 20 feet of street frontage. (Section 1101.B "Street Access", County Zoning Ordinance) If the variance request is approved, it is specific to the current application only and will not apply to any future development.

12. This conditional approval is not approval of the permit for any freestanding signs. 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.) (Art. XIII, County Zoning Ord.)
13. 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 2307.A, County Subdivision Ord.)
14. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306.C, County Subdivision Ord.)
15. In the event a stormwater utility structure is required by the NC Department of Environmental Quality (NCDEQ), the owner/developer must secure the structure with a four foot high fence with a lockable gate, and is required to maintain the detention/retention basin, keeping it clear of debris and taking measures for the prevention of insect and rodent infestation. (Sec. 1102.O, County Zoning Ord.)

16. Turn lanes may be required by the NC Department of Transportation (NCDOT). [Art. XIV, County Zoning Ord. & NCGS §136-18(5) & §136-93]

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.

17. 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.
18. The recreational vehicle park must be enclosed by a fence, wall, landscape screening, earthen mounds or by other measures from all contiguous residential areas in a manner that complements the landscape and assures compatibility with the adjacent environment and complies with the buffering requirements for non-residential uses adjacent to residential districts (Section 1102 G, County Zoning Ordinance) (Note: Chain link fencing cannot be used to satisfy the buffer requirement.)
19. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.
20. Adequate off-street parking and maneuvering space shall be provided on site. No public street, sidewalk or right-of-way or any other private grounds not a part of the recreational vehicle parking area shall be used to park or maneuver vehicles.
21. Each recreational vehicle/camp site, excluding sites used solely for tents, shall be a minimum of 1200 square feet in area.
22. The recreational vehicle park must provide at least one telephone for public use.
23. The recreational vehicle park/campground cannot allow for permanent occupancy of any RV or campsite within this development; the same RV cannot remain on the same site for a continuous period of time exceeding 90 days.
24. Recreation vehicle parks/campgrounds shall be used only by travel trailers, pickup, coaches, motor homes, camping trailers, other vehicular accommodations and tents suitable for temporary habitation and used for travel, vacation and recreation purposes.
25. The internal drives serving the recreation vehicle park are to be constructed with a minimum 18 feet in width if providing two way streets and 12 feet in width for one way drives and contain a minimum depth of six inches of stone gravel base with proper ditching, drainage, and seeding of slopes.
26. 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. (Sec. 1403, County Zoning Ord.)

Advisories:

27. The applicant is advised to consult an expert on wetlands before proceeding with any development. There may be wetlands located in the project area that are subject to the permit requirements of Section 404 of the Clean Water Act. To avoid a violation of federal and/or state law, it is recommended the developer contact the Office of the Army Corp of Engineers or hire an environmental consultant to identify and delineate any wetlands in the project area prior to construction. A Section 404 permit will be required if the applicant needs to fill wetlands and the permit must be obtained prior to any construction on this site.
28. A review of the data available to the Army Corp of Engineers indicates that jurisdictional waters are likely to be present on this property and therefore are likely to be impacted by the proposed project. However, without an official Jurisdictional Determination at the property, these findings cannot be confirmed.

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

29. An internal street system most likely will be required by the NC Department of Transportation (NCDOT) to serve any future divisions of the parent tract.

30. 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.
31. 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.
32. The subject property lies on Claude Lee Road. Claude Lee 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. For questions related to this comment, please contact Transportation Planning.
33. 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.
34. Because the subject property is located within the Airport Overlay District, the developer is strongly encouraged to discuss their development plans with Land Use Codes Section and/or the Fayetteville Regional Airport Director early in the planning stage to ensure that the proposed height of any proposed structure can be found to be no obstruction or hazard to air navigation.

Thank you for choosing Cumberland County for your business location!

If you need clarification of any conditions, please contact Betty Lynd at 910-678-7603 or Hope Page at 910-678-7602 with the Land Use Codes Section; otherwise, contact the appropriate agency at the contact numbers below.

