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Planning & Inspections Department

TENTATIVE AGENDA

March 17, 2020
6:00 P.M.

- I. INVOCATION AND PLEDGE OF ALLEGIANCE – JAMI MCLAUGHLIN
- II. ADJUSTMENTS TO / APPROVAL OF AGENDA
- III. PUBLIC HEARING DEFERRALS / WITHDRAWALS
- IV. ABSTENTIONS BY BOARD MEMBERS
- V. APPROVAL OF THE MINUTES OF FEBRUARY 18, 2020
- VI. CHAIRMAN'S WELCOME AND RULES OF PROCEDURE
- VII. PUBLIC HEARING CONSENT ITEMS

TEXT AMENDMENT

- A. **P20-12.** REVISION AND AMENDMENT TO THE HOPE MILLS ZONING ORDINANCE BY AMENDING ARTICLE XIV SIGNS, SECTION 102A-1402. SIGN DEFINITIONS, SECTION 102A-1404. SIGNS PERMITTED IN ANY DISTRICT, SECTION 102A-1405. GENERAL SITE AND SIGN SPECIFICATIONS, SECTION 102A-1406. SIGNS PERMITTED BY DISTRICT, SECTION 102A-1408. SIGNS PROHIBITED AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE. (HOPE MILLS)

CONDITIONAL ZONING CASE

- B. **P19-50.** REZONING OF 100.00+/- ACRES FROM RR RURAL RESIDENTIAL TO M(P) PLANNED INDUSTRIAL/CZ CONDITIONAL ZONING FOR A BORROW SOURCE OPERATION OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED NORTH OF ROCKFISH CREEK, EAST OF SR 2341 (CLAUDE LEE ROAD); SUBMITTED BY JOSEPH R. RIVENBARK, JOELLA RIVENBARK POWELL, ROBERT L. RIVENBARK AND SUZANNE RIVENBARK SHEARON ON BEHALF OF R. LINWOOD RIVENBARK HEIRS (OWNER) & SETH THOMPSON (AGENT). **(APPLICANT HAS REVISED REQUEST TO INCLUDE ADDITIONAL M(P) USES.)**

INITIAL ZONING CASE

- C. **P20-14.** INITIAL ZONING OF 4.16+/- ACRES TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT THE NORTHERN QUADRANT OF THE INTERSECTION OF NC 162 (GEORGE OWEN ROAD) & SR 1003 (CAMDEN ROAD); SUBMITTED BY SOUTH WOODLAND PROPERTIES LLC (OWNER). (HOPE MILLS)

REZONING CASES

- D. **P20-13.** REZONING OF 41.96+/- ACRES FROM A1 AGRICULTURAL TO R40 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 5403 CHICKEN FOOT ROAD, SUBMITTED BY FRANKLIN JOHNSON ON BEHALF OF J F JOHNSON FAMILY FARMS LLC (OWNER).
- E. **P20-15.** REZONING OF 4.60+/- ACRES FROM A1 AGRICULTURAL TO R40 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 4660 & 4676 MACEDONIA CHURCH ROAD, SUBMITTED BY ALEX HARRISON CULBRETH & KATHY DIANE CULBRETH (OWNERS).

VIII. PUBLIC HEARING CONTESTED ITEMS

CONDITIONAL ZONING CASE

- F. **P20-02.** REZONING OF 3.70+/- ACRES FROM A1 AGRICULTURAL TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 5877 & 5911 CLINTON ROAD, SUBMITTED BY KATHRINA VICTORIA (OWNER) & SHAWN VALLINI (AGENT). **(APPLICANT HAS REVISED REQUEST TO C(P)/CZ FOR MOTOR VEHICLE SALES)**

REZONING CASE

- G. **P20-08.** REZONING OF 1.55+/- ACRES FROM RR RURAL RESIDENTIAL & C(P) PLANNED COMMERCIAL TO RR RURAL RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 5087 US HWY 301 S, SUBMITTED BY DELIVERANCE JESUS IS COMING VICTORY CENTER, INC. (OWNER).

IX. DISCUSSION

DIRECTOR'S UPDATE

- COMPREHENSIVE TRANSPORTATION PLAN UPDATE

X. ADJOURNMENT

PLANNING STAFF REPORT
REZONING CASE # P20-12
Planning Board Hearing: March 17, 2020

EXPLANATION OF THE REQUEST

This is a request to amend the Hope Mills Zoning Ordinance to revise Article XIV Signs. The amendment revises the definition of obscene matter, removes the political sign standards and redefines them as "temporary non-commercial signs", and adds in standards for freestanding pole signage. After the prohibition of pole signs as part of an amendment approved by the Hope Mills Board of Commissioners on April 15, 2019, town staff stated they have been contacted by several businesses that can not utilize a ground sign for various geographical reasons. Therefore, the Hope Mills Board of Commissioners directed town staff to draft this amendment inserting pole signage back into the zoning ordinance.

STAFF RECOMMENDATION

In Case P20-12, the Planning and Inspections staff **recommends approval** of the text amendment to the Hope Mills Zoning Ordinance and find this text amendment consistent with the adopted 2030 Growth Vision Plan (2009) Policy Area 10 of Community Appearance and Image recommendation of reviewing and updating sign regulations periodically to enhance community identity and create a high quality business image. The proposed amendment is also generally consistent with the Southwest Cumberland Land Use Plan (2014) goal of striving to enhance community appearance and reduce sign clutter along major thoroughfares. Approval of this text amendment is also reasonable and in the public interest because the change to temporary signage brings the ordinance into compliance with the *Reed v. Town of Gilbert* court ruling and the amendment will enable the town to enforce sign regulations that are consistent with the image the town is seeking to project in their commercial areas. Additionally, this amendment was prepared and submitted by the Town of Hope Mills.

Attachments:
P20-12 Signs Text Amendment

ARTICLE XIV SIGNS



Sec. 102A-1401. Purpose.

The purpose of this article is to minimize any detrimental effects of signs on adjacent land uses, and to ensure that permitted signs do not become a public nuisance or hazard. All signs erected, altered, relocated, or maintained shall be in accordance with the provisions of this article. Where there is conflict between the provisions of this article and the provisions for signs elsewhere within the Town's Code of Ordinances, the more restrictive standard shall apply.

Sec. 102A-1402. Sign definitions.

For purposes of interpreting this article, the following words and terms are herein defined:

(a) *Attached sign*: A sign connected to or painted on a wall and including signs connected to or other-wise displayed on or through a façade window. The following are not attached signs: wall identification signs and commemorative plaques not more than two square feet in area, memorial cornerstones or tablets providing information on building erection or commemorating a person or event, or unit identification signs.

(b) *Billboard*: A sign which directs attention to a business, industry, profession, commodity, service, or entertainment not conducted, sold, produced, or offered upon the premises upon which such sign is located.

(c) *Bulletin board*: A sign used to announce meetings, programs, occupants, purposes, operating hours, and other such information on the premises of churches, schools, auditoriums, libraries, recreation areas, and other such non-residential uses permitted in residential districts and on the premises of uses when located within the O&I(P) district.

(d) *Business sign*: A sign that directs attention to a business, industry, profession, commodity, service, or entertainment sold, produced, or offered upon the premises where such sign is located or to which it is attached.

(e) *Flashing sign*: Any illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such sign is in use. For the purpose of this article, any moving, illuminated sign shall be considered a "flashing sign." Such signs shall not be deemed to include time and temperature signs or public message displays using electronic switching, provided the message remains displayed for a minimum of eight seconds.

(f) *Freestanding sign*: Any sign supported wholly or in part by some structure other than the building or buildings housing the business to which the sign pertains. For purposes of this article, this definition shall not include "billboard" which is defined above.

(g) *Governmental sign*: Any sign erected by or on behalf of a governmental body to post a legal notice, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic.

(h) *Ground sign*: A freestanding sign suspended or supported by one or more uprights or braces anchored in the ground with no more than 30 inches clearance from the bottom of the sign to the ground below.

(i) *Identification sign*: A sign used to display only the name, address, crest or trademark of the business, individual, family, organization or enterprise occupying the premises; the profession of the occupant, the name of the building on which the sign is displayed, or the name of the owner(s) or developer(s). A directory sign is an identification sign with information on multiple occupants.

(j) *Informational sign*: Any on-premises sign containing no other commercial message, copy, announcement or decoration other than instruction or direction to the public. Such signs include, but are not limited to, the following: identifying restrooms, public telephones, automated teller machines, for lease, for sale, self-service, walkways, entrances and exits, freight entrances, traffic direction and prices.

(k) *Mechanical/Digital sign*: Any sign with changeable copy and the message changes in increments of at least eight seconds shall be allowed as a "sign" under the provisions of this article.

(l) *Obscene matter*: Any item which the average person, applying contemporary community standards would find, taken as a whole, appeals to the prurient interest; depicts or describes, in a patently offensive way, sexual conduct specifically defined by North Carolina law; and which, taken as a whole, lacks serious literary, artistic, political, or scientific value.

~~(l) *Obscene matter*: Any item with a context of a sexual nature depicting, describing or related to anatomical areas and sexual activities.~~

(m) *Pole Sign*: A free standing sign that is mounted on a pole or other support and does not meet the definition of "ground sign" above.

(n) *Portable sign*: Any sign not permanently attached to the ground or to a building or other structure and which, because of its relatively light-weight is meant to be transported from place to place. Such sign may or may not have changeable copy, may or may not be wired for lighting and may or may not have wheels. "Sandwich boards, banners, and flag signs" are considered as portable signs.

(o) *Public information sign*: A sign usually erected on public property or right-of-way and maintained by a public agency that provides the public with information and in no way relates to a commercial activity including, but not limited to, speed limit signs, city limit signs, street name signs and directional signs.

(p) *Roof sign*: A sign displayed on and above the eaves of a building.

(q) *Sandwich Boards*: Temporary business ground signs constructed in a manner as to form a tent like shape used to display menus, daily specials, and similar messages for a business.

(r) *Sign*: Any words, lettering, parts of letters, figures, numerals, phrases, sentences, devices, designs, trade names, or trademarks by which anything is made known, such as the designation of any individual, business, commodity, product, service, or entertainment, which are visible from any public way and used to attract attention. The word sign does not include official notices posted by any public officer in performance of a public duty, or by any person in giving legal notice; nor does it include directional, warning, traffic, or informational structures required by or authorized by law, or by Federal, State or local authority.

(s) *Sign area*: The area of a sign mounted on a board or within a frame or box shall be the area of the board, frame or box. The area of a sign mounted directly on the wall of a building shall be the area within the outline of the actual shape of the sign. For individual letters or logos mounted on the wall of a building, the sum of the areas of each letter, measured from the exterior edges of the letter, will be the sign area. Sign area does not include support structures unless the coloration, lighting, etc. is designed to attract attention.

(t) *Sign height*: The vertical distance measured from the mean curb level to the level of the highest point of the sign, unless defined differently within this ordinance. In the case of a sign not adjoining a street or highway, the "height of a sign" is the vertical distance of the average elevation of the ground immediately adjoining the sign to the level of the highest point of the sign.

(u) *Special information sign*: A device used to give direction, without elaboration or advertising to a business or public use not located on the same premises as such use.

Sec. 102A-1403. Exempt signs.

The following signs are exempt from regulation under this ordinance, except that lighted signs require an electrical permit:

(a) Governmental signs;

- (b) Lights and decorations with no commercial message temporarily displayed on traditionally-accepted civic, patriotic or religious holidays;
- (c) Signs located on the interior of buildings, courts, lobbies, stadiums or other structures which are not intended to be seen from the exterior of such buildings or structures;
- (d) Signs affixed to motor vehicles and trailers used in the normal transport of goods or persons where the sign is incidental and accessory to the primary use of the vehicle or trailer;
- (e) Signs affixed to windows of vehicles displaying information on the terms of sale for such vehicles;
- (f) Signs not legible from a public or private street;
- (g) Flags of the governmental jurisdictions of the United States of America or the State of North Carolina, local governmental jurisdictions, foreign nations having diplomatic relations with the United States, and any other flags adopted or sanctioned by the Town Board of Commissioners, subject to U.S. Congressional protocol; and
- (h) Public information signs.
- (i) Historical Signs. Signs that provide information on the historical timeline or past use of a particular building or structure. Such signs must be approved by the Town of Hope Mills Historic Preservation Commission and would not count against the allowable maximum square footage for wall signs.

Sec. 102A-1404. Signs permitted in any district.

The following types of signs are permitted in all zoning districts subject to any specific requirement or prohibition provided herein for any particular zoning district.

- (a) *Temporary real estate sales sign.* For the purpose of advertising a specific lot, building, or premises for sale, lease, or rent, temporary real estate sale signs, are permitted not exceeding 16 square feet in area and provided only one such sign shall be displayed for each street abutting the lot, building or premise and set back at least five feet from any property line.
- (b) *Temporary off-site real estate directional sign.* For the purpose of giving direction to property offered for sale, lease or rent that is located on a dead end street or cul-de-sac, a temporary directional real estate sign not exceeding two square feet in area is permitted after the real estate agent or property owner selling, leasing or renting his property obtains a permit for posting such sign. Only one double-faced directional real estate sign shall be permitted at the nearest intersection of the dead end street or cul-de-sac with a through street and such sign shall be set back at least five feet from the street right-of-way. The

permit shall specify the address of the real estate offered for sale, lease or rent and shall expire 30 days after the date the permit is issued. A permit may be renewed for an additional 30 days at the discretion of the Chief Building Inspector provided that the renewal request is received by the Chief Building Inspector prior to the expiration of the initial permit and that the permit shall be renewed only once. Failure to obtain a permit prior to posting a directional real estate sign or failure to remove such sign as specified on the permit may be grounds for the denial of a permit or future permits under this provision. Signs permitted under this provision shall be subject to all other applicable provisions of this ordinance.

(c) *Temporary signs advertising real estate subdivisions.* For the purpose of advertising real estate subdivisions for which a plat has been officially approved and recorded, one sign is permitted at each main entrance to the development named on the sign, such sign not to exceed 32 square feet in area.

(d) *Temporary signs pertaining to construction.* For the purpose of identifying the firm or company involved in construction taking place on the lot, temporary signs are permitted for the duration of such construction, limited to one sign for each firm, company, or use, not exceeding 20 square feet for each sign and set back at least five feet from any property line.

(e) *Traffic control signs.* Signs which only regulate traffic on private property are permitted.

(f) *Transportation facilities signs.* For the purpose of identifying public transportation facilities, signs are permitted provided that such signs shall not contain advertising or related messages.

(g) *Special information signs.* For the purpose of giving directions and information, on-site signs pertaining to special uses where not otherwise permitted, and off-premises signs may be approved by the Board of Adjustment subject to a special use permit specifying the size, location, lighting, materials to be used, design, and display in accordance with Section 102A-1706. Such signs shall be limited to those which are necessary to inform the public as to location and information concerning facilities, institutions, business districts, fraternal orders and service clubs, or such other activity as the Board of Adjustment may judge to be beneficial to the total community.

(h) Temporary non-commercial signs. Temporary non-commercial signs may be permitted in any district on private property subject to the following conditions:

(1) No temporary non-commercial sign shall exceed 32 square feet in area and no freestanding sign shall exceed eight feet in height.

(2) Nothing in this provision shall be construed to authorize the posting of temporary signs upon trees, utility poles, traffic-control or street name signposts,

lights or devices, or in any place or manner prohibited by the provisions of Section 102A-1408 or other provision of this ordinance.

(3) Temporary non-commercial signs shall not be erected on Town owned or other public property except as authorized by sub-section (4) below.

(4) Temporary non-commercial signs erected on Election Day at officially designated polling places other than those polling places designated as "One Stop Voting" polling places are permitted no sooner than 5pm on the day before the election provided the signs are located in accordance with regulations of the Board of Elections and must be removed within 24 hours of the closes of the election. Signs at designated polling places are permitted to be erected no sooner than 5pm on the day before. For the "One Stop Voting" polling places, temporary non-commercial signs are permitted during the entire voting period and shall be removed within 24 hours of the close of the election for which the sign purports to advertise.

(5) All temporary non-commercial signs shall be located no closer than ~~15~~3 feet from edge of pavement of any right-of-way.

