

AMY H. CANNON
County Manager



RAWLS HOWARD
Director

TRACY JACKSON
Assistant County Manager



DAVID MOON
Deputy Director

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Planning & Inspections Department

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

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

CONDITIONAL ZONING CASES

- A. **P20-24.** REZONING OF 13.35+/- ACRES FROM RR RURAL RESIDENTIAL TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF NC HWY 87 S & SR 2220 (TOM STARLING ROAD), SUBMITTED BY REBECCA F. PERSON ON BEHALF OF FRANCIS N. PERSON HEIRS & SUSAN P. STRICKLAND (OWNERS) & YARBOROUGH, WINTERS & NEVILLE, PA (AGENT). **(APPLICANT HAS REVISED REQUEST TO C2(P) PLANNED SERVICE & RETAIL AND C(P) PLANNED COMMERCIAL/CZ CONDITIONAL ZONING FOR MINI-WAREHOUSING WITH OUTSIDE VEHICLE STORAGE)**
- B. **P20-30.** REZONING OF 44.23+/- ACRES FROM M(P) PLANNED INDUSTRIAL TO A1 AGRICULTURAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON WEST SIDE OF SR 2337 (WILMINGTON HWY), SOUTH OF SR 2210 (WILKES ROAD), SUBMITTED BY WARREN & DAWN BISHOP (OWNERS) & PATRICK BISHOP (AGENT). **(APPLICANT HAS REVISED REQUEST TO A1 AGRICULTURAL/CZ CONDITIONAL ZONING FOR ONE SINGLE-FAMILY DWELLING UNIT)**
- C. **P20-42.** REZONING OF 3.33+/- ACRES FROM R10 RESIDENTIAL & C1 LOCAL BUSINESS DISTRICT TO C(P) PLANNED COMMERCIAL/CZ CONDITIONAL ZONING FOR FARM SUPPLIES MERCHANDISING & MACHINERY SALES AND SERVICING & HARDWARE, PAINT AND GARDEN SUPPLY SALES OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 2230 N BRAGG BOULEVARD, SUBMITTED BY CAROLYN R. ARMSTRONG ON BEHALF OF CBMM PROPERTIES, LLC & CJR PROPERTY HOLDINGS, LLC (OWNERS) AND LARRY KING & ASSOCIATES, RLS, PA (AGENT). (SPRING LAKE)

- D. **P20-45.** REZONING OF 0.50+/- ACRES FROM R6 RESIDENTIAL TO C(P) PLANNED COMMERCIAL/CZ CONDITIONAL ZONING FOR ALL ALLOWED C(P) USES OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE SOUTH SIDE OF NC 59 (N MAIN STREET), NORTH OF THE INTERSECTION OF BULLARD STREET & HILL STREET, SUBMITTED BY ECO ADVANTAGE TERMITE AND PEST SOLUTIONS, INC. (OWNER) & GEORGE M. ROSE (AGENT). (HOPE MILLS)

REZONING CASES

- E. **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).

VIII. PUBLIC HEARING CONTESTED ITEMS

TEXT AMENDMENT

- F. **P20-17.** REVISION AND AMENDMENT TO THE HOPE MILLS ZONING ORDINANCE BY AMENDING ARTICLE IV PERMITTED, CONDITIONAL AND SPECIAL USES, SECTION 102A-403. USE MATRIX ALLOWING RECREATION/AMUSEMENT INDOOR (CONDUCTED INSIDE BUILDING FOR PROFIT, NOT OTHERWISE LISTED & NOT REGULATED) AS A PERMITTED USE WITHIN THE M(P) PLANNED INDUSTRIAL DISTRICT BY INSERTING A "P" IN THE M(P) COLUMN AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE. (HOPE MILLS)

REZONING CASE

- G. **P20-44.** REZONING OF 2.06+/- ACRES FROM C3 HEAVY COMMERCIAL & RR RURAL RESIDENTIAL TO RR RURAL RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 3830 ELIJAH B PLACE, SUBMITTED BY HEATHER YOUNG GORMAN & ROBERT E. GORMAN (OWNERS) & YARBOROUGH, WINTERS & NEVILLE, P.A. (AGENT).

IX. DISCUSSION

DIRECTOR'S UPDATE

- SPECIAL LEGISLATION FOR REZONING PROCESSES
- UNC SCHOOL OF GOVERNMENT

X. ADJOURNMENT

EXPLANATION OF THE REQUEST

This is a request to rezone three parcels located on the northwest corner of the intersection of NC Hwy 87 S & SR 2220 (Tom Starling Road) from RR Rural Residential to C(P) Planned Commercial/CZ Conditional Zoning for mini-warehousing with outside vehicle storage & C2(P) Planned Service & Retail. This request would allow the property owner to develop the mini-warehousing on the conditional zoning portion while marketing the C2(P) portion of the request. Ordinance related conditions will apply on the conditional zoning portion. **Note: The staff report/recommendation has been revised due to the modification of the application from a solely conventional zoning to a partially conditional zoning as requested by the Planning Board at their July 21, 2020 meeting)

OWNER/APPLICANT

OWNER/APPLICANT: Rebecca F. Person on behalf of Francis N. Person Heirs & Susan P. Strickland (owner) & Yarborough, Winters & Neville, PA (agent)

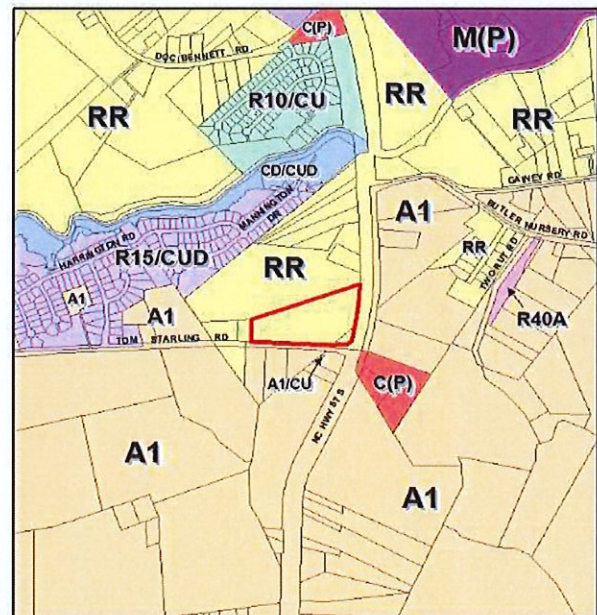
PROPERTY INFORMATION

ADDRESS/LOCATION: Northwest corner of the intersection of NC Hwy 87 S & SR 2220 (Tom Starling Road; more specifically REIDs 0443663070000, 0443660907000 & 0443663639000

SIZE: This request includes three parcels totaling approximately 13.35 acres. The properties have approximately 700' of street frontage along NC Hwy 87 S and approximately 1115' of frontage along Tom Starling Road. The properties are 580'+/- in depth.

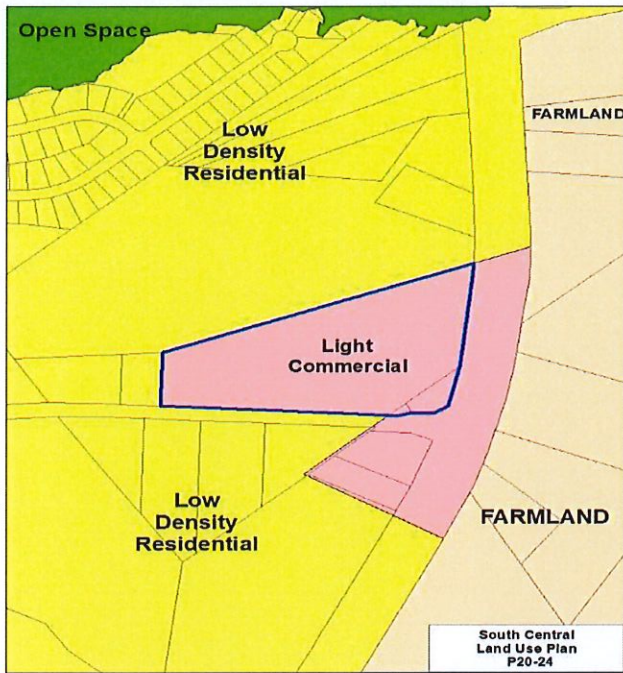
EXISTING LAND USE: The properties are currently vacant woodland.

OTHER SITE CHARACTERISTICS: The properties are not located within the watershed or the Special Flood Hazard Area. There are hydric soils (Ro-Roanoke and Wahee loams) on the properties.



DEVELOPMENT REVIEW: Two of the parcels were created prior to 8-22-84 and the third parcel was platted on 11-22-99 in Book 100, Page 198. A recombination will be required prior to development.

SURROUNDING LAND USE: There are residential uses in the surrounding area as well as a convenience store with car wash developed across Tom Starling Road from the properties.



ZONING HISTORY: These properties were initially zoned RR as part of the Area 6 initial zoning on March 15, 1979.

UTILITIES: This site is currently served by PWC water and sewer. 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 on the conditional zoning portion and C2(P) setbacks: Front yard: 50 foot, Side yard: 30 foot, Rear yard: 30 foot on the conventional zoning portion.

COMPREHENSIVE PLANS: The 2030 Growth Vision Plan designates this area for "Urban Area". The South Central Land Use Plan (2015) designates this area for "Light Commercial". The "Light Commercial" designation caters to the ordinary needs of the immediate neighborhood with emphasis on convenient goods. **Request is plan compliant.**

IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES

TRAFFIC: The subject property sits on the corner of Tom Starling Road and NC Hwy 87 S. Both are identified as a thoroughfare needing improvement in the 2045 Metropolitan Transportation Plan. There are no construction/improvements planned and the subject property will have no impact on the Transportation Improvement Plan. The Average Daily Traffic Count (2018) on SR 2220 (Tom Starling Road) is 4,400. The count on NC Hwy 87 S is 18,000.

SCHOOLS CAP/ENROLL: Alderman Road Elementary: 750/676; Gray's Creek Middle: 1200/1139; Gray's Creek High: 1470/1467

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

EMERGENCY SERVICES: The request has been reviewed by the Cumberland County Fire Marshal's Office. The County Fire Marshal stated: 1) Ensure all fire department access requirements are met. 2) Ensure Emergency responder radio coverage is achieved for all new buildings. 3) Ensure fire hydrants are added if water is available. 4) All items should be submitted on formal building plans review for each project.

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

STAFF RECOMMENDATION

In Case P20-24, the Planning & Inspections staff **recommends approval** of the rezoning request from RR Rural Residential to C(P) Planned Commercial/CZ Conditional Zoning for mini-warehousing with outside vehicle storage & C2(P) Planned Service & Retail and find the request consistent with the South Central Land Use Plan (2015) which designates these parcels for "Light Commercial" as the use requested under the conditional zoning as well as the conventional C2(P) district are considered light commercial uses. Approval of the request is reasonable and in the public interest as the conditional zoning portion will provide adequate buffering from the existing residential uses and the conventional portion, which will cause the higher traffic impact, is located further from the existing residential.

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



TOM STARLING RD

**C(P) PLANNED COMMERCIAL/CZ CONDITIONAL ZONING DISTRICT
REQUEST: FOR MINI-WAREHOUSING WITH OUTSIDE VEHICLE STORAGE**

CASE: P20-24 ACREAGE: 4.94 AC+/-

ZONED: RR SCALE: NTS

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

8-25-20

C(P) PLANNED COMMERCIAL/CZ CONDITIONAL ZONING DISTRICT

DRAFT

Ordinance Related Conditions
For Mini-warehousing with outside vehicle storage

Revision Required:

1. Three copies of a revised site plan and a \$25.00/\$50.00 revision fee is required to be submitted to the Current Planning Section prior to the further processing of this plat/plan. The following must be addressed on the revised plat/plan:
 - a. Landscaping must be provided in accordance with Section 1102 N, Landscaping, County Zoning Ordinance and/as shown on the site plan. The following are the minimum standards for the required landscaping of this site:
 - i. 12 large shade trees or 23 small ornamental trees within the front yard setback area along SR 2220 (Tom Starling Road); and
 - ii. 8 ornamental trees and 84 shrubs are required in the building yard area.

In addition:

 - i. Required plant materials shall be maintained by the property owner, including replacing dead or unhealthy trees and shrubs; and
 - ii. All yard and planting areas shall be maintained in a neat, orderly, and presentable manner and kept free of weeds and debris.- b. The “outdoor storage area” outlined in blue must be shown to meet the 30 foot rear yard setback.

Pre- Permit Related:

2. The Cumberland County Fire Marshal’s Office provided the following comments: 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. For questions related to this comment, please contact the Fire Marshal’s Office at (910) 321-6625. If any requirements of their office requires a revision to the approved site plan, three hard copies of a revised site plan for review and approval are required by Current Planning.
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]

Permit-Related:

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

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

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

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

Note: In the event the NCDOT driveway permit process alters the site plan in any manner, three copies of a revised site plan (and \$25.00/\$50.00 revision fee) must be submitted for staff review and approved prior to permit application.

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

[§ 136-18(29), NCGS]

7. New development where the developer will disturb or intends to disturb more than one acre of land is subject to the Post-Construction Stormwater Management Permitting Program (Phase II Stormwater Management Requirements) administered by the Department of Energy, Minerals and Land Resources, NC Department of Environmental Quality (DEMLR NCDEQ). If one acre or more of land is to be disturbed, a copy of the State's *Post-Construction Permit* must be provided to County Code Enforcement prior to the issuance of the Certificate of Occupancy. (Note: If any retention/detention basins are required for state approval of this plan, three copies of a revised plan (and \$25/\$50 revision fee) must be submitted and approved by Planning & Inspections.) (Sec. 2306.D, County Subdivision Ord. & 2006-246, NC Session Law)
8. Prior to application for the Certificate of Occupancy, connection to public water and sewer is required, the Public Works Commission (PWC) must approve water and sewer plans. A copy of the PWC approval must be provided to Code Enforcement. Contact Sam Powers with PWC for more information. (Section 2306 A, County Subdivision Ord. & Sec. 1403.I, County Zoning Ord.)
9. The building final inspection cannot be accomplished until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans. (Sec. 107.B, County Zoning Ord.; & Secs. 2005 & 2007 County Subdivision Ord.)

Site-Related:

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

Note: Prior to development of "future enclosed buildings" as shown in outdoor storage area on site plan, submission of a revised site plan for review and approval by Current Planning is required. This could also trigger a modification to the conditional zoning which will require Planning Board review & Board of Commissioner approval.

11. 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.)
12. 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.)
13. For any new development, an adequate drainage system must be installed by the developer in accordance with the NC Department of Environmental Quality (NCDEQ) *Manual on Best Management Practices* and all drainage ways must be kept clean and free of debris. (Section 2307.A, County Subdivision Ord.)

14. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306.C, County Subdivision Ord.)
15. In the event a stormwater utility structure is required by the NC Department of Environmental Quality (NCDEQ), the owner/developer must secure the structure with a four foot high fence with a lockable gate, and is required to maintain the detention/retention basin, keeping it clear of debris and taking measures for the prevention of insect and rodent infestation. (Sec. 1102.O, County Zoning Ord.)
16. Turn lanes may be required by the NC Department of Transportation (NCDOT). [Art. XIV, County Zoning Ord. & NCGS §136-18(5) & §136-93]

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

17. All lighting is required to be directed internally within this development and comply with the provisions of Section 1102 M, Outdoor Lighting, County Zoning Ordinance.
18. A solid buffer must be provided and maintained along the side and rear property lines where this tract/site abuts RR Rural Residential zoning in accordance with the provisions of Section 1102 G, County Zoning Ordinance (Note: Chain link fencing cannot be used to satisfy the buffer requirement.)
19. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.
20. All required off-street parking spaces are required to be a minimum of 9' x 20' and surfaced, with a permanent material such as asphalt or concrete, and striped prior to application for the building final inspection. A minimum of four off-street parking spaces is required for this development. (Art. XII, County Zoning Ord.)
21. The owner/developer is responsible and liable for maintenance and upkeep of this site, all structures, and appurtenances, to include ensuring that the site is kept free of litter and debris, all grass areas mowed, all buffers and shrubbery kept trim and maintained, so that the site remains in a constant state of being aesthetically and environmentally pleasing. (Sec. 1403, County Zoning Ord.)
22. The Noise Regulations of the County Code Chpt. 9.5, Art. II are to be complied with.

Advisories:

23. The applicant is advised to consult an expert on wetlands before proceeding with any development.
24. Any revision or addition to this plan necessitates re-submission for review and approval prior to the commencement of the change.
25. 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.
26. 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.
27. 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.

28. The subject property lies on Tom Starling Road which is identified as a thoroughfare 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.

Thank you for doing business in Cumberland County!

