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Cumberland County Joint Planning Board

TENTATIVE AGENDA
December 15, 2020
6:00 P.M.

- I. INVOCATION AND PLEDGE OF ALLEGIANCE
- II. ADJUSTMENTS TO / APPROVAL OF AGENDA
- III. PUBLIC HEARING DEFERRALS / WITHDRAWALS
- IV. ABSTENTIONS BY BOARD MEMBERS
- V. APPROVAL OF THE MINUTES OF NOVEMBER 17, 2020
- VI. CHAIRMAN'S WELCOME AND RULES OF PROCEDURE
- VII. PUBLIC HEARING CONSENT ITEMS

TEXT AMENDMENT

- A. **P20-62.** REVISION AND AMENDMENT TO THE CUMBERLAND COUNTY ZONING ORDINANCE IN ITS ENTIRETY FOR THE PURPOSE OF BRINGING THE ORDINANCE INTO COMPLIANCE WITH THE NEWLY ADOPTED CHAPTER 160D STATE STATUTES AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE.

INITIAL ZONING CASES

- B. **P20-54.** INITIAL ZONING OF 3.64+/- ACRES 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 S), NORTHEAST OF SR 1126 (BROOKLYN CIRCLE); SUBMITTED BY DSI PROPERTIES, LLC (OWNER). (HOPE MILLS)
- C. **P20-55.** INITIAL ZONING OF 15.65+/- ACRES TO R7.5 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE WEST SIDE OF SR 1119 (MUSCAT ROAD) AND SOUTH OF FAIRHAVEN TRAIL; SUBMITTED BY GRRF, LLC (OWNER). (HOPE MILLS)
- D. **P20-56.** INITIAL ZONING OF 3.74+/- ACRES TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE WEST SIDE OF SR 1132 (LEGION ROAD), SOUTH OF SR 3301 (IRELAND DRIVE); SUBMITTED BY WASH-A-ROO LAUNDROMAT, INC. & RAYMOND E. NICHOLSON, JR. (OWNERS). (HOPE MILLS)
- E. **P20-59.** INITIAL ZONING OF 0.32+/- ACRES TO RR RURAL RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 8422 GODWIN FALCON ROAD; SUBMITTED BY SELENE BURNETTE (OWNER). (GODWIN)

- F. **P20-60.** INITIAL ZONING OF 30.29+/- ACRES TO A1 AGRICULTURAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 7835 ROYAL STREET, 7513 BURNETT ROAD, AND 9162, 9209, 9225, 9238, 9258 MAIN STREET; SUBMITTED BY THE TOWN OF GODWIN, OFFIE RANDALL JOYNER, DESSIE C. STARLING, MARIA J. WADZINSKI & GILLIAM P. WISE (OWNERS). (GODWIN)
- G. **P20-61.** INITIAL ZONING OF 0.40+/- ACRES TO A1 AGRICULTURAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 7456 BURNETT ROAD; SUBMITTED BY JAMES ROBERT GODWIN (OWNER). (GODWIN)

CONDITIONAL ZONING CASE

- H. **P20-57.** REZONING OF 8.85+/- ACRES FROM A1 AGRICULTURAL TO A1 AGRICULTURAL/CZ CONDITIONAL ZONING FOR A 3 LOT ZERO LOT LINE SUBDIVISION OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE SOUTH SIDE OF SR 1728 (MIDDLE ROAD), WEST OF SR 1725 (DOBBIN HOLMES ROAD); SUBMITTED BY MARY PARKS PATTERSON, CHARLES WAYNE HALL & CARA HALL AND ROBERT WILLIAM SIZEMORE & CLAIRE CULBRETH SIZEMORE (OWNERS). (EASTOVER)

VIII. PUBLIC HEARING CONTESTED ITEMS

INITIAL ZONING CASE

- I. **P20-58.** INITIAL ZONING OF 30.85+/- ACRES TO A1 AGRICULTURAL, R40A RESIDENTIAL, & C(P) PLANNED COMMERCIAL/CZ CONDITIONAL ZONING FOR MOTOR VEHICLE REPAIR OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 8171, 8224, 8249, 8306, 8329, 8334, 8355 GODWIN FALCON RD & REID # 0592890807000, 0593700698000; SUBMITTED BY BARNEY B. GOFF, JR., DEVON MCKOY, GWENDOLYN MCMILLAN, CRAIG LAMONTE ROBINSON, ANGELA SMITH, BOBBY B. SMITH AND JOSEPH SMITH (OWNERS). (GODWIN)

IX. PUBLIC HEARING WAIVER CASES

- J. **CASE NO. 20-143.** CONSIDERATION OF THE JODI MEADOWS PROPERTY; SUBDIVISION REVIEW; REQUEST FOR A WAIVER FROM THE MAXIMUM NUMBER OF LOTS TO BE SERVED USING A CLASS "C" PRIVATE STREET; COUNTY SUBDIVISION ORDINANCE, SECTION 2304.C.4.C(4), PRIVATE STREETS; ZONED: RR; TOTAL ACREAGE: 5.59+/-; LOCATED AT 597 GRIMBLE DRIVE; SUBMITTED BY JODI MEADOWS (OWNER) & LORI S. EPLER ON BEHALF OF LARRY KING & ASSOCIATES, R.L.S., P.A. (AGENT).
- K. **CASE NO. 20-144.** CONSIDERATION OF THE CAROLYN MICHELLE RATLEY PROPERTY; SUBDIVISION REVIEW; REQUEST FOR A WAIVER FROM THE MINIMUM REQUIRED STREET FRONTAGE OF 20 FEET FOR THE CREATION OF A LOT; COUNTY SUBDIVISION ORDINANCE, SECTION 2303.C, STREET FRONTAGE; ZONED: RR; TOTAL ACREAGE: 1.09+/-; LOCATED AT 5151 ELLIS JACKSON ROAD; SUBMITTED BY CAROLYN MICHELLE RATLEY (OWNER) & J. THOMAS NEVILLE ON BEHALF OF YARBOROUGH WINTERS & NEVILLE, P.A. (AGENT).

X. DISCUSSION

DIRECTOR'S UPDATE

- LAND USE CODES COMMITTEE MEETING SUMMARY
- LINDEN ZONING ORDINANCE

XI. ADJOURNMENT

EXPLANATION OF THE REQUEST

This request is a staff-driven comprehensive text amendment to the Cumberland County Zoning Ordinance to bring the current ordinance into compliance with the recently adopted Chapter 160D State Statutes. The Chapter 160D statutes were created to consolidate the separate city and county regulations into a single chapter, clarify terminology and modernize review processes, as well as address legal issues such as permit choice, staff & board conflict of interest, and appeal processes.

These statutes became effective June 19, 2020 with a deadline of July 1, 2021 for the updating of all local ordinances.

STAFF RECOMMENDATION

In Case P20-62, the Planning & Inspections staff **recommends approval** of the text amendment and finds the request consistent with the 2030 Growth Vision Plan because, while specific land use plan policies do not address a comprehensive update to the County's Zoning Ordinance, a current ordinance that is in compliance with state statutes allows the department to continue to provide efficient and effective services to achieve goals laid out not only in the 2030 Growth Vision Plan, but all detailed land use plans within the County. Approval of this text amendment is also reasonable and in the public interest as it is a comprehensive update to clarify standards and review processes for the public.

Attachments:
P20-62 Text Amendment

ARTICLE I ADMINISTRATIVE PROVISIONS

SECTION 101. INTENT AND PURPOSE.

An ordinance establishing zoning regulations in Cumberland County, North Carolina, and providing for the administration, amendment and enforcement of this ordinance and defining the duties and powers of a Board of Adjustment in accordance with the provisions of the North Carolina General Statutes and amending all previous Cumberland County Zoning Ordinances. This ordinance is to provide for the public health, safety and general welfare, encourage orderly development, protect the quality of the environment and regulate the location and use of structures and land for commerce, industry, residences, parks, public uses, etc., in accordance with the Comprehensive Land Use Plan.

State Statute Reference: N.C. GEN. STAT., Chapter ~~153A~~ 160D, ~~Planning and Regulation of Development-Local~~
Planning and Development Regulation

SECTION 102. TITLE.

This ordinance shall be known and may be cited as the "Cumberland County Zoning Ordinance."

SECTION 103. AUTHORITY.

The Board of Commissioners of Cumberland County, pursuant to the authority conferred by N.C. GEN. STAT. ~~§153A-340~~ 160D-702 *et seq.*, adopts, approves, enacts, and ordains this ordinance.

SECTION 104. JURISDICTION.

On and after ~~June 20, 2005,~~ its effective date this ordinance and subsequent amendments thereto shall govern the use of all lands within Cumberland County and all areas located outside of the jurisdiction of any municipality including development, as well as floating homes over estuarine waters, and over lands covered by navigable waters owned by the State pursuant to G.S. 146-12. In accordance with N.C. Gen. Stat § 160D-202, ~~t~~his ordinance may also regulate territory within the jurisdiction of any municipality whose governing body by resolution requests County to exercise any or all of these powers in any or all areas lying within the city's corporate limits and County's Board of Commissioners, by resolution, accepts such jurisdiction; provided, however, that any such grant of jurisdiction from a municipality to County may be modified or rescinded in accordance with N.C. Gen. Stat. § 160D-202(i). ~~agrees to such regulation; provided, however, that any such municipal~~

~~governing body may, upon one year's written notice, withdraw its approval of the County zoning regulations, and those regulations shall thereafter have no further effect within the municipality's jurisdiction.~~

(Amd. 01-19-10)

SECTION 105. APPLICATION.

The provisions of this ordinance shall be interpreted and applied as minimum requirements adopted for the promotion of the public health, safety, morals, convenience, order, prosperity, general welfare and protection of the property rights of the community.

SECTION 106. ORDINANCE ADMINISTRATOR.

This ordinance shall be administered and enforced by the County's Planning & Inspections Director (hereinafter "Director"). This official or their representative shall have the right to enter upon the premises in any manner authorized by law as required to carry out the necessary duties for the fair and impartial enforcement of this ordinance. All questions arising in connection with enforcement and interpretation of this ordinance shall be presented first to the Code Enforcement Coordinator (hereinafter "Coordinator"). The Coordinator shall give written notice to the owner of the property that is the subject of the determination and to the party who sought the determination if different. The written notice shall be delivered by personal delivery, electronic mail, or by first-class mail to the last address listed for the owner of the affected property on the county tax records and to the address provided in the request for a determination if different from the owner. If the Coordinator, after consultation with and the agreement of the Director, finds that they are not authorized to make a determination or judgment or that the question automatically falls within the jurisdiction of the Board of Adjustment, then the matter shall be referred to the board for review and decision in accordance with the provisions of Section 1604.

(Amd. 11-20-06; Amd. 02-19-08)

SECTION 107. STAFF CONFLICT-OF-INTEREST.

No staff member of the Planning and Inspections Department shall make a final decision on an administrative decision required by this ordinance if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship. If a staff member has a conflict of interest under this section, the decision shall be assigned to the supervisor of the staff person or such other staff person as may be designated by the development regulation or other ordinance.

No staff member of the Planning and Inspections Department shall be financially interested or employed by a business that is financially interested in a development subject to

regulation under this ordinance unless the staff member is the owner of the land or building involved. No staff member or other individual or an employee of a company contracting with a local government to provide staff support shall engage in any work that is inconsistent with his or her duties or with the interest of the local government, as determined by the local government.

SECTION 1078 . ZONING PERMIT.

A. Zoning Permit Required. It shall be unlawful to commence the excavation for or the construction of any building or other structure, including accessory structures, or to commence the moving, alteration or repair of any structure, or the use of any land or building, including accessory structures, until the Coordinator has issued a zoning permit for such work or use. Such permit shall include a statement that the plans, specifications for, and intended use of such land or structure, in all respects, conform to the provisions of this ordinance and the County Subdivision Ordinance. Application for a zoning permit shall be made in writing to the Coordinator on forms provided for that purpose. Zoning permits shall be void after six months from date of issue unless substantial progress on the project has been made.

(Amd. 02-19-08, Amd. 04-18-11)

B. Approval of Plans. The Coordinator shall review all applications for a zoning permit for any purpose regulated by this ordinance and the County Subdivision Ordinance for conformity with this ordinance and the County Subdivision Ordinance. To this end, every application for a zoning permit shall be accompanied by a plan or plat drawn to scale and showing the following in sufficient detail to enable the Coordinator to ascertain whether the proposed activity conforms to this ordinance and the County Subdivision Ordinance:

1. The actual shape, location and dimensions of the lot.
2. The shape, size and location of all buildings or other structures to be erected, altered or moved and of any building or other structures already on the lot.
3. The existing and intended use of all such buildings or other structures.
4. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this ordinance and the County Subdivision Ordinance are being observed.

In any planned district, the Coordinator shall not issue a zoning permit for any new use or change in existing use except in conformance with an approved site plan. The site plan shall also, without limitation, comply with all applicable standards of the Article XIV of this ordinance.

(Amd. 01-19-10, Amd. 04-18-11)

C. Issuance of Zoning Permit. If the proposed activity as set forth in the application conforms with the provisions of this ordinance and the County Subdivision Ordinance, the Coordinator shall issue a zoning permit for such purpose. If any application for a zoning permit is not approved, the Coordinator shall state in writing on the application the cause for such disapproval. Issuance of a permit shall in no case be construed as waiving any provision of this ordinance or of the County Subdivision Ordinance and the County reserves the right to rescind any zoning permit mistakenly issued in contravention of the provisions of this ordinance or of the County Subdivision Ordinance.

(Amd. 02-19-08)

SECTION 1089. CERTIFICATE OF OCCUPANCY REQUIRED.

No land or structure (except for signs) or part thereof hereafter erected, moved or altered in its use shall be used until the Coordinator has issued a "Certificate of Occupancy" stating that such land, structure or part thereof conforms with the provisions of this ordinance and the County Subdivision Ordinance. Within three days after notification that a structure or premises or part thereof is ready for occupancy or use, it shall be the duty of the Coordinator to make a final inspection thereof, and to issue a "Certificate of Occupancy" if the building or premises or part thereof conforms with the provisions of this ordinance and the County Subdivision Ordinance; or if such certificate is refused, to state the reason for the refusal in writing.

(Amd. 02-19-08)

SECTION 10910. BONA FIDE FARM EXEMPTION.

The provisions of this ordinance do not apply to bona fide farms or bona fide farming purposes as described and defined in N.C. Gen. Stat. § 160D-903. This ordinance does not regulate croplands, timberlands, pasturelands, orchards, or other farmlands, or any farmhouse, barn, poultry house or other farm buildings, including tenant or other dwellings units for persons working on said farms, so long as such dwellings shall be in the same ownership as the farm and located on the farm. ~~To qualify for the bona fide farm exemption, the land must be a part of a farm unit with a North Carolina State Cooperative Extension Office or United States Department of Agriculture farm number assigned.~~ Residences for non-farm use or occupancy and other non-farm uses are subject to the provisions of this ordinance.

(Amd. 01-19-10)

State Statute Reference: N.C. GEN. STAT. § ~~153A-340~~ 160D-903

SECTION 1101. FEES.

Each applicant for a zoning amendment, either general or for a Conditional Zoning District, text amendment, alternate yard requirement, appeal from administrative decisions,

variance or Special Use Permit shall pay a nonrefundable fee in accordance with a schedule ~~recommended by the Planning Board and~~ adopted by the Board of Commissioners.
(Amd. 01-19-10, Amd. 04-18-11)

discrepancy arises between the following methods and any specific section elsewhere in this ordinance, the standards of the section shall prevail.

A. Fractional Requirements. When any requirement of this ordinance results in a fraction of a unit, a fraction of one-half or more shall be considered a whole unit, and a fraction of less than one-half shall be disregarded. When the number of dwelling units permitted on a lot submitted for approval as a group development results in a fraction of a dwelling unit, a fraction of one-half or more shall be considered a dwelling unit, and a fraction of less than one-half shall be disregarded.

(Amd. 02-19-08)

B. Computation of Time. The time within which an act is to be completed shall be computed by excluding the first day and including the last day; if the last day is a Saturday, Sunday or legal holiday recognized by the County, that day shall also be excluded.

C. Calculations of Measurement. The spatial separations required by this ordinance shall be calculated as follows:

1. Distance. By drawing a straight line from the closest point on the perimeter of the exterior wall of the site being measured to the closest point of the property line in question.

2. Separation from a Use/Structure. By drawing a straight line from the closest point on the perimeter of the exterior wall, structure or bay to another structure, the property line, or a well or septic, as applicable.

3. Area. Multiplying the length times the width and then further calculate to provide total acreage or square footage.

SECTION 203. DEFINITIONS OF SPECIFIC TERMS AND WORDS.

All terms that are defined in N.C. Gen. Stat. Chapter 160D which are not defined in this ordinance shall have the meaning set out in N.C. Gen. Stat. Chapter 160D. In further amplification and for clarity of interpretation of the context, the following definitions of word usage shall apply:

Abutting/Contiguous: Having property or district lines in common, i.e., two lots are abutting if they have any portion of any property line in common. Lots are also considered to be abutting if they are directly opposite each other and separated by a street, alley, railroad right-of-way or stream.

Access: A way of approaching or entering a property. Access also includes ingress, the right to enter and egress, and the right to leave.

Accessory Building or Use: A building or use, not including signs, which is:

A. Conducted or located on the same zoning lot as the principal building or use, or off-street parking, as specifically provided for in this ordinance;

B. Clearly incidental to, subordinate in area and purpose to, and serving the principal use; and

C. Either in the same ownership as the principal use or clearly operated and maintained solely for the comfort, convenience, necessity or benefit of the occupants, employees, customers or visitors of or to the principal use.

Administrative decision: Decisions made in the implementation, administration, or enforcement of development regulations that involves the determination of facts and the application of objective standards set forth in local government development regulations.

~~Agriculture: The practice of cultivating the soil, producing crops, and raising livestock; such as but not limited to dairying, pasturage, viticulture, horticulture, hydroponics, floriculture, aquaculture, truck farming, orchards, forestry and animal and poultry husbandry. The production and activities relating or incidental to the production of crops, grains, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agriculture, as defined in N.C. Gen. Stat. § 106-581.1.~~ The operation of any accessory uses shall be secondary to that of the normal agricultural activities.

Airport Operations (Major): Any area of land or water which is used or intended for use for the landing and taking off of aircraft having a seating capacity of ten or more person, and any appurtenant areas which are used or intended for use for airport buildings or other airport facilities or rights-of-way, including all necessary taxiways, aircraft storage and tie-down areas, hangars and other necessary buildings and open spaces.

Airport Operations (Minor): Any area of land or water designed and set aside for the landing and takeoff of aircraft provided that no aircraft capable of seating more than nine persons shall be permitted to utilize the site. This definition includes all necessary facilities for the housing and maintenance of aircraft. (Section 902)

Alley: A public or private right-of-way primarily designed to serve as a secondary access to the side or rear of those properties whose principal frontage is on a street and is not intended for general traffic.

Alter: To make any change, addition or modification in construction, occupancy or use.

Bars & Nightclubs: Establishments including private clubs, sports bars/clubs etc., that may be licensed to sell alcoholic beverages to be consumed on the premises and do not meet the criteria to be a restaurant.

Bed and Breakfast: A form of temporary/transient housing with breakfast included, but no other meals available. There is no restaurant, but overnight guests may use a dining room, which is open only during breakfast hours. (Section 903)

Berm: Any elongated earthen mound designed or constructed to separate, screen or buffer adjacent land uses.

Billboard: See Section 1302 for all sign-related definitions.

Board of Adjustment: A quasi-judicial body whose establishment, powers, authority, and responsibility is described in detail in Article XVI.

Board of Commissioners: The governing body of Cumberland County.

Boarding House: A building other than a bed and breakfast, hotel, inn or motel where, for compensation, meals are served and lodging is provided.

Bona Fide Farm: Any tract of land used for agricultural purposes as described and defined in N.C. Gen. Stat. § 160D-903. ~~where the land is used for the production of and activities relating to, or incidental to, the production of crops, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry and all other forms of agricultural products having a domestic or foreign market.~~ (Section 109)

Borrow Source Operations: The removal of soil, sand or other soil materials, with further processing limited to dry screening to remove roots, trash, objectionable and other deleterious material. The provisions of this ordinance shall not apply to bona fide farming activities, operations subject to North Carolina Department of Transportation contractual agreements, or jurisdiction for the duration of the contract only, and any operations exempt from the State Mining Commission's regulations. These exemptions shall apply in all zoning districts. (Section 904)

Buffer, Riparian: A strip of land adjacent to and extending parallel with certain rivers or creeks in Cumberland County consisting of vegetation or woodlands or a combination thereof for purposes of filtering stormwater and providing wildlife habitat. (Section 1102.H) (Amd. 06-18-12)

Buffer, Screening: An opaque fence, wall, berm, hedge or other natural planting, or a combination thereof, which will restrict the view from adjoining streets and/or abutting properties. (Section 1102 G)

Buildable Area (Buildable Envelope): The space remaining on a lot after the minimum open space requirements (yards, setbacks, etc.) have been met.

Building: ~~Any structure enclosed and isolated by exterior walls constructed or used for residence, business, industry or other public or private purposes, or accessory thereto, including tents, cabins, lunch wagons, dining cars, trailers, manufactured homes and attached or unattached structures consisting of roof and supporting members, and similar structures whether stationary or movable.~~ Any structure used or intended for supporting or sheltering any use or occupancy.

Building, Principal (Main): A building in which the principal use is conducted for the lot on which it is situated.

Building, Temporary: A building used temporarily for the storage of construction materials and equipment incidental and necessary to on-site permitted construction of utilities, or other community facilities, or used temporarily in conjunction with the sale of property within a subdivision under construction.

Building Footprint: The portion of a lot's area that is enclosed by the foundation of buildings, plus any cantilevered upper floor, stoops, porches, chimneys, decks, etc.

Building Frontage: The linear foot of a building that runs approximately parallel to and faces public or private street(s).

Building Height: The vertical distance measured from the average elevation of the finished grade at the front of the building to the highest point of the building. Spires, cupolas, chimneys, antennae attached to a building, and/or projections from buildings or radio, TV, communications, telecommunication and water towers are not to be included in the calculations of building height.

Building Lot Coverage: The amount of net lot area or land surface area, expressed in terms of a percentage that is covered by all principal buildings.

Building Setbacks: The minimum distance from all property and/or right-of-way lines to the closest projection of the exterior face of buildings, walls or other forms of construction (i.e. decks, landings, terraces and porches, etc.)

Cabin: A building used for occupancy containing sleeping units where the occupants are primarily transient in nature and meet the State Building Codes for a residential building.
(Amd. 04-20-20)

Cabin, Open air: A building that has three walls consisting of at least twenty percent screened openings with a maximum height of 44 inches (1120 mm) above the finished floor to the bottom of the openings and has no heating or cooling system.

Close familial relationship: For purposes of conflict of interest, a close familial relationship means a spouse, parent, child, brother, sister, grandparent or grandchild. The term also includes the step, half, and in-law relationships.

Club or Lodge (Private, Nonprofit, Civic or Fraternal): Non-profit associations of persons, who are bona fide, dues-paying members, which own, hire or lease a building, or portion thereof, the use of such premises being restricted to members and their guests. The affairs and management of such "private club or lodge" are conducted by a board of directors, executive committee or similar body chosen by the members. It shall be permissible to serve food and meals on such premises provided that adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages to members and their guests shall be allowed provided it is secondary and incidental to the promotion of some other common objective of the organization, and further provided that such sale of alcoholic beverages is in compliance with applicable Federal, State and local laws. (Section 905)

Code Enforcement Coordinator: The individual assigned this position and title within the County's job position classifications that is charged with the day-to-day interpretation and enforcement of this ordinance.

(Amd. 02-19-08)

Conditional Use: A use or occupancy of a structure, or a use of land, permitted only upon the successful rezoning to a Conditional Zoning district and made subject to the limitations and conditions specified therein. (Article V, Article VI, Article VII, & Article VIII)

(Amd. 04-18-11)

Conditional Zoning: A legislative zoning map amendment with site-specific conditions incorporated into the zoning map amendment. (Article V, Article VI, Article VII & Article VIII)

Condominium Development: A project of two or more units in one or more multi-unit buildings designed and constructed for unit ownership as permitted by the North Carolina Unit Ownership Act, N. C. GEN. STAT. 47A-1, et seq., and shall be approved under the requirements for condominium developments set forth in the County Subdivision Ordinance.

Conical Surface Zone: An area that extends upward and outward from the periphery of the horizontal surface zone with a slope of 20:1 measured in a vertical plane passing through the Fayetteville Regional Airport reference point. Measuring radially outward, from the periphery of the horizontal surface zone, the conical surface extends for a horizontal distance as shown on the *Airport Airspace Plan* contained within the *2005 Fayetteville Regional Airport Master Plan*, Sheet No. 6, or any subsequent amendment upon official adoption to the Airport Master Plan.

(Amd. 09-16-08)

Density Development: The division of land, in such a way as to allow development at the density of the parallel zoning district while at the same time promoting the preservation of natural topography by requiring that all development occur on 60 percent of the overall acreage with open space designation for the other 40 percent. (Article VIII)
(Amd. 02-19-08)

Detention Facility: A publicly or privately-operated jail or prison designed for the detention of juveniles or adults as pretrial detainees or as convicted inmates serving terms of incarceration. (Section 907)

Determination: A written, final and binding order, requirement, or determination regarding an administrative decision.

Director: See *Planning and Inspections Director*.
(Amd. 02-19-08)

Distillery, Small: An independently owned distillery operating in a structure not exceeding 25,000 square feet in size that produces small batch, craft distilled spirits (not beer or wine) only for direct sale to the North Carolina Alcoholic Beverage Control Commission.
(Amd. 04-20-15)

DNL: The A-weighted average day/night sound level in decibels during a 24-hour period.
(Amd. 09-16-08)

Driveway: A private access way, the use of which is limited to persons residing, employed or otherwise using or visiting the parcel in which it is located.

Dwelling: ~~A building or portion thereof designed, arranged or used for permanent living quarters. The term "dwelling" shall not be deemed to include a travel trailer, recreational vehicle, motel, hotel, tourist home or other structures designed for transient residence.~~ A building that contains one or more dwelling units used, intended or designed to be used, rented, leased, let or hired out to be occupied for living purposes.

Dwelling, Multiple Family: A residence designed for or occupied by two or more families ~~with separate housekeeping and cooking facilities for each.~~ consisting of two or more dwelling units.

Dwelling, Single Family: A detached residence designed for or occupied by one family only and consisting of one dwelling unit.

Dwelling Unit: A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Sexually Oriented Business: Any business or enterprise that has as one of its principal business purposes or as a predominant purpose of its business an emphasis on matter and conduct depicting, describing or related to anatomical areas and sexual activities specified in N.C. GEN. STAT. §14-202.10. (Section 924)

Shopping Center: A group of retail and other commercial establishments that is planned and designed for the site on which it is built, functioning as a unit, with common entrance ways, off-street parking, landscaped areas, and pedestrian paths provided on the property as an integral part of the unit.

Sign: See Section 1302 for all sign-related definitions.

Site Plan: A scaled drawing depicting uses and structures proposed for a parcel of land as required by this ordinance and the County Subdivision Ordinance. It includes such things as lot lines, streets, building sites and setbacks, means of access, parking, reserved open space, buildings, major landscape features—both natural and manmade—and, depending on requirements, the locations of proposed utility lines. The specific criteria for site plans are found in Article XIV.

Site-Specific Vesting Plan: A plan used to determine development vested rights. This plan can include, but is not limited to, a subdivision plat, a site plan, a preliminary or general development plan, a special use permit, a conditional zoning, or any other development approval as recognized by the County.

Solar Farm: The components and subsystems required to convert solar energy into electric or thermal energy suitable to supply merchant power to the electricity grid. The area of the system includes all the land inside the perimeter of the system, which extends to any fencing, land area required for setbacks, landscaping and signage. This term applies, but is not limited to, solar photovoltaic (PV) systems and solar thermal systems. This term does not apply to roof mounted on any code-compliant structure, ground mounted and in compliance with accessory structure provisions as contained within this ordinance, or any building integrated solar (i.e., shingle, hanging solar, canopy).

(Amd. 05-18-15)

Solid Waste Disposal Facility: Any depository of solid waste, excluding earth for fill and septage. This definition includes, but is not limited to, sanitary landfills, sewage treatment facilities and waste incinerators. This definition does not include “Convenience Container and Recycling Facilities” as defined herein. (Section 925)

(Amd. 3-17-09)

Special Use: Those uses for which a permit is required for the proposed activities which are essentially compatible with other uses or activities permitted in a zoning district, but which present unique challenges or possess unique characteristics, or qualities that require comprehensive review at a public hearing by the County Board of Adjustment and which

may be allowed only after the findings of fact and the imposition of reasonable conditions.
(Section 1606) (Amd. 04-18-11)

Special Use Permit: A permit issued to authorize development or land uses in a particular zoning district upon presentation of competent, material, and substantial evidence establishing compliance with one or more general standards requiring that judgement and discretion be exercised as well as compliance with specific standards. This definition includes permits previously referred to as “conditional use permits” or “special exceptions.”
(Section 1606)

Street: A public or private thoroughfare which affords the principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare, except an alley.

Street, Private: Any road, street, or alley which is not publicly owned and maintained and is used for access by the occupants of the development, their guests, and the general public. (This does not include neighborhood public roads, cart paths and ingress/egress easements.) Requirements for private streets are in the County Subdivision Ordinance.

Street, Public: A dedicated, and accepted for maintenance purposes, public right-of-way for vehicular traffic that affords the principal means of access to abutting properties.
(Amd. 02-19-08)

Structure: That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in a permanent manner.
(Amd. 02-19-08)

Subdivision: All divisions of a less than ten acre tract or parcel of land into two or more lots, building sites or other divisions for the purpose of sale or building development, whether immediate or future, with certain modifications as more particularly defined in the County Subdivision Ordinance.

Swimming Pool, Private: Any structure which contains water over 24 inches in depth and which is used, or intended to be used, for swimming or recreational bathing in connection with a single-family residence and which is available only to the family and guests of the house holder. This includes in-, on- and above-ground swimming pools. (Section 1002 C)

Swimming Pool, Public: Any swimming pool that does not meet the definition of “Private, Swimming Pool” located above. The County Subdivision Ordinance and the County Health Department also regulate public swimming pools. (Section 1002 C)

Temporary: A permit or event for a limited period of time. (Section 1001)

Therapeutic Foster Care Home: A 24-hour residential treatment facility located in a private residence which provides professionally trained parent substitutes who work intensively

ARTICLE V COMPANION DISTRICTS –CONDITIONAL ZONING DISTRICTS

SECTION 501. GENERAL.

The Conditional Zoning districts set forth herein are authorized by N.C. GEN. STAT. ~~§153A-342~~ 160D-703 and are intended to modify the uses to which the parallel zoning district is restricted. Generally, an applicant, by seeking to rezone property to a Conditional Zoning district, will propose to restrict or eliminate Permitted, Conditional or Special Uses. Request for Conditional Zoning district rezoning shall be processed administratively in the same manner as for amendments to this ordinance as established in Article XV.

Conditional Zoning districts are floating districts that parallel general zoning districts. Conditional Zoning districts are identical to their corresponding general zoning districts in all respects except that a permit is required as a prerequisite to any use (Permitted, Conditional or Special) or development within them.

Parallel Conditional Zoning districts are provided as a voluntary alternative method of petitioning the Board of Commissioners for a zoning map or classification change. The owner may submit conditions that restrict the uses that would otherwise be allowed in the zoning district and only those uses specifically requested in the application shall be considered.

(Amd. 02-19-08; Amd. 04-18-11)

SECTION 502. RESTRICTIONS ON FILING OF APPLICATIONS.

A request for a Conditional Zoning district rezoning shall be initiated only by an application [petition] signed by all current record owners of the property.

(Amd. 11-20-06; Amd. 04-18-11)

SECTION 503. CONTENT OF APPLICATIONS AND CONDITIONS.

The Conditional Zoning district application shall provide the minimum information requirements set forth below; however, additional information may be required by the Planning and Inspections Staff, Planning Board or the Board of Commissioners when requested if any of the aforementioned deem it necessary in order to be able to make a recommendation on, or decision regarding, the application. Such requests may include a

placed on the site, the proposed number of stories, and the location and number of off-street parking and loading spaces. The site plan shall show proposed points of access to existing streets and internal circulation patterns. In addition, the location of all proposed buffers and fences shall be included on the site plan.

(Amd. 02-19-08)

SECTION 504. ACTION BY THE PLANNING BOARD.

The Planning Board may hold a public **hearing meeting** during which the applicant may voluntarily make modifications to the request. The Planning Board shall review the request for a Conditional Zoning district rezoning and make a recommendation to the Board of Commissioners. When ~~favorably recommending approval of the Conditional Zoning district~~ **making this recommendation**, the Planning Board shall issue a statement addressing the reasonableness of the proposed rezoning, in addition to addressing the request's consistency with ~~the current Land Use Plan for the area in which the subject property is located~~ **any comprehensive plan that has been adopted and any other officially adopted plan that is applicable.**

(Amd. 11-20-06; Amd. 04-18-11)

SECTION 505. ACTION BY THE BOARD OF COMMISSIONERS.

The Board of Commissioners shall hold a **public legislative** hearing to consider the Conditional Zoning district rezoning and shall review the application, recommendations from the Planning Board, suggested conditions, and other information presented at the **public legislative** hearing. ~~If the Board of Commissioners approve the rezoning application,~~ **shall adopt** a statement analyzing the reasonableness of the proposed rezoning along with addressing the consistency of the request with ~~the current Land Use Plan~~ **any applicable officially adopted comprehensive plan** for the area in which the subject property is located **and this statement** shall be made a part of the record.

In approving the application, the Board of Commissioners, with mutual agreement of the property owner(s) **recorded in writing**, may attach such reasonable requirements or conditions in addition to those specified in the Planning Board's recommendation. The conditions may include, but shall not be limited to:

- A. The location of the proposed use on the property;
- B. The number and location of structures;
- C. The location and extent of accessory and support facilities, such as parking lots, driveways, fences and access streets;

No parcel of land dedicated shall be less than one contiguous acre which shape is acceptable to the Board of Commissioners and all such areas shall be physically a part of the PND. Detached single-family dwelling units are exempt from any further open space dedication requirements of the Subdivision Ordinance. Residential group developments must provide the recreation areas required by the Subdivision Ordinance.

When according to adopted County or municipal plans, no land is required for recreation purposes, 15 percent of the land shall be either placed in an owners' association, under the same provision and conditions as provided for in the County Subdivision Ordinance; the land shall be dedicated to the County for use as parks and recreation and open space; or a fee shall be paid to the County of Cumberland for the acquisition of land for recreation purposes in accordance with the provisions of N.C. GEN. STAT. § ~~153A-331~~ 160D-804. The Board of Commissioners shall decide which option is appropriate. If a fee is chosen, it shall be equivalent to 15 percent of the tax-assessed value of the land contained in the PND. The entire dedication of land or fee may be made at the time the preliminary plat is presented for approval or may be made in proportion to the number of units to be developed of the total approved for the PND. A fee in lieu does not entitle the PND to additional residential units or commercial acreage.

C. Buffer Requirement. Buffers meeting the standards of Section 1102.G shall be provided. The Board of Commissioners' upon recommendation from the Planning Board may require additional buffering, when the proposed nonresidential area abuts land not included in the development plan and the required buffer would not protect the adjoining properties from the non-residential character of the uses.

D. Off-Street Parking and Loading Spaces. Off-street parking and loading spaces shall be provided as required for the specific uses as listed in Article XII.

E. Sign Regulations. All signage shall comply with the standards enumerated in Section 1306 with non-residential uses not exceeding the standards for the C1(P) zoning district.

