

AMY H. CANNON
County Manager



RAWLS HOWARD
Director

TRACY JACKSON
Assistant County Manager



DAVID MOON
Deputy Director

◆
Cumberland County Joint Planning Board

TENTATIVE AGENDA

November 17, 2020
6:00 P.M.

- I. INVOCATION AND PLEDGE OF ALLEGIANCE
- II. ADJUSTMENTS TO / APPROVAL OF AGENDA
- III. PUBLIC HEARING DEFERRALS / WITHDRAWALS
- IV. ABSTENTIONS BY BOARD MEMBERS
- V. APPROVAL OF THE MINUTES OF OCTOBER 20, 2020
- VI. CHAIRMAN'S WELCOME AND RULES OF PROCEDURE
- VII. PUBLIC HEARING CONSENT ITEMS

CONDITIONAL ZONING CASES

- A. **P19-01.** MODIFICATION OF AN APPROVED C(P) PLANNED COMMERCIAL/CZ CONDITIONAL ZONING FOR MOTOR VEHICLE SALES DISTRICT OR TO A MORE RESTRICTIVE ZONING DISTRICT ON 2.18+/- ACRES; LOCATED ON THE EAST SIDE OF NC 59 (HOPE MILLS ROAD), WEST OF SR 1135 (JOHN SMITH ROAD), NORTH OF NC 162 (GEORGE OWEN ROAD); SUBMITTED BY ERIC AND CARRIE BROWN (OWNERS) & GEORGE M. ROSE (AGENT). (HOPE MILLS)
- B. **P20-43:** REZONING OF 20.61+/- ACRES FROM A1 AGRICULTURAL TO R40 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 7149 BUTLER NURSERY ROAD, SUBMITTED BY KYLE A. DIXON (OWNER) & TIM EVANS (AGENT). (**APPLICANT HAS REVISED REQUEST TO R40 RESIDENTIAL/CZ CONDITIONAL ZONING FOR A 20-LOT SUBDIVISION**)

REZONING CASES

- C. **P20-52.** REZONING OF 5.00+/- ACRES FROM RR RURAL RESIDENTIAL TO M(P) PLANNED INDUSTRIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE NORTH SIDE OF NC HIGHWAY 24, WEST OF SR 1941 (ANGELIA M STREET), SUBMITTED BY JONATHAN DERRILL EDWARDS JR. ON BEHALF OF ND4200, LLC (OWNER).
- D. **P20-53.** REZONING OF 1.21+/- ACRES FROM M2 HEAVY INDUSTRIAL TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE WEST SIDE OF NC 210 (LILLINGTON HIGHWAY), SOUTH OF LAKE PARK DRIVE, SUBMITTED BY WILLIAM S. WELLONS, JR. ON BEHALF OF WELLCO CONTRACTORS INC. & FLORENCE C. WELLONS HEIRS (OWNER). (SPRING LAKE)

VIII. PUBLIC HEARING CONTESTED ITEMS

REZONING CASE

- E. **P20-51.** REZONING OF 0.64+/- ACRES FROM R6A RESIDENTIAL TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE NORTHEAST SIDE OF THE INTERSECTION OF NC 59 (S MAIN STREET) AND SR 3352 (BETSY ROSS DRIVE), SUBMITTED BY FREDRICK L. WALLACE (OWNER).

IX. DISCUSSION

DIRECTOR'S UPDATE

X. ADJOURNMENT

EXPLANATION OF THE REQUEST

This is a request to modify an approved C(P) Planned Commercial/CZ Conditional Zoning for motor vehicle sales. This modification is for approval of the revised size and location of the proposed building. As this is a conditional zoning, all ordinance related conditions will apply.

OWNER/APPLICANT

OWNER/APPLICANT: Eric and Carrie Brown (owners) & George M. Rose (agent)

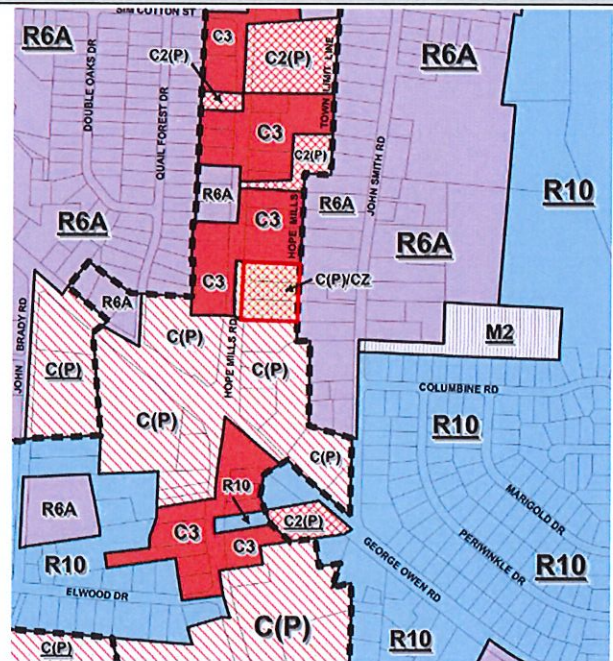
PROPERTY INFORMATION

ADDRESS/LOCATION: East side of NC 59 (Hope Mills Road), west of SR 1135 (John Smith Road), north of NC 162 (George Owen Road); more specifically REID 0405949121000, 0405949010000 & 0405939910000.

SIZE: This request includes three parcels totaling approximately 2.18 acres. The property has 318' +/- of street frontage along NC 59 (Hope Mills Road). The property is 305' +/- in depth.

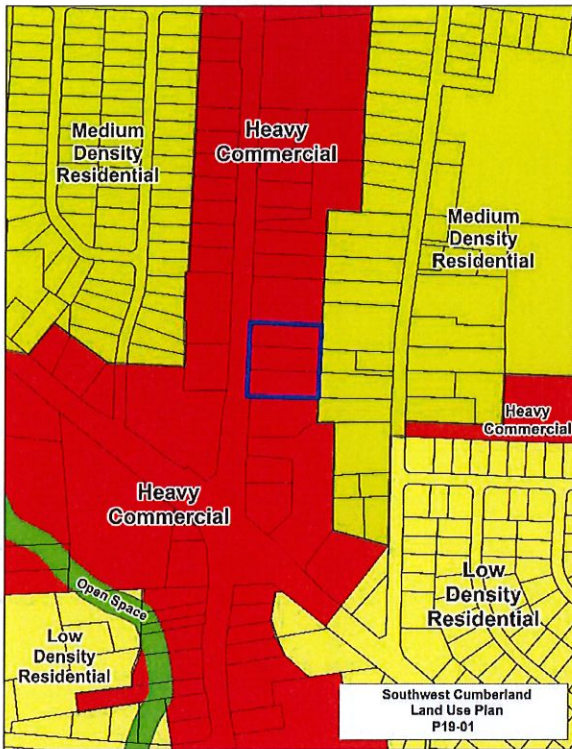
EXISTING LAND USE: The property is currently vacant.

OTHER SITE CHARACTERISTICS: The property is not located within the watershed or the Special Flood Hazard Area. There are no hydric or hydric inclusion soils located the property.



DEVELOPMENT REVIEW: Parcel was platted on 4-15-19 in Plat Book 142, Page 103. This recombination plat will need activating per the conditions of approval.

SURROUNDING LAND USE: There are residential uses in the surrounding area including manufactures homes. There are also several nonresidential uses including a motor vehicle wash, barbering & hairdressing, motor vehicle repair & sales, shopping center, and restaurant.



ZONING HISTORY: The property was initially zoned R6A as part of the Area 4 initial zoning on November 17, 1975. The southern parcel was rezoned to C(P) on August 15, 2011 (Case P11-27). The northern parcel was rezoned to C(P) on July 21, 2014 (Case P14-28). The entire area was rezoned to C(P)/CZ for motor vehicle sales on March 18, 2019 (Case P19-01).

UTILITIES: This site is currently served by PWC water & sewer. The site is not located within a water/sewer 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. (Modification approval would make northern side setback 23.7 feet)

COMPREHENSIVE PLANS: The 2030 Growth Vision Plan designates this area as "Urban". The Southwest Cumberland Land Use Plan (2013) designates this area as "Heavy Commercial". The "Heavy Commercial" designation provides for the shopping needs of the immediate neighborhood, community, and the traveling public. Strip commercial areas are recommended along Hope Mills Road. **Request is plan compliant.**

IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITES

TRAFFIC: The subject property sits on Hope Mills Road and is identified as a boulevard needing improvement in the Metropolitan Transportation Plan. There are no construction projects planned and the subject property will have no impact on the Transportation Improvement Plan. The Average Daily Traffic Count (2018) on Hope Mills Road is 26,000.

SCHOOLS CAP/ENROLL: Cumberland Mills Elementary: 630/633; Douglas Byrd Middle: 600/573; Douglas Byrd High: 1280/1029

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

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

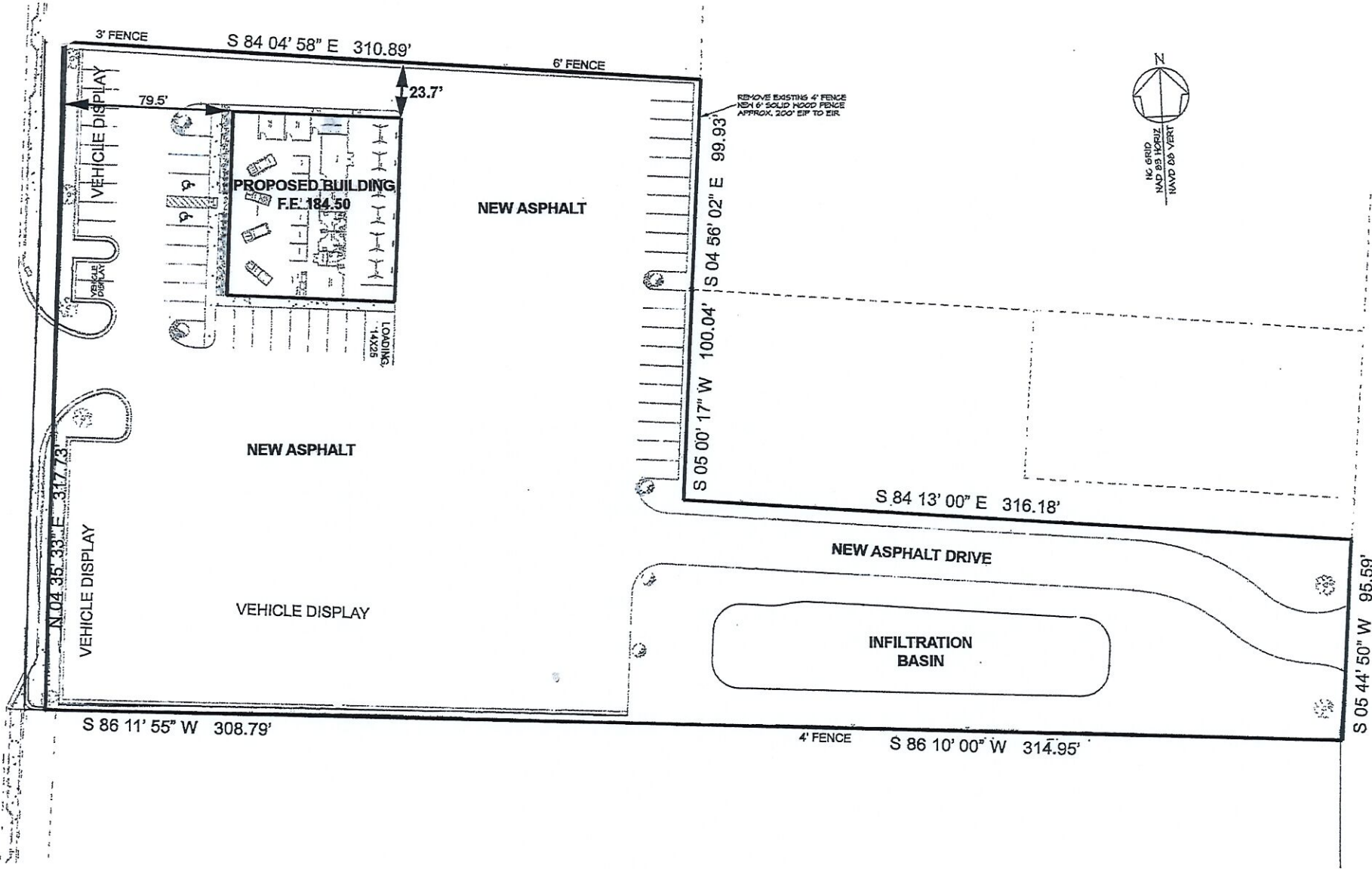
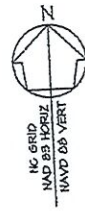
FAYETTEVILLE REGIONAL AIRPORT: This property is not located within the Airport Overlay District.