~~(h) Temporary political signs. Temporary signs for political campaigns may be permitted in any district subject to the following conditions:-~~

~~(1) No political campaign sign shall exceed 32 square feet in area and no freestanding sign shall exceed eight feet in height.~~

~~(2) Except for municipal campaign signs, no political campaign sign shall be erected for more than 75 days prior to the nomination, election or referendum which they purport to advertise. No municipal campaign sign shall be erected for more than 30 days prior to these same events.~~

~~(3) All political campaign signs shall be removed within seven days after the nomination, election or referendum.~~

~~(4) Nothing in this provision shall be construed to authorize the posting of political campaign signs upon trees, utility poles, traffic control or street name signposts, lights or devices, or in any place or manner prohibited by the provisions of Section 102A-1408 or other provision of this ordinance.~~

~~(5) Political campaign signs shall not be erected on Town owned or other public property except as authorized by sub-section (6) below.~~

~~(6) Political campaign signs erected on Election Day at officially designated polling places other than those polling places designated as "One Stop Voting" polling places are permitted no sooner than 5pm on the day before the election provided the signs are located in accordance with regulations of the Board of Elections and must be removed within 24 hours of the closes of the election. Political Campaign signs at designated~~

~~polling places are permitted to be erected no sooner than 5pm on the day before. For the "One Stop Voting" polling places, campaign signs are permitted during the entire voting period and shall be removed within 24 hours of the close of the election for which the sign purports to advertise.~~

~~(7) All political campaign signs shall be located no closer than 15 feet from edge of pavement of any right-of-way.~~

(i) *Temporary sign; failure to comply.* If the Chief Building Inspector shall find that any temporary sign as authorized by this section, is in violation of this section, the Chief Building Inspector, or the inspector's designee, shall give written notice of such violation to the owner of the sign. If, upon receipt of same notice, the owner of such sign fails to remove or alter the sign so as to comply with the required standards within ten days of said notice, such sign may be removed by the Chief Building Inspector, or the inspector's designee, at the expense of the owner of the sign. The Chief Building Inspector may cause any sign or other advertising structure, including any sign located within the right-of-way, or which creates an immediate risk of peril to persons or property to be promptly removed without notice.

(j) *Special gate signs.* A permanent sign is permitted as an integral part of a gate or entrance structure which identifies a subdivision, group development or other special development approved under the provisions of this ordinance or Chapter 86, estate, farm, or other residential entity, provided there are not more than two signs for each main entrance, with a total sign area for each such entrance not to exceed 32 square feet. Under this provision, if such a special gate sign is utilized no other main entrance identification sign is permitted.

(k) *Temporary banners.* Temporary banners and flag signs may be permitted in any district subject to the following conditions:

- (1) Signs are directly tied to the advertising of the grand opening of a new business or development.
- (2) Signs are permitted for a period not exceeding 90 days.

(l) *Sandwich board signs.* Sandwich board signs are permitted subject to the following conditions:

- (1) Signs are only permitted in front of business to inform the general public of key information tied to the operation of the business.
- (2) Signs are only permitted during business hours.

Sec. 102A-1405. General site and sign specifications.

(a) *Zoning permit required.* No sign requiring a permit shall hereafter be erected or attached to, suspended from or supported on a structure nor shall any existing sign be enlarged, replaced, or relocated until a zoning permit has been issued by the Chief Building Inspector.

(b) *Measurement of sign area.* The measurable area of the sign mounted on a board or within a frame box shall be the area of the board, frame or box. The measurable area of a sign mounted directly on the wall of a building shall be the area within the outline of the actual shape of the sign. For individual letters or logos mounted on the wall of a building, the sum of the areas of each letter, measured from the exterior edges of the letter is the measurable sign area. Signs that employ moving or extending parts shall be measured when moved or extended to form the largest possible silhouette. The total sign area for a double-faced or "V" type sign shall be measured on the largest face of the sign; however, advertising matter may be posted on both sides of such permitted signs, provided that any "V" type sign with a "V" angle of greater than 45 degrees shall be subject to measurement of sign area on both sides. Sign area does not include support structures unless the coloration, lighting, etc. is designed to attract attention.

(c) *Freestanding sign location – all districts (excluding billboards).* Freestanding signs shall be set back from the existing road right-of-way (normally the front property line) or proposed future road right-of-way, whichever is the greater distance, according to the tables below. Freestanding signs shall be set back from all other property lines a minimum distance of five feet. In no instance shall a sign between the heights of three and 20 feet be permitted within 20 feet of the right-of-way line at the intersection of two streets. Freestanding signs may be placed on the same or separate support structures.

(1) *Ground signs.* Maximum height is 20 feet unless otherwise allowed in *Section 102A-1407 (billboards)*, For the purposes of this ordinance, ground signs will be regulated by setback and height for stand alone commercial properties and properties with multiple commercial tenants separately. The following table establishes the minimum setback requirements for ground signs provided that all other requirements of this article are complied with:

Ground/monument signs permitted on stand alone properties with one tenant/occupant: Maximum Height is 10 feet.

Sign Height	Minimum Setback from R/W Line
0-5 feet	5 feet
Greater than 5 feet and up to 10 feet	10 feet

Ground/monument signs permitted on properties with multiple tenants/occupants: Maximum height is 20 feet.

Sign Height	Minimum Setback from R/W Line
0-5 feet	5 feet
Greater than 5 feet and up to 10 feet	10 feet
Greater than 10 feet and up to 15 feet	15 feet
Greater than 15 feet and up to 20 feet	20 feet

(2) Pole Signs. Pole signs, in addition to all other requirements of this article, shall be setback a minimum of five feet from the existing or proposed right of way line provided that no portion of the sign projects any closer than two feet, measured in horizontal distance from the proposed or existing right-of-way line. Also, pole signs shall maintain a minimum clearance of nine feet over any pedestrian areas and 14 feet over any vehicular paths. Pole signs shall not exceed a maximum height of 30 feet unless specifically otherwise allowed within this article. The following table establishes the maximum height and minimum setback requirements for pole signs provided that all other requirements of this article are complied with:

<u>Sign Height</u>	<u>Minimum Setback from R/W Line</u>
<u>0-15 feet</u>	<u>5 feet</u>
<u>Greater than 15 feet and up to 30 feet</u>	<u>10 feet</u>

(d) *Maintenance and appearance.* All signs together with braces, guys, and supports shall at all times be maintained in a safe condition and kept in good repair, free from excessive rust, corrosion, peeling paint, or other surface deterioration. To ensure that all signs are maintained in an attractive and safe manner, the following requirements are proposed for all signs visible from any public or private street or right-of-way:

- (1) A sign shall not stand with bent or broken sign facing, with broken supports or more than 20 degrees vertical for a period not to exceed 30 consecutive days. Once notified through the issuance of a code violation, said sign must be corrected within 6 months.
- (2) A sign shall not be obstructed by weeds or vegetation for more than 30 consecutive days (unless such vegetation is incorporated as a landscape element).
- (3) Disfigured, ripped, peeling, or cracked signs shall not be permitted for more than 30 consecutive days. Once notified through the issuance of a code violation, said sign must be corrected within 6 months.
- (4) All signs shall be constructed by a professional sign company.

(e) *Signs facing residential districts.* Illuminated signs shall be so placed as not to be a nuisance to residents of neighboring residential property.

(f) *On-site interference.* The location and structural design of freestanding signs shall be such as to not interfere with the safe and efficient use of off-street parking and loading areas including aisle ways and access driveways.

(g) *Unsafe and unlawful signs.* If the Chief Building Inspector shall find that any sign is unsafe or is a menace to the public or has been constructed, erected or is being maintained in violation of this ordinance, the inspector shall give written notice of such violation to the owner of the sign or the owner of the property where the sign is located. If the owner of the sign, or the property owner, fails to remove or alter the structure so as to comply with the required standards within 30 days after such notice, such sign may be removed or altered to comply by the inspector at the expense of the owner of the sign or the property owner. The Chief Building Inspector may cause any sign or other advertising structure which is an immediate peril to persons or property to be promptly removed by the sign owner or the property owner. Once a sign has been removed by Town Staff as a result of the notification of violation of this ordinance, any additional illegal sign erected by the same business entity or person(s) shall be considered a Class 3 misdemeanor and shall be subject to a civil penalty of \$500 as authorized by G.S. 14-4. Each day's continuing violation shall be considered a separate and distinct offense.

(h) *Cessation of purpose and removal.* Any sign now or hereafter existing which no longer advertises any bona fide business conducted, or a product sold, shall be taken down and removed by the owner, agent, or person having the beneficial use of the building or land or structure upon which such sign may be found. Such sign shall be removed within 30 days after written notification from the Chief Building Inspector except that temporary activities sign posting shall be removed by the permittee within seven days following the date of termination of such events. Upon failure to comply with any notice within the time specified the zoning inspector is authorized to cause removal of such sign, and any expense incident thereto shall be paid by the owner of the sign or the property owner of the land on which the sign is located.

(i) *Signs permitted in conjunction with legal nonconforming uses.* Any legal nonconforming use in any district may maintain such business signs as would be allowed for such use in the most restrictive district in which the use would be permitted, or such signs as are existing at the time the use becomes nonconforming, whichever is the most restrictive with regard to sign size.

Sec. 102A-1406. Signs permitted by district.

In addition to the aforementioned signs the following are also permitted:

(a) *Residential and conservancy districts.*

(1) *Dwelling identification sign.* One identification sign not exceeding two square feet in area is permitted for each residential dwelling unit. For one- and two-family dwelling units

identification signs shall be at least five feet from any street or property line. For multi-family dwelling units, identification signs shall be mounted flat to the main wall of the building. Identification signs may be illuminated but non-flashing and motionless.

(2) *Large scale residential development signs.* A permanent sign is permitted as an integral part of an entrance structure which identifies a subdivision, group development or other special development, estate, farm or other residential entity, provided there are not more than two signs for each main entrance, with a total sign area for each such entrance not to exceed 32 square feet in area. Such signs may be lighted, but non-flashing and motionless and located according to the criteria in Section 102A-1405, but not less than five feet from any street right-of-way line.

(3) *Agricultural product signs.* In the zoning districts that allow agriculture or rural farm use, signs advertising agricultural products produced on the premises are permitted, provided there are no more than two such signs, each of which shall not exceed 12 square feet in area. In any instance where the products sold are seasonal or temporary, such signs shall be removed within 30 days of cessation of the activity advertised. This section shall not apply to any property exempt under the bona fide farm provisions of Section 102A-109.

(4) *Institutional, commercial and industrial signs located in residential and conservancy districts.* Any institutional, commercial or industrial use, which is a permitted, special or conditional use in a residential or conservancy district, may erect and maintain signs as follows:

a. For the construction of ground signs in this district, stand alone properties with one tenant/occupant, are allowed one free-standing ground sign not to exceed 35 square feet in area shall be permitted. For ground signs on sites with more than one tenant, one freestanding ground sign not to exceed 50 square feet in area shall be permitted. If more than one principal use is conducted on the same site, or in the same building, ~~each additional principal use shall be permitted one freestanding ground sign not to exceed 35 square feet in area~~ an additional 10 square feet in overall ground sign square footage is allowed for each additional principal use with a total maximum ground sign area not to exceed 100 square feet. For the construction of pole signs in this district, one free standing pole sign is permitted not to exceed 100 square feet in area. ~~If more than one principal use is conducted on the same site, or in the same building, each additional principal use shall be permitted one free standing pole sign not to exceed 50 square feet in area.~~ Sites with more than one occupant may have an additional 10 square feet in overall pole sign square footage for each additional principal use with a total maximum freestanding pole sign area not to exceed 150 square feet. Nothing in this provision shall be construed to authorize both a ground sign and a pole sign on the same property, unless otherwise permitted for multiple signs.

b. Freestanding signs shall be located in accordance with the criteria found in Section 102A-1405.

c. Attached signs for all principal uses on the site shall not exceed 50 square feet in area. If there is more than one principal use, the property owner will determine the allocation of attached sign area.

(b) *Professional, commercial and industrial districts.*

(1) Signs for uses permitted in the O&I(P) district shall be regulated as follows:

a. For the construction of ground signs in this district, stand alone properties with one tenant/occupant, one free-standing ground sign not to exceed 25 square feet in area shall be permitted. For sites with more than one tenant, one freestanding ground sign not to exceed 35 square feet in area will be allowed per building. For the construction of pole signs in this district, one free standing pole sign not to exceed 50 square feet in area will be allowed per building. Nothing in this provision shall be construed to authorize both a ground sign and a pole sign on the same property, unless otherwise permitted for multiple signs. Freestanding signs shall be located in accordance with the criteria found in Section 102A-1405.

b. One attached sign not to exceed 20 square feet in area will be allowed per building. Attached signs may be placed on any side of the building.

(2) *C1(P) planned local business district.* Signs in the C1(P) district shall be regulated as follows:

a. For the construction of ground signs in this district, stand alone properties with one tenant/occupant, one free-standing ground sign not to exceed 50 square feet in area shall be permitted. One freestanding ground sign not exceeding 75 square feet in area is allowed for sites with more than one occupant but a maximum of five occupants. Sites with more than five occupants may have an additional 10 square feet maximum area for each occupant over five, with a total maximum freestanding ground sign area not to exceed 150 square feet. For the construction of pole signs in this district, one freestanding pole sign not exceeding 100 square feet in area is allowed for sites with a maximum of five occupants. Sites with more than five occupants may have an additional 10 square feet maximum pole sign area for each occupant over five, with a total maximum freestanding pole sign area not to exceed 200 square feet. Nothing in this provision shall be construed to authorize both a ground sign and a pole sign on the same property, unless otherwise permitted for multiple signs. Freestanding signs shall be located in accordance with the criteria found in Section 102A-1405.

b. One attached sign per occupant is allowed. Attached signs shall not exceed one square foot in area for each front foot of structure the occupant occupies. Attached signs may be placed on any side of the building.

(3) *C2(P) planned retail and service district and C(P) planned commercial district.* Except for billboards (off-premises) signs which are regulated by Section 102A-1407, signs in the C2(P) and C(P) districts shall be regulated as follows:

a. For the construction of ground signs in this district, on stand alone properties with one tenant/occupant, one free-standing ground sign not to exceed 50 square feet in area shall be permitted. Sites with no more than two occupants may have one freestanding ground sign. This sign shall have a maximum size of 75 square feet in area. Sites with more than two occupants but less than ten occupants may have two freestanding ground signs. Each sign shall have a maximum size of 75 square feet in area. Sites with more than ten occupants may have two freestanding ground signs, each with a maximum size of 75 square feet in area; or one freestanding ground sign with a maximum size of 150 square feet in area. Sites with more than ten occupants may have an additional ten square feet of freestanding ground sign area for each occupant over ten, with a total maximum freestanding ground sign area not to exceed 250 square feet. On corner lots, one additional freestanding ground sign is allowed on the side street frontage, not to exceed 75 square feet in area. For the construction of pole signs in this district, sites with no more than two occupants may have one freestanding pole sign. This sign shall have a maximum size of 100 square feet in area. Sites with more than two occupants but less than ten occupants may have two freestanding pole signs. Each pole sign shall have a maximum size of 100 square feet in area. Sites with more than ten occupants may have two freestanding pole signs, each with a maximum size of 100 square feet in area; or one free standing pole sign with a maximum size of 200 square feet in area. Sites with more than ten occupants may have an additional ten square feet of freestanding pole sign area for each occupant over ten, with a maximum freestanding pole sign area not to exceed 400 square feet. On corner lots, one additional freestanding pole sign is allowed on the side street frontage not to exceed 100 square feet in area. Nothing in this provision shall be construed to authorize both a ground sign and a pole sign on the same property, unless otherwise permitted for multiple signs. Freestanding signs shall be located in accordance with the criteria found in Section 102A-1405.

b. One attached sign is allowed per occupant, not to exceed two square feet in area for each front foot of structure that the occupant occupies. In the event a strip shopping center is designed in such a manner that the end unit or end units front the right-of-way and the store front faces an internal parking lot, the end unit or end units may place one additional attached sign on the side facing the right-of-way, provided that the overall combined square footage of the attached signs do not exceed two square feet in area for each front foot of the structure that the occupant occupies. On sites where a canopy exceeds the building size, the canopy size may be used to determine the permitted attached sign area. Attached signs may be placed on any side of the building.

(4) M1(P) planned light industrial district. Signs in the M1(P) district shall follow the same dimensional and setback criteria as for signs being located in the C(P) planned commercial district.

(5) M(P) planned industrial district. Except for billboards (off-premises signs) which are regulated by Section 102A-1407, signs in the M(P) district shall be regulated as follows:

a. For the construction of ground signs in this district, one freestanding ground sign is allowed at each main entrance to the site. The total entrance ground signage shall not exceed a maximum sign area of 250 square feet with each individual entrance ground sign not exceeding a maximum sign area of 150 square feet. On corner lots, one additional freestanding ground sign is allowed on the side street frontage, not to exceed 50 square feet in area. For the construction of pole signs in this district, one freestanding pole sign is allowed at each entrance to the site. The total entrance pole signage shall not exceed a maximum sign area of 500 square feet with each individual entrance sign not exceeding a maximum pole sign area of 300 square feet. On corner lots, one additional freestanding pole sign is allowed on the side street frontage, not to exceed 100 square feet in area. Nothing in this provision shall be construed to authorize both a ground sign and a pole sign on the same property, unless otherwise permitted for multiple signs. Freestanding signs shall be located in accordance with the criteria found in Section 120A-1405.

b. One attached sign is allowed per occupant, not to exceed two square feet in area for each front foot of structure that the occupant occupies. On sites where a canopy exceeds the building size, the canopy size may be used to determine the permitted attached sign area. Attached signs may be placed on any side of the building.