F. Dimensional Provisions. Residential uses shall meet or exceed the minimum standards for setbacks of the R7.5 Residential District along all public streets and on the periphery of the development. All non-residential uses shall observe the yard regulations for the C1(P) zoning district along the public streets and on the periphery of the PND.

G. Schedule of Development. Development of the commercial portion of a PND shall not commence until the following schedule of the number of residential units approved for the PND have been developed:

c. Side yard setbacks: 20 feet; and

d. Corner lots: shall provide a minimum of 30 feet from both streets.

3. Subject property must abut and have direct access to a major or minor thoroughfare or higher street classification, as identified in the Highway Plan, for all day care facilities located in residential districts.

B. Day care facilities allowed in zoning districts other than residential districts shall comply with the district dimensional requirements of the zoning district.

C. Minimum of two off-street parking spaces, plus one off-street parking space for each employee, shall be provided. Off-street parking shall be provided in accordance with the standards of Article XII.

D. There shall be sufficient paved driveway to accommodate at least two motor vehicles at one time for the purpose of loading and unloading passengers in addition to any off-street parking area.

E. All children's outside play areas shall be enclosed with at least a four-foot high fence and located only within the side and/or rear yards, provided the yards are not adjacent to a street. The horizontal/vertical spacing in the fence shall be a maximum of four inches and at a minimum the fence must comply with the guard opening limitations for spacing established in the ~~N.C. BLDG CODE § R312.2 (2006)~~ most currently adopted North Carolina State Building Code.

(Amd. 11-20-06; Amd. 02-19-08; Amd.01-09-10)

SECTION 907. DETENTION FACILITIES/PRISONS.

In areas contiguous to residentially zoned or residentially developed areas, there must be a minimum 200 foot setback for detention facilities and 500 foot setback for prisons, which shall be measured from the exterior walls or fences of the detention facility or prison facility to the property line of any adjoining residentially zoned or residentially developed area or public right-of-way. In all other areas, the setbacks for detention facilities shall be in accordance with the standard zoning district dimensional provisions and, for prisons, a minimum setback of 200 feet from the property lines. In addition,

A. No minimum lot area is required; however, the lot shall be adequate to provide the yard space required by the district dimensional requirements of this ordinance, meet other standards contained in this ordinance, and comply with all Federal and State regulations;

B. A solid buffer shall be provided and maintained in accordance with this ordinance; however, more intensive buffering may be required when the use is near or adjacent to residentially zoned areas; and

C. Adequate off-street parking and loading space shall be provided on site. Any public street, sidewalk or right-of way or any other private grounds not a part of the detention facility parking area may not be used for the parking, loading, or maneuvering of vehicles.

(Amd. 02-19-08)

SECTION 907.1. FIRING RANGE, OUTDOOR.

A. A detailed site plan complying with the provisions of Article XIV shall be submitted for review and if approved, all applicable permits must be obtained prior to commencement of range activity. The detailed site plan shall be sealed by a North Carolina registered engineer attesting that the proposed plan incorporates the specific safety and design standards for outdoor firing range provisions and live fire shoot house provisions, if applicable, as set out in Section 4, Outdoor Range Design; Section 6, Live Fire Shoot House; and Attachments 1-2 through 1-20 of the *Range Design Criteria* (June 2012) as published by the US Department of Energy's Office of Health, Safety and Security for the type of range proposed; except that Section 4.b(10), the words "or administrative" in the first sentence of Section 4.c(7), the second sentence of Section 4.c(7) and Section 6.a(1) shall not be considered for the reason that these sections are specific to the needs of the DOE.

[Editor's note: A hardcopy of the Range Design Criteria is available for public viewing in the office of the ~~Land Use Codes~~ [Current Planning](#) section of the Planning & Inspections Department and a hyperlink is provided in this same section in the ordinance on the department's website.]

B. The site on which the outdoor firing range is proposed shall contain a minimum of 200 acres within a tract or contiguous tracts owned or leased under a recorded lease to the owner/operator of the outdoor firing range. The detailed site plan shall show the boundary of the subject property in its entirety and shall further disclose all existing uses, if discernible, and structures within a distance of 300 feet from the boundary.

C. Surface danger zones shall be located entirely on the subject property and shall be designed to contain all projectiles and debris caused by the type of ammunition, targets and activities to be used or to occur on the property. The layout of the proposed range(s) with the accompanying safety fans shall be delineated on the required site plan

11. One vehicle, no heavier than $\frac{3}{4}$ ton, used in connection with the home occupation is permitted and shall be located on the premises in such a manner, so as not to disrupt the quiet nature and visual quality of the neighborhood;

12. A small home day care shall be permitted as accessory to any dwelling unit, provided that the following additional conditions are met, as well as the other conditions of this section:

a. If an outdoor play area is provided, it must be located in the side and/or rear yard of the property, provided that the yard area is not adjacent to any street, and the outdoor play area is fenced with a solid (opaque) fence; and

b. No more than eight children who are unrelated to the operator can be cared for during any 24-hour period.

13. All Federal, State, and local regulations, including the County Environmental Health regulations are complied with in the conduct of the home occupation.

B. Outside Storage and Display. Outside storage of goods, equipment and material shall be prohibited in any O&I(P) and any outside storage in the C1(P), C2(P) or C(P) district shall be buffered from view from any public street. Outside display of merchandise which is normally required in conducting the commercial operation is permitted in any of the above-named districts except the O&I(P) District.

(Amd. 02-19-08; Amd. 04-18-11)

C. Swimming Pools. Every swimming pool, public and private, as defined by this ordinance is permitted as an incidental use and shall be regulated as follows:

1. The setback for a swimming pool from any side and rear lot line shall be ten feet.

2. A fence shall be erected to a minimum height of four feet to completely enclose the portion of yard containing the pool and shall include a gate that can be securely fastened for below-ground pools. The horizontal/vertical spacing in the fence shall be a maximum of four inches and at a minimum the fence must comply with the guard opening limitations for spacing established in the ~~N.C. BLDG CODE § R312.2 (2006)~~ most currently adopted North Carolina State Building Code.

3. All mechanical equipment shall be located a minimum of five feet from any property line.

4. All floodlights shall be shielded from adjacent properties to reduce offensive glare.

ARTICLE XV AMENDMENTS

SECTION 1501. SUBMISSION OF AMENDMENTS AND CHANGES.

The Board of Commissioners may amend, supplement, change, modify, or repeal the provisions of this ordinance, including but not limited to: its regulation of, or the number, area, boundaries and classifications of the zoning districts, upon petition, recommendation of the Planning Board, or on its own motion, after public notice and hearing as provided by law. No amendment shall become effective unless and until it is first submitted to, considered by and reported on from the Planning Board and thereafter approved by the Board of Commissioners. The following provisions shall govern submissions for amendment of this ordinance.

A. Submission of Petition. Petitions for amendments to this ordinance shall be submitted in the form prescribed by the Director. Submissions by the Board of Commissioners or by the Joint Planning Board on its own initiative shall state the proposed amendment succinctly. When a petition for rezoning is made by a person other than the tax record property owner, ~~or~~ a local government entity, or authorized agent of the tax record owner or a local government, the application must provide certification that the property owner has received actual notice of the petition and a notice of the ~~public~~ legislative hearing. Third-party down-zonings are prohibited unless initiated by the governing body.

(Amd. 01-19-10)

B. Schedule for Public and Legislative Hearings. All petitions for amendments may be set for public ~~hearing meeting~~ to be considered for recommendation by the Planning Board, and then shall be heard at ~~public a legislative~~ hearing and decided by the Board of Commissioners according to their adopted regular meeting schedule.

C. Revisions to Petitions. ~~Once~~ If upon the initial review of the petition for amendment ~~has been reviewed~~ by the Planning and Inspections Staff, ~~and~~ the petition is found to be inaccurate, incomplete or requires revision, or if the applicant of his own accord desires to make a change in the application for the petition, the petition may be rescheduled to the next available scheduled hearing.

D. Notice to Military Bases. All requests for amendments that would change or affect the permitted uses of land located five miles or less from the perimeter boundary of Fort Bragg, Pope Air Force Base, and/or Simmons Army Airfield shall be provided to the Commander of said bases in accordance with N. C. GEN. STAT. §~~153A-323~~ 160D-601.

(Amd. 02-19-08)

SECTION 1502. PLANNING & INSPECTIONS STAFF RECOMMENDATION.

Upon submission of a complete petition for amendments of this ordinance, the Planning and Inspections Staff shall review the petition and the request and make a recommendation to the Planning Board. The Staff shall take into consideration, among other related issues, the following factors when considering criteria for their recommendation:

- A. The appropriateness of the request in relation to, and the request's consistency with the current Land Use Plan and adopted land use policies for the subject area;
- B. The availability of public services, to include utilities, schools, fire, police, recreation, etc.;
- C. The suitability of the request as related to the nature of the surrounding land area and any foreseeable effects on the surrounding area;
- D. The policies of the Planning Board and Board of Commissioners in similar cases;
- E. The effect of the request regarding environmental concerns;
- F. Any changed conditions or circumstances in the area of a proposed change since any previous zoning action;
- G. Whether the proposed amendment would correct an inadvertent mistake; and
- H. The reasonableness of the proposed request for all small-scale rezonings.
(Amd. 11-20-06; Amd. 02-19-08; Amd. 04-18-11)

SECTION 1503. PLANNING BOARD HEARING AND RECOMMENDATION.

A. The Planning Board, upon receipt of a proposed amendment, by petition or otherwise, and upon a recommendation from the Planning and Inspections Staff, shall consider each proposed amendment and may hold a public **hearing meeting**, public notice of which shall be given, for such consideration. **Minutes of each meeting shall be kept in writing.** Upon petition or other proposal for an amendment of the ordinance for the purpose of establishing a Conditional Zoning district or specifically changing the classification of an existing district or part thereof, the Planning Board may consider amending the ordinance to provide a classification or reclassification other than that specifically requested or recommended, provided that the notice to landowners and

notice of public **hearing meeting** state that classifications or reclassifications other than that requested may be considered. If, upon receipt of a proposal to reclassify one type of general zoning district to another, or the Planning Board proposes, or has a proposal from the Board of Commissioners, to consider establishment of a Conditional Zoning district, it must refer such proposal to the owners of the property to be included in such district for submission of a petition in accordance with the provisions of Article V hereof; no consideration of such a proposal shall occur unless and until such a petition is received.

B. Following consideration of proposed amendments, supplements, changes, modifications or repeal of provisions of this ordinance, the Planning Board shall report all proposals it has considered to the Board of Commissioners along with a statement addressing consistency of the request with ~~the current Land Use Plan~~ any comprehensive plan that has been adopted and any other officially adopted plan that is applicable and with its recommendation thereon. Failure of the Planning Board to make a report and recommendation within 30 days after hearing a petition for a specific amendment shall constitute a favorable report and recommendation for such amendment.

(Amd. 11-20-06; Amd. 04-18-11)

C. A Planning Board member shall not vote on any advisory or legislative decision regarding a development regulation adopted pursuant to this ordinance or N.C. Gen. Stat. Chapter 160D where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. A Planning Board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship. If an objection is raised to a member's participation at or prior to the hearing or vote on the matter and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.

SECTION 1504. BOARD OF COMMISSIONERS' HEARING AND FINAL DISPOSITION.

A. Upon receipt of reports and recommendations from the Planning Board concerning proposed amendments, supplements, changes, modifications or repeal provisions of this ordinance, the Board of Commissioners shall schedule a **public legislative** hearing, upon notice to landowners of proposed action and notice of the **public** hearing as required by law, and therefore shall approve or deny the proposed action. A failure to approve a proposed action shall constitute a denial of the proposal.

B. The Board of Commissioners may approve an amendment of this ordinance to provide a classification or reclassification of a zoning district or part thereof, other than

that specifically requested by a petitioner, provided that the notice to landowners and the notice of ~~public~~ legislative hearing required by law states that classifications or reclassifications other than that requested will be considered and further provided that the Planning Board has considered other such classifications or reclassifications and reported on them to the Board of Commissioners. If such notice or such consideration has not been accomplished, the Board of Commissioners shall refer its proposal to amend this ordinance in a way other than that proposed by the petitioner to the Planning Board for further action in accordance with this ordinance.

C. To approve any amendment, supplement, change, modification or repeal of any provisions of this ordinance, the Board of Commissioners shall address in a brief statement the consistency of the action with ~~the current Land Use Plan~~ any officially adopted comprehensive plan; and make a finding and determination, entered in the minutes of the meeting, that such action is reasonable, neither arbitrary or unduly discriminatory and in the public interest. Consideration of any Conditional Zoning district is governed by Article V of this ordinance.

D. Notice of approval of any amendment for an industrial zoning district within 660 feet of the right-of-way of interstate or primary highways shall be sent by registered mail to the North Carolina Department of Transportation in accordance with N. C. GEN. STAT. § 136-153.

(Amd. 11-20-06; Amd. 04-18-11)

E. A member of the Board of Commissioners shall not vote on any legislative decision regarding a development regulation adopted pursuant to this ordinance or N.C. Gen. Stat. Chapter 160D where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. A Commissioner shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship. If an objection is raised to a member's participation at or prior to the hearing or vote on the matter and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.

SECTION 1505. PETITIONS FOR AMENDMENTS LIMITED: REAPPLICATIONS LIMITED.

After the initial zoning process in a zoning area, an initial petition to amend this ordinance so as to reclassify property in that area may be submitted at any time. After the first such petition has been submitted, regardless of the outcome thereof, no subsequent petition, by the same or other persons, to reclassify the same property or any portion thereof, whether in conjunction with other property or not, shall be considered earlier than one full calendar year after the date of the last public hearing

ARTICLE XVI BOARD OF ADJUSTMENT

SECTION 1601. ESTABLISHMENT.

The Board of Commissioners, pursuant to N.C. GEN. STAT. ~~§153A-340~~ 160D-302, does establish a Board of Adjustment. Such Board shall consist of at least five members appointed by the Commissioners, with membership providing for a means of proportional representation of the County's territorial jurisdiction. The appointments shall be for staggered terms. Subsequent or new reappointments shall be for three-year terms; all appointments to fill vacancies shall be for the unexpired term. The Commissioners shall also appoint five alternate members at large to serve in the absence or temporary disqualification of any regular member or to fill a vacancy pending appointment of a member. Alternate members shall be appointed in the same manner as regular members and at the regular times for appointment. Each alternate member, while attending any regular or special meeting of the board and serving in the absence of any regular member, shall have and exercise all the powers and duties of any regular member absent from the meeting.

SECTION 1602. PROCEEDINGS.

The Board shall elect a Chairperson and Vice-Chairperson from among its members. The Director shall assign a staff member to fill the Secretary and Clerk positions. Meetings of the board shall be held at the call of the Chairperson and at such other times as the board may determine. The Chairperson or any member acting as Chair and the ~~Secretary~~ Clerk to the Board are authorized to administer oaths for all testimony. The Chairperson may compel the attendance of witnesses in any matter coming before the Board. Any person who, while under oath during a proceeding before the Board of Adjustment, willfully swears falsely is guilty of a Class 1 misdemeanor. The Vice-Chairperson or any member of the board while temporarily acting as Chairperson has and can exercise like authority. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon every motion or question, or if absent or failing to vote, indicating such fact. The board shall also keep records of its examinations and official action.

The Clerk to the board shall transmit to the board all applications, reports and written materials relevant to the matter being considered. The administrative materials may be distributed to the board members prior to the hearing if at the same time they are distributed to the board a copy is also provided to the appellant or applicant and to the landowner if that person is not the appellant or applicant. The administrative materials

shall become part of the hearing record. The administrative materials may be provided in written or electronic form. Objections to inclusion or exclusion of administrative materials may be made before or during the hearing. Rulings on objections shall be made by the board at the hearing.

SECTION 1603. POWERS AND DUTIES.

The Board of Adjustment shall hear and decide all matters upon which it is required to pass under any statute or ordinance that regulates land use or development:

A. Hear and decide special use permits, requests for variances, and appeals of decisions relating to the administrative review of any order, requirement, decision or determination made by the Director or other administrative official regarding enforcement of this ordinance or other ordinance that regulates land use or development. (see Section 1604 below)

B. Vary or modify any of the regulations or provisions of this ordinance related to the construction or alteration of buildings or structures, dimensional requirements and minimum standards of individual uses except for specific location criteria for individual uses, in accordance with Section 1605, where there are unnecessary hardships in carrying out the strict letter of this ordinance, so that the spirit, purpose and intent of the ordinance shall be observed, public safety is secured and substantial justice achieved;

C. May hear and decide special use permit applications in accordance with standards and procedures specified in Section 1606;

D. ~~Repealed.~~ Hear and rule on appeals from the County's Minimum Housing and Nonresidential Code.

E. Rule on matters concerning nonconforming uses as to their continuance or discontinuance, expansion, reconstruction and, in general, compliance with Sections 1003 and 1004;

F. Rule on matters related to the County's Water Supply Watershed Management and Protection Ordinance regarding High Density developments, appeal of the Watershed Review Officer's decision, and hear request for variance from the County Water Supply Watershed Management and Protection Ordinance;

G. Hear and rule on appeals and variance requests from the County's Flood Damage Prevention Ordinance.

~~H. Repealed.~~

SECTION 1604. APPEALS.

The Board of Adjustment shall hear and decide from decisions of administrative officials charged with enforcement of the zoning ordinance and may hear appeals arising out of any other ordinance that regulates land use or development pursuant to all of the following:

A. Any person who has standing under N.C. Gen. Stat. ~~160A-393(d)~~ 160D-1402 or the County may appeal a decision to the Board of Adjustment. The notice of appeal shall state the grounds for the appeal.

B. The official who made the decision shall give written notice to the owner of the property that is the subject of the decision and to the party who sought the decision, if different from the subject property owner. The written notice shall be delivered by personal delivery, electronic mail, or by first-class mail. In the absence of evidence to the contrary, notice given by first class mail shall be deemed received on the third business day following deposit of the notice for mailing with the United States Postal Service.

C. The owner or other party shall have 30 days from the receipt of the written notice within which to file an appeal. Any other person with standing to appeal shall have 30 days from receipt from any source of actual or constructive notice of the decision within which to file an appeal.

D. An appeal of a notice of violation or other enforcement order stays enforcement of the action appealed from and accrual of any fines assessed unless the official who made the decision certifies to the Board of Adjustment after notice of appeal has been filed that because of the facts stated in an affidavit, a stay would cause imminent peril to life or property or because the violation is transitory in nature, a stay would seriously interfere with enforcement of the ordinance. In that case, enforcement proceedings shall not be stayed except by a restraining order, which may be granted by a court. If enforcement proceedings are not stayed, the appellant may file with the official a request for an expedited hearing of the appeal, and the Board of Adjustment shall meet to hear the appeal within 15 days after such a request is filed. Notwithstanding the foregoing, appeals of decisions granting a ~~permit~~ development approval or otherwise affirming that a proposed use of property is consistent with the ordinance shall not stay the further review of an application for ~~permits or permissions~~ development approvals to use such property; in these situations the appellant or local government may request and the board may grant a stay of a final decision of ~~permit~~ development approval applications ~~or~~ , including building permits affected by the issue being appealed.

E. Subject to the provisions of subdivision (D) of this sub-section, the Board of Adjustment shall hear and decide the appeal within a reasonable time.

F. The official who made the decision or the person currently occupying that position if the decision-maker is no longer employed in that position shall be present at the evidentiary hearing as a witness. The appellant shall not be limited at the hearing to matters stated in ~~the a~~ notice of appeal. If any party or the County would be unduly prejudiced by the presentation of matters not presented in the notice of appeal, the board shall continue the hearing. The Board of Adjustment may reverse or affirm, wholly or partly, or may modify the decision appealed from and shall make any order, requirement, decision, or determination that ought to be made. The board shall have all the powers of the official who made the decision.

SECTION 1605. VARIANCE.

When unnecessary hardships would result from carrying out the strict letter of ~~this ordinance, or other land use regulation or ordinance~~ a zoning regulation, the Board of Adjustment shall vary any of the provisions of the ~~ordinance~~ zoning regulation upon a showing of all of the following:

A. Unnecessary hardship would result from the strict application of the ~~ordinance~~ regulation. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

B. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.

C. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

D. The requested variance is consistent with the spirit, purpose and intent of the ~~ordinance~~ regulation, such that public safety is secured, and substantial justice is achieved.

Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance. Any variance granted becomes null and void if not exercised within the time specified in such approvals, or if no date is specified,

within one calendar year from the date of such approval. No change in permitted uses may be authorized by a variance. The Board of Adjustment is also not authorized to grant variances to any use approved in a Conditional Zoning district or to the specific conditions or other performance criteria imposed upon such use. If the board denies a variance request, the board shall enter the reason for its action in the minutes of the meeting at which the action is taken. In the event of a denial, the Board of Adjustment shall not consider resubmission of the application for the same variance request on the same property without a substantial material change concerning the property and the application.

SECTION 1606. SPECIAL USE PERMITS.

The Board of Adjustment shall hear and decide applications for Special Use Permits. The various Special Uses set forth in the Use Matrix in Article IV, because of special site or design requirements, operating characteristics or potential adverse effects on surrounding property and neighborhoods, shall be permitted only upon approval by the Board of Adjustment in accordance with the standards and procedures specified in the ordinance. Reasonable and appropriate conditions may be imposed upon these permits.

A. Purpose. Permitting Special Uses adds flexibility to this ordinance. Subject to high standards of planning and design, certain property uses are allowed in the several districts where these uses would not otherwise be acceptable. By means of controls exercised through the Special Use Permit procedures, property uses that would otherwise be undesirable in certain districts can be developed to minimize any negative effects they might have on surrounding properties.

B. Procedure. Special Use Permits shall be granted by the Board of Adjustment as permitted for only those uses enumerated in Section 403, Use Matrix, as Special Uses. Uses specified as a Special Use in Section 403 shall be permitted only upon the issuance of a Special Use Permit by the Board of Adjustment.

The owner or owners of all property included in the petition for a Special Use Permit shall submit a complete application and a detailed site plan (drawn in accordance with the specifications listed in Section 1402) to the Planning and Inspections Staff. The Staff will schedule the application to be heard by the Board of Adjustment in accordance with the adopted time schedule.

Developers are encouraged to discuss their Special Use plans with the Planning and Inspections Staff before submission. The staff shall assist the developer upon request by reviewing Special Use plans to ensure that the technical requirements of this ordinance are met before submission to the Board of Adjustment.

All applications and site plans shall provide information indicating compliance with the development standards for individual uses as listed in Article IX of this ordinance, as applicable, and the height and area regulations for the zoning district in which they are located, unless the provisions for the Special Use provide to the contrary.

C. Consideration of Application. The Board of Adjustment shall consider the application, site plan and any other evidence presented in accordance with this article and may grant or deny the Special Use Permit requested. In granting a Special Use Permit, the Board shall find that:

1. The use will not materially endanger the public health or safety if located according to the plan submitted and proposed;
2. The use meets all required conditions and specifications;
3. The use will maintain or enhance the value of adjoining or abutting properties, or that the use is a public necessity; and
4. The location and character of the use, if developed according to the plan as submitted and recommended, will be in harmony with the area in which it is to be located and is in general conformity with Cumberland County's most recent Land Use Plan, either comprehensive or a detailed area plan.

D. Final Disposition. In granting approval of a Special Use Permit, the Board of Adjustment shall impose such reasonable terms and conditions as it may deem necessary for the protection of the public health, general welfare and public interest and as authorized under N.C. Gen. Stat. Chapter 160D. The applicant/landowner must give written consent to all imposed conditions. In granting a Special Use Permit, the Board of Adjustment may give due consideration to one or all of the following:

1. The compatibility of the proposal, in terms of both use and appearance, with the surrounding neighborhood;
2. The comparative size, floor area and mass of the proposed structure in relationship to adjacent structures and buildings in the surrounding area and neighborhood;
3. The frequency and duration of various indoor and outdoor activities and special events, and the impact of these activities on the surrounding area;
4. The capacity of adjacent streets to handle increased traffic in terms of traffic volume, including hourly and daily levels and weight-bearing limitations;

may constitute written notice and service of the Board of Adjustment's decision hereunder.

H. Appeals of Special Use Permit Decisions. No appeal may be taken from the action of the Board of Adjustment in granting or denying a Special Use Permit except through the Cumberland County Superior Court in the same manner as set forth in this article for appeal of any Board of Adjustment decision.

SECTION 1607 HEARINGS

A. The applicant, the County, and any person who would have standing to appeal the decision under N.C. Gen. Stat. 160D-1402(d) shall have the right to participate as a party at the evidentiary hearing. Other witnesses may present competent, material, and substantial evidence that is not repetitive as allowed by the board. Objections regarding jurisdictional and evidentiary issues, including but not limited to, the timeliness of an appeal, the standing of a party, or the inclusion or exclusion of administrative material may be made to the board. The board chair shall rule on any objections and the chair's rulings may be appealed to the full board.

AB. The Board of Adjustment shall determine contested facts and make its decision within a reasonable time. Every quasi-judicial decision shall be based upon competent, material and substantial evidence in the record. Each quasi-judicial decision shall be reduced to writing and reflect the board's determination of contested facts and their application to the applicable standards. The written decision shall be signed by the Chair or other duly authorized member of the board. A quasi-judicial decision is effective upon filing the written decision with the Clerk to the board. The decision of the board shall be delivered by personal delivery, electronic mail, or by first-class mail to the applicant, property owner, and to any person who has submitted written request for a copy, prior to the date the decision becomes effective. The Clerk to the board shall certify that proper notice has been made **and the certificate shall be deemed conclusive in the absence of fraud.**

BC. The Secretary to the Board of Adjustment shall ensure the Commanders of Fort Bragg, Pope Army Airfield, and Simmons Army Airfield are notified of any application affecting the use of property located within five miles or less of the perimeter boundary of said bases in accordance with N.C. GEN. STAT. § ~~153A-323~~ **160D-601.**

SECTION 1608. REQUIRED VOTE.

A. The concurring vote of four-fifths of the Board of Adjustment shall be necessary to grant a variance. A majority of the members shall be required to decide any other quasi-judicial matter or to determine an appeal made in the nature of certiorari. For the

purposes of this sub-section, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter shall not be considered members of the board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.

B. A member of the ~~h~~Board of Adjustment exercising quasi-judicial functions pursuant to this ~~article~~ ordinance shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected person's constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member's participation at or prior to the hearing or vote on the matter and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.

SECTION 1609. REVERSAL/REVOCAION OF DECISION.

After a hearing has been held and approval granted, the Board of Adjustment may reverse or revoke any decision in the same manner as was required for the approval ~~without notice to the property owner and affected applicant if not the owner~~ upon finding that:

- A. The approval was obtained by fraud;
- B. The use for which such approval was granted is not being executed;
- C. The use for which such approval was granted has ceased to exist or has been suspended for one calendar year or more;
- D. The permit granted is being, or recently has been, exercised contrary to the terms or conditions of such approval;
- E. The permit granted is in violation of an ordinance or statute; or
- F. The use for which the approval was granted was so exercised as to be detrimental to the public health or safety, or so as to constitute a nuisance.

SECTION 1610. APPEAL OF FINAL DECISION.

Every quasi-judicial decision shall be subject to review by the Superior Court by proceedings in the nature of certiorari pursuant to N.C. GEN. STAT. § ~~160A-393~~ 160D-1402. A petition for review of a quasi-judicial decision shall be filed with the Clerk of Superior Court by the later of 30 days after the decision is effective or after a written copy thereof is given in accordance with ~~subdivision A of this sub-section~~ G.S. 160D-406(i). When first-class mail is used to deliver notice, three days shall be added to the time to file the petition. The provisions of N.C. Gen. Stat. § 160D-1402 shall apply to the appeal.

(Amd. 02-19-08; Amd. 08-18-08; Amd. 01-19-10; Amd. 04-18-11; Amd. 08-21-17)

ARTICLE XVII LEGAL PROVISIONS

SECTION 1701. VALIDITY.

If any article, section, sub-section, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Commissioners hereby declares that it would have passed this ordinance and each article, section, sub-section, clause and phrase thereof, irrespective of the fact that any one or more articles, sections, sub-sections, sentences, clauses or phrases be declared invalid.

SECTION 1702. VESTED RIGHTS.

For purposes of vesting development rights, this ordinance incorporates by reference the provisions set forth in NC GEN. STAT. §~~153A-344.1~~ §160D-108; to include site-specific vesting plans. ~~pursuant to which in that a property owner may vest his development right for a period of two calendar years in instances when review and approval is not required under the County Subdivision Ordinance by the approval of an application for a zoning permit.~~

If an application is submitted for a development approval and a development regulation changes between the time the application was submitted and a decision for approval was rendered, the applicant may choose which version of the development regulation will apply to the development approval. If the applicant chooses the version of the rule in place at the time of the application, the applicant shall not be required to await the outcome of the amendment to the development regulation(s) prior to acting on the development approval. If the application is delayed or placed on hold for six consecutive months, the permit choice rule is waived and the application must meet the development regulations in place at the time the consideration of the application is resumed.

Nothing in this ordinance shall be interpreted or construed to give rise to any permanent vested rights or expectations in the continuation of any particular use, district, zoning classification, or other permissible activities herein; and, the same are all hereby declared to be subject to subsequent amendment, change or modification as may be necessary for the preservation or protection of the public health, safety and welfare.

Further, the provisions of this ordinance shall apply from and after its effective date. The provisions of this ordinance shall not apply to any site plan that received a valid approval under site plan review procedures of the County Zoning Ordinance, effective date July 3, 1972, and subsequent amendments thereto, to the extent no provisions hereof, would be more stringent or impose greater requirements. Notwithstanding the preceding sentence, the requirements of any section of this ordinance expressly stating it shall apply to developments existing on the effective date hereof, shall so apply to any such site plan.

SECTION 1703. VIOLATIONS.

A. Statutory Authority. This ordinance may be enforced by any remedy authorized by N.C. Gen. Stat. § 160D-404 and N.C. Gen. Stat. §153A-123, to include criminal prosecution for a misdemeanor in accordance with Gen. Stat. § 14-4. appropriate equitable action, including but not limited to, injunction and abatement, in addition to any other remedy authorized by N.C. GEN. STAT. §153A-123.

B. Process for Issuance of Notice of ~~Civil Citation~~ Violation. If a Code Enforcement Coordinator finds that any provision of this ordinance is being violated, the Coordinator shall cause to be served upon the holder of the development approval and to the landowner of the property involved, if the landowner is not the holder of the development approval ~~offender or its agent~~, by ~~certified mail, return receipt requested, or by personal service~~ personal delivery, electronic delivery, or first class mail, a notice of ~~civil citation~~ violation. The notice of violation may be posted on the property. The person providing the notice of violation shall certify that the notice was provided and the certificate shall be deemed conclusive in the absence of fraud. The notice of ~~civil citation~~ violation shall indicate the nature of the violation and order the action necessary to correct it. The ~~citation~~ notice of violation shall also state the monetary penalty and the right of the offender to appeal the violation that is the basis of the citation to the Board of Adjustment within ten days from the date of service of the ~~citation~~ notice of violation.

1. Responsible Parties. The owner, lessee, tenant or occupant of any building or land or part thereof and any architect, builder, contractor, agent or any other person who participates in, assists, directs, creates or maintains any violation of the provisions of this ordinance may be held responsible for the violation and be liable for the penalties and be subject to the remedies provided in Section 1704 below.

2. Separate Offense. Each day that any violation continues after notification by the Coordinator that such violation exists shall be considered a separate offense for purposes of penalties and remedies specified herein.

3. Appeal of Citation Notice of Violation. If the offender files notice of appeal to the Board of Adjustment within the ten-day time period, the appeal shall stay the collection of the penalty so imposed as well as the corrective action prescribed in the citation. Appeals to the Board of Adjustment shall be administered as provided in Article XVI; however, the time for perfecting the appeal shall be ten days as hereinbefore stated. ~~A violation of this ordinance may not be appealed to the Board of Adjustment if the offender did not perfect an appeal to the Board of Adjustment within the ten-day time period set forth herein.~~

F. Emergency Enforcement. Notwithstanding the forgoing, in cases where delay would seriously threaten the effective enforcement of this ordinance or pose a danger to the public health, safety or welfare, the Coordinator may seek enforcement of this ordinance without prior written notice by invoking any of the penalties or remedies herein authorized.

(Amd. 02-19-08)

SECTION 1704. PENALTIES.

A. A person who violates any of the provisions of this ordinance shall be subject to revocation of any permits and a civil penalty in the sum of \$500.00 following the issuance of a civil citation. Each day the violation continues shall constitute a separate violation and the civil penalty shall accrue at the rate of \$500 each day until the necessary corrective action is taken. The penalty shall be recovered by the County in a civil action if the offender fails to pay the penalty to the Finance Director, Cumberland County, Post Office Drawer 1829, Fayetteville, North Carolina 28302, within ten calendar days after being cited for the violation. The civil action of recovery shall be in the nature of an action to recover a debt and shall include as an additional sum to be recovered the full costs of the action, including but not limited to, filing, service and attorney fees. ~~Second and subsequent violations shall subject the offender to a \$500.00 penalty.~~ Nothing in this section shall preclude the enforcement of this ordinance pursuant to the ~~all of the~~ provisions of N.C. GEN. STAT. §14-4 ~~where appropriate.~~

B. Every violation of this ordinance shall be a misdemeanor punishable by a maximum fine of \$500.

SECTION 1705. AMENDMENT CLAUSE.

This ordinance, upon its effectiveness as provided by law, amends in its entirety the previously existing Cumberland County Zoning Ordinance, effective date of July 3, 1972, including all subsequent amendments to said previously existing ordinance, except where otherwise expressly stated within this ordinance.

SECTION 1706. EFFECTIVE DATE.

This ordinance shall be in full force and effect from and after its passage by the Board of Commissioners of Cumberland County, this the 20th day of ~~June, 2005~~.

EXPLANATION OF THE REQUEST

This is a request for initial zoning of one parcel located on the northwest side of US Hwy 301 S and northeast of Brooklyn Circle to C2(P) Planned Service and Retail District/CZ Conditional Zoning for trades contractor activities. This request would allow the conditional zoning district previously approved under the County's jurisdiction to remain on the parcel. All conditions approved with the previous approval still apply.

OWNER/APPLICANT

OWNER/APPLICANT: DSI Properties, LLC (owner)

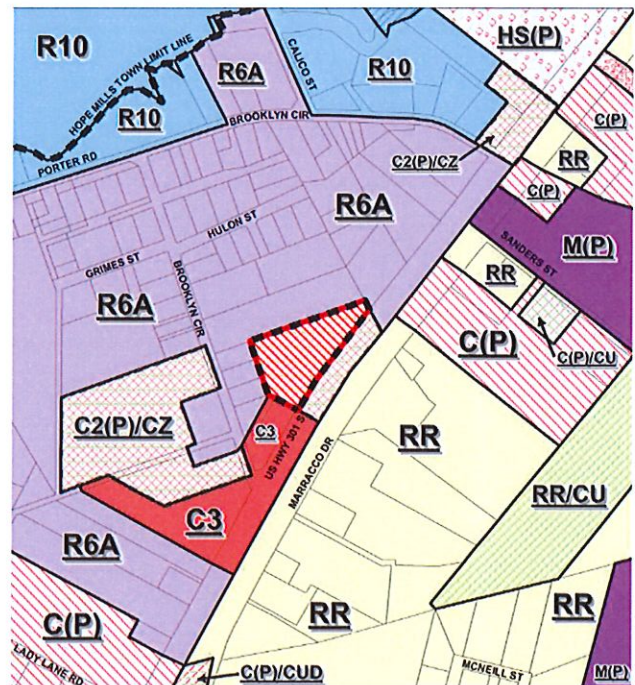
PROPERTY INFORMATION

ADDRESS/LOCATION: Northwest side of SR 1243 (US Hwy 301 S) and northeast of SR 1126 (Brooklyn Circle); more specifically REID 0423298217000

SIZE: This request includes one parcel totaling approximately 3.64 acres. The property has 652'+/- of street frontage along US Hwy 301 S. The property is 404'+/- in depth.