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

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

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	Ed Byrne	678-7609	ebyrne@co.cumberland.nc.us
Code Enforcement (Permits):	Scott Walters	321-6654	swalters@co.cumberland.nc.us
County Building Inspections:	Michael Naylor	321-6657	mnaylo@co.cumberland.nc.us
Fire Marshal – Emergency Services	Kevin Lowther	321-6625	klowther@co.cumberland.nc.us
	Gene Booth	678-7641	wbooth@co.cumberland.nc.us
County Engineer’s Office:	Wayne Dudley	678-7636	wdudley@co.cumberland.nc.us
PWC:	Joe Glass	223-4740	joe.glass@faypwc.com
	Sam Powers	223-4370	sam.powers@faypwc.com
Fayetteville Planning:	Chester Green III	433-1497	cgreen@ci.fay.nc.us
US Postal Service	Jonathan R. Wallace	(704) 393-4412	jonathan.r.wallace@usps.gov
NCDEQ (E&S):	Leland Cottrell	(910) 433-3393	leland.cottrell@ncdenr.gov
US Fish & Wildlife Services	Susan Ladd Miller	(910) 695-3323	susan_miller@fws.gov
Location Services:			
Site-Specific Address:	Will Phipps	678-7666	wphipps@co.cumberland.nc.us
Tax Parcel Numbers:		678-7549	
NCDOT (driveways/curb-cuts):	Troy Baker	364-0601	tlbaker@ncdot.gov
Transportation Planning:	Katrina Evans	678 7614	kevans@co.cumberland.nc.us
N.C. Division of Water Quality:	Annette Lucas	(919) 807-6381	annette.lucas@ncdenr.gov

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 ~~GP~~ C2(P) ^{1y}
2. Address of Property to be Rezoned: Corner of Tom Starling Road & Hwy 87
3. Location of Property: Corner of Tom Starling Road & Hwy 87
4. Parcel Identification Number (PIN #) of subject property: 0443-66-3070; 0443-66-0907; 0443-66-3639
(also known as Tax ID Number or Property Tax ID)
5. Acreage: ~~1235~~ 8.41 ^{1y} Frontage: +/- 700 ¹²³ ft ^{1y} Depth: +/- 1200 ft
6. Water Provider: Well: _____ PWC: X Other (name): _____
7. Septage Provider: Septic Tank _____ PWC X
8. Deed Book ⁷⁷⁶⁵ ₅₀₄₅ ₁₆₅₁₁ _____, Page(s) ⁰⁶⁴⁴ ₀₃₈₉ ₀₆₁₄ _____, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
9. Existing use of property: Vacant Land
10. Proposed use(s) of the property: Commercial (Retail, Mini Storage, Restaurants)
11. Do you own any property adjacent to or across the street from this property?
Yes _____ No X If yes, where? _____
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 Planning and Inspections Staff is available for advice on completing this application; however, they are not available for completion of the application.

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

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

1. Applicant/Agent: Garris Neil Yarborough
2. Address: 115 E. Russell Street Zip Code: 28301
3. Telephone: (Home): n/a (Work): 910-433-4433
4. Location of Property: Corner of Tom Starling Road and Hwy 87
5. Parcel Identification Number (PIN #) of subject property: 0443-66-3070; 0443-66-0907;
(also known as Tax ID Number or Property Tax ID) 0443-66-3639
6. Acreage: 4.94+ Frontage: 577+ Depth: 487+ E. // 258+ W.
7. Water Provider: PWC _____ Septage Provider: PWC _____
8. Deed Book: 7765, 5045, 10511 , Page(s): 644, 389, 814 , 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: Mini Storage with outside storage and Mini Storage Buildings.
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: RR

TO: (Select one)

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

APPLICATION FOR
CONDITIONAL ZONING

1. PROPOSED USE(S):

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

Mini Storage with outside storage and Mini Storage Buildings.

- 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.

4.94± for above noted uses.

2. DIMENSIONAL REQUIREMENTS:

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

Applicant will comply with dimensional requirements of ^{C(P)}~~C2(P)~~ zoning.

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

Applicant will comply with off-street parking and loading.

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.

Applicant will comply with district sign regulations.

4. LANDSCAPE AND BUFFER REQUIREMENTS:

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

Applicant will provide additional landscaping and pond buffer as shown on plat.

- 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.**

Applicant will comply with all buffering requirements of the district.

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.

Hours will be typical business hours for mini storage facilities. All exterior lighting will be directed inward. This type of storage facility has no significant noise, odor or smoke issues.

Will comply with typical staff recommendations for conditions of CZ district.

This site will be developed in a manner which will facilitate the appropriate future development of the adjoining C2(P) property of the Petitioners.

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.

Francis N. Person Heirs; Rebecca Person & Susan P. Strickland

NAME OF OWNER(S) (PRINT OR TYPE)

231 Fairway Drive, Fayetteville, NC 28305

ADDRESS OF OWNER(S)

E-MAIL

HOME TELEPHONE

910-491-4222

WORK TELEPHONE

Rebecca Person

Susan P. Strickland

SIGNATURE OF OWNER(S)

SIGNATURE OF OWNER(S)

Garris Neil Yarborough

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

115 E. Russell Street, Fayetteville, NC 28301

ADDRESS OF AGENT, ATTORNEY, APPLICANT

n/a

910-433-4433

HOME TELEPHONE

WORK TELEPHONE

gnyesq@ywnlaw.com

E-MAIL ADDRESS

FAX NUMBER

SIGNATURE OF AGENT, ATTORNEY, OR APPLICANT

NAME	ADDRESS	CITY
COX, RAYMOND C;COX, WIFE	2034 POPLAR DR	FAYETTEVILLE, NC 28304
DANIELS, CLARENCE	2094 TOM STARLING RD	FAYETTEVILLE, NC 28306
HALL, SIMEON B	230 SOUTHEASTERN BLV	FAYETTEVILLE, NC 28301
MATTHEWS, ANNIE P	3274 BUTLER NURSERY RD	FAYETTEVILLE, NC 28306
MCCOY, MARK STEVEN	2080 TOM STARLING	FAYETTEVILLE, NC 28306
NURSERY VIEW PROPERTIES LLC	PO BOX 65059	FAYETTEVILLE, NC 28306
PARTIN, EDWARD LEE;PARTIN, JOY WRENCH	2091 TOM STARLING RD	FAYETTEVILLE, NC 28306
PATE, WILLIAM JR V	4045 S NC 87 HWY	FAYETTEVILLE, NC 28306
PERSON, FRANCES N HEIRS	304 WHITE OAK CT	FAYETTEVILLE, NC 28303
PERSON, REBECCA F;SUSAN, P STRICKLAND	2401 ROBESON ST	FAYETTEVILLE, NC 28305
PMV PROPERTY LLC	4120 S NC 87 HWY	FAYETTEVILLE, NC 28306
SAUNDERS, WILFORD R	2148 TOM STARLING RD	FAYETTEVILLE, NC 28306

NAME	ADDRESS	CITY
ANDERSON, PHILLIP D;GALINA	2232 MANNINGTON DR	FAYETTEVILLE, NC 28306
ANDERSON, ROBERT III; LAUREN MICHELLE	2134 HARRINGTON RD	FAYETTEVILLE, NC 28306
BACK, JOSEPH JR;VALERIE, PETERSON	2213 MANNINGTON DR	FAYETTEVILLE, NC 28306
BAILEY, LISA	2208 MANNINGTON DR	FAYETTEVILLE, NC 28306
BENNETT, OQUINDLE J;VIOLENE, K WILKERSON	2205 MANNINGTON DR	FAYETTEVILLE, NC 28306
BOLING, DAVID T	1993 TOM STARLING RD	FAYETTEVILLE, NC 28306
BROOMFIELD, STEVEN E;, JAMIE	2106 MANNINGTON DR	FAYETTEVILLE, NC 28306
BROWN, PAUL RAYMOND;BROWN, DONNITTA R	2119 MANNINGTON DR	FAYETTEVILLE, NC 28306
BUNNELLS, ELEANOR R	3014 THROWER RD	HOPE MILLS, NC 28348
CALDWELL, TOWANIA L	2212 MANNINGTON DR	FAYETTEVILLE, NC 28306
COLLIER, BRIAN C;COLLIER, SUMMER B	2132 MANNINGTON DR	FAYETTEVILLE, NC 28306
CORNISH, JOHN JR;CORNISH, LISA D HARRISON	3128 ELGIN DR	FAYETTEVILLE, NC 28306
DAVIS, STACY;DAVIS, JEFFREY	2228 MANNINGTON DR	FAYETTEVILLE, NC 28306
DORSEY, KEVIA SHAUNTINIQUE	2124 MANNINGTON DR	FAYETTEVILLE, NC 28306
DRURY, NICHOLAS S;DRURY, SARAH	2135 MANNINGTON DR	FAYETTEVILLE, NC 28305
EDGE, KIMBERLY;EDGE, TANNER	2128 MANNINGTON DR	FAYETTEVILLE, NC 28306
EVANS, JAMES C III;EVANS, MICHELLE C	2126 HARRINGTON RD	FAYETTEVILLE, NC 28306
FARMER, ESSIE M	2136 MANNINGTON DR	,
FRINK, CHARLENE D	2146 HARRINGTON RD	FAYETTEVILLE, NC 28306
GILMORE, JOHN;GILMORE, ALAUNDA	2150 HARRINGTON RD	FAYETTEVILLE, NC 28306
GOMEZ, GREGORY;GOMEZ, JENNY	2115 MANNINGTON DR	FAYETTEVILLE, NC 28306
HENLEY, RAYMOND C III;LESLIE, .	2107 MANNINGTON DR	FAYETTEVILLE, NC 28306
HUBBARD, DERRICK B JR;HUBBARD, AKIA L	2140 MANNINGTON DR	FAYETTEVILLE, NC 28306
HUBBARD, GLYNDETTA, ANNETTE FOX;JOSHUA, SIMPSON TF	1639 SANDRA DR	FAYETTEVILLE, NC 28304
HUBBARD, GLYNDETTA, ANNETTE FOX;JOSHUA, SIMPSON TF	1896 TOM STARLING RD	FAYETTEVILLE, NC 28306
JAMES, SHAHRON LOUIS;JAMES, NATALIE MARIE	2148 MANNINGTON DR	FAYETTEVILLE, NC 28306
JOHNSON, WILLIE III;JOHNSON, SHAVON LYNETTE	3132 ELGIN DR	FAYETTEVILLE, NC 28306
JR HOMES OF N C LLC	PO BOX 659	WATKINSVILLE, GA 30677
KING, JOSEF;KING, SANDRA BARTHA	2224 MANNINGTON DR	FAYETTEVILLE, NC 28306
LEWIS-LILES, CASSANDRA L;LEWIS-LILES, TYRONE W LILES	2112 MANNINGTON DR	FAYETTEVILLE, NC 28306
LYLE, JOSEPHINE P	PO BOX 367	MCKENNEY, VA 23872
MARSDEN, ROOSEVELT;MARSDEN, CAROL	2131 MANNINGTON DR	FAYETTEVILLE, NC 28306
MATTHEWS, DONALD L;MATTHEWS, CHRISTINA G	690 EUGENIA RD	VERO BEACH, FL 32963
MCENTIRE, RASHAD;MCENTIRE, ASHLEY C	2240 MANNINGTON DR	FAYETTEVILLE, NC 28306
MCINTYRE, JENNIFER	2127 MANNINGTON DR	FAYETTEVILLE, NC 28306
MCKEE HOMES LLC	109 HAY ST 301	FAYETTEVILLE, NC 28301
MCMILLAN, AISHA	3124 ELGIN DR	FAYETTEVILLE, NC 28306
MILLER, BRIAN STEPHEN	2144 MANNINGTON DR	FAYETTEVILLE, NC 28306
MOORE, BRANDON N;MOORE, MARLANA M	2130 HARRINGTON RD	FAYETTEVILLE, NC 28306
MOUNT PISGAH BAPTIST CHURCH INC	3350 BUTLER NURSERY RD	FAYETTEVILLE, NC 28306
NOWLING, FRED E	2111 MANNINGTON DR	FAYETTEVILLE, NC 28306
PALMER, SHAQUANA TAMISHA;PALMER, JONATHAN TIMOT	2220 MANNINGTON DR	FAYETTEVILLE, NC 28306
PATE, CHARLES J JR;PATE, JESSIE M	PO BOX 142	LAKE PLACID, FL 33862
PEREZ RIVERA, MANUEL E;PEREZ RIVERA, TAMARA ROSA	2204 MANNINGTON DR	FAYETTEVILLE, NC 28304
REIS, RYAN LEE	2236 MANNINGTON DR	FAYETTEVILLE, NC 28306
SHURTLEFF, ANGELA M;SHURTLEFF, MATTHEW S	2216 MANNINGTON DR	FAYETTEVILLE, NC 28306

TEATON, BRYAN MICHAEL	2138 HARRINGTON RD	FAYETTEVILLE, NC 28306
URENA, MARIA LILIA;URENA, JOSE LUIS	2142 HARRINGTON RD	FAYETTEVILLE, NC 28306
VILLAGE AT ROCKFISH HOMEOWNERS ASSOC INC	PO BOX 87209	FAYETTEVILLE, NC 28304
VILLAGE AT ROCKFISH LLC	3400 WALSH PKWY	FAYETTEVILLE, NC 28311
WARD, RODNEY D; LESLIE	1999 TOM STARLING RD	FAYETTEVILLE, NC 28306
WARD, RODNEY DUANE; LESLIE ANNE	2071 TOM STARLING RD	FAYETTEVILLE, NC 28306
YOUNG, HURLEY JR	3195 PISGAH DR	FAYETTEVILLE, NC 28306
ZAYAS, JANCARLOS LOPEZ;ZAYAS, DADMARY P BONILLA	2209 MANNINGTON DR	FAYETTEVILLE, NC 28306

PLANNING STAFF REPORT
REZONING CASE # P20-30

Planning Board Meeting: September 15, 2020 (deferred from the July 21 meeting)

Jurisdiction: County

EXPLANATION OF THE REQUEST

This is a request to rezone one parcel located on the west side of Wilmington Hwy from M(P) Planned Industrial to A1 Agricultural/CZ Conditional Zoning for one single-family dwelling unit. This request will allow the property owner to develop a single residential dwelling on the property. As this is a conditional zoning, all ordinance related conditions will apply. **Note: The staff report/recommendation has been revised due to the modification of the application from a conventional to a conditional rezoning as requested by the Planning Board at their July 21, 2020 meeting

OWNER/APPLICANT

OWNER/APPLICANT: Warren & Dawn Bishop (owners) & Patrick Bishop (agent)

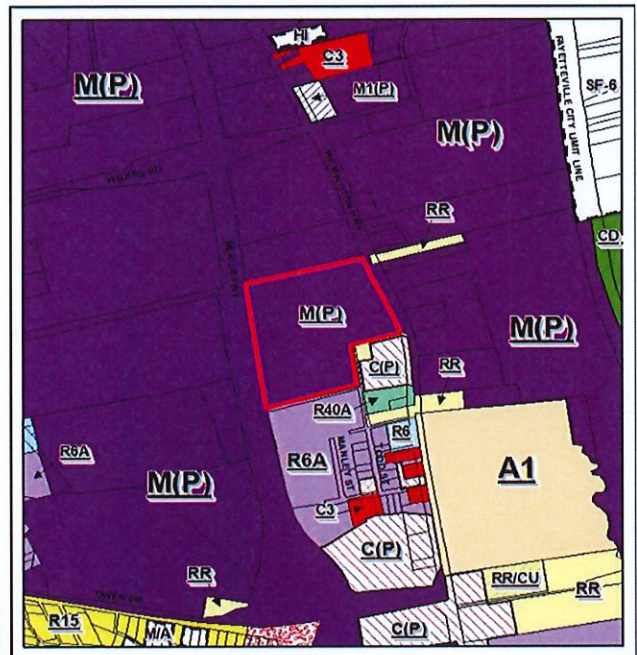
PROPERTY INFORMATION

ADDRESS/LOCATION: West side of Wilmington Hwy, South of SR 2210 (Wilkes Road); more specifically REID 0436913738000

SIZE: This request includes one parcel totaling approximately 44.23 acres. The property has approximately 945' of street frontage along Wilmington Hwy and 1437' of frontage along MLK Jr Fwy. The property is 1487' +/- in depth.

EXISTING LAND USE: The property is currently vacant woodlands.

OTHER SITE CHARACTERISTICS: The property is not located within the watershed. The property is partially located in the Special Flood Hazard Area. There are hydric (Ro-Roanoke and Wahee loams) and hydric inclusion (DgA-Dogwe fine sandy loam) soils on the property.



DEVELOPMENT REVIEW: The property was platted on 5-20-2013 in Book 132, Page 141.

SURROUNDING LAND USE: There are residential uses including manufactured homes surrounding the parcel. There are several trade contractors and body work operations developed across Wilmington Highway from the parcel.



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

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

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

COMPREHENSIVE PLANS: The 2030 Growth Vision Plan designates this parcel for "Urban Area". "Urban Area" designates areas with a full range of urban services in place. The South Central Land Use Plan (2015) designates this parcel for "Airport Oriented Uses" and "Open Space". "Airport Oriented Uses" is meant to protect the Airport from unwanted encroachment, protect human life and allow for further expansion. Uses allowed in the area must be compatible with other uses in area, and do not impact the area negatively. Due to the conditional request limiting the residential to one dwelling, staff believes the **Request is plan compliant**.

IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES

TRAFFIC: Old Wilmington Road is identified as an existing thoroughfare in the 2045 Metropolitan Transportation Plan. There are no constructions/improvements planned and the subject property will have no impact on the Transportation Improvement Plan. The Average Daily Traffic Count (2018) on Old Wilmington Road is 2,200.

SCHOOLS CAP/ENROLL: Elizabeth Cashwell Elementary: 800/592, Douglas Byrd Middle: 600/573, Douglas Byrd High: 1280/1029.

ECONOMIC DEVELOPMENT: Fayetteville Cumberland County Economic Development Corporation has reviewed the request. The EDC had concerns about the precedent of allowing multitudes of residential homes in a predominantly industrial area and feels it would impact future industrial development in this area. There was less of a concern if this was a conditional request limiting it to the one residence.

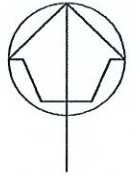
EMERGENCY SERVICES: The Cumberland County Fire Marshal's Office has reviewed the request and had no comment at this time.

FAYETTEVILLE REGIONAL AIRPORT: The property is located within the Airport Overlay District. The Fayetteville Airport had no objection to the request, although the loss of industrial land should be carefully considered by the board.

STAFF RECOMMENDATION

In Case P20-30, the Planning & Inspections staff **recommends approval** of the rezoning request from M(P) Planned Industrial to A1 Agricultural/CZ Conditional Zoning for one single-family dwelling unit and find the request consistent with the South Central Land Use Plan (2015) which designates this parcel for "Airport Oriented Uses" and "Open Space". The "Airport Oriented Uses" designation is meant to protect the Airport from unwanted encroachment, protect human life and allow for further expansion. The site will be limited to a single-family dwelling unit and would be less density/people on site than potential nonresidential uses or a fully developed subdivision. Approval of the request is also reasonable and in the public interest as the intended use is in harmony with existing zoning and uses to the south and the site has access to public water.

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



**A1 AGRICULTURAL/CZ CONDITIONAL ZONING
REQUEST: FOR ONE SINGLE-FAMILY DWELLING UNIT
CASE: P20-30 ACREAGE: 44.23 AC +/-
ZONED: M(P) SCALE: NTS**

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

A1 AGRICULTURAL/CZ CONDITIONAL ZONING DISTRICT

DRAFT

Ordinance Related Conditions *For one single family dwelling unit*

Pre- Permit Related:

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

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

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

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

Note: The proposed structure is not shown within the *Special Flood Hazard Area* on the property.

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

Permit-Related:

4. The owner/developer(s) of these lots must obtain detailed instructions from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street on provisions of the County Zoning Ordinance and any permits that may be required to place any structure within this development or to commence any use of the subject property. For additional information, the developer should contact a Code Enforcement Officer. (Chpt. 4, County Code & Sec. 107, County Zoning Ord.)
5. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application. [Sec. 4-8(b)(2), County Code]
6. If driveways are changed or added, the developer must obtain a driveway permit from the NC Department of Transportation (NCDOT). If required, a copy of the approved driveway permit must be provided to Code Enforcement. **Permits MUST be secured prior to the change or alteration of existing or proposed property use. Failure to secure required permits prior to construction or change in property usage may result in the removal of the driveway or street connections at the property owner's expense.** For additional information contact the Division 6 /District 2 office at the number listed on the bottom of this conditional approval.

Note: In the event the NCDOT driveway permit process alters the site plan in any manner, three copies of a revised site plan (and \$25.00/\$50.00 revision fee) must be submitted for staff review and approved prior to permit application.

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

[§ 136-18(29), NCGS]

7. Because the subject property is located within the Airport Overlay District and in the event the dwelling is greater than 200 feet in height, the developer will be required to provide a FCC Form 7460-1 to Code Enforcement at the time of permit application. This form must be acknowledged by the FCC that the structure is not a hazard or obstruction to air traffic. (Section 8.101.D, County Zoning Ord.)
8. New development where the developer will disturb or intends to disturb more than one acre of land is subject to the Post-Construction Stormwater Management Permitting Program (Phase II Stormwater Management Requirements) administered by the Department of Energy, Minerals and Land Resources, NC Department of Environmental Quality (DEMLR NCDEQ). If one acre or more of land is to be disturbed, a copy of the State's *Post-Construction Permit* must be provided to County Code Enforcement prior to the issuance of the Certificate of Occupancy. (Note: If any retention/detention basins are required for state approval of this plan, three copies of a revised plan (and \$25/\$50 revision fee) must be submitted and approved by Planning & Inspections.) (Sec. 2306.D, County Subdivision Ord. & 2006-246, NC Session Law)
9. Prior to application for the Certificate of Occupancy, connection to public water is required, the Public Works Commission (PWC) must approve water plans. A copy of the PWC approval must be provided to Code Enforcement. Contact Sam Powers with PWC for more information. (Section 2306 A, County Subdivision Ord. & Sec. 1403.I, County Zoning Ord.)
10. The building final inspection cannot be accomplished until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans. (Sec. 107.B, County Zoning Ord.; & Secs. 2005 & 2007 County Subdivision Ord.)

Site-Related:

11. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Development Ordinance, and County Zoning Ordinance for the A1 Agricultural/CZ Conditional zoning district must be complied with, as applicable.

Note: This approval is only for one single-family dwelling unit. Any additional density would require a rezoning or a modification to the conditional zoning request after one calendar year from the date of approval of the original request.

12. 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.)
13. "Old Wilmington Road" must be labeled as "SR 2337 (Wilmington Hwy)" on all future plans. (Sec. 2203, County Subdivision Ord.)
14. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306.C, County Subdivision Ord.)

Advisories:

15. There may be wetlands located in the project area that are subject to the permit requirements of Section 404 of the Clean Water Act. To avoid a violation of federal and/or state law, it is recommended the developer contact the Office of the Army Corp of Engineers or hire an environmental consultant to identify and delineate any wetlands in the project area prior to construction. A Section 404 permit will be required if the applicant needs to fill wetlands and the permit must be obtained prior to any construction on this site.
16. Any revision or addition to this plan necessitates re-submission for review and approval prior to the commencement of the change.
17. An internal street system most likely will be required by the NC Department of Transportation (NCDOT) to serve any future divisions of the parent tract.

18. 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.
19. Because the subject property is located within the Airport Overlay District, the developer is strongly encouraged to discuss their development plans with the Current Planning Section and/or the Fayetteville Regional Airport Director early in the planning stage to ensure that the proposed height of any proposed structure can be found to be no obstruction or hazard to air navigation.
20. The subject property lies on M.L. King Jr. Freeway (Existing Freeway) and Old Wilmington Road (Existing Thoroughfare). There are no constructions/improvements 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:

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

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

Thank you for making Cumberland County your home!

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

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

Current Planning Manager:	Betty Lynd	678-7605	blynd@co.cumberland.nc.us
Subdivision/Site Plan/Plat	Ed Byrne	678-7609	ebyrne@co.cumberland.nc.us
Code Enforcement (Permits):	Scott Walters	321-6654	swalters@co.cumberland.nc.us
County Building Inspections:	Michael Naylor	321-6657	mnaylo@co.cumberland.nc.us
Fire Marshal – Emergency Services	Kevin Lowther	321-6625	klowther@co.cumberland.nc.us
	Gene Booth	678-7641	wbooth@co.cumberland.nc.us
County Engineer’s Office:	Wayne Dudley	678-7636	wdudley@co.cumberland.nc.us
County Health Department:	Fred Thomas	433-3692	fthomas@co.cumberland.nc.us
PWC:	Joe Glass	223-4740	joe.glass@faypwc.com
	Sam Powers	223-4370	sam.powers@faypwc.com
Fayetteville Airport Director	Toney Coleman	433-1625	tcoleman@ci.fay.nc.us
US Postal Service	Jonathan R. Wallace	(704) 393-4412	jonathan.r.wallace@usps.gov
Corp of Engineers (wetlands):	Liz Hair	(910) 251-4049	hair@usacr.army.mil
NCDEQ (E&S):	Leland Cottrell	(910) 433-3393	leland.cottrell@ncdenr.gov
US Fish & Wildlife Services	Susan Ladd Miller	(910) 695-3323	susan_miller@fws.gov
Location Services:			
Site-Specific Address:	Will Phipps	678-7666	wphipps@co.cumberland.nc.us
Tax Parcel Numbers:		678-7549	
NCDOT (driveways/curb-cuts):	Troy Baker	364-0601	tlbaker@ncdot.gov
Transportation Planning:	Katrina Evans	678 7614	kevans@co.cumberland.nc.us
N.C. Division of Water Quality:	Annette Lucas	(919) 807-6381	annette.lucas@ncdenr.gov

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

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

1. Applicant/Agent PATRICK BISHOP
2. Address: 0 WELMINGTON HWY Zip Code 28306
3. Telephone: (Home) 704 910 7244 (Work) 704 910 7244
4. Location of Property: BETWEEN WELRES, OLD WELMINGTON, HWY 87, AND STANLEY ST
5. Parcel Identification Number (PIN #) of subject property: 0436-91-3738
(also known as Tax ID Number or Property Tax ID)
6. Acreage: 44.23 Frontage: ~ 948' Depth: 1324'
7. Water Provider: PWC Septage Provider: SEPTIC
8. Deed Book 10484, Page(s) 0214, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
9. Existing use of property: EMPTY LAND
10. Proposed use(s) of the property: SINGLE FAMILY DWELLING (2)

NOTE: Be specific and list all intended uses.

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

TO: (Select one)

- X Conditional Zoning District, with an underlying zoning district of A1
(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.)

TO BUILD ONE SINGLE FAMILY
DWELLING

- 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.

ACREAGE: 44.23

LOTS: 1

DWELLINGS: 1

2. DIMENSIONAL REQUIREMENTS:

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

FRONT - 50'

SIDES - 20'

REAR - 50'

- 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.

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.

✓ WARREN L BISHOP, DAWN D BISHOP
NAME OF OWNER(S) (PRINT OR TYPE)

417 Foxwood Dr Hope Mills NC 28348
ADDRESS OF OWNER(S)

(910) 366-5861 SAME
HOME TELEPHONE # WORK TELEPHONE #

✓ PATRICK BISHOP
NAME OF AGENT, ATTORNEY, APPLICANT (PRINT OR TYPE)

3411 WILIA CT FAYETTEVILLE NC 28306
ADDRESS OF AGENT, ATTORNEY, APPLICANT

PEARISH88@GMAIL.COM
E-MAIL

(704) 910-7244 SAME
HOME TELEPHONE # WORK TELEPHONE #

Warren L Bishop
SIGNATURE OF OWNER(S)

Patrick Bishop
SIGNATURE OF AGENT, ATTORNEY OR APPLICANT

Dawn D Bishop
SIGNATURE OF OWNER(S)

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

NAME	ADDRESS	CITY
ANGEL, RICHARD	2328 SWANN STATION RD	SANFORD, NC 27332
BARTAL, STEVE	801 GLENSFORD DR	FAYETTEVILLE, NC 28314
BISHOP, WARREN L;BISHOP, DAWN D	417 FOXWOOD DR	HOPE MILLS, NC 28348
CARLSON, MARTHA J;CARLSON, DAVID N	401 GULLEY BRANCH RD	RAEFORD, NC 28376
DIXON, KYLE A;DIXON, MARI NEWTON	6375 TABOR CHURCH RD	FAYETTEVILLE, NC 28312
GREY OUTDOOR LLC	PO BOX 1591	WRIGHTSVILLE BEACH, NC 28480
KASCOR PROPERTIES LLC	2964 WEDGEVIEW DR	FAYETTEVILLE, NC 28306
KENNEDY, JERRY W;KENNEDY, DORIS J	1556 WILMINGTON HWY	FAYETTEVILLE, NC 28306
RAY, ELIZABETH E ET AL;BEEBE	865 DUVAL DR	FAYETTEVILLE, NC 28304
TREE FARM RD PROPERTIES LLC	PO BOX 65059	FAYETTEVILLE, NC 28306
TREE FARMER LLC	121 S COOL SPRING ST	FAYETTEVILLE, NC 28301

NAME	ADDRESS	CITY
A, C C S ALLSTATE CONTRACTING	PO BOX 48814	CUMBERLAND, NC 28331
BROCATO, CODY	1644 WILMINGTON HWY	FAYETTEVILLE, NC 28306
CROMARTIE, EDWARD E	313 W JAMES ST	MT OLIVE, NC 28365
CUMBERLAND GARBAGE	831 MANLEY ST	FAYETTEVILLE, NC 28306
CUMMINGS, EDNA N	5966 LAKEWAY DR	FAYETTEVILLE, NC 28306
DAVIS, GEORGE R;DAVIS, WIFE	2646 WILMINGTON HWY	FAYETTEVILLE, NC 28306
EMBRACE HOME LOANS, INC.	25 ENTERPRISE CTR	NEWPORT, RI 02842
ETHRIDGE, SHERLENE M	1111 VESPER LN	FAYETTEVILLE, NC 28311
HAIR, EUGENE G;HAIR, JEAN G	4035 SPANISH OAK DR	FAYETTEVILLE, NC 28306
HIGHLAND PAVING CO LLC	PO BOX 1843	FAYETTEVILLE, NC 28302
HINDU, BHAVAN	PO BOX 87255	FAYETTEVILLE, NC 28304
HOWELL, MARVIS E JR	2895 HARTFORD PL	FAYETTEVILLE, NC 28303
JOHN KOENIG TRUST	5851 RAMSEY ST	FAYETTEVILLE, NC 28311
OGARRO, EDRIS E	1757 TODD ST	FAYETTEVILLE, NC 28306
PARKER, MARTIN STEPHEN	436 WOODINGTON RD	HOPE MILLS, NC 28348
RAGLAND, BRIAN MICHAEL	1749 TODD ST	FAYETTEVILLE, NC 28306
RAY, DOROTHY L	316 COVERLY SQ	FAYETTEVILLE, NC 28303
RAYNOR, JOSEPH BRITTON; MARY J	2149 ALRAY RD	FAYETTEVILLE, NC 28312
RAYNOR, STEPHANIE KENNEDY;JOSEPH	1630 WILMINGTON HSY	FAYETTEVILLE, NC 28306
ROGERS, BLAKE W	181 HUNTERSVIEW DR	AUTRYVILLE, NC 28318
SAUNDERS, HELEN F	1032 SLATER WAY	LELAND, NC 28451
SHOLLY, RONALD SCOTT JR	1720 TODD ST	FAYETTEVILLE, NC 28306
SKIPPER, WILLIAM FRANK	5515 MATT HAIR RD	FAYETTEVILLE, NC 28312
TARRANT, CAROL	1754 TODD ST	FAYETTEVILLE, NC 28306
WILKES, WAYNE JAY; ALICE	800 STANLEY ST	FAYETTEVILLE, NC 28306
WILLIAMS, DANIEL; HELEN	1719 TODD ST	FAYETTEVILLE, NC 28306
YOTOV, IVAN	8310 FELSTED LN	MANASAS, VA 20110

EXPLANATION OF THE REQUEST

This is a request to rezone a portion of a parcel located on the east side of N Bragg Blvd from C1 Local Business District & R10 Residential to C(P) Planned Commercial/CZ Conditional Zoning for farm supplies merchandising & machinery sales and servicing and hardware, paint and garden supply sales. This request would allow the applicant to develop a Tractor Supply store. The applicant is also requesting for parking to be approved as shown on site plan. As this is a conditional rezoning, all ordinance related conditions apply.

OWNER/APPLICANT

OWNER/APPLICANT: CBMM Properties, LLC & CJR Property Holdings, LLC (owners) & Larry King & Associates, RLS, PA (agent)

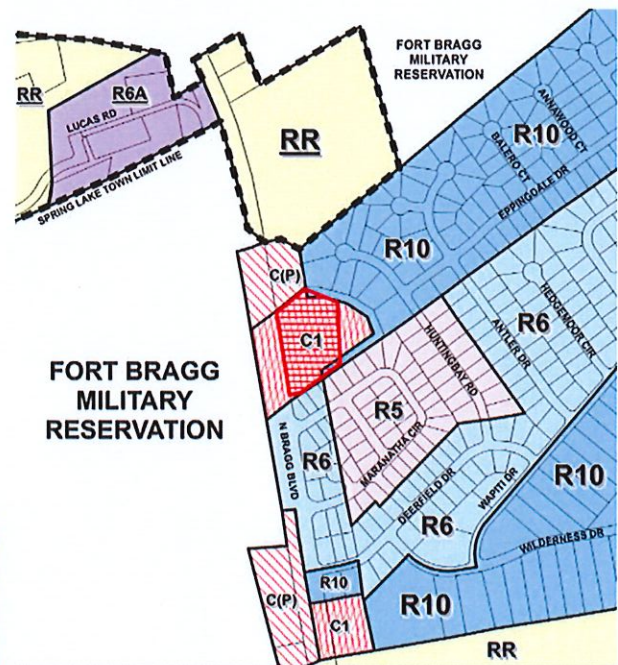
PROPERTY INFORMATION

ADDRESS/LOCATION: 2230 N Bragg Blvd; more specifically a portion of REID 0502390184000

SIZE: This request includes a portion of a parcel totaling approximately 3.33 acres. The property has approximately 447' of street frontage along N Bragg Blvd. The property is 320' +/- in depth.

