

Amy H. Cannon
County Manager

Tracy Jackson
Assistant County
Manager



Rawls Howard
Director

David Moon
Deputy Director

CUMBERLAND COUNTY JOINT PLANNING BOARD

AGENDA May 17, 2022 6:00 PM

- I. INVOCATION AND PLEDGE OF ALLEGIANCE
- II. ADJUSTMENTS TO / APPROVAL OF AGENDA
- III. PUBLIC MEETING WITHDRAWALS / DEFERRALS
 - A. Case ZNG-006-22: Rezoning of 14.87+/- acres from R6A Residential to R5A Residential or to a more restrictive zoning district, located west of Elk Park Drive, on the south side of NC 59 (N Main Street), north of Hunting Ridge Road on REID 0414063928000, submitted by Rodney Sherrill on behalf of Elk Park Development LLC (owner). (Hope Mills)**
- IV. ABSTENTIONS BY BOARD MEMBERS
- V. APPROVAL OF THE MINUTES
 - B. MINUTES OF APRIL 19, 2022**
- VI. CHAIRMAN'S WELCOME AND RULES OF PROCEDURE
- VII. PUBLIC MEETING CONSENT ITEMS

REZONING CASES

- C. Case ZNG-005-22: Initial zoning of 52.94+/- acres to R7.5 Residential and C1(P) Planned Local Business or to a more restrictive zoning district; located on the south side of SR 1003 (Camden Road), west of intersection with SR 3039 (Wipperwill Drive) on REIDs 0404048665000, 0404059166000 & 9494961873000; submitted by Stephen G. Terry on behalf of Barbara M Johnson heirs (owner) & Trae Livick on behalf of McKim & Creed, Inc. (agent). (Hope Mills)**
- D. ZON-22-0042: Rezoning from RR Rural Residential District to R7.5 Residential District or to a more restrictive zoning district on 0.60 +/- acres; located at 3556 Camden Road EXT; submitted by Thomas Hanson (applicant) on behalf of Elizabeth Bruno (owner).**

CONDITIONAL ZONING CASE

- E. ZON-22-0048: Rezoning from C1(P) Planned Local Business District to C1(P) Planned Local Business District / CZ Conditional Zoning or to a more**

**restrictive zoning district on 0.49 +/- acres; located at 3876 Dunn Road;
submitted by Town of Eastover. (Eastover)**

VIII. PUBLIC MEETING CONTESTED ITEMS

REZONING CASES

- F. ZON-22-0040: Rezoning from M2 Heavy Industrial District to R15 Residential District or to a more restrictive zoning district on 24.59 +/- acres; located at the east end of Front Street, Town of Stedman; submitted by Carlos Jack Horne (applicant) on behalf of Billy & Fay Horne (owners). (Stedman)**

CONDITIONAL ZONING CASE

- A. ZON-22-0044: Rezoning from C(P) Planned Commercial District to M(P) Planned Industrial/CZ Conditional Zoning District or to a more restrictive zoning district on 4.87 +/- acres; located at 3703 Gillespie Street; submitted by Seth Henry Britton Saeugling (applicant) on behalf of Kathryn & Robert Gaines (owner).**
- B. ZON-22-0045: Rezoning from A1 Agricultural District to R15 Residential District/ CZ Conditional Zoning or to a more restrictive zoning district on 6.00 +/- acres; located at the end of Laguardia Drive; submitted by Scott Brown (applicant) on behalf of William R. Homes, LLC (owner).**

IX. OTHER ITEMS

G. CUMBERLAND COUNTY JOINT PLANNING BOARD BYLAWS

X. DISCUSSION

H. SIGN ORDINANCE UPDATE

XI. ADJOURNMENT

Historic Cumberland County Courthouse | 130 Gillespie Street | P.O. Box 1829 |
Fayetteville, North Carolina 28301 | Phone: 910-678-7600 | Fax: 910-678-7631
co.cumberland.nc.us



PLANNING AND INSPECTIONS DEPARTMENT

MEMORANDUM FOR JOINT PLANNING BOARD AGENDA OF MAY 17, 2022

TO: JOINT PLANNING BOARD

FROM:

DATE:

SUBJECT: CASE ZNG-006-22: REZONING OF 14.87+/- ACRES FROM R6A RESIDENTIAL TO R5A RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED WEST OF ELK PARK DRIVE, ON THE SOUTH SIDE OF NC 59 (N MAIN STREET), NORTH OF HUNTING RIDGE ROAD ON REID 0414063928000, SUBMITTED BY RODNEY SHERRILL ON BEHALF OF ELK PARK DEVELOPMENT LLC (OWNER). (HOPE MILLS)

