

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

Vacant,  
Deputy Director

Vikki Andrews,  
Carl Manning,  
Lori Epler  
Cumberland County

Stan Crumpler,  
Town of Eastover

Patricia Hall,  
Town of Hope Mills

**AGENDA**

January 15, 2019  
7:00 P.M.

- I. INVOCATION AND PLEDGE OF ALLEGIANCE
- II. APPROVAL OF/ADJUSTMENTS TO AGENDA
- III. PUBLIC HEARING DEFERRALS
  - A. **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). **DEFERRED UNTIL FEBRUARY 19, 2019**
  - B. **P19-01.** REZONING OF 1.46+/- ACRES FROM R6A RESIDENTIAL TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON EAST SIDE OF NC 59 (HOPE MILLS ROAD), WEST OF SR 1135 (JOHN SMITH ROAD), NORTH OF NC 162 (GEORGE OWEN ROAD); SUBMITTED BY ERIC & CARRIE BROWN (OWNERS) & MICHAEL J. ADAMS ON BEHALF OF M.A.P.S. SURVEYING INC. (AGENT). (HOPE MILLS & COUNTY) **DEFERRED UNTIL FEBRUARY 19, 2019**
  - C. **P19-02.** REZONING OF .47+/- ACRE FROM A1 AGRICULTURAL TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED NORTH OF NC HWY 24, WEST OF SR 1852 (MARY MCCALL ROAD); SUBMITTED BY KEVIN A. CARROLL (OWNER). **DEFERRED UNTIL FEBRUARY 19, 2019**
- IV. ABSTENTIONS BY BOARD MEMBERS
- V. POLICY STATEMENT REGARDING PUBLIC HEARING TIME LIMITS
- VI. APPROVAL OF THE MINUTES OF DECEMBER 18, 2018
- VII. PUBLIC HEARING CONSENT ITEMS

REZONING CASES

- A. **P19-04.** REZONING OF 2.03+/- ACRES FROM A1 AGRICULTURAL TO R40 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 5153 GRAYS CREEK CHURCH ROAD, SUBMITTED BY DON & LETICIA GILMORE (OWNERS). **P19-03.** REZONING OF 1.00+/- ACRE FROM A1 AGRICULTURAL TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 8321 CLINTON ROAD, SUBMITTED BY KEVIN A. CARROLL (OWNER).

VIII. PUBLIC HEARING CONTESTED ITEMS

CONDITIONAL ZONING CASE

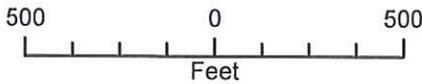
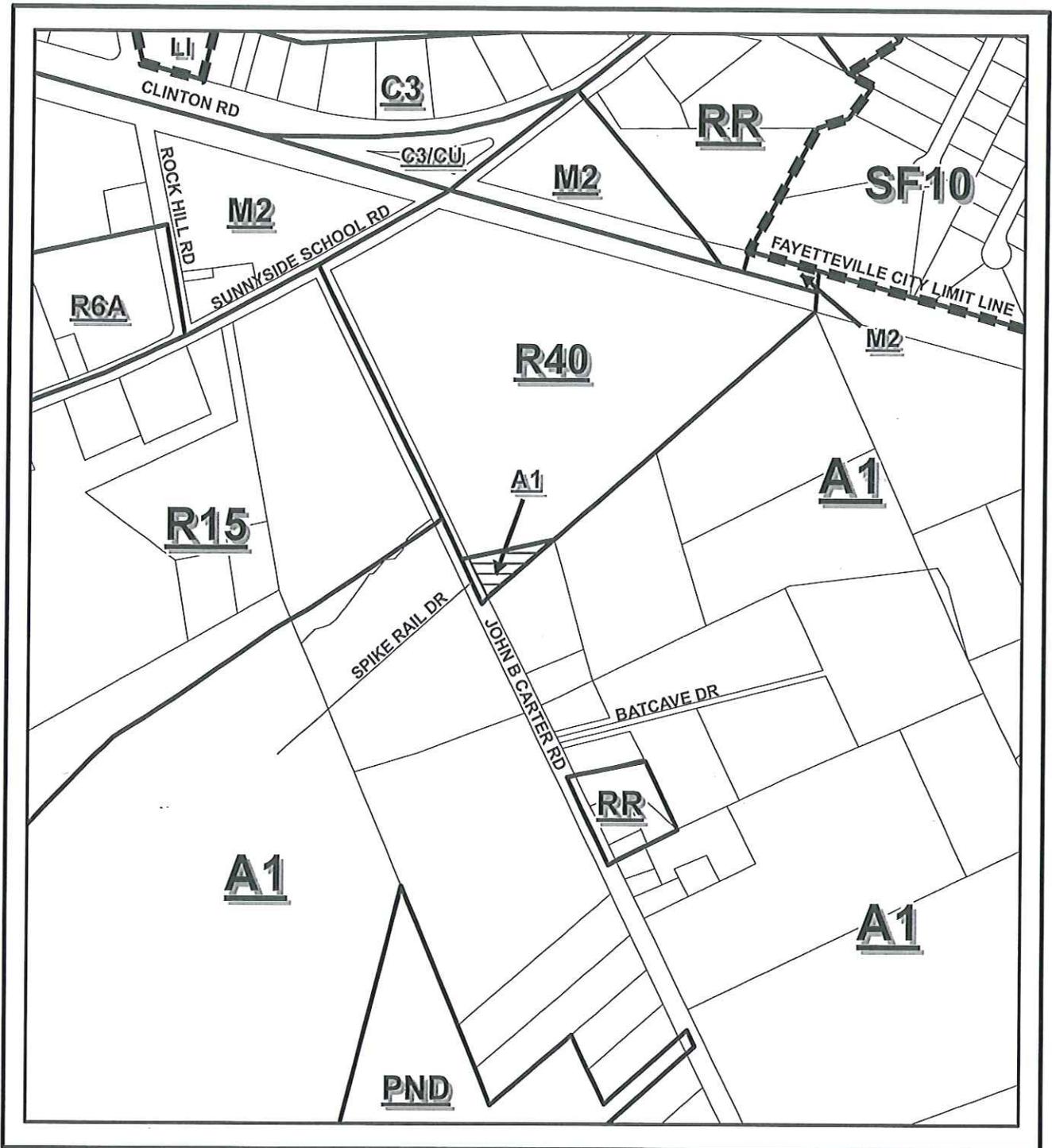
- B. **P19-05.** REZONING OF 1.50+/- ACRES FROM R10 RESIDENTIAL TO C2(P) PLANNED SERVICE AND RETAIL DISTRICT/CZ CONDITIONAL ZONING FOR TRADES CONTRACTOR ACTIVITIES OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE NORTHWEST SIDE OF SR 1243 (US HWY 301 SOUTH), NORTH OF SR 1126 (BROOKLYN CIRCLE); SUBMITTED BY TIMOTHY B. EVANS (OWNER). REZONING CASES

REZONING CASE

- C. **P19-03.** REZONING OF 1.00+/- ACRE FROM A1 AGRICULTURAL TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 8321 CLINTON ROAD, SUBMITTED BY KEVIN A. CARROLL (OWNER).