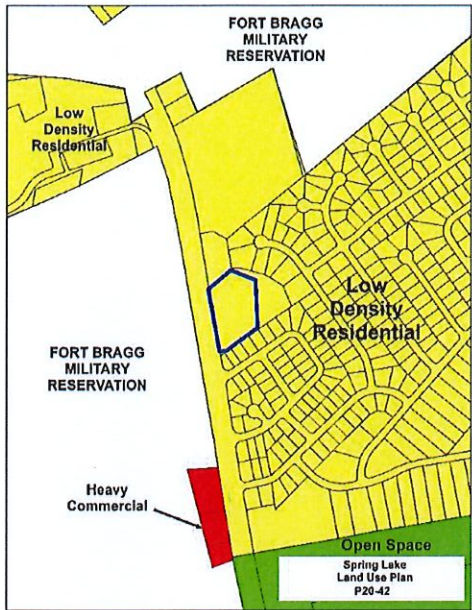
EXISTING LAND USE: The property is currently woodlands.

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



DEVELOPMENT REVIEW: The portion and the remaining parent tract have subdivision approval as part of Case 20-013. A plat was recorded in Plat Book 144 Page 189.

SURROUNDING LAND USE: There are residential uses in the surrounding area. A cemetery exists on the remaining portion of the parent tract with a convenience store developed on an adjacent property.



ZONING HISTORY: This property was initially zoned R10 & C1 on May 28, 1979 as part of Spring Lake's initial zoning. A portion of the initial R10 was rezoned to C1 on 8-25-14 (Case P14-34).

UTILITIES: This site is currently served by Spring Lake & Harnett County water & Spring Lake 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 Area". The Spring Lake Land Use Plan (2002) designates this area for "Low Density Residential". The "Low Density Residential" designation allows a density of 2.1 to 6 units per acre. **Request is not plan compliant.**

IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES

TRAFFIC: The subject property lies on N. Bragg Blvd and is identified as a thoroughfare needing improvement in the 2040 Metropolitan Transportation Plan. There are no constructions/improvements planned and the subject property will have no impact on the Transportation Improvement Plan. ** N. Bragg Blvd is identified as a widening project from Nursery Road to Manchester Road in FAMPO Prioritization Plans, but no funding has been approved. The Average Daily Traffic Count (2018) on N Bragg Blvd is 39,000.

SCHOOLS CAP/ENROLL: Comments requested via e-mail; None received.

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

US FISH & WILDLIFE: This property lies in the Northern Corridor between Fort Bragg's Northeast Training Area and the Overhills tract of Fort Bragg and may provide habitat to connect groups of red-cockaded woodpeckers. The property falls within the half-mile foraging partition for red-cockaded woodpecker cluster FB 492. Sustaining mature pine habitat on and near Fort Bragg is important to ensure that Fort Bragg retains its status as a recovered population for this species, which in turn allows it to train to standard without additional restrictions. Due to the proximity of known active red-cockaded woodpecker clusters, I would encourage the petitioner to have this property surveyed by personnel experienced in management and monitoring of the species prior to the removal of any mature pine trees. The results of this survey should be sent to the USFWS office in Southern Pines for review.

RLUAC: The Regional Land Use Advisory Commission has reviewed the request and stated that the parcel is neither identified as "critically important" nor "important to conserve" on the Joint Land Use Study maps. However, the property is located within the military's Airfield Imaginary and Prescribed Burn Smoke areas. The Southeast section of the property is located within the Pope Army Airfield 60-65db noise zone. RLUAC also encourages the developer to refrain from developing any telecom towers due to navigation hazards.

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

STAFF RECOMMENDATION

In Case P20-42, the Planning and Inspections staff **recommends approval** of the rezoning request from C1 Local Business District & R10 Residential to C(P) Planned Commercial/CZ Conditional Zoning for farm supplies merchandising & machinery sales and servicing and hardware, paint and garden supply sales and find:

- a. The approval is an amendment to the adopted current Spring Lake Land Use Plan (2002) map; and that the Board of Commissioners should not require any additional request or application for amendment to said map for this request.
- b. The following change in conditions was considered in amending the zoning ordinance (zoning map) to meet the development needs of the community: the parcel meets the location criteria for "heavy commercial" as defined in the Land Use Policies Plan (2009) and would not be suitable for additional residential lots due to its location;
- c. And this rezoning approval is reasonable and in the public interest as the parcel is served by public water and sewer, located on a major thoroughfare, and the conditional zoning limits the nonresidential impacts to the existing neighborhood.

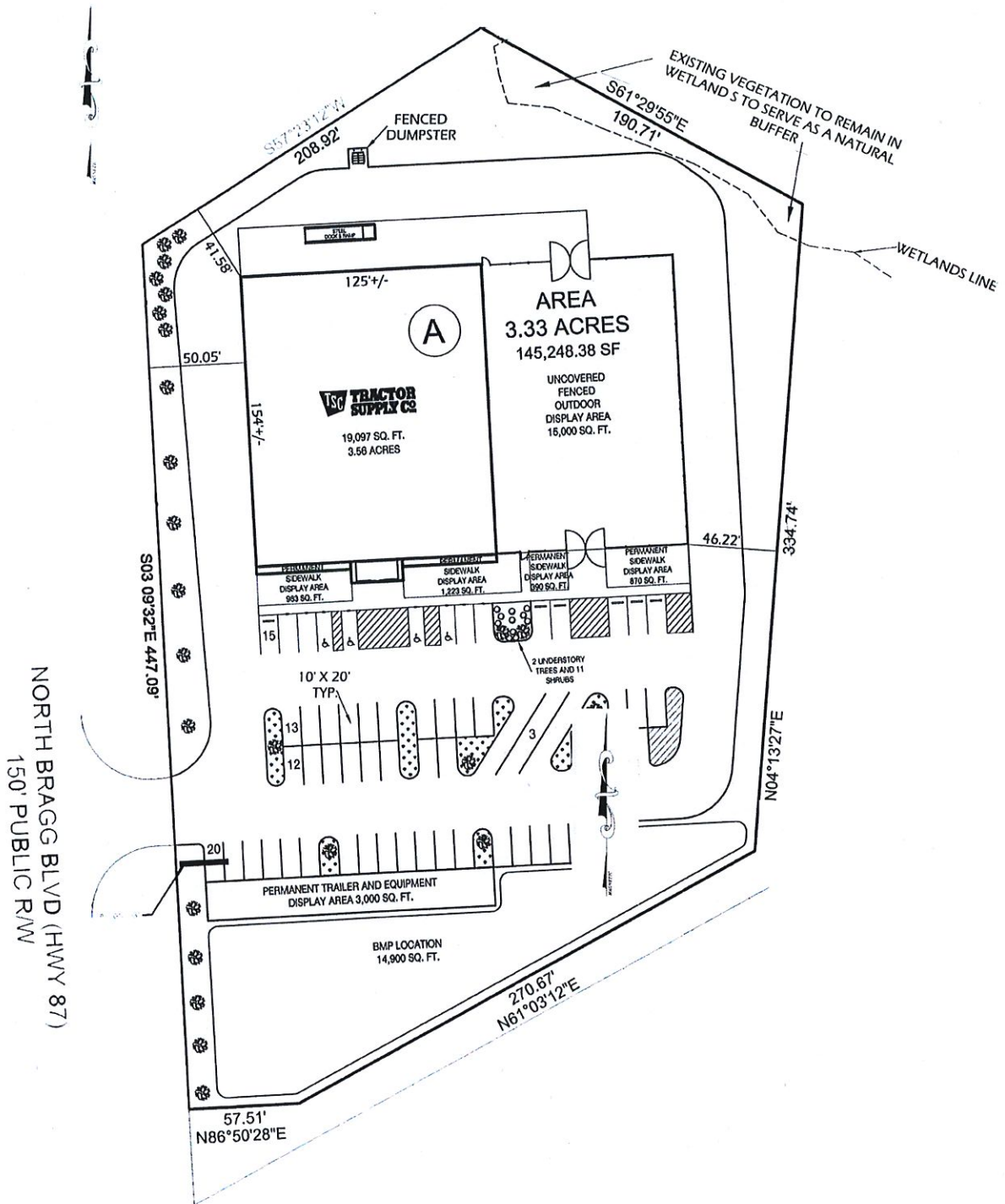
Attachments:

Site Plan

Ordinance Related Conditions

Zoning Application

Notification Mailing List



NORTH BRAGG BLVD (HWY 87)
150' PUBLIC R/W

C(P) PLANNED COMMERCIAL/CZ CONDITIONAL ZONING
REQUEST: FOR FARM SUPPLIES MERCHANDISING,
MACHINERY SALES, SERVICING, HARDWARE,
PAINT AND GARDEN SUPPLY SALES
 CASE: P20-42 ACREAGE: 3.33 AC +/-
 ZONED: R10 & C1 SCALE: NTS
 *SCALED DETAILED SITE PLAN IN FILE AVAILABLE FOR REVIEW UPON REQUEST

C(P) PLANNED INDUSTRIAL/CZ CONDITIONAL ZONING DISTRICT

DRAFT

Ordinance Related Conditions

For farm supplies merchandising & machinery sales and servicing & hardware, paint and garden supply sales

Pre-Permit Related:

1. Prior to applications for permits, a revised site plan indicating the correct number of parking spaces (the plan indicates 63, while 61 are shown) must be submitted to Current Planning.

Permit-Related:

2. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the Spring Lake Zoning Code and permits required to place any structure within this development from the Spring Lake Inspections Department in Town Hall at 300 Ruth Street. For additional information, the developer should contact a Town Inspector.
3. 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.
4. Connection to public water and sewer is required, the Spring Lake Public Utility Department must approve water and sewer plans prior to application for any permits. A copy of the Spring Lake Public Utility Department's approval must be provided to the Town's Inspector at the time of application for building/zoning permits. (Section 36-66 "Water and sewer systems", Spring Lake Subdivision Chapter)
5. New development that will disturb one acre or more of land or is part of a larger plan that will disturb at least an acre of land is subject to the Post-Construction Stormwater Management Permitting Program (Phase II Stormwater Management Requirements) administered by the Spring Lake 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 State's *Post-Construction Permit* must be provided to Town's Inspections Department.
6. For any new development, the developer must provide the Spring Lake Inspections 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 Town's Inspections Department at the time of application for any building/zoning permits.
7. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
8. Landscaping must be provided in accordance with Article IX, Landscape Requirements, Spring Lake Zoning Chapter 42 and/as shown on the site plan. Five copies of a revised site plan depicting the landscaping must be submitted to Land Use Codes. The following are the minimum standards for the required landscaping of this site:
 - a. 9 large shade trees or 18 small ornamental trees within the front yard setback area;
 - b. 2 small ornamental trees and 9 shrubs are required in the building yard area;
 - c. 5 large shade trees or 10 small ornamental trees 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.

9. The building final inspection cannot be accomplished until a Town Inspector inspects the site and certifies that the site is developed in accordance with the approved plans.
10. The developer must obtain a driveway permit from the Spring Lake Public Utilities and the Department.NC Department of Transportation (NCDOT). A copy of the approved driveway permit must be provided to the Spring Lake Inspections 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 Division 6 / District 2 office at the number listed on the bottom of this conditional approval.

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

11. All uses, dimensions, setbacks and other related provisions of the Spring Lake Subdivision and Zoning Chapters for the C(P) Planned Commercial/CZ Conditional zoning district must be complied with, as applicable.
12. This conditional approval is not approval of the permit for the freestanding sign. Attached signage for this development must be in accordance with the applicable sign regulations as set forth in Article XI of the Spring Lake Zoning Chapter 42 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.)
13. "North Bragg Blvd (HWY 87)" must be labeled as "NC HWY 87 (N Bragg Blvd)" on all future plans.
14. A concrete, or other approved surface material, sidewalks may be required to be constructed along the existing streets; the sidewalks if required must be fully constructed prior to the building final inspection. [Section 36-107(f) "Sidewalks", Spring Lake Subdivision Chapter] (Note: The owner/developer is the responsible party to satisfy this requirement prior to application for permits from the Town of Spring Lake – contact the Spring Lake Inspection Department for more information.)
15. For any new development, an adequate drainage system must be installed by the developer in accordance with good engineering practices and all drainage ways must be kept clean and free of debris with the standards of Section 36-106(f) "Required drainage", Spring Lake Subdivision Chapter.
16. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground and installed in accordance with the Section 36-107(g) "Utilities" Spring Lake Subdivision Chapter.
17. In the event a stormwater utility structure is required by the NC Department of Environmental (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.
18. Turn lanes may be required by the Spring Lake Public Utility 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.

19. All lighting is required to be directed internally within this development and comply with the provisions of Article X, Off-Street Parking Requirements - Section 42-261, Spring Lake Zoning Chapter 42.

20. A solid buffer must be provided and maintained along the side and rear property lines where this tract/site abuts R10 Residential zoning in accordance with the provisions of Article IX, Landscape Requirements - Section 42-228, Buffers, Spring Lake Zoning Chapter 42.
21. All dumpsters shall be buffered by an opaque fence a minimum of one foot higher than the trash receptacle with a lockable fence as required by the Solid Waste Ordinance.
22. All utility areas shall be located on concrete pads and screened on a minimum of three sides.
23. All required off-street parking spaces shall be a minimum of 9' x 20' and surfaced, with a permanent material such as asphalt or concrete, and striped prior to application for the building final inspection. A minimum of 95 off-street parking spaces are required for this development. (Article X, Off-street parking and loading, Spring Lake Zoning Chapter 42.)

Note: The applicant is requesting the Board of Alderman approve the site plan as shown, therefore approving the use with 61 off-street parking spaces.

24. A minimum of one off-street loading spaces(s) measuring 12' x 25' with 14' overhead clearance must be provided for the commercial area (Article X, Off-street parking and loading, Spring Lake Zoning Chapter 42.)
25. 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.

Advisories:

26. The applicant is advised to consult an expert on wetlands before proceeding with any development.
27. The owner/developer is responsible for ensuring easements which may exist on the subject property are accounted for, not encumbered and that no part of this development is violating the rights of the easement holder.
28. 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.
29. The subject property lies on N. Bragg Blvd which is identified as a thoroughfare needing improvement in the 2040 Metropolitan Transportation Plan. There are no constructions/improvements planned and the subject property will have no impact on the Transportation Improvement Plan. **N. Bragg Blvd. is identified as a widening project from Nursery to Manchester Road in FAMPO's Prioritization plans. No funding has been approved. For questions related to this comment, please contact Transportation Planning.

Other Relevant Conditions:

30. This property lies in the Northern Corridor between Fort Bragg's Northeast Training Area and The Overhills tract of Fort Bragg and may provide habitat to connect groups of red-cockaded woodpeckers. The property falls within the half-mile foraging partition for red-cockaded woodpecker cluster FB 492. Sustaining mature pine habitat on and near Fort Bragg is important to ensure that Fort Bragg retains its status as a recovered population for this species, which in turn, allows it to train to standard without additional restrictions. That is why Fort Bragg, the U.S. Fish and Wildlife Service and The Nature Conservancy have been working with other partners to ensure the long-term sustainability of the remaining forested tracts in this area. Due to the proximity of known active red-cockaded woodpecker clusters, I would encourage the petitioner to have this property surveyed by personnel experienced in management and monitoring of the species prior to the removal of any mature pine trees. The results of this survey should be sent to the USFWS office located in Southern Pines, NC for review. For questions related to this comment, please contact the U.S Fish and Wildlife Service.
31. Following an examination of the site plan by the RLUAC staff and Board of Directors for this parcel, and recognizing that our findings are non-binding on Cumberland County, the RLUAC Board of Directors finds that: The parcel is neither identified as Critically Important nor Important to Conserve on the new Joint Land Use Study Maps. However, it is located within the

military's Airfield Imaginary and Prescribed Burn Smoke areas. The Southeast section of the property is located within the Pope Army Airfield 60-65db noise zone

Due to the proximity of known active red-cockaded woodpecker clusters, RLUAC encourages the petitioner to have this property surveyed by personnel experienced in management and monitoring of the species prior to the removal of any mature pine trees. The results of this survey should be sent to the USFWS office located in Southern Pines, NC for review.

RLUAC encourages the developer to refrain from making any future requests for telecom towers, since they might prove to be a navigation hazard for military pilots in the future. For questions related to this comment, please contact RLUAC.