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

Subdivision/Site Plan/Plat	Ed Byrne	678-7609	ebyrne@co.cumberland.nc.us
Code Enforcement (Permits):	Scott Walters	321-6654	swalters@co.cumberland.nc.us
County Building Inspections:	Michael Naylor	321-6657	mnaylo@co.cumberland.nc.us
Fire Marshal – Emergency Services	Kevin Lowther	321-6625	klowther@co.cumberland.nc.us
	Gene Booth	678-7641	wbooth@co.cumberland.nc.us
County Engineer’s Office:	Wayne Dudley	678-7636	wdudley@co.cumberland.nc.us
County Health Department:	Fred Thomas	433-3692	fthomas@co.cumberland.nc.us
Ground Water Issues:	Fred Thomas	433-3692	fthomas@co.cumberland.nc.us
Fayetteville Airport Director	Brad Whited	433-1160	bwhited@ci.fay.nc.us
Fayetteville Planning:	Taurus Freeman	433-1416	tfreeman@ci.fay.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:	Will Phipps	678-7666	wphipps@co.cumberland.nc.us
Tax Parcel Numbers:		678-7549	
NCDOT (driveways/curb-cuts):	Troy Baker	364-0601	tlbaker@ncdot.gov
Transportation Planning:	Katrina Evans	678-7614	kevans@co.cumberland.nc.us
N.C. Division of Water Quality:	Annette Lucas	(919) 807-6381	annette.lucas@ncdenr.gov

cc: Marsha Bryant, City of Fayetteville
Taurus Freeman, City of Fayetteville
Gerald Newton, City of Fayetteville
Bradley Whited, Fayetteville Regional Airport

REQUEST
R10 & CD to R6A

ACREAGE: **3.00+/-**

PROPERTY OWNER/APPLICANT
WAREES & ASUMPTER WAREES (OWNERS)

PROPERTY ADDRESS/LOCATION
5187 & 5175 Lakewood Drive

Jurisdiction: **County**

PROPERTY INFORMATION

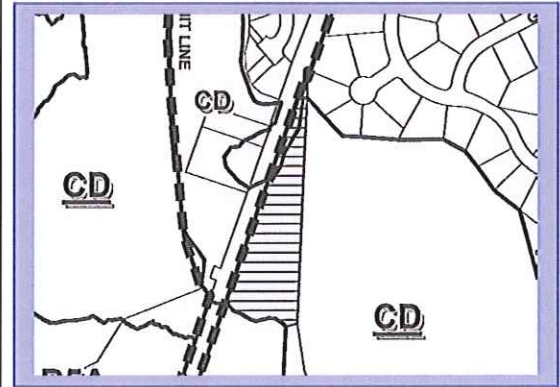
Frontage & Location: 896'+/- on SR 1108 (Lakewood Drive)
 Depth: 70'+/-
 Adjacent Property: No
 Current Use: Single family dwelling
 Municipal Influence Area: Fayetteville
 Initial Zoning: R10 & CD – February 6, 1976 (Area 5)
 Nonconformities: Existing dwelling does not meet minimum required front yard setback.
 Zoning Violation(s): None
 School Capacity/Enrolled: Comments requested, none received
 Special Flood Hazard Area (SFHA): Yes
 Water/Sewer Availability: PWC/PWC
 Soil Limitations: Yes- Hydric: JT (Johnston loam)
 Subdivision/Site Plan: If approved, group development required
 Average Daily Traffic County (2016): 11,000 on SR 1108 (Lakewood Drive)
 Highway Plan: Lakewood Drive is identified as an existing thoroughfare in the 2040 Metropolitan Transportation Plan with no constructions/improvements planned; no impact on the Transportation Improvement Plan.

Notes:

1. **Density**
 R10- 17 lots/units
 R6A- 31 lots/units
 MHP- 24 units

2. **Minimum Yard Setbacks:**

	<u>CD</u>	<u>R6A</u>	<u>R6</u>	<u>R10 (R7.5)</u>
Front yard:	50'	25'	25'	30'
Side yard:	50'	10'	10'	10'
Rear yard:	50'	15'	30'	35'



SURROUNDING LAND USE: Residential, woodland

COMPREHENSIVE PLANS:
2030 Growth Vision Plan: Urban & Conservation Area
Southwest Cumberland Land Use Plan (2013): Low Density Residential & Open Space