IX. DISCUSSION

X. ADJOURNMENT

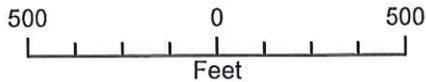
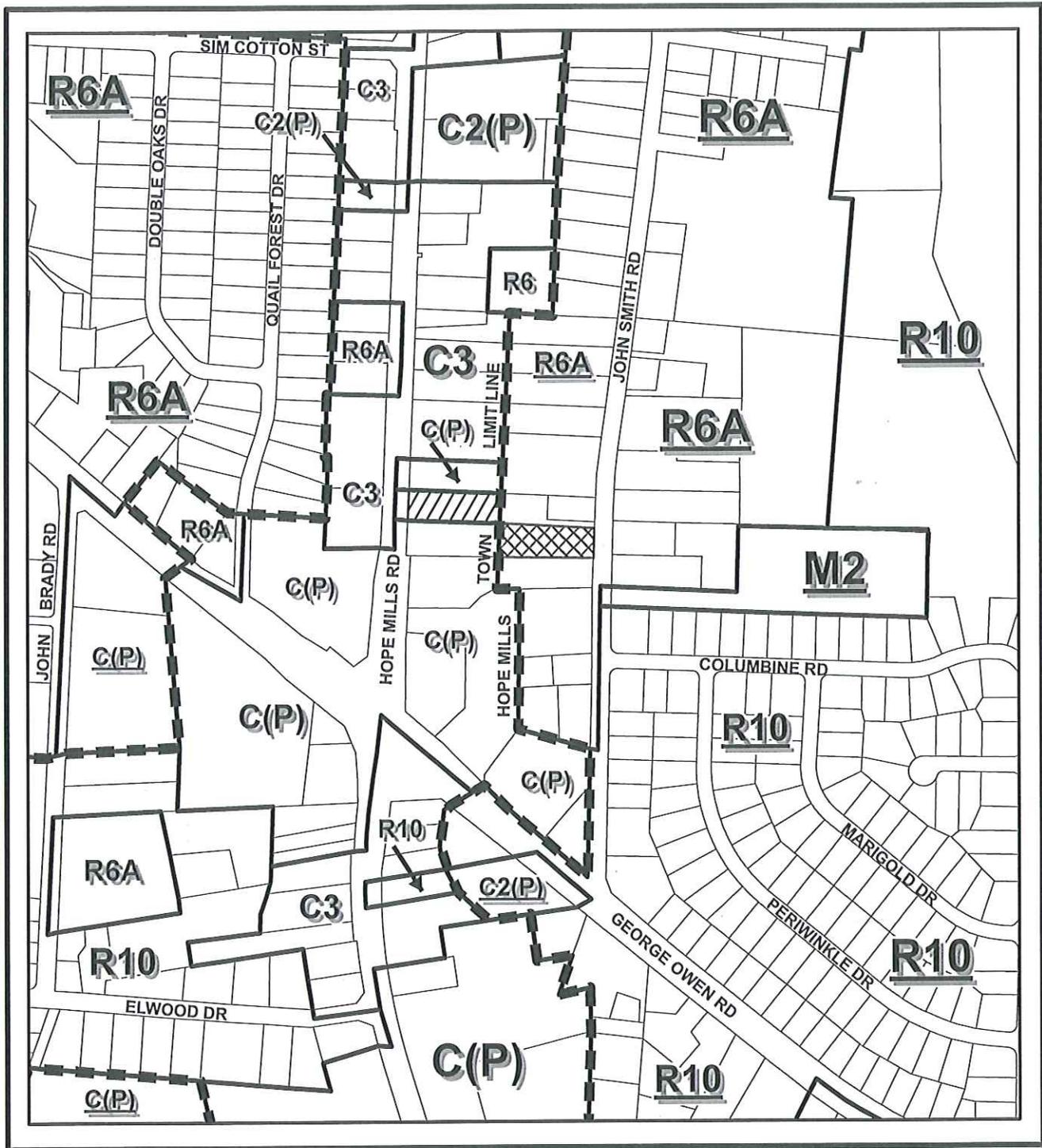