Sec. 102A-1407. Billboards (off-premises signs).

In addition to other applicable standards contained within this article, the following provisions shall apply to all billboards:

a. *General provisions.*

1. Billboards shall be allowed only within 1,500 feet from the right-of-way of freeways.
2. Billboards shall not face or be oriented toward any adjoining or abutting residentially-zoned or residentially-used property and shall not be located within 200 feet of a residential zoning district boundary line;
3. Billboards shall not exceed a sign height of 35 feet;
4. All billboards are considered as a principal use of property and not accessory, and shall be allowed in the C(P) planned commercial district, upon approval of a special use permit (Section 102A-1706), and M(P) as a permitted use, provided that the dimensional criteria outlined below is complied with.
5. All Federal, State, and other local regulations shall be complied with.

b. *Dimensional criteria by district.*

1. *C(P) planned commercial districts.* Billboards constructed and located in this zoning district shall have a maximum sign area of 500 square feet and shall be located at least 50 feet from a street right-of-way line; five feet from any property line not a right-of-way line; 50 feet from any other freestanding sign, building or structure on the same lot; and be a minimum of 500 feet from another billboard.

2. *M(P) planned industrial district.* Billboards constructed and located in this zoning district shall have a maximum sign area of 700 square feet and shall be located at least 50 feet from a street right-of-way line; five feet from a property line, not a of-way line; 50 feet from any other freestanding sign, building or structure on the same lot; and be a minimum of 500 feet from another billboard.

Sec. 102A-1408. Signs prohibited.

Erection or maintenance of signs having any of the following characteristics is prohibited:

a. *Signs not to constitute traffic hazards.* No sign or advertising structure shall be erected or maintained at the intersection of any street or road so as to obstruct free and clear vision; or at any location where, by reason of the position, illumination, shape or color, it may impair, obstruct the view or be confused with any authorized traffic sign, signal or device; or that makes use of the words "stop," "look," "drive-in," "danger" or any other word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic. In any case, signs shall be prohibited within 20 feet of a street intersection measured to the intersection of the two nearest street lines.

b. *Signs erected on public streets.*

1. No sign shall be erected or maintained within any public street right-of-way nor be allowed to extend into any public street.

2. This section shall not apply to public signs necessary in the performance of a governmental function or required to be posted by law.

3. This section shall not apply to large scale residential signs approved by the Board of Commissioners pursuant to this subsection.

(a) The Board of Commissioners may, but is not required to, approve the location of up to two such signs per subdivision entrance, provided that the Board makes the following findings of fact:

(1) The primary or final plat for the subdivision in which the sign(s) will be located was approved prior to the effective date of this ordinance;

(2) The sign(s) will be located upon a public right-of-way median(s) that is owned, maintained or otherwise controlled by the Town;

(3) The sign(s) will comply with the requirements of Sec. 102A-1406(a)(2);

(4) The propose sign location(s) is [are] outside the line of sight for vehicles on the road; and

(5) The proposed sign location(s) will not otherwise impair the safety of the general travelling public.

(b) Signs approved pursuant to this subsection shall comply, to the extent reasonably possible, with all setback requirements for public rights-of-way and other applicable setbacks.

(c) Unless other arrangements are made by the Board of Commissioners, any sign approved pursuant to this subdivision shall be maintained in good condition by the person, persons, or entity requesting the sign, or their successors or assigns. The town may at any time, with or without notice, remove signs approved pursuant to this subdivision that are not adequately maintained or are allowed to deteriorate.

c. *Object or device attached to items for sale.* Any object or device made of any material that is displayed, affixed, attached, in any manner on items that are intended for sale, including, but not limited to, banners, official or unofficial flags, pennants, balloons, and streamers.

d. *Obstruction of ingress or egress of building.* No sign shall be erected or maintained that obstructs ingress and/or egress to or from any window, door, fire escape, stairway, ladder or opening intended to provide light, air, ingress or egress to or from any room or building as required by law.

e. *Obscene matter prohibited.* No sign shall be erected or maintained which bears or contains statements, words or pictures of an obscene character.

f. *Signs on private property; consent required.* No sign may be erected by any person on the private property of another person without first obtaining the verbal or written consent of such owner.

g. *Portable signs.* Portable signs as defined in Section 102A-1402. Prohibited unless otherwise allowed in Section 102A-1404.

h. *Flashing signs.* Flashing signs as defined in Section 102A-1402.

i. Any sign attached to or painted on utility poles, telephone poles, trees, parking meters, bridges, and overpasses are prohibited.

j. ~~Pole Signs~~

Town of Hope Mills
Zoning Ordinance

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PLANNING STAFF REPORT
REZONING CASE # P19-50
Planning Board Hearing: March 17, 2020 (deferred from January 21, 2020)

EXPLANATION OF THE REQUEST

This is a request to rezone one parcel located north of Rockfish Creek and east of the ending of Claude Lee Road, from RR Rural Residential to M(P) Planned Industrial/CZ Conditional Zoning for all M(P) uses except cemetery, crematorium, day care facility and sexually oriented business. As this is a conditional zoning, all ordinance related conditions will apply. ****Note:** The staff report/recommendation has been revised due to the modification of the application as requested by the Planning Board at their January 21, 2020 meeting.

OWNER/APPLICANT

OWNER/APPLICANT: Joseph R. Rivenbark, Joella Rivenbark Powell, Robert L. Rivenbark and Suzanne Rivenbark Shearon on behalf of R. Linwood Rivenbark heirs (owner) & Seth Thompson (agent)

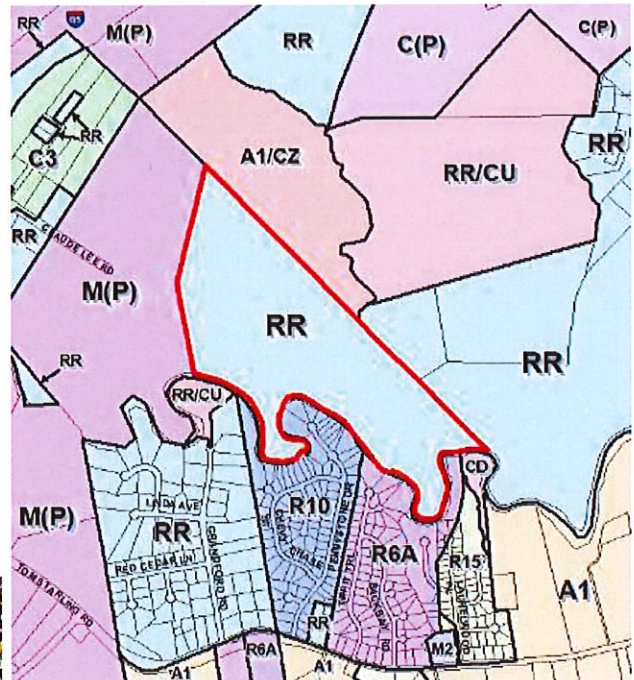
PROPERTY INFORMATION

ADDRESS/LOCATION: North of Rockfish Creek, east of SR 2341 (Claude Lee Road); more specifically PIN 0433-68-9958

SIZE: This request includes one parcel totaling approximately 100.00 acres. The property has no existing street frontage and is 3,550' +/- in depth.

EXISTING LAND USE: The subject property is currently vacant and is mostly woodlands.

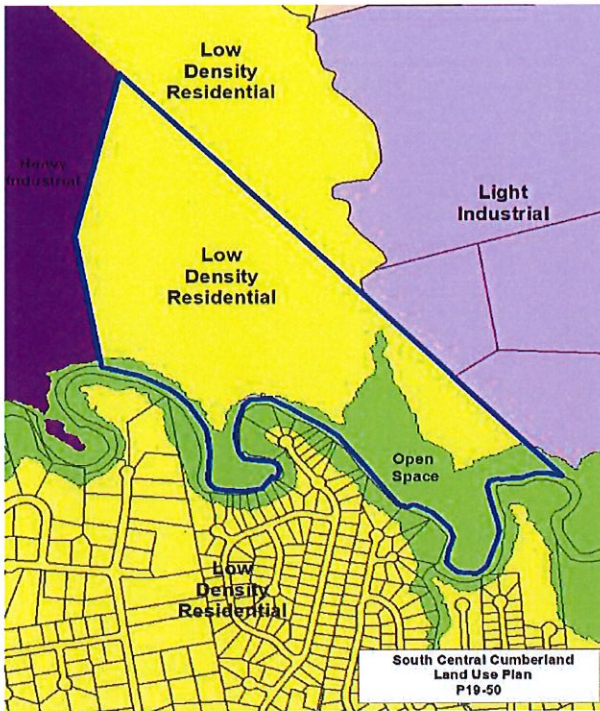
OTHER SITE CHARACTERISTICS: The property is not within the watershed but is within Special Flood Hazard Area. There are hydric soils (Pg: Pantego loam & TR: Torhunta and Lynn Haven soils) on the property.



SURROUNDING LAND USE: Across Rockfish Creek from the subject property consists of mostly residential uses including manufactured homes. Adjacent to the property is a borrow pit operation.

ZONING HISTORY: This property was initially zoned RR as part of the Area 6 initial zoning on March 15, 1979.





UTILITIES: Future development will be served by PWC sewer. There is no public water line available to this property. PWC commented that the sewer main crossing this property has a 50 foot easement and PWC will need to stake the easement prior to the commencement of digging. PWC also required a 50 foot unexcavated buffer from the edge of this easement (this is reflected in the conditions of development). This site is not within a water/sewer district.

MINIMUM YARD SETBACKS: If approved, this parcel would be subject to M(P) setbacks: Front yard: 100 foot, Side yard: 50 foot, Rear yard: 50 foot.

COMPREHENSIVE PLANS: The 2030 Growth Vision Plan designates this parcel for "Urban". The South Central Land Use Plan (2015) designates this parcel for "Low Density Residential & Open Space". "Low Density Residential" calls for a density of 2.2 to 6 units/acre and requires public water and sewer. "Open Space" is denoted to protect environmentally sensitive areas. **Request of M(P)/CZ is not compliant with plan.**

IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES

TRAFFIC: The subject property sits east of Claude Lee Road, which is identified as an existing thoroughfare in the 2045 Metropolitan Transportation Plan. There are no constructions/improvements planned and the property will have no impact on the Transportation Plan. The Average Daily Traffic Count (2018) on Claude Lee Road is 3,700.

SCHOOLS CAP/ENROLL: Comments requested via e-mail, none received.

ECONOMIC DEVELOPMENT: Comments requested via e-mail, none received.

EMERGENCY SERVICES: This request has been reviewed by the Cumberland County Fire Marshal's Office. The County Fire Marshall stated that future development should ensure all fire department access requirements are met.

FAYETTEVILLE REGIONAL AIRPORT: The property is within the Airport Overlay District. Comments requested via e-mail, none received.

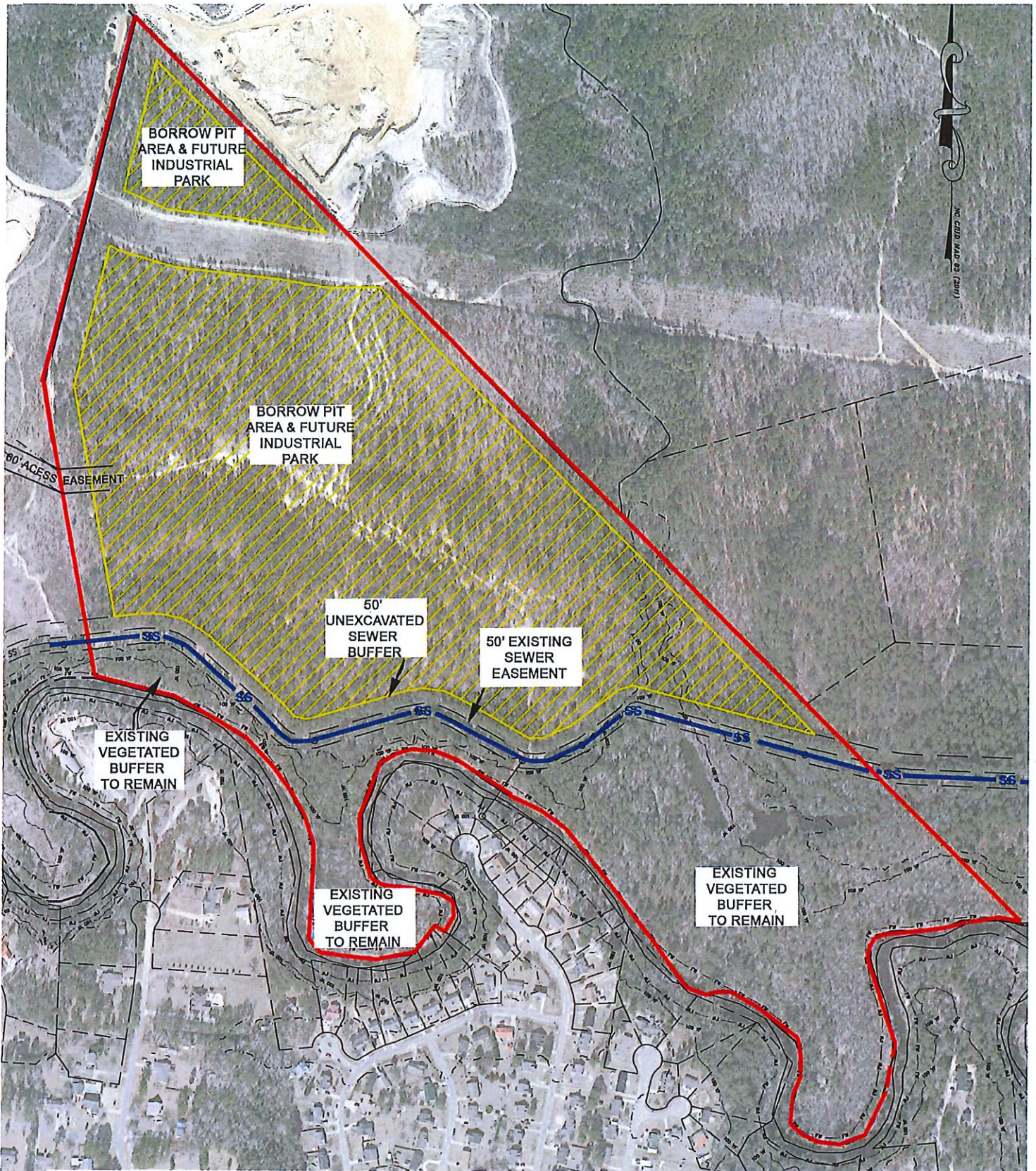
STAFF RECOMMENDATION

In Case P19-50, the Planning and Inspections staff **recommends approval** of the rezoning from RR Rural Residential to M(P) Planned Industrial/CZ Conditional Zoning for requested M(P) Planned Industrial uses and find:

- a. The approval is an amendment to the adopted current South Central Land Use Plan (2015) 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 "Low Density Residential" and "Open Space" designations are sandwiched between designations for "Heavy Industrial" and "Light Industrial" and any residential development's access would be through an industrially-zoned property;
- c. And, this rezoning approval is reasonable and in the public interest because the additional conditions concerning building height/setbacks and riparian buffer as well as the vegetative buffer indicated on the site plan will help to mitigate impacts on residential lots across the creek.

Attachments:

- Site Plan
- Draft Ordinance Related Conditions
- Zoning Application
- Notification Mailing List



**M(P) PLANNED INDUSTRIAL DISTRICT/CZ
CONDITIONAL ZONING**

REQUEST: FOR REQUESTED M(P) USES
OR TO A MORE RESTRICTIVE ZONING DISTRICT

CASE: P19-50 ACREAGE: 100.00 +/-

ZONED: RR SCALE: NTS

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

M(P) PLANNED INDUSTRIAL/CZ CONDITIONAL ZONING DISTRICT

DRAFT

Ordinance Related Conditions

for requested M(P) uses

Revision Required:

1. Three copies of a revised site plan and a \$25.00 revision fee is required to be submitted to Current Planning prior to the further processing of this plat/plan. The following must be addressed on the revised plat/plan:
 - a. For purposes of protecting the aquatic and wildlife habitat and to ensure bank stabilization for this area of the Rockfish Creek, a riparian buffer must be provided along the southern boundary of this development. The first 30 feet from the southern property lines must remain undisturbed while an additional 20 feet may be cleared so long as no structures are constructed in that portion. Note: This ordinance provision does allow for clearing of a minimal access to the river. (1102.H, County Zoning Ord.)
2. Prior to the application for any permits on the future industrial development, a detailed site plan is required to be submitted to Current Planning for review. All ordinance related conditions will be applied to the site plan (including landscaping, signage, parking, etc.)
3. Prior to the application for any permits on the future borrow source operation, a Special Use Permit must be obtained from the Cumberland County Board of Adjustment. All ordinance related conditions will be applied to the borrow source operation site plan.