STAFF RECOMMENDATION

In Case P19-01, the Planning & Inspections staff **recommends approval** of the modification request to an approved C(P)/CZ Conditional Zoning for motor vehicle sales and finds the modification request consistent with the Southwest Cumberland Land Use Plan (2013) designation of "Heavy Commercial" as it provides for the shopping needs of the immediate neighborhood, community and traveling public and strip commercial areas are recommended along Hope Mills Road. Approval of the modification request is reasonable and in the public interest as the conditional zoning district is in harmony with surrounding existing uses and zoning and the modification will only move the proposed structure closer to an adjacent lot which is already zoned a heavy commercial district.

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

HOPE MILLS RD



MODIFICATION OF CONDITIONAL ZONING
 REQUEST: APPROVAL OF LOCATION OF PROPOSED BUILDING
 CASE: P19-01 ACREAGE: 2.18 AC +/-
 ZONED: C(P)/CZ 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

for

Motor vehicle sales

Pre- Permit Related:

1. The Town of Hope Mills has tree preservation provisions in their ordinance; the developer must contact Chancer McLaughlin, Hope Mills Town Planner concerning the removal of trees from this site prior to obtaining a tree removal permit.
2. Prior to application for any permits, the recorded recombination plat (Plat Bk. 142, Pg. 103) must be activated and a new REID Number assigned. Please contact Tax Mapping for questions related to the plat activation process. The developer must provide a copy of the recorded recombination plat and the new REID number to the Hope Mills Town Planner and Inspector at the time of submission for permits.
3. A recorded plat for right-of-way dedication is required prior to permit application, see Plat-Related conditions below. [Sec. 4-8(b)(7), County Code]

Permit-Related:

4. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the Hope Mills Zoning Ordinance and building/zoning permits required to place any structure within this development from the Hope Mills Inspection Department/Planning Department, in Town Hall at 5770 Rockfish Road. For additional information, the developer should contact a Town Planner.
5. The Town's Plan Review Committee requirements must be complied with and in the event any significant changes to the site plan are necessary to satisfy the Plan Review Committee's requirements, re-submittal of the site plan may be required. The Town's Plan Review Committee offered the following comments:
 - a. *Town of Hope Mills Storm Water Department:* Site is above 1 acre and will require a stormwater permit.
 - b. *Town of Hope Mills Planning Department:* Staff is in support of this request.
 - c. *Town of Hope Mills Public Works Department:* No Comment.
 - d. *Town of Hope Mills Fire Department:* No Comment.
 - e. *Town of Hope Mills Inspections:* No Comment.
6. Connection to public water and sewer is required, the Public Works Commission (PWC) must approve water and sewer plans prior to application for any permits. A copy of the PWC approval must be provided to the Hope Mills Inspections Department/Planning Department at the time of application for building/zoning permits. (Section 86A-406 (1), Public Water and Sewer Systems Hope Mills Subdivision Ordinance)
7. New development that will disturb one acre or more of land or is part of a larger common plan of development that will disturb one acre or more of land is subject to the Post-Construction Stormwater Management Permitting Program administered by the Hope Mills Stormwater Department. If one acre or more of land is to be disturbed, prior to the issuance of any building/zoning permits for this site a copy of the Town's Stormwater Management Permit must be provided to the Hope Mills Inspections Department/Planning Department.

Note: This conditional zoning approval is not an approval of the "potential retention pond area" as shown on the site plan.

8. For any new development, the developer must/may have to provide the Hope Mills Inspections Department/Planning Department with an approved NC Department of Environmental Quality (NCDEQ) sedimentation and erosion control plan (S&E) prior to any application for permits. (Note: If any retention/detention basins are required for state approval of this plan, then three copies of a revised plan must be submitted and approved by Planning & Inspections prior to application for any building/zoning permits.) A

copy of the NCDEQ approval must be provided to the Hope Mills Town Inspections Department/Planning Department at the time of application for any building/zoning permits.

9. The developer must provide a site-specific address and tax parcel number to the Hope Mills Inspections Department/Planning Department at the time of building/zoning permit application.
10. Landscaping must be provided in accordance with Section 102A-1202(n), Landscaping, Hope Mills Zoning Ordinance and/as shown on the site plan. The following are the minimum standards for the required landscaping of this site:
 - a. Eight large shade trees or twenty-five small ornamental trees within the front yard setback area;
 - b. Three small ornamental trees and thirty-three shrubs are required in the building yard area;
 - c. Three trees and fifteen shrubs are required within the parking area.

In addition:

- a. Required plant materials shall be maintained by the property owner, including replacing dead or unhealthy trees and shrubs; and
 - b. All yard and planting areas shall be maintained in a neat, orderly, and presentable manner and kept free of weeds and debris.
11. A Certificate of Occupancy will not be issued until the Hope Mills Stormwater Department inspects the site and certifies that it has been developed in accordance with the approved drainage plans.
12. A *Certificate of Occupancy* will not be issued until the Town Planner inspects the site and certifies that the site is developed in accordance with the approved plans.
13. The developer must obtain a driveway permit from the Hope Mills Street Department and NC Department of Transportation (NCDOT). A copy of the approved driveway permit must be provided to Hope Mills Inspection Department /Planning Department at the time of application for building/zoning permits. Permits MUST be secured prior to the change or alteration of existing or proposed property use. Failure to secure required permits prior to construction or change in property usage may result in the removal of the driveway or street connections at the property owner's expense. For additional information contact the Hope Mills Street Department and NCCDOT Division 6 / District 2 office at the numbers listed on the bottom of this conditional approval.

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

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

Site-Related:

14. All uses, dimensions, setbacks and other related provisions of the Hope Mills Subdivision Ordinance and Zoning Ordinance for the C(P) Planned Commercial/ CZ Conditional Zoning for motor vehicle sales zoning district must be complied with, as applicable.

Note: By showing the proposed building with a side setback of 23.7' from the northern property line, the applicant is requesting a variance from the required side yard setback of 30 feet in the C(P) district.

15. 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 XIV of the Hope Mills Zoning Ordinance and that the proper permit(s) must be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is **not** approval of the size, shape, or location of any signs.)
16. "Hope Mills Road/NC Hwy 59" must be labeled as "NC 59 (Hope Mills Road)" and "John Smith Road" must be labeled as "SR 1135 (John Smith Road)" on all future plans.

17. Curbs and gutters must meet the NC Department of Transportation's (NCDOT) standards and specifications. Rolled concrete curb, if required, must not be less than 24 inches in width. (Section 86A-404(16) (b) (3), Curbs and Gutters, Hope Mills Subdivision Ordinance)
18. A drainage permit from the Town of Hope Mills Stormwater Department is required for any development or redevelopment that will construct, alter, repair, relocate, or demolish any storm sewer natural watercourse, or other drainage facility. The standards used for the design and construction of all stormwater drainage structures and/or stormwater BMP facilities shall be in accordance with the "Town of Hope Mills Stormwater Design Standards", the Design Manual, and shall be subject to the requirements of Chapter 67 Article III.
19. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 86A-406(c), Underground utilities required, Hope Mills Subdivision Ordinance)
20. The owner/developer shall secure and maintain the detention/retention basin, keeping it clear of debris and taking measures for the prevention of insect and rodent infestation.
21. Turn lanes may be required by the Hope Mills Street Department and NC Department of Transportation (NCDOT).

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

22. All lighting is required to be directed internally within this development and comply with the provisions of Section 102A-1202(m), Outdoor Lighting, Hope Mills Zoning Ordinance.
23. A solid buffer must be provided and maintained along the rear property line where this tract/site abuts R6A Residential zoning in accordance with the provisions of Section 102A-1202(g), Buffer Requirements, Hope Mills Zoning Ordinance. (Note: Chain link fencing cannot be used to satisfy the buffer requirement.)
24. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.
25. All required off-street parking spaces shall be a minimum of 9' x 20' and shall be surfaced, with a permanent material such as asphalt or concrete, and striped prior to application for the building final inspection. A minimum of thirty-five off-street parking spaces is required for this development. (Section 102A-1302, Off-street parking, Hope Mills Zoning Ordinance.)
26. A minimum of one off-street loading spaces(s) measuring 12' x 25' with 14' overhead clearance must be provided for the retail area. (Section 102A-1303 Off-street loading, Hope Mills Zoning Ordinance.)
27. 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.
28. Noise levels shall not exceed 60 dB(A) between the hours of 10:00 pm and 7:00 am. In any event, the noise level, regardless of the time of day, shall not become a nuisance to neighboring properties and strict compliance with the County's Noise Ordinance is required.
29. Motor vehicles for sale must remain in the areas noted as "vehicle display area" and are not permitted for display on the portion of the lot outside of the conditional zoning area zoned R6A Residential.

Plat-Related:

30. Dedication of 10 feet of right-of-way along NC 59 (Hope Mills Road) is required and the metes and bounds for dedication is required to be shown on the final plat and/or reflected on any future site plans. The location of all improvements required or otherwise, and all building setback lines are to be measured from the ultimate right-of-way line.

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.

31. Any/All easements must be reflected on the final plat and labeled as to type of easement, reference number for document creating the easement, and the name of the agency, individual, etc. who holds the easement.

32. The NC Department of Transportation (NCDOT) stamp must be affixed to the final plat prior to submission for final plat approval by Current Planning.

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.

33. The notarized signature(s) of all current tax record owner(s) and notary certifications appear on the final plat when submitted for final approval. (Section 86A-603(d), Certificate of Ownership and Dedication, Hope Mills Subdivision Ordinance)

34. The final plat must be submitted to the Current Planning Section for review and approval for recording with the County Register of Deeds, and the plat must be recorded prior to any permit application for any structure and/or prior to the sale of any lot or unit within this development.

35. The developer should be aware that any addition and/or revision to this plat may require an additional review and approval by the Planning & Inspections Department prior to submission for final plat approval of any portion of this development.

Plat-Required Statements:

36. All structures shall be shown on the final plat or the final plat shall reflect the following statement:

“Nonconforming structures have not been created by this subdivision.”

Other Relevant Conditions:

37. The applicant is advised to consult an expert on wetlands before proceeding with any development.

38. 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.

39. The developer’s subsequent application for permits upon receipt of these conditions of approval constitutes the developer’s understanding and acceptance of the conditions of approval for this development.

40. 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.

41. 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.

42. The subject property lies on Hope Mills Road. Hope Mills Road is identified as a boulevard, needing improvement in the 2040 Metropolitan Transportation Plan with no constructions/improvements planned. The subject property will have no impact on the Transportation Improvement Plan. For questions related to this comment, please contact Transportation Planning.