PIN: 0466-25-7182

## REQUESTED REZONING A1 TO R6A

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

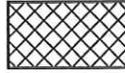
LH  
11-28-2018



PIN: 0405-94-9010  
 PIN: 0415-03-2839

### REQUESTED REZONING

 R6A TO C(P)  
 Hope Mills  
 0.72 ac +/-

 R6A TO C(P)  
 County  
 0.74 ac +/-

ACREAGE: 1.46 AC. +/-

HEARING NO: P19-01

ORDINANCE: COUNTY/HOPE MILLS

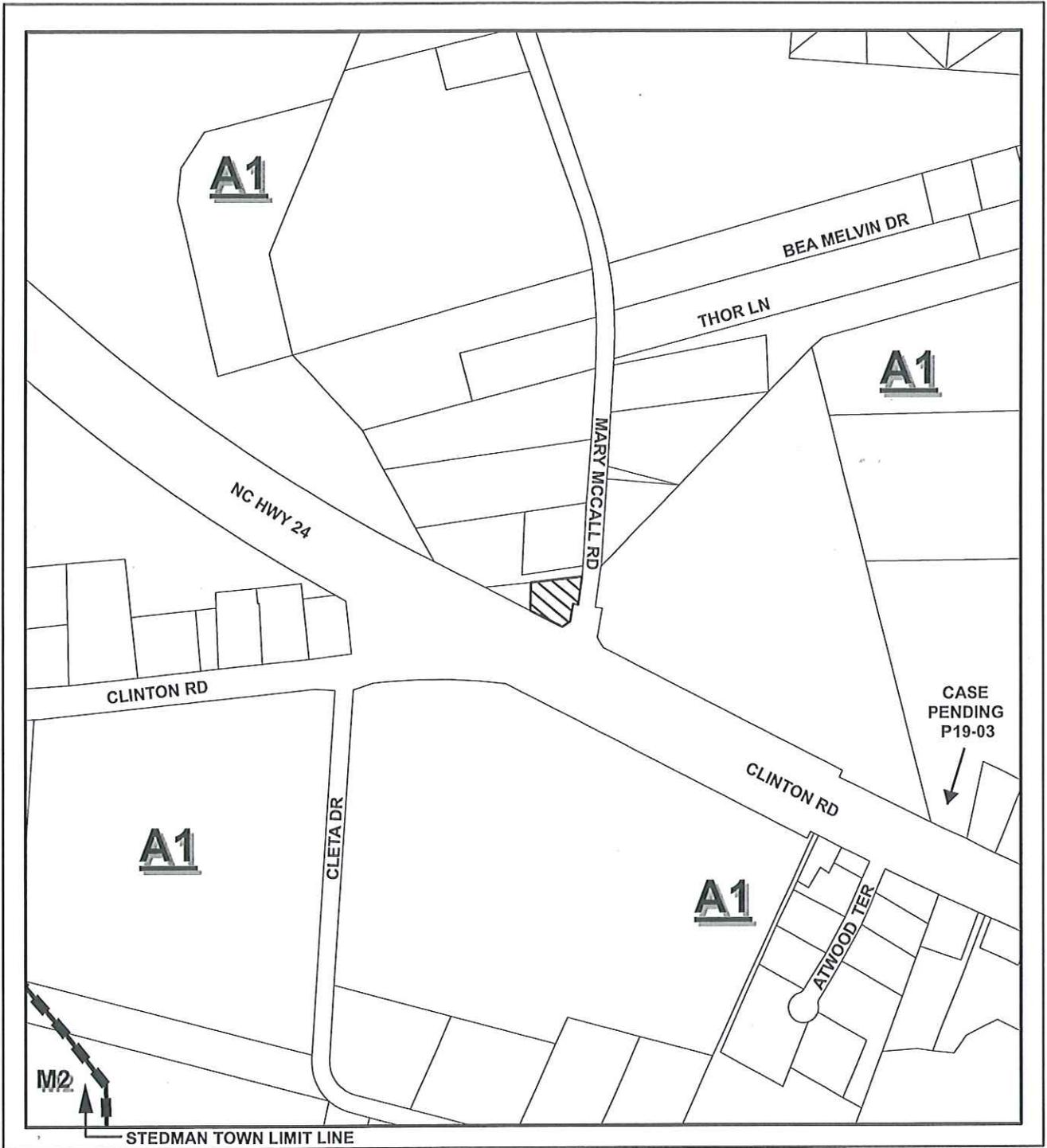
HEARING DATE

ACTION

STAFF RECOMMENDATION

PLANNING BOARD

GOVERNING BOARD



## REQUESTED REZONING A1 TO C(P)

**ACREAGE: 0.47 AC. +/-**

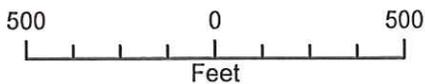
**HEARING NO: P19-02**

ORDINANCE: COUNTY

STAFF RECOMMENDATION

PLANNING BOARD

GOVERNING BOARD



PORTION OF PIN: 0495-78-8972

MB

REQUEST  
**A1 to R40**

ACREAGE: **2.03+/-**

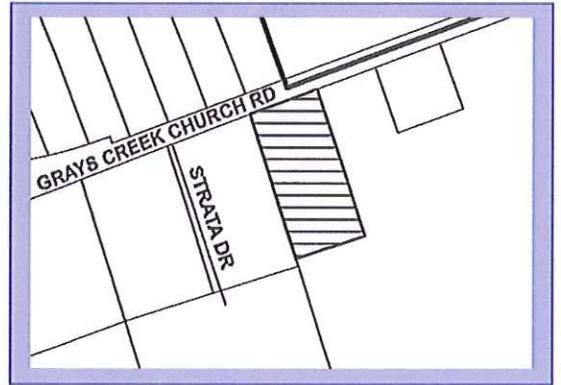
PROPERTY OWNER/APPLICANT  
DON & LETICIA GILMORE (OWNERS)

PROPERTY ADDRESS/LOCATION  
**5153 Grays Creek Church Road**

Jurisdiction: **County**

**PROPERTY INFORMATION**

Frontage & Location: 210'+/- on SR 2235 (Grays Creek Church Road)  
 Depth: 446'+/-  
 Adjacent Property: None  
 Current Use: Vacant  
 Initial Zoning: A1 – March 1, 1994 (Area 17)  
 Nonconformities: None  
 Zoning Violation(s): None  
 School Capacity/Enrolled: Alderman Road Elementary: 750/705; Gray's Creek Middle: 1100/1135; Gray's Creek High: 1470/1442  
 Watershed: Yes  
 Special Flood Hazard Area (SFHA): None  
 Water/Sewer Availability: Well/Septic  
 Soil Limitations: Yes; Hydric: Co (Coxville loam)  
 Subdivision/Site Plan: If approved, group development or subdivision review required  
 Average Daily Traffic County (2016): 360 on SR 2235 (Grays Creek Church Road)  
 Highway Plan: Grays Creek Church Road is identified as a local road in the 2040 Metropolitan Transportation Plan with no constructions/improvements planned; no impact on the Transportation Improvement Plan.



SURROUNDING LAND USE: Residential, farmland & airport operation

COMPREHENSIVE PLANS:  
**2030 Growth Vision Plan:** Rural Areas  
**South Central Land Use Plan (2015):** Farmland

Notes:

1. **Density**  
 A1- 1 lot/unit  
 R40- 2 lots/units
  
2. **Minimum Yard Setbacks:**

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

STAFF RECOMMENDATION

APPROVAL

APPROVAL WITH CONDITIONS

DENIAL

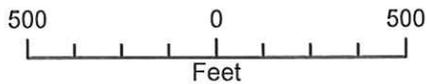
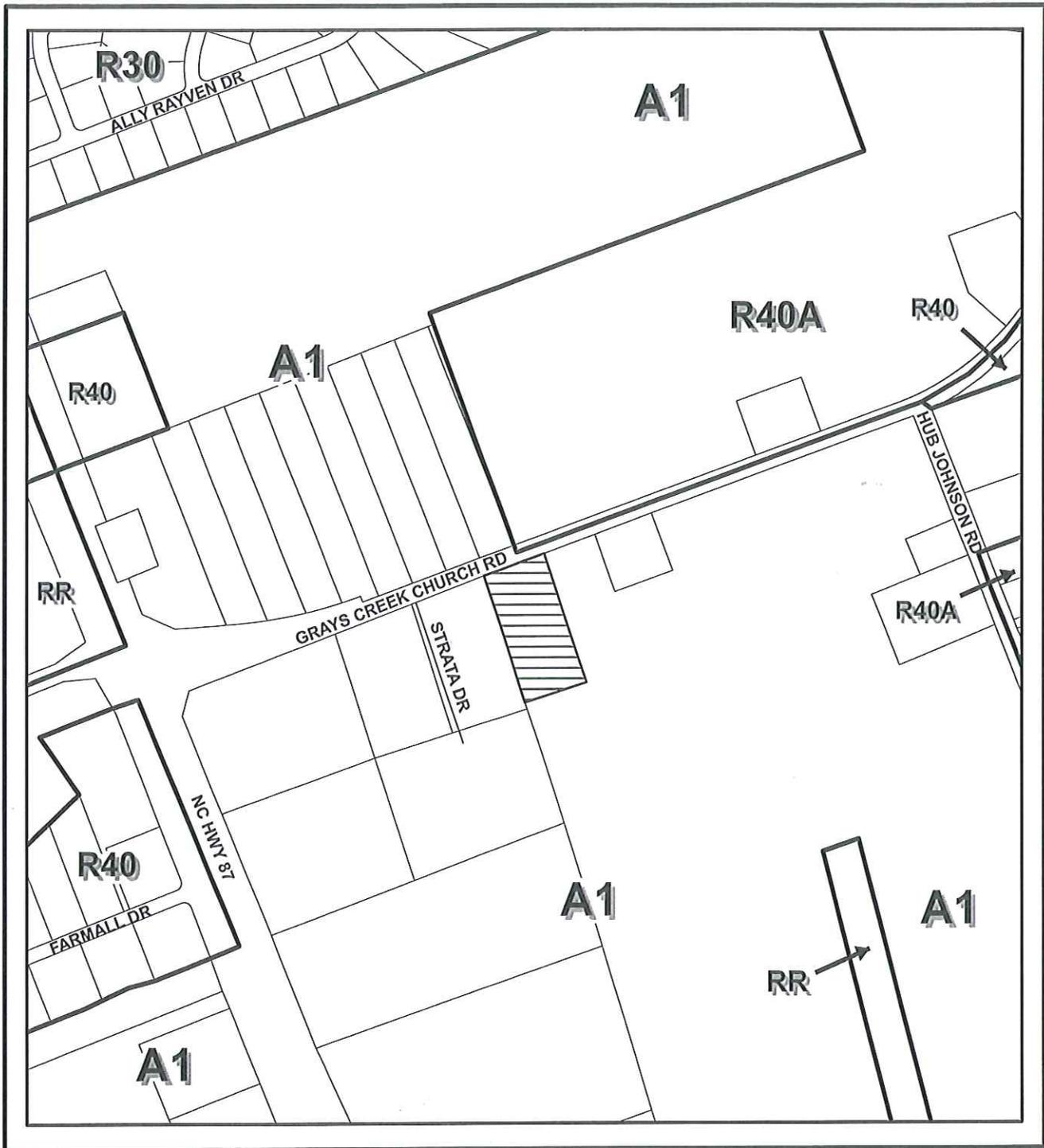
In Case P19-04, the Planning and Inspections Staff recommends approval of the rezoning from A1 Agricultural to R40 Residential and find it is consistent with the adopted South Central Land Use Plan (2015) which calls for "farmland" at this location, the "farmland" designation allows for one unit per acre with suitable soils for septic, 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.

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: 0441-58-5657

## REQUESTED REZONING A1 TO R40

<b>ACREAGE: 2.03 AC. +/-</b>	<b>HEARING NO: P19-04</b>
ORDINANCE: COUNTY	
STAFF RECOMMENDATION	
PLANNING BOARD	
GOVERNING BOARD	

MB

REQUEST  
**R10 to C2(P)/CZ for trades contractor activities**

ACREAGE: **1.50+/-**

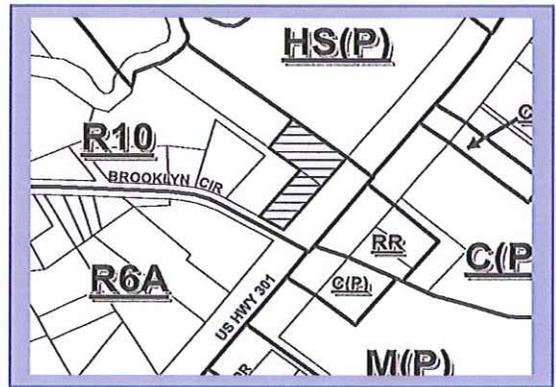
PROPERTY OWNER/APPLICANT  
TIMOTHY B. EVANS (OWNER)

PROPERTY ADDRESS/LOCATION  
**Northwest side of SR 1243 (US Hwy 301 S), north of SR 1126 (Brooklyn Circle)**

Jurisdiction: **County**

**PROPERTY INFORMATION**

Frontage & Location: 382'+/- on SR 1243 (US Hwy 301 S); 110'+/- on SR 1126 (Brooklyn Circle)  
Depth: 260'+/-  
Adjacent Property: Yes  
Current Use: Vacant  
Initial Zoning: R10 – November 17, 1975 (Area 4)  
Nonconformities: None  
Zoning Violation(s): None  
School Capacity/Enrolled: Gallberry Farm Elementary: 900/998; South View Middle: 900/646; South View High: 1800/1648  
Special Flood Hazard Area (SFHA): None  
Water/Sewer Availability: PWC/Septic  
Soil Limitations: None  
Subdivision/Site Plan: See Ordinance Related Conditions  
Average Daily Traffic County (2016): 1,300 on SR 1126 (Brooklyn Circle)  
Highway Plan: US Hwy 301 South is identified as an expressway needing improvement in the 2040 Metropolitan Transportation Plan with no constructions/improvements planned. Brooklyn Circle is identified as a local road 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), recreational vehicle park and/or campground, vacant residential rehabilitation support facility,, motor vehicle sales, motor vehicle repair, woodworking, retailing & servicing, religious worship facility, fire station & woodlands

**COMPREHENSIVE PLANS:**  
**2030 Growth Vision Plan:** Urban  
**Southwest Cumberland Land Use Plan (2013):** Low Density Residential

**Notes:**

1. **Density**  
R10- 8 lots/9 units
2. **Minimum Yard Setbacks:**

	<b>R10 (R7.5)</b>	<b>C2(P)</b>
Front yard:	30'	50'
Side yard:	10'	30'
Rear yard:	35'	30'
3. The property owner has agreed with all ordinance related conditions.

STAFF RECOMMENDATION

APPROVAL

APPROVAL WITH CONDITIONS

**DENIAL**

In Case P19-05, the Planning and Inspections Staff recommends denial of the rezoning from R10 Residential to C2(P) Planned Service and Retail District/CZ Conditional Zoning for trades contractor activities subject to the conditions within our packet and find it is not consistent with the Southwest Cumberland Land Use Plan (2013) which calls for "low density residential" at this location; and further find that denial of the rezoning is reasonable and in the public interest because denial of the request will prevent further encroachment of heavy commercial uses towards the existing residential uses.