If you need clarification of any conditions, please contact Ed Byrne at 910-678-7609 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):

Current Planning Manager:	Betty Lynd	678-7605	blynd@co.cumberland.nc.us
Subdivision/Site Plan/Plat	Ed Byrne	678-7609	ebyrne@co.cumberland.nc.us
County Health Department:	Fred Thomas	433-3692	fthomas@co.cumberland.nc.us
Food & Lodging Env. Health:	Fred Thomas	433-3692	fthomas@co.cumberland.nc.us
Ground Water Issues:	Fred Thomas	433-3692	fthomas@co.cumberland.nc.us
Town of Spring Lake:		436-0241*	
	(Public Works)		
	Jimmy Hall (Inspections)		jhall@spring-lake.org
	Jason Williams (Fire Chief)		jwilliams@spring-lake.org
	Tim Garner (Stormwater & Wastewater)		tgarner@spring-lake.org
	Rhonda Webb (Town Clerk)		rdwebb@spring-lake.org
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
Street Naming/Signs:	Diane Shelton	678-7665	dshelton@co.cumberland.nc.us
Tax Parcel Numbers:		678-7549	
NCDOT (driveways/curb-cuts):	Troy Baker	364-0601	tlbaker@ncdot.gov
Transportation Planning:	Katrina Evans	678 7614	kevans@co.cumberland.nc.us
N.C. Division of Water Quality:	Annette Lucas	(919) 807-6381	annette.lucas@ncdenr.gov

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

TO THE BOARD OF ALDERMEN, TOWN OF SPRING LAKE, NORTH CAROLINA THROUGH THE CUMBERLAND COUNTY JOINT PLANNING BOARD:

I (We), the undersigned, hereby submit this application, and petition the Town Board to amend and to change the zoning map of the Town of Spring Lake as provided for under the provisions of the Spring Lake Zoning Code. In support of this petition, as hereinafter requested, the following facts are submitted:

1. Applicant/Agent LARRY KING & ASSOCIATES, RLS, PA
2. Address: PO BOX 53787, FAYETTEVILLE, NC Zip Code 28305
3. Telephone: (Home) 910.483.4300 (Work) 910.483.4300
4. Location of Property: 2230 N. BRAGG BOULEVARD, SPRING LAKE NC
5. Parcel Identification Number (PIN #) of subject property: REID: 0502390184000
(also known as Tax ID Number or Property Tax ID)
6. Acreage: 5.13 3.33 MB Frontage: 447.09 Depth: 560+/-
7. Water Provider: HARNETT COUNTY
8. Septage Provider: SPRING LAKE
9. Deed Book 8868, Page(s) 0891, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
10. Existing use of property: VACANT AND CEMETARY
11. Proposed use(s) of the property: TRACTOR SUPPLY COMPANY AND CEMETARY

NOTE: Be specific and list all intended uses or in the alternative, list the uses to be excluded.

12. It is requested that the foregoing property be rezoned FROM: C1 AND R10
TO: (Select one)

- Conditional Zoning District, with an underlying zoning district of C(P)
(Article IV)
- 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 USE PERMIT

1. PROPOSED USE(S):

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

EXISTING CEMETARY AND PROPOSED TRACTOR SUPPLY - THE SALES OF FARMING AND GARDENING SUPPLIES AND EQUIPMENT IN ADDITION TO OTHER INCIDENTALS. INDOOR AND OUTDOOR DISPLAY AREAS AND SALES SPACE WILL BE PRESENT.

- 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.

3.33 ACRES

2. DIMENSIONAL REQUIREMENTS: (Sec. 42-192):

Reference either the dimensional requirements of the district or list the proposed setbacks.

FRONT YARD - 50 FEET;
SIDE YARD - 30 FEET
REAR YARD - 30 FEET

THE SITE COMPLIES WITH ALL SETBACKS FOR THE C(P) DISTRICT.

3. OFF-STREET PARKING AND LOADING (Sec. 42-260 *et. seq.*):

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

THE ORDINANCE REQUIRES 95 PARKING SPACES BUT THE USER HAS REQUESTED ONLY 63 SPACES AS SHOWN ON THE PLAN. THEIR INVENTORY TAKES UP QUITE A BIT OF SPACE THEREFORE MUCH LESS PARKING IS REQUIRED THAN FOR A RETAIL BUILDING OF THE SAME SIZE. ALL PARKING WILL BE ASPHALT OR CONCRETE.

4. SIGN REQUIREMENTS (Sec. 42-288 *et. seq.*):

Reference the district sign dimensional regulations. The site plan must reflect any areas for proposed freestanding signs.

THE PROPOSED SIGN IS SHOWN ON THE SITE PLAN. SIZE AND LOCATION WILL BE IN ACCORDANCE WITH THE ORDINANCE.

5. LANDSCAPE AND BUFFER REQUIREMENTS (Sec. 42-223 *et. seq.*):

- 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 - all required landscaping must be included on the site plan.

AS REQUIRED BY THE ORDINANCE, 25 UNDERSTORY TREES AND 11 SHRUBS ARE SHOWN ON THE SITE PLAN.

- B. Indicate the type of buffering and approximate location, width and setback from the property lines—all required buffering must be included on the site plan.

BUFFERING FOR THE LOADING AREA IS SHOWN IN THE NORTHWEST CORNER OF THE PROPERTY.

BUFFERING TO THE ADJACENT RESIDENTIAL WILL BE THE EXISTING VEGETATION AS SHOWN ON THE SITE PLAN.

6. MISCELLANEOUS:

List any information related to this petition, such as: the days and hours of the operation, number of employees, exterior lighting, noise, odor and smoke, emission controls, etc.

MAXIMUM HOURS OF OPERATION - MONDAY - SUNDAY 6 AM TILL 11 PM
MAXIMUM NUMBER OF EMPLOYEES - 20

7. SITE PLAN REQUIREMENTS:

The application must include a site plan drawn to the specifications of Sec. 42-167. If the proposed uses involve development subject to the Town's Subdivision Regulations, 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 Regulations, the site plan shall be of sufficient detail to allow the County Planning Staff, Town Staff and the Planning Board to analyze the proposed uses and arrangement of uses on the site. It shall also 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.

8. 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 County Planning Staff a valid request, not incompatible with existing neighborhood zoning patterns.

In order for the Planning Board to offer a favorable recommendation and for the Board of Aldermen to approve any Conditional Use District and Permit they must find from the evidence presented at their respective hearing that:

- A. The use will not materially endanger the public health or safety if located according to the plan submitted and recommended;
- B. The use meets all required conditions and specifications;
- C. The use will maintain or enhance the value of adjoining or abutting properties, or that the use is a public necessity; and
- D. The location and character of the use, if developed according to the plan as submitted and recommended, will be in harmony with the area in which it is to be located and in general conformity with Town's most recent Land Use Plan and adopted planning policies.

I further understand I must voluntarily agree to all conditions for the Conditional Use Permit. 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.

CAROLYN R. ARMSTRONG, REGISTERED AGENT FOR BOTH OWNERS

NAME OF OWNER(S) (PRINT OR TYPE)

2709 THORNGROVE CT. FAYETTEVILLE, NC 28303

ADDRESS OF OWNER(S)

BRIANA@C-SPROP.COM

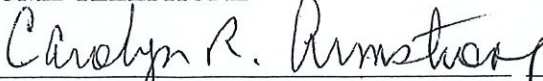
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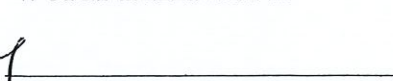
910.864.3232

HOME TELEPHONE

910.864.3232

WORK TELEPHONE


SIGNATURE OF OWNER(S)


SIGNATURE OF OWNER(S)

✓ LARRY KING & ASSOCIATES, RLS, PA
 NAME OF AGENT, ATTORNEY, APPLICANT (by assign) (PRINT OR TYPE)

PO BOX 53787, FAYETTEVILLE, NC 28305
 ADDRESS OF AGENT, ATTORNEY, APPLICANT

910.483.4300
 HOME TELEPHONE WORK TELEPHONE

LEPLER@LKANDA.COM
 E-MAIL ADDRESS FAX NUMBER

Larry S. Epler
 SIGNATURE OF AGENT, ATTORNEY,
 OR APPLICANT

- * **ALL record property owners must sign this petition.**
- * **The contents of this application, upon submission, become “public record.”**

**TOWN OF SPRING LAKE
 CONDITIONAL USE DISTRICT AND PERMIT FEE SCHEDULE**

REQUESTED ZONING DISTRICTS ¹	LESS THAN 5 ACRES	5 TO 50 ACRES	50 TO 100 ACRES	100+ ACRES
CONDITIONAL USE DISTRICTS ² RESIDENTIAL DD/CUD	\$500	\$500	\$500	\$500
CONDITIONAL USE DISTRICTS ² NONRESIDENTIAL PND/CUD MXD/CCUD	\$700	\$800	\$800	\$800

- 1 If more than one zoning district is requested in the same application, the highest fee for the district requested will apply.
- 2 If a general rezoning is requested and based on recommendations of the Planning Board or Town of Aldermen, the applicant desires to submit a Conditional Use District application; the original application fee will be credited towards the Conditional Use District and Permit application fee.

NAME	ADDRESS	CITY
BERNHARDT, JOHN P; OK PUN	150 MARANATHA CIR	SPRING LAKE, NC 28390
BYNUM, KIARA	140 MARANATHA CIR	SPRING LAKE, NC 28390
CBMM PROPERTIES LLC;CJR PROPERTY HOLDINGS LLC	2709 THORNGROVE CT	FAYETTEVILLE, NC 28303
GREEN, ANTONIO MARCELLUS;SHARON, DONNETTE	55 GRAPEVINE TRL	DURHAM, NC 27707
IVERSON, JIMMY L;ANNIE	138 MARANATHA CIR	SPRING LAKE, NC 28390
LEIPSKI, KAYLYNNE MARIE	142 MARANATHA CIR	SPRING LAKE, NC 28390
LITTLE, KENNETH;DAISY	3331 HUNTING BAY DR	SPRING LAKE, NC 28390
MURPHY, CHIQUITA YVETTE;CHIQUITA Y	6705 FOXBERRY RD	FAYETTEVILLE, NC 28314
OXENDINE, CHARLES; JAIME	3333 HUNTINGBAY RD	SPRING LAKE, NC 28390
QUALITY OIL CO LLC	PO BOX 2736	WINSTON-SALEM, NC 27155
RAY, WILLIAM O JR;RAY, CORNELIA SALAZAR	3339 HUNTINGBAY RD	SPRING LAKE, NC 28390
SFR3 LLC	500 WESTOVER DR #14104	SANFORD, NC 27330
TAHILRAMANI, JUSTIN A;JESSICA A	265 KEYLOCK FARM RD	CAMERON, NC 28326
THOMAS, PRESTON A;SABRINA M	152 MARANTHA CIR	SPRING LAKE, NC 28390
TOLBERT, JAMES R	6920 CLIFFDALE RD	FAYETTEVILLE, NC 28314
WALKER, SHERRY LIN	3337 HUNTINGBAY RD	SPRING LAKE, NC 28390

NAME	ADDRESS	CITY
ADAMS, HOWARD J;MARIA, D FORZANI	1824 HOLLOMAN DR	FAYETTEVILLE, NC 28312
ADEDOKUN, TOYIN JOSHUA	105 GREELEY CIR	SPRING LAKE, NC 28390
AMOS, WILBUR P III;MICHAEL, SHANNON	3323 HUNTINGBAY RD	SPRING LAKE, NC 28390
ASENLOO, ROMULUS K;ASENLOO, ELINOEMI RS	104 GREELY CIR	SPRING LAKE, NC 28390
ASSAD, WESLEY;ASSAD, EIMY GABRIELL A PAZ SANCHEZ	129 MARANATHA CIR	SPRING LAKE, NC 28390
BELLAMY, JAMES A;EVELYN	3322 HUNTINGBAY RD	SPRING LAKE, NC 28390
BPDM PROPERTIES 2018-1 LLC	11246 ALUMNI WAY	JACKSONVILLE, FL 32246
BROWN, CALVIN O; LUCY J	3312 HUNTINGBAY RD	SPRING LAKE, NC 28390
BROWN, TERESITA M	120 MARANATHA CIR	SPRING LAKE, NC 28390
BUIE, TIARA	3336 HUNTING BAY DR	SPRING LAKE, NC 28390
BURNHAM, STEPHEN	202 SUTTON ST	FAYETTEVILLE, NC 28305
CALLIER, TIMOTHY J JR;UNIQUE	1307 KAINONIA DR	SPRING LAKE, NC 28390
CARCAMO, ALLAN	112 MARANTHA CIR	SPRINGLAKE, NC 28306
CARPENTER, SARWARII; LORETTA R	3317 HUNTINGBAY RD	SPRING LAKE, NC 28390
CHANEY, TERRY	3324 HUNTING BAY DR	SPRING LAKE, NC 28390
CLARK, JOHN S	136 MARANATHA CIR	SPRING LAKE, NC 28390
COBB, BRIAN DAVID; KESHIA ANN JEFFRIES	3313 ANTLER DR	SPRING LAKE, NC 28390
CONKLIN, HOWARD PAUL JR	3344 HUNTINGBAY RD	SPRING LAKE, NC 28390
CONSTANZA, BANY	978 WINSLOW CT	WOODBIDGE, VA 22191
COONS, CLINT TRUSTEE	3225 MCLEOD DR 777	LAS VEGAS, NV 89121
COUNCIL, TITIO ALEXANDER; SHANNON	1306 KOINONIA DR	SPRING LAKE, NC 28390
CURRY, JONATHAN D;DELORISE A	3401 CANOPY CT	PHENIX CITY, AL 36867
DEHART, MICK D;CATHERIN	3314 HUNTINGBAY RD	SPRING LAKE, NC 28390
EDWARDS, TROY CAROL; STEFANIE TYRELL	1305 KOINONIA DR	SPRING LAKE, NC 28390
EPPS, LEROY;EPPS, BESSIE A	1303 KOINONIA DR	SPRING LAKE, NC 28390
ESKEW, CHARLES RYAN	1304 CHARA CT	SPRING LAKE, NC 28390
FLEMING, DELORIS	150 BLUEBONNET OAK CT	BUNNLEVEL, NC 28323
FRAISER, JAMES	PO BOX 894	SPRING LAKE, NC 28390
L HORIZON PROPERTIES LLC	115 HILLCREST DR	SANFORD, NC 27330
GISELBACH, SHAWN D;; MARY M	PO BOX 968	SPRING LAKE, NC 28390
GREEN, GEORGE H JR	3313 HUNTING BAY DR	SPRING LAKE, NC 28390
HERDERE, HARRY	130 MARANATHA CIR	SPRING LAKE, NC 28390
HILL, LORESE VIRGINIA	149 MARANATHA CIR	SPRING LAKE, NC 28390
HOUSTON, TAMMY T	133 MARANTHA CIR	SPRING LAKE, NC 28390
HUGHES, CECIL A;TARITA, A	5421 SUNNYBRIGHT LN	HOPE MILLS, NC 28348
JOHNSON, LONNIE L JR;PAULETTE E	3314 GLEBE POINT RD	SUFFOLK, VA 23435
JONES, TERRENCE B;HARRIS, ADORA R	116 MARANATHA CIR	SPRING LAKE, NC 28390
KING CONSTRUCTION AND DEVELOPMENT CO., INC.	8695 KING RD	FAYETTEVILLE, NC 28301
KNIGHT, PAMELA;CHARLIE, WORLEY JR	101 MARANATHA CIR	SPRING LAKE, NC 28390
KRUPPA, THOMAS M;ANITA	1303 CHARA CT	SPRING LAKE, NC 28390
KUGBLENU, OLAYIWOLA T;KUGBLENU, YETUNDE O	118 MARANATHA CIR	SPRING LAKE, NC 28390
LEARNED, LAREN L	3319 ANTLER DR	SPRING LAKE, NC 28390
LINES, ADAM JAMES;KAYLA DANIELLE	1308 KOINONIA DR	SPRING LAKE, NC 28390
LUCAS, VERNELL G	204 EPPINGDALE DR	SPRING LAKE, NC 28390
MARGO PROPERTIES	201 GOLDENSTAR LN	GREER, SC 29651
MELENDEZ, JEOVANNIE	109 MARANATHA CIR	SPRING LAKE, NC 28390