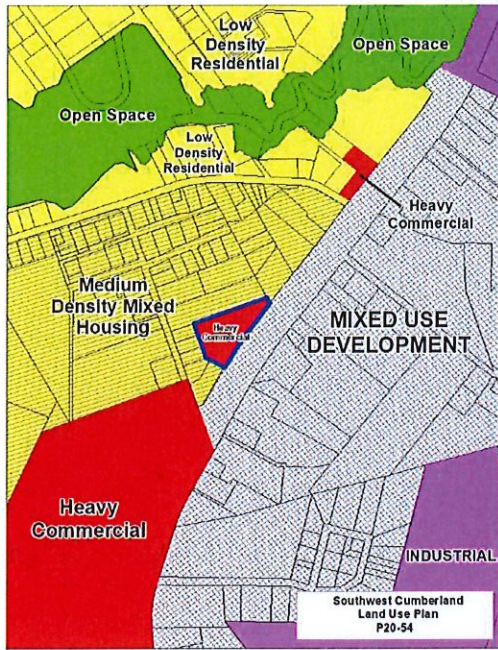
EXISTING LAND USE: The property is currently vacant.

OTHER SITE CHARACTERISTICS: The property is not located within the watershed or the Special Flood Hazard Area. There are some hydric soils on the property.



DEVELOPMENT REVIEW: The property was platted on May 31, 2019 in Plat Book 142, Page 149.

SURROUNDING LAND USE: There are residential uses in the surrounding area including manufactures homes and a manufactured home park. There are also several nonresidential uses including motor vehicle repair,



ZONING HISTORY: This property was initially zoned R6A & C3 as part of the Area 7 initial zoning on February 3, 1977. The property was rezoned to C2(P)/CZ on April 15, 2019 (Case P19-14).

UTILITIES: The property is served by PWC water and private septic. There are no public sewer lines available. The property is not located within a water/sewer district.

MINIMUM YARD SETBACKS: If approved, this parcel would be subject to C2(P) setbacks: Front yard: 50 foot, Side yard: 30 foot, Rear yard: 30 foot.

COMPREHENSIVE PLANS: The 2030 Growth Vision Plan designates this area as "Urban Fringe". The Southwest Cumberland Land Use Plan (2013) designates this parcel as "Heavy Commercial". The "Heavy Commercial" allows for retail commercial uses. **Request is plan compliant.**

IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES

TRAFFIC: The subject property is located on US HWY 301 S, which is identified as an expressway needing improvement in the Metropolitan Transportation Plan. US HWY 301 S is identified in the Transportation Improvement Plan as W-5519, construction of safety improvements from NC 87 South to NC 59. Construction is underway. The Average Daily Traffic Count (2018) on US Hwy 301 S is 16,000.

SCHOOLS CAP/ENROLL: Gallberry Farm Elementary: 900/978; South View Middle: 900/674; South View High: 1800/1527

ECONOMIC DEVELOPMENT: Fayetteville Cumberland County Economic Development Corporation has reviewed the request and had no comment at this time.

EMERGENCY SERVICES: Comment requested via e-mail. None received.

FAYETTEVILLE REGIONAL AIRPORT: The property is not located within the Airport Overlay District.

STAFF RECOMMENDATION

In Case P20-54, the Planning & Inspections staff **recommends approval** of the initial zoning request to C2(P) Planned Service and Retail District/CZ Conditional Zoning for trades contractor activities and finds the request consistent with the Southwest Cumberland Land Use Plan (2013) designation of "Heavy Commercial" as the subject property meets the location criteria for heavy commercial as defined in the Land Use Policies Plan (2009) and the plan supports strip commercial areas along US Hwy 301. Approval of the request is reasonable and in the public interest as the district requested is in harmony with surrounding existing land uses and the permitted use serves as a transition between existing commercial uses and established residential areas.

Attachments:
 Zoning Application
 Notification Mailing List

After recording return to: Jane Starling, C/o Town of Hope Mills, 5770 Rockfish Rd. Hope Mills NC. 28348

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE
TOWN OF HOPE MILLS, NORTH CAROLINA
ANNEXATION ORDINANCE NO. A2020-08**

WHEREAS, the Board of Commissioners has been petitioned under G.S. 160A-31 to annex the area described below; and

WHEREAS, the Board of Commissioners has by resolution directed the Town Clerk to investigate the sufficiency of the petition; and

WHEREAS, the Town Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at Hope Mills Town Hall at 7:00 p.m. on October 5, 2020 after due notice by publication in the Fayetteville Observer on September 23, 2020; and

WHEREAS, the Board of Commissioners finds that the petition meets the requirements of G.S. 160A-31;

NOW, THEREFORE, BE IT ORDAINED, by the Board of Commissioners of the Town of Hope Mills, North Carolina that:

Section 1. By virtue of the authority granted by G. S. 160A-31, the following described territory is hereby annexed and made part of the Town of Hope Mills as of October 5, 2020.

AREA FOR ANNEXATION

**DSI PROPERTIES, LLC
US HWY 301 South**

3.64 acres

LYING in Rockfish Township, near Fayetteville, Cumberland County, North Carolina this subject parcel being bounded on the north by: the tract as conveyed to DSI Properties, LLC, as described and recorded in Deed Book 10576, Page 162, Cumberland County Registry and by the tract as conveyed to Luberta Jacobs, as described and recorded in Deed Book 2401, Page 01, Cumberland County Registry; bounded on the east by the western right of way margin of US Highway 301 South (public right of way varies); bounded on the south by Lots 1 and 2 "Forrest B, Hardin" as described and recorded in Plat Book 136, Page 171, Cumberland County Registry; bounded on the west by Lots 3, 4 and 5 "J. H. Bledsoe" as described and recorded in Plat Book 22, Page 04, Cumberland County Registry and being more particularly described as follows:

COMMENCING from an existing iron rebar located in the western right of way margin of US Highway 301 South, the northeast corner of Lot 1 as described and recorded in Plat Book 136, Page 171, said iron rebar also being the TRUE POINT AND PLACE OF BEGINNING; THENCE and leaving said western right of way margin, North 62 degrees 14 minutes 44 seconds West for a distance of 164.789 feet to an existing iron rebar; THENCE North 19 degrees 21 minutes 00 seconds West for a distance of 297.47 feet to an existing iron rebar; THENCE North 69 degrees 51 minutes 22 seconds East for a distance

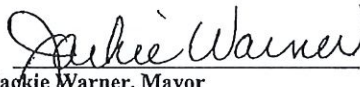
of 634.87 feet to an existing iron rebar; THENCE South 29 degrees 37 minutes 34 seconds East for a distance of 50.81 feet to an existing concrete monument located in the western right of way margin of US Highway 301 South; THENCE as and with said right of way margin, South 38 degrees 19 minutes 32 seconds West for a distance of 205.27 feet to an existing iron rebar; THENCE a curve to the left having a radius of 2841.05 feet, an arc length of 447.40 feet and a chord bearing and distance of South 33 degrees 55 minutes 43 seconds West for a distance of 446.94 feet to an existing iron rebar, said iron rebar also being the TRUE POINT AND PLACE OF BEGINNING.

Together with and subject to covenants, easements, and restrictions of record. Said property contains 3.64 acres (158,772 square feet). This is a non-contiguous annexation.

Section 2. Upon and after October 5, 2020, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Hope Mills and shall be entitled to the same privileges and benefits as other parts of the Town of Hope Mills. Said territory shall be subject to municipal taxes according to G.S. 160A-31.

Section 3. The Mayor of the Town of Hope Mills shall cause to be recorded in the office of the Register of Deeds of Cumberland County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the Cumberland County Board of Elections, as required by G. S. 163-288.1.

ADOPTED THIS 5TH DAY OF OCTOBER, 2020.


Jackie Warner, Mayor

ATTEST:


Jane G. Starling, Town Clerk



NAME	ADDRESS	CITY
DSI PROPERTIES LLC	4830 S US 301 HWY	HOPE MILLS, NC 28348
FURCHES, JUNIOR A;HELEN, D TRUSTEES	4775 MARRACCO DR	HOPE MILLS, NC 28348
GORUM, PATRICIA LEE	419 BROOKLYN CIR	HOPE MILLS, NC 28348
HALLSBORO CONSTRUCTION CO INC	4705 MARRACCO DR	HOPE MILLS, NC 28348
HARDIN, FORREST B JR LIFE ESTATE	449 BROOKLYN CIR	HOPE MILLS, NC 28348
HARRIS, OWEN HENRY;HARRIS, ROSE	4590 CAMERON RD	HOPE MILLS, NC 28348
HOG COUNTRY LLC	4772 S US 301 HWY	HOPE MILLS, NC 28348
JACOBS, LUBERTA	4680 S US 301 HWY	HOPE MILLS, NC 28348
JACOBS, TAD PHILLIP	4715 MARRACCO DR	HOPE MILLS, NC 28348
SUDDEN SERVICE INC	649 N CHURCH AVE	LOUISVILLE, MS 39339

EXPLANATION OF THE REQUEST

This is a request for initial zoning of two parcels located on the west side of Muscat Road and south of Fairhaven Trail to R7.5 Residential. This request was initiated upon the annexation of further phases of the Sheffield Farms subdivision by the Town of Hope Mills. This is a conventional rezoning, and no conditions are proposed at this time.

OWNER/APPLICANT

OWNER/APPLICANT: GRRF, LLC (owner)

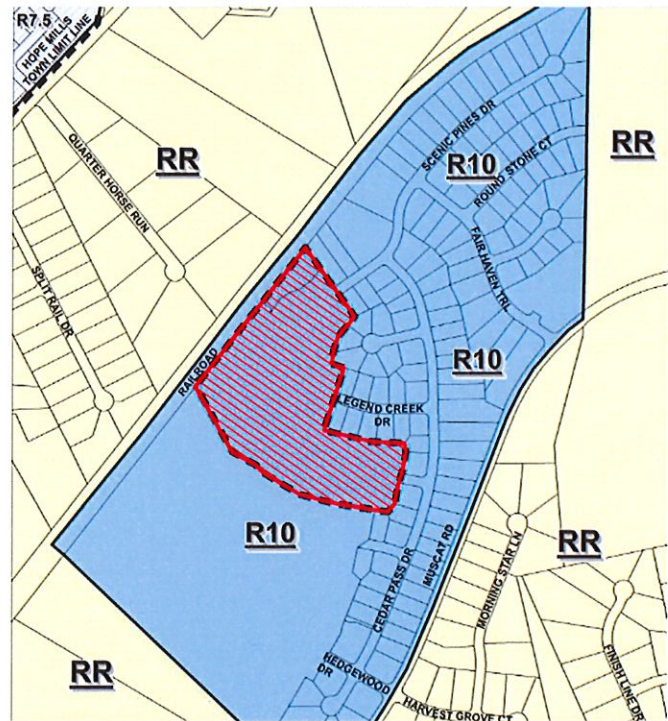
PROPERTY INFORMATION

ADDRESS/LOCATION: West side of SR 1119 (Muscat Road), south of Fairhaven Trail; more specifically REIDs 0403754426000 and portion of 0403744377000.

SIZE: This request includes two parcels totaling approximately 15.65 acres. The properties have existing street frontage along the neighborhood stub outs. The property is 1,093' +/- in depth.

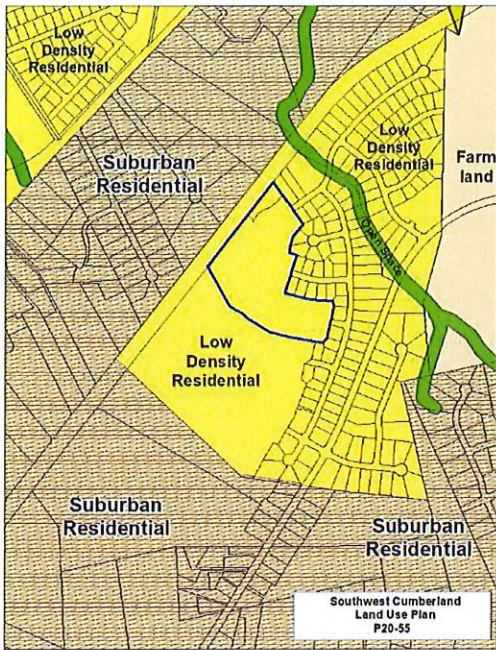
EXISTING LAND USE: The site is currently vacant woodlands.

OTHER SITE CHARACTERISTICS: The properties are not located within the watershed or the Special Flood Hazard Area. There are some hydric soils on the properties.



DEVELOPMENT REVIEW: The properties have been preliminarily approved for a residential subdivision (Case 05-150). Previous phases have been final platted.

SURROUNDING LAND USE: There are residential uses in the surrounding area.



ZONING HISTORY: These properties were initially zoned RR as part of the Area 7 initial zoning on February 3, 1977. These properties were rezoned to R10 on September 19, 2005.

UTILITIES: The properties are served by PWC water and sewer. The properties are not located within a water/sewer district.

MINIMUM YARD SETBACKS: If approved, these parcels would be subject to R7.5 setbacks: Front yard: 30 foot, Side yard: 10/15 foot, Rear yard: 35 foot.

COMPREHENSIVE PLANS: The 2030 Growth Vision Plan designates this area as "Urban Fringe". The Southwest Cumberland Land Use Plan (2013) designates this parcel as "Low Density Residential". The "Low Density Residential" allows residential uses. The "Low Density Residential" allows a density of 2.2 to six units per acre and only stick built homes. The "Low Density Residential" requires public water and sewer. If public water and sewer is not available, "Low Density Residential" can still be developed using suburban density standards of two units per acre. **Request is plan compliant.**

IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES

TRAFFIC: The subject properties sit on Scenic Pines Drive which is identified as a local road in the Metropolitan Transportation Plan. There are no construction projects planned, and the subject properties will have no impact on the Transportation Improvement Plan. The Average Daily Traffic Count (2014) on Muscat Road is 16,000.

SCHOOLS CAP/ENROLL: Gallberry Farm Elementary: 900/978; Gray's Creek Middle: 1200/1139; Gray's Creek High: 1470/1467

ECONOMIC DEVELOPMENT: Fayetteville Cumberland County Economic Development Corporation has reviewed the request and had no comment at this time.

EMERGENCY SERVICES: Comment requested via e-mail. None received.

FAYETTEVILLE REGIONAL AIRPORT: The properties are not located within the Airport Overlay District.

STAFF RECOMMENDATION

In Case P20-55, the Planning & Inspections staff **recommends approval** of the initial zoning request to R7.5 Residential and finds the request consistent with the Southwest Cumberland Land Use Plan (2013) designation of "Low Density Residential" as it allows a density of 2.2 to six units per acre and only allows stick-built homes which are permitted uses in the R7.5 district. Approval of the request is reasonable and in the public interest as the district requested is in harmony with surrounding existing land uses and zoning and the parcels have access to public water and sewer.

Attachments:
Zoning Application
Notification Mailing List

After recording return to: Jane Starling, C/o Town of Hope Mills, 5770 Rockfish Rd. Hope Mills NC. 28348

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE
TOWN OF HOPE MILLS, NORTH CAROLINA
ANNEXATION ORDINANCE NO. A2020-09**

WHEREAS, the Board of Commissioners has been petitioned under G.S. 160A-31 to annex the area described below; and

WHEREAS, the Board of Commissioners has by resolution directed the Town Clerk to investigate the sufficiency of the petition; and

WHEREAS, the Town Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at Hope Mills Town Hall at 7:00 p.m. on October 19, 2020 after due notice by publication in the Fayetteville Observer on October 7, 2020; and

WHEREAS, the Board of Commissioners finds that the petition meets the requirements of G.S. 160A-31;

NOW, THEREFORE, BE IT ORDAINED, by the Board of Commissioners of the Town of Hope Mills, North Carolina that:

Section 1. By virtue of the authority granted by G. S. 160A-31, the following described territory is hereby annexed and made part of the Town of Hope Mills as of October 19, 2020.

AREA FOR ANNEXATION

**GRRF, LLC MUSCAT RD.
SHEFFIELD FARMS NORTH – SECTION FIVE**

15.65 acres

LYING in Rockfish Township, near Fayetteville, Cumberland County, North Carolina this subject parcel being bounded on the north by Lot 63 and Lot 205 as described and recorded in “Sheffield Farms North Section Three” Plat Book 122, Pages 93 and 94, Cumberland County Registry; bounded on the east by:

Lots 196-198, Lot 212, Lots 216-220 and Lots 186-189 as described and recorded in “Sheffield Farms North Section Three” Plat Book 122, Pages 93 and 94, Cumberland County Registry; bounded on the south by:

Lot 184 as described and recorded in Plat Book 122, Pages 93 and 94, and by the tract of which this subject parcel is a part, as conveyed to GRRF, LLP, as described and recorded in Deed Book 6373, Page 685, Cumberland County Registry; bounded on the west by the southeastern right of way margin of CSX Railroad (130-foot private right of way).

COMMENCING from an existing iron rebar located in the southeastern right of way margin of the CSX Railroad (130-foot private right of way), the northwest corner of Lot 63, as described and recorded in “Sheffield Farms North Section Three” Plat Book 122,

Pages 93 and 94, Cumberland County Registry, said iron rebar also being the TRUE POINT AND PLACE OF BEGINNING;

THENCE South 35 degrees 32 minutes 52 seconds East for a distance of 245.13 feet to a point located in the northwestern right of way margin of Scenic Pines Drive, a 50-foot public right of way;
THENCE South 36 degrees 48 minutes 50 seconds East for a distance of 50.01 feet to a point located in the southeastern right of way margin of Scenic Pines Drive, a 50-foot public right of way;
THENCE South 35 degrees 32 minutes 52 seconds East for a distance of 130.00 feet to a point;
THENCE South 39 degrees 13 minutes 03 seconds West for a distance of 131.20 feet to a point;
THENCE South 17 degrees 18 minutes 56 seconds West for a distance of 75.00 feet to a point;
THENCE South 08 degrees 34 minutes 09 seconds West for a distance of 65.76 feet to a point;
THENCE South 72 degrees 41 minutes 04 seconds East for a distance of 65.00 feet to a point;
THENCE South 17 degrees 18 minutes 56 seconds West for a distance of 330.00 feet to a point;
THENCE South 76 degrees 29 minutes 27 seconds East for a distance of 239.71 feet to a point;
THENCE South 87 degrees 08 minutes 06 seconds East for a distance of 171.91 feet to a point;
THENCE South 09 degrees 57 minutes 13 seconds East for a distance of 42.32 feet to a point;
THENCE South 10 degrees 24 minutes 52 seconds West for a distance of 109.13 feet to a point;
THENCE South 18 degrees 59 minutes 21 seconds West for a distance of 50.60 feet to a point;
THENCE South 09 degrees 55 minutes 01 seconds West for a distance of 105.63 feet to a point;
THENCE South 41 degrees 21 minutes 59 seconds West for a distance of 54.77 feet to a point;
THENCE North 81 degrees 24 minutes 16 seconds West for a distance of 280.35 feet to a point;
THENCE North 75 degrees 46 minutes 52 seconds West for a distance of 173.44 feet to a point;
THENCE North 59 degrees 12 minutes 05 seconds West for a distance of 214.91 feet to a point;
THENCE North 43 degrees 46 minutes 38 seconds West for a distance of 52.08 feet to a point;
THENCE North 60 degrees 52 minutes 20 seconds West for a distance of 133.14 feet to a point;
THENCE North 29 degrees 48 minutes 52 seconds West for a distance of 374.94 feet to a point located in the southeastern right of way margin of CSX Railroad;
THENCE as and with said right of way margin, North 38 degrees 05 minutes 01 seconds East for a distance of 892.22 feet to an existing iron rebar, the northwest corner of Lot 63, as described and recorded in "Sheffield Farms Section Three" Plat Book 122, Pages 93 and 94, Cumberland County Registry, said iron rebar also being the TRUE POINT AND PLACE OF BEGINNING.

Together with and subject to covenants, easements, and restrictions of record. Said property contains 15.65 acres (681,603 square feet). This is a non-contiguous annexation

Section 2. Upon and after October 19, 2020, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Hope Mills and shall be entitled to the same privileges and benefits as other parts of the Town of Hope Mills. Said territory shall be subject to municipal taxes according to G.S. 160A-31.

Section 3. The Mayor of the Town of Hope Mills shall cause to be recorded in the office of the Register of Deeds of Cumberland County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the Cumberland County Board of Elections, as required by G. S. 163-288.1.

ADOPTED THIS 19TH DAY OF OCTOBER, 2020.

Jackie Warner, Mayor

ATTEST:

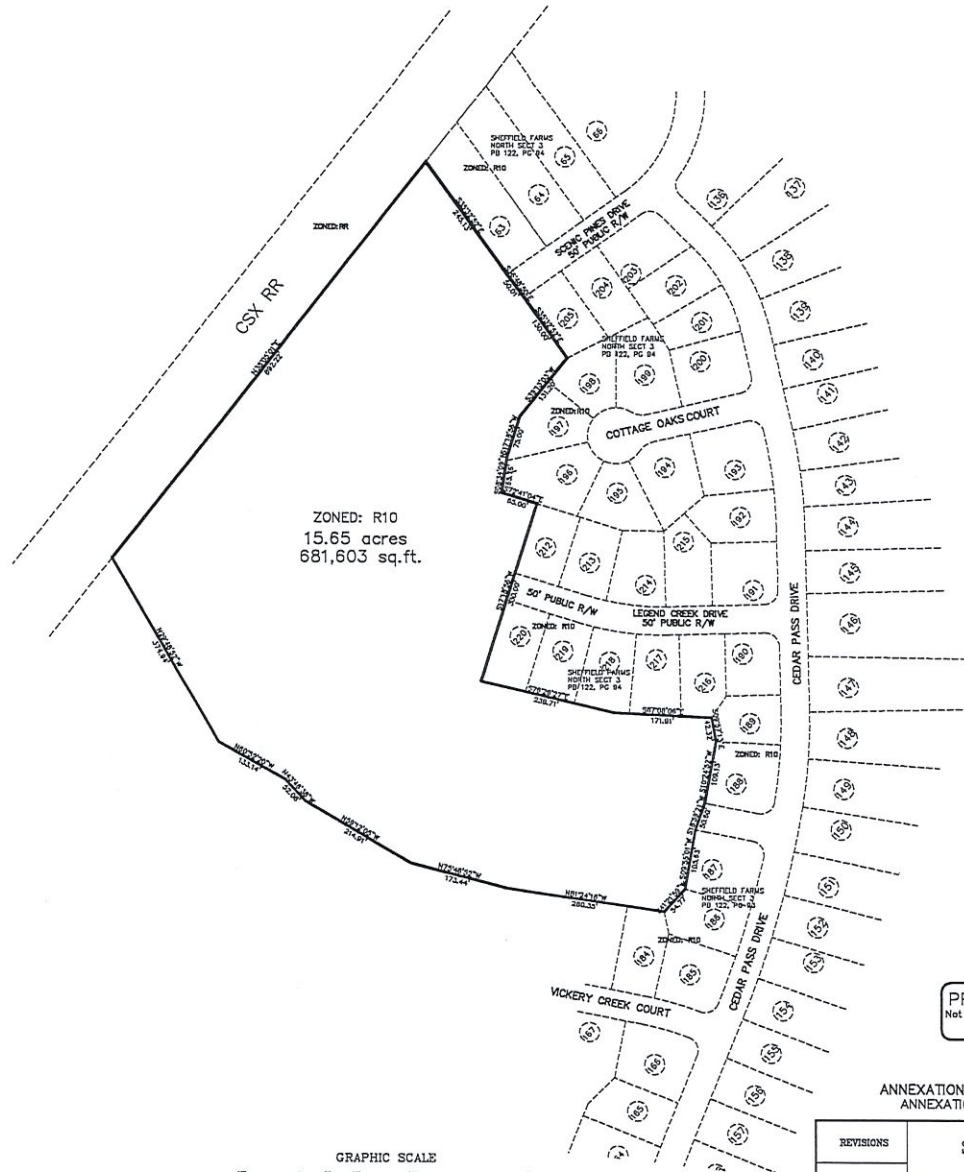
Jane G. Starling, Town Clerk



VICINITY MAP
NOT TO SCALE

This map is to be used for annexation purposes only. It is not a survey and the boundaries depicted are taken from plats, deeds and documentation of record.

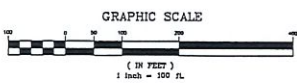
W. Larry King, L-1339
Annexation Map for
Town of Hope Mills
Annexation File # A2020-09



PRELIMINARY PLAT
Not for Construction, Recordation
Conveyance or Sale

PRELIMINARY
DO NOT USE FOR
CONSTRUCTION
THIS DRAWING HAS NOT
BEEN REVIEWED BY ANY
TENANT AND OR
GOVERNMENTAL AGENCY
FOR COMPLIANCE WITH ANY
APPLICABLE LAND
DEVELOPMENT OR OTHER
REGULATIONS.

ANNEXATION MAP FOR TOWN OF HOPE MILLS
ANNEXATION FILE # A2020-09



LINE TABLE
----- ANNEXATION TRACT
----- ADJACENT

REVISIONS	ZERO LOT LINE SHEFFIELD FARMS NORTH SECTION FIVE		<p>LARRY KING & ASSOCIATES, R.L.S., P.A. P.O. BOX 53787 1933 MORGANTON ROAD, SUITE 201 FAYETTEVILLE, N. C. 28405 TELEPHONE: (810) 483-4300 FAX: (810) 483-4052</p>
	TOWNSHIP: SEVENTY FIRST COUNTY: CUMBERLAND	<p>NC FIRM LICENSE 0-0067</p> <p>DATE: 06/24/20 SCALE: 1"=100' DRAWN BY: MLJ CHECKED BY: LARRY KING</p>	
	STATE: NORTH CAROLINA	PROPERTY OF: CREP LLP	<p>DESIGNED BY: LKA DRAWN BY: MLJ CHECKED BY: LARRY KING</p>

NAME	ADDRESS	CITY
ARNESS, CHAD P;MAISON R	1118 LEGEND CREEK DR	HOPE MILLS, NC 28348
CHRIST WORSHIP CENTER CHURCH INC	PO BOX 630	HOPE MILLS, NC 28348
COLLINS, CRAIG MARRAN;JEMIKA LADAWN	4609 SCENIC PINES DR	HOPE MILLS, NC 28348
DAUGHERTY, MELISSA M	1119 LEGEND CREEK DR	HOPE MILLS, NC 28348
GREGORY, REMONA T	1106 VICKERY CREEK DR	HOPE MILLS, NC 28348
GRRF LLP	PO BOX 41935	FAYETTEVILLE, NC 28309
HARRISON, PERRY A	4710 CEDAR PASS DR	HOPE MILLS, NC 28348
HUBBARD, JASON T; LAURA M	3600 QUARTER HORSE RUN	PARKTON, NC 28371
KENNISON, CHRISTOPHER E;MALINDA M	1113 COTTAGE OAKS CT	HOPE MILLS, NC 28348
KNIGHT, CLAYTON R; REBECCA A	4656 CEDAR PASS DR	HOPE MILLS, NC 28348
LEMANSKI, TRAVIS A; DEBORAH A	4706 CEDAR PASS DR	HOPE MILLS, NC 28348
MCDARIS, PALMER D; JANIE P	5817 LADY WAY	HOPE MILLS, NC 28348
MENDOZA, BRANDON A; SARAH E	4652 CEDAR PASS DR	HOPE MILLS, NC 28348
NAZARIO, LUIS A;FONTANEZ, KATHERINE A	4608 SCENIC PINES DRIVE	HOPE MILLS, NC 28348
PHIPPS, ANGELA TEDDER	3601 QUARTER HORSE RUN	PARKTON, NC 28371
PULIDO, JAVIER;; YORLENE PARADA	1330 SPLIT RAIL DR	PARKTON, NC 28371
REVELS, KOREY;; KRISTA	1108 COTTAGE OAKS CT	HOPE MILLS, NC 28348
ROGERS, DANIEL WAYNE; BRANDI RAE	1112 COTTAGE OAKS CIR	HOPE MILLS, NC 28348
SANTIAGO, JOSEPH D JR	1111 LEGEND CREEK DR	HOPE MILLS, NC 28348
SNYDER, SETH;SNYDER, TIA	1123 LEGEND CREEK DR	HOPE MILLS, NC 28348
WELLS, HEATHER SHANTEL;BRYANT	1115 LEGEND CREEK DR	HOPE MILLS, NC 28348

EXPLANATION OF THE REQUEST

This is a request for initial zoning of two parcels located on the west side of Legion Road and south of Ireland Drive to C(P) Planned Commercial. This request was initiated after these properties were annexed into the town limits of Hope Mills. This is a conventional rezoning, and no conditions are proposed at this time.

OWNER/APPLICANT

OWNER/APPLICANT: Wash-a-roo Laundromat, Inc. & Raymond E. Nicholson Jr. (owners)

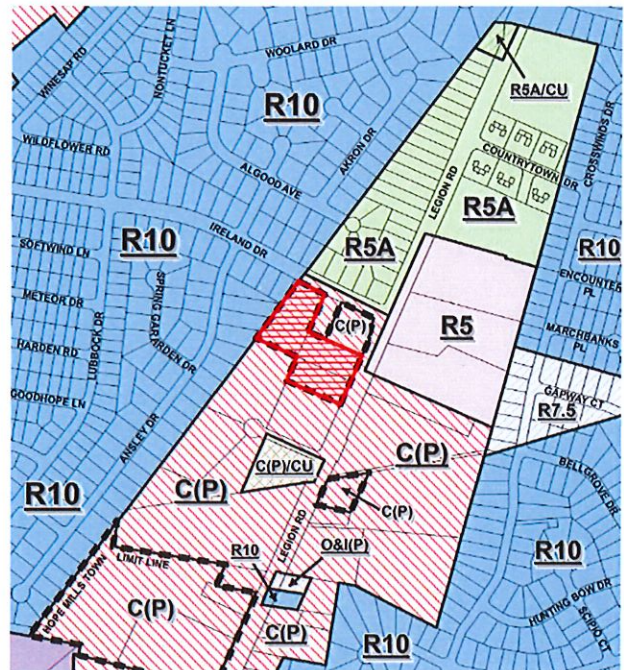
PROPERTY INFORMATION

ADDRESS/LOCATION: West side of SR 1132 (Legion Road), south of SR 3301 (Ireland Drive); more specifically REIDs 0425330293000 and 0425332145000.

SIZE: This request includes two parcels totaling approximately 3.74 acres. The properties have 286' +/- of street frontage along Legion Rd and 157' +/- along Ireland Dr. Each parcel is approximately 315' +/- in depth.

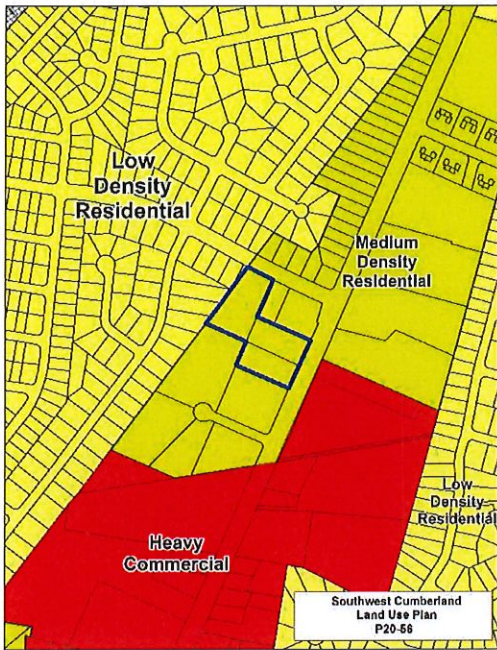
EXISTING LAND USE: The two parcels are currently vacant.

OTHER SITE CHARACTERISTICS: The properties are not located within the watershed or the Special Flood Hazard Area. There are no soil limitations to development on the properties.



DEVELOPMENT REVIEW: One parcel was platted on 4-29-20 in Plat Book 144, Page 58. The other parcel was platted on 8-26-20 in Plat Book 145, Page 18.

SURROUNDING LAND USE: There are residential uses in the surrounding area including multi-family dwellings. There are also several nonresidential uses including a convenience store, dance academy, greenhouses, and moving company.



ZONING HISTORY: These properties were initially zoned R5A as part of the Area 4 initial zoning on September 16, 1975. The properties were rezoned to C(P) on June 24, 1997 (Case P97-56).

UTILITIES: The properties are served by PWC water & sewer. The properties are not located within a water/sewer district.

MINIMUM YARD SETBACKS: If approved, these parcels would be subject to C(P) setbacks: Front yard: 50 foot, Side yard: 30 foot, Rear yard: 30 foot.

COMPREHENSIVE PLANS: The 2030 Growth Vision Plan designates this area as "Urban Fringe". The Southwest Cumberland Land Use Plan (2013) designates this parcel as "Medium Density Residential". The "Medium Density Residential" allows for residential uses. "Medium Density Residential" is defined as two or more units in the same building or a density of greater than six but less than 15 units per acre. The "Medium Density Residential" requires public water and sewer, direct access on a throughfare, is within one half mile of a commercial area, and meets the location criteria in the Land Use Policies Plan. **Request is not plan compliant.**

IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES

TRAFFIC: The subject properties sit on Legion Road which is identified as an existing boulevard in the Metropolitan Transportation Plan. There are no construction projects planned, and the subject properties will have no impact on the Transportation Improvement Plan. The Average Daily Traffic Count (2018) on Legion Road is 17,000.

SCHOOLS CAP/ENROLL: Elizabeth Cashwell Elementary: 800/592; South View Middle: 900/674; South View High: 1800/1527

ECONOMIC DEVELOPMENT: Fayetteville Cumberland County Economic Development Corporation has reviewed the request and had no comment at this time.

EMERGENCY SERVICES: Comments requested via e-mail. None received.

FAYETTEVILLE REGIONAL AIRPORT: The properties are located within the Airport Overlay District. No comments were received from the airport.

STAFF RECOMMENDATION

In Case P20-56, the Planning and Inspections staff **recommends approval** of the initial zoning request to C(P) Planned Commercial and finds:

- 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 properties meet the location criteria for "heavy commercial" as defined in the Land Use Policies Plan (2009), including access to public water and sewer, and
- C. Approval of the initial zoning request is reasonable and in the public interest because the district requested is in harmony with adjacent existing zoning and land uses.

Attachments:
 Zoning Application
 Notification Mailing List

FILED
 CUMBERLAND COUNTY NC
 J. LEE WARREN, JR.
 REGISTER OF DEEDS

FILED Oct 08, 2020
 AT 10:19:08 am
 BOOK 10897
 START PAGE 0725
 END PAGE 0727
 INSTRUMENT # 37240
 RECORDING \$26.00
 EXCISE TAX (None)

AB

After recording ^{mail} to: Jane Starling, C/o Town of Hope Mills, 5770 Rockfish Rd. Hope Mills NC. 28348

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE
 TOWN OF HOPE MILLS, NORTH CAROLINA
 ANNEXATION ORDINANCE NO. A2020-05**

WHEREAS, the Board of Commissioners has been petitioned under G.S. 160A-31 to annex the area described below; and

WHEREAS, the Board of Commissioners has by resolution directed the Town Clerk to investigate the sufficiency of the petition; and

WHEREAS, the Town Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at Hope Mills Town Hall at 7:00 p.m. on September 21, 2020 after due notice by publication in the Fayetteville Observer on May 8, 2020; and

WHEREAS, the Board of Commissioners finds that the petition meets the requirements of G.S. 160A-31;

NOW, THEREFORE, BE IT ORDAINED, by the Board of Commissioners of the Town of Hope Mills, North Carolina that:

Section 1. By virtue of the authority granted by G. S. 160A-31, the following described territory is hereby annexed and made part of the Town of Hope Mills as of September 21, 2020.