43. This conditional approval is contingent upon continued compliance with the Town’s Subdivision and Zoning Ordinances.

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

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

Subdivision/Site Plan/Plat	Jeff Barnhill	678-7765	jbarnhill@co.cumberland.nc.us
PWC:	Joe Glass	223-4740	joe.glass@faypwc.com
	Sam Powers	223-4370	sam.powers@faypwc.com
Town of Hope Mills:		424-4555*	
Town Clerk:	Jane Starling		jstarling@townofhopemills.com
Planner – Zoning Permits	Chancer McLaughlin		cmclaughlin@townofhopemills.com
Chief Building Inspector:	David Reeves		dreeves@townofhopemills.com
Stormwater/Flood Administrator:	Beth Brown		eabrown@townofhopemills.com
Zoning Inspector:	Chancer McLaughlin		cmclaughlin@townofhopemills.com
Fire Marshal	Brett A. Ham		baham@townofhopemills.com
Public Works – Streets/sidewalks	Don Sisko		dsisko@townofhopemills.com
US Postal Service	Jonathan R. Wallace	(704) 393-4412	jonathan.r.wallace@usps.gov
Corp of Engineers (wetlands):	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	678-7616	wphipps@co.cumberland.nc.us
Tax Parcel Numbers:		678-7549	
NCDOT (driveways/curb-cuts):	Troy Baker	364-0601	tlbaker@ncdot.gov
Transportation Planning:	Katrina Evans	678-7614	kevans@co.cumberland.nc.us
N.C. Division of Water Quality:	Annette Lucas	(919) 807-6381	annette.lucas@ncdenr.gov

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

BROWN'S AUTO WORLD

2634 Hope Mills Road
Fayetteville, NC 28306

September 24, 2020

Betty Lynd
Cumberland County Planning Department
130 Gillespie Street
Fayetteville, NC 28301

Re: Brown's Auto World
Side yard variance

Dear Mrs. Lynd:

By this correspondence we are requesting a modification of the conditional zoning for the site plan for Brown's Auto World at 2633 Hope Mills Road. We request that the northern side yard setback for the proposed building be reduced to 23.7 feet where 40.5 feet was originally shown.

This reduced setback request is a result of a requirement by the N.C. Department of Transportation to move the originally proposed project entrance location to the north so as to line up directly opposite an existing curb cut on the west side of Hope Mills Road. The required \$400 fee is included with this correspondence.

Please contact me or the site design engineer George Rose if additional information is needed.

Sincerely,



Eric Brown

NAME	ADDRESS	CITY
BAKER, ELLON CASHWELL	PO BOX 32	HOPE MILLS, NC 28348
BROWN, ERIC	2904 BARNBY PL	FAYETTEVILLE, NC 28306
COOPER, GARY D;COOPER, YOVONNE M	2689 JOHN SMITH RD	FAYETTEVILLE, NC 28306
D W CROSSROADS INC	PO BOX 48069	CUMBERLAND, NC 28331
ELMWOOD HOLDINGS LLC	PO BOX 87555	FAYETTEVILLE, NC 28304
LUONGO, GIUSEPPE;LUONGO, MONICA T	1417 GENERAL LEE AVE	FAYETTEVILLE, NC 28305
MILLVIEW INVESTMENTS LLC	PO BOX 53668	FAYETTEVILLE, NC 28305
NORDAN, HELEN D HEIRS	2617 HOPE MILLS RD	FAYETTEVILLE, NC 28306
PIERCE, ARLIE R;PIERCE, AGNES N	2724 BELHAVEN RD	FAYETTEVILLE, NC 28306

NAME	ADDRESS	CITY
BARKER, BRENT A	7101 W CRANBERRY CT	FAYETTEVILLE, NC 28306
BIGHAM, PAMELA RHEW	2664 JOHN SMITH RD	FAYETTEVILLE, NC 28306
BROWN, DARRIEN MAQUEL	2545 QUAIL FOREST DR	FAYETTEVILLE, NC 28306
BUIE, JAMES CALTON JR;BUIE, LILLIAN K BV 199 LLC	2708 JOHN SMITH RD 1414 YANCEYVILLE ST 300	FAYETTEVILLE, NC 28306 GREENSBORO, NC 27405
CANIPE, LUTHER	PO BOX 402	HOPE MILLS, NC 28348
CARRICO, SHEILA D	5894 COLUMBINE RD	FAYETTEVILLE, NC 28306
COOPER, YOVONNE	2689 JOHN SMITH RD	FAYETTEVILLE, NC 28306
CRAFT, JAMES F	221 BOBCAT RD	UPPERGLADE, WV 26266
DAVIS, DANNY E JR;CAROL D	139 RANDLEMAN DR	RAEFORD, NC 28376
DOVE, DOUGLAS A	2723 JOHN SMITH RD	FAYETTEVILLE, NC 28306
DREAMS VISION REAL ESTATE LLC	6908 INLET COVE DR	FORT BELVOIR, VA 22060
DRL ENTERPRISES INC	2179 CRYSTAL SPRINGS RD	FAYETTEVILLE, NC 28306
GEYER, MARY	229 N 3RD AVE	KURE BEACH, NC 28449
GIBSON, WALTER LYNN	2715 JOHN SMITH RD	FAYETTEVILLE, NC 28306
GILBERT, THOMAS RICHARD	2638 JOHN SMITH RD	FAYETTEVILLE, NC 28306
GREENIER, RAYMOND PAUL; LETRISHA ANN	5896 COLUMBINE RD	FAYETTEVILLE, NC 28306
HALL, GILBERT LON;RICHARD, JOSEPH ANGLEA	8142 KING RD	FAYETTEVILLE, NC 28306
HALL, RONALD MILTON JR;AMY ELIZABETH	PO BOX 48991	CUMBERLAND, NC 28331
HIGH, AMANDA J;LINDA, S	2600 QUAIL FOREST DR	FAYETTEVILLE, NC 28306
HILLSIDE LANDSCAPE SUPPLIES INC	2598 HOPE MILLS RD	FAYETTEVILLE, NC 28306
HOLDEN, JAMES ALEX JR	2612 HOPE MILLS RD	FAYETTEVILLE, NC 28306
HUDSON, LAMONTE	4801 FOUNDARY CT	HOPE MILLS, NC 28348
IMO US SOUTH, LLC	6300 S SYRACUSE WAY STE 290	CENTENNIAL, CO 80111
JACKSON ESTATES LLC	PO BOX 48704	CUMBERLAND, NC 28331
JOHNSON, PATRICIA B	4909 BUTLER NURSERY RD	FAYETTEVILLE, NC 28306
JOHNSON, PATRICIA B;JAMES, C BUIE JR	2710 JOHN SMITH RD	FAYETTEVILLE, NC 28306
JONES, ALEXIAS F	2621 QUAIL FOREST DR	FAYETTEVILLE, NC 28306
JONES, BENNER III	PO BOX 565	FAYETTEVILLE, NC 28302
JONES, DEANDREIS	3905 SUMMERFIELD LN	FAYETTEVILLE, NC 28306
K;JS PROPERTIES LLC;TPGM PROPERTIES LLC	PO BOX 53729	FAYETTEVILLE, NC 28305
KIM, GUE S;HAE W	476 SUWANE EAST DR	LAWRENCEVILLE, GA 30043
LEACH, ANGELA M; JESSE D	2541 QUAIL FOREST DR	FAYETTEVILLE, NC 28306
LOCK, LITSHANDER	2613 QUAIL FOREST DR	FAYETTEVILLE, NC 28306
MACIAS LLC	209 TALLYWOOD SHOPPING CTR	FAYETTEVILLE, NC 28303
MANNING, OSCAR R JR;E, M SHOR	160 S CHURCHILL DR	FAYETTEVILLE, NC 28303
MAYNARD, WILLIAM N;SHIR	618 SUNNYBROOK DR	HOPE MILLS, NC 28348
MCCORMICK, MACKENZIE S;MATTHEW GLENN	2548 QUAIL FOREST DR	FAYETTEVILLE, NC 28306
MCNEILL, NYQUESHIA	2605 QUAIL FOREST DR	FAYETTEVILLE, NC 28306
MOORE, JOHNNIE DAVID JR	2553 QUAIL FOREST DR	FAYETTEVILLE, NC 28306
MORRIS, PAUL F	4541 SULLIVAN ST	FAYETTEVILLE, NC 28312
MORRISON, JERALD A;MORRISON, KRIS	2693 JOHN SMITH RD	FAYETTEVILLE, NC 28306
NEWSHAM, DAVID F;NEWSHAM, MARY S LIFE I	2286 JENNA SHANE DR	FAYETTEVILLE, NC 28306
NOBLES, GERTIE V	2602 HOPE MILLS RD	FAYETTEVILLE, NC 28306
NSA PROPERTY HOLDINGS LLC	9226 TEDDY LN 100	LONE TREE, CO 80124
OGDEN, JULIAN P	2455 GEORGE OWEN DR	FAYETTEVILLE, NC 28306

OSORNIO, PEDRO;MICHELLE	PO BOX 306	FAYETTEVILLE, NC 28302
PARKER-SERVER, ROXIE S;BRADLEY H	2612 QUAIL FOREST DR	FAYETTEVILLE, NC 28306
REDEEMED CHRISTIAN CHURCH OF GOD	2665 JOHN SMITH RD	FAYETTEVILLE, NC 28306
ROUSE, LINETTE D	2609 QUAIL FOREST DR	FAYETTEVILLE, NC 28306
SAAED, HATEM MOHAMMED	2613 HOPE MILLS RD	FAYETTEVILLE, NC 28306
SMALES, TIMOTHY SCOTT;SMALES, JESSICA LYI	3201 PERIWINKLE DR	FAYETTEVILLE, NC 28306
SMELCER, DEAN H JR;SMELCER, DAWN	3209 BOONE TRL	FAYETTEVILLE, NC 28306
SMITH, DONNIE J	4210 BUCKHURST DR	HOPE MILLS, NC 28348
SUMRELL, NORA L;SUMRELL, MICHAEL	2604 QUAIL FOREST DR	FAYETTEVILLE, NC 28306
TAYLOR, PAUL WAYNE JR;TAYLOR, LAURIE IVEY	4601 BLANTON RD	FAYETTEVILLE, NC 28303
WILES, DALE	PO BOX 48344	CUMBERLAND, NC 28331
WILLIAMS, FRIEDA M	5892 COLUMBINE RD	FAYETTEVILLE, NC 28306
WILLIAMSON, SARAH J	2549 QUAIL FOREST DR	FAYETTEVILLE, NC 28306

EXPLANATION OF THE REQUEST

This is a request to rezone one parcel located on the south side of Butler Nursery Road from A1 Agricultural to R40 Residential/CZ Conditional Zoning for a 20 lot subdivision. This request would increase the allowed density from 1 unit/2 acre to 1 unit/1 acre. **Note: The staff report/recommendation has been revised due to the modification to a conditional zoning as requested by the Planning Board at their September 15, 2020 meeting.

OWNER/APPLICANT

OWNER/APPLICANT: Kyle A. Dixon (owner) & Tim Evans (agent)

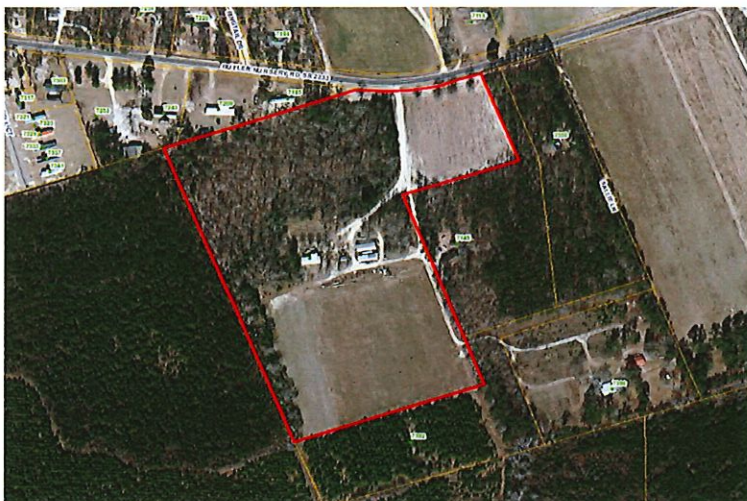
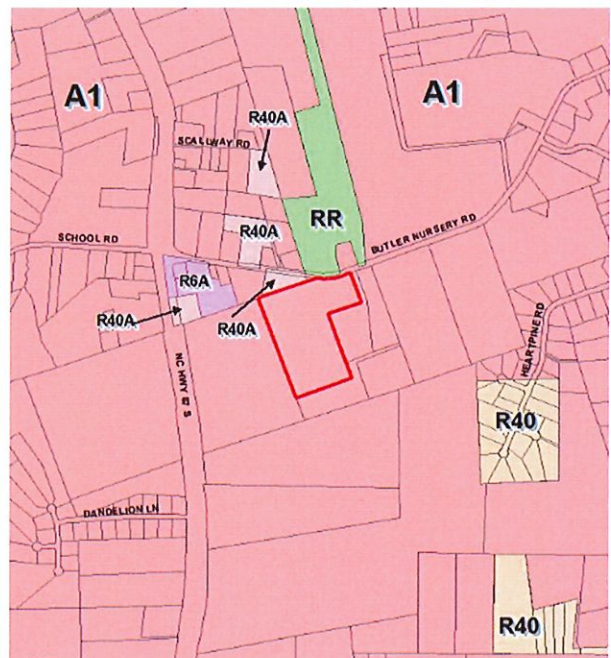
PROPERTY INFORMATION

ADDRESS/LOCATION: 7149 Butler Nursery Road; more specifically REID 0441639433000

SIZE: This request includes one parcel totaling approximately 20.61 acres. The property has approximately 394' of street frontage along Butler Nursery Road. The property is 1200'+/- in depth.