Pre- Permit Related:

4. Prior to application, the developer must provide to the Code Enforcement Section a copy of the recorded deeded easement, prior to any permits being issued.
5. 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]

6. The *Special Flood Hazard Area* (SFHA) exists on this tract; any development within SFHA must have first flood elevations, including all mechanical and electrical equipment above base flood elevation (BFE) plus two feet of freeboard. Proper Floodplain Development Permits are required, issued by the County Engineer, prior to any building/permit application. A copy of the approved Floodplain Development Permit must be provided to Code Enforcement at the time of building/zoning permit applications. [Sec. 6.5-21, County Code]

Permit-Related:

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

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

Change of use of subject properties shall require an approved Driveway Permit. Permits MUST be secured prior to the change or alteration of existing or proposed property use. Failure to secure required permits prior to construction or change in property usage may result in the removal of the driveway or street connections at the property owner's expense. For additional information contact the Division 6/District 2 office.

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

Note: In the event the NCDOT driveway permit process alters the site plan in any manner, three copies of a revised site plan (and \$25.00 revision fee) must be submitted for staff review and approved prior to permit application.

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

[§ 136-18(29), NCGS]

10. Because the subject property is located within the Airport Overlay District and in the event any future structure is greater than 200 feet in height, the developer will be required to provide a FCC Form 7460-1 to Code Enforcement at the time of permit application. This form must be acknowledged by the FCC that the structure is not a hazard or obstruction to air traffic. (Section 8.101.D, County Zoning Ord.)
11. New development where the developer will disturb or intends to disturb more than one acre of land is subject to the Post-Construction Stormwater Management Permitting Program (Phase II Stormwater Management Requirements) administered by the Department of Energy, Minerals and Land Resources, NC Department of Environmental Quality (DEMLR NCDEQ). If one acre or more of land is to be disturbed, a copy of the State's *Post-Construction Permit* must be provided to County Code Enforcement prior to the issuance of the Certificate of Occupancy. (Note: If any retention/detention basins are required for state approval of this plan, three copies of a revised plan (and \$25 revision fee) must be submitted and approved by Planning & Inspections.) (Sec. 2306.D, County Subdivision Ord. & 2006-246, NC Session Law)
12. The County Health Department must approve water plans. Lots not served by public water system is required to be large enough and of such physical character to comply with the Health Department's minimum standards. A copy of the Health Department approval must be provided to Code Enforcement. (Note: All Health Department requirements must be met prior to issuance of final permits.) (Sec. 2306 A, County Subdivision Ord. & Sec. 1101.E, County Zoning Ord.)
13. Prior to application for the Certificate of Occupancy for any future structures, connection to public sewer is required, the Public Works Commission (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.)

Note: PWC indicated that the existing sewer main on the property has a 50 foot easement (25 foot on either side). A 50 foot unexcavated buffer must be maintained from the edge of the 50 foot easement and needs to remain indicated on any future site plans. PWC also stated they will need to stake the easement prior to the borrow source beginning operation as there are 90 degree bends in the sewer line and the manholes do not always indicate these turns.

14. 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:

15. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Development Ordinance, and County Zoning Ordinance for the M(P) Planned Industrial/CZ Conditional Zoning district must be complied with, as applicable.

Note: If required building setbacks need to be increased due to building height being taller than 35 feet, than the rear setback will be measured from the northern easement edge from the PWC sanitary sewer line.

16. Any future structures must ensure that all fire department access requirements are met. For questions related to this comment, please contact the County Fire Marshall's office.
17. This conditional approval is not approval of any freestanding signs. If a freestanding sign is desired, re-submittal of the site plan is required prior to application for any freestanding sign permits. Attached signage for this development must be in accordance with the applicable sign regulations as set forth in Article XIII of the County Zoning Ordinance and that the proper permit(s) must be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is **not** approval of the size, shape, or location of any signs.) (Art. XIII, County Zoning Ord.)
18. For any new development, an adequate drainage system must be installed by the developer in accordance with the NC Department of Environmental Quality (NCDEQ) *Manual on Best Management Practices* and all drainage ways must be kept clean and free of debris. (Section 2307.A, County Subdivision Ord.)
19. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306.C, County Subdivision Ord.)
20. In the event a stormwater utility structure is required by the NC Department of Environmental Quality (NCDEQ), the owner/developer must secure the structure with a four foot high fence with a lockable gate, and is required to maintain the detention/retention basin, keeping it clear of debris and taking measures for the prevention of insect and rodent infestation. (Sec. 1102.O, County Zoning Ord.)
21. 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.
22. A solid buffer must be provided and maintained along the southern and eastern property lines where this tract/site abuts residential zoning in accordance with the provisions of Section 1102 G, County Zoning Ordinance (Note: Chain link fencing cannot be used to satisfy the buffer requirement.)
23. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.
24. The Noise Regulations of the County Code Chpt. 9.5, Art. II are to be complied with.

Advisories:

25. The applicant is advised to consult an expert on wetlands before proceeding with any development. There may be wetlands located in the project area that are subject to the permit requirements of Section 404 of the Clean Water Act. To avoid a violation of federal and/or state law, it is recommended the developer contact the Office of the Army Corp of Engineers or hire an environmental consultant to identify and delineate any wetlands in the project area prior to construction. A Section 404 permit will be required if the applicant needs to fill wetlands and the permit must be obtained prior to any construction on this site.
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. Any revision or addition to this plan necessitates re-submission for review and approval prior to the commencement of the change.
28. 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.

29. 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.
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.
31. Because the subject property is located within the Airport Overlay District, the developer is strongly encouraged to discuss their development plans with Land Use Codes Section and/or the Fayetteville Regional Airport Director early in the planning stage to ensure that the proposed height of any proposed structure can be found to be no obstruction or hazard to air navigation.
32. The subject property sits east of Claude Lee Road, which is identified as an existing thoroughfare in the 2045 Metropolitan Transportation Plan. There are no constructions/improvements planned and the subject property will have no impact on the Transportation Plan. For questions related to this comment, please contact Transportation Planning.

Thank you for doing business in Cumberland County!

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

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

Current Planning Manager:	Betty Lynd	678-7605	blynd@co.cumberland.nc.us
Subdivision/Site Plan/Plat	Ed Byrne	678-7609	ebyrne@co.cumberland.nc.us
Code Enforcement (Permits):	Scott Walters	321-6654	swalters@co.cumberland.nc.us
County Building Inspections:	Michael Naylor	321-6657	mnaylo@co.cumberland.nc.us
Fire Marshal – Emergency Services	Kevin Lowther	321-6625	klowther@co.cumberland.nc.us
	Gene Booth	678-7641	wbooth@co.cumberland.nc.us
County Engineer’s Office:	Wayne Dudley	678-7636	wdudley@co.cumberland.nc.us
County Health Department:	Fred Thomas	433-3692	ftomas@co.cumberland.nc.us
PWC:	Joe Glass	223-4740	joe.glass@faypwc.com
	Sam Powers	223-4370	sam.powers@faypwc.com
Fayetteville Airport Director	Brad Whited	433-1160	bwhited@ci.fay.nc.us
US Postal Service	Jonathan R. Wallace	(704) 393-4412	jonathan.r.wallace@usps.gov
Corp of Engineers (wetlands):	Liz Hair	(910) 251-4049	hair@usacr.army.mil
NCDEQ (E&S):	Leland Cottrell	(910) 433-3393	leland.cottrell@ncdenr.gov
US Fish & Wildlife Services	Susan Ladd Miller	(910) 695-3323	susan_miller@fws.gov
Location Services:			
Site-Specific Address:	Will Phipps	678-7666	wphipps@co.cumberland.nc.us
Street Naming/Signs:	Diane Shelton	678-7665	nameit2@co.cumberland.us.nc
Tax Parcel Numbers:		678-7549	
NCDOT (driveways/curb-cuts):	Troy Baker	364-0601	tlbaker@ncdot.gov
Transportation Planning:	Katrina Evans	678 7614	kevans@co.cumberland.nc.us
N.C. Division of Water Quality:	Annette Lucas	(919) 807-6381	annette.lucas@ncdenr.gov

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 Wellons Construction Inc.
2. Address: 510 N. Powell Ave Zip Code 28334
3. Telephone: (Home) _____ (Work) (910)
4. Location of Property: _____
5. Parcel Identification Number (PIN #) of subject property: 0433-68-9958
(also known as Tax ID Number or Property Tax ID)
6. Acreage: 100 Ac Frontage: 0 Depth: 3468
7. Water Provider: _____ Septage Provider: _____
8. Deed Book 02304, Page(s) 0395, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
9. Existing use of property: Vacant
10. Proposed use(s) of the property: Borrow Pit

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 X No _____
12. Has a violation been issued on this property? Yes _____ No X
13. It is requested that the foregoing property be rezoned FROM: RR

TO: (Select one) M (P)

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

APPLICATION FOR
CONDITIONAL ZONING

1. PROPOSED USE(S):

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

The property will initially be used for a borrow pit and converted later into an industrial park.

*The following uses will not be allowed on the property: cemetery, crematorium, day care facility and sexually oriented businesses.

- 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.

With the setbacks, sewer easement and existing buffer area, there is approximately 54.5 ac that will be used for the borrow pit.

2. DIMENSIONAL REQUIREMENTS:

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

The setbacks for M(P) listed in Section 1104 will honored

- 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. This will be a borrow pit. Designated parking isn't required for the use.

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.

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.**

See site plan

5. MISCELLANEOUS:

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

Days of operation Monday - Saturday

Hours of operation 7am - 6pm

Employees 1 - 10

Noise - Heavy Equipment

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.

NAME OF OWNER(S) (PRINT OR TYPE)

ADDRESS OF OWNER(S)

E-MAIL

HOME TELEPHONE

WORK TELEPHONE

SIGNATURE OF OWNER(S)

SIGNATURE OF OWNER(S)

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FAX NUMBER


SIGNATURE OF AGENT, ATTORNEY, OR APPLICANT

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✓ Joseph Russell Rivenbark (heir of R. Linwood Rivenbark)

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SIGNATURE OF OWNER(S)

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ADDRESS OF AGENT, ATTORNEY, APPLICANT

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FAX NUMBER

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Joella Riverbark Powell SIGNATURE OF OWNER(S) SIGNATURE OF OWNER(S)

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✓ Robert L. Rivenbark (heir of R. Linwood Rivenbark)

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0433-77-4442-
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0433-67-4482-
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0433-86-6433-
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0433-86-4748-
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0433-86-4560-
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0433-77-7055-
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0433-66-2763-
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0433-77-8176-
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0433-77-6058-
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0433-86-6525-
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0433-86-7636-
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0433-67-7144-
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SAQUAN BETHEA
4914 LAURELWOOD PL
FAYETTEVILLE, NC 28306

PARNELL, APRIL
4583 PENNYSTONE DR
FAYETTEVILLE, NC 28306

PEREZ, SAMUEL & WIFE YAIDEE
VANESSA
4603 PENNYSTONE DR
FAYETTEVILLE, NC 28306

PETERKIN, ANTHONY & WIFE
SHONNETTE
4127 GRANFORD RD
FAYETTEVILLE, NC 28306

PETTIFORD, SHARON
4586 CRIPPLECREEK CT
FAYETTEVILLE, NC 28306

PHILLIPS, DAVID L
4841 LAUREL WOOD PL
FAYETTEVILLE, NC 28306

PITTMAN, KEVIN GARFIELD & WIFE
ANNIE M
4710 TIPPETT TRL
FAYETTEVILLE, NC 28306

POLLITT, TOM & ANGELA
4103 TEW ST
FAYETTEVILLE, NC 28306

PORTER, FRANCIS RODMAN
917 LINDA AVE
FAYETTEVILLE, NC 28306

POWERS, KATHY A
4611 PENNYSTONE DR
FAYETTEVILLE, NC 28306

PRATSCHER, JAMES JOSEPH
4835 MATCHWOOD CT
FAYETTEVILLE, NC 28306

PRIMEAUX, FRANCES L
1473 TOM STARLING RD
FAYETTEVILLE, NC 28306

PURDIE, SHEROYA NICHELLE & JAMES
ANTHONY JONES
1436 ROUGH RIDER LN
PARKTON, NC 28371

RAYNOR PROPERTY MANAGEMENT LLC
3137 BOLIVIA ST
FAYETTEVILLE, NC 28306

RAYNOR, CHARLES E & WIFE MARIE
4119 GRANDFORD RD
FAYETTEVILLE, NC 28306

RIVARD, TIMOTHY PARK & WIFE LESLEE
ANNE
4833 LAURELWOOD DR
FAYETTEVILLE, NC 28306

ROBINSON, OSCAR & WIFE VANESSA
4824 MATCHWOOD CT
FAYETTEVILLE, NC 28306

ROLDAN, EDUARDO & WIFE SONIA
4610 PENNYSTONE DR
FAYETTEVILLE, NC 28306

ROWAN, JOSEPH
4610 SHEFFIELD ST
PHILADELPHIA, PA 19136

RUSSEL, FLOYD D & WIFE MARTHA S
4115 GRANDFORD RD
FAYETTEVILLE, NC 28306

RUTHERFORD, ANGELIA
4831 MATCHWOOD CT
FAYETTEVILLE, NC 28306

SANCHEZ, NOE
1218 FIVE BRIDGE RD
CLINTON, NC 28328

D(950) 3001

SARLUCA, MAUREEN F & LARRY R
4260 BOWNE ST, Unit/Apt 4D
FLUSHING, NY 11355

SEALEY, TYLER M
4567 PENNYSTONE DR
FAYETTEVILLE, NC 28306

SHUEY, GAVIN C & WIFE NANCY
4829 BACKBAY RD
FAYETTEVILLE, NC 28306

SIMMONS, DAN HEIRS C/O HASJONN P
SIMMONS
PO BOX 10115
NEW BRUNSWICK, NJ 08906

SINGH, YAZMAINE M CHAND
755 CHEVY CHASE ST
FAYETTEVILLE, NC 28306

SIX, RONALD & WIFE SARA KERNS
4829 LAURELWOOD PL
FAYETTEVILLE, NC 28306

SMITH, NAOMI LOWANDA
4826 LAURELWOOD PL
FAYETTEVILLE, NC 28306

SONGER, DENNIS E & WIFE SUSAN A
4836 BACKBAY RD
FAYETTEVILLE, NC 28306

STRICKLAND, CONNIE J
6017 IVERLEIGH CIR
FAYETTEVILLE, NC 28311

STUBBS, JOHN M
3955 FINAL APPROACH DR
EASTOVER, NC 28312

SUNDERLAND, GEORGE R & WIFE
4102 GRANDFORD RD
FAYETTEVILLE, NC 28306

TAYLOR, AMANDA R & HUSBAND
NATHANIEL JR
4734 TIPPIT TRL
FAYETTEVILLE, NC 28306

TAYLOR, DERRICK M
4825 LAURELWOOD PL
FAYETTEVILLE, NC 28306

TAYLOR, TIEWONE V & WIFE DIANA M
771 CHEVY CHASE ST
FAYETTEVILLE, NC 28306

TEW, SHARON NADINE
902 LINDA ST
FAYETTEVILLE, NC 28306

TIRADO, CARLOS M & WIFE JULISSA L
SANCHEZ-CONCEPCION
4575 PENNYSTONE DR
FAYETTEVILLE, NC 28306

TOLAR, HAROLD A
PO BOX 87104
FAYETTEVILLE, NC 28304

TOLBERT, ROBERTA D
4113 TEW ST
FAYETTEVILLE, NC 28306

TRAYWICK, HENRY C JR & WIFE
JACQUELINE B
799 CHEVY CHASE ST
FAYETTEVILLE, NC 28306

TRISTAR BUILDING & DEVELOPMENT INC
3727 LEGION RD
HOPE MILLS, NC 28348

UNDERWOOD, SANDRA W
4590 CRIPPLECREEK CT
FAYETTEVILLE, NC 28306

VARGAS, CRISTIAN
4571 CRIPPLECREEK CT
FAYETTEVILLE, NC 28306

VERDOSA PROPERTIES LLC
315 PACE ST
SMITHFIELD, NC 27577

WADDELL, JAYSON KEITH & WIFE
ELLIZABETH L
800 CHEVY CHASE ST
FAYETTEVILLE, NC 28306

WANAMAKER, APRIL LYNN
4599 PENNYSTONE DR
FAYETTEVILLE, NC 28306

WASHINGTON, ANDRE & THELMA
EDWARDS
4820 MATCHWOOD CT
FAYETTEVILLE, NC 28306

WELLS, PATRICK RYAN
803 CHEVY CHASE ST
FAYETTEVILLE, NC 28306

WESTOVER, MAHLON E JR
4574 CRIPPLECREEK CT
FAYETTEVILLE, NC 28306

WHITTED-JONES, CANESHA A
4819 MATCHWOOD CT
FAYETTEVILLE, NC 28306

WILKINSON, KIMBERLY LUNDY &
HUSBAND STEVEN R
4103 GRANDFORD RD
FAYETTEVILLE, NC 28306

P19-503rd

0433-86-8690-
WILLIAMSON, BRANDON A & WIFE
JENNIFER D
4815 MATCHWOOD CT
FAYETTEVILLE, NC 28306

0433-77-2211-
WORKMAN, CINDY L
4590 PENNYSTONE DR
FAYETTEVILLE, NC 28306

0433-77-1510-
WILSON, MORAYNEKI L
759 CHEVY CHASE ST
FAYETTEVILLE, NC 28306

0434-41-8109-
YOUNG, ISAAC C
PO BOX 65443
FAYETTEVILLE, NC 28306

0433-67-5227-
WOODS, PHILLIP M & WIFE MILLIECENT
F
802 CHEVY CHASE ST
FAYETTEVILLE, NC 28306

0433-57-5826-
ZOELLER, TDUDLEY & WIFE MARIA
4109 TEW ST
FAYETTEVILLE, NC 28306

DIA-00 30d

PLANNING STAFF REPORT
REZONING CASE # P20-14
Planning Board Hearing: March 17, 2020

EXPLANATION OF THE REQUEST

This is a request to initially zone one parcel located at the northern quadrant of the intersection of NC 162 & George Owen Road to C(P) Planned Commercial. The site annexed on March 2, 2019 by the Town of Hope Mills and was zoned C(P) within the County's jurisdiction. This is a conventional rezoning and no conditions are proposed at this time.