STAFF RECOMMENDATION

APPROVAL

APPROVAL WITH CONDITIONS

DENIAL

In Case P18-46, the Planning and Inspections Staff recommends denial of the rezoning from R10 Residential & CD Conservancy District to R6A Residential and approval of the rezoning from R10 Residential & CD Conservancy District to R6 Residential except for that portion located within the Special Flood Hazard Area and Floodway to be zoned CD Conservancy District and find:

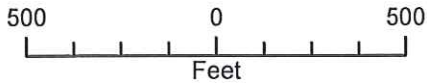
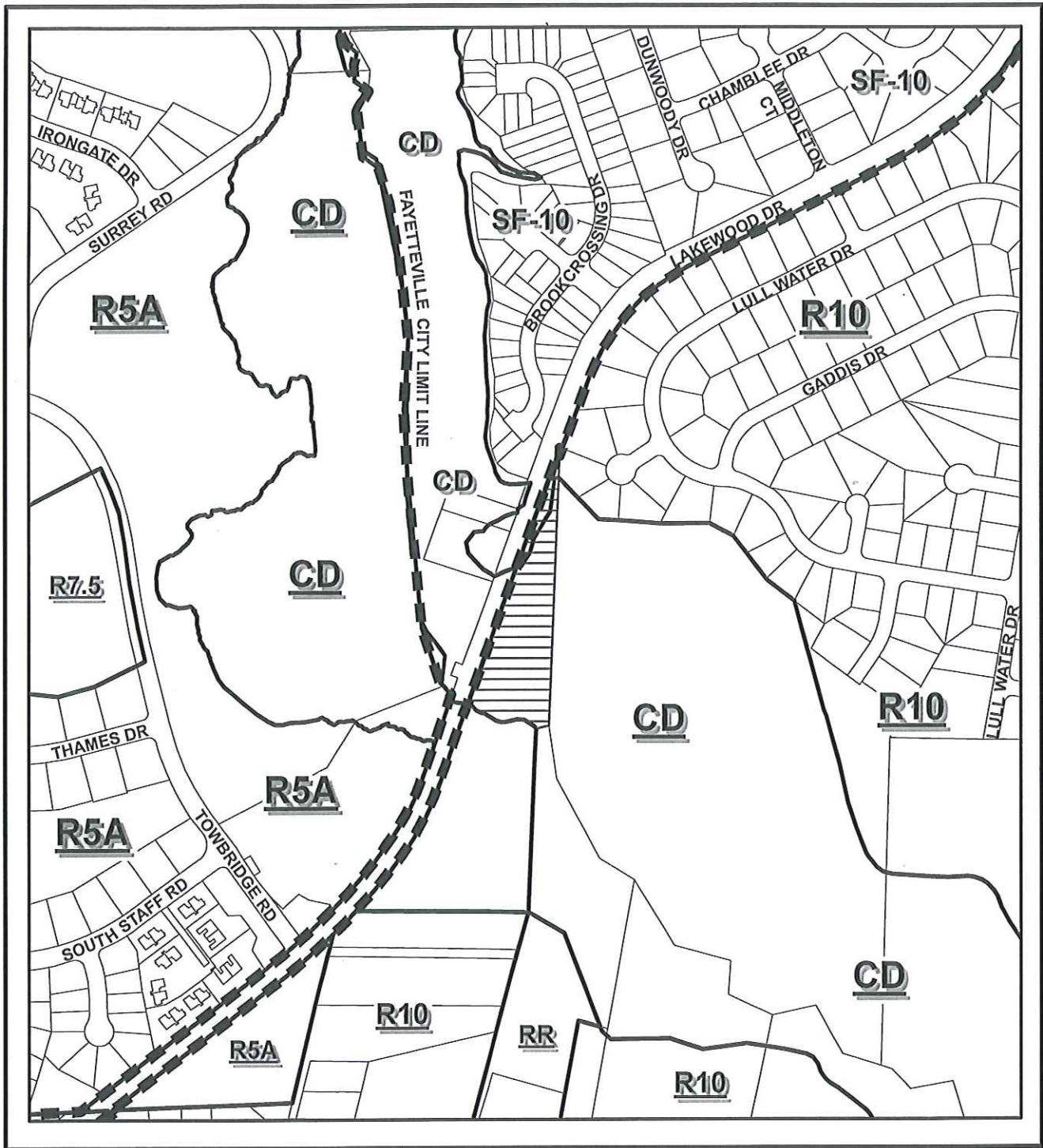
- a. The approval is an amendment to the adopted current Southwest Cumberland Land Use Plan (2013) map; and that the Board of Commissioners should not require any additional request or application for amendment to said map for this request;
- b. The following change in conditions was considered in amending the zoning ordinance (zoning map) to meet the development needs of the community: the subject property meets the location criteria for "medium density residential" as defined in the Land Use Policies Plan (2009);
- c. And, this rezoning approval is reasonable and in the public interest because the district recommended is in harmony with the surrounding existing land uses and zoning while preserving existing conditions within the Conservancy district.