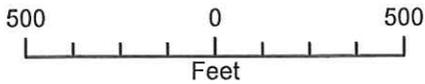
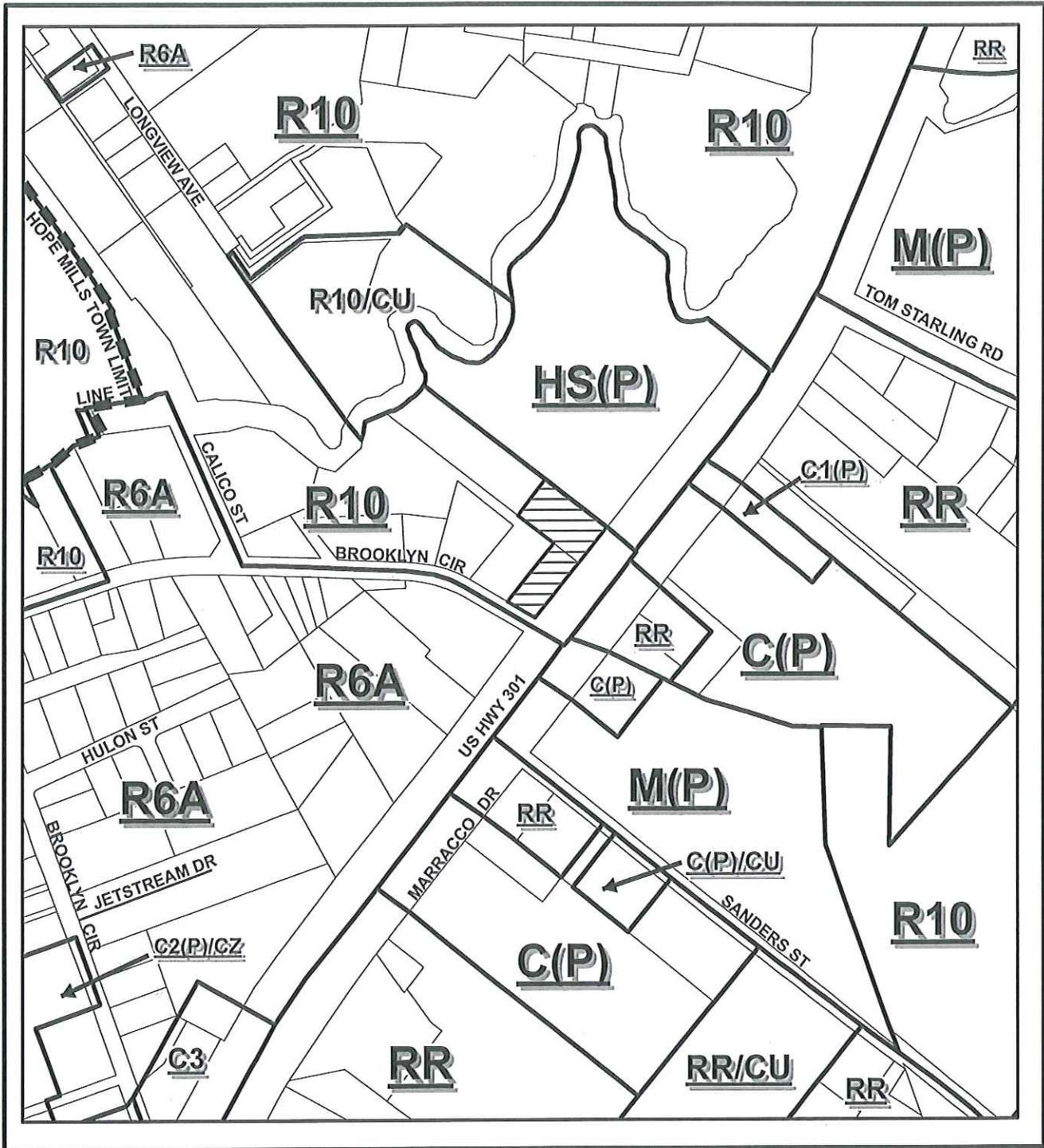
**OTHER SUITABLE DISTRICTS:** None

**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.

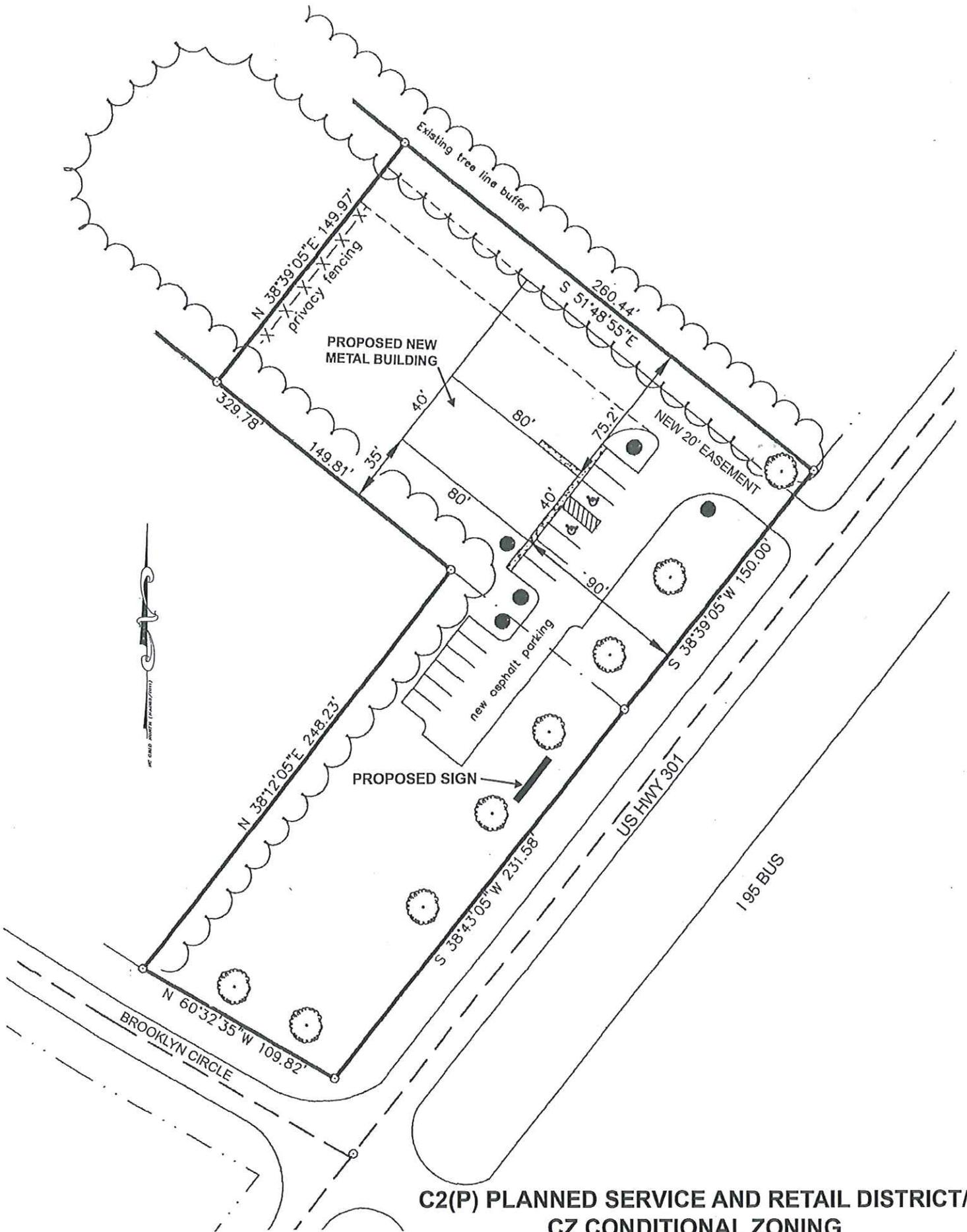




PIN: 0424-30-8458  
 PORT. OF PIN: 0424-30-7813

## REQUESTED REZONING R10 TO C2(P)/CZ

<b>ACREAGE: 1.50 AC. +/-</b>	<b>HEARING NO: P19-05</b>	
ORDINANCE: COUNTY	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		