OWNER/APPLICANT

OWNER/APPLICANT: South Woodland Properties LLC (owner)

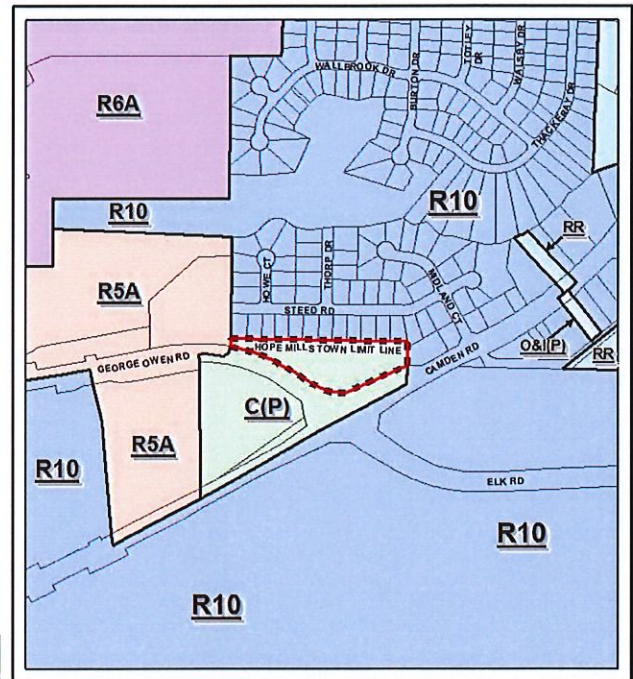
PROPERTY INFORMATION

ADDRESS/LOCATION: Northern quadrant of the intersection of NC 162 & Camden Rd; more specifically PIN 0415-51-2968

SIZE: This request includes one parcel totaling approximately 4.16 acres. The property has approximately 705' of street frontage along NC 162 & approximately 375' of street frontage along Camden Road. The property is 287' +/- in depth.

EXISTING LAND USE: The property is currently vacant.

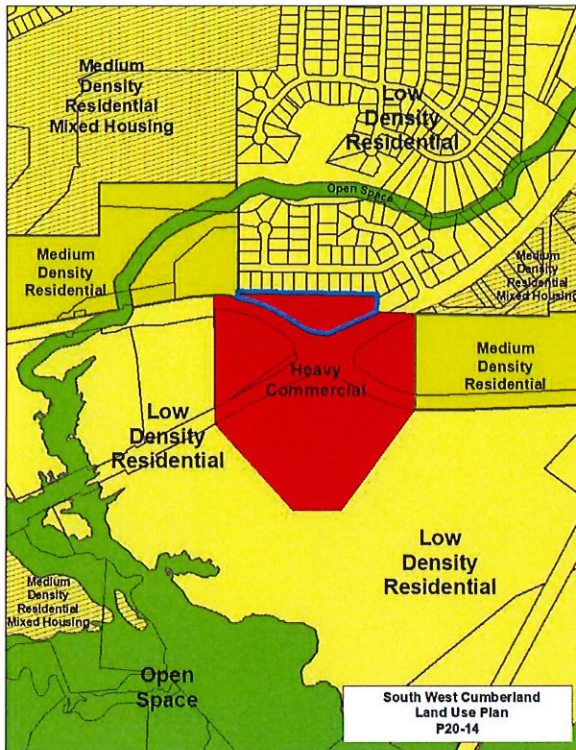
OTHER SITE CHARACTERISTICS: The property is not located within the watershed or the Special Flood Hazard Area. There are no soil limitations on the property.



DEVELOPMENT REVIEW: The property was created by deed on 4-11-06 in Book 7201, Page 709. Prior to development, a subdivision review will be required. A site plan review is currently being processed for motor vehicle repair (Case 20-028).

SURROUNDING LAND USE: There are residential uses in the surrounding area of the property as well as a day care developed on the adjacent property.





ZONING HISTORY: This property was initially zoned R10 as part of the Area 4 initial zoning on November 17, 1975. The property was rezoned to C(P) on February 21, 2006 (Case P05-90)

UTILITIES: This site is currently served by PWC water and private septic. A PWC sewer line exists approximately 825 feet to the west of the site. The site is not within a sewer/water district.

MINIMUM YARD SETBACKS: If approved, this parcel 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 parcel for "Urban". The "Urban" designation covers areas with a full range of urban services available for development. The Southwest Cumberland Land Use Plan (2014) designates this parcel for "Heavy Commercial". The "Heavy Commercial" designation provides for the shopping needs for the immediate neighborhood, community and traveling public. **Request is plan compliant.**

IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES

TRAFFIC: Camden Road is identified as a thoroughfare needing improvement in the 2040 Metropolitan Transportation Plan. NC 162 is identified as an existing boulevard. There are no constructions/improvements planned and the subject property will have no impact on the transportation plan. The Average Daily Traffic Count (2018) on both NC 162 (George Owen Rd) and SR 1003 (Camden Road) is 13,000.

SCHOOLS: Comments requested via e-mail. None received.

ECONOMIC DEVELOPMENT: Comments requested via e-mail. None received.

EMERGENCY SERVICES: Comments requested from the Hope Mills Fire Marshal via e-mail. None received.

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

STAFF RECOMMENDATION

In Case P20-14, the Planning & Inspections staff **recommends approval** of the initial zoning to C(P) Planned Commercial and find the request consistent with the Southwest Cumberland Land Use Plan (2014) designation of "Heavy Commercial". The C(P) district is also considered a "Heavy Commercial" district within the Land Use Policies Plan (2009). Staff further finds approval of the request is reasonable and in the public interest as the parcel is located at a heavily trafficked intersection, the parcel is served by public water and the parcel was already zoned C(P) within the County's jurisdiction before it was annexed by the Town of Hope Mills.

Attachments:
 Zoning Application
 Notification Mailing List



Chancer F. McLaughlin
Planning & Economic Development Director
Town of Hope Mills
5770 Rockfish Road
Hope Mills, NC 28348
(910)-426-4103

February 4, 2020

Betty Lynd
Planning Manager – Current Planning
Cumberland County
Planning and Inspections Department
Historic Courthouse
130 Gillespie Street
Fayetteville, NC 28301
(910)-678-7603

Dear Mrs. Lynd:

At the February 2, 2020 meeting, the Town of Hope Mills Board of Commissioners directed staff to proceed forward with a request for the initial zoning of a 4.16 acre tract at the northwest intersection of George Owen Road and Camden Road. The Hope Mills Town Clerk received a formal petition for annexation on January 15, 2020 and has assigned the following number to the petition: 2020-01. The parcel identification number associated with the submitted annexation petition is 0415-51-2968 and the site is currently zoned under the C(P) Planned Commercial District.

As such, staff is requesting the C(P) Planned Commercial District as the designated zoning classification for the initial zoning request.

Please don't hesitate to contact me if you need any additional information.

Sincerely,

Chancer F. McLaughlin

FREELAND and KAUFFMAN, INC.

ENGINEERS - LANDSCAPE ARCHITECTS

January 7, 2020

Town of Hope Mills
5770 Rockfish Road
Hope Mills, NC 28348
(910) 424-4555

RE: Legal Description for Voluntary Annexation
Located at Camden Road & George Owen Road, Cumberland County, NC
PIN: 0415-51-2968

All that certain, piece, parcel, or tract of land lying and being in Cumberland County, North Carolina, this subject property owned by South Woodlands Properties, LLC. as described and recorded in Deed Book 7201, Page 715 of the Cumberland County Registry, and being more particularly described as follows:

Beginning at a monument forming the intersection of the northerly margin of George Owen Road (variable width right-of-way) and the northerly margin of Camden Road (variable width right-of-way) having NC Grid Coordinates of N 2,015,338.59 and E 451,795.99; thence along George Owen Road N83°54'26"W a distance of 105.75 feet to a monument; thence along said right-of-way N63°32'30"W a distance of 80.28 feet to an iron pin; thence along said right-of-way N56°37'45"W a distance of 125.72 feet to an iron pin; thence along said right-of-way N62°12'16"W a distance of 94.66 feet to an iron pin; thence along said right-of-way N69°48'53"W a distance of 297.11 feet to an iron pin; thence along the common line of Ward, Ann Warren, Joseph Neil & Donald C Hudson Trustee N00°27'33"E a distance of 41.22 feet to an iron pipe; thence along the common line of Lots 11-22 of Copeland Acres S88°57'32"E a distance of 991.57 feet to a fence corner; thence along the common line of Urciolo and Wright S01°11'05"W a distance of 132.95 feet to a monument; thence along Camden Road S66°10'27"W a distance of 377.83 feet to the point of beginning and containing 181,236 square feet or 4.161 acres more or less.

DAVIS, JOSEPH C & WIFE ELLEN
5051 STEED RD
FAYETTEVILLE, NC 28306

FALCON, RONNIE G
5043 STEED RD
FAYETTEVILLE, NC 28306

GILLIS, MALCOLM R & JUDY GILLIS
MCKETHAN
8621 GALATIA CHURCH RD
FAYETTEVILLE, NC 28304

GREEN, GEORGE H JR
5304 CHESAPEAKE RD
FAYETTEVILLE, NC 28311

HERRING, KATHLEEN
5634 BLYTHEWOOD LN
FAYETTEVILLE, NC 28311

HOPKINS, CAROLYN M
PO BOX 48014
CUMBERLAND, NC 28331

JACOBS, MAMIE
5049 STEED RD
FAYETTEVILLE, NC 28306

LEWIS, SHEILA M
5045 STEED RD
FAYETTEVILLE, NC 28306

PADILLA, JORGE L
5021 STEED RD
FAYETTEVILLE, NC 28306

PARKER, ROBERT WILLIAM
6110 FOLLOW THE TRAIL
INDIAN TRAIL, NC 28079

SCHANTZ, JOHNNY D
5025 STEED RD
FAYETTEVILLE, NC 28306

SOUTH WOODLAND PROPERTIES LLC
PO BOX 87555
FAYETTEVILLE, NC 28304

UNDERWOOD, VIRGINIA L SHUMAN
5017 STEED RD
FAYETTEVILLE, NC 28306

URCIOLO, MICHAEL J
5015 STEED RD
FAYETTEVILLE, NC 28306

WARD, ANN WARREN, JOSEPH NEILL &
DONALD C HUDSON TRUSTEE
PO BOX 747
FAYETTEVILLE, NC 28302

WASHINGTON, LELA N
1635 DERRYDOWNE CT
FAYETTEVILLE, NC 28304

WRIGHT, ANGELA
PO BOX 48851
CUMBERLAND, NC 28331

ZIEBOL, GEORGE W
5013 STEED RD
FAYETTEVILLE, NC 28306

PLANNING STAFF REPORT
REZONING CASE # P20-13
Planning Board Hearing: March 17, 2020

EXPLANATION OF THE REQUEST

This is a request to rezone one parcel located on the east side of Chicken Foot Road from A1 Agricultural to R40 Residential. This will allow the applicant to develop residential lots at the density of 1 unit or lot/40,000 square feet. This is a conventional rezoning and no conditions are proposed at this time.

OWNER/APPLICANT

OWNER/APPLICANT: Franklin Johnson on behalf of J F Johnson Family Farms LLC (owner)

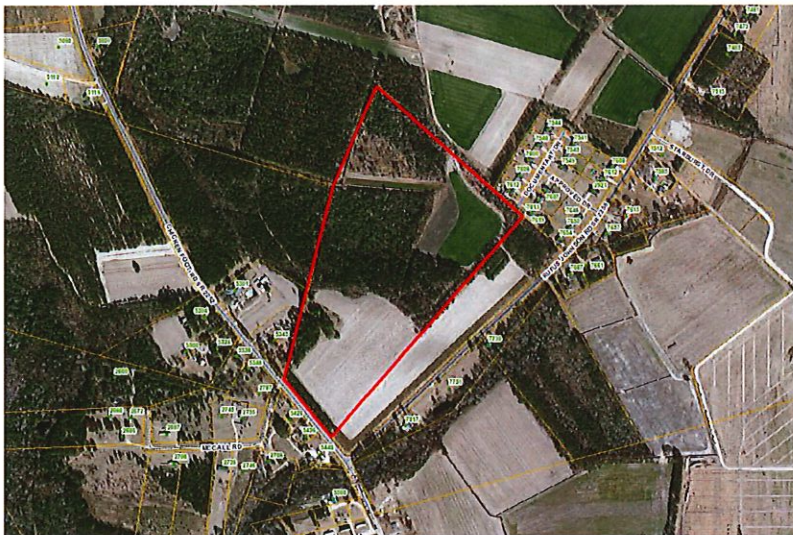
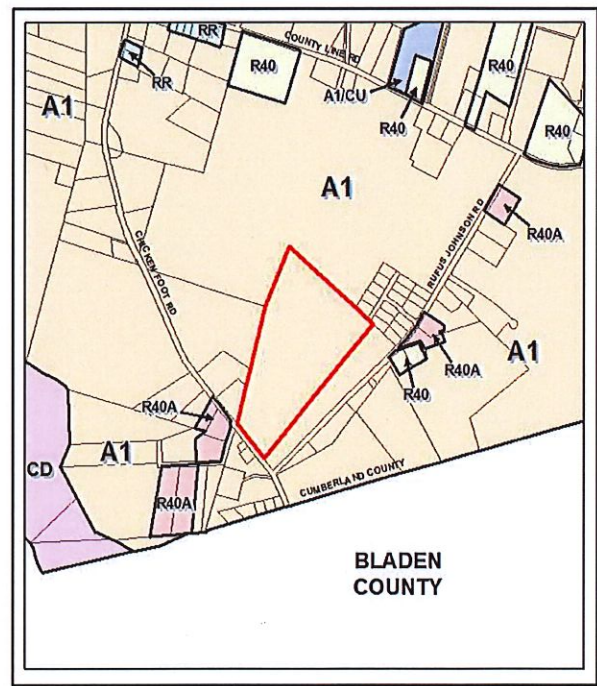
PROPERTY INFORMATION

ADDRESS/LOCATION: 5403 Chicken Foot Road; more specifically PIN 0339-17-8174

SIZE: This request includes one parcel totaling approximately 41.96 acres. The property has approximately 504' of street frontage along Chicken Foot Road and is 1971'+/- in depth.

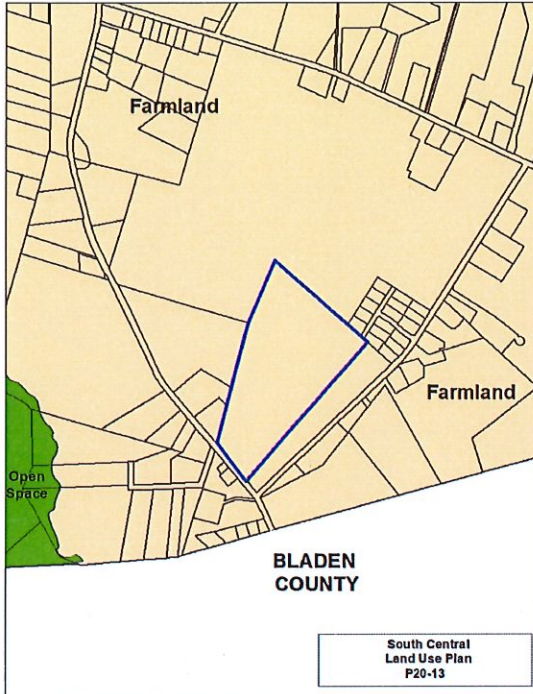
EXISTING LAND USE: The property is currently used as farmland/timber.