MILLER, JOHANNA	615 WORD CHURCH LN	LILLINGTON, NC 27546
MOLINA-ADORNO, GELBERTO; DIANA	HC 33 BOX 4443	DORADO, PR 00646
MUHAMMAD, JABIR EL-AMIN	1304 KOINONIA DR	SPRING LAKE, NC 28390
MURPHY, THERMAN L	151 TOMLIN ST	JACKSON, TN 38301
NELSON REALTY HOLDINGS, LLC	831 MUSKEGON DR	FAYETTEVILLE, NC 28311
ORTIZ, JASON C;ANGELLA N	PO BOX 340514	DAYTON, OH 45434
PERSON, CARLOS D	3342 HUNTINGBAY DR	SPRING LAKE, NC 28390
PETERSON, KRISTIN D	3340 HUNTINGBAY RD	SPRING LAKE, NC 28390
PREMIER CHOICE INVESTMENTS	PO BOX 2247	PEMBROKE, NC 28372
PUCH, MICHAEL	203 EPPINGDALE DR	SPRING LAKE, NC 28390
QUIROZ, ALEXANDER; JACQUELINE	124 MARANATHA CIR	SPRING LAKE, NC 28390
RAY, WILLIAM D;KATRINA L	3321 ANTLER DR	SPRING LAKE, NC 28390
RODRIGUEZ, CESAR MANUEL	137 MARANATHA CIR	SPRING LAKE, NC 28390
RUGGIERO, JEREMY KEITH;KIMBERLY ANN	3321 HUNTINGBAY RD	SPRING LAKE, NC 28390
SALDANA, JORGE D	201 EPPINGDALE DR	SPRING LAKE, NC 28390
SANDERS, RODNEY S.	105 MARANATHA CIR	SPRING LAKE, NC 28390
SCOFIELD, LEROY E; HILLARY A	3315 ANTLER DR	SPRING LAKE, NC 28390
SHREVES, HARRIET	125 MARANATHA CIR	SPRING LAKE, NC 28390
SMITH, JAMES W HEIRS;VANESSA, .	3320 ANTLER DR	SPRING LAKE, NC 28390
SMITH, TYLER T	7058 E MITCHELL FLYER RD	TUCSON, AZ 85730
STEGALL, DONALD;STEGALL, DONG YE	134 MARANATHA CIR	SPRING LAKE, NC 28390
SUH, JEONG Y	3318 ANTLER DR	SPRING LAKE, NC 28390
THOMAS, REMMIE M	3305 HUNTING BAY	SPRING LAKE, NC 28390
TURNER, HENRY JR; LORENE	3330 HUNTINGBAY RD	SPRING LAKE, NC 28390
UNGRIA, MICK	170 OLD ENGLISH LN	SPRING LAKE, NC 28390
VARVIL, NORMAN DEWAYNE; BRENDA L	3318 HUNTINGBAY RD	SPRING LAKE, NC 28390
WAINWRIGHT, KRYSTAL G	101 GREELEY CIR	SPRING LAKE, NC 28390
WATTERSON, GLORIA;CLINTON	202 EPPINGDALE DR	SPRING LAKE, NC 28390
WESTBROOK, JAMES;JESSICA, .	3338 HUNTINGBAY DR	SPRING LAKE, NC 28390
WILLEY, JOSHUA;DANIELLE, ROBERGE	114 MARANATHA CIR	SPRING LAKE, NC 28390
WILSON, LOUIS HENRY	3840 THAMESFORD RD	FAYETTEVILLE, NC 28311
WINN, WALTER WAYNE; RITA	3329 ANTLER DR	SPRING LAKE, NC 28390
WOOTEN, MARVIN	6730 S PARLIAMENT DR	TUCSON, AZ 85756

EXPLANATION OF THE REQUEST

This is a request to rezone two parcels located on the south side of N Main Street from R6 Residential to C(P) Planned Commercial/CZ Conditional Zoning for all allowed C(P) uses. This request would allow the applicant to develop the lot with three suites housing non-residential uses. The applicant is also requesting not to provide lateral access to the adjacent lot, smaller side yard setbacks, and for parking to be approved as shown on site plan. As this is a conditional rezoning, all ordinance related conditions apply.

OWNER/APPLICANT

OWNER/APPLICANT: Eco Advantage Termite and Pest Solutions, Inc. (owner) & George M. Rose (agent)

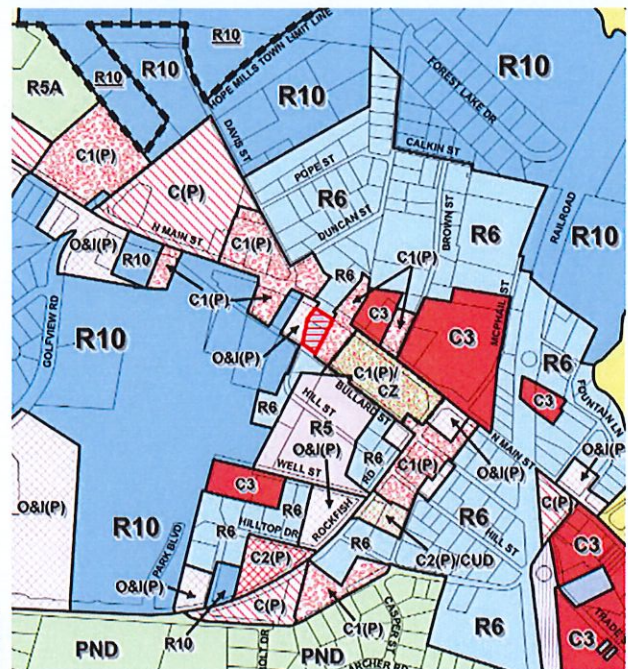
PROPERTY INFORMATION

ADDRESS/LOCATION: South side of NC 59 (N Main St), north of intersection of Bullard St & Hill St; more specifically REIDs 0414461500000 & 0414460461000

SIZE: This request includes two parcels totaling approximately 0.50 acres. The properties have approximately 116' of street frontage along N Main St & 85' of street frontage along Bullard St. The properties are 201' +/- in depth.

EXISTING LAND USE: The properties are currently vacant.

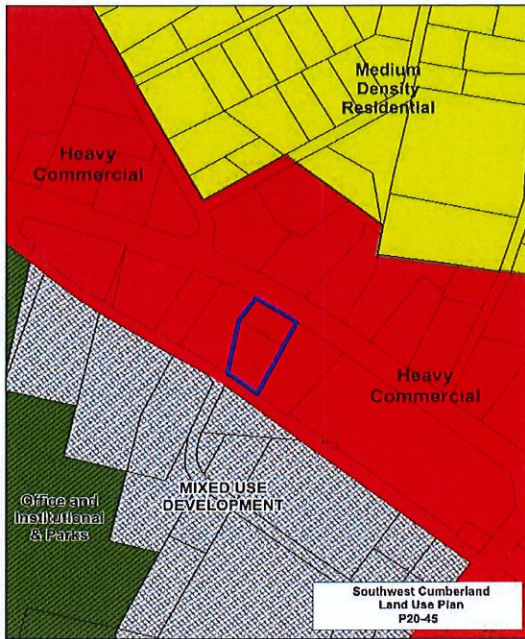
OTHER SITE CHARACTERISTICS: The property is not located within the watershed or the Special Flood Hazard Area. There are no soil limitations to development on the property.



DEVELOPMENT REVIEW: Parcels were deeded on 10-4-76 & 12-30-76. A recombination plat will be required prior to development.

SURROUNDING LAND USE: There are residential uses in the surrounding area including single and multi-family. Several non-residential uses are in the surrounding area, including medical & general office, day care facilities, restaurants, barbering & hair salons, and a convenience store with gasoline sales.





ZONING HISTORY: This property was initially zoned R6 as part of Hope Mills' initial zoning.

UTILITIES: This site is currently served by PWC water & sewer. The property is not located within a water/sewer district.

MINIMUM YARD SETBACKS: If approved, this parcel would be subject to requested setbacks on site plan (C(P) District): Front yard: 50 foot, Side yard: 10 foot (ordinance requires 30 foot), Rear yard: 30 foot.

COMPREHENSIVE PLANS: The 2030 Growth Vision Plan designates this area for "Urban Area". The Southwest Cumberland Land Use Plan (2014) designates this area for "Heavy Commercial". The "Heavy Commercial" designation allows a variety of heavy retail uses, service and wholesale establishments and must have public water & sewer. **Request is plan compliant.**

IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES

TRAFFIC: The subject property lies on NC 59 (N Main Street) which is identified as a thoroughfare 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. The Average Daily Traffic Count (2018) on N Main Street is 19,500.

SCHOOLS CAP/ENROLL: Comments requested via e-mail; None received.

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

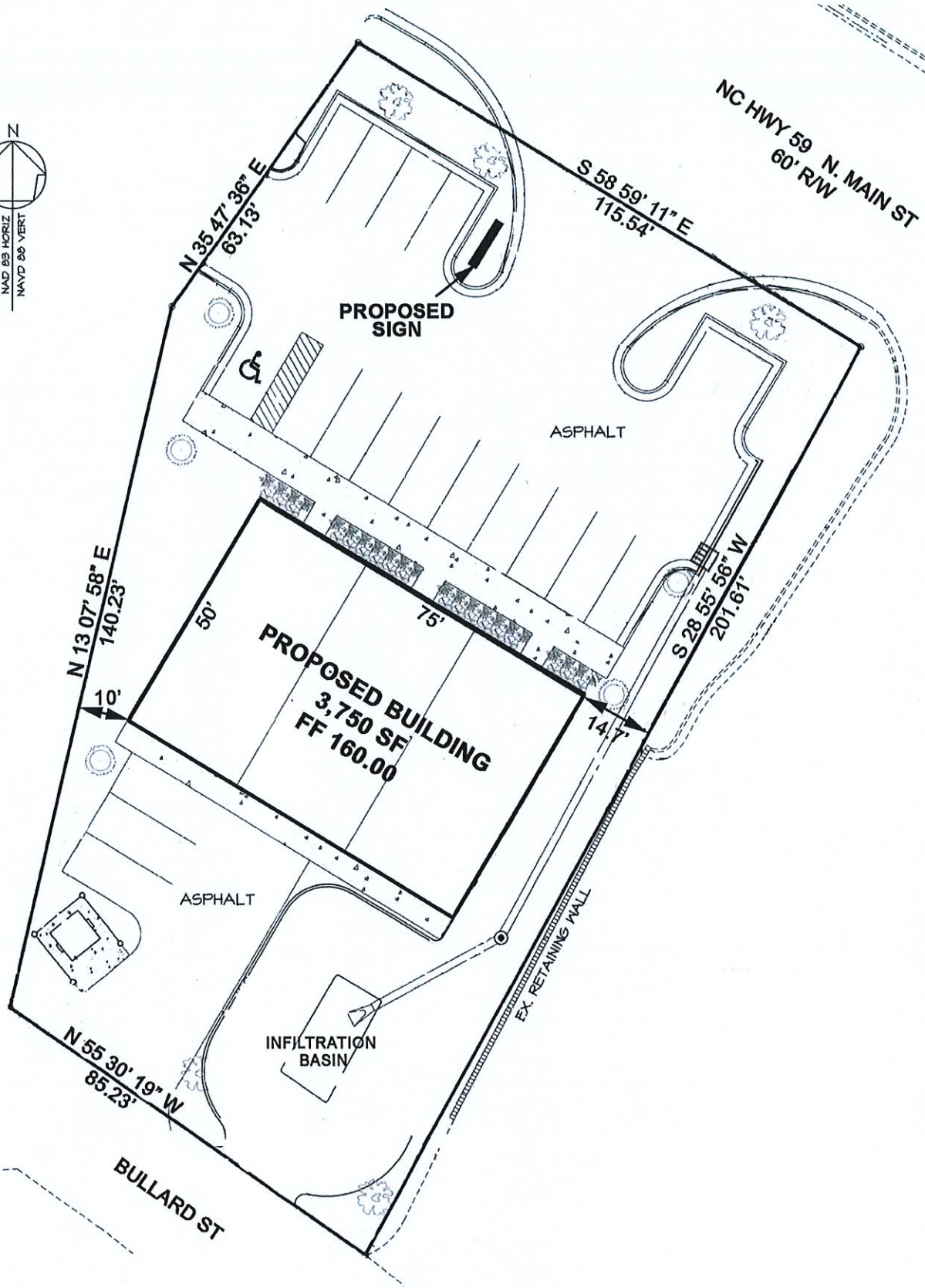
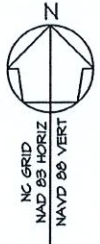
EMERGENCY SERVICES: Comments requested from Hope Mills Fire Marshal's Office; None received.

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

STAFF RECOMMENDATION

In Case P20-45, the Planning & Inspections staff **recommends approval** of the rezoning request from R6 Residential to C(P) Planned Commercial/CZ Conditional Zoning for all allowed C(P) uses and find the request consistent with the Southwest Cumberland Land Use Plan (2014) which designates this area for "Heavy Commercial" as the C(P) Planned Commercial district and its permitted uses are considered "heavy commercial" and the parcels have access to public water and sewer. Approval of the request is also reasonable in the public interest as the district requested is in harmony with surrounding existing zoning and land uses.

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



C(P) PLANNED COMMERCIAL/CZ CONDITIONAL ZONING
REQUEST: FOR ALL ALLOWED C(P) USES
CASE: P20-45 ACREAGE: 0.50 AC +/-
ZONED: R6 SCALE: NTS
***SCALED DETAILED SITE PLAN IN FILE AVAILABLE FOR REVIEW UPON REQUEST**

C(P) PLANNED INDUSTRIAL/CZ CONDITIONAL ZONING DISTRICT

DRAFT

Ordinance Related Conditions

For all allowed C(P) uses

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. A recombination (NAR) plat is required prior to permits. See plat-related conditions below.
3. Three copies of a revised site plan and a \$25 fee are required to address the following:
 - a. The yardspace trees as required in Condition #10 must be shown within the building yard area.

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.
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.
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. Three copies of a revised site plan depicting the landscaping must be submitted to Land Use Codes. The following are the minimum standards for the required landscaping of this site:
 - a. 4 large shade trees or 12 small ornamental trees within the front yard setback area;
 - b. 3 small ornamental trees and 30 shrubs are required in the building yard area;
 - c. 1 tree and 8 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 district must be complied with, as applicable.

Note: The applicant is requesting the following variances be granted as shown on the submitted site plan:

- a. Side yard setback of 10 foot on western side yard & 14.7 foot side yard setback on eastern side yard where 30 foot is required as shown on plan.
 - b. Applicant is only showing lateral access to the adjacent western property and is requesting for lateral access to the eastern adjacent property not be required. The applicant is also requesting that the shown lateral access be approved at its width indicated on the site plan and not the 40 foot minimum width required.
15. All corner lots and lots fronting more than one street must provide front yard setbacks from each street.
 16. This conditional approval is not approval of the permit for any freestanding signs. Attached signage for this development must be in accordance with the applicable sign regulations as set forth in Article 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.)
 17. A concrete, or other approved surface material, sidewalks are required to be constructed along all streets, to include along Bullard Street & NC 59 (N Main Street). (Section 86A-405, Sidewalks, 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. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.
24. 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 19 off-street parking spaces is required for this development. (Section 102A-1302, Off-street parking, Hope Mills Zoning Ordinance.)

Note: The applicant is requesting that the Board of Commissioners approve the site plan with the parking as shown, therefore approving the site using 17 spaces.

25. A minimum of one off-street loading spaces(s) measuring 12' x 25' with 14' overhead clearance must be provided for the commercial/retail area. (Note: Three copies of a revised site plan depicting the required loading space(s) must be submitted and approved prior to application for any building/zoning permits.) (Section 102A-1303 Off-street loading, Hope Mills Zoning Ordinance.)

Note: The applicant is requesting that the Board of Commissioners approve the site plan as shown, therefore waiving the requirement for a loading space.

26. The owner/developer is responsible and liable for maintenance and upkeep of this site, all structures, and appurtenances, to include ensuring that the site is kept free of litter and debris, all grass areas mowed, all buffers and shrubbery kept trim and maintained, so that the site remains in a constant state of being aesthetically and environmentally pleasing.
27. 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.

Plat-Related:

28. The developer must submit a NAR recombination plat to the Current Planning Section of the County Planning & Inspections Department. The property lines must be drawn with solid lines with the bearing and distances, acreage and lot identifier reflected on the NAR Recombination plat.
29. Any/All easements must be reflected on the NAR recombination plat and labeled as to type of easement, reference number for document creating the easement, and the name of the agency, individual, etc. who holds the easement.
30. The notarized signature(s) of all current tax record owner(s) and notary certifications appear on the recombination plat when submitted for final approval. (Section 86A-603(d), Certificate of Ownership and Dedication, Hope Mills Subdivision Ordinance)
31. The recombination plat must be submitted to the Current Planning Section for review and approval for recording with the County Register of Deeds, and the plat must be recorded prior to any permit application for any structure and/or prior to the sale of any lot or unit within this development.
32. 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:

33. All structures shall be shown on the NAR recombination plat or the plat shall reflect the following statement:

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

Advisories:

- 34. The subject property lies on N Main Street which is identified as a thoroughfare needing improvement in the 2045 Metropolitan Transportation Plan. There are no constructions/ improvements planned and the subject property will have no impact on the Transportation Improvement Plan. For questions related to this comment, please contact Transportation Planning.
- 35. The applicant is advised to consult an expert on wetlands before proceeding with any development.
- 36. 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.
- 37. 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.
- 38. The US Postal Service most likely will require this development to have centralized cluster boxes for postal service to each lot or unit. The developer is advised contact the US Postal Growth Coordinator for the Mid-Carolinas District to determine the appropriate location for the cluster boxes. If the cluster box location requires changes to the subdivision or site plan, a revised preliminary/plan must be submitted to the Planning & Inspections Department for review and approval.

If you need clarification of any conditions, please contact Ed Byrne at 910-678-7609 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):

Current Planning Manager:	Betty Lynd	678-7605	blynd@co.cumberland.nc.us
Subdivision/Site Plan/Plat	Ed Byrne	678-7609	ebyrne@co.cumberland.nc.us
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.