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MINUTES

April 19, 2022

Members Present

Mr. Stan Crumpler – Chairman
Mr. Thomas Lloyd – Vice-Chair
Mr. William Walters
Mr. Gary Burton
Mrs. Jami McLaughlin
Ms. Cassandra Herbert
Mrs. Susan Moody

Members Absent

Mr. Jordan Stewart
Mr. James Baker
Mr. Mark Williams

Others Present

Mr. David Moon
Mr. Rick Moorefield
County Attorney
Mr. Christopher Portman
Ms. Otereia Green
Mrs. Laverne Howard
Mrs. Alyssa Garcia
Mrs. Annette Massari

I. INVOCATION AND PLEDGE OF ALLEGIANCE

Mr. Crumpler delivered the invocation and led those present in the Pledge of Allegiance.

II. ABSTENTIONS BY BOARD MEMBERS

Mr. Lloyd advised the Board that he would abstain from voting on Case ZNG-003-22.

III. ADJUSTMENTS TO / APPROVAL OF AGENDA

Mrs. McLaughlin requested that Case ZON-22-0035 be moved from Consent Items to Contested Items.

Mr. Crumpler advised that there was a speaker present who drove a long way to speak on deferred Case ZON-22-0029 and they would give her time to speak.

Mrs. Moody made a motion, seconded by Mrs. McLaughlin to approve the agenda with the changes. Unanimous approval.

IV. PUBLIC MEETING DEFERRALS

ZON-22-0029: Rezoning from A1 Agriculture District to R15 Residential District on 6.0 +/- acres or more restrictive zoning district; located at west end of Laguardia Drive; submitted by Scott Brown (agent) on behalf of William R. Homes, LLC (owner). **APPLICANT REQUESTED DEFERRAL TO MAY 17, 2022 TO RESUBMIT AS A CONDITIONAL ZONING REQUEST**

Ms. Lopez came forward and stated that they were not opposed to the building but was concerned about the flooding and the damage that it could cause. Ms. Lopez presented a letter to the board and will email pictures that will be available when this case comes before the Board.

ZON-22-0037: Rezoning from C(P) Planned Commercial District to M(P) Planned Industrial District on 4.87 +/- acres or to a more restrictive zoning district, located at 3703 Gillespie Street; submitted by Seth Saeugling (applicant) on behalf of Kathryn & Robert Gaines (owners). **APPLICANT REQUESTED DEFERRAL TO MAY 17, 2022 TO RESUBMIT AS A CONDITIONAL ZONING REQUEST**

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Mrs. Moody made a motion, seconded by Mr. Lloyd to approve the deferrals subject to hearing the testimony of the one witness who drove a long way to speak in Case ZON-22-0029. Unanimous approval.

V. APPROVAL OF THE MINUTES OF MARCH 15, 2021

Mrs. Moody made a motion, seconded by Mrs. McLaughlin to approve the minutes as submitted. Unanimous approval.

VI. CHAIRMAN'S WELCOME AND RULES OF PROCEDURE

Chair Crumpler read the welcome and rules of procedures.

VII. PUBLIC MEETING CONSENT ITEMS

REZONING CASES

- A. **Case ZNG-002-22:** Rezoning of 5.21+/- acres from C(P) Planned Commercial, C1(P) Planned Local Business, R6 Residential & PND Planned Neighborhood District to C(P) Planned Commercial District/CZ Conditional Zoning for a veterinarian office or to a more restrictive zoning district, located on the south side of SR 1112 (Rockfish Road), north and east of Moulder Street, submitted by Kent & Julia Dean on behalf of Kent & Julia Dean Properties, LLC (owner) and Michael Blakley on behalf of Drafting and Design Services, Inc. (agent). **(Hope Mills)**

In ZNG-002-22, the Town of Hope Mills Planning staff recommends approval of the rezoning from C(P) Planned Commercial, C1(P) Planned Local Business, R6 Residential and PND Planned Neighborhood District to C(P) Planned Commercial/CZ Conditional zoning for a veterinarian office and finds: a. The approval is an amendment to the adopted Southwest Cumberland Land Use Plan (2013) map; and that the Board of Commissioners should not require any additional request or application for amendment to said map for this request; b. The following change in conditions was considered in amending the zoning ordinance (zoning map) to meet the development needs of the community: a portion of the parcels that are part of the request currently operate as the requested use, a road widening project is requiring the use be redeveloped, and the parcels have access to public water and sewer; c. And this rezoning approval is reasonable and in the public interest because the site is being conditionally zoned to limit the impact to surrounding properties to place it more in harmony with the surrounding zoning and uses while providing adequate buffering and space for vehicular/pedestrian movement.