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

REQUEST: FOR TRADES CONTRACTOR ACTIVITIES

CASE: P19-05 ACREAGE: 1.50 AC +/-

ZONED: R10 SCALE: NTS

\*SCALE 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 Tim Evans
2. Address: ~~4234 [unclear] [unclear]~~ Zip Code 28306  
no address
3. Telephone: (Home) 910-273-5016 (Work) \_\_\_\_\_
4. Location of Property:  Hwy 301 South / Brooklyn Cir.
5. Parcel Identification Number (PIN #) of subject property: 0424-30-8458  
(also known as Tax ID Number or Property Tax ID) 0424-30-7813
6. Acreage: 1.5 Frontage: 382 Depth: 770
7. Water Provider: P.W.C. Septage Provider: Septic
8. Deed Book 09481, Page(s) 00565, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
9. Existing use of property: none / wooded
10. Proposed use(s) of the property: C2P Trade Contractor

**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: R-10

TO: (Select one)

- C2P Conditional Zoning District, with an underlying zoning district of \_\_\_\_\_  
(Article V)
- \_\_\_\_\_ Mixed Use District/Conditional Zoning District (Article VI)
- \_\_\_\_\_ Planned Neighborhood District/Conditional Zoning District (Article VII)
- \_\_\_\_\_ 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.)

C2P (Trade Contractor)

- 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.

1.9  
Acres left as residential  
1.50 acres  
to be C2P  
Comm.

2. DIMENSIONAL REQUIREMENTS:

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

SEE plot plan

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

SEE site plan

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.

will follow city requirement

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.**

Site plan, there's a lot of natural buffer in place

- 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.**

Site plan

5. MISCELLANEOUS:

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

2-employees  
4-vehicles

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.

✓ Timothy B. Evans

NAME OF OWNER(S) (PRINT OR TYPE)

4239 Cameron Rd Hwy. 28300

ADDRESS OF OWNER(S)

tim@longleafproperties.com

E-MAIL

910-273-5010

HOME TELEPHONE

WORK TELEPHONE

[Signature]

SIGNATURE OF OWNER(S)

SIGNATURE OF OWNER(S)

[Signature]

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]  
SIGNATURE OF AGENT, ATTORNEY, OR APPLICANT

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

**DRAFT**

### **Ordinance Related Conditions**

*For*

*Trades Contractor Activities*

#### **Revision Required:**

1. Three copies of a revised site plan and a \$25.00 revision fee is required to be submitted to Land Use Codes prior to the further processing of this plat/plan. The following must be addressed on the revised plat/plan:
    - a. Landscaping must be provided in accordance with Section 1102 N, Landscaping, County Zoning Ordinance and/as shown on the site plan. The following are the minimum standards for the required landscaping of this site:
      - (1) Ten large shade trees or twenty small ornamental trees within the front yard setback area along SR 1243 (US Hwy 301 South) & SR 1126 (Brooklyn Circle); and
      - (2) One ornamental tree and eight shrubs are required in the building yard area.
- In addition:
1. Required plant materials shall be maintained by the property owner, including replacing dead or unhealthy trees and shrubs; and
  2. All yard and planting areas shall be maintained in a neat, orderly, and presentable manner and kept free of weeds and debris.
2. A minimum of one off-street loading spaces(s) measuring 12' x 25' with 14' overhead clearance must be provided for the trade contractor activities area. (Art. XII, County Zoning Ord.)

#### **Pre- Permit Related:**

3. A recorded plat is required prior to permit application, see Plat-Related conditions below. [Sec. 4-8(b)(7), County Code]
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]

**Note: *Special Flood Hazard Area* (SFHA) is located on the rear northern portion of existing tract, not within the requested acreage to be rezoned to C2(P)/CZ for trade contractors activities.**

6. 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:**

7. 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.)
8. 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]
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 \$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]

10. Because the subject property is located within the Airport Overlay District and in the event the 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.)
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 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 is required, the Public Works Commission (PWC) must approve water 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 C2(P) Planned Service and Retail District/CZ Conditional Zoning for trades contractor activities zoning district must be complied with, as applicable.
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 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.)
17. "Brooklyn Circle" must be labeled as "SR 1126 (Brooklyn Circle)" and "NC Hwy 301/Business 95" must be labeled as "SR 1243 (US Hwy 301 South)" on all future plans. (Sec. 2203, County Subdivision Ord.)
18. 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.)
19. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306.C, County Subdivision Ord.)
20. 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.)
21. 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.**
22. 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.
23. A solid buffer must be provided and maintained along the side and rear property lines where this tract/site abuts R10 Residential in accordance with the provisions of Section 1102 G, County Zoning Ordinance (Note: Chain link fencing cannot be used to satisfy the buffer requirement.)
24. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.
25. All required off-street parking spaces are required to be a minimum of 9' x 20' and surfaced, with a permanent material such as asphalt or concrete, and striped prior to application for the building final inspection. A minimum of six off-street parking spaces is required for this development. (Art. XII, County Zoning Ord.)
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.)

27. The Noise Regulations of the County Code Chpt. 9.5, Art. II are to be complied with.

**Plat-Related:**

28. The proposed development is located in a Special Flood Hazard Area (SFHA). The recombination 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](http://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]
29. 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. (Sec. 1102.H, County Zoning Ord.)
30. The riparian buffer lots must be provided a minimum of a 20 foot wide access easement to the riparian buffer lot and must be reflected on the NAR recombination plat.
31. Both lots must be drawn with solid property lines with the bearings and distances, lot identifiers and acreage of each lot reflected on the NAR recombination plat.
32. 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 to Edward Byrne at [ebyrne@co.cumberland.nc.us](mailto:ebyrne@co.cumberland.nc.us) of the following documents :
- a. One copy of proposed covenants, by-laws and articles of incorporation for the proposed development designating responsibility for maintenance and upkeep of the riparian buffer areas 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 County 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.**

33. "Brooklyn Circle" must be labeled as "SR 1126 (Brooklyn Circle)" and "NC Hwy 301/Business 95" must be labeled as "SR 1243 (US Hwy 301 South)" on the recombination plat. (Section 2203.C & D, County Subdivision Ord.)
34. Any/All easements must be reflected on the recombination 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.
35. A 10' x 70' sight distance easement is required at the intersection of SR 1243 (US Hwy 301 South) with SR 1126 (Brooklyn Circle) and must be reflected on the recombination plat.