OTHER SITE CHARACTERISTICS: The property is not located within the watershed or the Special Flood Hazard Area. There are hydric soils (TR- Torhunta and Lynn Haven soils & Ra- Rains sandy loam) located on the property.



DEVELOPMENT REVIEW: The property was platted on 5-22-2008 in Plat Book 122 Page 117. Prior to development, a subdivision or site plan review will be required.

SURROUNDING LAND USE: There are residential uses in the surrounding area of the subject property including manufactured homes.



ZONING HISTORY: This property was initially zoned A1 as part of the Area 13 initial zoning on June 25, 1980.

UTILITIES: This site is currently served by Southpoint water and private septic. The site is within the Grays Creek sewer/water district.

MINIMUM YARD SETBACKS: If approved, this parcel would be subject to R40 setbacks: Front yard: 30 foot, Side yard: 15 foot, Rear yard: 35 foot.

COMPREHENSIVE PLANS: The 2030 Growth Vision Plan designates this parcel for "Rural Areas". "Rural Areas" provides for agriculture, forestry and low intensity residential development with septic where site conditions are good. The South Central Land Use Plan (2015) designates this parcel for "Farmland". The "Farmland" designation allows for the density of 1 unit/acre with favorable soil conditions, public water, and approved access by NCDOT. **Request is plan compliant.**

IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES

TRAFFIC: This portion of Chicken Foot Road is identified as an existing thoroughfare in the 2045 Metropolitan Transportation Plan. There are no constructions/improvements planned and the subject property will have no impact on the Transportation Improvement Plan. The Average Daily Traffic Count (2018) on SR 2252 (Chicken Foot Rd) is 2,000.

SCHOOLS: Comments requested via e-mail. None received.

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: This property is not within the Airport Overlay District.

STAFF RECOMMENDATION

In Case P20-13, the Planning & Inspections staff **recommends approval** of the rezoning from A1 Agricultural to R40 Residential and find the request consistent with the South Central Land Use Plan (2015) which designates this parcel as "Farmland". The "Farmland" designation allows for a density of 1 unit/acre with favorable soil conditions, public water, and approved access by NCDOT. Staff further finds approval of the rezoning is reasonable and in the public interest as the district requested is in harmony with the surrounding existing land uses and zoning, the subject property is served by public water and any lot divisions would be subject to the County Subdivision Ordinance.

- Attachments:
 Zoning Application
 Notification Mailing List

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

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

1. Requested Rezoning from A-1 to R-40
2. Address of Property to be Rezoned: 5403 Chicken Foot Rd
3. Location of Property: near the intersection of chicken foot Rd & Rufus Johnson Rd
4. Parcel Identification Number (PIN #) of subject property: 0339-17-8174
(also known as Tax ID Number or Property Tax ID)
5. Acreage: 41.96 Frontage: 501' Depth: 1950'
6. Water Provider: Well: _____ PWC: _____ Other (name): Cumberland
7. Septage Provider: Septic Tank PWC _____
8. Deed Book 7899, Page(s) 536, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
9. Existing use of property: Farm & Timber
10. Proposed use(s) of the property: Residential Development
11. Do you own any property adjacent to or across the street from this property?
Yes No _____ If yes, where? East
12. Has a violation been issued on this property? Yes _____ No

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

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

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.

J F Johnson Family Farms, LLC
NAME OF OWNER(S) (PRINT OR TYPE)

370 Valley Rd Fayetteville, N.C 28305
ADDRESS OF OWNER(S)

HOME TELEPHONE # _____ WORK TELEPHONE # 910 864-2626

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

370 Valley Rd Fayetteville, N.C 28305
ADDRESS OF AGENT, ATTORNEY, APPLICANT

JFJohnson1@NC.RR.COM
E-MAIL

910 818 8400
HOME TELEPHONE #
cell

864-2626
WORK TELEPHONE #

[Signature]
SIGNATURE OF OWNER(S)

[Signature]
SIGNATURE OF AGENT, ATTORNEY OR APPLICANT

SIGNATURE OF OWNER(S)

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

FOY, MARTHA HEIRS C/O CAROLYN
MAXWELL
5448 CHICKEN FOOT RD
SAINT PAULS, NC 28384

GIBSON, CARLA FRANCES
2787 MCCALL RD
ST PAULS, NC 28384

HAIRE, CARRIE J
7612 DOCUMENTARY DR
FAYETTEVILLE, NC 28306

HALL, JOSEPH E & WIFE PATRICIA M
5301 CHICKEN FOOT RD
ST PAULS, NC 28384

J F JOHNSON FAMILY FARMS LLC
231 FAIRWAY DR
FAYETTEVILLE, NC 28305

JFJ III INVESTMENTS LLC
370 VALLEY RD
FAYETTEVILLE, NC 28305

KING, HINTON MC & WIFE ELIZABETH
831 KING RD
ST PAULS, NC 28384

MAXWELL, ELIZA B & ORA LEE TELFAIR
5426 CHICKEN FOOT RD
ST PAULS, NC 28384

MCDOWELL, DONALD E & WIFE
MAUREEN E
7619 DOCUMENTARY DR
FAYETTEVILLE, NC 28306

SANDERS, STEVE
5345 CHICKEN FOOT RD
ST PAULS, NC 28384

BERNARD, RICHARD T & MICHELLE L
7612 RUFUS JOHNSON RD
FAYETTEVILLE, NC 28306

BLACK, JAMES V
394 RILEY RD
CORDOVA, SC 29039

BRADY, JASON A & ERICA J
7608 RUFUS JOHNSON RD
HOPE MILLS, NC 28348

BRINSON, MARIE G
651 BALLANCE FARM RD
ST PAULS, NC 28384

BRISSON, BRENDA CAROL
PO BOX 531
DUBLIN, NC 28332

BULLARD, LESSIE A
2176 GRAHAM RD
FAYETTEVILLE, NC 28304

CHALUPKA, RANDALL J & SHEILA M
7615 RUFUS JOHNSON RD
FAYETTEVILLE, NC 28306

CHUCK, SCHYLAR E
7600 DOCUMENTARY DR
FAYETTEVILLE, NC 28306

COUNCIL, ODESSA
2755 MCCALL RD
SAINT PAULS, NC 28384

CYRUS, JERRY LEE & AMBER D
7544 DOCUMENTARY DR
FAYETTEVILLE, NC 28306

DAVIS, MICHAEL L & NICOLE M
7585 RUFUS JOHNSON RD
FAYETTEVILLE, NC 28306

DRY, GARY
34 BAZEMORE CT
ST PAULS, NC 28384

ELIAS, CONRAD
7661 RUFUS JOHNSON RD, Unit/Apt 2
FAYETTEVILLE, NC 28306

FUTRAL, DAVID BRANDON & CASSIE
7613 DOCUMENTARY DR
FAYETTEVILLE, NC 28306

GILAS, JAIME & CENGIZ
7606 DOCUMENTARY DR
FAYETTEVILLE, NC 28306

GRAYS CREEK PROPERTIES LLC
PO BOX 64076
FAYETTEVILLE, NC 28306

HALL, JONATHAN T & MEGAN
5324 CHICKENFOOT RD
ST PAULS, NC 28384

HALL, JOSEPH E JR
2778 CHICKEN FOOT RD
HOPE MILLS, NC 28348

HARDIN, JOHN E
7667 RUFUS JOHNSON RD
FAYETTEVILLE, NC 28306

HARRIS, GONZALEZ & LARHONDA L
7650 RUFUS JOHNSON RD
FAYETTEVILLE, NC 28306

HAYNE HENS FARM INC
PO BOX 64076
FAYETTEVILLE, NC 28306

HEALEY, DONALD & WIFE JO
5338 CHICKENFOOT RD
ST PAULS, NC 28384

HODGE, PAULINE BUTLER HEIRS
5304 CHICKENFOOT RD
SAINT PAULS, NC 28384

JAMES, DEMARCUS K & SANDRA L
7549 DOCUMENTARY DR
FAYETTEVILLE, NC 28304

JONES, VALERIA
PO BOX 174
HOPE MILLS, NC 28348

KIGHT, CHARLES E
PO BOX 64273
FAYETTEVILLE, NC 28306

LEE, SHERRY A
7657 RUFUS JOHNSON RD
FAYETTEVILLE, NC 28306

LOCKLEAR, JEREMY ALLAN
882 SILVER FOX DR
HOPE MILLS, NC 28348

MAXWELL, GLORIA E & REGINALD LEE
2766 MCCALL RD
ST PAULS, NC 28384

MAXWELL, JAMES EDWARD & SYLVIA
5436 CHICKEN FOOT RD
SAINT PAULS, NC 28384

MCALLISTER, LYNETTE
2746 MCCALL RD
SAINT PAULS, NC 28384

MCQUEEN, LARRY & RETHA
500 PECAN GROVE LP
HOPE MILLS, NC 28348

MCQUEEN, RUFUS V & YVONNE J
4292 MACEDONIA CHURCH RD
FAYETTEVILLE, NC 28312

MINGEY, SETH & SKYLAR
2921 APPROVED DR
FAYETTEVILLE, NC 28306

R AUTRY FAMILY LLC
3370 COUNTY LINE RD
FAYETTEVILLE, NC 28306

REVELS, AARON
7548 DOCUMENTARY DR
FAYETTEVILLE, NC 28306

RICKETTS, BRIAN G & KIMBERLY M
7654 RUFUS JOHNSON RD
FAYETTEVILLE, NC 28306

RIDDLE FARMS LLC
7397 RIDDLE RD
SAINT PAULS, NC 28384

RIDDLE, GLENN & GAIL
3175 ODOM RD
HOPE MILLS, NC 28348

SANCHEZ PEREZ, RODULFO & MARIBEL
BARRERA PINEDA
80 BAZEMORE CT
ST PAULS, NC 28384

SCARBOROUGH, JOHN & MICHELE M
7914 SIR BARTON CT
CHARLOTTE, NC 28215

SERPA, GILDO M & KRISTINE M
7541 DOCUMENTARY DR
FAYETTEVILLE, NC 28306

SHEETS, LARRY RAYMOND JR & WIFE
CHRISTINE MARIE
7545 DOCUMENTARY DR
FAYETTEVILLE, NC 28306

WILLIFORD, LESLIE K
7607 DOCUMENTARY DR
FAYETTEVILLE, NC 28306

PLANNING STAFF REPORT
REZONING CASE # P20-15
Planning Board Hearing: March 17, 2020

EXPLANATION OF THE REQUEST

This is a request to rezone one parcel located on the south side of Macedonia Church Road from A1 Agricultural to R40 Residential. This will change the allowed density from 1 lot or unit/2 acres to 1 lot or unit/40,000 square feet. This is a conventional rezoning and no conditions are proposed at this time.

OWNER/APPLICANT

OWNER/APPLICANT: Alex Harrison Culbreth & Kathy Diane Culbreth (owners)

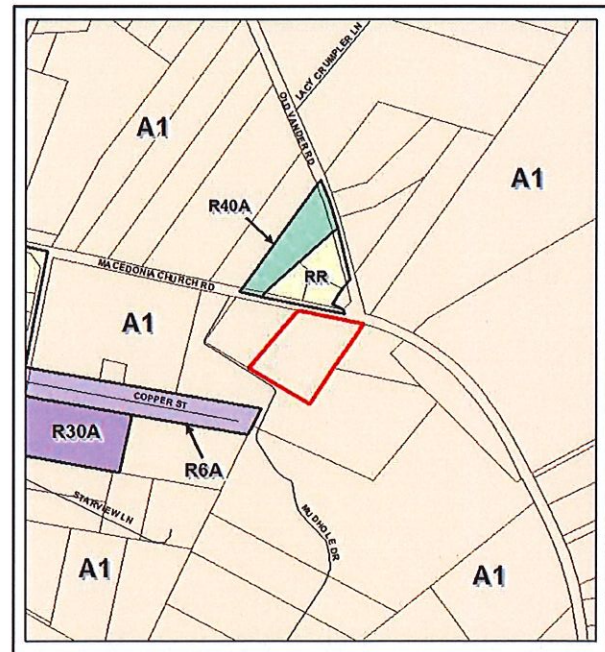
PROPERTY INFORMATION

ADDRESS/LOCATION: 4660 & 4676 Macedonia Church Road; more specifically PIN 0475-45-0477

SIZE: This request includes one parcel totaling approximately 4.60 acres. The property has approximately 390' of street frontage along Macedonia Church Road and is 498' +/- in depth.

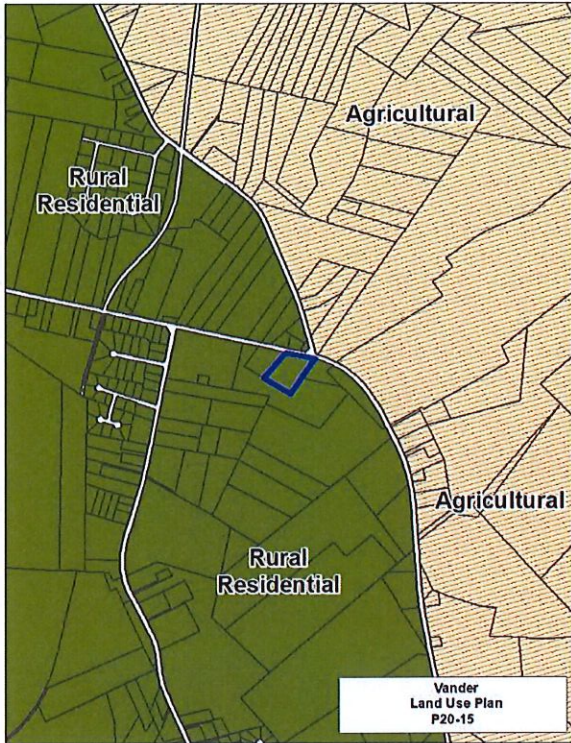
EXISTING LAND USE: The property is currently developed with a residential dwelling.

OTHER SITE CHARACTERISTICS: The property is not located within the watershed or the Special Flood Hazard Area. There are hydric soils (Le- Leon sand & TR-Torhunta and Lynn Haven soils) on the property.



DEVELOPMENT REVIEW: The property was platted on 4-4-91 in Book 75, Page 54. A group development was approved in 2005 (Case 05-186). The owner will need to revise the group development or submit for a subdivision review prior to development.

SURROUNDING LAND USE: There are residential uses in the surrounding area of the property including manufactured homes. A manufactured home park exists southwest of the property.



ZONING HISTORY: This property was initially zoned A1 as part of the Area 20 initial zoning on September 3, 1996.

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

MINIMUM YARD SETBACKS: If approved, this parcel would be subject to R40 setbacks: Front yard: 30 foot, Side yard: 15 foot, Rear yard: 35 foot.

COMPREHENSIVE PLANS: The 2030 Growth Vision Plan designates this parcel for "Rural Areas". "Rural Areas" provides for agriculture, forestry and low intensity residential development with septic where site conditions are good. The Vander Land Use Plan (2017) designates this parcel for "Rural Residential". "Rural Residential" allows for one unit or less per acre and desires a minimum lot size of 40,000 square feet. **Request is plan compliant.**

IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES

TRAFFIC: Macedonia Church Road is identified as a local road in the 2045 Metropolitan Transportation Plan with no constructions/improvements planned. The subject property will have no impact on the Transportation Improvement Plan. The Average Daily Traffic Count (2016) on SR 2014 (Macedonia Church Road) is 700.

SCHOOLS: Comments requested via e-mail. None received.

ECONOMIC DEVELOPMENT: Fayetteville Cumberland County Economic Development Corporation has reviewed the request and had not comment at this time.

EMERGENCY SERVICES: The County Fire Marshal has reviewed the request and had no comment at this time.

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

STAFF RECOMMENDATION

In Case P20-15, the Planning & Inspections staff **recommends approval** of the rezoning from A1 Agricultural to R40 Residential and find the request consistent with the Vander Land Use Plan (2017) designation of "Rural Residential". The "Rural Residential" designation allows for one unit or less per acre and desires a minimum lot size of 40,000 square feet. Staff further finds approval of the request is reasonable and in the public interest as the requested district is in harmony with surrounding existing zoning and land uses and any additional lots/units would be subject to a development review.