AREA FOR ANNEXATION

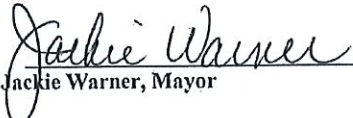
Wash-A-Roo, 3530 SR1132 - Legion Road:

Beginning at an existing iron stake in the western margin of Legion Road-SR 1132 100 foot public right of way, said iron stake being the northeast corner of Lot 8 Woodpark as recorded in Plat Book 144, Page 58 Cumberland County, North Carolina Register of Deeds, and runs thence as said road's margin South 23 degrees 58 minutes 01 seconds West 141.74 feet to an existing iron stake, thence as the southern line of Lot 8 North 66 degrees 11 minutes 49 seconds West 314.68 feet to an existing iron stake the southwest corner of Lot 8, thence North 23 degrees 47 minutes 49 seconds East 143.38 feet to an existing iron pipe the northwest corner of Lot 8, thence as the northern line of Lot 8 South 65 degrees 54 minutes 00 seconds East 315.10 feet to the beginning. Containing 1.03 Acres and being all of Lot 8 Woodpark as recorded in **Plat Book 144, Page 58** Cumberland County, North Carolina Registry. Description written from plat referenced and is not from an actual survey. This is a contiguous annexation.

Section 2. Upon and after September 21, 2020, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Hope Mills and shall be entitled to the same privileges and benefits as other parts of the Town of Hope Mills. Said territory shall be subject to municipal taxes according to G.S. 160A-31.

Section 3. The Mayor of the Town of Hope Mills shall cause to be recorded in the office of the Register of Deeds of Cumberland County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the Cumberland County Board of Elections, as required by G. S. 163-288.1.

ADOPTED THIS 21st DAY OF SEPTEMBER, 2020.

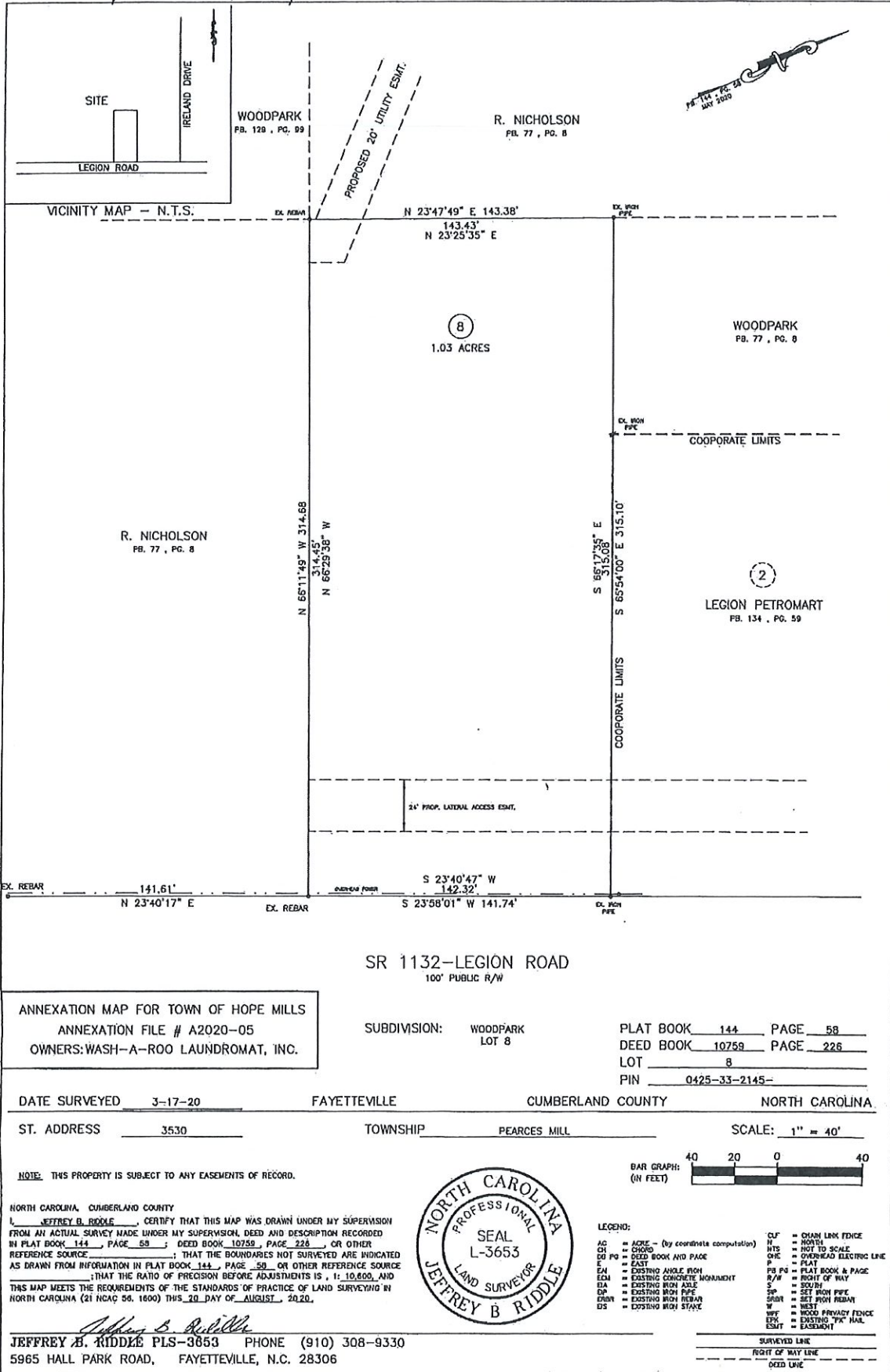

Jackie Warner, Mayor

ATTEST:


Jaye G. Starling, Town Clerk



This map may not a correct survey and has not been reviewed by local government agency for compliance with any applicable land development regulations and has not been reviewed for compliance with recording requirements for plats.



171001 / 680110

ANNEXATION MAP FOR TOWN OF HOPE MILLS
ANNEXATION FILE # A2020-05
OWNERS: WASH-A-ROO LAUNDROMAT, INC.

SUBDIVISION: WOODPARK
LOT 8

PLAT BOOK 144 PAGE 58
DEED BOOK 10758 PAGE 226
LOT 8
PIN 0425-33-2145-

DATE SURVEYED 3-17-20 FAYETTEVILLE CUMBERLAND COUNTY NORTH CAROLINA
ST. ADDRESS 3530 TOWNSHIP PEARCES MILL SCALE: 1" = 40'

NOTE: THIS PROPERTY IS SUBJECT TO ANY EASEMENTS OF RECORD.
NORTH CAROLINA, CUMBERLAND COUNTY
I, JEFFREY B. RIDDLE, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION, DEED AND DESCRIPTION RECORDED IN PLAT BOOK 144, PAGE 58; DEED BOOK 10758, PAGE 226, OR OTHER REFERENCE SOURCE _____; THAT THE BOUNDARIES NOT SURVEYED ARE INDICATED AS DRAWN FROM INFORMATION IN PLAT BOOK 144, PAGE 58, OR OTHER REFERENCE SOURCE _____; THAT THE RATIO OF PRECISION BEFORE ADJUSTMENTS IS 1:10,000, AND THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE OF LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56.1600) THIS 20 DAY OF AUGUST, 2020.



- LEGEND:
- AC = ACRE - (by coordinate computation)
 - CH = CHISEL
 - DO PD = DEED BOOK AND PAGE
 - E = EAST
 - EAN = EXISTING ANGLE IRON
 - ECM = EXISTING CONCRETE MONUMENT
 - EIA = EXISTING IRON ANGLE
 - EP = EXISTING IRON PIPE
 - ENR = EXISTING IRON REBAR
 - ES = EXISTING IRON STAKE
 - CLF = CHAIN LINK FENCE
 - N = NORTH
 - NTS = NOT TO SCALE
 - OLE = OVERHEAD ELECTRIC LINE
 - P = PLAT
 - PL PD = PLAT BOOK & PAGE
 - R/W = RIGHT OF WAY
 - S = SOUTH
 - SP = SET IRON PIPE
 - SPR = SET IRON REBAR
 - W = WEST
 - WFF = WOOD PRIVACY FENCE
 - EPK = EXISTING "PK" MARK
 - ESM = EASEMENT



Jeffrey B. Riddle
JEFFREY B. RIDDLE PLS-3653 PHONE (910) 308-9330
5965 HALL PARK ROAD, FAYETTEVILLE, N.C. 28306

____ SURVEYED LINE
____ RIGHT OF WAY LINE
____ DEED LINE

FILED
 CUMBERLAND COUNTY NC
 J. LEE WARREN, JR.
 REGISTER OF DEEDS
 FILED Oct 08, 2020
 AT 10:19:08 am
 BOOK 10897
 START PAGE 0728
 END PAGE 0730
 INSTRUMENT # 37241
 RECORDING \$26.00
 EXCISE TAX (None)
 AB

After recording ^{map} ~~return~~ to: Jane Starling, C/o Town of Hope Mills, 5770 Rockfish Rd. Hope Mills NC. 28348

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE
 TOWN OF HOPE MILLS, NORTH CAROLINA
 ANNEXATION ORDINANCE NO. A2020-06**

WHEREAS, the Board of Commissioners has been petitioned under G.S. 160A-31 to annex the area described below; and

WHEREAS, the Board of Commissioners has by resolution directed the Town Clerk to investigate the sufficiency of the petition; and

WHEREAS, the Town Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at Hope Mills Town Hall at 7:00 p.m. on September 21, 2020 after due notice by publication in the Fayetteville Observer on May 8, 2020; and

WHEREAS, the Board of Commissioners finds that the petition meets the requirements of G.S. 160A-31;

NOW, THEREFORE, BE IT ORDAINED, by the Board of Commissioners of the Town of Hope Mills, North Carolina that:

Section 1. By virtue of the authority granted by G. S. 160A-31, the following described territory is hereby annexed and made part of the Town of Hope Mills as of September 21, 2020.

AREA FOR ANNEXATION

Woodpark Lots 7 & 9, Plat Book 00145 Page 18:

Lot 7, Beginning at a point whose Northing is 453021.744 and whose Easting is 2023366.557; thence bearing S 23-58-01 W a distance of 141.74; thence bearing N 65-54-00 W a distance of 315.00; thence bearing N 24-06-00 E a distance of 140.11; thence bearing S 66-11-49 E a distance of 314.68 to the point of beginning.

Lot 9, Beginning at a point whose Northing is 453279.947 and whose Easting is 2023136.556 ; thence bearing S 23-48-53 W a distance of 143.41 ; thence bearing N 65-48-03 W a distance of 244.82 ;thence bearing N 37-33-14 E a distance of 232.43 ;thence bearing N 37-23-00 E a distance of 152.94 ;thence bearing S 61-35-57 E a distance of 11.98 ; thence along a curve to the LEFT, having a radius of 5368.39 a delta-angle of 01°-31' 33", and whose long chord bears S 61-34-33 E a distance of 142.96 ;thence bearing S 23-59-56 W a distance of 220.24 to the point of beginning.

Said described parcels contain 2.75 acres, more or less, subject to any and all easements, reservations, restrictions and conveyances of record. This is a non-contiguous annexation.

Section 2. Upon and after September 21, 2020, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Hope Mills and shall be entitled to the same privileges and benefits as other

parts of the Town of Hope Mills. Said territory shall be subject to municipal taxes according to G.S. 160A-31.

Section 3. The Mayor of the Town of Hope Mills shall cause to be recorded in the office of the Register of Deeds of Cumberland County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the Cumberland County Board of Elections, as required by G. S. 163-288.1.

ADOPTED THIS 21st DAY OF SEPTEMBER, 2020.


Jackie Warner, Mayor

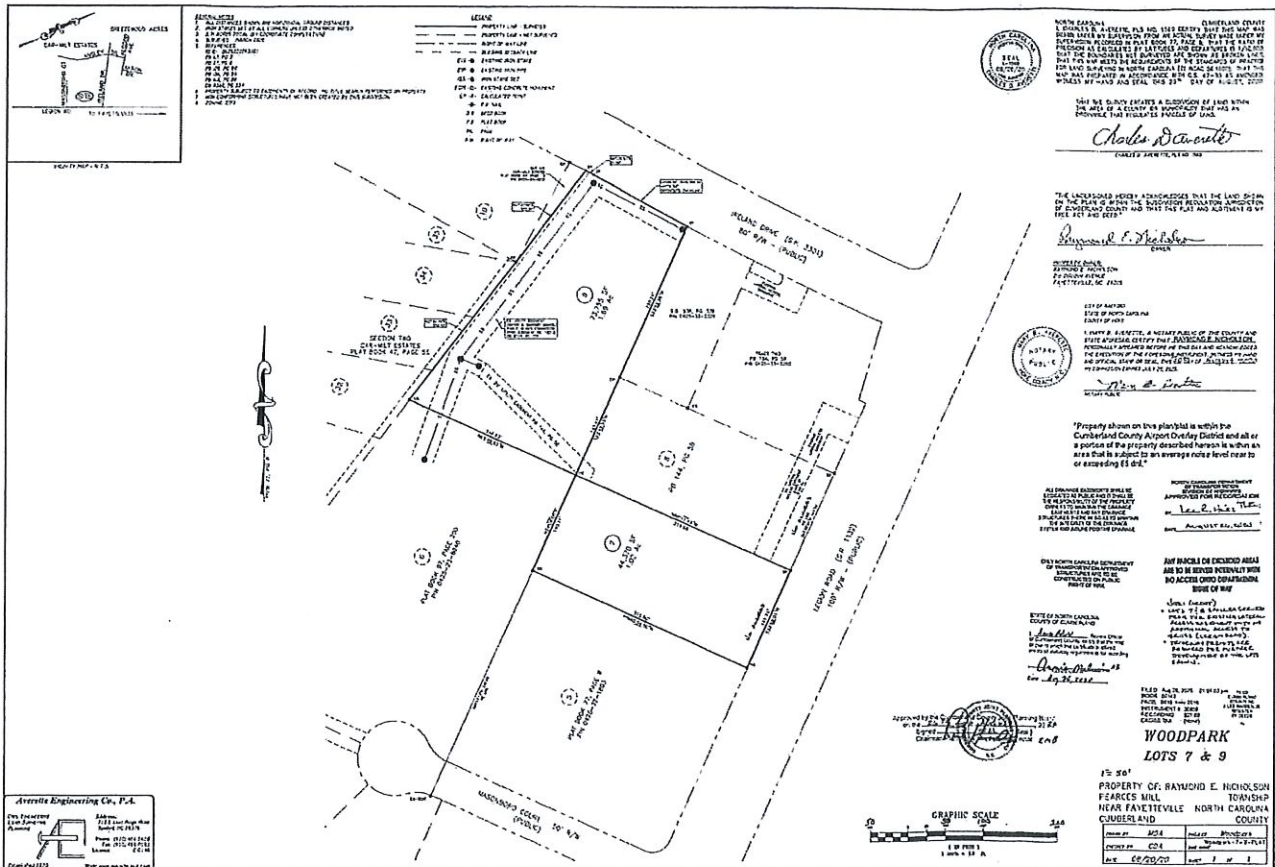
ATTEST:

Jane G. Starling, Town Clerk



BA10897 P00130

This map not a certified survey and has not been reviewed by a local government agency for compliance with any applicable land development regulations and has not been reviewed for compliance with recording requirements for plans.



CHATELAIN PLAT BOOK 42, PAGE 31

THE UNDERSIGNED HEREBY ACKNOWLEDGES THAT THE LAND DESCRIBED IN THIS PLAT IS THE PROPERTY OF THE ESTATE OF CHARLES DEWINTER, DECEASED, AND THAT THE LOTS AND ACRES THEREIN ARE CORRECTLY DESCRIBED.

CHARLES DEWINTER
 CHARLES DEWINTER, DECEASED

THE UNDERSIGNED HEREBY ACKNOWLEDGES THAT THE LAND DESCRIBED IN THIS PLAT IS THE PROPERTY OF THE ESTATE OF CHARLES DEWINTER, DECEASED, AND THAT THE LOTS AND ACRES THEREIN ARE CORRECTLY DESCRIBED.

CHARLES DEWINTER, DECEASED

APPROVED FOR RECORDATION BY THE CLERK OF THE COUNTY OF CUMBERLAND, NORTH CAROLINA, ON THIS 21ST DAY OF JUNE, 2014.

CLERK OF THE COUNTY OF CUMBERLAND, NORTH CAROLINA

WOODPARK LOTS 7 & 9

PROPERTY OF: RAYMOND E. NICHOLSON
 FEARCES HILL TOWNSHIP
 NEAR FAYETTEVILLE, NORTH CAROLINA
 CUMBERLAND COUNTY

APPROVED BY: [Signature]

DATE: 06/20/2014

Arrette Engineering Co., P.A.

2014 Professional Seal of Arrette Engineering Co., P.A.

GRAPHIC SCALE

1" = 50'

0 10 20 30

NAME	ADDRESS	CITY
3CK MASONBORO LLC	PO BOX 40641	FAYETTEVILLE, NC 28309
ANNAMANENI, PALAVI;NICKEY, JACOB	7140 HOLMFIELD RD	FAYETTEVILLE, NC 28306
BROYLES, PAUL E;PAULA C	3135 ANSLEY DR	HOPE MILLS, NC 28348
CUMBERLAND DANCE PROPERTIES LLC	1450 VERGELAND DR	HOPE MILLS, NC 28348
GLOVER, LANCE V;MELDORA E	3561 IRELAND DR	HOPE MILLS, NC 28348
KEITH, TOM J	121 COOL SPRING ST	FAYETTEVILLE, NC 28301
KLEWICKI, CLAUDETTE R	599 E LAKE RIDGE RD	RAEFORD, NC 28376
LEGION MANOR ASSC LTD PRT	PO BOX 87770	FAYETTEVILLE, NC 28304
NICHOLSON, RAYMOND E	PO BOX 58187	FAYETTEVILLE, NC 28305
NICHOLSON, RAYMOND E JR;JOAN W	216 DOBBIN AVE	FAYETTEVILLE, NC 28305
NKJ PROPERTIES LLC	3508 LEGION RD	HOPE MILLS, NC 28348
PACKER, WARREN ML;LISA R	3571 IRELAND DR	FAYETTEVILLE, NC 28304
PEREZ, ANGEL;MARY M	3575 IRELAND DR	HOPE MILLS, NC 28348
SMITH, LINDA J	429 FLYNN-MCPHERSON RD	CAMERON, NC 28326
THORNTON, ERNEST M JR LIFE ESTATE	3131 ANSLEY DR	HOPE MILLS, NC 28348
WARE, JOAN;WILLIAM, VERNON HICKMAN JR	3567 IRELAND DR	HOPE MILLS, NC 28348
WASH-A-ROO LAUNDROMAT, INC.	3136 BORDEAUX PARK DRIVE	FAYETTEVILLE, NC 28306
WILLIAMSON, LOLA L	3127 ANSLEY DR	HOPE MILLS, NC 28348

EXPLANATION OF THE REQUEST

This is a request for initial zoning of one parcel located at 8422 Godwin Falcon Road to RR Rural Residential. This request was initiated after the property was annexed into the town limits of Godwin. The property was zoned RR Rural Residential while in the County's jurisdiction. This is a conventional rezoning, and no conditions are proposed at this time.

OWNER/APPLICANT

OWNER/APPLICANT: Selene Burnette (owner)

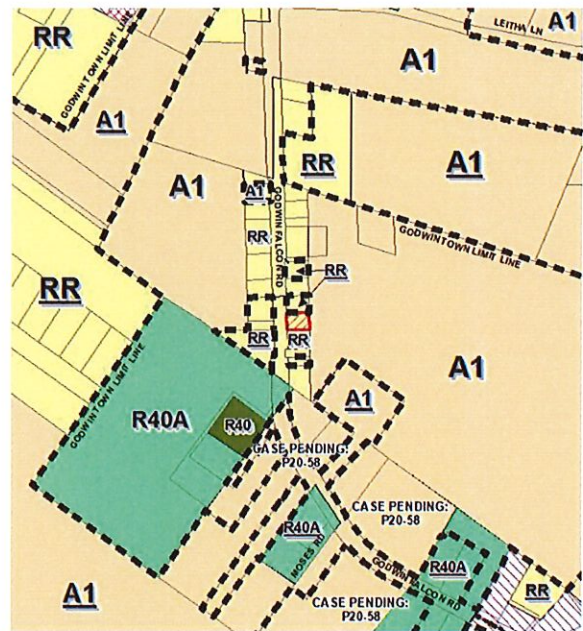
PROPERTY INFORMATION

ADDRESS/LOCATION: 8422 Godwin Falcon Road; more specifically REID 0593710243000

SIZE: This request includes one parcel totaling approximately 0.32 acres. The property has 99'+/- of street frontage along Godwin Falcon Road. The property is 128'+/- in depth.

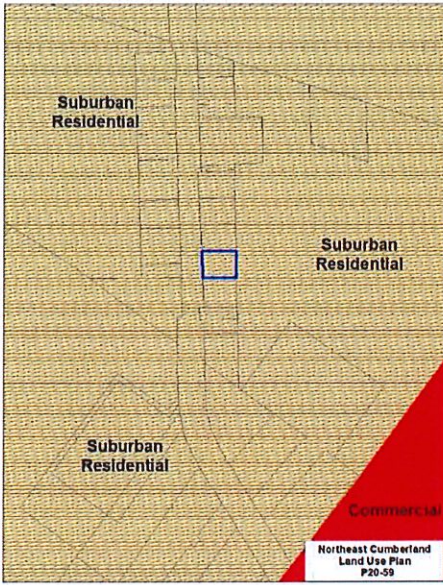
EXISTING LAND USE: The parcel is developed with a single-family dwelling.

OTHER SITE CHARACTERISTICS: The property is not located within the watershed or the Special Flood Hazard Area. There are no soil limitations to development on the properties.



DEVELOPMENT REVIEW: The property was platted on 1-9-48 in Plat Book 12, Page 3 as two lots and was recombined by deed on 11-20-79.

SURROUNDING LAND USE: There are residential uses in the surrounding area. A religious worship center is also located across Godwin Falcon Road.



ZONING HISTORY: This property was initially zoned RR as part of the Area 14 initial zoning on November 25, 1980.

UTILITIES: The property is served by Falcon water and NORCRESS sewer. The property is not located within a water/sewer district.

MINIMUM YARD SETBACKS: If approved, this parcel would be subject to RR setbacks: Front yard: 30 foot, Side yard: 15 foot, Rear yard: 35 foot.

COMPREHENSIVE PLANS: The 2030 Growth Vision Plan designates this area as "Community Growth Areas". The Northeast Cumberland Plan (2010) designates this parcel as "Suburban Residential". A density of no greater than 2.2 units/acre is desirable. **Request is plan compliant.**

IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES

TRAFFIC: The Average Daily Traffic Count (2018) on Godwin Falcon Road is 1,000.

SCHOOLS CAP/ENROLL: District 7 Elementary: 300/254; Mac Williams Middle: 1270/1189; Cape Fear High: 1425/1427

ECONOMIC DEVELOPMENT: Fayetteville Cumberland County Economic Development Corporation has reviewed the request and had no comment at this time.

EMERGENCY SERVICES: Cumberland County Fire Marshal's Office has reviewed the request and had no comment at this time.

FAYETTEVILLE REGIONAL AIRPORT: The property is not located within the Airport Overlay District.

STAFF RECOMMENDATION

In Case P20-59, the Planning & Inspections staff **recommends approval** of the initial zoning request to RR Rural Residential and finds the request consistent with the Northeast Cumberland Land Use Plan (2010) designation of "Suburban Residential". RR is designated as "Suburban Density Residential" within the Land Use Policies Plan (2009) and will permit a density of no greater than 2.2 units/acre. Approval of the request is reasonable and in the public interest as the district requested is in harmony with surrounding existing land uses and zoning and the parcel is served by public water and sewer.

- Attachments:
Zoning Application
Notification Mailing List

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE
TOWN OF GODWIN, NORTH CAROLINA

WHEREAS, the Board of Commissioners received a petition under G.S. 160A-31 to annex the area described below; and

WHEREAS, the Board by resolution directed the Town Clerk to investigate the sufficiency of the petition; and

WHEREAS, the Town Clerk certified the sufficiency of the petition and the Board held a public hearing on the question of this annexation at Town Hall, 4924 Markham Street, Godwin, NC, at 7:00 p.m. on Monday, October 19, 2020, after notice by publication and posting as required by law; and

WHEREAS, the Board finds that the petition meets the requirements of G.S. 160A-31;

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Godwin, North Carolina that:

Section 1. By virtue of the authority granted by G.S. 160A-31, the following described contiguous territory is hereby annexed and made part of the Town of Godwin, effective immediately:

<u>Owner(s)</u>	<u>Cumberland County Tax PIN#(s)</u>	<u>Address (all Godwin, NC 28344)</u>
Selene Burnett	0593-71-0243	8422 Godwin Falcon Rd
Town of Godwin (Willie J. Burnette Park)	0593-34-9611	4924 Markham St
Barney B. Goff, Jr. Carol Holden Goff	0592-89-0368	8171 Godwin Falcon Rd
Offie Randall Joyner Kimberly Ann Joyner	0593-35-1864	9258 Main St
Devon McKoy Gwendolyn McMillan	0593-70-2524 0593-70-6142 0592-89-0807 0593-70-7046	8334 Godwin Falcon Rd 8249 Godwin Falcon Rd 000000 Godwin Falcon Rd 8232 Godwin Falcon Rd
Craig Lamonte Robinson Angela Smith	0593-70-3369 0592-69-8926	8306 Godwin Falcon Rd 8329 Godwin Falcon Rd
Bobby B. Smith Joseph Smith	0593-60-7246 0593-70-0698	8355 Godwin Falcon Rd 000000 Godwin Falcon Rd
Dessie C. Starling Maria J. Wadzinski	0593-35-4312 0593-35-8616	9209 Main St 9162 Main St
Gilliam P. Wise	0593-25-9927 0593-35-2389 0593-35-3716	7513 Burnett Rd 9225 Main St 9238 Main St

Section 2. Upon and after October 19, 2020, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Godwin and shall be entitled to the same privileges and benefits as other parts of the Town. This newly annexed territory shall be subject to municipal property taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the Town of Godwin shall cause to be recorded in the office of the Register of Deeds of Cumberland County, and in the office of the Secretary of State in Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the Cumberland County Board of Elections, as required by G.S. 163-288.1.

Adopted by the Board of Commissioners this 19th day of October, 2020.

Mayor (Signature)

ATTEST:

Clerk

(SEAL)

APPROVED AS TO FORM:

Town Attorney

NAME	ADDRESS	CITY
BURNETT, JAMES W;IDA, BURNETT STEED LIFE EST	PO BOX 58	GODWIN, NC 28344
ARMSTRONG, MARY L HEIRS	PO BOX 101	GODWIN, NC 28344
BURNETTE, SELENE	PO BOX 58	GODWIN, NC 28344
LINDSEY, DAISY; BARBARA;MCGUIRE, EVA ; CHARL	PO BOX 7	GODWIN, NC 28344
JESUS SAVES CHRISTIAN MINISTRIES	PO BOX 278	GODWIN, NC 28344
BURNETT, JAMES HEIRS	8432 GODWIN FALCON RD	GODWIN, NC 28344

P20-59 FC

EXPLANATION OF THE REQUEST

This is a request for initial zoning of seven parcels located at 7835 Royal Street, 7513 Burnett Road, and 9162, 9209, 9225, 9238, 9258 Main Street to A1 Agricultural. This request was initiated upon the annexation of the parcels into the town limits of Godwin. This is a conventional rezoning, and no conditions are proposed at this time.

OWNER/APPLICANT

OWNER/APPLICANT: The Town of Godwin, Offie Randall Joyner, Dessie C. Starling, Maria J. Wadzinski & Gilliam P. Wise (owners)

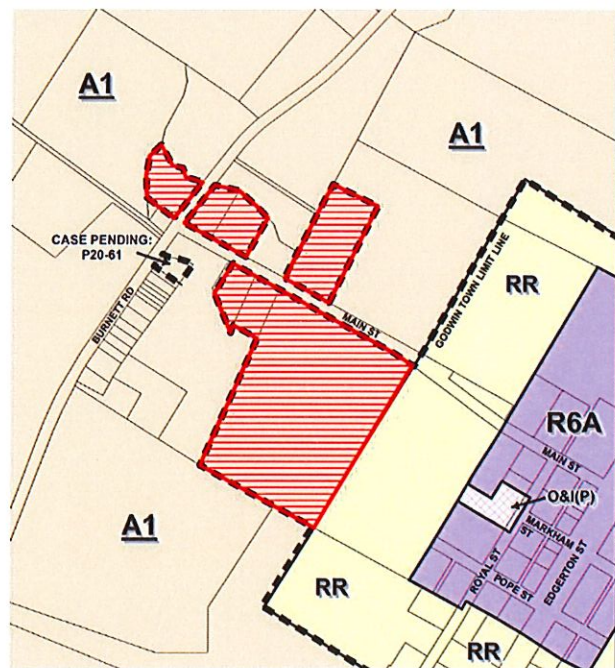
PROPERTY INFORMATION

ADDRESS/LOCATION: 7835 Royal Street, 7513 Burnett Road, and 9162, 9209, 9225, 9238, 9258 Main Street; more specifically REIDs 0593351864000, 0593354312000, 0593358616000, 0593259927000, 0593352389000, 0593353716000, and a portion of 0593349611000

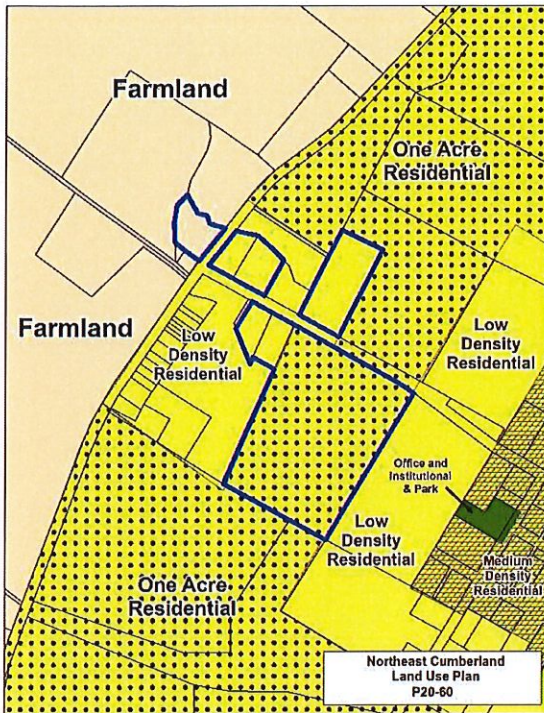
SIZE: This request includes seven parcels totaling approximately 30.29 acres. There is 1792'+/- of street frontage along Main Street and 518'+/- along Burnett Road.

EXISTING LAND USE: Six parcels are developed with single-family dwellings. One parcel is vacant.

OTHER SITE CHARACTERISTICS: The properties are not located within the watershed or the Special Flood Hazard Area. There are some hydric soils on the properties.



SURROUNDING LAND USE: There are residential uses in the surrounding area. There are also several nonresidential uses including Godwin Park, a solar farm, and an electrical substation.



ZONING HISTORY: These properties were initially zoned A1 as part of the Area 14 initial zoning on November 25, 1980.

UTILITIES: The properties are served by Godwin water & NORCRESS sewer. The properties are not located within a water/sewer district.

MINIMUM YARD SETBACKS: If approved, these parcels would be subject to A1 setbacks: Front yard: 50 foot, Side yard: 20 foot, Rear yard: 50 foot

COMPREHENSIVE PLANS: The 2030 Growth Vision Plan designates this area as "Urban Fringe". The Northeast Cumberland Land Use Plan (2010) designates these parcels as "Farmland", "One Acre Residential" and "Low Density Residential". The "Farmland" and "One Acre Residential" designations desire no higher density than 1 unit/acre, while the "Low Density Residential" designation would permit up to 6 units/acre with public water and sewer required. **Request is plan compliant.**

IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES

TRAFFIC: The Average Daily Traffic Count (2018) on Main Street is 900 and 650 on Burnett Street.

SCHOOLS CAP/ENROLL: District 7 Elementary: 300/254; Mac Williams Middle: 1270/1189; Cape Fear High: 1425/1427

ECONOMIC DEVELOPMENT: Fayetteville Cumberland County Economic Development Corporation has reviewed the request and had no comment at this time.

EMERGENCY SERVICES: Cumberland County Fire Marshal's Office has reviewed the request and stated the following: Ensure all fire department access road requirements and fire hydrant spacing requirements are achieved.

FAYETTEVILLE REGIONAL AIRPORT: The properties are not located within the Airport Overlay District.

STAFF RECOMMENDATION

In Case P20-60, the Planning & Inspections staff **recommends approval** of the initial zoning request to A1 Agricultural and finds the request consistent with the Northeast Cumberland Land Use Plan (2010) designations of "Farmland", "One Acre Residential", and "Low Density Residential" as the A1 district will not permit a residential density higher than those desired by the designations (at a maximum of 6 units/acre). Approval of the request is reasonable and in the public interest as the district requested is in harmony with surrounding existing land uses and zoning and the parcels are served by public water and sewer.

Attachments:
 Zoning Application
 Notification Mailing List

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE
TOWN OF GODWIN, NORTH CAROLINA

WHEREAS, the Board of Commissioners received a petition under G.S. 160A-31 to annex the area described below; and

WHEREAS, the Board by resolution directed the Town Clerk to investigate the sufficiency of the petition; and

WHEREAS, the Town Clerk certified the sufficiency of the petition and the Board held a public hearing on the question of this annexation at Town Hall, 4924 Markham Street, Godwin, NC, at 7:00 p.m. on Monday, October 19, 2020, after notice by publication and posting as required by law; and

WHEREAS, the Board finds that the petition meets the requirements of G.S. 160A-31;

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Godwin, North Carolina that:

Section 1. By virtue of the authority granted by G.S. 160A-31, the following described contiguous territory is hereby annexed and made part of the Town of Godwin, effective immediately:

<u>Owner(s)</u>	<u>Cumberland County Tax PIN#(s)</u>	<u>Address (all Godwin, NC 28344)</u>
Selene Burnett	0593-71-0243	8422 Godwin Falcon Rd
Town of Godwin (Willie J. Burnette Park)	0593-34-9611	4924 Markham St
Barney B. Goff, Jr. Carol Holden Goff	0592-89-0368	8171 Godwin Falcon Rd
Offie Randall Joyner Kimberly Ann Joyner	0593-35-1864	9258 Main St
Devon McKoy	0593-70-2524	8334 Godwin Falcon Rd
Gwendolyn McMillan	0593-70-6142	8249 Godwin Falcon Rd
	0592-89-0807	000000 Godwin Falcon Rd
	0593-70-7046	8232 Godwin Falcon Rd
Craig Lamonte Robinson	0593-70-3369	8306 Godwin Falcon Rd
Angela Smith	0592-69-8926	8329 Godwin Falcon Rd
Bobby B. Smith	0593-60-7246	8355 Godwin Falcon Rd
Joseph Smith	0593-70-0698	000000 Godwin Falcon Rd
Dessie C. Starling	0593-35-4312	9209 Main St
Maria J. Wadzinski	0593-35-8616	9162 Main St
Gilliam P. Wise	0593-25-9927	7513 Burnett Rd
	0593-35-2389	9225 Main St
	0593-35-3716	9238 Main St

Section 2. Upon and after October 19, 2020, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Godwin and shall be entitled to the same privileges and benefits as other parts of the Town. This newly annexed territory shall be subject to municipal property taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the Town of Godwin shall cause to be recorded in the office of the Register of Deeds of Cumberland County, and in the office of the Secretary of State in Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the Cumberland County Board of Elections, as required by G.S. 163-288.1.