36. A 25' right-of-way radius is required at all intersections and must be reflected on the recombination 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.**

37. The NC Department of Transportation (NCDOT) stamp must be affixed to the recombination plat prior to submission for recombination 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.**

38. The notarized signature(s) of all current tax record owner(s) and notary certifications appear on the recombination plat when submitted for final approval. (Section 2503 D, Certificate of Ownership and Dedication, County Subdivision and Development Ordinance)
39. The recombination 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:**

40. Since this development does not have public sewer, the following disclosure statement is required to be provided on the recombination 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.”

41. Since this development is located within the *Airport Overlay District* as shown on the official zoning map, the following disclosure statement is required to be provided on the recombination plat (Section 8.101.E, Notice and Disclosure of Noise Impact Disclosure, County Zoning Ordinance):

“Property shown on this plat is within the Cumberland County Airport Overlay District and all or a portion of the property described hereon is within an area that is subject to an average noise level near to or exceeding 65 dnl.”

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

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

**Other Relevant Conditions:**

43. The applicant is advised to consult an expert on wetlands before proceeding with any development. There may be wetlands located in the project area that are subject to the permit requirements of Section 404 of the Clean Water Act. To avoid a violation of federal and/or state law, it is recommended the developer contact the Office of the Army Corp of Engineers or hire an environmental consultant to identify and delineate any wetlands in the project area prior to construction. A Section 404 permit will be required if the applicant needs to fill wetlands and the permit must be obtained prior to any construction on this site.
44. Any revision or addition to this plan necessitates re-submission for review and approval prior to the commencement of the change.
45. The developer should be aware that the subject property is located within the Town of Hope Mills *Municipal Influence Area* (MIA). Typically, concrete sidewalks are required to be constructed; however, developments with less than four lots/units and derived from the same parent tract as of the date effective date of the ordinance amendment for Section 2302.A Municipal Influence Area are not subject to the MIA standards until the fourth lot/unit is created. Any future divisions or group

developments of these tracts, which creates either the fourth lot or unit will require construction of a sidewalk along all proposed and existing lots.

46. 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.
47. 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.
48. The subject property lies on the corner of US Hwy 301 South and Brooklyn Circle. US Hwy 301 South is identified as an expressway needing improvement in the 2040 Metropolitan Transportation Plan with no constructions/improvements planned. Brooklyn Circle is identified as a local road 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.
49. 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.
50. 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.
51. 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.
52. This conditional approval is contingent upon continued compliance with the County's Subdivision and Development Ordinance and Zoning Ordinance.
53. 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 doing business in Cumberland County!*

**If you need clarification of any conditions, please contact Ed Byrne at 910-678-7609 or Jeff Barnhill at 910-678-7765 with the Land Use Codes Section; otherwise, contact the appropriate agency at the contact numbers below.**

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

Subdivision/Site Plan/Plat	Ed Byrne	678-7609	<a href="mailto:ebyrne@co.cumberland.nc.us">ebyrne@co.cumberland.nc.us</a>
Code Enforcement (Permits):	Scott Walters	321-6654	<a href="mailto:swalters@co.cumberland.nc.us">swalters@co.cumberland.nc.us</a>
County Building Inspections:	Michael Naylor	321-6657	<a href="mailto:mnaylo@co.cumberland.nc.us">mnaylo@co.cumberland.nc.us</a>
Fire Marshal – Emergency Services	Kevin Lowther	321-6625	<a href="mailto:klowther@co.cumberland.nc.us">klowther@co.cumberland.nc.us</a>
	Gene Booth	678-7641	<a href="mailto:wbooth@co.cumberland.nc.us">wbooth@co.cumberland.nc.us</a>
County Engineer's Office:	Wayne Dudley	678-7636	<a href="mailto:wdudley@co.cumberland.nc.us">wdudley@co.cumberland.nc.us</a>
County Health Department:	Fred Thomas	433-3692	<a href="mailto:fthomas@co.cumberland.nc.us">fthomas@co.cumberland.nc.us</a>
PWC:	Joe Glass	223-4740	<a href="mailto:joe.glass@faypwc.com">joe.glass@faypwc.com</a>
	Sam Powers	223-4370	<a href="mailto:sam.powers@faypwc.com">sam.powers@faypwc.com</a>
Fayetteville Airport Director	Brad Whited	433-1160	<a href="mailto:bwhited@ci.fay.nc.us">bwhited@ci.fay.nc.us</a>
Town of Hope Mills:		424-4555*	
Town Clerk:	Jane Starling		<a href="mailto:jstarling@townofhopemills.com">jstarling@townofhopemills.com</a>
Planner – Zoning Permits	Chancer McLaughlin		<a href="mailto:cmclaughlin@townofhopemills.com">cmclaughlin@townofhopemills.com</a>

US Postal Service	Jonathan R. Wallace	(704) 393-4412	<a href="mailto:jonathan.r.wallace@usps.gov">jonathan.r.wallace@usps.gov</a>
Corp of Engineers (wetlands):	Liz Hair	(910) 251-4049	<a href="mailto:hair@usacr.army.mil">hair@usacr.army.mil</a>
NCDEQ (E&S):	Leland Cottrell	(910) 433-3393	<a href="mailto:leland.cottrell@ncdenr.gov">leland.cottrell@ncdenr.gov</a>
US Fish & Wildlife Services	Susan Ladd Miller	(910) 695-3323	<a href="mailto:susan_miller@fws.gov">susan_miller@fws.gov</a>
Location Services:			
Site-Specific Address:	Will Phipps	678-7666	<a href="mailto:wphipps@co.cumberland.nc.us">wphipps@co.cumberland.nc.us</a>
Tax Parcel Numbers:		678-7549	
NCDOT (driveways/curb-cuts):	Troy Baker	364-0601	<a href="mailto:tlbaker@ncdot.gov">tlbaker@ncdot.gov</a>
Transportation Planning:	Katrina Evans	678 7614	<a href="mailto:kevans@co.cumberland.nc.us">kevans@co.cumberland.nc.us</a>
N.C. Division of Water Quality:	Annette Lucas	(919) 807-6381	<a href="mailto:annette.lucas@ncdenr.gov">annette.lucas@ncdenr.gov</a>

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

REQUEST  
**A1 to C(P)**

ACREAGE: **1.00+/-**

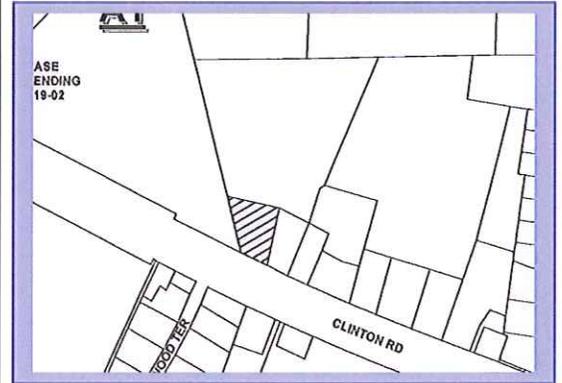
PROPERTY OWNER/APPLICANT  
KEVIN A. CARROLL (OWNER)