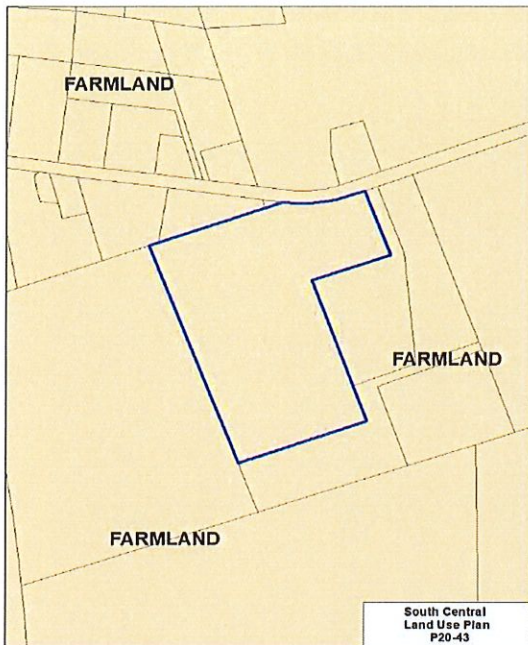
EXISTING LAND USE: The property is currently developed with a single-family dwelling and accessory structures to be demolished.

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



DEVELOPMENT REVIEW: Parcel was platted on 12-2-91 in Plat Book 78, Page 10.

SURROUNDING LAND USE: There are residential uses in the surrounding area including manufactures homes and a manufactured home park. Grays Creek Airport is also located across Butler Nursery Road.



ZONING HISTORY: This property was initially zoned A1 as part of the Area 17 initial zoning on March 1, 1994.

UTILITIES: This site is currently served by private well and septic. Public water and sewer are not available. The property is located within the Gray's Creek water/sewer 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. Zero Lot Line setbacks requirements shall be met where applicable.

COMPREHENSIVE PLANS: The 2030 Growth Vision Plan designates this area as "Rural". The South Central Land Use Plan (2015) designates this area for "Farmland". The "Farmland" designation allows a density of one unit per acre on tracts greater than 10 acres that have favorable soil conditions, are approved as a conditional zoning, and has public/community water. Generally, staff feels the **Request is plan compliant.**

IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES

TRAFFIC: The subject property sits on Butler Nursery Road and is identified as a major road in the Metropolitan Transportation Plan. There are no construction projects planned, and the subject property will have no impact on the Transportation Improvement Plan. The Average Daily Traffic Count (2016) on Butler Nursery Road is 790.

SCHOOLS CAP/ENROLL: Gray's Creek Elementary: 500/437; Gray's Creek Middle: 1200/1139; Gray's Creek High: 1470/1467

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

EMERGENCY SERVICES: The Cumberland County Fire Marshal's Office has reviewed the request and stated that the developer should ensure all fire department access requirements are met.

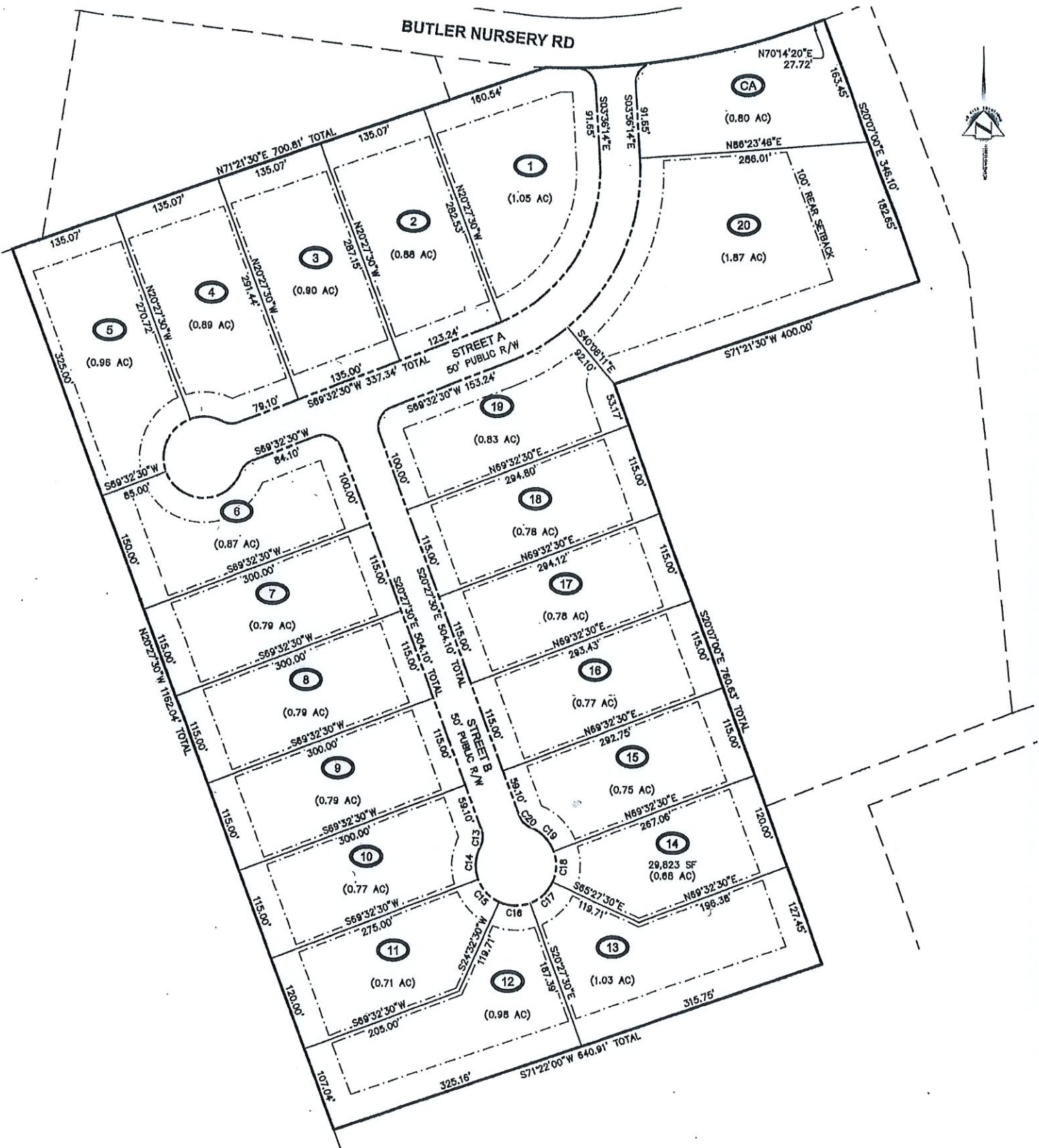
FAYETTEVILLE REGIONAL AIRPORT: This property is not located within the Airport Overlay District.

STAFF RECOMMENDATION

In Case P20-43, the Planning & Inspections staff **recommends approval** of the rezoning request from A1 Agricultural to R40 Residential/CZ Conditional Zoning for a 20 lot subdivision and finds the request generally consistent with the South Central Land Use Plan (2015) designation of "Farmland" as it allows a density of one unit per acre on tracts greater than 10 acres that have favorable soil conditions, desires stick-built homes, and is submitted as a conditional zoning. Approval of the request is reasonable and in the public interest as the district requested is in harmony with surrounding existing uses and zoning.

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

BUTLER NURSERY RD



**R40 RESIDENTIAL/CZ
CONDITIONAL ZONING**

REQUEST: A 20 LOT SUBDIVISION
 CASE: P20-43 ACREAGE: 20.61 AC +/-
 ZONED: A1 SCALE: NTS

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

R40 RESIDENTIAL/CZ CONDITIONAL ZONING DISTRICT

DRAFT

Ordinance Related Conditions *For a 20 lot zero lot line subdivision*

Pre- Permit Related:

1. A recorded plat is required prior to permit application, see Plat-Related conditions below. [Sec. 4-8(b)(7), County Code]
2. The Current Planning Section must approve the individual plot plan for each lot prior to permit application. (Sec. 2402, County Subdivision Ord.)
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.)

Pre-Permit – Watershed-Related:

5. An application for Watershed approval must be submitted to the Watershed Review Officer (WRO) and plans must be approved by the WRO prior to application for any building/zoning permits. (Note: This approval may require additional conditions restricting the development of the subject property.) A copy of the WRO's approval of this plan must be submitted to Code Enforcement at the time of application for any permits. (County Watershed Ord.)

Permit-Related:

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

9. The developer must formally notify the NC Department of Transportation once construction of the public streets is complete and initiate the process of transferring the responsibility of road maintenance to the NCDOT. If application to the NCDOT District Engineer has not been formally submitted by the time building permits have been issued for 80% of the lots shown on the preliminary plan, no additional building permits can be issued until the NCDOT District Engineer notifies this department of the receipt of the application. (Sec. 2304.B.2, County Subdivision Ordinance & Sec. 107, County Zoning Ord.)
10. New development where the developer will disturb or intends to disturb more than one acre of land is subject to the Post-Construction Stormwater Management Permitting Program (Phase II Stormwater Management Requirements) administered by the Department of Energy, Minerals and Land Resources, NC Department of Environmental Quality (DEMLR NCDEQ). If one acre or more of land is to be disturbed, a copy of the State's *Post-Construction Permit* must be provided to County Code Enforcement prior to the issuance of the Certificate of Occupancy. (Note: If any retention/detention basins are required for state approval of this plan, three copies of a revised plan (and \$25/\$50 revision fee) must be submitted and approved by Planning & Inspections.) (Sec. 2306.D, County Subdivision Ord. & 2006-246, NC Session Law)
11. 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.)
12. Prior to application for the Certificate of Occupancy for the building or site, a Watershed Occupancy Permit must be issued for each lot/tract within this development. (Section 31A-29, County Watershed Ord.)
13. The building final inspection cannot be accomplished until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans. (Sec. 107.B, County Zoning Ord.; & Secs. 2005 & 2007 County Subdivision Ord.)

Site-Related:

14. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Development Ordinance, and County Zoning Ordinance for the R40 Residential/CZ Conditional Zoning for a 20 lot Zero Lot Line subdivision zoning district must be complied with, as applicable.
15. All corner lots and lots fronting more than one street must provide front yard setbacks from each street. (Secs. 1101.G & 1102.B, County Zoning Ord.)
16. This conditional approval is not approval of 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.)
17. All applicable provisions of Section 2401, "Group Developments", County Subdivision and Development Ordinance, must be complied with. (Sec. 2402, County Subdivision Ord.)