In ZNG-002-22, Mrs. Moody made a motion, seconded by Mr. Burton to recommend approval of the rezoning from C(P) Planned Commercial, C1(P) Planned Local Business, R6 Residential and PND Planned Neighborhood District to C(P) Planned Commercial/CZ Conditional zoning for a veterinarian office and finds: a. The approval is an amendment to the adopted Southwest Cumberland Land Use Plan (2013) map; and that the Board of Commissioners should not require any additional request or application for amendment to said map for this request; b. The following change in conditions was considered in amending the zoning ordinance (zoning map) to meet the development needs of the community: a portion of the parcels that are part of the request currently operate as the

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requested use, a road widening project is requiring the use be redeveloped, and the parcels have access to public water and sewer; c. And this rezoning approval is reasonable and in the public interest because the site is being conditionally zoned to limit the impact to surrounding properties to place it more in harmony with the surrounding zoning and uses while providing adequate buffering and space for vehicular/pedestrian movement. Unanimous approval.

- B. Case ZNG-003-22:** Rezoning of 1.22+/- acres from C1(P) Planned Local Business to C1(P) Planned Local Business District/CZ Conditional Zoning for all allowed C1(P) uses and requested reduced setbacks or to a more restrictive zoning district, located in the southeast quadrant of the intersection of SR 1131 (Cameron Road) & NC 59 (S Main Street), submitted by James A. Davis Jr on behalf of himself and Davis Family Trust & Sonja Taylor on behalf of Franklin D. Taylor heirs (owners) and Thomas Lloyd (agent). **(Hope Mills)**

In ZNG-003-22, the Town of Hope Mills Planning staff recommends approval of the rezoning from C1(P) Planned Local Business to C1(P) Planned Local Business/CZ Conditional zoning for all allowed C1(P) uses and requested reduced setbacks and finds: a. The approval is an amendment to the adopted Southwest Cumberland Land Use Plan (2013) map; and that the Board of Commissioners should not require any additional request or application for amendment to said map for this request; b. The following change in conditions was considered in amending the zoning ordinance (zoning map) to meet the development needs of the community: the recombination of these parcels will provide a more practical parcel for the development of a nonresidential use that will have sufficient space for vehicular/pedestrian movement and parking. C1(P) also allows for generally light commercial uses which is what the "Mixed Use Development" desires; c. And this rezoning approval is reasonable and in the public interest because the site is located at a heavily trafficked intersection and the district requested is in harmony with surrounding zoning and existing land uses along S. Main Street corridor.

In ZNG-003-22, Mrs. Moody made a motion, seconded by Mr. Walters to recommend approval of the rezoning from C1(P) Planned Local Business to C1(P) Planned Local Business/CZ Conditional zoning for all allowed C1(P) uses and requested reduced setbacks and finds: a. The approval is an amendment to the adopted Southwest Cumberland Land Use Plan (2013) map; and that the Board of Commissioners should not require any additional request or application for amendment to said map for this request; b. The following change in conditions was considered in amending the zoning ordinance (zoning map) to meet the development needs of the community: the recombination of these parcels will provide a more practical parcel for the development of a nonresidential use that will have sufficient space for vehicular/pedestrian movement and parking. C1(P) also allows for generally light commercial uses which is what the "Mixed Use Development" desires; c. And this rezoning approval is reasonable and in the public interest because the site is located at a heavily trafficked intersection and the district requested is in harmony with surrounding zoning and existing land uses along S. Main Street corridor. The motion passed with Mr. Lloyd abstaining from the vote.

- C. Case ZNG-004-22:** Rezoning of 0.69+/- acres from R10 Residential to C2(P) Planned Service and Retail or to a more restrictive zoning district, located at 4271 Legion Road, submitted by David L. Coffman (owner) & Will Swaringen, PE (agent). **(Hope Mills)**

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In ZNG-004-22, the Town of Hope Mills Planning staff recommends approval of the rezoning request from R10 Residential to C2(P) Planned Service and Retail district and finds the request consistent with the Southwest Cumberland Land Use Plan (2013) designation of "Heavy Commercial" as strip commercial areas are recommended along Legion Road and the site has access to public water and sewer. Approval of the request is reasonable and in the public interest as the district requested is in harmony with surrounding existing uses and zoning as this node is transitioning into a commercial hub as road improvements and surrounding commercial development is completed.