PROPERTY ADDRESS/LOCATION  
**8321 Clinton Road**

Jurisdiction: **County**

**PROPERTY INFORMATION**

**Frontage & Location:** 131'+/- on NC 24 (Clinton Road)  
**Depth:** 261'+/-  
**Adjacent Property:** Yes  
**Current Use:** Vacant  
**Initial Zoning:** A1 – September 3, 1996 (Area 20)  
**Municipal Influence Area:** Stedman  
**Nonconformities:** None  
**Zoning Violation(s):** None  
**School Capacity/Enrolled:** Stedman Primary: 200/191; Stedman Elementary: 300/306; Mac Williams Middle: 1270/1156; Cape Fear High: 1425/1466  
**Special Flood Hazard Area (SFHA):** None  
**Water/Sewer Availability:** Stedman/Septic (Stedman sewer exists 1200'+/-)  
**Soil Limitations:** Yes; Hydric: JT (Johnston loam) & TR (Torhunta and Lynn Haven soils), Hydric inclusion: Ly (Lynchburg sandy loam)  
**Subdivision/Site Plan:** If approved, site plan and/or subdivision review required  
**Average Daily Traffic County (2014):** 8,500 on NC 24 (Clinton Road)  
**Highway Plan:** Clinton road is identified as an existing expressway in the 2040 Metropolitan Transportation Plan and is identified as R-2303, a widening project from SR 1006 (Maxwell Road) to SR 1853 (John Nunnery Road). Right-of-way acquisition is complete.



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

**COMPREHENSIVE PLANS:**  
**2030 Growth Vision Plan:** Community Growth Areas  
**Stedman Land Use Plan (1999):** Farmland

**Notes:**

1. **Density**  
A1- 1 lot/unit (non-residential use)
2. **Minimum Yard Setbacks:**

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

STAFF RECOMMENDATION

APPROVAL

APPROVAL WITH CONDITIONS

DENIAL

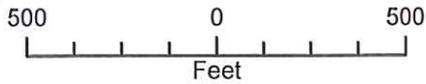
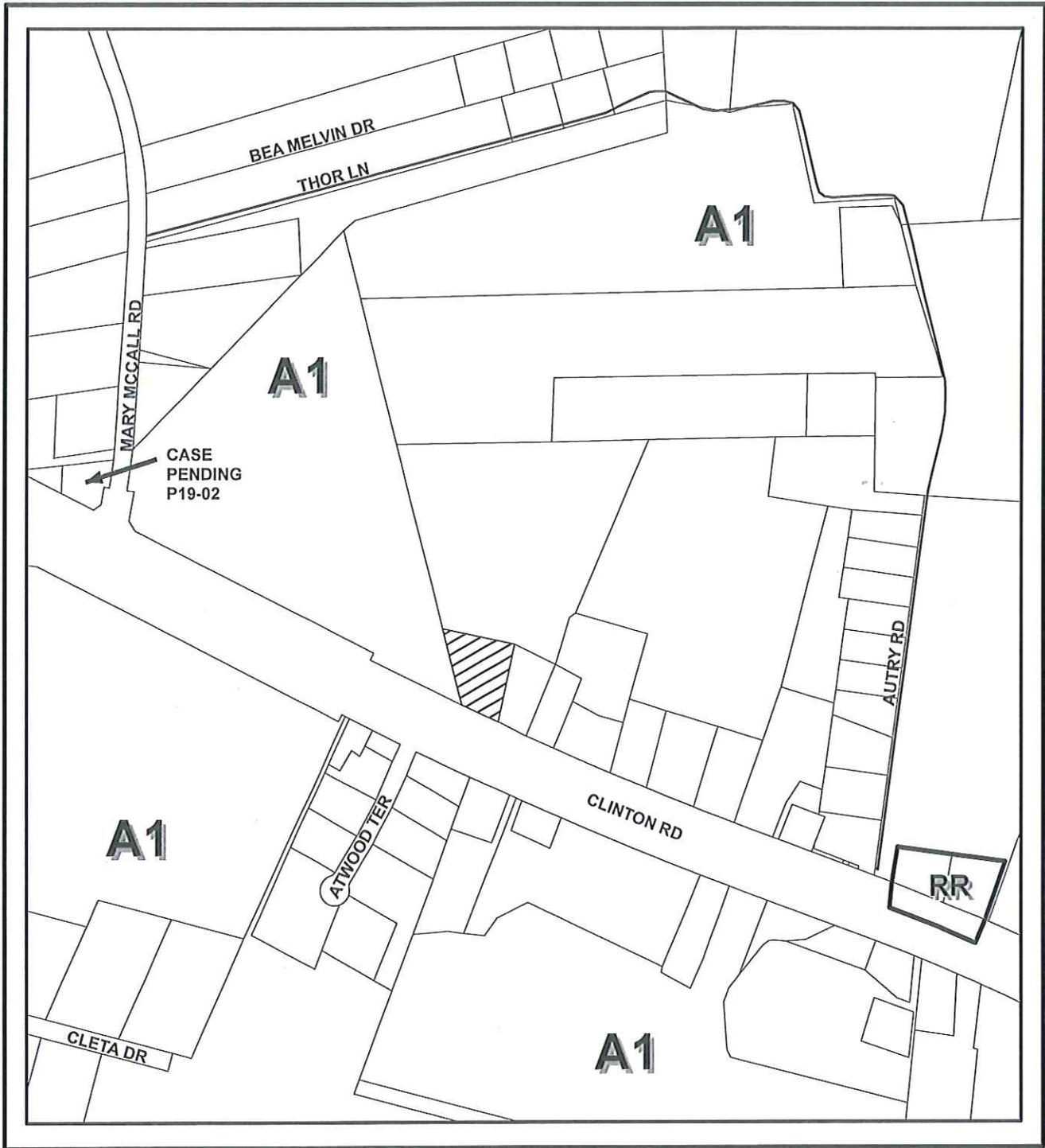
In Case P19-03, the Planning and Inspections Staff recommends denial of the rezoning from A1 Agricultural to C(P) Planned Commercial and find it is not consistent with the adopted Stedman Land Use Plan (1999) which calls for "farmland" at this location; and further find that denial of the rezoning is reasonable and in the public interest because the property does not meet the location criteria for "heavy commercial" as defined in the Land Use Policies Plan (2009) because it lacks public sewer and the requested district is not in harmony with existing land uses and surrounding 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 C(P)

<b>ACREAGE: 1.00 AC. +/-</b>	<b>HEARING NO: P19-03</b>	
ORDINANCE: COUNTY	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		