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.



PIN: 9495-92-2101

REQUESTED REZONING R10 & CD TO R6A

ACREAGE: 3.00 AC. +/-	HEARING NO: P18-46	
ORDINANCE: COUNTY	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

MB

REQUEST
A1 to R6A

ACREAGE: **.47+/-**

PROPERTY OWNER/APPLICANT
MARY K. WHITTED, BRENDA WILLIAMS, DEBORAH
WRIGHT, DELLA W. PERKINS & BETTY JAMES ON
BEHALF OF LILLIE MAE WHITTED HEIRS (OWNER)

PROPERTY ADDRESS/LOCATION
315 John B Carter Road

Jurisdiction: **County**

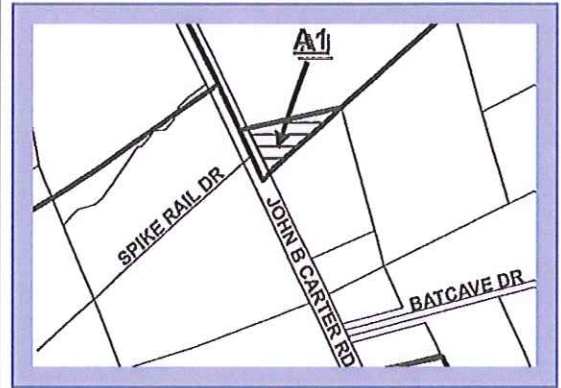
PROPERTY INFORMATION

Frontage & Location: 140'+/- on SR 2010 (John B Carter Road)
Depth: 281'+/-
Adjacent Property: No
Current Use: Single family dwelling
Initial Zoning: A1 – September 14, 1979 (Area 9)
Municipal Influence Area: Fayetteville
Nonconformities: Property does not meet minimum size requirements for the A1 district (parcel created prior to zoning). Existing dwelling does not meet front yard or side yard setbacks to the southern property line for the A1 district.
Zoning Violation(s): None
School Capacity/Enrolled: Comments requested, none received
Special Flood Hazard Area (SFHA): None
Water/Sewer Availability: PWC/Septic
Soil Limitations: None
Subdivision/Site Plan: If approved, group development review required
Average Daily Traffic County (2016): 1,100 on SR 2010 (John B Carter Road)
Highway Plan: John B Carter Road is identified as an existing thoroughfare in the 2040 Metropolitan Transportation Plan with no construction/ improvements planned; no impact on the Transportation Improvement Plan.

Notes:

1. **Density**
A1- 1 lot/unit
R6A- 3 lots/4 units
2. **Minimum Yard Setbacks:**

	<u>A1</u>	<u>R6A</u>
Front yard:	50'	25'
Side yard:	20'	10'
Rear yard:	50'	15'



SURROUNDING LAND USE: Residential (including manufactured homes & manufactured home park), religious worship facility (2)

COMPREHENSIVE PLANS:
2030 Growth Vision Plan: Urban Fringe
Vander Land Use Plan (2017): Suburban Density Residential