Adopted by the Board of Commissioners this 19th day of October, 2020.

Mayor (Signature)

ATTEST:

Clerk

(SEAL)

APPROVED AS TO FORM:

Town Attorney

NAME	ADDRESS	CITY
DUKE ENERGY PROGRESS INC	PO BOX 1551	RALEIGH, NC 27602
HALL, SCARLETT R	9028 MAIN ST	GODWIN, NC 28344
JOYNER, OFFIE R KIMBERLY ANN	9258 MAIN ST	GODWIN, NC 28344
MATTHEWS, JOYCE H	4968 SOUTH RIVER SCHOOL RD	WADE, NC 28395
MCINTYRE, DONALD M JR	PO BOX 1	GODWIN, NC 28344
MCINTYRE, DONALD M JR; BONNIE J	7861 ROYAL ST	GODWIN, NC 28344
MINICOZZI, KEVIN A; NORMA J	144 W NC 82 HWY	GODWIN, NC 28344
NORRIS, VICKIE; DAVID, .	PO BOX 68	GODWIN, NC 28344
ROYAL, MACK CARTER	PO BOX 26	GODWIN, NC 28344
SEALEY, THEODORE; SARA	6534 SISK CULBRETH RD	GODWIN, NC 28344
STARLING, DESSIE C	PO BOX 96	GODWIN, NC 28344
TEW, JAMES RONNIE	PO BOX 73	GODWIN, NC 28344
TOWN OF GODWIN	PO BOX 10	GODWIN, NC 28344
WADZINSKI, MARIA J	PO BOX 274	GODWIN, NC 28344
WISE, GILLIAM P; LINDA T	PO BOX 22	GODWIN, NC 28344

P20-60 FC

EXPLANATION OF THE REQUEST

This is a request for initial zoning of one parcel located at 7456 Burnett Road to A1 Agricultural. This request was initiated upon the annexation of the property into the town limits of Godwin. This is a conventional rezoning, and no conditions are proposed at this time.

OWNER/APPLICANT

OWNER/APPLICANT: James Robert Godwin (owner)

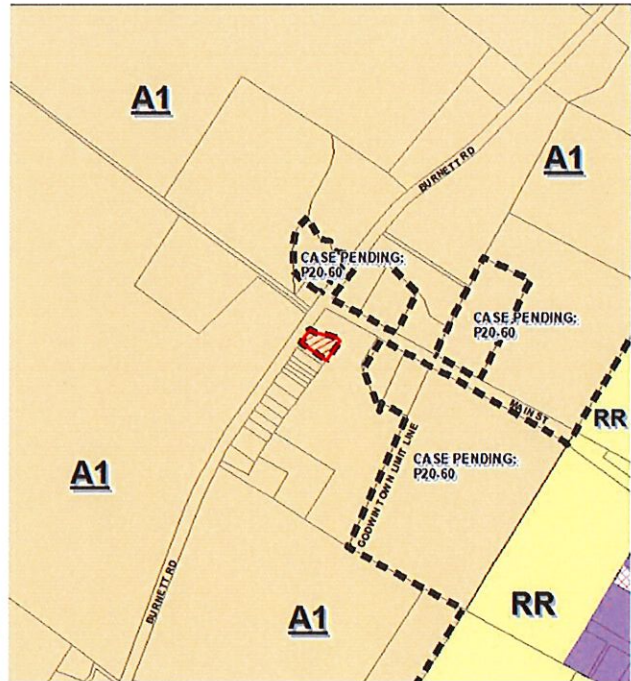
PROPERTY INFORMATION

ADDRESS/LOCATION: 7456 Burnett Road; more specifically REID 0593259552000

SIZE: This request includes one parcel totaling approximately 0.40 acres. The property has 81'+/- of street frontage along Burnett Road. The property is 166'+/- in depth.

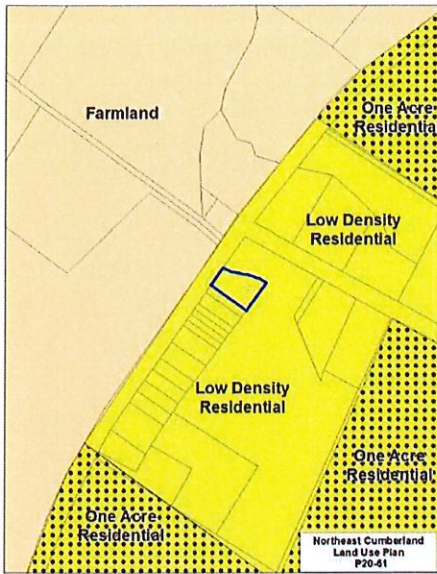
EXISTING LAND USE: The property is developed with a single-family dwelling.

OTHER SITE CHARACTERISTICS: The property is not located within the watershed or the Special Flood Hazard Area. There are some hydric inclusion soils on the property.



DEVELOPMENT REVIEW: The property was platted on 12-29-2015 in Plat Book 137, Page 16.

SURROUNDING LAND USE: There are residential uses in the surrounding area.



ZONING HISTORY: This property was initially zoned A1 as part of the Area 14 initial zoning on November 25, 1980.

UTILITIES: The property is served by Godwin water & NORCRESS sewer. The property is not located within a water/sewer district.

MINIMUM YARD SETBACKS: If approved, this parcel would be subject to A1 setbacks: Front yard: 50 foot, Side yard: 20 foot, Rear yard: 50 foot

COMPREHENSIVE PLANS: The 2030 Growth Vision Plan designates this area as "Community Growth Areas". The Northeast Cumberland Land Use Plan (2010) designates the site as "Low Density Residential". The "Low Density Residential" designation desires a density of no greater than 6 units/acre and requires public water and sewer. **Request is plan compliant.**

IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES

TRAFFIC: The Average Daily Traffic Count (2018) on Burnett Road is 650.

SCHOOLS CAP/ENROLL: District 7 Elementary: 300/254; Mac Williams Middle: 1270/1189; Cape Fear High: 1425/1427

ECONOMIC DEVELOPMENT: Fayetteville Cumberland County Economic Development Corporation has reviewed the request and had no comment at this time.

EMERGENCY SERVICES: Cumberland County Fire Marshal's Office has reviewed the request and had no comments at this time.

FAYETTEVILLE REGIONAL AIRPORT: The property is not located within the Airport Overlay District.

STAFF RECOMMENDATION

In Case P20-61, the Planning & Inspections staff **recommends approval** of the initial zoning request to A1 Agricultural and finds the request consistent with the Northeast Cumberland Land Use Plan (2010) designation of "Low Density Residential", as the A1 district will not permit a density higher than 6 units/acre. Approval of the request is reasonable and in the public interest as the district requested is in harmony with surrounding existing land uses and zoning and the parcel is served by public water and sewer.

Attachments:
 Zoning Application
 Notification Mailing List

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE
TOWN OF GODWIN, NORTH CAROLINA

WHEREAS, the Board of Commissioners received a petition under G.S. 160A-58.1 to annex the noncontiguous area described below; and

WHEREAS, the Board by resolution directed the Town Clerk to investigate the sufficiency of the petition; and

WHEREAS, the Town Clerk certified the sufficiency of the petition and the Board held a public hearing on the question of this annexation at Town Hall, 4924 Markham Street, Godwin, NC, at 7:00 p.m. on Monday, October 19, 2020, after notice by publication and posting as required by law; and

WHEREAS, the Board finds that the area described therein meets the standards of G.S. 160A-58.1(b), as follows:

- a. The nearest point on the proposed satellite corporate limits is not more than three (3) miles from the corporate limits of the Town;
- b. No point on the proposed satellite corporate limits is closer to another municipality than to the Town of Godwin;
- c. The area described is so situated that the Town will be able to provide the same services within the proposed satellite corporate limits that it provided within the primary corporate limits;
- d. No subdivision, as defined in G.S. 160A-376, will be fragmented by this proposed annexation;
- e. A local act of the North Carolina General Assembly exempts the Town from the statutory requirement that the area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits, does not exceed ten percent (10%) of the area within the primary corporate limits of the Town; and

WHEREAS, the Board further finds that the petition has been signed by all the owners of real property in the area who are required by law to sign; and

WHEREAS, the Board finds that the petition is otherwise valid, and that the public health, safety and welfare of the Town and of the area proposed for annexation will be best served by annexing the area described;

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Godwin, North Carolina that:

Section 1. By virtue of the authority granted by G.S. 160A-58.2, the following described noncontiguous territory is hereby annexed and made part of the Town of Godwin, effective immediately:

<u>Owner(s)</u>	<u>Cumberland County</u> <u>Tax PIN#(s)</u>	<u>Address</u>
James Robert Godwin	0593-25-9552	7456 Burnett Rd Godwin, NC 28344

(Note: Listed on the tax records as 7546 Burnett Rd)

Metes and bounds description in the NC Special Warranty Deed dated September 24, 2016, recorded at Book 9953, Page 608, Cumberland County Registry:

BEING all of Lots 31 and 32 as shown on that map of the E.C. Edgerton Property located in Black River Township, one mile west of Godwin, North Carolina, as surveyed and platted according to that survey of W.J. Lambert, RS, dated February 1946, with said plat being recorded in Plat Book 11 at Page 22 Cumberland County Registry, State of North Carolina; to which plat reference is hereby made for a more particular description of same; and being the one and the same Tract Four described in that deed dated October 3, 2001 and recorded on June 28, 2012 in Book 8934 at Page 764, Cumberland County Registry, NC.

Section 2. Upon and after October 19, 2020, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Godwin, and shall be entitled to the same privileges and benefits as other parts of the Town. The territory shall be subject to municipal property taxes as provided in G.S. 160A-58.10.

Section 3. The Mayor of the Town of Godwin shall cause to be recorded in the office of the Register of Deeds of Cumberland County, and in the office of the Secretary of State in Raleigh, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the Cumberland County Board of Elections, as required by G.S. 163-288.1.

Adopted by the Board of Commissioners this 19th day of October, 2020.

Mayor (Signature)

ATTEST:

Clerk

(SEAL)

APPROVED AS TO FORM:

Town Attorney

NAME	ADDRESS	CITY
GODWIN, JAMES ROBERT	PO BOX 44	GODWIN, NC 28344
GODWIN, JAMES R LIFE ESTATE	152 N DUELLING OAKS DR	CHAPEL HILL, NC 27517
SPRING MEADOW FARM OF CUMBERLAND COUN'	7471 BURNETT RD	GODWIN, NC 28344
WISE, GILLIAM P; WISE, LINDA T	PO BOX 22	GODWIN, NC 28344

P20-61 FC

EXPLANATION OF THE REQUEST

This is a request for rezoning of three parcels located on the south side of Middle Road, west of Dobbin Holmes Road from A1 Agricultural to A1 Agricultural/CZ Conditional Zoning for a 3 lot zero lot line subdivision. Zero Lot Line subdivisions inside the Eastover town limits require conditional zoning. As this is a conditional rezoning, all ordinance related conditions will apply.

OWNER/APPLICANT

OWNER/APPLICANT: Mary Parks Patterson, Charles & Cara Hall and Claire & Robert Sizemore (owners)

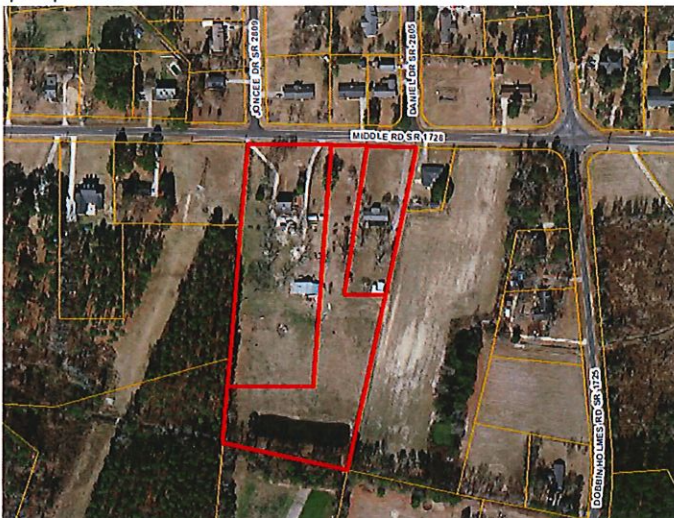
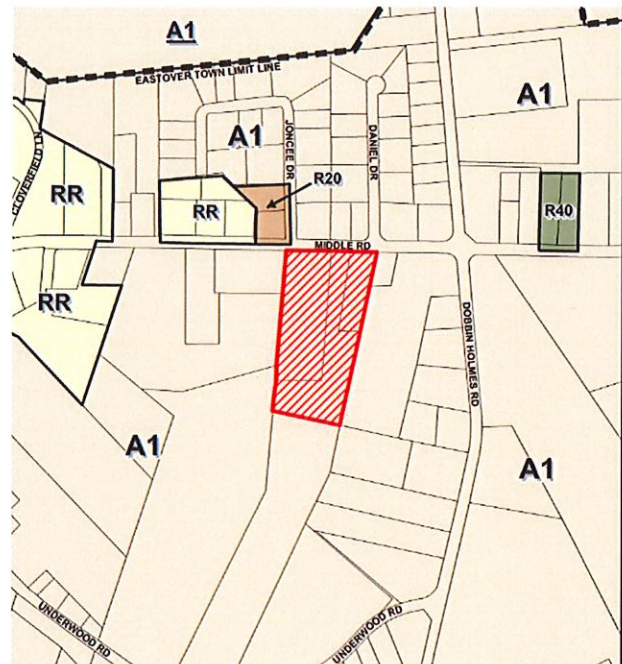
PROPERTY INFORMATION

ADDRESS/LOCATION: South side of Middle Road, west of Dobbin Holmes Road; more specifically REIDs 0458469731000, 0458560446000, 0458562814000

SIZE: This request includes three parcels totaling approximately 8.85 acres. The properties have 492' +/- of street frontage along Middle Road. The properties are 953' +/- in depth.

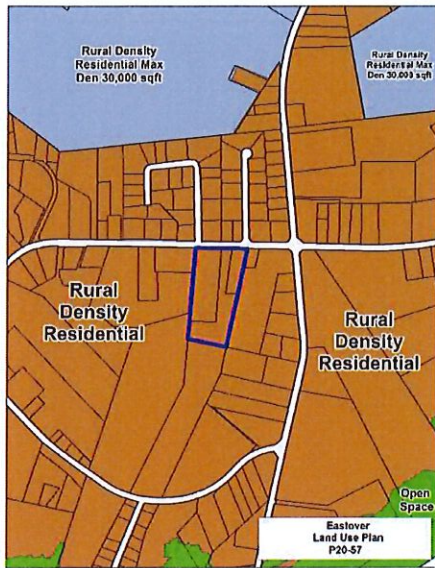
EXISTING LAND USE: One parcel is vacant. Two parcels are developed with single-family dwellings.

OTHER SITE CHARACTERISTICS: The properties are not located within the watershed or the Special Flood Hazard Area. There are some hydric soils on the properties.



DEVELOPMENT REVIEW: Two of the parcels were created prior to 8-22-84. One parcel was deeded on 10-16-91 in Deed Book 3715, Page 589.

SURROUNDING LAND USE: There are residential uses in the surrounding area.



ZONING HISTORY: These properties were initially zoned A1 as part of the Area 10 initial zoning on December 14, 1979.

UTILITIES: The properties are served by the ESD water & PWC sewer. The properties are not located within a water/sewer district.

MINIMUM YARD SETBACKS: If approved, these parcels would be subject to A1 setbacks: Front yard: 50 foot, Side yard: 20 foot, Rear yard: 50 foot. They would follow zero lot line setbacks on interior lot lines.

COMPREHENSIVE PLANS: The 2030 Growth Vision Plan designates this area as "Community Growth Areas". The Eastover Land Use Plan (2018) designates the parcels as "Rural Density Residential". Any "Rural Density Residential" area should have a minimum of 20,000 square feet. **Request is plan compliant.**

IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES

TRAFFIC: The subject properties sit on Middle Road which is identified as an existing thoroughfare in the Metropolitan Transportation Plan. There are no construction projects planned and the subject properties will have no impact on the Transportation Improvement Plan. The Average Daily Traffic Count (2018) on Middle Road is 13,000.

SCHOOLS CAP/ENROLL: Armstrong Elementary: 450/404; Mac Williams Middle: 1270/1189; Cape Fear High: 1425/1427

ECONOMIC DEVELOPMENT: Fayetteville Cumberland County Economic Development Corporation has reviewed the request and had no comment at this time.

EMERGENCY SERVICES: Cumberland County Fire Marshal's Office has reviewed the request and had no comments at this time.

FAYETTEVILLE REGIONAL AIRPORT: The properties are not located within the Airport Overlay District.

STAFF RECOMMENDATION

In Case P20-57, the Planning & Inspections staff **recommends approval** of the rezoning request from A1 Agricultural to A1 Agricultural/CZ Conditional Zoning for a 3 lot zero lot line subdivision and finds the request consistent with the Eastover Land Use Plan (2018) designation of "Rural Density Residential" as it requires that any lot with this designation to be at least 20,000 square feet. Approval of the request is reasonable and in the public interest as the district requested is in harmony with surrounding existing land uses and zoning and will only affect applicable setbacks to interior property lines of the parcels.

Attachments:

Site Plan

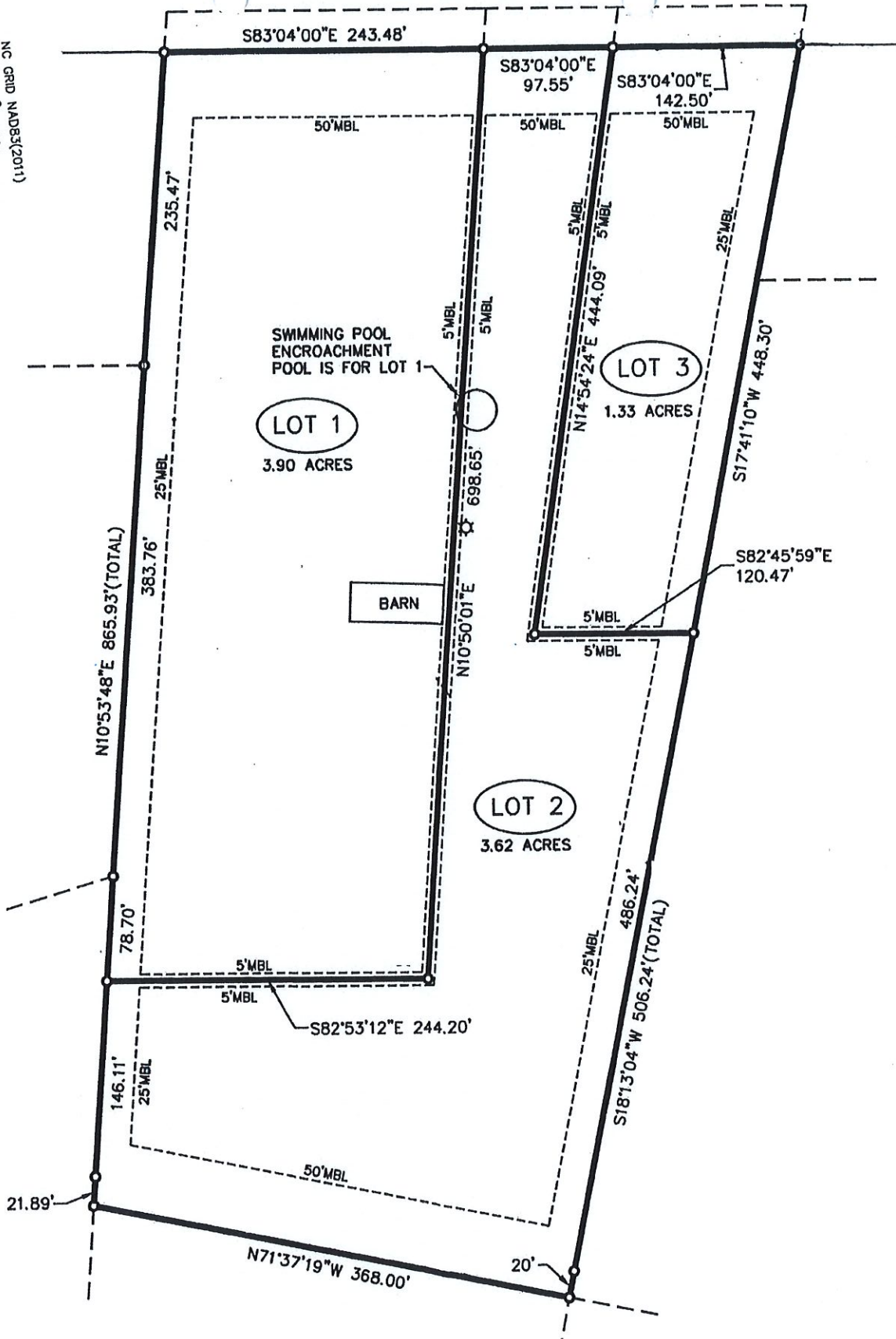
Ordinance Related Conditions

Zoning Application

Notification Mailing List

MIDDLE RD 60' R/W

NC GRID NAD83(2011)



A1 AGRICULTURAL/CZ CONDITIONAL ZONING
REQUEST: FOR A 3 LOT ZERO LOT LINE SUBDIVISION
CASE: P20-57 ACREAGE: 8.85 AC +/-
ZONED: A1 SCALE: NTS

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

A1 AGRICULTURAL/CZ CONDITIONAL ZONING DISTRICT

DRAFT

Ordinance Related Conditions *For 3 lot zero lot line 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]

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. 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)

7. Prior to application for the Certificate of Occupancy for any new structures, 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 Tal Baggett with ESD for more information. (Section 2306 A, County Subdivision Ord. & Sec. 1403.I, County Zoning Ord.)
8. Prior to application for the Certificate of Occupancy for any new structures, connection to public sewer is required, PWC must approve 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.)
9. 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:

10. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Development Ordinance, and County Zoning Ordinance for the A1/CZ for a 3 lot zero lot line subdivision zoning district must be complied with, as applicable.
11. All applicable provisions of Section 2401, "Group Developments", County Subdivision and Development Ordinance, must be complied with. (Sec. 2402, County Subdivision Ord.)
12. 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.)
13. "Middle Road – SR 1728" must be labeled as "SR 1728 (Middle Road)" on all future plans. (Sec. 2203, County Subdivision 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. 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 Noise Regulations of the County Code Chpt. 9.5, Art. II are to be complied with.

Plat-Related:

19. "Middle Road – SR 1728" must be labeled as "SR 1728 (Middle Road)" on the final plat. (Section 2203.C & D, County Subdivision Ord.)
20. 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 \$248.73 (One lot) 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)

21. 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 the Current Planning Section prior to issuance of any permits.
22. 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.
23. The NC Department of Transportation (NCDOT) stamp must be affixed to the final plat prior to submission for final plat approval by the Current Planning Section.

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.

24. 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)
25. The final plat must be submitted to the Current Planning Section 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.
26. The developer should be aware that any addition and/or revision to this plat may require an additional review and approval by the Planning & Inspections Department prior to submission for final plat approval of any portion of this development.

Plat-Required Statements:

27. 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/development/recombination plat.”

Advisories:

28. Any revision or addition to this plan necessitates re-submission for review and approval prior to the commencement of the change.
29. Because this subdivision has been approved as a Zero Lot Line development, the entire development would be required to be included on any future rezoning applications.
30. 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.

31. This conditional approval is not approval of the encroachment of the pool onto Lot 2. Under current standards, if the pool is ever removed or destroyed more than 50%, any replacement pool must meet the setback requirements for the A1 district.
32. 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.
33. 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.

34. 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.
35. 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.
36. The subject property sits on Middle Road and is identified as an existing thoroughfare in the Metropolitan Transportation Plan. There are no construction projects planned and the subject property will have no impact on the Transportation Improvement Plan. For questions related to this comment, please contact Transportation Planning.

Other Relevant Conditions:

37. This conditional approval is contingent upon continued compliance with the County's Subdivision and Development Ordinance and Zoning Ordinance.

Thank you for making the Town of Eastover and Cumberland County your home!

If you need clarification of any conditions, please contact Billy Prutzman at 910-678-7603 or Betty Lynd at 910-678-7605 with the Current Planning Section; otherwise, contact the appropriate agency at the contact numbers below.

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

Current Planning Manager:	Betty Lynd	678-7605	blynd@co.cumberland.nc.us
Subdivision/Site Plan/Plat	Jeff Barnhill	678-7765	jbarnhill@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 Health Department:	Fred Thomas	433-3692	fthomas@co.cumberland.nc.us
PWC:	Misty Manning	223-4740	misty.manning@faypwc.com
	Sam Powers	223-4370	sam.powers@faypwc.com
Eastover Sanitary District:	Tal Baggett	229-3716	managersd@ncrbiz.com
Town of Eastover:	Trey Smith (Staff Rep)	678-7629	rsmith@co.cumberland.nc.us
Town of Eastover:	Ronnie Autry (Interim Manager)	323-0707	townmanager@eastoverncc.com
Town of Eastover	Elizabeth Bass (Town Clerk)	323-0707	townclerk@eastoverncc.com
US Postal Service	Jonathan R. Wallace	(704) 393-4412	jonathan.r.wallace@usps.gov
Corp of Engineers (wetlands):	Emily Greer	(910) 251-4049	emily.c.greer@usace.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:	Irvin Wyche	678-7615	iwyche@co.cumberland.nc.us
N.C. Division of Water Quality:	Annette Lucas	(919) 807-6381	annette.lucas@ncdenr.gov

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 MARY PARKS PATTERSON
2. Address: 1876 Middle Rd Eastover NC Zip Code 28312
3. Telephone: (Home) 910-624-6542 (Work) _____
4. Location of Property: 1876, 1888 Middle Rd Eastover
5. Parcel Identification Number (PIN #) of subject property: REID: 0458469731000
(also known as Tax ID Number or Property Tax ID) 0458560446000
0458562814000
6. Acreage: 8.85 total Frontage: 483.53 Feet Depth: 865.93 Feet
7. Water Provider: yes Septage Provider: yes
8. Deed Book 3715 10832, Page(s) 587 217, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
9855 874
9. Existing use of property: Residential
10. Proposed use(s) of the property: Residential

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 Zero Lot Line (Article V)
- _____ Mixed Use District/Conditional Zoning District (Article VI)
- _____ Planned Neighborhood District/Conditional Zoning District (Article VII)
- _____ Density Development/Conditional Zoning District, at the _____ Density (Article VIII)

APPLICATION FOR
CONDITIONAL ZONING

1. PROPOSED USE(S):

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

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

Residential - 8.85 Ac

2. DIMENSIONAL REQUIREMENTS:

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

Zero Lot Lane on interior lot Lines

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

N/A

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.

N/A

4. LANDSCAPE AND BUFFER REQUIREMENTS:

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

N/A

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

N/A

5. MISCELLANEOUS:

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

N/A

6. SITE PLAN REQUIREMENTS:

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

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.

Reid: 0458469731000

MARY PARKS PATTERSON

LOT 1

NAME OF OWNER(S) (PRINT OR TYPE)

1876 Middle Rd Eastover NC 28312

ADDRESS OF OWNER(S)

smpatterson@centurylink.net

E-MAIL

910-624-6542

HOME TELEPHONE

WORK TELEPHONE

x Mary Parks Patterson

SIGNATURE OF OWNER(S)

SIGNATURE OF OWNER(S)

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

ADDRESS OF AGENT, ATTORNEY, APPLICANT

HOME TELEPHONE

WORK TELEPHONE

E-MAIL ADDRESS

FAX NUMBER

SIGNATURE OF AGENT, ATTORNEY, OR APPLICANT

7. STATEMENT OF ACKNOWLEDGMENT:

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Reio: 045856 0446000

CHARLES WAYNE HALL AND WIFE CARA HALL LOT 2
NAME OF OWNER(S) (PRINT OR TYPE)

1732 Eastover St.
ADDRESS OF OWNER(S)

ChWaHaJr@aim.com
E-MAIL

(910) 818-1749 (910) 818-1749
HOME TELEPHONE WORK TELEPHONE

* Charles Wayne Hall Jr. * Cara Hall
SIGNATURE OF OWNER(S) SIGNATURE OF OWNER(S)

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

ADDRESS OF AGENT, ATTORNEY, APPLICANT

HOME TELEPHONE WORK TELEPHONE

E-MAIL ADDRESS FAX NUMBER

SIGNATURE OF AGENT, ATTORNEY, OR APPLICANT

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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.

Reid: 045856 2814 000

✓ CLAIRE CULBRETH Sigemore and husband Robert William Sigemore Lot 3
NAME OF OWNER(S) (PRINT OR TYPE)

1808 Middle Rd, Enstover NC 28312
ADDRESS OF OWNER(S)

E-MAIL

HOME TELEPHONE

WORK TELEPHONE

* Claire Culbreth Sigemore
SIGNATURE OF OWNER(S)

* Robert William Sigemore
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

NAME	ADDRESS	CITY
ALT INVESTMENT HOLDINGS INC.	220-A N MCPHERSON CHURCH RD	FAYETTEVILLE, NC 28303
DAWSON, FLOYD S	1887 MIDDLE RD	EASTOVER, NC 28312
HALL, CHARLES WAYNE;CARA	1732 EASTOVER ST	EASTOVER, NC 28312
HOCUTT, JOHN ROBERT	4210 HIGHLAND RD	ST BONIFACIUS, MN 55375
JORDAN, DEBRA NEWSOME	1700 JONCEE DR	EASTOVER, NC 28312
PATTERSON, MARY PARKS	1876 MIDDLE RD	EASTOVER, NC 28312
PEARCE, CATHERINE H	1850 MIDDLE RD	EASTOVER, NC 28312
PEARCE, CHRISTOPHER BRIAN	1862 MIDDLE RD	EASTOVER, NC 28312
PIERCE, PEGGY A	1885 MIDDLE RD	EASTOVER, NC 28312
SIZEMORE, CLAIRE C; ROBERT W	1888 MIDDLE RD	EASTOVER, NC 28312
SPRUILL, L JR V; LETA E	1759 DOBBIN HOLMES RD	EASTOVER, NC 28312
STALLINGS, PHYLLIS D	1890 MIDDLE RD	EASTOVER, NC 28312
WILLIAMS, MALCOLM C JR	1853 DOBBIN HOLMES RD	EASTOVER, NC 28312

P20-57 FC

NAME	ADDRESS	CITY
AGNEW, CHARLOTTE GEDDIE	1706 JONCEE DR	EASTOVER, NC 28312
BELIN, TONY A;BELIN, EMMA	1705 JONCEE DR	EASTOVER, NC 28312
BULLARD, CHARLES C;BULLARD, REBA	2117 DANIEL DR	EASTOVER, NC 28312
CHANDLER, CAROLYN S	1955 DOBBIN HOLMES RD	EASTOVER, NC 28312
COTTON, WINNIE W TRUSTEE;BRENDA, K WILLIAMS	871 MIDDLE RD	FAYETTEVILLE, NC 28312
E O MCLAURIN FAMILY LLC	PO BOX 97	WADE, NC 28395
EAKER, KENNETH CHARLES;EAKER, KAREN L	854 SHADOWMOSS DR	FAYETTEVILLE, NC 28312
EDWARDS, WILLIAM B;EDWARDS, CAROLYN R	1709 JONCEE DR	EASTOVER, NC 28312
GOINS, CLARENCE W JR;GOINS, AMBER H	1711 JONCEE DR	EASTOVER, NC 28312
HALL, KEVIN D;HALL, KIMBERLY PEARCE	2130 DANIELS ST	EASTOVER, NC 28312
HARDY, DONALD R;HARDY, CAROLIN	2859 UNDERWOOD RD	EASTOVER, NC 28312
HEFLIN, DOUGLAS STEVEN;HEFLIN, CAROL ANN	1749 DOBBIN HOLMES RD	EASTOVER, NC 28312
JOHNSON, LARRY R;JOHNSON, CLAUDY	1733 DOBBIN HOLMES RD	EASTOVER, NC 28312
KIMBEL, DAVID ROBERT;KIMBEL, WILLIAM IVAN;KIMI	PO BOX 145	PARKTON, NC 28371
LOUGHMAN, TIMOTHY A;LOUGHMAN, ASHLEY A	1943 DOBBIN HOLMES RD	EASTOVER, NC 28312
MCLAURIN, KAYE M	2112 DANIEL DR	EASTOVER, NC 28312
MORRIS, REBECCA, MARGARET;MICHAEL, CLYDE MO	1929 DOBBINS HOLMES RD	EASTOVER, NC 28321
OUTLAW, MICHAEL D;OUTLAW, EDITH H	2118 DANIEL DR	EASTOVER, NC 28312
RADTKE, SUSAN B	2109 DANIEL DR	EASTOVER, NC 28312
RAINEY, CHRISTOPHER T;RAINEY, REBECCA A	1708 JONCEE DR	EASTOVER, NC 28312
ROTHCHILD, ASSETS	101 HAY ST II	FAYETTEVILLE, NC 28301
SESSOMS, HARRELL C JR;SESSOMS, LISA BUCK	1897 MIDDLE RD	EASTOVER, NC 28312
SWANN, JAMES W JR	1721 JONCEE DR	EASTOVER, NC 28312
WEEKS, ARTHUR FLOYD;WEEKS, DON	1867 DOBBIN HOLMES RD	EASTOVER, NC 28312
WEST, WILLIAM R SR;WEST, IRIS B	306 SUMMERTIME RD	FAYETTEVILLE, NC 28303
WILLIAMS, DAVID Q JR;WILLIAMS, LI	1795 DOBBIN HOLMES RD	EASTOVER, NC 28312
WILLIAMS, JAMES F;WILLIAMS, SHEIL	1735 JONCEE DR	EASTOVER, NC 28312
WILLIAMS, MICHELLE LEE	1903 MIDDLE RD	EASTOVER, NC 28312

EXPLANATION OF THE REQUEST

This is a request for initial zoning of nine parcels located at located on both sides of Godwin Falcon Road to A1 Agricultural, R40A Residential, and C(P) Planned Commercial/CZ Conditional Zoning for motor vehicle repair. This request was initiated upon the annexation of the parcels into the town limits of Godwin. The conditional zoning of one parcel was already approved within the County's jurisdiction and the town is requesting the parcel remain the same zoning classification.

OWNER/APPLICANT

OWNER/APPLICANT: Barney B. Goff, Jr., Devon McKoy, Gwendolyn McMillan, Craig Lamonte Robinson, Angela Smith, Bobby B. Smith, and Joseph Smith (owners)

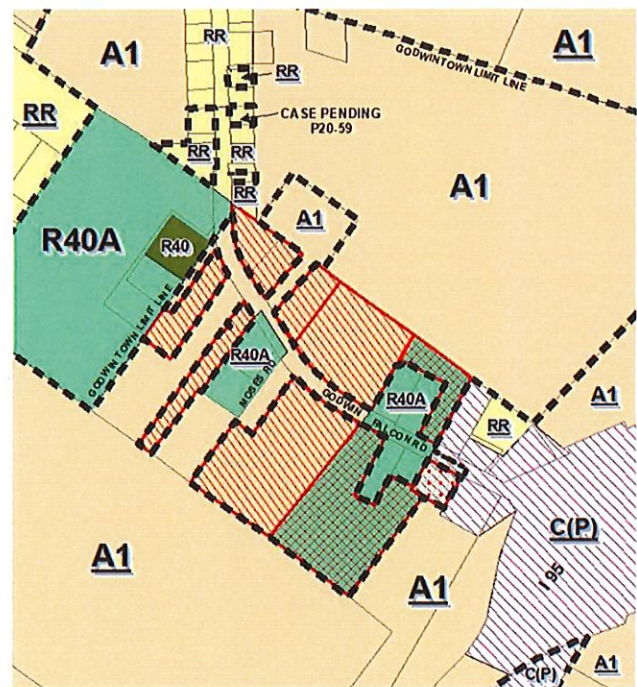
PROPERTY INFORMATION

ADDRESS/LOCATION: Both sides of Godwin Falcon Road; more specifically REIDs 0592890368000, 0593702524000, 0593706142000, 0592890807000, 0593707046000, 0593703369000, 0592698926000, 0593607246000, 0593700687000

SIZE: This request includes nine parcels totaling approximately 30.85 acres. The properties have 2,454' +/- of street frontage along Godwin Falcon Road.