18. For any new development, an adequate drainage system must be installed by the developer in accordance with the NC Department of Environmental Quality (NCDEQ) *Manual on Best Management Practices* and all drainage ways must be kept clean and free of debris. (Section 2307.A, County Subdivision Ord.)
19. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306.C, County Subdivision Ord.)
20. In the event a stormwater utility structure is required by the NC Department of Environmental Quality (NCDEQ), the owner/developer must secure the structure with a four foot high fence with a lockable gate, and is required to maintain the detention/retention basin, keeping it clear of debris and taking measures for the prevention of insect and rodent infestation. (Sec. 1102.O, County Zoning Ord.)
21. 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.)
22. The NC Department of Transportation’s (NCDOT) approval of the street plans is required and the street(s) are required to be constructed to the NCDOT standards for secondary roads. (Sec. 2304B, County Subdivision Ord. & NCGS §136-102.6)
23. 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.

24. All lots within this development are required to be served by an internal street system. (Sec. 2001, County Subdivision Ord. & Sec. 101, County Zoning Ord.)
25. 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.

Plat-Related:

26. An application for watershed approval must be submitted to the Watershed Review Officer (WRO) and plans must be approved by the WRO prior to final plat approval. (Note: This approval may require additional conditions restricting the development of this property.) A copy of the WRO’s approval of this plat must be submitted to Code Enforcement at the time of application for any permits. (Sec. 31A-11, County Watershed Ord.)
27. The developer is required to submit to the Current Planning Section either one set of a hard copy or one set of a pdf email copy to Betty Lynd at blynd@co.cumberland.nc.us of the following documents :
 - a. One copy of proposed covenants, by-laws and articles of incorporation for the proposed development designating responsibility for the common area by the owners’ association for the development;
 - b. One copy of the deeds proposed for recordation conveying all common area to the proposed owners association;
 - c. One copy of any proposed supplemental covenants if the proposed development is to be submitted for final approval in phases; and
 - d. One copy of each proposed final plat prior to the submission for final approval – can be a phase of the approved development or the complete development as approved.

These documents must be approved by the County Attorney prior to the sale of or submission for final plat approval of any lot or unit within this development. (Sec. 2402.G., County Subdivision Ord.)

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

28. "Street A" and "Street B" will require approved street names prior to approval of the final plat. Please contact Diane Shelton with Location Services for the process of obtaining an approved street name.
29. The street name signs, in compliance with the County Street Sign Specifications, must be installed prior to final plat approval. The developer should contact Location Services for inquiries regarding the County's policy for street sign installation or, if the sign is commissioned from a private source, to schedule an inspection of the street sign(s). The Current Planning Section must receive notice of agreement with the Location Services Section for sign installation or of satisfactory inspection prior to the approval of the final plat. Sec. 4-171, County Code)
30. The developer is opting to provide park, recreation or open space area (common area) on-site; therefore, when phasing a development all common area must be recorded prior to the recording of the first phase or section of the development or the common area must be recorded incrementally, ensuring that a minimum of 800 square feet of land area is recorded as common area for each lot included, on the final plat.
31. The builder/developer must provide the buildable envelopes on the final plat: providing a five-foot maintenance easement along each side of all common internal lines with all other applicable setbacks being provided for; or at the time of permit application, the individual plot plans must be approved by the Current Planning Section prior to issuance of any permits.
32. Any/All easements must be reflected on the final plat and labeled as to type of easement, reference number for document creating the easement, and the name of the agency, individual, etc. who holds the easement.
33. All lots within this development must be served by an internal street system and a "no access" easement must be reflected on the final plat along SR 2233 (Butler Nursery Road) for Lot 1 and the common area.
34. A 10' x 70' sight distance easement is required at the intersection of "Street A" with SR 2233 (Butler Nursery Road) and "Street A" with "Street B" and must be reflected on the final plat.
35. A 25' right-of-way radius is required at all intersections and must be reflected on the final plat. (Section 2304.10.c, Street Design, County Subdivision and Development Ordinance)

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

36. The NC Department of Transportation (NCDOT) stamp must be affixed to the final plat prior to submission for final plat approval by the Current Planning Section.

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

37. The notarized signature(s) of all current tax record owner(s) and notary certifications appear on the final plat when submitted for final approval. (Section 2503 D, Certificate of Ownership and Dedication, County Subdivision and Development Ordinance)
38. The developer is reminded that the improvements must be in place or that final plat approval will only be granted in accordance with Section 2502 B, C, or D, Final Plat – Guarantees of Improvements, County Subdivision and Development Ordinance. (Note: Once the improvements are in place, the developer is responsible for contacting Jeff Barnhill to schedule an inspection of the improvements.)
39. The final plat must be submitted to the Current Planning Section for review and approval for recording with the County Register of Deeds, and the plat must be recorded prior to any permit application for any structure and/or prior to the sale of any lot or unit within this development.
40. The developer should be aware that any addition and/or revision to this plat may require an additional review and approval by the Planning & Inspections Department prior to submission for final plat approval of any portion of this development.

Plat-Required Statements:

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

“The individual lots in this development do not have public sewer and/or water services available, and no lots have been approved by the Health Department for on-site sewer services or been deemed acceptable for private wells at the date of this recording.”

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

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

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

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

44. Because the streets in this development have been approved as “public” streets and the streets do not yet qualify for acceptance by the NC Department of Transportation to the State system for maintenance purposes, the following statement is required to be included on the final plat (Section 2504 E, County Subdivision and Development Ordinance):

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

Advisories:

45. The applicant is advised to consult an expert on wetlands before proceeding with any development.
46. Any revision or addition to this plan necessitates re-submission for review and approval prior to the commencement of the change.
47. Because this subdivision has been approved as a Zero Lot Line development, the entire development would be required to be included on any future rezoning applications.
48. 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.
49. 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.
50. This conditional approval is not to be construed as all encompassing of the applicable rules, regulations, etc. which must be complied with for any development. Other regulations, such as building, environmental, health and so forth, may govern the specific development. The developer is the responsible party to ensure full compliance with all applicable Federal, State, and local regulations.
51. The developer(s) and any future lot owners are responsible for the maintenance and upkeep of the streets until such time the streets are added to the State system by the NC Department of Transportation (NCDOT) for maintenance purposes. The developer is advised to give notice of the street status to any future lot owners in the event the lots are conveyed prior to the NCDOT's acceptance.

52. The subject property sits on Butler Nursery Road and is identified as a major road in the Metropolitan Transportation Plan. There are no construction projects planned, and the subject property will have no impact on the Transportation Improvement Plan. For questions related to this comment, please contact Transportation Planning.

Other Relevant Conditions:

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

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

“Public water and/or sewer services are not available as of the date of the recording of this deed. On-site sewer disposal systems must be approved by the County Health Department.”

Thank you for building in Cumberland County!

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

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

Watershed Officer/Improvements:	Jeff Barnhill	678-7765	jbarnhill@co.cumberland.nc.us
Current Planning Manager:	Betty Lynd	678-7605	blynd@co.cumberland.nc.us
Subdivision/Site Plan/Plat	Jeff Barnhill	678-7765	jbarnhill@co.cumberland.nc.us
Code Enforcement (Permits):	Scott Walters	321-6654	swalters@co.cumberland.nc.us
County Building Inspections:	Michael Naylor	321-6657	mnaylor@co.cumberland.nc.us
Fire Marshal – Emergency Services	Kevin Lowther	321-6625	klowther@co.cumberland.nc.us
	Gene Booth	678-7641	wbooth@co.cumberland.nc.us
County Engineer’s Office:	Wayne Dudley	678-7636	wdudley@co.cumberland.nc.us
County Health Department:	Fred Thomas	433-3692	fthomas@co.cumberland.nc.us
US Postal Service	Jonathan R. Wallace	(704) 393-4412	jonathan.r.wallace@usps.gov
Corp of Engineers (wetlands):	Liz Hair	(910) 251-4049	hair@usacr.army.mil
NCDEQ (E&S):	Leland Cottrell	(910) 433-3393	leland.cottrell@ncdenr.gov
US Fish & Wildlife Services	Susan Ladd Miller	(910) 695-3323	susan_miller@fws.gov
Location Services:			
Site-Specific Address:	Will Phipps	678-7666	wphipps@co.cumberland.nc.us
Street Naming/Signs:	Diane Shelton	678-7665	dshelton@co.cumberland.nc.us
Tax Parcel Numbers:		678-7549	
NCDOT (driveways/curb-cuts):	Troy Baker	364-0601	tlbaker@ncdot.gov
NCDOT (subdivision roads):	Earl C. Locklear	364-0601	elocklear@ncdot.gov
Transportation Planning:	Irvin Wyche	678-7615	iwyche@co.cumberland.nc.us
N.C. Division of Water Quality:	Annette Lucas	(919) 807-6381	annette.lucas@ncdenr.gov

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 Kyle A. Dixon
2. Address: 6375 TABOR Church Rd. Zip Code 28312
3. Telephone: (Home) _____ (Work) 910 813-0262
4. Location of Property: 7149 Butler Nursery Rd.
5. Parcel Identification Number (PIN #) of subject property: 044-63-9433
(also known as Tax ID Number or Property Tax ID)
6. Acreage: 20.61 Frontage: 400 Ft. Depth: 1200 Ft.
7. Water Provider: well Septage Provider: SEPT. TANK
8. Deed Book 10683, Page(s) 0563, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
9. Existing use of property: Existing mobile Home Removed
10. Proposed use(s) of the property: Single Family dwelling

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: A-1

TO: (Select one)

- Conditional Zoning District, with an underlying zoning district of R-40
(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.)

R-40 - single family
homes

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

all residential

2. DIMENSIONAL REQUIREMENTS:

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

R-40
Front 30'
S.E. & R.E. 30' 10' lot line

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

n/a

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.

n/a

4. **LANDSCAPE AND BUFFER REQUIREMENTS:**

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

N/A

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

N/A

5. **MISCELLANEOUS:**

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

N/A

6. **SITE PLAN REQUIREMENTS:**

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

7. STATEMENT OF ACKNOWLEDGMENT:

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

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

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

Kyle A. Dixon
NAME OF OWNER(S) (PRINT OR TYPE)

6375 Tabor Church Rd.
ADDRESS OF OWNER(S)

MARINEWTON99@hotmail.com
E-MAIL

HOME TELEPHONE _____ 910 813-0262
WORK TELEPHONE _____

[Signature]
SIGNATURE OF OWNER(S) _____ SIGNATURE OF OWNER(S) _____

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

4239 Camera Rd. 28306
ADDRESS OF AGENT, ATTORNEY, APPLICANT

HOME TELEPHONE _____ 910 273-5016
WORK TELEPHONE _____

Tim@LowlyestProperties.com
E-MAIL ADDRESS _____ FAX NUMBER _____

SIGNATURE OF AGENT, ATTORNEY, OR APPLICANT

NAME	ADDRESS	CITY
BAKER, MARYANNE ALMENIA	7194 S NC 87 HWY	FAYETTEVILLE, NC 28306
DIXON, KYLE A.; MARI-NEWTON	7149 BUTLER NURSERY RD	FAYETTEVILLE, NC 28306
GILES, CARLA CAIN	7145 BUTLER NURSERY RD	FAYETTEVILLE, NC 28306
MELTON, JENNIFER C	6290 BUTLER NURSERY RD	FAYETTEVILLE, NC 28306
PATE, DEAN R.	5836 BUTLER NURSERY ROAD	FAYETTEVILLE, NC 28306
PATE, DONALD B; JO ANN	7243 BUTLER NURSERY RD	FAYETTEVILLE, NC 28306
SINCLAIR, BRENDA;WELLS, SCOT	7184 BUTLER NURSERY RD	FAYETTEVILLE, NC 28306
SMITH, CHRIS Z; TERRY C	4328 MARSHWOOD LAKE RD	FAYETTEVILLE, NC 28306
SMITH, ROGER DALE;CYNTHIA BE	7166 BUTLER NURSERY RD	FAYETTEVILLE, NC 28306