STAFF RECOMMENDATION

APPROVAL

APPROVAL WITH CONDITIONS

DENIAL

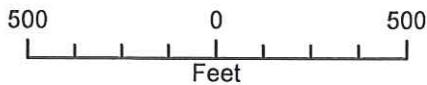
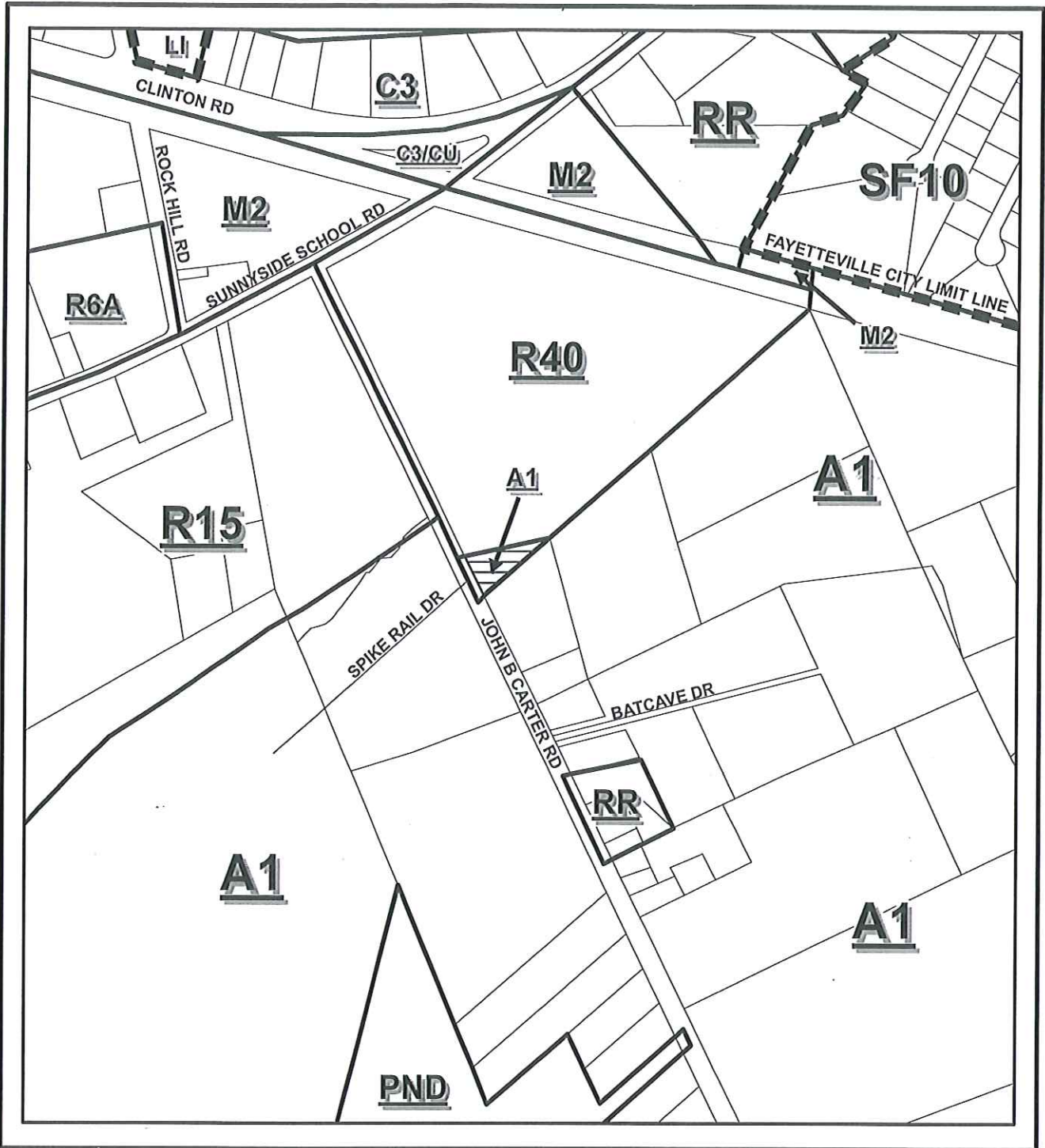
In Case P18-50, the Planning and Inspections Staff recommends to deny the rezoning from A1 Agricultural to R6A Residential and find it is not consistent with the adopted Vander Land Use Plan (2017) which calls for "suburban density residential" at this location; and further find that denial of the rezoning is reasonable and in the public interest because the subject property lacks access to public sewer and the district requested is not in harmony with surrounding existing zoning.

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 A1 TO R6A

ACREAGE: 0.47 AC. +/-		HEARING NO: P18-50	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

PIN: 0466-25-7182

LH
11-28-2018