TO THE ZONING BOARD AND TOWN BOARD OF COMMISSIONERS OF HOPE MILLS, NC:

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

1. Applicant/Agent ECO ADVANTAGE TERMITE AND PEST SOLUTIONS, INC.
2. Address: 7363 FIRE DEPT. ROAD HOPE MILLS Zip Code 28348
3. Telephone: (Home) _____ (Work) 910-425-6415
4. Location of Property: 3430 N. MAIN STREET
5. Parcel Identification Number (PIN #) of subject property: 0A14-46-1500, 0A14-46-0461
(also known as Tax ID Number or Property Tax ID)
6. Acreage: 0.50 Frontage: 115.54 Depth: 201.67
7. Water Provider: PWC Septage Provider: PWC
8. Deed Book 10750, Page(s) 115, 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: COMMERCIAL

NOTE: Be specific and list all intended uses.

11. Do you own any property adjacent to, including across the street from, the property being submitted for rezoning? Yes _____ No
12. Has a violation been issued on this property? Yes _____ No
13. It is requested that the foregoing property be rezoned FROM: R6

TO: (Select one)

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

(Article VIII)

APPLICATION FOR
CONDITIONAL ZONING

1. PROPOSED USE(S):

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

COMMERCIAL - STRIP CENTER FOR OFFICES
OF OWNER'S BUSINESS AND TWO ADDITIONAL
SPACES FOR LEASE

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

1 LOT PROPOSED (RECOMBINATION PLAT REQUIRED)
ENTIRE ACREAGE PROPOSED FOR COMMERCIAL USE
PROPOSED BUILDING WILL BE 3,750 SQUARE FEET

2. DIMENSIONAL REQUIREMENTS:

- A. Reference either the dimensional requirements of the district, Sec. 102A-1204 or list the proposed setbacks.

PROPOSED SETBACKS ARE MINIMUM
10' ON SIDES, APPROXIMATELY 64' REAR
AND APPROXIMATELY 86' FRONT

- B. Off-street parking and loading, Sec. 102A-1301 & 102A-1303: List the number of spaces, type of surfacing material and any other pertinent information.

19 ASPHALT PAVED PARKING SPACES PROVIDED

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIV.

SEE SITE PLAN

4. LANDSCAPE AND BUFFER REQUIREMENTS:

- A. For all new non-residential and mixed use development abutting a public street, indicate the number and type of large or small ornamental trees used in the streetscape, yard space, and/or parking areas, plus the number and type of shrubs. [Sec. 102A-1202(n)]. **NOTE: All required landscaping must be included on the site plan.** SEE SITE PLAN

5 EACH LARGE BRANDYWINE MAPLE TREES
5 EACH ORNAMENTAL EASTERN REDBUD TREES
10 EACH CLEYERA JAPONICA SHRUBS
20 EACH DWARF YAUPOH HOLLY SHRUBS

- B. Indicate the type of buffering and approximate location, width and setback from the property lines. [Sec. 102A-1202(g)] **NOTE: All required buffers must be included on the site plan.**

NO BUFFER REQUIREMENT. PROPERTY TO WEST IS ZONED O+I(P) AND PROPERTY TO EAST IS ZONED C1(P)

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.

NORMAL BUSINESS HOURS OF 8-5, MONDAY - FRIDAY.
4 EMPLOYEES FOR ECOADVANTAGE.

6. SITE PLAN REQUIREMENTS:

The application must include a site plan drawn to the specifications of Sec. 102A-1502. If the proposed uses involve development subject to the Hope Mills 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 County Planning Staff, Hope Mills Review Committee, the Zoning Board and Board of 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 County Planning 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 County Planning Staff has conferred with the petitioner or assigns, and the application as submitted is accurate and correct.

ECOADVANTAGE TERMITE & PEST SOLUTIONS

NAME OF OWNER(S) (PRINT OR TYPE)

7363 FIRE DEPARTMENT ROAD HOPE MILLS 28348

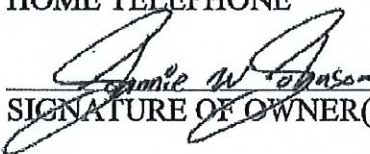
ADDRESS OF OWNER(S)

E-MAIL

910-424-6415

HOME TELEPHONE

WORK TELEPHONE


SIGNATURE OF OWNER(S)

SIGNATURE OF OWNER(S)

GEORGE M. ROSE

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

P.O. BOX 53441 FAYETTEVILLE, NC 28305

ADDRESS OF AGENT, ATTORNEY, APPLICANT

910-977-5822

HOME TELEPHONE

WORK TELEPHONE

NAME	ADDRESS	CITY
A A BUSINESS PROPERTIES LLC	5617 RAMSEY ST	FAYETTEVILLE, NC 28311
BLAKE, SHIRLEY J; MARTHA, M	PO BOX 92	HOPE MILLS, NC 28348
COFFMAN, DAVID L	4251 LEGION RD 103	HOPE MILLS, NC 28348
DRAUGHON, ROBERT CHARLES	PO BOX 48484	CUMBERLAND, NC 28331
ECO ADVANTAGE TERMITE AND PEST SOLUTIONS, INC.	7363 FIRE DEPARTMENT RD	HOPE MILLS, NC 28348
GARDNER ASSETS LLC	5535 TRADE ST	HOPE MILLS, NC 28348
IVEY, JANICE C	PO BOX 449	HOPE MILLS, NC 28348
REGAN, GLEN E; REGAN, MILDRED C	2126 FOREST HILLS DR	FAYETTEVILLE, NC 28303

PO 20-45 1st

NAME	ADDRESS	CITY
BALKCUM, JEWEL RATLEY	4192 SW WOOD ST	SHALLOTTE, NC 28470
BLEDSON, KENNETH R; KIMBERLY F	6400 EMU DR	HOPE MILLS, NC 28348
BURNS, KAZI HASIBA	7376 STONEY POINT RD	FAYETTEVILLE, NC 28306
BYRD, RICKY C; TERRY L	5523 BROWN ST	HOPE MILLS, NC 28348
CARTEE, SUSAN A	5646 DUNCAN ST	HOPE MILLS, NC 28348
CICCONE, J GARY;TERRY G	PO BOX 53668	FAYETTEVILLE, NC 28305
CIRCLE K STORES INC ATTN: REAL ESTATE DEPT	1100 SITUS CT 100	RALEIGH, NC 27606
CROMER, ALDINE; ELSHA J	115 DURHAM ST	SUPPLY, NC 28462
CRUZ, JOEL; MIGDALIA	3422 BULLARD ST	HOPE MILLS, NC 28348
DAVIS, DONALD L MRS	3403 DAVIS ST	HOPE MILLS, NC 28348
DEPIETRO, MARK	5614 ROCKFISH RD	HOPE MILLS, NC 28348
DERRICK, ELIZABETH GAIL	5815 PARAGON DR	HOPE MILLS, NC 28348
DIX INVESTMENTS LLC	3308 HILLANDALE DR	SANFORD, NC 27332
HALES, FREDDRICK E	5649 POPE ST	HOPE MILLS, NC 28348
HAYNE HENS FARM INC	PO BOX 64076	FAYETTEVILLE, NC 28306
HILL STREET TOWNHOMES LLC	468 NC 24-87 HWY	CAMERON, NC 28326
HOPE MILLS EXPRESS LUBE INC	3308 HILLANDALE DR	SANFORD, NC 27332
HORNADAY, JOHN D JR	581 EXECUTIVE PL 700	FAYETTEVILLE, NC 28305
HUYNH, SANG PHI; KIM HUONG THI LE	3918 TASHA DR	HOPE MILLS, NC 28348
JEFFREYS, GEORGE WESLEY JR	3404 DAVIS ST	HOPE MILLS, NC 28348
JOHNSON, STEPHANIE THERESE	5651 POPE ST	HOPE MILLS, NC 28348
JONES, EARLISE	2550 MURIEL DR	FAYETTEVILLE, NC 28306
KELLY, EDWINA LYNN	5606 ROCKFISH RD	HOPE MILLS, NC 28348
LEF LLC	3057 NORTH MAIN STREET	HOPE MILLS, NC 28348
LOWDER, AGNES K TRUSTEE	3639 LAKE SHORE DR	HOPE MILLS, NC 28348
LUTHER, DORIS R; WILLIAM	6710 C IRONGATE DR	FAYETTEVILLE, NC 28306
M&G REAL ESTATE INVESTMENTS LLC	3056 FREEMAN FARM WAY	ROLESVILLE, NC 27571
MATTHEWS, DAVID C OR JR CINDY M TRUSTEES	1940 PINEVILLE DR	HOPE MILLS, NC 28348
MCMILLAN, DAVID	PO BOX 218	PARKTON, NC 28371
MML & ASSOCIATES	3695 N US 301	DUNN, NC 28334
NORTH MAIN VENTURES LLC	PO BOX 53668	FAYETTEVILLE, NC 28303
OMEGA ENTERPRISES I LLC	PO BOX 496	SPRING LAKE, NC 28390
POWELL, PHILLIP E	5451 KENTUCKY LN	HOPE MILLS, NC 28348
SFR3-GARG-1 LLC	500 WESTOVER DR 14104	SANFORD, NC 27330
SMITH, LAWRENCE;DARLENE W	5530 BROWN ST	HOPE MILLS, NC 28348
TAR HEEL PINE TREES LLC	006635 LOBLOLLY DR	HOPE MILLS, NC 28348
TOWN OF HOPE MILLS	5770 ROCKFISH RD	HOPE MILLS, NC 28348

P20-45 3rd

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. This request would increase the allowed density from 1 unit/2 acre to 1 unit/1 acre. This is a conventional rezoning and no conditions are proposed at this time.

OWNER/APPLICANT

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

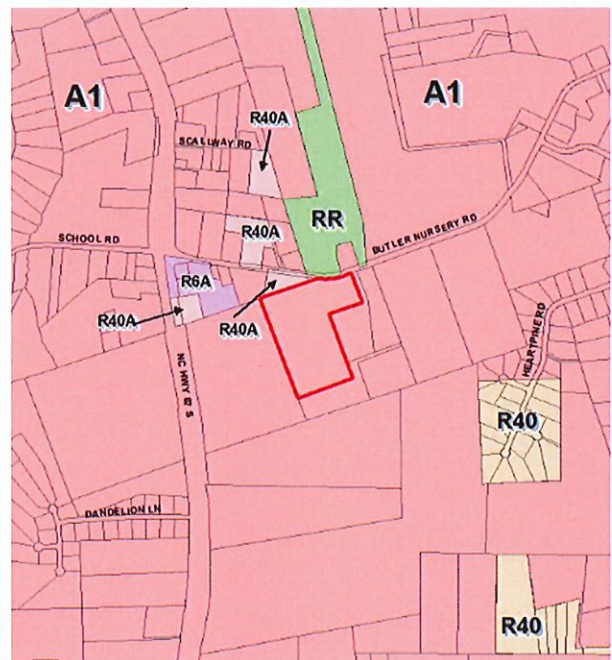
PROPERTY INFORMATION

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.

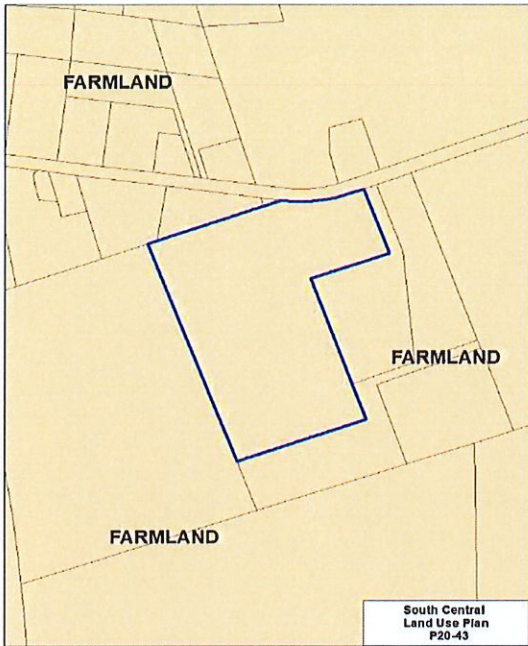
EXISTING LAND USE: The property is currently developed with a single-family dwelling and accessory structures to be demolished.

OTHER SITE CHARACTERISTICS: The property is not located within the watershed or 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. A group development or subdivision review is required prior to development.

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.

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 lies on Butler Nursery Road which is identified as a thoroughfare 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. The Average Daily Traffic Count (2016) on Butler Nursery Road is 790.

SCHOOLS CAP/ENROLL: Alderman Road Elementary: 750/676; 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 had no comment at this time.

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 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 and desires stick-built homes. Approval of the request is reasonable and in the public interest as the district requested is in harmony with surrounding existing uses and zoning and any subdivision of the property will require a development review.

Attachments:
Zoning Application
Notification Mailing List

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

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

1. Requested Rezoning from A-1 to R-40
2. Address of Property to be Rezoned: 7149 Butler Nursery Rd.
3. Location of Property: Butler Nursery Rd. ACROSS FROM GRAYS CREEK AIRPORT.
4. Parcel Identification Number (PIN #) of subject property: 0441-63-9433
(also known as Tax ID Number or Property Tax ID)
5. Acreage: 20 Frontage: 390' Depth: _____
6. Water Provider: Well: PWC: _____ Other (name): _____
7. Septage Provider: Septic Tank PWC _____
8. Deed Book 010683, Page(s) 00563, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
9. Existing use of property: HOME + building to be demo
10. Proposed use(s) of the property: SINGLE FAMILY DWELLING
11. Do you own any property adjacent to or across the street from this property?
Yes _____ No If yes, where? _____
12. Has a violation been issued on this property? Yes _____ No

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

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

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

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

6375 Tabor Church Rd. Fay. N.C. 28312
ADDRESS OF OWNER(S)

HOME TELEPHONE # _____
WORK TELEPHONE # 910 813-0262

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

4239 Bamee Rd. Fay. N.C. 28306
ADDRESS OF AGENT, ATTORNEY, APPLICANT

Tim@longleafproperties.com
E-MAIL

HOME TELEPHONE # _____
WORK TELEPHONE # 910 273-5016

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
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, SCOTT ALLAN	7184 BUTLER NURSERY RD	FAYETTEVILLE, NC 28306
SMITH, CHRIS Z; TERRY C	4328 MARSHWOOD LAKE RD	FAYETTEVILLE, NC 28306
SMITH, ROGER DALE; CYNTHIA BELL	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
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
PHILLIPS, NATHAN C JR;REBECCA S	7260 BUTLER NURSERY RD	FAYETTEVILLE, NC 28306
RENEAU, JAMES RAY	5552 RINGTAIL DR	FAYETTEVILLE, NC 28306
STORY, KATHLEEN BAKER	7194 S NC 87 HWY	FAYETTEVILLE, NC 28306
WILSON, JAMES R	7236 BUTLER NURSERY RD	FAYETTEVILLE, NC 28306

Mailing List 1100'

P20-43 3rd

PLANNING STAFF REPORT
REZONING CASE # P20-17

Planning Board Hearing: September 15, 2020 (deferred from August 18, 2020)

EXPLANATION OF THE REQUEST

This is a request to amend the Hope Mills Zoning Ordinance to revise Article IV Permitted, Conditional and Special Uses. The amendment would allow "recreation/amusement indoor (conducted inside building for profit, not otherwise listed & not regulated)" as a permitted use in the M(P) Planned Industrial district. This text amendment was initiated by a citizen and the application is contained in the board packet. The following is the definition M(P) district in the Hope Mills Ordinance.

Sec. 102A-302 Zone Characteristics

(d) Industrial districts.

(2) *M(P) Planned Industrial District*. This district is designed primarily for basic manufacturing and processing industries, all of which normally create a high degree of nuisance and are not generally compatible with residential, service or commercial uses. The general intent of this district is to permit uses confined to wholesaling, manufacturing, fabrication, and processing activities that can be carried on in an unobtrusive manner and limited external effects with suitable open spaces, landscaping, parking, and service areas. The district is customarily located on larger tracts of land with good highway and rail access buffered from residential districts by other more compatible uses. **Commercial activities are not permitted except those having only limited contact with the general public** and those not involving the sale of merchandise at retail except for occasional temporary sale of items produced on the premises or for the purpose of serving employees, guests and other persons who are within the district with an industrial activity. To promote the essential design features within the M(P) district, site plan approval is a requirement.

APPLICANT

Alex Keith, Tom Keith & Associates, 121 S. Cool Spring Street, Fayetteville NC 28301

STAFF RECOMMENDATION

In Case P20-17, the Planning and Inspections staff **recommends denial** of the proposed text amendment to the Hope Mills Zoning Ordinance and find this text amendment is not consistent with the adopted 2030 Growth Vision Plan (2009) Policy Area 1 of A More Diversified Local Economy recommendation of local governments being active participants and facilitators of industrial development opportunities. Policy Area 1 also recommends that appropriate opportunity sites for manufacturing and new technology enterprises shall be protected through appropriate zoning. Denial of this text amendment is also reasonable and in the public interest as approval would allow a use that has impacts most similar to commercial usage and if allowed to be developed in industrial zones/buildings, would lessen the amount of good/vacant industrial land that could be utilized by industry. Indoor recreation is also not consistent with the definition of M(P) Planned Industrial District in the Hope Mill Zoning Ordinance.