NAME	ADDRESS	CITY
BEASLEY, MICHAEL AUSTIN	5551 RINGTAIL RD	FAYETTEVILLE, NC 28306
BRAMBLE, STEVEN;MATTHEW, REED	5617 ONE PUTT LN	HOPE MILLS, NC 28348
CAIN, JOHN A.	7005 BUTLER NURSERY RD	FAYETTEVILLE, NC 28306
CAIN, RHONDA S	2537 SYCAMORE ST	FAYETTEVILLE, NC 28306
CAIN, VERNON RAY; DEBRA A	7396 SALLIE LN	FAYETTEVILLE, NC 28306
CAROLINA TELEPHONE;TELEGRAPH COMPANY	PO BOX 7909	OVERLAND PARK, KS 66207
EDWARDS, LEE ANN	7005 BUTLER NURSERY RD	FAYETTEVILLE, NC 28306
HILBURN, SHIRLEY ANN LIFE ESTATE	7062 S NC 87 HWY	FAYETTEVILLE, NC 28306
KEMPF, LUCY ROGERS	7028 S NC 87 HWY	FAYETTEVILLE, NC 28306
MCDOWELL, DAVID LEE;BRENDA, E	7053 S NC 87 HWY	FAYETTEVILLE, NC 28306
MULLETT, LINDA SUE;JOHN, LEE	7236 BUTLER NURSERY RD	FAYETTEVILLE, NC 28306
NEFF, JOSEPH L	7318 BUTLER NURSERY RD	FAYETTEVILLE, NC 28306
PARSONS, JON;PARSONS, CAROLINE W.	7265 S NC 87 HWY	FAYETTEVILLE, NC 28306
PHILLIPS, NATHAN C JR,; REBECCA S	7260 BUTLER NURSERY RD	FAYETTEVILLE, NC 28306
RENEAU, JAMES RAY	5552 RINGTAIL DR	FAYETTEVILLE, NC 28306
SPAIN, ROBERT TATE; DOROTHY WICKER	PO BOX 35292	FAYETTEVILLE, NC 28303
SPARR, JULIE	5500 RINGTAIL DR	FAYETTEVILLE, NC 28306
STORY, KATHLEEN BAKER	7194 S NC 87 HWY	FAYETTEVILLE, NC 28306
WALTERS, DENNIS M; SUSAN M	4100 YARBOROUGH RD	HOPE MILLS, NC 28348
WARD, JAMES ROBERT; ROBERTA LYNN WEST	6859 S NC 87 HWY	FAYETTEVILLE, NC 28306
WILSON, JAMES R	7236 BUTLER NURSERY RD	FAYETTEVILLE, NC 28306

EXPLANATION OF THE REQUEST

This is a request to rezone one parcel located on the north side of NC Highway 24 from RR Rural Residential to M(P) Planned Industrial. This request would allow the property owner to recombine the property with his existing industrial site to expand his business. This is a conventional rezoning, and no conditions are proposed at this time.

OWNER/APPLICANT

OWNER/APPLICANT: Derrill Edwards Jr. on behalf of ND4200, LLC (owner)

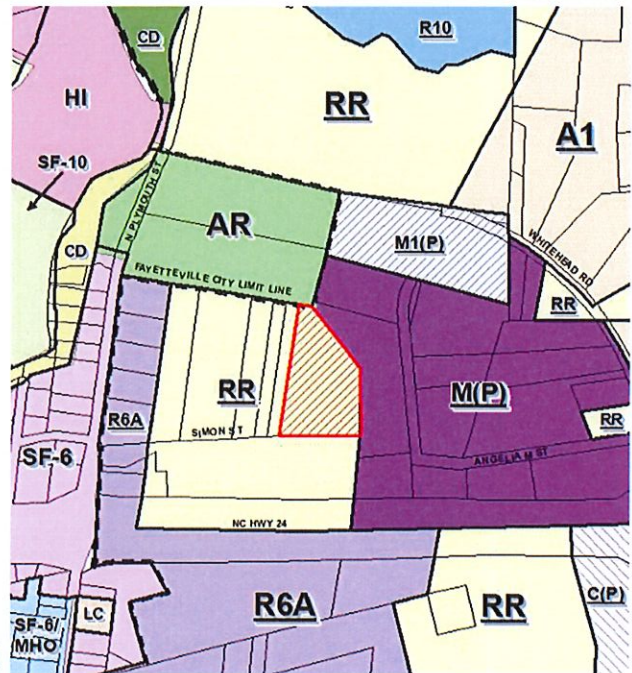
PROPERTY INFORMATION

ADDRESS/LOCATION: North side of NC Highway 24, west of SR 1941 (Angelia M Street); more specifically REID 0447833244000

SIZE: This request includes one parcel totaling approximately 5.00 acres. The property has 0'+/- of street frontage. The property is 391'+/- in depth.

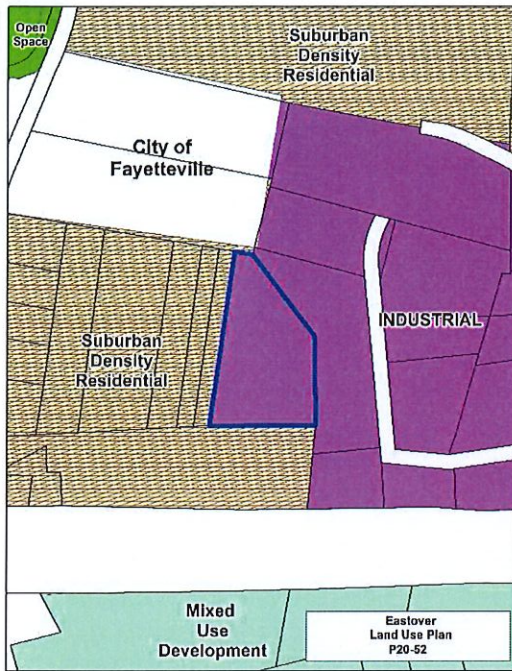
EXISTING LAND USE: The property is currently woodland.

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



DEVELOPMENT REVIEW: A site plan review and recombination plat will be required prior to development.

SURROUNDING LAND USE: There are residential uses in the surrounding area including manufactures homes. There are also several nonresidential uses including a religious worship activity, trade contracting businesses and open storage.



ZONING HISTORY: This property was initially zoned RR as part of the Area 8 initial zoning on April 26, 1979.

UTILITIES: This site is currently served by private well and septic. PWC water exists along Angelia M Street. The property is not located 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 area as "Urban Fringe". The Eastover Land Use Plan (2018) designates this parcel as "Industrial". The "Industrial" designation allows a wide variety of industrial operations involving manufacturing, processing, fabrication, and distribution. **Request is plan compliant.**

IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES

TRAFFIC: The subject property is located on the north side of NC Highway 24, west of Angelia M Street. NC 24 is identified as an existing expressway in the Metropolitan Transportation Plan. There are no construction projects planned, and the subject property will have no impacts on the Transportation Improvement Plan. The Average Daily Traffic Count (2018) on NC Highway 24 is 12,500.

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

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

EMERGENCY SERVICES: Cumberland County Fire Marshal's office has reviewed the request and stated the following: 1. Ensure all fire department access requirements are met; 2. Submit building plans to include to scale site plan for review of new buildings; 3. Ensure emergency responder radio coverage is achieved.

FAYETTEVILLE REGIONAL AIRPORT: This property is located within the Airport Overlay District. No comments were received from the airport.

STAFF RECOMMENDATION

In Case P20-52, the Planning & Inspections staff **recommends approval** of the rezoning request from RR Rural Residential to M(P) Planned Industrial and finds the request consistent with the Eastover Land Use Plan (2018) designation of "Industrial" as it allows a wide variety of industrial operations involving manufacturing, processing, fabrication and distribution which are permitted uses in the M(P) district. Approval of the request is reasonable and in the public interest as the district requested is in harmony with surrounding existing land uses and zoning.

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 to MP
2. Address of Property to be Rezoned: N/A
3. Location of Property: West of Angelia M St.
4. Parcel Identification Number (PIN #) of subject property: 0447-83-3244-
(also known as Tax ID Number or Property Tax ID)
5. Acreage: 5.00 Frontage: 0 Depth: 427'
6. Water Provider: Well: PWC: _____ Other (name): _____
7. Septage Provider: Septic Tank PWC _____
8. Deed Book 10703, Page(s) 22-26 ^{Tract} Two, 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: MP - mobile crane
business.
11. Do you own any property adjacent to or across the street from this property?
Yes No _____ If yes, where? 0447-83-6245-
2158 Angelia M Street
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.

ND4200, LLC
NAME OF OWNER(S) (PRINT OR TYPE)

4119 Sheep Pasture Road, Spring Hope, NC 27882
ADDRESS OF OWNER(S)

1-252-478-4661
HOME TELEPHONE #

1-252-236-7005
WORK TELEPHONE #

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

ADDRESS OF AGENT, ATTORNEY, APPLICANT

DEDWARDS @ EDWARDS INC .COM
E-MAIL

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."

NAME	ADDRESS	CITY
FORD, J PAUL	176 STAG DR	HAMPSTEAD, NC 28443
HOUSEHOLD OF FAITH WORLD OUTREACH CENTE	468 N PLYMOUTH ST	FAYETTEVILLE, NC 28312
JOHNSON, ROBERT A	424 N PLYMOUTH ST	FAYETTEVILLE, NC 28312
ND4200, LLC	4119 SHEEP PASTURE RD	SPRING HOPE, NC 27882

NAME	ADDRESS	CITY
2212 ANGELIA M ST, LLC	6508 COLLEYVILLE BLVD STE 30	COLLEYVILLE, TX 76034
ADKINS, RODNEY LEE; ELIZABETH J	6552 WINDY CREEK WAY	FAYETTEVILLE, NC 28306
ATKINS, WILLIE N	22107 66TH AVE 8D	MOUNTLAKE TERRACE, WA 98043
BELL, ANNIE LOUISE	423 N PLYMOUTH ST	FAYETTEVILLE, NC 28312
BELL, CELIA ALFREDA	425 A N PLYMOUTH ST	FAYETTEVILLE, NC 28312
BENSILHE, JOYCE	3210 DISCOVERY WAY 508	JACKSONVILLE, FL 32224
BENTON, GEORGE H	138 CAROL ST	STEDMAN, NC 28391
BRANTLEY, JOHN R III	PO BOX 7133	OCEAN ISLE, NC 28469
BROADWELL, DOHN B JR	PO BOX 53587	FAYETTEVILLE, NC 28305
BROADWELL, DOHN B JR; SHERRI B	903 HAY ST	FAYETTEVILLE, NC 28305
BUIE, LUTHER F;BUIE, RUTH B	910 CHESTNUT ST	FAYETTEVILLE, NC 28301
C & E HOMEVESTORS, LLC	3402 GILLESPIE ST	FAYETTEVILLE, NC 28306
C T G M ENTERPRISES INC	PO BOX 51	AUTRYVILLE, NC 28318
CAPE FEAR MISSION BAPTIST CHUR	100 INDIAN DR	FAYETTEVILLE, NC 28312
COVENANT LOVE FAMILY CHURCH INC	420 DUNN RD	FAYETTEVILLE, NC 28312
DAVIS, MARY CATHERINE	2302 EDGAR ST	FAYETTEVILLE, NC 28301
FISHER, MARY	429 N PLYMOUTH ST	FAYETTEVILLE, NC 28312
GOINS, ANNE;MICHELLE TYNDALL	2077 SIMON ST	FAYETTEVILLE, NC 28312
JONES, TED C, SHELBY J;CONLEY, RETHA J	3358 SANDEROSA RD	FAYETTEVILLE, NC 28312
LAWRENCE, JOSEPH A	630 WHITEHEAD RD	FAYETTEVILLE, NC 28312
MAYNOR, ESTHER G;CHILDREN	2625 STONEHAVEN RD	FAYETTEVILLE, NC 28306
MCDONALD, MARIAN ANDREWS	1713 MIDDLETON RD	GOLDSBORO, NC 27530
MORRISON, LONNIE L	2885 ROSS RD	LILLINGTON, NC 27546
POWELL, SANDRA GEORGE	565 WHITEHEAD RD	FAYETTEVILLE, NC 28312
SINGWELL LLC	2103 ANGELIA M ST	FAYETTEVILLE, NC 28312
SPAULDING, LEMUEL A JR	421 N PLYMOUTH ST	FAYETTEVILLE, NC 28312
TAYLOR, ROBERT L;SONJA M	509 WHITEHEAD RD	FAYETTEVILLE, NC 28312
THOMAS, CARL GARY	308 N PLYMOUTH ST	FAYETTEVILLE, NC 28312
WALKER, DOSHIA M	329 N PLYMOUTH ST	FAYETTEVILLE, NC 28312
WHITTED, THELMA L	415 N PLYMOUTH ST	FAYETTEVILLE, NC 28312
WILSON, PARTHINA BELL	427 N PLYMOUTH ST	FAYETTEVILLE, NC 28312
YZAGUIRRE, ARPENA;ROY, SMITH HEIRS	2713 WATERS EDGE DR	SANFORD, NC 27330

PLANNING STAFF REPORT
REZONING CASE # P20-53
Planning Board Meeting: November 17, 2020

Jurisdiction: Spring Lake

EXPLANATION OF THE REQUEST

This is a request to rezone six parcels located on the west side of NC 210 (Lillington Highway) from M2 Heavy Industrial to C(P) Planned Commercial. This request would allow the property owner to develop the properties with a nonresidential use allowed in the C(P) district. This is a conventional rezoning, and no conditions are proposed at this time.