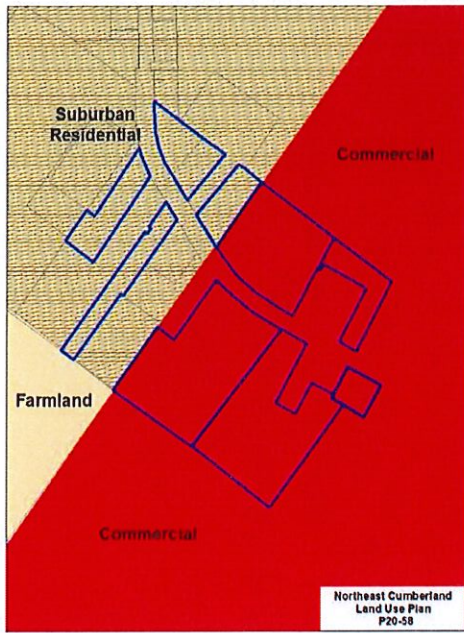
EXISTING LAND USE: Three parcels are developed with single-family dwellings. Two parcels are developed with manufactured homes. One parcel is developed with commercial use. Three parcels are vacant.

OTHER SITE CHARACTERISTICS: The properties are not located within the watershed or the Special Flood



Hazard Area. There are some hydric and hydric inclusion soils on the properties.

SURROUNDING LAND USE: There are residential uses in the surrounding area including manufactured homes. There are also several nonresidential uses including a convenience store and motor vehicle towing.



ZONING HISTORY: The properties was initially zoned A1 and C(P) as part of the Area 14 initial zoning on November 25, 1980. The conditional zoning on one parcel was approved on April 16, 2012 (Case P12-04). The parcels currently zoned R40A were approved on March 19, 2001 (Case P01-07).

UTILITIES: The properties are served by Falcon water & NORCRESS sewer. The properties are not located within a water/sewer district.

MINIMUM YARD SETBACKS: If approved, the parcels would be subject to A1 setbacks: Front yard: 50 foot, Side yard: 20 foot, Rear yard: 50 foot; R40A setbacks: Front Yard: 30 foot, Side Yard: 15 foot, Rear Yard: 35 foot; C(P) setbacks: Front Yard: 50 foot, Side and Rear Yard: 30 foot.

COMPREHENSIVE PLANS: The 2030 Growth Vision Plan designates this area as "Community Growth Areas". The Northeast Cumberland Land Use Plan (2010) designates some of the parcels as "Commercial". A concentration of commercial activities is desired at the I-95 and Godwin-Falcon Rd interchange. The other properties have the designation "Suburban Residential". A density of no greater than 2.2 units/acre is desirable. **Request is not plan compliant.**

IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITES

TRAFFIC: The Average Daily Traffic Count (2018) on Godwin Falcon Road is 1,000.

SCHOOLS CAP/ENROLL: District 7 Elementary: 300/254; Mac Williams Middle: 1270/1189; Cape Fear High: 1425/1427

ECONOMIC DEVELOPMENT: Fayetteville Cumberland County Economic Development Corporation has reviewed the request and had no comment at this time.

EMERGENCY SERVICES: Cumberland County Fire Marshal's Office has reviewed the request and stated the following: 1. Ensure all fire department access requirements are met; 2. Ensure fire hydrant spacing.

FAYETTEVILLE REGIONAL AIRPORT: The properties are not located within the Airport Overlay District.

STAFF RECOMMENDATION

In Case P20-58, the Planning & Inspections staff **recommends denial** of the initial zoning request of A1 Agricultural, R40A Residential, and C(P) Planned Commercial/CZ Conditional Zoning for motor vehicle repair and instead **recommends approval** of initial zoning to A1 Agricultural where the Northeast Cumberland Land Use Plan (2010) calls for "Suburban Residential" and C(P) Planned Commercial where the land use plan calls for "Commercial" and finds this recommendation consistent with the Northeast Cumberland Land Use Plan as the districts recommended do not create a density higher than 2.2 units/acre and the plan promotes a concentration of commercial activities at the I-95 and Godwin-Falcon Road interchange. Approval of this recommendation is reasonable and in the public interest as the parcels are served by public water and sewer, the recommended districts are in harmony with surrounding existing land uses and zoning and the interchange area will be best served by zoning that would permit convenient goods and services for the traveling public.

Attachments:
 Zoning Application
 Notification Mailing List

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE
TOWN OF GODWIN, NORTH CAROLINA

WHEREAS, the Board of Commissioners received a petition under G.S. 160A-31 to annex the area described below; and

WHEREAS, the Board by resolution directed the Town Clerk to investigate the sufficiency of the petition; and

WHEREAS, the Town Clerk certified the sufficiency of the petition and the Board held a public hearing on the question of this annexation at Town Hall, 4924 Markham Street, Godwin, NC, at 7:00 p.m. on Monday, October 19, 2020, after notice by publication and posting as required by law; and

WHEREAS, the Board finds that the petition meets the requirements of G.S. 160A-31;

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Godwin, North Carolina that:

Section 1. By virtue of the authority granted by G.S. 160A-31, the following described contiguous territory is hereby annexed and made part of the Town of Godwin, effective immediately:

<u>Owner(s)</u>	<u>Cumberland County Tax PIN#(s)</u>	<u>Address (all Godwin, NC 28344)</u>
Selene Burnett	0593-71-0243	8422 Godwin Falcon Rd
Town of Godwin (Willie J. Burnette Park)	0593-34-9611	4924 Markham St
Barney B. Goff, Jr.	0592-89-0368	8171 Godwin Falcon Rd
Carol Holden Goff		
Offie Randall Joyner	0593-35-1864	9258 Main St
Kimberly Ann Joyner		
Devon McKoy	0593-70-2524	8334 Godwin Falcon Rd
Gwendolyn McMillan	0593-70-6142	8249 Godwin Falcon Rd
	0592-89-0807	000000 Godwin Falcon Rd
	0593-70-7046	8232 Godwin Falcon Rd
Craig Lamonte Robinson	0593-70-3369	8306 Godwin Falcon Rd
Angela Smith	0592-69-8926	8329 Godwin Falcon Rd
Bobby B. Smith	0593-60-7246	8355 Godwin Falcon Rd
Joseph Smith	0593-70-0698	000000 Godwin Falcon Rd
Dessie C. Starling	0593-35-4312	9209 Main St
Maria J. Wadzinski	0593-35-8616	9162 Main St
Gilliam P. Wise	0593-25-9927	7513 Burnett Rd
	0593-35-2389	9225 Main St
	0593-35-3716	9238 Main St

Section 2. Upon and after October 19, 2020, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Godwin and shall be entitled to the same privileges and benefits as other parts of the Town. This newly annexed territory shall be subject to municipal property taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the Town of Godwin shall cause to be recorded in the office of the Register of Deeds of Cumberland County, and in the office of the Secretary of State in Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the Cumberland County Board of Elections, as required by G.S. 163-288.1.

Adopted by the Board of Commissioners this 19th day of October, 2020.

Mayor (Signature)

ATTEST:

Clerk

(SEAL)

APPROVED AS TO FORM:

Town Attorney

NAME	ADDRESS	CITY
AAAA INC	8171 GODWIN FALCON RD	DUNN, NC 28334
ALTMAN, DORIS ELLEN LIFE ESTATE	1305 ERWIN RD	DUNN, NC 28334
FORTE, MELBA DELORIS SMITH	PO BOX 57	GODWIN, NC 28344
GOFF, BARNEY B JR;CAROL HOLDER	7839 SMITHFIELD RD	GODWIN, NC 28344
GOMEZ, J SERAFIN MARTINEZ;JACQUALINE ANN MARTINEZ	PO BOX 384	GODWIN, NC 28344
LINDSEY, DAISY;BARBARA;MCGUIRE, EVA CHARLES C SR;RAY	PO BOX 7	GODWIN, NC 28344
MCKOY, DEVON	8334 GODWIN FALCON RD	GODWIN, NC 28344
MCMILLAN, GWENDOLYN	PO BOX 83	GODWIN, NC 28344
MCNEILL, FLETCHER DAVID	163 BETHUNE DR	FAYETTEVILLE, NC 28311
MYLES, DOROTHY MCDUFFIE;CLEVELAND, .	601 N KING AVE	DUNN, NC 28334
MYLES, HARRY	8171 NORRIS RD	DUNN, NC 28334
P J REALTY INVESTMENTS LLC	301 E NC 24 HWY	ROSEBORO, NC 28382
PHILLIPS, JAMES MILTON;ANGELA SMITH	PO BOX 218	GODWIN, NC 28344
ROBINSON, CRAIG LAMONTE	300 VILLAGE SQUARE DR	DUNN, NC 28334
SMITH, BOBBY B	PO BOX 61	GODWIN, NC 28344
SMITH, DANNY E;LAWANDA	4736 LONGMONT RD	VIRGINIA BEACH, VA 23456
SMITH, ELOISE HEIRS	300 VILLAGE SQUARE DR	DUNN, NC 28334
SMITH, JOSEPH	P O BOX 65	GODWIN, NE 28344
SMITH, JOSEPH;HELEN, .	PO BOX 54	GODWIN, NC 28344
SMITH, LARRY ODELL; BOBBIE SUE L	8172 GODWIN FALCON RD	GODWIN, NC 28344
SMITH, MELBA DELORIS	PO BOX 57	GODWIN, NC 28344
TINKLEPAUGH, MICHAEL; BETTY M	8267 GODWIN FALCON RD	GODWIN, NC 28344

PLANNING STAFF REPORT
SUBDIVISION CASE # 20-143
WAIVER: Maximum number of lots to be served
using a class "C" private street

Planning Board Meeting: December 15, 2020

Jurisdiction: Cumberland County

SUMMARY OF THE REQUEST

This is a request to allow the creation of a lot on a class "C" private street that exceeds the maximum number of allowed lots.

The subject property was first proposed as part of a preliminary subdivision approval on February 7, 1984 as Case 84-039 ("Exhibit 1"). This subdivision approval expired as the developer never finalized the development. On January 28, 1986, the lots shown as 3, 4 and 5 on the preliminary (total of 16.87 acres) were deeded to Stanley & Linda Duke as one parcel. (Deed Book 3129, Page 71)("Exhibit 2").

The same subdivision layout from 1984 was resubmitted and approved on December 18, 1989 as Case 89-396. The final plat was approved by staff on January 19, 1990; however, the developer never recorded this plat ("Exhibit 3").

Stanley & Linda Duke then deeded a 5.59 acre portion (what was shown as lot 4 in Case 89-396) of their 16.87 acres to David & Jodi Meadows on August 21, 1990 (Deed Book 3605, Page 532) ("Exhibit 4"). This created an illegal lot.

A subdivision was then submitted and approved on October 2, 1991 as Case 91-273. This subdivision showed what was once shown as lots 3, 4 and 5 on previous submittals as one lot, although at the time the land was owned by both the Dukes and Meadows. The final plat was approved by staff on October 17, 1991 and recorded the same day (Plat Book 77, Page 54) ("Exhibit 5") At this time, owner's signatures were not required on final plats.

The Dukes deeded out what was previously shown as lots 3 and 5 to separate owners, but did not include the right-of-way for Grimble Drive, leaving four total lots in question.

The subject property is the only illegal lot under consideration for this request.

OWNER/APPLICANT

OWNER/APPLICANT: Jodi Meadows (owner) & Lori S. Epler on behalf of Larry King & Associates, R.L.S., P.A. (agent)

PROPERTY INFORMATION

ADDRESS/LOCATION: 597 Grimble Drive; more specifically REID 0543485841000

SIZE: This request includes one parcel totaling approximately 5.59 acres. The property has 57'+/- of frontage along Grimble Drive. The property is 400'+/- in depth.

EXISTING LAND USE: The property is currently developed with a single-family dwelling and accessory structure.

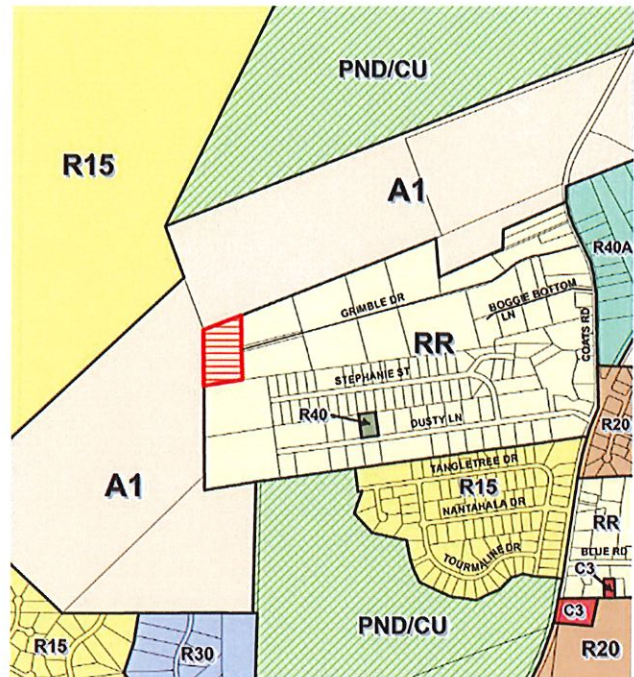
OTHER SITE CHARACTERISTICS: The property is not located within the watershed or the Special Flood Hazard Area. There are no soil limitations to development located on the property.

DEVELOPMENT REVIEW: A final plat will be required if the waiver is approved.

ZONING HISTORY: This property was initially zoned RR as part of the Area 15 initial zoning on December 17, 2001.

UTILITIES: This site is currently served by Harnett County water and private septic. Public sewer is not available to the property. The property is not located within a water/sewer district.

MINIMUM YARD SETBACKS: If approved, this parcel would be subject to RR setbacks: Front yard: 30-foot, Side yard: 15-foot, Rear yard: 35-foot.



APPLICABLE COUNTY SUBDIVISION ORDINANCE PROVISIONS

SECTION 2304. STREETS.

C. Private Streets.

4. Minimum design specifications.

c. Class "C" private street specifications:

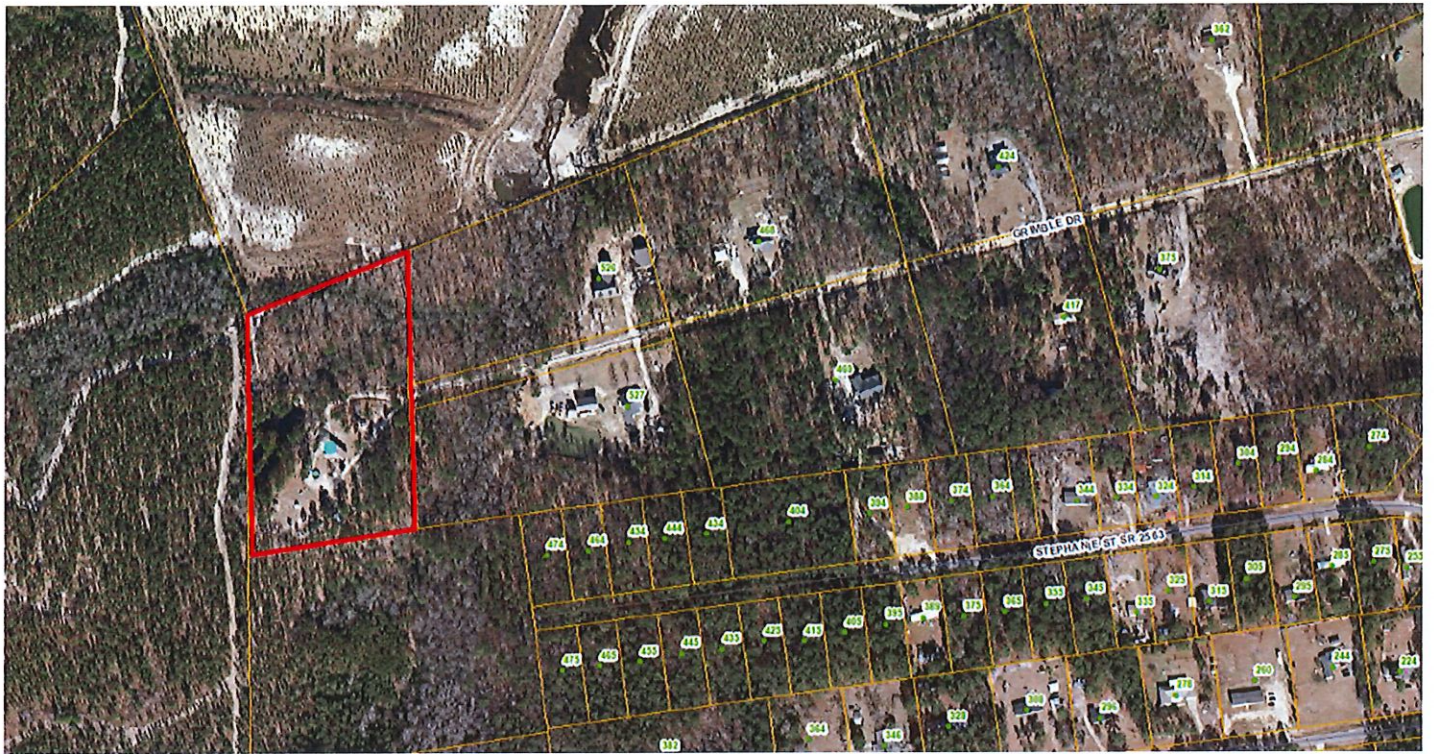
(4) May serve a maximum of four lots.

SECTION 2601. WAIVERS

SECTION 2601. WAIVERS (VARIANCES)

The Planning Board may waive the requirements of this ordinance where it finds by resolution that:

- A. Because of the size of the tract to be subdivided or developed, its topography, the condition or nature of adjoining areas, or the existence of other unusual physical conditions, strict compliance with the provisions of this ordinance would cause a special hardship to the property owner and be inequitable, and
- B. The public purposes of this ordinance and the County Zoning Ordinance would be served to an equal or greater degree, and
- C. The property owner would not be afforded a special privilege denied to others.



Attachments:

Sketch Map

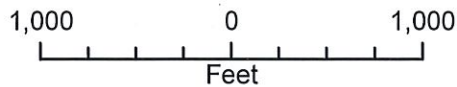
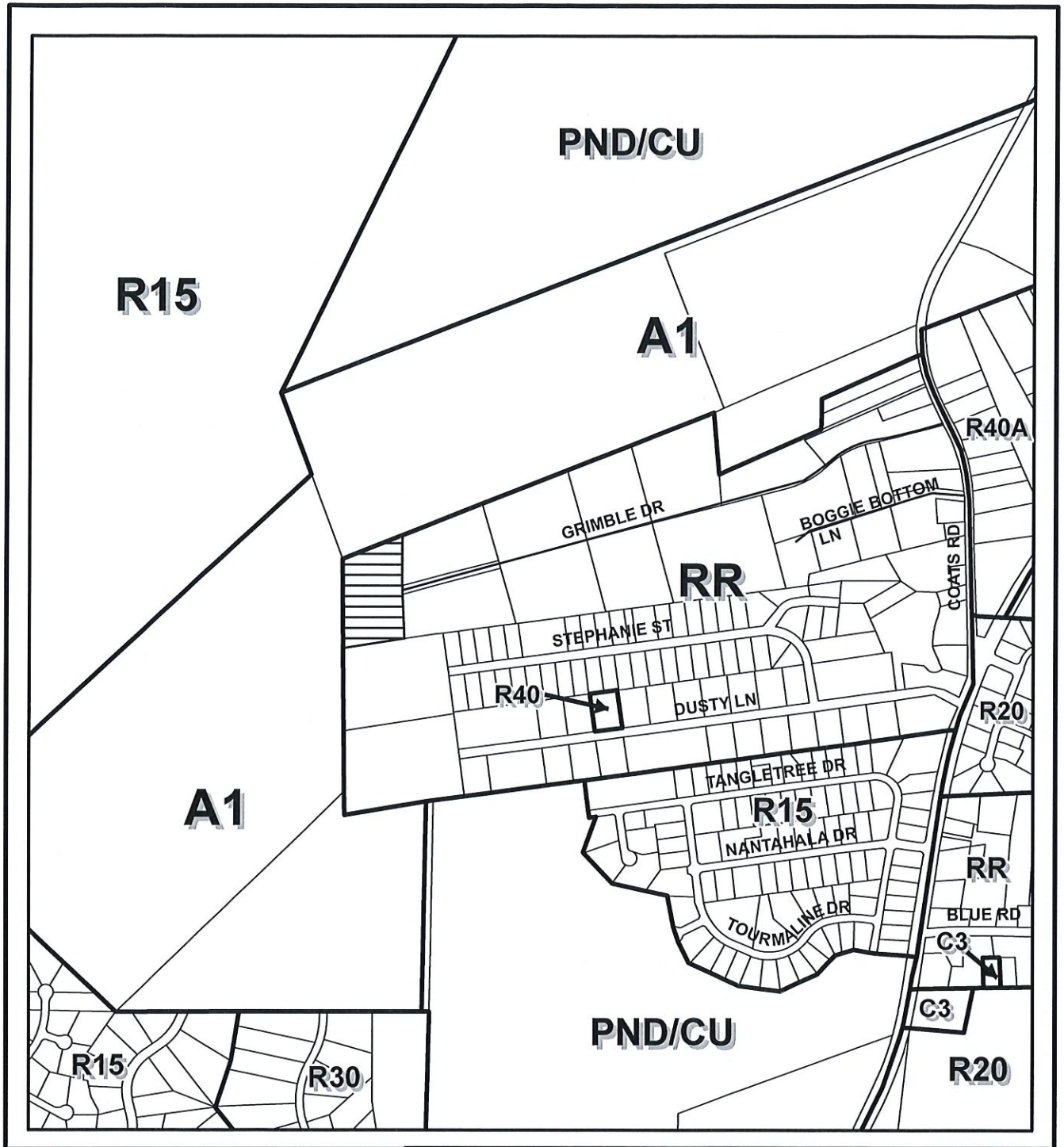
Site Plan

Waiver Application

Related Deeds & Plats

Ordinance Related Conditions

Notification Mailing List

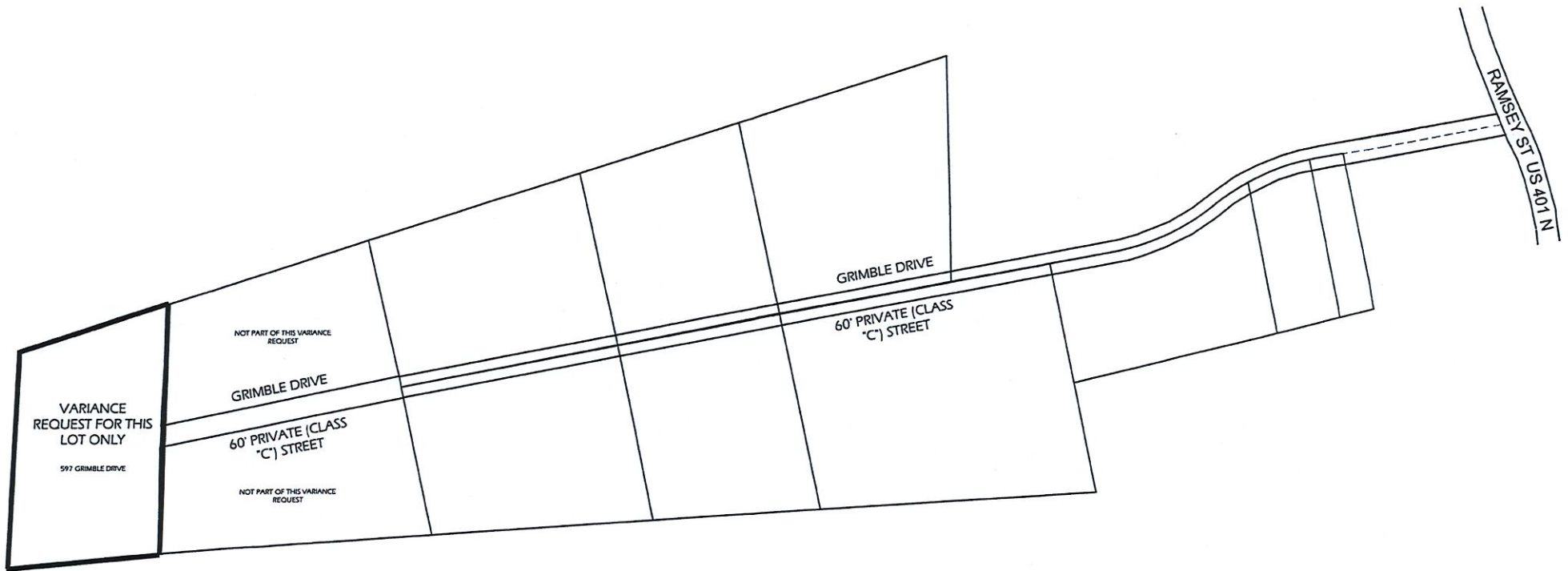


COUNTY SUBDIVISION ORDINANCE WAIVER

ACREAGE: 5.59 AC. +/-		HEARING NO: 20-143	
ORDINANCE: COUNTY		HEARING DATE	ACTION
GOVERNING BOARD			

REID: 0543485841000

MB



JODI MEADOWS

WAIVER / SUBDIVISION WAIVER REVIEW

REQUEST: A WAIVER FROM SECTION 2304.C.4.C(4), PRIVATE STREET

CASE: 20-143 ACREAGE: 5.59 AC +/-

ZONED: RR SCALE: NTS

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

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

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

LOCATION OF PROPERTY: 597 GRIMBLE DR. LINDEN, NC 28356

OWNER: JODI MEADOWS

ADDRESS: 597 GRIMBLE DRIVE, LINDEN, NC ZIP CODE: 28356

TELEPHONE: HOME 910.682.8055 WORK SAME

AGENT: LORI S. EPLER

ADDRESS: 1333 MORGANTON ROAD, SUITE 201, FAYETTEVILLE, NC 28305

TELEPHONE: HOME 910.483.4300 WORK SAME

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

A. Parcel Identification Number (PIN #) of subject property: _____
(also known as Tax ID Number or Property Tax ID)

B. Acreage: 5.59 Frontage: 60 FEET Depth: 400 FEET

C. Water Provider: WELL

D. Septage Provider: SEPTIC

E. Deed Book 5247, Page(s) 0411, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).

F. Existing and/or proposed use of property: SINGLE FAMILY RESIDENTIAL

G. Section and provision of the Cumberland County Subdivision Ordinance from which a waiver [variance] is requested:

SECC. 2304. STREETS. C. Private Streets. 4 Minimum design specifications.
c. Class "C" private street specifications: (4)May serve a maximum of four lots.

H. Nature and extent of hardship involved in strict application of the County Subdivision Ordinance – attach additional sheet if necessary:

See attached.

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.

Jodi Meadows

NAME OF OWNER(S) (PRINT OR TYPE)

597 Grimble Drive, Linden, NC 28356

ADDRESS OF OWNER(S)

n/a

E-MAIL

910.682.8055

HOME TELEPHONE #

WORK TELEPHONE #

Lori S. Epler of Larry King & Associates, R.L.S., P.A.

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

1333 Morganton Rd., Suite 201, Fayetteville, NC 28305

ADDRESS OF AGENT, ATTORNEY, APPLICANT

910.977.3216

HOME TELEPHONE #

910.483.4300

WORK TELEPHONE #

Jodi Meadows

SIGNATURE OF OWNER(S)

Lori S. Epler

SIGNATURE OF AGENT, ATTORNEY OR APPLICANT

SIGNATURE OF OWNER(S)

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

STATEMENT OF ACKNOWLEDGMENT

Planning Board

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

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

Signed acknowledgment that the County Planning Staff has explained the application process and procedures regarding this request and the public hearing procedure stated above.

SIGNATURE OF OWNER(S) Jodi Meadows

PRINTED NAME OF OWNER(S) Jodi Meadows

DATE 11/3/00

This lot was created and conveyed to the current owner and her husband by deed in August of 1990, by the previous owners Stanley C. and Linda M. Duke. It came from a 16.87 acre tract that was shown on a plat recorded in October of 1991, after the Meadows' owned their portion of it. There was no owners' signature on that plat.

The Meadows' were also deeded an easement for ingress/egress over what is shown on that plat as Grimble Drive. They had no reason to believe the lot was created illegally. This has come to her attention recently when a contractor began construction on an outbuilding.

Cumberland County building inspectors discovered the problem when they attempted to inspect the new construction, also learning the contractor failed to obtain the proper permits prior to construction.

In order to finish the structure, and alleviate the possibility of any future permitting issues, Ms. Meadows, who now owns the property and family home, is requesting a waiver to the above section of the ordinance.

Should this waiver not be granted, the resulting unnecessary hardships would include: 1) Not being able to rectify the permitting issues caused by the contractor. (2) Not being able to complete construction on the partially built building. (3.) Possible complications should she choose to refinance or sell the home and or property.

It is a peculiar condition for the subject parcel in that it is at the very end of a platted street, of sufficient size to accommodate its current use and that there is no alternate road frontage that she could use to make the lot conforming.

These special circumstances are not the fault of the current owner but the fault of the previous owner who conveyed the property by meets and bounds legal description to which was attached a map describing the property. Again, she had no reason to believe it was not a legal lot.

This waiver will be consistent with the spirit, purpose and intent of the ordinance, such that public safety is secured, and substantial justice is achieved as it will allow Ms. Meadows to remain in here family home of 30 years, make reasonable use of her property and not change the existing character of the neighborhood. It will also secure the financial integrity of future financing ability.

STAFF COPY

NOTE: Tracts surveyed being a portion of that Tract deeded to Edward S. Turlington and Daniel F. Bethune as recorded in Deed Book 2685, Page 577-580, Cumberland County Registry.

NOTE: Iron pipe set at all corners unless otherwise stated.

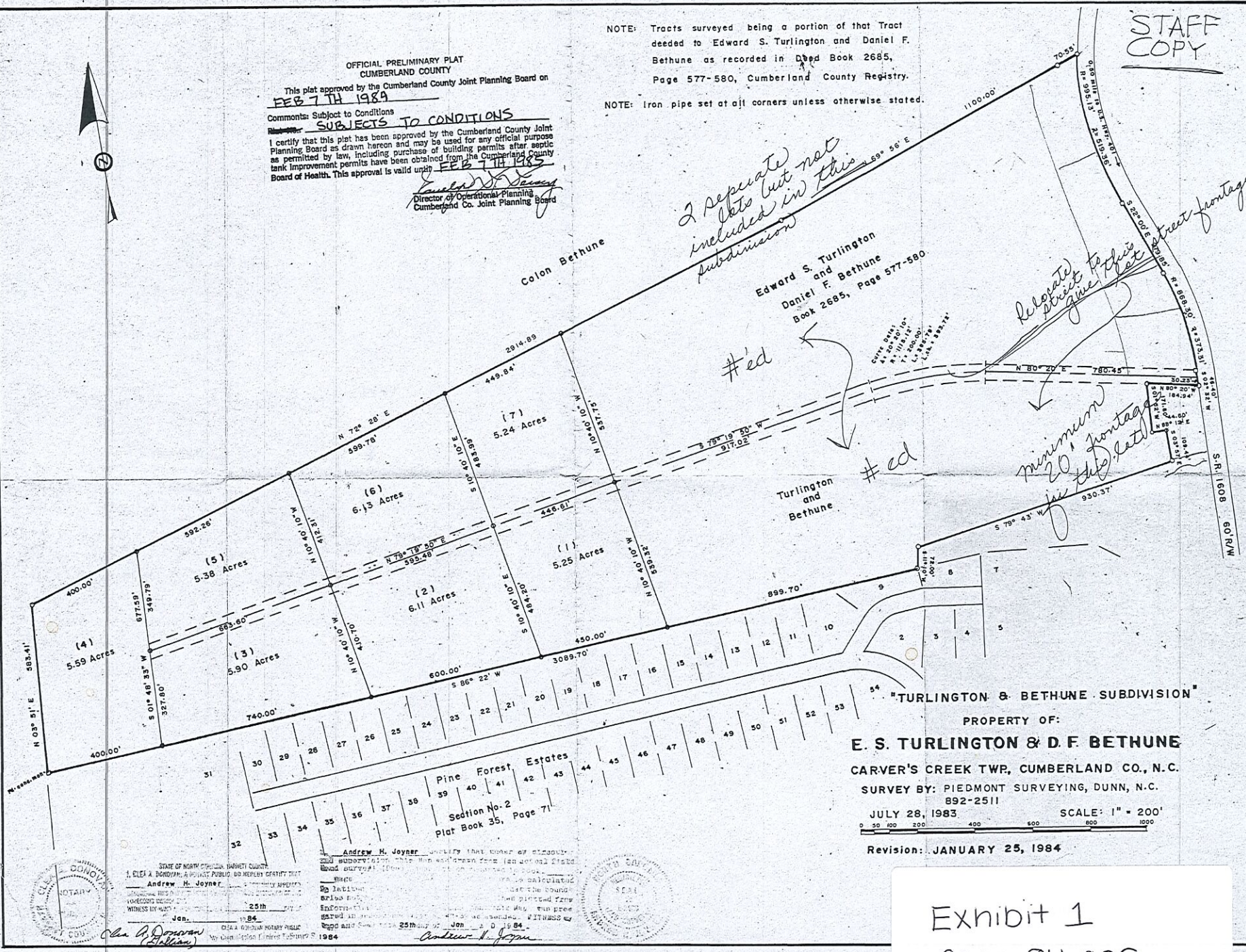
OFFICIAL PRELIMINARY PLAT
CUMBERLAND COUNTY

This plat approved by the Cumberland County Joint Planning Board on **FEB 7 TH 1984**

Comments: Subject to Conditions
SUBJECTS TO CONDITIONS

I certify that this plat has been approved by the Cumberland County Joint Planning Board as drawn hereon and may be used for any official purpose as permitted by law, including purchase of building permits after septic tank improvement permits have been obtained from the Cumberland County Board of Health. This approval is valid until **FEB 7 TH 1985**

Charles D. Sawyer
Director of Operational Planning
Cumberland Co. Joint Planning Board



"TURLINGTON & BETHUNE SUBDIVISION"
PROPERTY OF:
E. S. TURLINGTON & D. F. BETHUNE

CARVER'S CREEK TWP, CUMBERLAND CO., N.C.

SURVEY BY: PIEDMONT SURVEYING, DUNN, N.C.
892-2511

JULY 28, 1983 SCALE: 1" = 200'

Revision: JANUARY 25, 1984



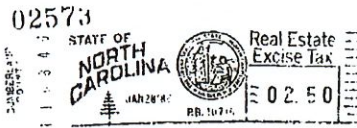
STATE OF NORTH CAROLINA, CUMBERLAND COUNTY
I, **Andrew H. Joyner**, Notary Public, do hereby certify that
Andrew H. Joyner, Notary Public, was present at the recording of this plat on the 25th day of **Jan**, 1984.