Attachments:
 Zoning Application
 Notification Mailing List

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

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

1. Requested Rezoning from A1 to R40
2. Address of Property to be Rezoned: 4670 Macedonia Church Rd Fayetteville
NC 28312
3. Location of Property: same as above
4. Parcel Identification Number (PIN #) of subject property: 0475-45-0477-
(also known as Tax ID Number or Property Tax ID)
5. Acreage: 4.6 +/- Frontage: 390 Depth: 564.38
6. Water Provider: Well: PWC: _____ Other (name): _____
7. Septage Provider: Septic Tank PWC _____
8. Deed Book 10651, Page(s) 823, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
9. Existing use of property: raw land
10. Proposed use(s) of the property: Residential
11. Do you own any property adjacent to or across the street from this property?
Yes _____ No If yes, where? _____
12. Has a violation been issued on this property? Yes _____ No

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

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

CANADY, ROGER E
1649 OLD VANDER RD
FAYETTEVILLE, NC 28312

CULBRETH, ALEX HARRISON & WIFE
KATHY DIANE
4670 MACEDONIA CHURCH RD
FAYETTEVILLE, NC 28312

FERREL, JILL BLAKELY
4657 MACEDONIA CHURCH RD
FAYETTEVILLE, NC 28312

OAKLEY, LEROY C/O STEVEN OAKLEY
1107 ASBURY RD
EASTOVER, NC 28312

ROMAN CATHOLIC DIOCESE OF RALEIGH
7200 STONEHENGE DR
RALEIGH, NC 27613

SCHOOLER, ELIZABETH
4635 MACEDONIA CHURCH RD
FAYETTEVILLE, NC 28312

SMITH, JUANITA CANADY & HUSBAND
STEVE
4622 MACEDONIA CHURCH RD
FAYETTEVILLE, NC 28312

WILLIAMS, SHERRY EVONE & JAMES
ROGER STARLING
4716 MACEDONIA CHURCH RD
FAYETTEVILLE, NC 28312

BEACHAM, MARVIN D III & WIFE
YOLANDA M
3605 HEATHER BROOKE DR
FAYETTEVILLE, NC 28306

BINGHAM, JENNIFER L
1618 OLD VANDER RD
FAYETTEVILLE, NC 28312

BULLARD, CECIL F JR
4843 MACEDONIA CHURCH RD
FAYETTEVILLE, NC 28312

CANADY, ROGER
1547 OLD VANDER RD
FAYETTEVILLE, NC 28312

COOPER, THOMAS GAINEY & WIFE
DORIS P
1411 SEABROOK SCHOOL RD
FAYETTEVILLE, NC 28312

FISHER, JANET
4469 STARVIEW LN
FAYETTEVILLE, NC 28312

HINESMON, JOHN DAVID III & SPOUSE
DECHANDA M
1520 OLD VANDER RD
FAYETTEVILLE, NC 28312

HUNT, IMOGENE H
1331 SEABROOK SCHOOL RD
FAYETTEVILLE, NC 28312

JACKSON, MARY CARTER
PO BOX 343
STEDMAN, NC 28391

NORDAN, CHARLES F & WIFE
104 BROOKSTONE CT
YORKTOWN, VA 23693

P20-15320

PLANNING STAFF REPORT
REZONING CASE # P20-02

Planning Board Hearing: March 17, 2020 (deferred from February 18, 2020)

EXPLANATION OF THE REQUEST

This is a request to rezone two parcels located on the north side of Clinton Road, from A1 Agricultural to C(P) Planned Commercial/CZ Conditional Zoning for motor vehicle sales. As this is a conditional rezoning, all ordinance related conditions will apply. ****Note:** The staff report/recommendation has been revised due to the modification of the application from a conventional to a conditional rezoning as requested by the Planning Board at their January 21, 2020 meeting

OWNER/APPLICANT

OWNER/APPLICANT: Kathrina Victoria (owner) & Shawn Vallini (agent)

PROPERTY INFORMATION

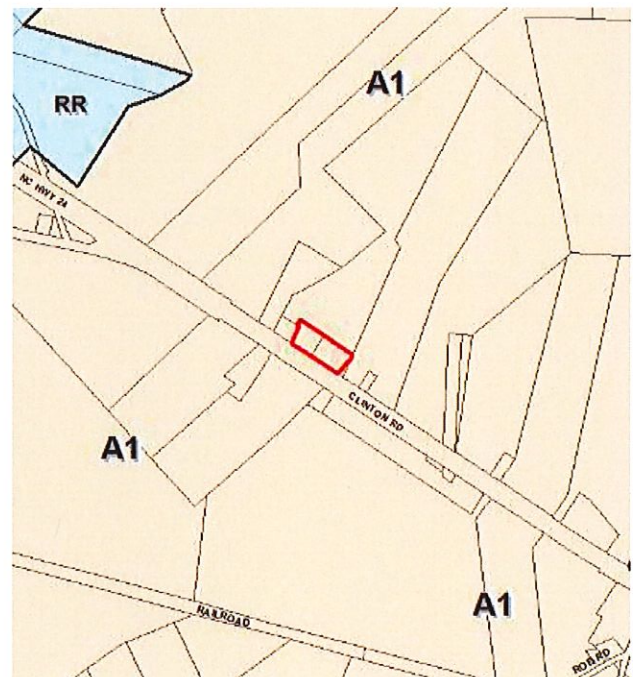
ADDRESS/LOCATION: 5877 & 5911 Clinton Road; more specifically PINs 0486-04-1867; 0486-04-4629

SIZE: This request includes two parcels totaling approximately 3.70 acres. The property has approximately 583' of street frontage along Clinton Road and is 258' +/- in depth.

EXISTING LAND USE: One subject property is currently developed with a single-family dwelling unit.

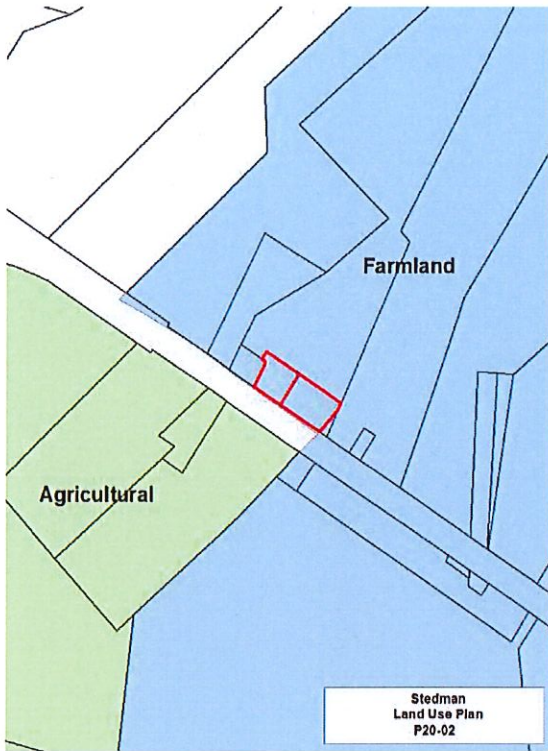
OTHER SITE CHARACTERISTICS: The properties are not within the watershed or Special Flood Hazard Area. There are hydric inclusion soils (St: Stallings loamy sand) located on the properties.

MUNICIPAL INFLUENCE AREA: The properties are in Stedman's MIA. No comment was received from Stedman.



SURROUNDING LAND USE: There are residential uses and woodland/farmland surrounding the properties, with mini-warehousing developed on a parcel to the west.

DEVELOPMENT REVIEW: PIN 0486-04-1867 was created by Deed Book 2956, Page 725 in 1983. PIN 0486-04-4629 was platted on 1-25-89 by Plat Book 68 Page 46.



ZONING HISTORY: The properties were initially zoned A1 as part of the Area 20 initial zoning on September 3, 1996.

UTILITIES: The properties are served by Stedman water. There is a force main for PWC sewer along the property, however PWC states connection is not available to this line.

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 Stedman Land Use Plan (1999) designates these parcels for "Farmland". The new draft Stedman Land Use Plan designates these parcels as "Agricultural". The "Agricultural" designation represents land use for farming and forestry as well as residential uses that maintain rural character of area. **Request is not compliant with the plan.**

IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES

TRAFFIC: The subject properties are located on Clinton Road and this portion is identified as an existing expressway in the 2045 Metropolitan Transportation Plan. There are no construction/improvements planned and the property will have no impact on the Transportation Plan. The Average Daily Traffic Count (2016) on Clinton Road is 12,000.

SCHOOLS CAP/ENROLL: Comments requested via e-mail, none received.

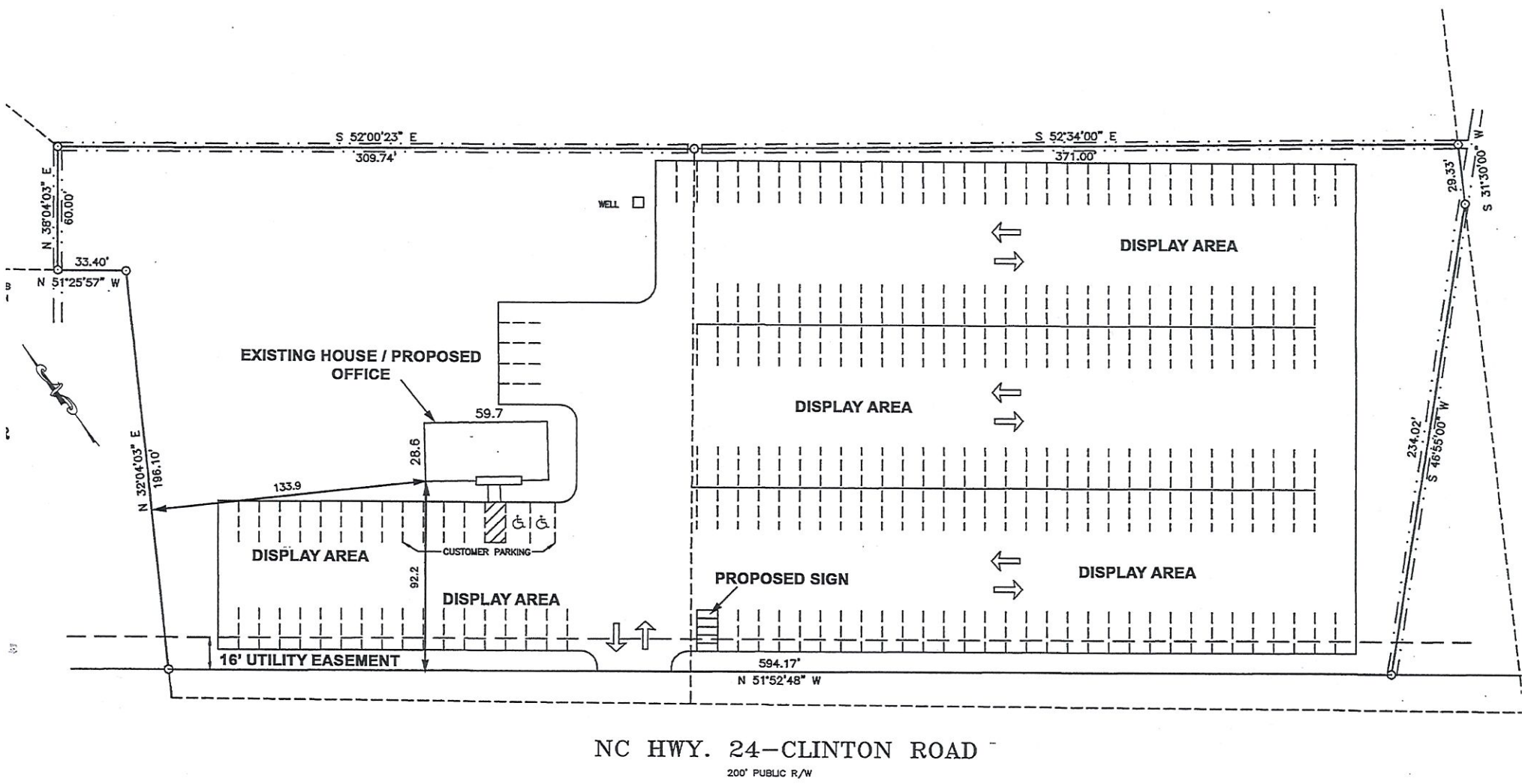
ECONOMIC DEVELOPMENT: Fayetteville Cumberland County Economic Development Corporation has reviewed the request and has no comment at this time.

EMERGENCY SERVICES: This request has been reviewed by the Cumberland County Fire Marshal's Office. The County Fire Marshall stated that future development should ensure all fire department access requirements are met.

STAFF RECOMMENDATION

In Case P20-02, the Planning and Inspections staff **recommends denial** of the rezoning from A1 Agricultural to C(P) Planned Commercial/CZ Conditional Zoning for motor vehicle sales and find the request is not consistent with the adopted Stedman Land Use Plan (1999) which calls for "Farmland" at this location. Heavy commercial uses do not fit the "Farmland" designation's goal of maintaining the rural character of an area through farming and residential uses. Staff further finds that denial of the request is reasonable and in the public interest because the C(P) district is not in harmony with surrounding zoning and existing land uses, the parcels lack public sewer and the number of accesses/driveway permits are limited along NC Hwy 24.

- Attachments:
 Detailed Site Plan
 Draft Ordinance Related Conditions
 Zoning Application
 Notification Mailing List



C(P) PLANNED COMMERCIAL/CZ CONDITIONAL ZONING DISTRICT
REQUEST: FOR MOTOR VEHICLE SALES
CASE: P20-02 ACREAGE: 3.70 AC +/-
ZONED: A1 SCALE: NTS

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

C(P) PLANNED COMMERCIAL/CZ CONDITIONAL ZONING DISTRICT

DRAFT

Ordinance Related 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 is strongly encouraged to discuss plans with the County Fire Marshal's Office. They have commented that all fire department access requirements must be met on site. Please contact the County Fire Marshal's Office for any further questions related to this comment.
3. 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]

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

Permit-Related:

5. The owner/developer(s) of these lots must obtain detailed instructions from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street on provisions of the County Zoning Ordinance and any permits that may be required to place any structure within this development or to commence any use of the subject property. For additional information, the developer should contact a Code Enforcement Officer. (Chpt. 4, County Code & Sec. 107, County Zoning Ord.)
6. The 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]
7. **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/\$50.00 revision fee) must be submitted for staff review and approved prior to permit application.

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

[§ 136-18(29), NCGS]

8. New development where the developer will disturb or intends to disturb more than one acre of land is subject to the Post-Construction Stormwater Management Permitting Program (Phase II Stormwater Management Requirements) administered by the 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)
9. If any new construction requiring any additional water service, then prior to application for the Certificate of Occupancy, connection to public water is required, the Town of Stedman must approve water plans. A copy of the Town of Stedman approval must be provided to Code Enforcement. Contact Christy Horne with Town of Stedman for more information. (Section 2306 A, County Subdivision Ord. & Sec. 1403.I, County Zoning Ord.)
10. The building final inspection cannot be accomplished until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans. (Sec. 107.B, County Zoning Ord.; & Secs. 2005 & 2007 County Subdivision Ord.)

Site-Related:

11. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Development Ordinance, and County Zoning Ordinance for the C(P) Planned Commercial/CZ Conditional Zoning for motor vehicle sales zoning district must be complied with, as applicable.
12. This conditional approval is not approval of the permit for any freestanding signs. Attached signage for this development must be in accordance with the applicable sign regulations as set forth in Article XIII of the County Zoning Ordinance and that the proper permit(s) must be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is not approval of the size, shape, or location of any signs.) (Art. XIII, County Zoning Ord.)
13. "NC HWY. 24 – Clinton Road" must be labeled as "NC HWY (Clinton 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. This review does not constitute a "subdivision" approval by NC Department of Transportation (NCDOT). A separate submittal to NCDOT will be required prior to consideration for addition to the system of any street within this development. (Sec. 2304B, County Subdivision Ord.)
18. Turn lanes may be required by the NC Department of Transportation (NCDOT). [Art. XIV, County Zoning Ord. & NCGS §136-18(5) & §136-93]

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

19. 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.
20. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.
21. All required off-street parking spaces are required to be a minimum of 9' x 20'. A minimum of six off-street parking spaces is required for this development. (Art. XII, County Zoning Ord.)
22. A minimum of one off-street loading spaces(s) measuring 12' x 25' with 14' overhead clearance must be provided for the commercial sales area. (Note: Three copies of a revised site plan depicting the required loading space(s) must be submitted and approved prior to application for any building/zoning permits.) (Art. XII, County Zoning Ord.)
23. The owner/developer is responsible and liable for maintenance and upkeep of this site, all structures, and appurtenances, to include ensuring that the site is kept free of litter and debris, all grass areas mowed, all buffers and shrubbery kept trim and maintained, so that the site remains in a constant state of being aesthetically and environmentally pleasing. (Sec. 1403, County Zoning Ord.)
24. The Noise Regulations of the County Code Chpt. 9.5, Art. II are to be complied with.