OWNER/APPLICANT

OWNER/APPLICANT: William S. Wellons Jr. on behalf of Wellco Contractors Inc. & Florence C. Wellons heirs (owner)

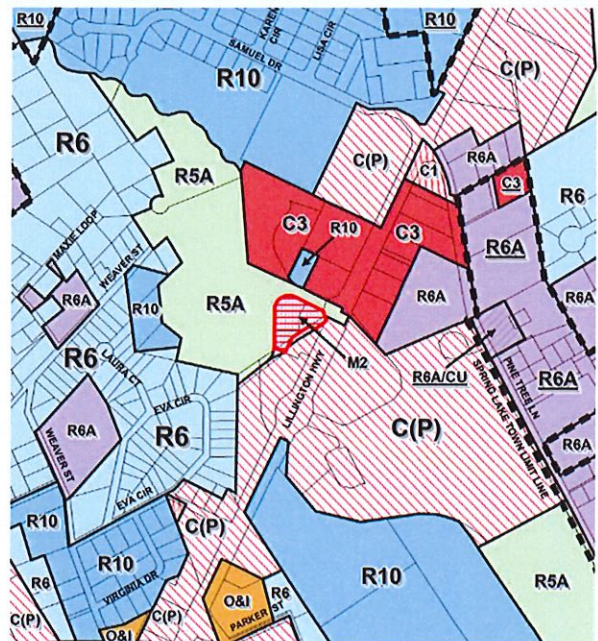
PROPERTY INFORMATION

ADDRESS/LOCATION: West side of NC 210 (Lillington Highway), south of Lake Park Drive; more specifically REIDs 0501981835000, 0501980994000, 0501982911000, 0501981821000, 0501982984000, 0501983914000

SIZE: This request includes six parcels totaling approximately 1.21 acres. The properties have 14' +/- of street frontage along NC 210. The properties are 290' +/- in depth.

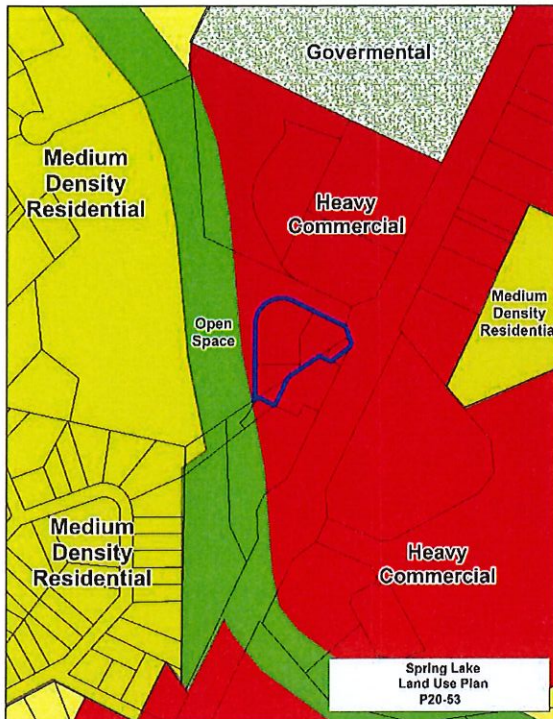
EXISTING LAND USE: The property is currently developed with a vacant industrial structure.

OTHER SITE CHARACTERISTICS: The property is not located within the watershed or the Special Flood Hazard Area. There are no hydric or hydric inclusion soils located the property.



DEVELOPMENT REVIEW: A site plan review and recombination plat will be required prior to development.

SURROUNDING LAND USE: There are residential uses in the surrounding area including a manufactured home park. There are also several nonresidential uses including a shopping center, convenience store, motor vehicle wash, restaurant, motor vehicle sales & repair, day care facility, dentist office, and trade contracting.



ZONING HISTORY: The property was annexed into Spring Lake in June 1977 and was zoned R10 at that time. The property was rezoned to M2 on May 22, 1989 (Case P89-37).

UTILITIES: This site is currently served by Spring Lake water and sewer. The property is not located within a water/sewer 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 area as "Urban". The Spring Lake Land Use Plan (2002) designates this area as "Heavy Commercial". A small piece of one parcel is designated as "Open Space". The "Heavy Commercial" designation is designed to provide expanded depth for the redevelopment of existing commercial areas. This will allow enough land area for egress & ingress, landscaping, parking, etc. **Request is plan compliant.**

IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES

TRAFFIC: The subject property sits on Lillington Highway, which is identified as a boulevard needing improvement in the Metropolitan Transportation Plan. There are no construction projects planned, and the subject property will have no impact on the Transportation Improvement Plan. This roadway has been identified in previous prioritization, but no funding has been awarded. The Average Daily Traffic Count (2018) on Lillington Highway is 23,000.

SCHOOLS CAP/ENROLL: Lilian Black Elementary: 265/229; Spring Lake Middle: 700/479; Pine Forest High: 1750/1577

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

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

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

STAFF RECOMMENDATION

In Case P20-53, the Planning & Inspections staff **recommends approval** of the rezoning request from M2 Heavy Industrial to C(P) Planned Commercial and finds the request consistent with the Spring Lake Land Use Plan (2002) designation of "Heavy Commercial" as it provides for expanded depth for the redevelopment of existing commercial areas. This is the last industrial pocket remaining in a predominantly commercially zoned area along Lillington Highway. Approval of the request is reasonable and in the public interest as the district requested is in harmony with surrounding existing land uses, zoning and the parcels are served by public utilities.

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 M2 to CP
2. Address of Property to be Rezoned: Lake Park Drive
3. Location of Property: Spring Lake
4. Parcel Identification Number (PIN #) of subject property: 0501-98-1835, 0501-98-0994, 0501-98-2911, 0501-98-1821, 0501-98-2984 & 0501-98-3914
(also known as Tax ID Number or Property Tax ID)
5. Acreage: 1.42 Frontage: 204 ft Depth: 543.68 ft
6. Water Provider: Well: _____ PWC: _____ Other (name): Town of Spring Lake
7. Septage Provider: Septic Tank _____ PWC Town of Spring Lake
8. Deed Book 5233 & 8373 , Page(s) 0860-0871 & 0625-0627 , Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
9. Existing use of property: none
10. Proposed use(s) of the property: commercial
11. Do you own any property adjacent to or across the street from this property?
Yes X No _____ If yes, where? see #4
12. Has a violation been issued on this property? Yes _____ No X

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 County Planning Staff is available for advice on completing this application; however, they are not authorized to complete 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.

Wellco Contractors, Inc.
NAME OF OWNER(S) (PRINT OR TYPE)

PO Box 766, Spring Lake, NC 28390
ADDRESS OF OWNER(S)

billy@wswellonsrealty.com
E-MAIL

HOME TELEPHONE #

(910) 436-3131
WORK TELEPHONE #

William S Wellons, Jr.
NAME OF AGENT, ATTORNEY, APPLICANT (PRINT OR TYPE)

PO Box 766, Spring Lake, NC 28390
ADDRESS OF AGENT, ATTORNEY, APPLICANT

billy@wswellonsrealty.com
E-MAIL

HOME TELEPHONE #

(910) 436-3131
WORK TELEPHONE #


SIGNATURE OF OWNER(S)


SIGNATURE OF AGENT, ATTORNEY
OR APPLICANT

SIGNATURE OF OWNER(S)

Upon submission, the content of this application becomes "public record".

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.

Florence C Wellons Heirs
NAME OF OWNER(S) (PRINT OR TYPE)

PO Box 766, Spring Lake, NC 28390
ADDRESS OF OWNER(S)

billy@wswellonsrealty.com
E-MAIL

HOME TELEPHONE #

(910) 436-3131
WORK TELEPHONE #

William S Wellons, Jr.
NAME OF AGENT, ATTORNEY, APPLICANT (PRINT OR TYPE)

PO Box 766, Spring Lake, NC 28390
ADDRESS OF AGENT, ATTORNEY, APPLICANT

billy@wswellonsrealty.com
E-MAIL

HOME TELEPHONE #

(910) 436-3131
WORK TELEPHONE #


SIGNATURE OF OWNER(S)


SIGNATURE OF AGENT, ATTORNEY
OR APPLICANT

SIGNATURE OF OWNER(S)

Upon submission, the content of this application becomes "public record".

NAME	ADDRESS	CITY
CINICA PROPERTIES LLC	8812 SYDNEY HARBOR CIR	DELRAY BEACH, FL 33446
FERRELL, DOROTHY L	PO BOX 95	SPRING LAKE, NC 28390
MORSE, RICHARD M	7045 MONARCH DR	LINDEN, NC 28356
MURPHY OIL USA INC ATTN PROPERTY TAX	PO BOX 7300	EL DORADO, AR 71731
SPRING LAKE DDP LLC	8816 SIX FORKS RD 201	RALEIGH, NC 27615
USA AUTO WASH EXPRESS SPRING LAKE LLC	15651 SW PALM WAY	INDIANTOWN, FL 34956
WELLCO CONTRACTORS INC	PO BOX 766	SPRING LAKE, NC 28390
WELLCO CONTRACTORS INC	243 S BRAGG BLV	SPRING LAKE, NC 28390
WH CAPITAL LLC	PO BOX 6450	NORCROSS, GA 30091

NAME	ADDRESS	CITY
BBC ENTERPRISES	PO BOX 766	SPRING LAKE, NC 28390
BUCHANAN, WAYLON B;JENELL C	806 LILLINGTON HWY	SPRING LAKE, NC 28390
CUMBERLAND COUNTY BD OF ED	PO BOX 2357	FAYETTEVILLE, NC 28302
FERRELL, DOROTHY L	PO BOX 95	SPRING LAKE, NC 28390
HOLMES, GEORGE L;SANG Y	125 SANDCLAY RD	SPRING LAKE, NC 28390
MCKOY, RANDOLPH	7265 OLD FAYETTEVILLE RD	GARLAND, NC 28441
MCLEAN, WILLIAM B	615 DANFORTH PL	FAYETTEVILLE, NC 28303
NOBLE LILLINGTON SPRING LAKE NC LL	4280 PROFESSIONAL CENTER DR 100	PALM BEACH GARDENS, FL 33410
RAY, LARRY W	5046 NEWCOMB CREEK RD	HUNTINGTON, WV 25704
ROSE, MYRA CASHWELL; TOM	826 LILLINGTON HWY	SPRING LAKE, NC 28390
W C JONES INVESTMENT CO	951 S MCPHERSON CHURCH RD 201	FAYETTEVILLE, NC 28303
WAL-MART REAL ESTATE BUSINESS TRU	PO BOX 8050	BENTONVILLE, AR 72712

EXPLANATION OF THE REQUEST

This is a request to rezone two parcels located on the northeast side of the intersection of S Main Street and Betsy Ross Drive from R6A Residential to C(P) Planned Commercial. This request would allow the property owner to develop the properties with a nonresidential use. This is a conventional rezoning, and no conditions are proposed at this time.