Andrew H. Joyner certify that copy of original plat submitted to this office and from an original filed deed survey 1983.
I hereby certify that the boundaries and acreages shown on this plat were calculated and measured from the ground and that the same are correct and true to the best of my knowledge and belief.
Witness my hand and seal this 25th day of **Jan**, 1984.
Andrew H. Joyner



Exhibit 1
Case 84-039

Exhibit 2
Deed - Lots 3, 4, 5
to Dukes



BOOK 3129 PAGE 71
001783

RECEIVED

'86 JAN 28 PM 12 38
GEORGE L. TATUM
REGISTER OF DEEDS
CUMBERLAND COUNTY NC

Excise Tax 2.50

Recording Time, Book and Page

Tax Lot No. Parcel Identifier No.
Verified by County on the day of, 19.....
by

Mall after recording to ... Stanley C. Duke
..... 7028 Lure Ct., Fayetteville, NC 28301

This instrument was prepared by ... R. Daniel Rizzo

Brief description for the Index
16.87 acres/Carver's Creek Twp

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 25..... day of January....., 19 86. ., by and between

GRANTOR
EDWARD S. TURLINGTON and wife,
PAULA R. TURLINGTON
and
DANIEL F. BETHUNE and wife,
RAMONA BETHUNE

GRANTEE
STANLEY C. DUKE and wife,
LINDA M. DUKE
7028 Lure Court
Fayetteville, North Carolina 28301

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of N/A....., Carver's Creek..... Township, Cumberland..... County, North Carolina and more particularly described as follows:

BEGINNING at a concrete monument corner located in the original Southwest line of that Tract, of which this is a portion thereof, recorded in Deed Book 2685, Page 577-580; thence as the Western line of the original Tract North 03 degrees 51 minutes East 583.41 feet to an iron pipe corner with Colon Bethune; thence another line with Bethune North 72 degrees 28 minutes East 992.26 feet to an iron pipe corner; thence a new line South 10 degrees 40 minutes 10 seconds East 823.01 feet to an iron pipe corner located in the Northern line of Pine Forest Estates, Section No. 2 (Plat Book 35, Page 7); thence as the line of Pine Forest Estates South 86 degrees 22 minutes West 1140.00 feet to the point of beginning and containing 16.87 acres and being a portion of that Tract as recorded in Deed Book 2685, Page 577-580, Cumberland County Registry.

The property hereinabove described was acquired by Grantor by instrument recorded in Book 2685
Pages 577-580, Cumberland County Registry

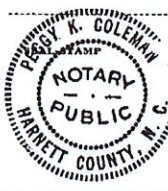
A map showing the above described property is recorded in Plat Book page

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated. Title to the property hereinabove described is subject to the following exceptions:

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors the day and year first above written.

(Corporate Name) _____ (SEAL)
By: _____
President
ATTEST: _____ (SEAL)
Secretary (Corporate Seal)
USE BLACK INK ONLY
Edward S. Turlington
Paula R. Turlington
Daniel F. Bethune
Ramona Bethune



NORTH CAROLINA, Harnett County.
I, a Notary Public of the County and State aforesaid, certify that Edward S. Turlington & wife, Paula R. Turlington and Daniel F. Bethune & wife, Ramona Bethune Grantor, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 25 day of January, 1986.
My commission expires: 6-23-88 Peggy K. Coleman Notary Public

SEAL-STAMP NORTH CAROLINA, _____ County.
I, a Notary Public of the County and State aforesaid, certify that _____ personally came before me this day and acknowledged that _____ he is _____ Secretary of _____ a North Carolina corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its President, sealed with its corporate seal and attested by _____ as its Secretary. Witness my hand and official stamp or seal this _____ day of _____ 19____.

NORTH CAROLINA, CUMBERLAND COUNTY
The foregoing or annexed certificate of Peggy K. Coleman
Notary Public/Notaries Public is/are certified to be correct.
This instrument was presented for registration and recorded in this Office at Book 3129 Page 72
This 28 day of January, 1986 at 12:38 O'clock P.M.
George E. Tatum By Evelyn B. Tatum
Register of Deeds Deputy Register of Deeds

150

Curve No.	Radius	Delta Δ	Tan. L.	Chord Bearing	Chord L.	Arc. L.
1	868.30'	24° 41' 43"	190.08'	S 10° 02' 10" E	371.36'	374.25'
2	678.16'	27° 12' 04"	164.07'	N 65° 43' 48" E	318.94'	321.96'
3	678.16'	27° 12' 04"	164.07'	N 65° 43' 48" E	318.94'	321.96'

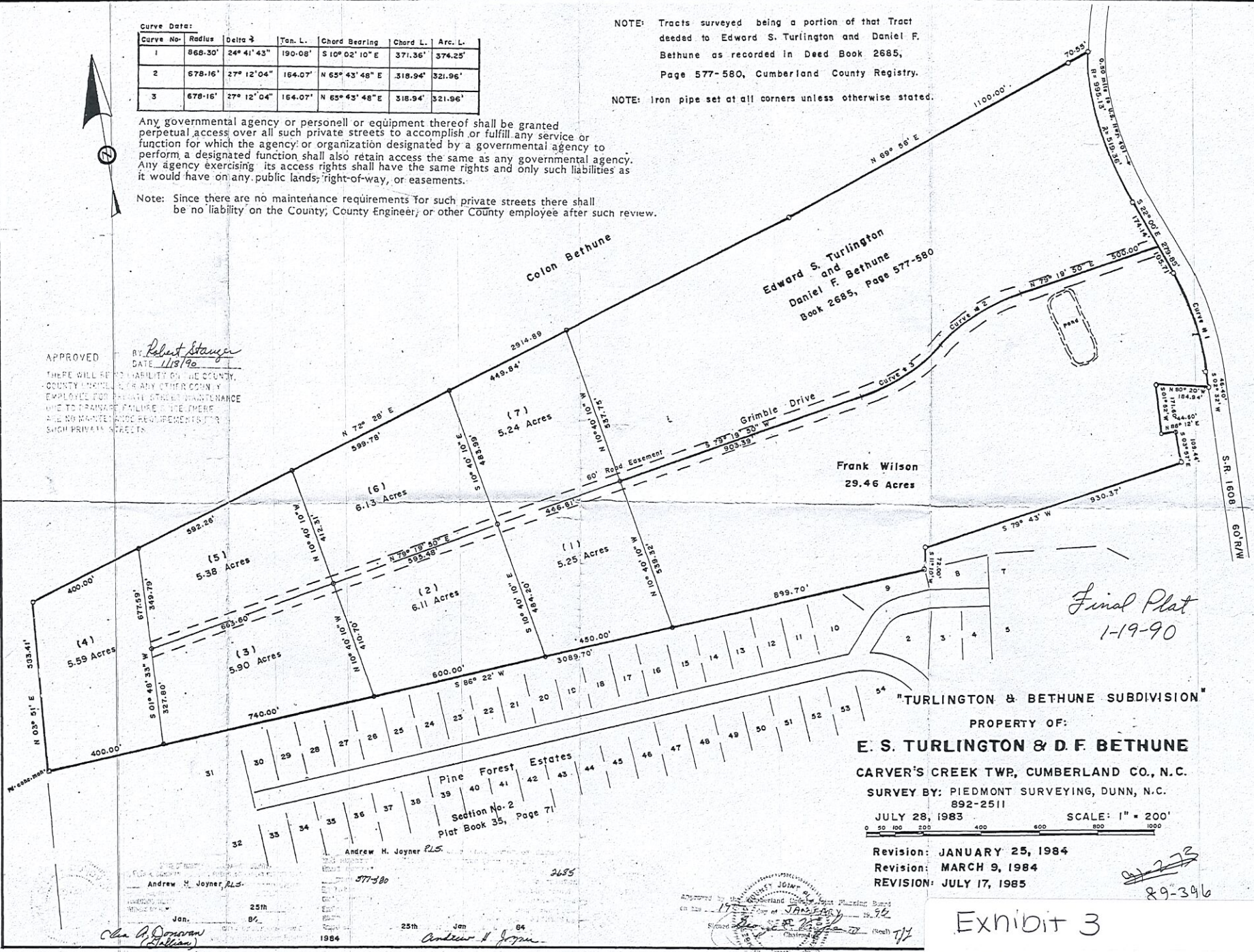
Any governmental agency or person or equipment thereof shall be granted perpetual access over all such private streets to accomplish or fulfill any service or function for which the agency or organization designated by a governmental agency to perform a designated function shall also retain access the same as any governmental agency. Any agency exercising its access rights shall have the same rights and only such liabilities as it would have on any public lands, right-of-way, or easements.

Note: Since there are no maintenance requirements for such private streets there shall be no liability on the County, County Engineer, or other County employee after such review.

NOTE: Tracts surveyed being a portion of that Tract deeded to Edward S. Turlington and Daniel F. Bethune as recorded in Deed Book 2685, Page 577-580, Cumberland County Registry.

NOTE: Iron pipe set at all corners unless otherwise stated.

APPROVED BY Robert Stange
DATE 1/18/90
THERE WILL BE NO LIABILITY ON THE COUNTY, COUNTY ENGINEER, OR ANY OTHER COUNTY EMPLOYEE FOR PERMANENT STREET MAINTENANCE DUE TO DAMAGE CAUSED BY THE USER AND NO MAINTENANCE REQUIREMENTS FOR SUCH PRIVATE STREETS.



Final Plat
1-19-90

"TURLINGTON & BETHUNE SUBDIVISION"
PROPERTY OF:
E. S. TURLINGTON & D. F. BETHUNE
CARVER'S CREEK TWP, CUMBERLAND CO., N.C.
SURVEY BY: PIEDMONT SURVEYING, DUNN, N.C.
892-2511
JULY 28, 1983 SCALE: 1" = 200'
Revision: JANUARY 25, 1984
Revision: MARCH 9, 1984
Revision: JULY 17, 1985

Andrew H. Joyner, P.L.S.
577-380
2685
25th Jan 84
1984
Andrew H. Joyner

Approved by the Cumberland County Platting Board on this 17th day of JANUARY 1984
Sealed and attested my hand and the seal of said Board this 17th day of JANUARY 1984
Chairman

Exhibit 3
Case 89-396
Staff approved final plat

Exhibit 4
Deed 5.59 acres to
the Meadows

STATE OF NORTH CAROLINA
41921'90
24776
Excise Tax \$50.00



Real Est. BK 3605PG0532
Excise Tax

006417

RECEIVED
90 AUG 21 PM 4:00
GEORGE E. TATUM
REGISTER OF DEEDS
CUMBERLAND CO., N.C.

Excise Tax \$50.00

Recording Time, Book and Page

Tax Lot No. Parcel Identifier No. portion of 0543-48-7860
Verified by County on the day of, 19

Mail after recording to HUTCHENS & WAPLE
P. O. Box 2505, Fayetteville, N. C. 28302
This instrument was prepared by H. TERRY HUTCHENS, ATTORNEY AT LAW
Brief description for the Index 5.59 acres (Lot No. 4) Turlington
and Bethune S/D

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 21st day of August, 1990, by and between

GRANTOR

STANLEY C. DUKE and wife,
LINDA M. DUKE

GRANTEE

DAVID N. MEADOWS and wife,
JODI MEADOWS

Route 2, Box 19
Linden, North Carolina 28356

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership.
The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.
WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of Carver's Creek Township, Cumberland County, North Carolina and more particularly described as follows:

SEE EXHIBIT "A" ATTACHED AND INCORPORATED HEREIN BY REFERENCE

(111)
200

The property hereinabove described was acquired by Grantor by instrument recorded in
Book 3129, Page 71, Cumberland County Registry, North Carolina

A map showing the above described property is recorded in Plat Book page.....
TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated. Title to the property hereinabove described is subject to the following exceptions:

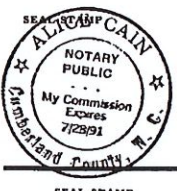
RESTRICTIONS, EASEMENTS AND RIGHTS OF WAY AS MAY APPEAR OF RECORD IN THE AFORESAID REGISTRY.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed, by authority of its Board of Directors, the day and year first above written.

..... (Corporate Name)
BY:
..... President
ATTEST:
..... Secretary (Corporate Seal)
USE BLACK INK ONLY

Stanley C. Duke (SEAL)
STANLEY C. DUKE
Linda M. Duke (SEAL)
LINDA M. DUKE

NORTH CAROLINA, CUMBERLAND County.
I, a Notary Public of the County and State aforesaid, certify that
STANLEY C. DUKE and wife, LINDA M. DUKE Grantor,
personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 21st day of August, 1990.
My commission expires: *Alice Cain* Notary Public



NORTH CAROLINA, County.
I, a Notary Public of the County and State aforesaid, certify that
personally came before me this day and acknowledged that he is Secretary of
..... a North Carolina corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its
President, sealed with its corporate seal and attested by as its Secretary.
Witness my hand and official stamp or seal, this day of, 19.....
My commission expires: Notary Public

The foregoing Certificate of *Alice Cain*

is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

By *George E. Tatum* REGISTER OF DEEDS FOR CUMBERLAND COUNTY,
Camilla S. Hanigan Deputy/Assistant - Register of Deeds

BK3605PG0534

EXHIBIT "A" TO WARRANTY DEED DATED AUGUST 21, 1990, BY AND BETWEEN STANLEY C. DUKE and wife, LINDA M. DUKE, AS GRANTOR and DAVID N. MEADOWS and wife, JODIE MEADOWS, AS GRANTEE

To reach the point of beginning, begin at a point in the western margin of State Road No. 1608, said point also being the northeastern corner of a tract of land conveyed to Edward S. Turlington and Daniel F. Bethune by deed recorded in Book 2685, Page 577, Cumberland County Registry, North Carolina, and runs thence South 69 degrees 56 minutes West 70.55 feet to a point in the northern line of a tract of land described in the aforementioned deed and runs thence South 69 degrees 56 minutes West 1,100.00 feet to a point; runs thence South 72 degrees 28 minutes West 2,914.89 feet to the point of beginning, said point also being the northwest corner of a tract of land described in a deed to Stanley C. Duke and wife, Linda M. Duke recorded in Book 3129, Page 71 in the Cumberland County Registry of which this is also a part; runs thence South 03 degrees 51 minutes West 583.41 feet to a concrete monument, said point also being the southwest corner of the aforementioned tract of land conveyed to Stanley C. Duke and wife, thence North 86 degrees 22 minutes East 400.00 feet to a point; thence North 01 degrees 48 minutes 33 seconds East 677.59 feet to a point; thence South 72 degrees 28 minutes West 400.00 feet to the POINT OF BEGINNING. Containing 5.59 acres, more or less and being a portion of the 16.87 acres conveyed to Stanley C. Duke and wife, Linda M. Duke by deed recorded in Book 3129, Page 71, aforesaid registry, and being all of Lot No. 4 (5.59 acres) as set forth on an unrecorded plat entitled "Turlington & Bethune Subdivision" property of E. S. Turlington and D. F. Bethune, dated July 28, 1983, revised January 25, 1984, March 9, 1984 and July 17, 1985 and attached hereto as Exhibit B.

TOGETHER WITH RIGHTS CONFERRED BY EASEMENT OF INGRESS AND EGRESS RECORDED IN BOOK 3426, PAGE 0322, CUMBERLAND COUNTY REGISTRY, NORTH CAROLINA.

Stanley C. Duke (Seal)
STANLEY C. DUKE

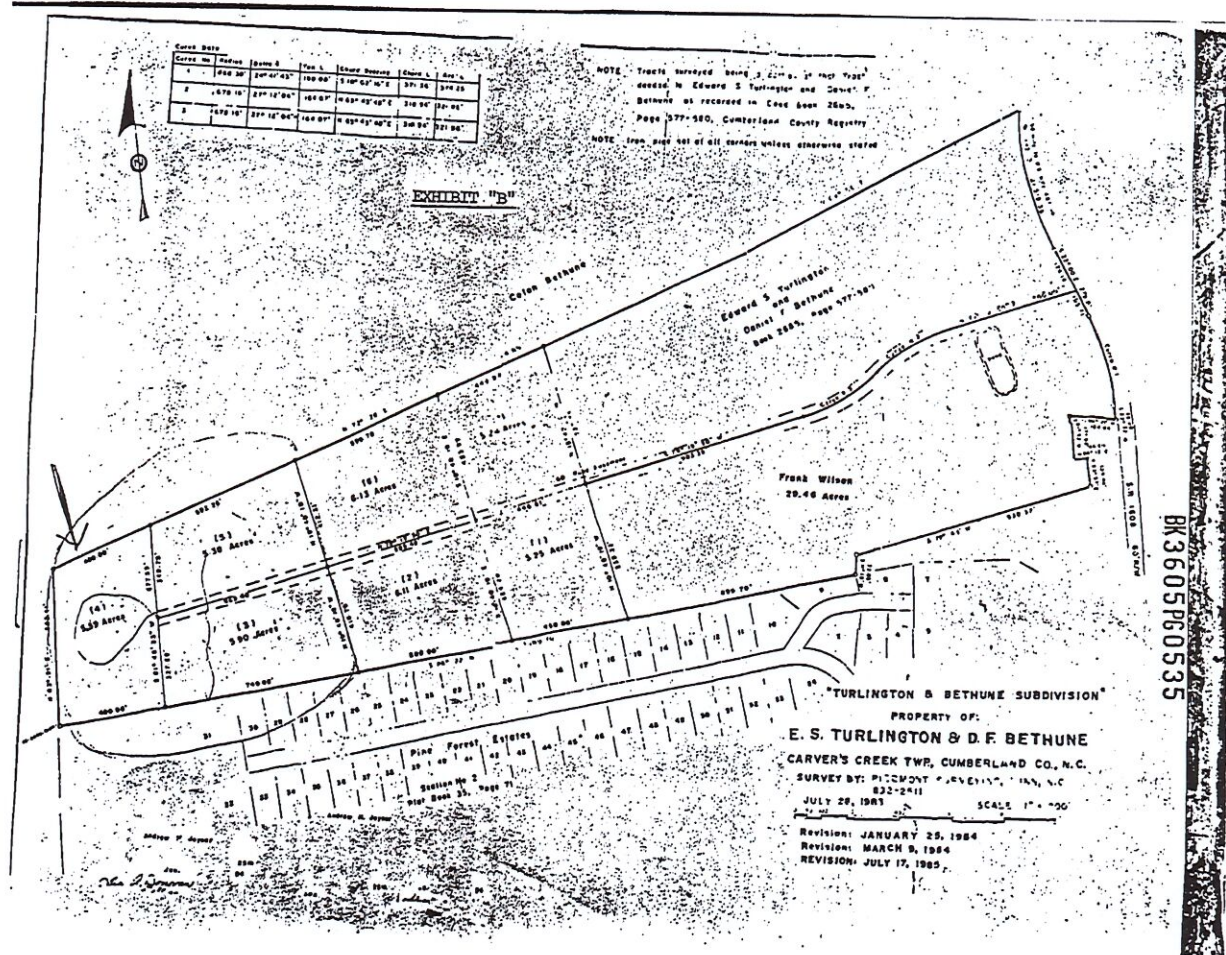
Linda M. Duke (Seal)
LINDA M. DUKE

Course No.	From	To	Course No.	From	To
1	366 36'	204° 42'	100 00'	310° 57' 30"	304 25'
2	1078 16'	221° 12' 00"	100 00'	452° 42' 45"	310 54' 30"
3	1478 16'	221° 12' 00"	100 00'	452° 42' 45"	304 25'

NOTE: Tracts surveyed being 2 1/2 ac. in 1907 and 2 1/2 ac. in 1908 by Edward S. Turlington and David F. Bethune as recorded in Case Book 2640, Page 577-580, Cumberland County Registry.

NOTE: See map set of all corners unless otherwise stated.

EXHIBIT "B"



BK 3605 P60535

PROPERTY OF:
E. S. TURLINGTON & D. F. BETHUNE
 CARVER'S CREEK TWP, CUMBERLAND CO., N.C.
 SURVEY BY: PITTMONT SURVEYING, INC., N.C.
 832-2411
 JULY 28, 1983 SCALE 1" = 100'
 Revision: JANUARY 25, 1984
 Revision: MARCH 9, 1984
 Revision: JULY 17, 1985

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Curve Data:

Curve No.	Radius	Delta Δ	Tan. L.	Chord Bearing	Chord L.	Arc L.
1	868.30'	24° 41' 43"	190.08'	S 10° 02' 10" E	371.36'	374.25'
2	678.16'	27° 12' 04"	164.07'	N 63° 43' 48" E	318.94'	321.96'
3	678.16'	27° 12' 04"	164.07'	N 63° 43' 48" E	318.94'	321.96'



Any governmental agency or personell or equipment thereof shall be granted perpetual access over, all such private streets to accomplish or fulfill any service or function for which the agency or organization designated by a governmental agency to perform a designated function shall also retain access the same as any governmental agency. Any agency exercising its access rights shall have the same rights and only such liabilities as it would have on any public lands, right-of-way, or easements.

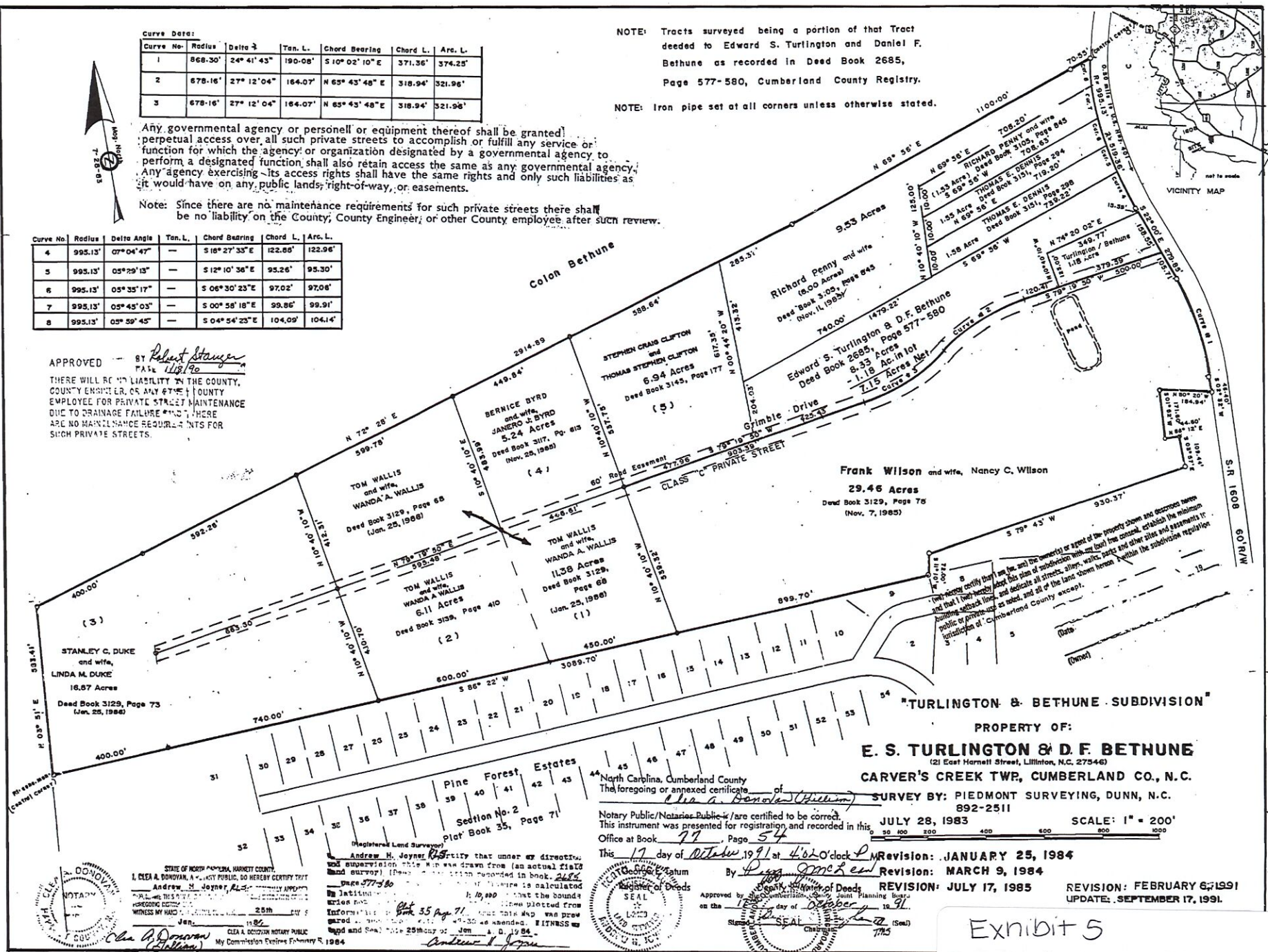
Note: Since there are no maintenance requirements for such private streets there shall be no liability on the County, County Engineer, or other County employee after such review.

Curve No.	Radius	Delta Angle	Tan. L.	Chord Bearing	Chord L.	Arc L.
4	995.13'	07° 04' 47"	—	S 16° 27' 33" E	122.89'	122.96'
5	995.13'	05° 29' 13"	—	S 12° 10' 36" E	93.26'	93.30'
6	995.13'	05° 35' 17"	—	S 06° 30' 23" E	97.02'	97.06'
7	995.13'	05° 45' 03"	—	S 00° 56' 18" E	99.86'	99.91'
8	995.13'	05° 59' 45"	—	S 04° 54' 23" E	104.09'	104.14'

APPROVED — *Robert Stanger*
 T.A.S. 11/8/80
 THERE WILL BE NO LIABILITY IN THE COUNTY, COUNTY ENGINEER, OR ANY OTHER COUNTY EMPLOYEE FOR PRIVATE STREET MAINTENANCE DUE TO DRAINAGE FAILURE AND, WHERE ARE NO MAINTENANCE REQUIREMENTS FOR SUCH PRIVATE STREETS.

NOTE: Tracts surveyed being a portion of that Tract deeded to Edward S. Turlington and Daniel F. Bethune as recorded in Deed Book 2685, Page 577-580, Cumberland County Registry.

NOTE: Iron pipe set at all corners unless otherwise stated.



77-54

STATE OF NORTH CAROLINA, CUMBERLAND COUNTY
 I, CLEA A. DONOVAN, Notary Public, do hereby certify that Andrew H. Joyner, Notary Public, is duly sworn and qualified to perform the duties of a Notary Public in and for Cumberland County, North Carolina.
 Witness my hand and seal this 25th day of February, 1984.
 CLEA A. DONOVAN, Notary Public
 My Commission Expires February 19, 1984

Registered Land Surveyor
 Andrew H. Joyner, Notary Public, is duly sworn and qualified to perform the duties of a Notary Public in and for Cumberland County, North Carolina.
 Witness my hand and seal this 25th day of February, 1984.
 Andrew H. Joyner, Notary Public
 My Commission Expires February 19, 1984

Notary Public/Notaries Public are certified to be correct. This instrument was presented for registration and recorded in this Office at Book 77, Page 54.
 This 17 day of October, 1981 at 4:20 o'clock P.M.
 By *Paul G. McLean*
 Register of Deeds
 Approved by the Clerk of Deeds, Joint Planning Board on the 18th day of October 1981.
 Seal of the Register of Deeds, Cumberland County, N.C.

PROPERTY OF:
E. S. TURLINGTON & D. F. BETHUNE
 (21 East Harnett Street, Lillington, N.C. 27546)
CARVER'S CREEK TWP, CUMBERLAND CO., N.C.
 SURVEY BY: PIEDMONT SURVEYING, DUNN, N.C.
 892-2511
 JULY 28, 1983
 SCALE: 1" = 200'
 Revision: JANUARY 25, 1984
 Revision: MARCH 9, 1984
 REVISION: JULY 17, 1985
 REVISION: FEBRUARY 6, 1991
 UPDATE: SEPTEMBER 17, 1991

Exhibit 5
 Case 91-273
 Recorded final plat

AMY H. CANNON
County Manager

TRACY JACKSON
Assistant County Manager



CUMBERLAND
★ COUNTY ★
NORTH CAROLINA

Planning & Inspections Department

September 30, 2020

RAWLS HOWARD
Director

DAVID MOON
Deputy Director

Exhibit 6
Letter sent to
PROPERTY OWNERS

Reference: The properties listed below are part of an illegal subdivision of property within Cumberland County.

526 GRIMBLE DRIVE LINDEN, NC 28356 / PARCEL ID NUMBER: 0543590144000
527 GRIMBLE DRIVE LINDEN, NC 28356 / PARCEL ID NUMBER: 0543581705000
597 GRIMBLE DRIVE LINDEN, NC 28356 / PARCEL ID NUMBER: 0543485841000
000 GRIMBLE DRIVE LINDEN, NC 28356 / PARCEL ID NUMBER: 0543580954000

Dear Property Owners,

This letter is to inform you of a recently discovered matter concerning your property. During a recent, in-depth code enforcement investigation involving the unpermitted construction of an accessory building, it was discovered that the properties listed above were all part of a subdivision of property dating back to the early 1990's that violated the county subdivision ordinance. We know that, to date, several permits for the construction or placement of homes and other structures were issued and completed. These permits were issued in good faith based upon the data available and provided to the Department at the time of issuance.

Due to this discovery, no new permits for the construction of a building or structure to include fences & pools, nor the reconstruction or repair of existing buildings and structures will be issued until such time as this illegal subdivision of property is resolved in accordance with County ordinances. Please understand that this would affect your ability to obtain required permits should your home or other structures become damaged due to fire or other types of calamities.

If you have questions, please contact me at 910-678-7606 or Scott Walters, Code Enforcement Manger, at 910-321-6654.

Sincerely,

David B. Moon, AICP
Deputy Director
Planning & Inspections Department

c: County Attorney's Office
Director, Planning & Inspections

AMY H. CANNON
County Manager



RAWLS HOWARD
Director

TRACY JACKSON
Assistant County Manager



DAVID MOON
Deputy Director

◆
Planning & Inspections Department

STAFF REVIEW: 12-1-2020 PLANNING BOARD DECISION: 12-15-2020

CASE NO: 20-143 NAME OF DEVELOPMENT: JODI MEADOWS PROPERTY

MIA: N/A SUBDIVISION REVIEW

LOCATION: 597 GRIMBLE DRIVE ZONING: RR

PIN: 0543485841000

OWNERS / DEVELOPER: JODI MEADOWS ENGINEER OR DESIGNER: LARRY KING & ASSOCIATES

PLANNING & INSPECTIONS DEPARTMENT ACTION:

- PRELIMINARY
- EXTENSION REVISION
- APPROVED CONDITIONALLY
- DENIED

PLANNING BOARD DECISION:

- PRELIMINARY
- EXTENSION REVISION
- APPROVED CONDITIONALLY
- DENIED

The development plat/plan you submitted to this office is conditionally approved. Your approval is subject to the following conditions:

Pre- Permit 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. 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:

4. 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.)
5. 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]
6. If driveways are changed or added, the developer must obtain a driveway permit from the NC Department of Transportation (NCDOT). **If required, a copy of the approved driveway permit must be provided to Code Enforcement. Permits MUST be secured prior to the change or alteration of existing or proposed property use. Failure to secure required permits prior to construction or change in property usage may result in the removal of the driveway or street connections at the property owner's expense.** For additional information contact the Division 6 /District 2 office at the number listed on the bottom of this conditional approval.

Note: In the event the NCDOT driveway permit process alters the site plan in any manner, 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]

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. Prior to application for the Certificate of Occupancy for any additional structures, connection to public water is required, Harnett County Public Utilities must approve water plans. A copy of the Harnett County Public Utilities approval must be provided to Code Enforcement. Contact Shane Cummings with Harnett County for more information. (Section 2306 A, County Subdivision Ord. & Sec. 1403.I, County Zoning Ord.)

Site-Related:

9. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Development Ordinance, and County Zoning Ordinance for the RR zoning district must be complied with, as applicable.
10. 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.)
11. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306.C, County Subdivision Ord.)
12. 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.)

13. 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.)
14. All lots within this development are required to be served by an internal street system. (Sec. 2001, County Subdivision Ord. & Sec. 101, County Zoning Ord.)

Plat-Related:

15. The final plat must show the subject property with solid lines, metes and bounds and lot identifier as well as the remaining parent tract (currently shown as REID # 0543590144000, 0543580954000 and 0543581705000 on the GIS system). The lots comprising the remaining parent tract must be labeled as “undevelopable until platted”. The final plat must also show Grimble Dr as a “60’ Class “C” Private Street”.
16. 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.
17. 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)
18. The final plat must be submitted to the Current Planning Section 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.
19. The developer should be aware that any addition and/or revision to this plat may require an additional review and approval by the Planning & Inspections Department prior to submission for final plat approval of any portion of this development.

Plat-Required Statements:

20. 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 or been deemed acceptable for private wells at the date of this recording.”

21. The final plat must reflect the following statements required for the private street(s) (Section 2504 A, Disclosure of Private Street Status, County Subdivision and Development Ordinance):
 - a. “Cumberland County and other public agencies have no enforcement responsibility regarding maintenance or encroachments into the private street right-of-way as shown on this plat. Private streets are for the use of all owners of property within this subdivision/development and their guests; and any governmental agency or personnel or equipment thereof who shall be granted perpetual access over all such private streets to accomplish or fulfill any service or function for which the agency is responsible and that any agency or organization designated by a governmental agency to perform a designated function shall also retain access the same as any government agency. Any governmental agency exercising its access rights shall have the same rights and only such liabilities as it would have on any public lands, rights-of-way, or easements.”
 - b. “All current and future owners of these tract be aware that maintenance for the Class “C” private street(s) shown on this plat are the responsibility of the owners of the tracts served by and having access to the Class “C” private street(s).”
 - c. “All current and future owners of these tracts be aware that future division of these properties shall not be permitted under current standards without the upgrading of the Class “C” private street(s).”

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

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

23. 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.”

Advisories:

24. Following a review of the request by the RLUAC staff and Board of Directors for the parcel, and recognizing that our findings are non-binding on Cumberland County, the RLUAC Board of Directors finds that:
- a. The parcel is neither identified as Critically Important nor Important to Conserve on the new Joint Land Use Study maps.
 - b. However, the parcel is located within the military Special Use Airspace zone.
- RLUAC does not have any issues or concerns with the proposed project. However, it does encourage the developer to refrain from making any future requests for telecom towers, since they might prove to be a navigation hazard for military pilots. For questions related to this comment, please contact RLUAC.
25. Any revision or addition to this plan necessitates re-submission for review and approval prior to the commencement of the change.
26. 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.
27. The owner/developer is responsible for ensuring easements which may exist on the subject property are accounted for, not encumbered and that no part of this development is violating the rights of the easement holder.
28. 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.
29. 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.
30. 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.

Other Relevant Conditions:

31. This conditional approval is contingent upon continued compliance with the County’s Subdivision and Development Ordinance and Zoning Ordinance.

32. 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.”

33. The owner/developer be aware that every deed created for the purpose of conveying a lot served by a private street must contain the following disclosure statement at the time of recordation with the County Register of Deeds:

“It is hereby acknowledged that a subdivision streets disclosure statement has been executed in accordance with N.C.G.S 136-102.6(f).”

34. The developer submitted a request for a waiver from Section 2304.C.4.C(4) “Private Streets” for the maximum number of allowable lots on a class “C” private street. The Cumberland County Joint Planning Board will hear this case on December 15, 2020.

Note: If the waiver request is approved, it is specific to the current application only and will not apply to any future development.

Thank you for making Cumberland County your home!

If you need clarification of any conditions, please contact Jaimie Walters at 910-678-7609 or Betty Lynd at 910-678-7605 with the Current Planning Section; otherwise, contact the appropriate agency at the contact numbers below.