Plat-Related:

25. The developer must submit a recombination plat to the Current Planning Section of the Planning & Inspections Department showing the two parcels being recombined into one lot. The recombined parcel must be drawn with solid property lines with the bearing and distances, lot identifier and acreage reflected on the NAR recombination plat.
26. "NC HWY. 24 – Clinton Road" must be labeled as "NC HWY 24 (Clinton Road)" on the NAR recombination plat. (Section 2203.C & D, County Subdivision Ord.)
27. Any/All easements must be reflected on the NAR recombination plat and labeled as to type of easement, reference number for document creating the easement, and the name of the agency, individual, etc. who holds the easement.
28. The NC Department of Transportation (NCDOT) stamp must be affixed to the NAR recombination 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.

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

Plat-Required Statements:

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

"The individual lots in this development do not have public sewer services available, and no lots have been approved by the Health Department for on-site sewer services at the date of this recording."
32. 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 NAR recombination 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.”

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

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

Advisories:

34. The applicant is advised to consult an expert on wetlands before proceeding with any development.
35. Any revision or addition to this plan necessitates re-submission for review and approval prior to the commencement of the change.
36. The subject property sits on Clinton Road and this portion is identified as an existing expressway in the 2045 Metropolitan Transportation Plan. There are no constructions/improvements planned and the subject property will have no impact on the Transportation Plan.
37. The owner/developer is responsible for ensuring easements which may exist on the subject property are accounted for, not encumbered and that no part of this development is violating the rights of the easement holder.
38. The US Postal Service most likely will require this development to have centralized cluster boxes for postal service to each lot or unit. The developer is advised contact the US Postal Growth Coordinator for the Mid-Carolinas District to determine the appropriate location for the cluster boxes. If the cluster box location requires changes to the subdivision or site plan, a revised preliminary/plan must be submitted to the Planning & Inspections Department for review and approval.
39. 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:

40. 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 sewer services are not available as of the date of the recording of this deed. On-site sewer disposal systems must be approved by the County Health Department.”

Thank you for doing business in Cumberland County!

If you need clarification of any conditions, please contact Ed Byrne at 910-678-7609 or 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	Ed Byrne	678-7609	ebyrne@co.cumberland.nc.us
Code Enforcement (Permits):	Scott Walters	321-6654	swalters@co.cumberland.nc.us
County Building Inspections:	Michael Naylor	321-6657	mnaylo@co.cumberland.nc.us
Fire Marshal – Emergency Services	Kevin Lowther	321-6625	klowther@co.cumberland.nc.us
	Gene Booth	678-7641	wbooth@co.cumberland.nc.us
County Health Department:	Fred Thomas	433-3692	ftomas@co.cumberland.nc.us

PWC:	Joe Glass	223-4740	joe.glass@faypwc.com
	Sam Powers	223-4370	sam.powers@faypwc.com
Town of Stedman:	Christy Horne (Town Clerk)	323-1892	chorne.tos@ncrrbiz.com
US Postal Service	Jonathan R. Wallace	(704) 393-4412	jonathan.r.wallace@usps.gov
Corp of Engineers (wetlands):	Liz Hair	(910) 251-4049	hair@usacr.army.mil
NCDEQ (E&S):	Leland Cottrell	(910) 433-3393	leland.cottrell@ncdenr.gov
US Fish & Wildlife Services	Susan Ladd Miller	(910) 695-3323	susan_miller@fws.gov
Location Services:			
Site-Specific Address:	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
Transportation Planning:	Katrina Evans	678 7614	kevans@co.cumberland.nc.us
N.C. Division of Water Quality:	Annette Lucas	(919) 807-6381	annette.lucas@ncdenr.gov

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

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

1. Requested Rezoning from AI to CP
2. Address of Property to be Rezoned: 5877 Clinton Rd Stedman 28391
3. Location of Property: Φ 5911 Clinton Rd Stedman 28391
4. Parcel Identification Number (PIN #) of subject property: 0486-04-1867^P 0486-04-4629
(also known as Tax ID Number or Property Tax ID)
5. Acreage: 3.66 Frontage: 586.90 Depth: 271.70
6. Water Provider: Well: PWC: _____ Other (name): _____
7. Septage Provider: Septic Tank PWC _____
8. Deed Book 10411, Page(s) 89, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
9. Existing use of property: Residential
10. Proposed use(s) of the property: Car dealership
11. Do you own any property adjacent to or across the street from this property?
Yes _____ No If yes, where? _____
12. Has a violation been issued on this property? Yes _____ No

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

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

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

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

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

NOTE: Be specific and list all intended uses.

11. Do you own any property adjacent to, including across the street from, the property being submitted for rezoning? Yes _____ No _____
12. Has a violation been issued on this property? Yes _____ No _____
13. It is requested that the foregoing property be rezoned FROM: A1

TO: (Select one)

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

Motor Vehicle Sells

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

N/A

2. DIMENSIONAL REQUIREMENTS:

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

see site plan

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

see site plan

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.

see site plan

CP sign regulations

4. LANDSCAPE AND BUFFER REQUIREMENTS:

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

See site plan if applicable -

- 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.

Mon-Sat 9am-7pm

6. SITE PLAN REQUIREMENTS:

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

The undersigned hereby acknowledge that the County Planning Staff has conferred with the petitioner or assigns, and the application as submitted is accurate and correct.

✓ Kathrina Victoria
NAME OF OWNER(S) (PRINT OR TYPE)

3007 Wetherby Ct Fayetteville N.C. 28306
ADDRESS OF OWNER(S)

704-619-3472
HOME TELEPHONE #

WORK TELEPHONE #

✓ Shawn Vallini

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

3007 Wetherby Ct Fayetteville N.C. 28306
ADDRESS OF AGENT, ATTORNEY, APPLICANT

ShawnV1@aol.com
E-MAIL

704-619-3472
HOME TELEPHONE #

WORK TELEPHONE #


SIGNATURE OF OWNER(S)

SIGNATURE OF AGENT, ATTORNEY OR APPLICANT

SIGNATURE OF OWNER(S)

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

CARTER, GREGORY
612 WEATHERVANE WAY
ROCKY MOUNT, NC 27803

FISHER, DARRYL T SR & WIFE LUCIA GAIL
ET AL
12209 JASMINE COVE WAY
RALEIGH, NC 27614

N C DEPT OF TRANSPORTATION
1546 MAIL SERVICE CTR
RALEIGH, NC 27699

ROYAL, DENNIS & WIFE GINEAN
255 EASTWOOD AVE
FAYETTEVILLE, NC 28301

VICTORIA, KATHRINA ●
3007 WETHERBY CT
FAYETTEVILLE, NC 28306

ALLEN, RICHARD R JR
6044 CLINTON RD
STEDMAN, NC 28391

CAPE FEAR MINI STORAGE
912 CEDAR CREEK RD
FAYETTEVILLE, NC 28312

CARTER, CANDACE JO
PO BOX 53555
FAYETTEVILLE, NC 28305

CARTER, J O JR
1100 CLARENDON ST, Unit/Apt 207
FAYETTEVILLE, NC 28305

EATMAN-JACKSON, REBECCA H &
HUSBAND JAMES ANDREW JACKSON
6061 CLINTON RD
STEDMAN, NC 28391

HAY, JAMES & WIFE DALE A
5846 CLINTON RD
STEDMAN, NC 28391

SMITH, ARNOLD
11075 BROADWATER BRIDGE RD
ROSEBORO, NC 28382

WOODHAM, LOUINE A
5816 CLINTON RD
STEDMAN, NC 28391

PLANNING STAFF REPORT
REZONING CASE # P20-08

Planning Board Hearing: March 17, 2020 (deferred from February 18, 2020)

EXPLANATION OF THE REQUEST

This is a request to rezone one parcel located on the east side of US Hwy 301 S, from RR Rural Residential & C(P) Planned Commercial to RR Rural Residential. This request will allow the applicant to utilize an existing structure on the property as a dwelling unit. This is a conventional rezoning and no conditions are proposed at this time.

OWNER/APPLICANT

OWNER/APPLICANT: Deliverance Jesus Is Coming Victory Center, Inc. (owner)

PROPERTY INFORMATION

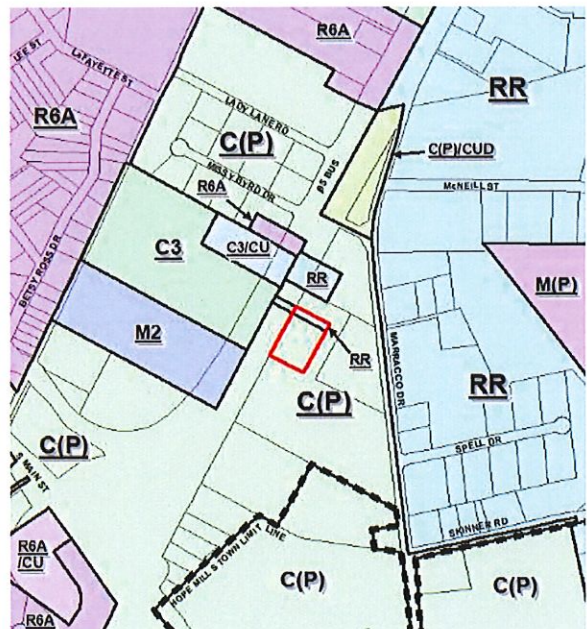
ADDRESS/LOCATION: 5087 US Hwy 301 S; more specifically
PIN 0423-16-7343

SIZE: This request includes one parcel totaling approximately 1.55 acres. The property has approximately 315' of street frontage along US Hwy 301 S and is 215'+/- in depth.

EXISTING LAND USE: The subject property is currently developed as a religious worship facility.

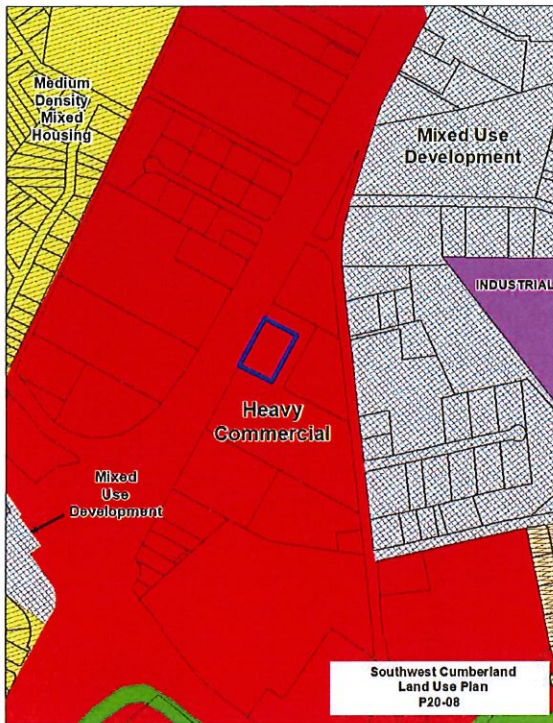
OTHER SITE CHARACTERISTICS: The property is not located within the watershed or the Special Flood Hazard Area. There are no soil limitations to development.

MUNICIPAL INFLUENCE AREA: This property is within the Hope Mills MIA. The Town of Hope Mills had no comment on the request.



SURROUNDING LAND USE: There are some residential uses surrounding the subject property, including manufactured homes. There are several non-residential uses around the property including trade contracting, food distribution, RV sales, and a trucking service.

DEVELOPMENT REVIEW: This property was created prior to 8-22-84 and went through a site plan review for the religious worship facility (Case 10-098). A revision will be required for the proposed dwelling unit.



ZONING HISTORY: This property was initially zoned RR & C(P) as part of the Area 13 initial zoning on June 25, 1980.

UTILITIES: This site is currently served by private well and septic. PWC water exists approximately 600 feet to the north. There is no public sewer line available. This property is not 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 parcel for "Urban Fringe". "Urban Fringe" describes areas that are likely to reach a level of development requiring urban services. The Southwest Cumberland Land Use Plan (2013) designates this parcel for "Heavy Commercial". "Heavy Commercial" areas provide for the shopping needs of the immediate community. **Request is not plan compliant.**

IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES

TRAFFIC: US Hwy 301 S is identified as an expressway needing improvement in the 2045 Metropolitan Transportation Plan with no constructions/improvements planned. The subject property will have no impact on the Transportation Improvement Plan. The Average Daily Traffic Count (2016) on I-95 Business is 14,000.

SCHOOLS: Comments requested via e-mail. None received.

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

EMERGENCY SERVICES: This request has been reviewed by the Cumberland County Fire Marshal's Office. The County Fire Marshall stated that all fire department access requirements must be met.

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

STAFF RECOMMENDATION

In Case P20-08, the Planning & Inspections staff **recommends denial** of the rezoning from RR Rural Residential & C(P) Planned Commercial to RR Rural Residential and find the request is not consistent with the Southwest Cumberland Land Use Plan (2013) which calls for "Heavy Commercial" at this designation. Staff further finds denial of the rezoning is reasonable and in the public interest as the district requested is not in harmony with the surrounding existing land uses and existing zoning.

Attachments:
 Zoning Application
 Notification Mailing List

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

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

1. Requested Rezoning from RR+CP to RR
2. Address of Property to be Rezoned: 5087 Hwy 301 South
3. Location of Property: _____
4. Parcel Identification Number (PIN #) of subject property: 0423-16-7343
(also known as Tax ID Number or Property Tax ID)
5. Acreage: 1.55 Frontage: 315 Depth: 215
6. Water Provider: Well: PWC: _____ Other (name): _____
7. Septage Provider: Septic Tank PWC _____
8. Deed Book 8190, Page(s) 119-121, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
9. Existing use of property: CHURCH
10. Proposed use(s) of the property: CHURCH + RESIDENCE
11. Do you own any property adjacent to or across the street from this property?
Yes _____ No If yes, where? _____
12. Has a violation been issued on this property? Yes _____ No

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

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

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.

DELIVERANCE Jesus Is Coming Victory Center, Inc. *Carolyn Hick*
NAME OF OWNER(S) (PRINT OR TYPE)

1687 BLADEN UNION CHURCH Rd, Fayetteville, NC 28306
ADDRESS OF OWNER(S)

910-568-1183
HOME TELEPHONE # WORK TELEPHONE #

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

ADDRESS OF AGENT, ATTORNEY, APPLICANT

overseerhicks@aol.com
E-MAIL

HOME TELEPHONE # WORK TELEPHONE #

Carolyn L. Hick
SIGNATURE OF OWNER(S) SIGNATURE OF AGENT, ATTORNEY OR APPLICANT

SIGNATURE OF OWNER(S)

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

AUTRY, LARRY KENNETH TRUSTEE
PO BOX 368
HOPE MILLS, NC 28348

DELIVERANCE JESUS IS COMING
VICTORY CENTER INC
PO BOX 393
HOPE MILLS, NC 28348

HIGH FAMILY PROPERTIES LLC
605 LARKFIELD CT
FAYETTEVILLE, NC 28314

STORE MASTER FUNDING II LLC C/O
CAMPING WORLD RV SALES LLC
250 PARKWAY , Unit/Apt 270
LINCOLNSHIRE, IL 60069

P20-08 1st

BIGGER BROTHERS INC C/O TAX DEPT
PO BOX 29291
PHOENIX, AZ 85038

CAMPBELL, ANITA LOCKLEAR
5059 MARRACCO DR
HOPE MILLS, NC 28348

COTTON VOLUNTEER FIRE DEPT INC
PO BOX 129
HOPE MILLS, NC 28348

EBERHART, DONNA L
5111 MARRACCO DR, Unit/Apt 9B
HOPE MILLS, NC 28348

GOINS, EVA B LIFE ESTATE
5052 S US 301 HWY
HOPE MILLS, NC 28348

LOFLIN PROPERTIES LLC
175 S NC 49 HWY
ASHEBORO, NC 27203

MCARTHUR, ELLA H LIFE ESTATE
5034 S US 301 HWY
HOPE MILLS, NC 28348

MCDONALD, RANDY G & DONNA S
246 MCNEILL ST
HOPE MILLS, NC 28348

MILLER, JAMES N & PAMELA S
5021 MARRACCO DR
HOPE MILLS, NC 28348

MOORE, JASON DAN & BETHANY S
PO BOX 25068
RALEIGH, NC 27611

NELSON, MICHAEL N
4100 GRANDFORD RD
FAYETTEVILLE, NC 28306

PLACE, GUY R & VICTORIA G
2042 IRONWOOD DR
FAYETTEVILLE, NC 28304

R&R MATERIAL & ASSETS LLC
PO BOX 447
HOPE MILLS, NC 28348

RIDDLE, JOSEPH P III & TRINA T
PO BOX 53729
FAYETTEVILLE, NC 28305

WD INVESTMENTS LLC
417 FOXWOOD DR
HOPE MILLS, NC 28348

WILSON TRUCKING CORP
PO BOX 200
FISHERVILLE, VA 22939