OWNER/APPLICANT

OWNER/APPLICANT: Fredrick L. Wallace (owner)

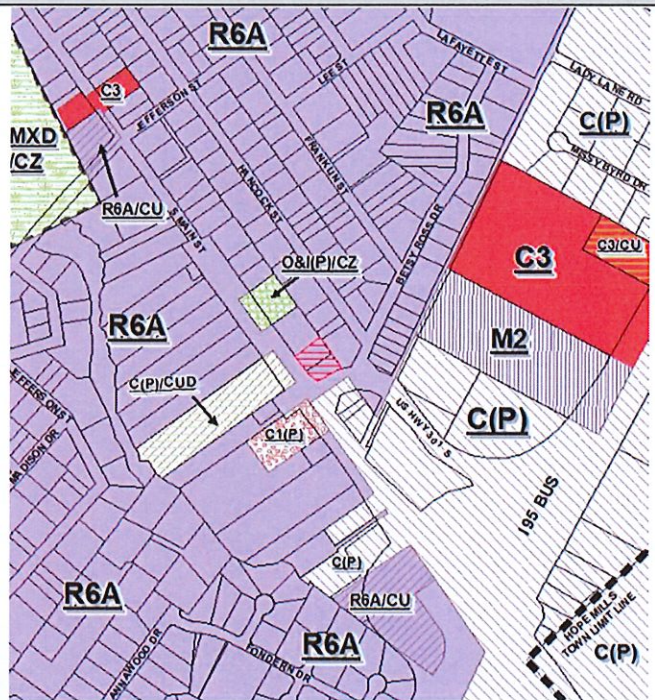
PROPERTY INFORMATION

ADDRESS/LOCATION: Northeast side of the intersection of NC 59 (S Main Street) and SR 3352 (Betsy Ross Drive); more specifically REID 0413967393000 and 0413968254000.

SIZE: This request includes two parcels totaling approximately 0.64 acres. The properties have 176' +/- of street frontage along S. Main St. and 139' +/- of street frontage along Betsy Ross Dr. The properties are 157' +/- in depth.

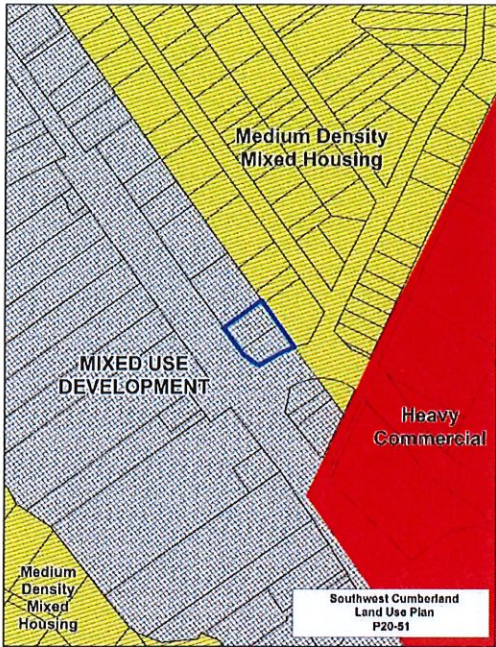
EXISTING LAND USE: One parcel is developed with a vacant structure.

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



DEVELOPMENT REVIEW: A recombination plat and site plan review will be required prior to development.

SURROUNDING LAND USE: There are residential uses in the surrounding area including manufactures homes. There are also several nonresidential uses including general offices.



ZONING HISTORY: These properties were initially zoned R6A as part of the Area 7 initial zoning on February 3, 1977.

UTILITIES: The properties are served by private well and septic. There are no public water or sewer lines available. The properties are not located within a water/sewer 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 area as "Urban Fringe". The Southwest Cumberland Land Use Plan (2013) designates this parcel as "Mixed Use Development". The "Mixed Use Development" allows a mixture of uses to included residential, office and institutional uses and generally light commercial uses. The "Mixed Use Development" requires public water and sewer, direct access to at least a collector street, and adequate space for any required buffering, screening, etc.
Request is not plan compliant.

IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITES

TRAFFIC: The subject property sits at the northeast side of the intersection of the South Main Street and Betsy Ross Drive. South Main Street is identified as a thoroughfare needing improvement in the Metropolitan Transportation Plan. South Main Street is identified in the Transportation Improvement Plan as U-6001, a widening project from Shipman Road to Parkton Road. Right of way is scheduled for FY2028. The Average Daily Traffic Count (2018) on NC 59 is 13,000.

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

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

EMERGENCY SERVICES: Cumberland County Fire Marshal's Office has reviewed the request and stated the following: 1. Ensure all fire department access requirements are met; 2. Submit building plans to include to scale site plan for review of new buildings; 3. Ensure emergency responder radio coverage is achieved.

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

STAFF RECOMMENDATION

In Case P20-51, the Planning & Inspections staff **recommends denial** of the rezoning request from R6A Residential to C(P) Planned Commercial and instead **recommend approval** of rezoning to C1(P) Planned Local Business District and find the recommendation consistent with the Southwest Cumberland Land Use Plan (2013) designation of "Mixed Use Development" as it allows for a mixture of residential, office and institutional uses as well as generally light commercial uses. C1(P) is designated as "light commercial" within the Land Use Policies Plan (2009). Approval of the recommendation of C1(P) is reasonable and in the public interest as the parcels are located at the entrance of an established residential subdivision and the parcel is lacking the public utilities necessary for a more intense commercial use.

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 R6A to C(P)
2. Address of Property to be Rezoned: 4845 S. Main and 4464 Betsy Ross 28348
3. Location of Property: 4845 S. Main St Hope Mills, NC 28348 and
4464 Betsy Ross Hope Mills, NC 28348
4. Parcel Identification Number (PIN #) of subject property: 0413-96-7393 and 0413-96-8254
(also known as Tax ID Number or Property Tax ID)
5. Acreage: 15,682 + 13,068 Frontage: 96' + 79' = 175' Depth: 157'
S. Main = 28,750 sq ft S. Main Betsy Ross total
6. Water Provider: Well: PWC: _____ Other (name): _____
7. Septage Provider: Septic Tank PWC _____
South Main Betsy Ross S. Main Betsy Ross
8. Deed Book 10478 and 10510, Page(s) 0615 and 0298, 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: Used Auto Dealership
11. Do you own any property adjacent to or across the street from this property?
Yes No _____ If yes, where? 4464 Betsy Ross
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.

Fredrick L. Wallace
NAME OF OWNER(S) (PRINT OR TYPE)

4006 Polk Dr. Hope Mills, NC 28348
ADDRESS OF OWNER(S)

910-644-4796
HOME TELEPHONE #

910-864-3948
WORK TELEPHONE #

Fredrick L. Wallace
NAME OF AGENT, ATTORNEY, APPLICANT (PRINT OR TYPE)

4006 Polk Dr. Hope Mills, NC 28348
ADDRESS OF AGENT, ATTORNEY, APPLICANT

Fredrickindncrealty@gmail.com
E-MAIL

910-644-4796
HOME TELEPHONE #

910-864-3948
WORK TELEPHONE #

Fredrick L. Wallace
SIGNATURE OF OWNER(S)

Fredrick L. Wallace
SIGNATURE OF AGENT, ATTORNEY OR APPLICANT

Fredrick L. Wallace
SIGNATURE OF OWNER(S)

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

NAME	ADDRESS	CITY
CLARK, JAMES H	5320 CHURCH ST	HOPE MILLS, NC 28348
DIVINE EMPOWERMENT CHRISTIAN CENTER	608 TORHUNTA DR	HOPE MILLS, NC 28348
ELIXSON, GERALD D;ELIXSON, BETTY J	4933 S MAIN ST	HOPE MILLS, NC 28348
LAKHAM, JOY LYNN;TIMOTHY L LANHAM	4852 S MAIN ST	HOPE MILLS, NC 28348
N C DEPT OF TRANSPORTATION	1546 MAIL SERVICE CTR	RALEIGH, NC 27699
THOMAS MANOR LLC	2221 TAYLOR MADE DR	HOPE MILLS, NC 28348
VANCE JOHNSON RENTALS LLC	3242 MID PINE DR	FAYETTEVILLE, NC 28306
WALLACE, FREDERICK LOUIS	4845 S MAIN ST	HOPE MILLS, NC 28348

NAME	ADDRESS	CITY
ALLEN, CHRISTOPHER COLUMBUS JR	4601 S MAIN ST	HOPE MILLS, NC 28348
AUTRY, LARRY KENNETH TRUSTEE	PO BOX 368	HOPE MILLS, NC 28348
BEARD, THOMAS EDWARD	4788 S MAIN ST	HOPE MILLS, NC 28348
BOND, STEVE VIRGIL	5780 FRANKLIN ST	HOPE MILLS, NC 28348
CLEAR BLUE 22 LLC	3166 SIDS MILL RD	FAYETTEVILLE, NC 28312
CLEAR BLUE & 22 LLC	4817 S MAIN ST	HOPE MILLS, NC 28348
COTTERELL, JAMES JR	5760 FRANKLIN ST	HOPE MILLS, NC 28348
DAVIS, DARRYL M;BLANCHE, M	1931 IRELAND DR	FAYETTEVILLE, NC 28304
DAVIS, DENNY	1126 ASBURY RD	EASTOVER, NC 28312
DAVIS, SARAH	1931 IRELAND DR	FAYETTEVILLE, NC 28304
GILMORE, CHIZUKO ARENDALL;JAMES, C	5228 RED MAPLE LN	HOPE MILLS, NC 28348
GILMORE, MITCHELL L	4938 S MAIN ST	HOPE MILLS, NC 28348
IF IT WAS EASY LLC	3096 AB CARTER RD	FAYETTEVILLE, NC 28312
JOHNSON, ROBERT A; JANIE C	424 N PLYMOUTH ST	FAYETTEVILLE, NC 28312
JONES, MICHAEL;CHERRIE	4432 BETSY ROSS DR	HOPE MILLS, NC 28348
K2C INC	2 WILLOW BRIDGE DR	DURHAM, NC 27707
LOCKLEAR, DOVIE L LIFE ESTATE	5796 FRANKLIN ST	HOPE MILLS, NC 28348
LOFLIN PROPERTIES LLC	175 S NC 49 HWY	ASHEBORO, NC 27203
LUDWIGSEN, RONALD;SALLY B	104 VILLAGE WAY	SAPPHIRE, NC 28774
LUDWIGSEN, RONALD;SALLY B	5761 HANCOCK ST	HOPE MILLS, NC 28348
MCGOWAN, FRANK L	303 CRANBROOK CT	PRATTVILLE, AL 36067
MOORE, BRIAN; NATALIE	1244 SHAWNEE CREEK CT	HOPE MILLS, NC 28348
PARKER, MARTIN S; DONNIE MAE	4800 S MAIN ST	HOPE MILLS, NC 28348
ROBERT F BLEECKER LLC	926 E 4TH AVE	RED SPRINGS, NC 28377
STRICKLAND, DAVID;CONNIE	5731 HANCOCK ST	HOPE MILLS, NC 28348
SWEAT, MARY A	4416 BETSY ROSS DR	HOPE MILLS, NC 28348
SWIGART, STEVEN L	5783 FRANKLIN ST	HOPE MILLS, NC 28348
ULLOM, DANIEL D	2271 SCHOOL RD	HOPE MILLS, NC 28348