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

Current Planning Manager:	Betty Lynd	678-7605	blynd@co.cumberland.nc.us
Subdivision/Site Plan/Plat	Jaimie Walters	678-7609	jwalters@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 Health Department:	Fred Thomas	433-3692	fthomas@co.cumberland.nc.us
Harnett Co. Public Utilities:	Shane Cummings	(910) 893-7575 Ext. 3275	scummings@harnett.org
RLUAC - Executive Director:	Pete Campbell	488-7705	director@rluac.com
US Postal Service	Jonathan R. Wallace	(704) 393-4412	jonathan.r.wallace@usps.gov
Corp of Engineers (wetlands):	Emily Greer	(910) 251-4049	emily.c.greer@usace.army.mil
NCDEQ (E&S):	Leland Cottrell	(910) 433-3393	leland.cottrell@ncdenr.gov
Location Services:			
Site-Specific Address:	Will Phipps	678-7666	wphipps@co.cumberland.nc.us
Street Naming/Signs:	Diane Shelton	678-7665	dshelton@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:	Irvin Wyche	678-7615	iwyche@co.cumberland.nc.us
N.C. Division of Water Quality:	Annette Lucas	(919) 807-6381	annette.lucas@ncdenr.gov

NAME	ADDRESS	CITY
CRA TIMBER MANAGEMENT LLC	2709 THORNGROVE CT	FAYETTEVILLE, NC 28303
CRF HOLDINGS LLC	505 FORSYTHE ST	FAYETTEVILLE, NC 28304
DOLAN, CRAIG A;HELEN, S RS	526 GRIMBLE DR	LINDEN, NC 28356
DUKE, STANLEY C;DUKE, LINDA M	PO BOX 484	BUNNLEVEL, NC 28323
FRAZEE, WILLIAM BYRON II;FRAZEE, DONNA BUR	527 GRIMBLE DR	LINDEN, NC 28356
MEADOWS, JODI	597 GRIMBLE DR	LINDEN, NC 28356

PLANNING STAFF REPORT
SUBDIVISION CASE # 20-144
**WAIVER: Minimum required street frontage
of 20 feet for creation of lot**

Planning Board Meeting: December 15, 2020

Jurisdiction: Cumberland County

SUMMARY OF THE REQUEST

This is a request to allow the creation of a lot utilizing an easement, not the minimum required street frontage of 20 feet per the County Subdivision Ordinance.

The tract was illegally created by deed on December 13, 2006 (Deed Book 7445, Pages 442-443) when a quarter portion of a 4.27-acre parent tract was deeded to Jessie D. Jackson ("Exhibit 1"). The 4.27-acre parent tract was created prior to subdivision regulations (prior to August 22, 1984). A 20-foot easement was also a part of the deed recorded in 2006. The 1.09-acre tract was then deeded to Carolyn Ratley on June 21, 2018 (Deed Book 10327, Pages 283-284) ("Exhibit 2").

The subject property is the only illegal lot under consideration for this request.

OWNER/APPLICANT

OWNER/APPLICANT: Carolyn Michelle Ratley (owner) & J. Thomas Neville on behalf of Yarborough, Winters & Neville, P.A. (agent)

PROPERTY INFORMATION

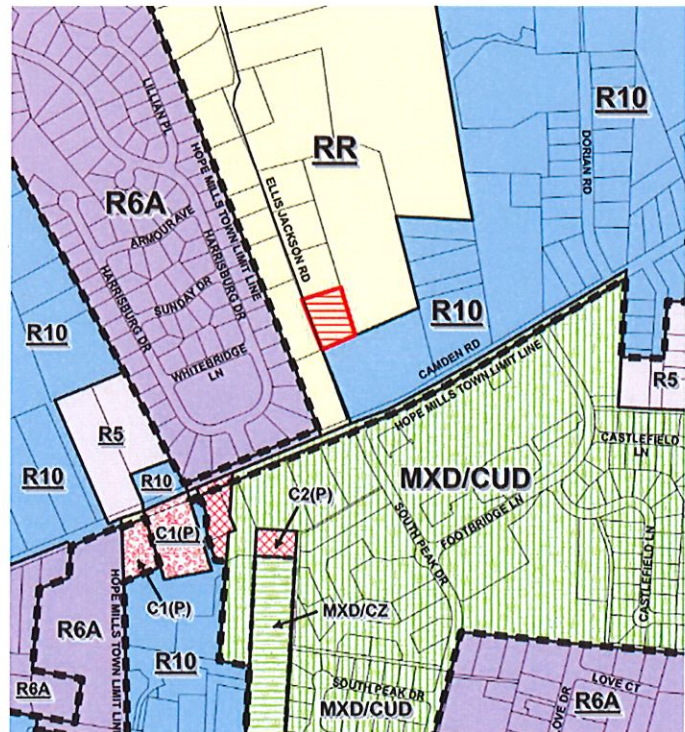
ADDRESS/LOCATION: 5151 Ellis Jackson Rd;
more specifically REID 0404780410000

SIZE: This request includes one parcel totaling approximately 1.09 acres. The property has 258' +/- of frontage along Ellis Jackson Rd (named easement). The property is 180' +/- in depth.

EXISTING LAND USE: The property is currently vacant.

OTHER SITE CHARACTERISTICS: The property is not located within the watershed or the Special Flood Hazard Area. There are no soil limitations to development located on the property.

DEVELOPMENT REVIEW: A final plat will be required if the waiver is approved.



ZONING HISTORY: This property was initially zoned R10 as part of the Area 5 initial zoning on February 6, 1976. The property was rezoned to RR on 1-26-1982 as part of Case P81-107.

UTILITIES: This site is currently served by private well and septic. PWC water and sewer are available along Camden Road. The property is not located within a water/sewer district.

MINIMUM YARD SETBACKS: If approved, this parcel would be subject to RR setbacks: Front yard: 30-foot, Side yard: 15-foot, Rear yard: 35 foot.

APPLICABLE COUNTY SUBDIVISION ORDINANCE PROVISIONS

SECTION 2303. MINIMUM LOT STANDARDS

C. *Street frontage.* Except as otherwise provided for in Section 2401, every lot shall abut a public street or private street approved under the terms of this ordinance for at least 20 feet; such frontage (abutting) to be continuous from the property line to building setback line.

SECTION 2601. WAIVERS

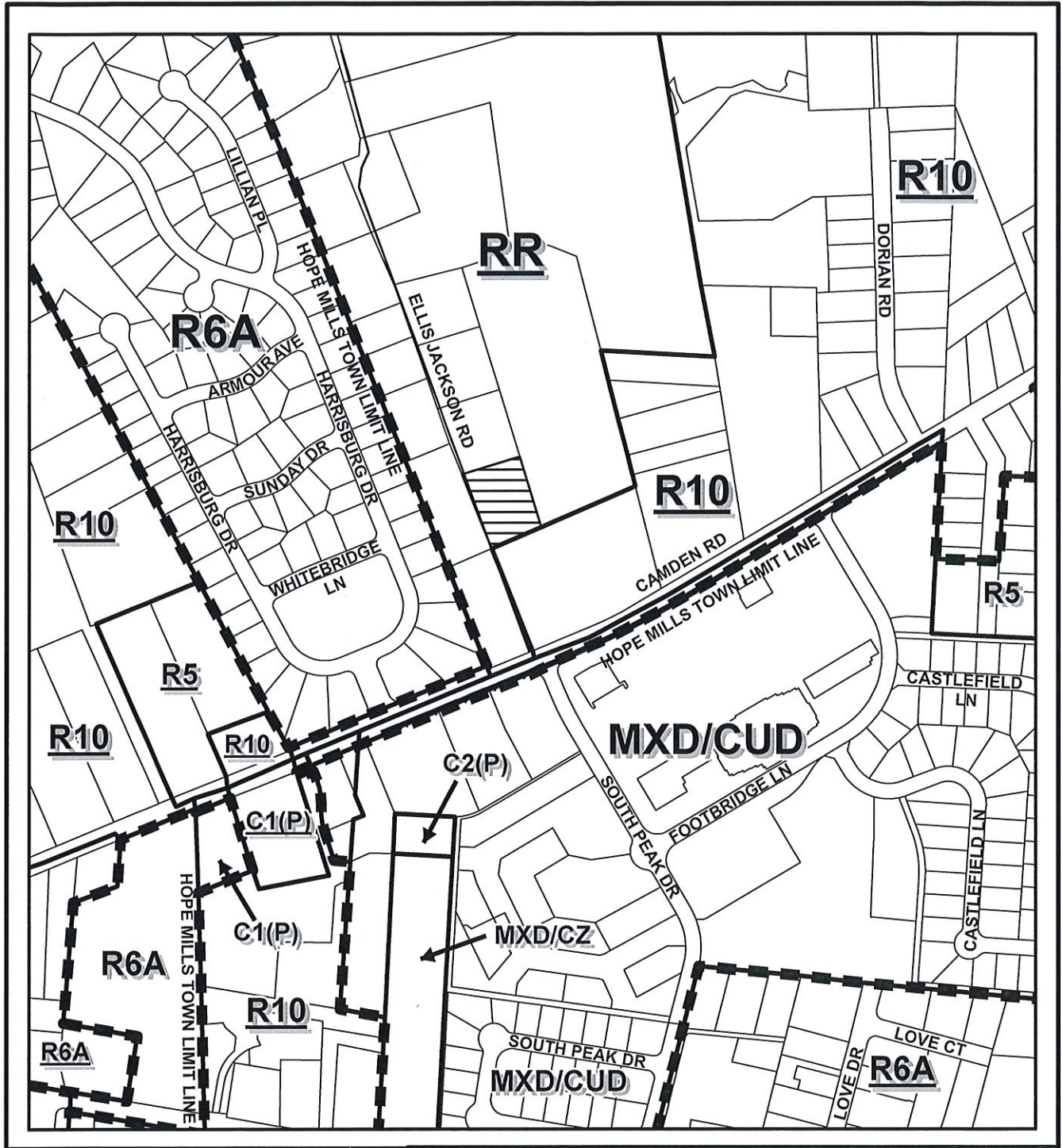
SECTION 2601. WAIVERS (VARIANCES)

The Planning Board may waive the requirements of this ordinance where it finds by resolution that:

- A. Because of the size of the tract to be subdivided or developed, its topography, the condition or nature of adjoining areas, or the existence of other unusual physical conditions, strict compliance with the provisions of this ordinance would cause a special hardship to the property owner and be inequitable, and
- B. The public purposes of this ordinance and the County Zoning Ordinance would be served to an equal or greater degree, and
- C. The property owner would not be afforded a special privilege denied to others.



- Attachments:
- Sketch Map
 - Site Plan
 - Waiver Application
 - Related Deeds
 - Ordinance Related Conditions
 - Notification Mailing List



COUNTY SUBDIVISION ORDINANCE WAIVER

ACREAGE: 1.09 AC. +/-

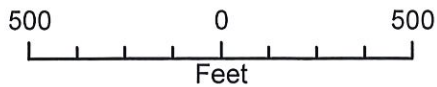
HEARING NO: 20-144

ORDINANCE: COUNTY

HEARING DATE

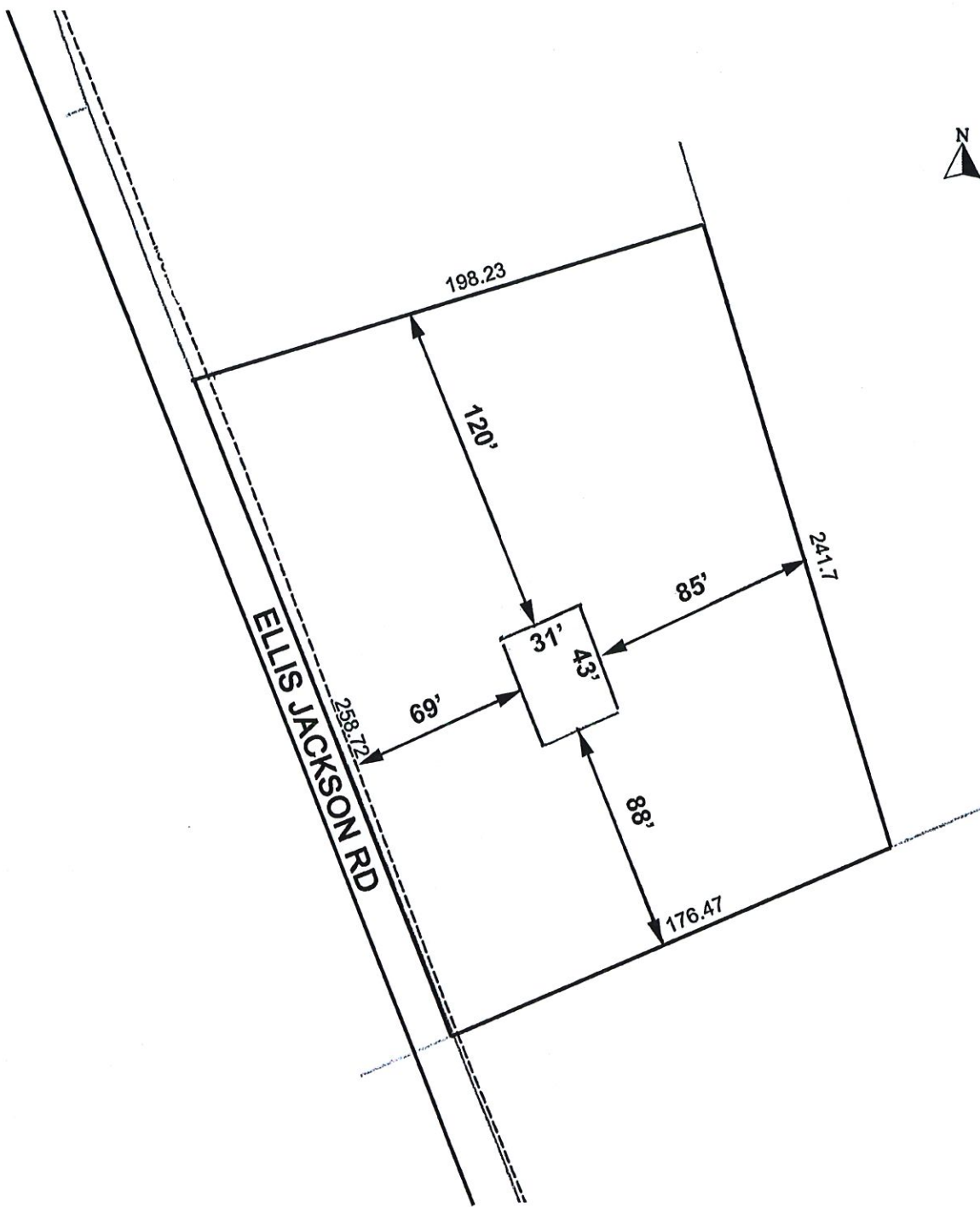
ACTION

GOVERNING BOARD



REID: 0404780410000

MB



CAROLYN MICHELLE RATLEY

WAIVER / SUBDIVISION WAIVER REVIEW

REQUEST: A WAIVER FROM SECTION 2303.C "STREET FRONTAGE"

CASE: 20-144 ACREAGE: 1.09AC +/-

ZONED: RR SCALE: NTS

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

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

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

LOCATION OF PROPERTY: 5151 Ellis Jackson Road, Fayetteville, NC 28306

OWNER: Carolyn Michelle Ratley

ADDRESS: 6539 Waldos Beach Road, Fayetteville, NC ZIP CODE: 28306

TELEPHONE: HOME 910-797-9417 WORK _____

AGENT: J. Thomas Neville - Yarborough Winters & Neville, PA

ADDRESS: 115 East Russell Street, Fayetteville, NC 28301

TELEPHONE: HOME _____ WORK 910-433-4433

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

A. Parcel Identification Number (PIN #) of subject property: 0404-78-0410

(also known as Tax ID Number or Property Tax ID)

B. Acreage: 1.088 Frontage: 258.72 Depth: 198.20 or 176.44

C. Water Provider: Well permit

D. Septage Provider: Septic tank permit

E. Deed Book 10327, Page(s) 283-285, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).*

*Also attached is the Affidavit Regarding Scrivener's Error: Bk. 10434, Pg. 743

F. Existing and/or proposed use of property: Residential

G. Section and provision of the Cumberland County Subdivision Ordinance from which a waiver [variance] is requested:

Cumberland County Subdivisions and Development Ordinance Sec. 2204 et seq. and

all sections thereof necessary for applicant to obtain variance as described in Exhibit A

and attached survey to allow applicant to establish residence.

H. Nature and extent of hardship involved in strict application of the County Subdivision Ordinance – attach additional sheet if necessary:

See attached narrative attached hereto and incorporated herein by reference as Exhibit A.

STATEMENT OF ACKNOWLEDGEMENT

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

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

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

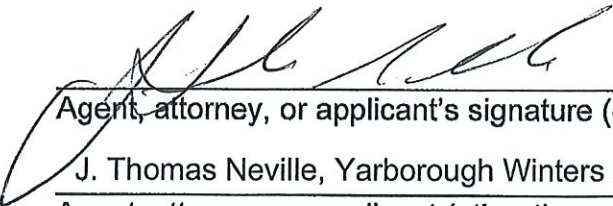
Carolee Michelle Rathey
Property owner(s)' signature(s)

Carolyn Michelle Rathey
Property owner(s)' name (print or type)

6539 Waldos Beach Rd.
Complete mailing address of property owner(s)

910 797-0744 910 709-9751
Telephone number Alternative telephone number

WAdierathey285@gmail
Email address FAX number



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

J. Thomas Neville, Yarborough Winters & Neville, PA

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

P.O. Box 705, Fayetteville, NC 28302

Complete mailing address of agent, attorney, or applicant

910-433-4433

Telephone number Alternative telephone number

jtneville@ywnlaw.com 910-433-2233

Email address FAX number

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



Strict compliance with the provisions of the subdivision ordinance will cause a special hardship to the owner of the subject property which is the subject of this waiver application which is inequitable. The subject property is comprised of 1.088 acres and was originally part of a 4.27acre tract. The subject property was not subdivided by the applicant Carolyn Michelle Ratley who obtained title to the property on or about June 21, 2018. Instead the subject property was subdivided by grantors, John Jackson and wife, Ethel Jackson and grantee, Jessie Jackson as a result of a certain deed recorded at Book 7445, Page, 442, Cumberland County Registry by operation of the deed. This conveyance also reserved a 20 ft. easement for access that was appurtenant to the subject property and ran with the land. The subject easement was originally created by grant of deed in 1973 as described in a deed for the larger tract recorded at Book 2418, Page 613, Cumberland County Registry.

The hardship or condition now encountered by the applicant is not a result of the applicant's actions, but a result of the grantors identified in the deed referenced above and recorded in Deed Book 7445, Page 442, Cumberland County Registry and the effect that the subdivision ordinance had upon said conveyance. Moreover, the applicant did not learn of the requirement of the waiver until she, after she allowed her brother, Elbert Ratley, to cause a house to be moved upon the property and had obtained improvement permit(s) from the Cumberland County Department of Public Health. However, subsequent to her purchase, she inherited certain property and the applicant agreed to allow her brother, Elbert Ratley to purchase the Subject Property from her as part of a family settlement. Thereafter, she was notified of the need for a variance.

Absent the subdivision ordinance, the subject property is suitable for the applicant's intended use of a residence for himself. The applicant owns the subject property along with the deeded right-of-way. Due to existing size of the tract, its topography and the nature of the adjacent tracts, meaning it was previously subdivided from a larger tract with what is now an easement for access, no reasons use of the subject property may be made of the subject property absent a waiver of the subdivision ordinance.

7445
0442

BK 1445PG442

RECEIVED

12-13-2006 PM 1:20:12

(N.P SEAL)

17/42/07

059610
058610

J. LEE WARREN JR.
REGISTER OF DEEDS
CUMBERLAND CO., N.C.

NORTH CAROLINA QUITCLAIM DEED

Mail after recording to

Jessie D. Jackson 2581 Hwy 1 MARSTON NC 28363

This instrument prepared by Kathy J. Sullivan

Brief description for the index

No Revenue

THIS DEED made this the 13th day of October, in the year 2006, by and between

GRANTOR	GRANTEE
JOHN & ETHEL JACKSON	JESSIE D. JACKSON
	+
	+
	+
	+
	+
	+
	+
	+

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine, or neuter as may be required by context.

WITNESSETH, that said Grantors, for and in consideration of the sum of ten dollars and other consideration to them in hand paid, the receipt of which is hereby acknowledged, have remised and released and by these presents do remise, release, and forever quitclaim into the Grantee and his heirs and assigns all right, title, claim, and interest of the said Grantors in and to a certain tract or parcel of land lying and being in the County of CUMBERLAND, and State of North Carolina, in ROCKFISH Township, and more particularly described as follows:

LEGAL DESCRIPTION ATTACHED

The property hereinabove described was acquired by Grantor by instrument recorded in Deed Book 2418, Page 613 Of the Cumberland County Registry, North Carolina

A map showing the above-described property is recorded in Map/Cabinet 6149 at Page 162.

TO HAVE AND TO HOLD the aforesaid tract or parcel of land and all privileges thereunto belonging to him the said Grantee and his heirs and assigns free and discharged from all right, title, claim or interest of the said grantors or anyone claiming by, and through or under them.

Title to the property hereinabove described is subject to the following exceptions if any:

NONE

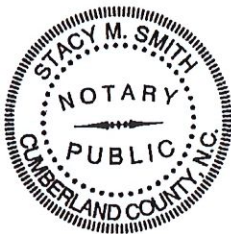
IN TESTIMONY WHEREOF, said Grantors have hereunto set their hands and seals the day and year first above written.

(seal)
(seal)
(seal)
(seal)

John Jackson
Ethel Jackson

SEAL-STAMP

NORTH CAROLINA, Cumberland COUNTY.
I, a Notary Public of the County and State aforesaid, certify that John & Ethel Jackson
Grantor(s), personally appeared before me this day and acknowledged the execution
Of the foregoing instrument.



Witness my hand and official stamp or seal, this 13th day of October, 2006.

Notary Public Stacy M. Smith

My Commission Expires: 5-26-2007

Exhibit 4
Creation of illegal
lot

**LOT 1
1.088 Acre Tract**

A 1/4 portion of an overall tract of land as described and recorded in Deed Book 2418, Page 613 of the Cumberland County Registry, North Carolina; being bounded on the North by another 1/4 portion of the above mentioned overall tract of land; on the East by a tract of land as described and recorded in Deed Book 2418, Page 611 of the Cumberland County Registry; on the South by tract of land as described and recorded in Deed Book 2594, Page 169 of the Cumberland County Registry; on the West by tract of land as described and recorded in Deed Book 921, Page 541 and by a tract of land as described and recorded in Deed Book 922, Page 526 of the Cumberland County Registry and being more particularly described as follows:

BEGINNING at a set iron pipe, said set iron pipe being located the following courses and distances from an existing iron pipe located in the northern right-of-way of Camden Road: North 21 degrees 25 minutes 16 seconds West 316.20 feet, North 21 degrees 54 minutes 19 seconds West 46.46 feet; said set iron pipe also being located on the eastern line of the above mentioned Deed Book 921, Page 541; thence with the eastern line of Deed Book 921, Page 541 North 21 degrees 27 minutes 20 seconds West 3.51 feet to an existing iron pipe, said iron pipe being the northeast corner of Deed Book 921, Page 541, said iron pipe also being the southeast corner of the above mentioned Deed Book 922, Page 526; thence with the eastern line of Deed Book 922, Page 526 North 21 degrees 49 minutes 50 seconds West 258.72 feet to a set iron pipe; thence a new line North 73 degrees 10 minutes 22 seconds East 198.23 feet to a set iron pipe; said set iron pipe being located on the western line of the above mentioned Deed Book 2418, Page 611; thence with the western line of Deed Book 2418, Page 611 South 16 degrees 49 minutes 38 seconds East 245.05 feet to a set iron pipe, said set iron pipe being the southwest corner of Deed Book 2418, Page 611, said set iron pipe also being the southeast corner of the overall tract of which this is a part in the above mentioned Deed Book 2418, Page 613, said set iron pipe also being located on the northern line of the above mentioned Deed Book 2594, Page 169; thence with the northern line of Deed Book 2594, Page 169 South 67 degrees 54 minutes 06 seconds West 176.13 feet to the point and place of **BEGINNING** containing 1.088 Acres, 47,378.97 square feet and being a 1/4 portion of an overall tract of land as described and recorded in Deed Book 2418, Page 613 of the Cumberland County Registry, North Carolina.

Together with a 20-foot right-of-way located along western line of the above described tract of land as described and recorded in Deed Book 2418, Page 613 of the Cumberland County Registry, North Carolina.

Together with any and all easements of record or otherwise, restrictive covenants, if any, and any other rights-of-ways of record or otherwise.



Denver Lee McCullough

FILED Jun 21, 2018
AT 10:16:29 am
BOOK 10327
START PAGE 0283
END PAGE 0285
INSTRUMENT # 18551
RECORDING \$26.00
EXCISE TAX \$28.00
CHT

Exhibit 2
Deed to current
owner (Ratley)

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$28.00

Parcel Identifier No. 0404-78-0410 Verified by _____ County on the ____ day of _____, 20____
By: _____

Mail Box to: Lewis, Deese, Nance, & Briggs LLP, 330 Dick Street, Fayetteville, NC 28301

This instrument was prepared by: Lewis, Deese, Nance, & Briggs LLP, 330 Dick Street, Fayetteville, NC 28301

Brief description for the Index: _____

THIS DEED made this _____ day of _____ June _____, 2018 by and between

GRANTOR	GRANTEE
Jessie D. Jackson and Wife Kathy B. Jackson 2581 US 1 North Marston, NC 28363	Carolyn Michelle Riately Ellis Jackson Rd. Fayetteville, NC 28306

Enter in appropriate block for each Grantor and Grantee: name, mailing address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of Fayetteville Township, Cumberland County, North Carolina and more particularly described as follows:

See attached

The property hereinabove described was acquired by Grantor by instrument recorded in Book 7445 page 442.

All or a portion of the property herein conveyed ___ includes or X does not include the primary residence of a Grantor.

A map showing the above described property is recorded in Plat Book _____ page _____.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions:

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

 (Entity Name) Jessie D. Jackson (SEAL)
 By: _____ Print/Type Name: Jessie D. Jackson
 Print/Type Name & Title: _____ Kathy B. Jackson (SEAL)
 By: _____ Print/Type Name: Kathy B. Jackson
 Print/Type Name & Title: _____
 By: _____ (SEAL)
 Print/Type Name & Title: _____ Print/Type Name: _____

State of N.C. - County or City of Richmond
 I, the undersigned Notary Public of the County or City of Richmond and State aforesaid, certify that Jessie D. Jackson and Kathy B. Jackson personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this 9th day of June, 2018.

My Commission Expires: 4-12-2022 (N.P. SEAL) Faye L. Dickinson
 (Affix Seal) Faye L. Dickinson Notary Public
 Notary's Printed or Typed Name

State of _____ - County or City of _____
 I, the undersigned Notary Public of the County or City of _____ and State aforesaid, certify that _____ personally came before me this day and acknowledged that he is the _____ of _____, a North Carolina or _____ corporation/limited liability company/general partnership/limited partnership (strike through the inapplicable), and that by authority duly given and as the act of such entity, he signed the foregoing instrument in its name on its behalf as its act and deed. Witness my hand and Notarial stamp or seal, this _____ day of _____, 20____.

My Commission Expires: _____ Notary Public
 (Affix Seal) Notary's Printed or Typed Name

State of _____ - County or City of _____
 I, the undersigned Notary Public of the County or City of _____ and State aforesaid, certify that _____
 Witness my hand and Notarial stamp or seal, this _____ day of _____, 20____.

My Commission Expires: _____ Notary Public
 (Affix Seal) Notary's Printed or Typed Name

EXHIBIT A
Property Description

BEING a 1/4 portion of that overall tract of land described in that deed recorded in Book 2418 at Page 613, Cumberland County Registry, State of North Carolina; and being that same 1.088 acre tract (47,378.97 square feet) more or less, as described in that deed from John Jackson and Ethel Jackson to Jessie D. Jackson dated October 12, 2006 and recorded on December 13, 2006 at 01:20:12 pm in Book 7445 at Page 442, aforesaid Registry and State; and being more particularly described as follows by metes and bounds description prepared by Denver Lee McCullough, PLS: BEGINNING at a set iron pipe, said set iron pipe being located the following courses and distances from an existing iron pipe located in the northern right of way margin of Camden Road: North 21 Deg. 25 Min. 16 Sec. West for 316.20 feet, North 21 Deg. 54 Min. 19 Sec. West for 46.46 feet; said set iron pipe also being located on the eastern line of that property described in Book 921 at Page 541, aforesaid Registry and State; THENCE with the eastern line of Deed Book 921 at Page 541, North 21 Deg. 27 Min. 20 Sec. West for 3.51 feet to an existing iron pipe, said iron pipe being the northeast corner of the above mentioned Deed Book 921 at Page 541, said iron pipe also being the southeast corner of that property described in Deed Book 922 at Page 526, Cumb. Cnty. Reg., NC; THENCE with the eastern line of Deed Book 922 at page 526, North 21 Deg. 49 Min. 50 Sec. West for 258.72 feet to a set iron pipe; THENCE a new line, North 73 Deg. 10 Min. 22 Sec. East for 198.23 feet to a set iron pipe, said set iron pipe being located on the western line of that property described in Book 2418 at Page 611, Cumb. Cnty. Reg., NC; THENCE with the western line of Deed Book 2418 at Page 611, South 16 Deg. 49 Min. 38 Sec. East for 245.05 feet to a set iron pipe, said set iron pipe being the southwest corner of Deed Book 2418 at Page 611, said set iron pipe also being the southwest corner of the overall tract of which this is a part (Book 2418 at Page 613), said set iron pipe also being located on the northern line of Deed Book 2594 at Page 169, South 67 Deg. 54 Min. 06 Sec. West for 176.13 feet to the POINT and PLACE of BEGINNING.

TOGETHER with that 20 foot right of way along the western line of the above described tract of land as described and recorded in Book 2418 at Page 613, Cumberland County Registry, State of North Carolina; to which instrument reference is hereby made for more particular information.

ADDRESS: vacant lot on Ellis Jackson Road, Fayetteville, NC 28306
PIN: 0404-78-0410-

Title Insurance: Investors Title Insurance Company, Fayetteville, NC

AMY H. CANNON
County Manager



RAWLS HOWARD
Director

TRACY JACKSON
Assistant County Manager



DAVID MOON
Deputy Director

◆
Planning & Inspections Department

STAFF REVIEW: 12-1-2020 PLANNING BOARD DECISION: 12-15-2020

CASE NO: 20-144 NAME OF DEVELOPMENT: CAROLYN MICHELLE RATLEY PROPERTY

MIA: HOPE MILLS SUBDIVISION REVIEW

LOCATION: 5151 ELLIS JACKSON ROAD ZONING: RR

PIN: 0404780410000

OWNERS / DEVELOPER: CAROLYN M. RATLEY ENGINEER OR DESIGNER: N/A

PLANNING & INSPECTIONS DEPARTMENT ACTION:

- PRELIMINARY
- EXTENSION REVISION
- APPROVED CONDITIONALLY
- DENIED

PLANNING BOARD DECISION:

- PRELIMINARY
- EXTENSION REVISION
- APPROVED CONDITIONALLY
- DENIED

The development plat/plan you submitted to this office is conditionally approved. Your approval is subject to the following conditions:

Pre- Permit 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. 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:

4. 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.)
5. 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]
6. New development where the developer will disturb or intends to disturb more than one acre of land is subject to the Post-Construction Stormwater Management Permitting Program (Phase II Stormwater Management Requirements) administered by the 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)
7. The County Health Department must approve water plans. Lots not served by public water system are 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.)

Site-Related:

8. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Development Ordinance, and County Zoning Ordinance for the RR zoning district must be complied with, as applicable.
9. 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.)
10. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306.C, County Subdivision Ord.)
11. 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.)
12. 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.)

Plat-Related:

13. The final plat must reflect the 1.09 acre subject property with solid boundary lines, metes and bounds and lot identifier as well as the three parcels making up the remaining parent tract (currently shown as REID 0404698004000, 0404688864000 & 0404689633000 on the GIS system). The remaining parent tract parcels must be labeled as "undevelopable until platted". The 20-foot easement granted to the subject property must also be reflected on the final plat from the subject property to where it intersects with SR 1003 (Camden Road).

14. 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 \$252.74 (One lot) 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 #4)
15. 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.
16. 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)
17. The final plat must be submitted to the Current Planning Section 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.
18. The developer should be aware that any addition and/or revision to this plat may require an additional review and approval by the Planning & Inspections Department prior to submission for final plat approval of any portion of this development.

Plat-Required Statements:

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

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

20. 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."

Advisories:

21. The applicant is advised to consult an expert on wetlands before proceeding with any development.
22. Any revision or addition to this plan necessitates re-submission for review and approval prior to the commencement of the change.
23. 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.
24. 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.
25. 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.

Other Relevant Conditions:

26. This conditional approval is contingent upon continued compliance with the County’s Subdivision and Development Ordinance and Zoning Ordinance.

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

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

28. The developer submitted a request for a waiver from Section 2303.C “Street Frontage” for the requirement to have a minimum of 20 feet of street frontage. The Cumberland County Joint Planning Board will hear this case on December 15, 2020.

Note: If the waiver request is approved, it is specific to the current application only and will not apply to any future development.

Thank you for building in Cumberland County!

If you need clarification of any conditions, please contact Jaimie Walters at 910-678-7609 or Betty Lynd at 910-678-7605 with the Current Planning Section; otherwise, contact the appropriate agency at the contact numbers below.

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

Current Planning Manager:	Betty Lynd	678-7605	blynd@co.cumberland.nc.us
Subdivision/Site Plan/Plat	Jaimie Walters	678-7609	jwalters@co.cumberland.nc.us
Code Enforcement (Permits):	Scott Walters	321-6654	swalters@co.cumberland.nc.us
County Building Inspections:	Michael Naylor	321-6657	mnyalo@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	fthomas@co.cumberland.nc.us
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
US Postal Service	Jonathan R. Wallace	(704) 393-4412	jonathan.r.wallace@usps.gov
Corp of Engineers (wetlands):	Emily Greer	(910) 251-4049	emily.c.greer@usace.army.mil
NCDEQ (E&S):	Leland Cottrell	(910) 433-3393	leland.cottrell@ncdenr.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
NCDOT (subdivision roads):	Earl C. Locklear	364-0601	elocklear@ncdot.gov
Transportation Planning:	Irvin Wyche	678-7615	iwych@co.cumberland.nc.us
N.C. Division of Water Quality:	Annette Lucas	(919) 807-6381	annette.lucas@ncdenr.gov

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

NAME	ADDRESS	CITY
JACKSON, ETHEL IVEY HEIRS	6836 HUNTERS DEN RD	HOPE MILLS, NC 28348
JACKSON, NEIL HOWARD	5137 ELLIS JACKSON RD	FAYETTEVILLE, NC 28306
LANDSTONE LLC	PO BOX 87555	FAYETTEVILLE, NC 28304
MCKINNEY, CYNDI LEE	6841 SURREY RD	FAYETTEVILLE, NC 28306
MILLSTONE MASTER OWNERS ASSOC INC	PO BOX 87555	FAYETTEVILLE, NC 28304
NORTON, DANIEL;BRENDA H	3678 DOC BENNETT RD	FAYETTEVILLE, NC 28306
RATLEY, CAROLYN MICHELLE	6151 ELLEN LN	FAYETTEVILLE, NC 28306
SULLIVAN, KATHY JACKSON	5110 REDLEAF LN	COLORADO SPRINGS, CO 80919
TYNDALL, ANGELA	3280 GLENMORE DR	HOPE MILLS, NC 28348