Attachments:
P20-17 Text Amendment

P20-17
Hope Mills Zoning Ordinance

P20-17. REVISION AND AMENDMENT TO THE HOPE MILLS ZONING ORDINANCE BY AMENDING ARTICLE IV PERMITTED, CONDITIONAL AND SPECIAL USES, SECTION 102A-403. USE MATRIX ALLOWING RECREATION/AMUSEMENT INDOOR (CONDUCTED INSIDE BUILDING FOR PROFIT, NOT OTHERWISE LISTED & NOT REGULATED) AS A PERMITTED USE WITHIN THE M(P) PLANNED INDUSTRIAL DISTRICT BY INSERTING A "P" IN THE M(P) COLUMN AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE.

AMENDING ARTICLE IV. - PERMITTED, CONDITIONAL, AND SPECIAL USES, SECTION 102A-403 USE MATRIX. ALLOWING RECREATION/AMUSEMENT INDOOR (CONDUCTED INSIDE BUILDING FOR PROFIT, NOT OTHERWISE LISTED & NOT REGULATED) IN THE M(P) DISTRICT AS A PERMITTED USE BY INSERTING A "P" INDICATING PERMITTED USE IN THE M(P) COLUMN AS INDICATED BELOW:

ARTICLE IV
PERMITTED, CONDITIONAL AND SPECIAL USES

SEC. 102A-403. USE MATRIX

The matrix on the following pages indicates uses permitted of right, with a special use permit and some uses allowed only in a conditional zoning district.

Sec. 102A-403 Use Matrix.

Hope Mills Zoning Ordinance

P = Permitted use

S = Special Use (Board of Adjustment approval required)

Z = Conditional Zoning (Board of Commissioners approval required)

Land Uses	Zoning Classification														
	CD	RR	R20	R15	R7.5	R6	R6A	R5	R5A	O&I(P)	C1(P)	C2(P)	C(P)	M1 (P)	M(P)
Recreation/amusement indoor (conducted inside building for profit, not otherwise listed & not regulated) (§102A-1019)		P										P	P		<u>P</u>

Alex T. Keith
121 S. Cool Spring St.
Fayetteville, NC 28301

March 4, 2020

Hope Mills Planning Department
Hope Mills Planning Commission
City Council of the Town of Hope Mills

c/o Betty Lynd
blynd@co.cumberland.nc.us

This letter is a Request for Text Amendment to the current Hope Mills Zoning Ordinance for the purpose of allowing for Recreation/amusement indoor (conducted inside building for profit, not otherwise listed & not regulated) to be a permitted (P) land use under the M(P) Zoning Classification. The zoning matrix layout can be found on page 4 of this document.

For the purposes of this request, it is first critical to define the scope of properties to which this amendment pertains. Recreational/amusement classification encompasses uses such as batting cages, soccer fields, basketball/volleyball courts, indoor tennis, paintball, racketball, pickleball, ax throwing, indoor trampolines, gymnastic studios, dance studios, boxing gyms, and athletic gyms.

This request is premised based upon my exposure to a recurring dilemma that has presented itself throughout my professional encounters. The predicament I have become acutely aware of is the multitude of recreational type tenants who desire to lease out industrial-style buildings, yet often face an impasse. The natural question I then posed was, "Why do these people not just use regular commercial space?" The answer to this inquiry is comprised of several components. Firstly, for properties currently designated for these types of uses, a significantly high ceiling height (18'+) is currently stipulated. Secondly, retail tenants that lease commercially zoned structures, pay much considerably higher rates than recreational tenants can typically afford. Lastly, the expense inherent to the novel construction of equivocal structures (in terms of size and industrial style) often serves as an insurmountable barrier to potential tenants – due to existing zoning distinctions.

For instance, in the Fayetteville/Hope Mills market area, a rate found for most industrial buildings is between \$15/SF and \$40/SF. Costs associated with production of a new industrial or recreational building typically costs over \$100/SF with construction, site work, and land value. This difference in cost would make building a new recreation center an irresponsible spending of private or public monies, especially when the market already supplies a surplus of suitable buildings, and if the construction of a new facility was deemed a reasonable action by a municipality it may have negative implications with historical structures facing demolition rather than being renovated and revitalized.

For one particular building, I have been involved in managing, our original thought was to rezone the property to C(P), Planned Commercial. This zoning would give us the ability to use the property for recreational use, but on any non-recreational space, this district would not allow the building to be used for storage/warehouse, distribution or any kind of assembly. The difficulty with this is that we are in a market that is undergoing a shift from rural industrial to commercial. Once there is enough demand to fill the entire space with either recreational or commercial, this rezoning would work. However, at the rate of growth we see in the area it is likely this might be another 15 years. To be clear, the building I manage is not the only building with this issue in the Hope Mills area. A few buildings to mention are;

1. 70,000 SF Industrial Building at 3910 Ellison St. (Hope Mills Indoor Storage) with 30,000 SF (43%) available and empty.
2. 100,000 SF Elk Yarn Facility at 4115 Legion Rd. with 50,000 SF (50%) available and empty.
3. 19,619 SF Industrial Building at 2429 Hope Mills Rd. with 19,619 SF (100%) available.
4. 947,553 SF Distribution Warehouse at 107 Tom Starling Rd. with 208,602 SF (22%) available and empty.
5. 259,960 SF Distribution Warehouse at 800 Technology Dr. with 259,960 SF (100%) available and empty.

As you may note, the size of these buildings is too large for one tenant of recreational or industrial use to lease; therefore you have to split these buildings into separate portions. This mixed-use is not a new phenomenon, and with a 5-minute google search I found out these types of mixed uses are allowed and utilized in other cities throughout the US, including Atlanta, Seattle and Dallas (Hood River).

The request for this text amendment is one that is long overdue. Based on GIS Data, Cumberland County alone has approximately 5.4 Million SF of Industrial Space built before 1994 located in industrial zoning districts (i.e. M(P), HI, LI, etc.). CoStar, the nation's largest listing and real estate sales, and leasing database indicate that 40% is the approximate vacancy rate of industrial space in Cumberland County, which would mean it is likely around 2 Million Square Feet of vacant and non-utilized industrial or recreational style space in the area. That is a number that is pretty remarkable when thinking there is that much space available that is not currently being utilized by our community's people, work and capital, but instead sits vacant and obsolete.

My experience informing this request stems from the six years which I've spent managing and appraising industrial real estate. During that time, I have encountered dozens of entrepreneurs who desire to start a business or expand a current enterprise, but their pursuit has been hindered as a result of unfriendly zoning laws. Currently, the best-case scenario that exists for an entrepreneur in need of this type of space is limited solely to funding a very costly construction project, such as DirtBag Brewery (retail type use with enough revenue). Other entrepreneurs and potential tenants that I have had to turn down over the years have been as follows;

1. 1 So. Cal Athletics
2. D-Bat Batting Cages
3. Defy Gravity
4. Paintball
5. Axes and X's
6. Fitness Gym
7. Climbing Place
8. Indoor Soccer Complex
9. Glover Beverages (Brewery and Distribution)

These are just the inconvenienced tenants that I have had personal contact with in regards to a building I have been managing over the last 3 years.

In working in the area I have seen many unfriendly policies in the Hope Mills and surrounding areas. Today though, I bring you a solution to help these properties and entrepreneurs in our community to work and be utilized by so many people and employees. Allowing recreational/amusement uses inside and out of these historic properties would help our community and property values, which in turn would increase the demand for this type of space; therefore increasing the value of the property, which would be directly translated over the greater amount of tax revenue via Ad Valorem Taxes.

Thank you for your consideration,

Alex T. Keith

General Certified Real Estate Appraiser

NC Real Estate Broker

Property Manager

Member of the Fayetteville Zoning Commission (2016-Present)

EXPLANATION OF THE REQUEST

This is a request to rezone one parcel located on the northwest side of Elijah B Place from C3 Heavy Commercial & RR Rural Residential to RR Rural Residential. This request would allow the applicant to develop the lot with a residential use and remove split zoning on the parcel. This is a conventional rezoning and no conditions are proposed at this time.

OWNER/APPLICANT

OWNER/APPLICANT: Heather Young Gorman & Robert E. Gorman (owners) & Yarborough, Winters & Neville, P.A. (agent)

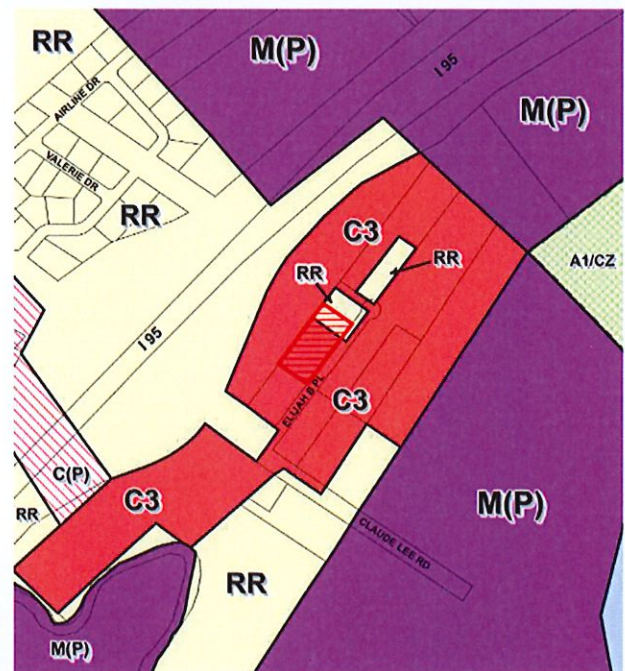
PROPERTY INFORMATION

ADDRESS/LOCATION: 3830 Elijah B Place; more specifically REID 0434410195000

SIZE: This request includes one parcel totaling approximately 2.06 acres. The property has approximately 400' of street frontage along Elijah B Place. The property is 187'+/- in depth.

EXISTING LAND USE: The property is currently vacant.

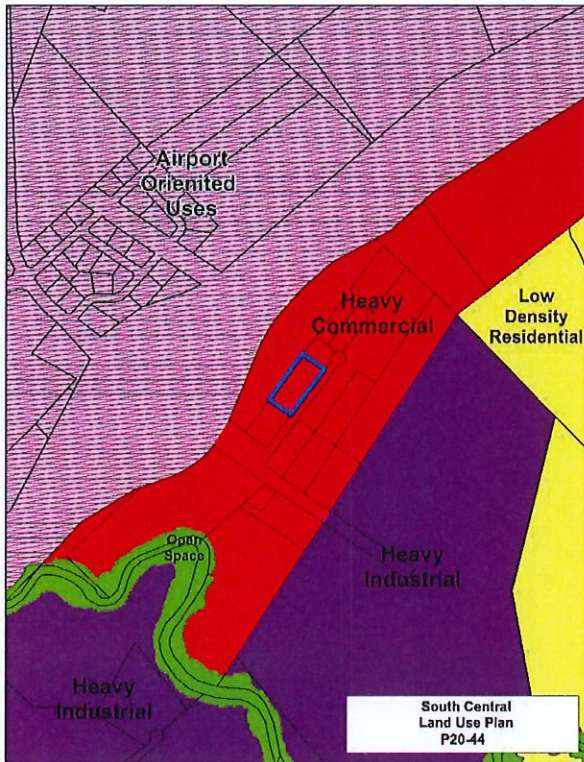
OTHER SITE CHARACTERISTICS: The property is not located within the watershed or the Special Flood Hazard Area. There are no soil limitations to development on the property.



DEVELOPMENT REVIEW: Parcel was deeded on 4-13-89. A recorded 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 cell tower, wrecker service, salvage yard and borrow pit.





ZONING HISTORY: This property was initially zoned RR as part of the Area 6 initial zoning on March 15, 1979. The parcel was rezoned to C3 on 2-15-99 (Case P99-7). A portion of the property was rezoned back to RR on 8-17-09 (Case P09-32).

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

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

COMPREHENSIVE PLANS: The 2030 Growth Vision Plan designates this area as "Urban Area". The South Central Land Use Plan (2015) designates this area for "Heavy Commercial". The "Heavy Commercial" designation allows a variety of heavy retail uses, service and wholesale establishments and requires public water/sewer. **Request is not plan compliant.**

IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES

TRAFFIC: The subject property lies on Elijah B Place which is identified as a local road in the 2040 Metropolitan Transportation Plan. The subject property will have no impact on the Transportation Improvement Plan. While there is no count on Elijah B Place, the Average Daily Traffic Count (2018) on Claude Lee Road is 3,700.

SCHOOLS CAP/ENROLL: Alderman Road Elementary: 750/676; South View Middle: 900/674; South View High: 1800/1527

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

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

FAYETTEVILLE REGIONAL AIRPORT: This property is located within the Airport Overlay District. The Fayetteville Regional Airport has reviewed the request and had no comment at this time.

STAFF RECOMMENDATION

In Case P20-44, the Planning & Inspections staff **recommends denial** of the rezoning request from C3 Heavy Commercial and RR Rural Residential to RR Rural Residential and find the request not consistent with the South Central Land Use Plan (2015) which designates this parcel for "Heavy Commercial" as RR Rural Residential is a residential designation. Denial of the request is reasonable and in the public interest as the district requested is not in harmony with surrounding existing zoning.

Attachments:
 Zoning Application
 Notification Mailing List

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

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

1. Requested Rezoning from C3/RR to RR
2. Address of Property to be Rezoned: 3830 Elijah B. Place
3. Location of Property: off Claude Lee Road and I-95
4. Parcel Identification Number (PIN #) of subject property: 0434-41-0195
(also known as Tax ID Number or Property Tax ID)
5. Acreage: 2.06 Frontage: 218 Depth: 417
6. Water Provider: Well: PWC: _____ Other (name): _____
7. Septage Provider: Septic Tank PWC _____
8. Deed Book 10776, Page(s) 591, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
9. Existing use of property: vacant
10. Proposed use(s) of the property: single-family residential dwelling
11. Do you own any property adjacent to or across the street from this property?
Yes No _____ If yes, where? adjacent on both sides
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.

Heather Young Gorman and Robert E. Gorman
NAME OF OWNER(S) (PRINT OR TYPE)

3325 Burberry Drive, Fayetteville, NC 28306
ADDRESS OF OWNER(S)

910-850-4053 n/a
HOME TELEPHONE # WORK TELEPHONE #

Garris Neil Yarborough
J. Thomas Neville, Yarborough, Winters & Neville, P.A.
NAME OF AGENT, ATTORNEY, APPLICANT (PRINT OR TYPE)

115 E. Russell Street, Fayetteville, NC 28301
ADDRESS OF AGENT, ATTORNEY, APPLICANT

jtnville@ywnlaw.com; disom@ywnlaw.com; gnyesg@ywnlaw.com
E-MAIL

n/a 910-433-4433
HOME TELEPHONE # WORK TELEPHONE #

Robert E. Gorman
SIGNATURE OF OWNER(S)

[Signature]
SIGNATURE OF AGENT, ATTORNEY OR APPLICANT

Heather Young Gorman
SIGNATURE OF OWNER(S)

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

NAME	ADDRESS	CITY
GORMAN, HEATHER YOUNG LIFE ESTATE	3325 BURBERRY DR	FAYETTEVILLE, NC 28306
GORMAN, HEATHER YOUNG; ROBERT E JS PROPERTIES LLC;TPGM PROPERTIES LLC	3830 ELIJAH B PLACE PO BOX 53729	FAYETTEVILLE, NC 28306 FAYETTEVILLE, NC 28305
YOUNG, HAROLD RAY;ISAAC, C	6413 KIMRIDGE RD	FAYETTEVILLE, NC 28314
YOUNG, ROLAND DALE JR, CHARLES FLOYD;ANTHONY, CRAIG	601 W YACHT DR	OAK ISLAND, NC 28465
YOUNG, ROY F;YOUNG, FARRAH L	PO BOX 819	HOPE MILLS, NC 28348

NAME	ADDRESS	CITY
BARKE, MEIMUNA S	4007 CATHERINE DR	FAYETTEVILLE, NC 28306
BRIGMAN, LARRY W	4412 CLAUDE LEE RD	FAYETTEVILLE, NC 28306
BRIGMAN, MARY ELLEN, TIMOTHY;WAYNE, VICKY D	4412 CLAUDE LEE RD	FAYETTEVILLE, NC 28306
DAVIS, FREDDIE LEE;DAVIS, WIFE	4017 CATHERINE DR	FAYETTEVILLE, NC 28306
DUNCAN, LINDA P	505 SAINT ST	DUNN, NC 28334
GRAHAM, CHAUNCERY L JR;GRAHAM, KATE	4013 CATHERINE DR	FAYETTEVILLE, NC 28306
MCDONALD MATERIALS INC	2611 MURCHISON RD	FAYETTEVILLE, NC 28301
MURPHY, DAVID HEIRS	18 FULTON ST	PLYMOUTH, MA 02360
N C DEPT OF TRANSPORTATION	PO BOX 25201	RALEIGH, NC 27611
WELLONS CONSTR INC	PO BOX 730	DUNN, NC 28335
YOUNG, ALFRED LEROY;LINDA, .	3525 DOC BENNETT RD	FAYETTEVILLE, NC 28306
YOUNG, ISAAC C	4439 CLAUDE LEE RD	FAYETTEVILLE, NC 28306
YOUNG, ISAAC C	PO BOX 65443	FAYETTEVILLE, NC 28306