In ZNG-004-22, Mrs. Moody made a motion, seconded by Mr. Burton to recommend approval of the rezoning request from R10 Residential to C2(P) Planned Service and Retail district and finds the request consistent with the Southwest Cumberland Land Use Plan (2013) designation of "Heavy Commercial" as strip commercial areas are recommended along Legion Road and the site has access to public water and sewer. Approval of the request is reasonable and in the public interest as the district requested is in harmony with surrounding existing uses and zoning as this node is transitioning into a commercial hub as road improvements and surrounding commercial development is completed. Unanimous approval.

- D. **ZON-22-0033:** Rezoning from C(P) Planned Commercial District to R5A Residential District on 2.22 +/- acres or to a more restrictive zoning district, located at 706 Shell Drive; submitted by James Kizer (agent) on behalf of Waterford at Little River Investments LLC (owners). **(Spring Lake)**

In Case ZON-21-0033, the Planning and Inspections staff recommends approval of the rezoning request from C(P) Commercial District to R5A Residential District. Staff finds the request is not consistent with the current Spring Lake Area Land Use Plan which calls for "Light Industrial" at this location. However, the rezoning request is consistent with the surrounding area development patterns. Staff also finds that the request is reasonable and in the public interest as it is compatible to and in harmony with the surrounding land use activities and zoning.

In Case ZON-21-0033, Mrs. Moody made a motion, seconded by Mr. Burton to recommend approval of the rezoning request from C(P) Commercial District to R5A Residential District. Staff finds the request is not consistent with the current Spring Lake Area Land Use Plan which calls for "Light Industrial" at this location. However, the rezoning request is consistent with the surrounding area development patterns. Staff also finds that the request is reasonable and in the public interest as it is compatible to and in harmony with the surrounding land use activities and zoning. Unanimous approval.

CONDITIONAL ZONING CASE

- E. **ZON-22-0036:** Rezoning from O&I(P)/CZ Planned Office and Institutional District/Conditional Zoning and R6A Residential District to C1(P) Planned Local Business District or to a more restrictive zoning district for two parcels on 1.11 +/- combined acres; located at 4799 & 4807 South Main Street; submitted by Clear Blue & 22 LLC/Tina Dawson Tina Dawson (owner/applicant).

In Case ZON-22-0036, the Planning and Inspections staff recommends approval of the rezoning request from O&I(P)/CZ Planned Office and Institutional/Conditional Zoning and R6A Residential



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to C1(P) Planned Local Business. Staff finds the request is consistent with the Southwest Cumberland Land Use Plan which calls for "Mixed Use Development" at this location. Staff also finds that the request is reasonable and in the public interest as the request is compatible to and in harmony with the surrounding land use activities and zoning.

In Case ZON-22-0036, Mrs. Moody made a motion, seconded by Mr. Burton to recommend approval of the rezoning request from O&I(P)/CZ Planned Office and Institutional/Conditional Zoning and R6A Residential to C1(P) Planned Local Business. Staff finds the request is consistent with the Southwest Cumberland Land Use Plan which calls for "Mixed Use Development" at this location. Staff also finds that the request is reasonable and in the public interest as the request is compatible to and in harmony with the surrounding land use activities and zoning. Unanimous approval.

MODIFICATION TO CONDITIONAL ZONING CASE

- F. **MOD-0017-22:** Modification to C2(P) CZ Planned Service and Retail District Conditional Zoning for Case P14-33 and P12-46 to change conditional use and site plan on 2.47 +/- acres, located at the southwest corner of Dunn Road and Oak Hill Drive; submitted by Chuck Furr (owner/applicant). **(Eastover)**

In Case MOD-0017-22, the Planning and Inspections staff recommends approval of the request to modify Conditional Use Cases P12-46 and P14-33, subject to the conditions of approval and conditional use site plan. Staff finds the request is consistent with the Eastover Land Use Plan. Staff further finds that the request is reasonable and in the public interest as an accessory storage serving the development is compatible and an appropriate transition with the adjacent residents and is in harmony with the surrounding land use activities and zoning.

In Case MOD-0017-22, Mrs. Moody made a motion, seconded by Mr. Burton to recommend approval of the request to modify Conditional Use Cases P12-46 and P14-33, subject to the conditions of approval and conditional use site plan. Staff finds the request is consistent with the Eastover Land Use Plan. Staff further finds that the request is reasonable and in the public interest as an accessory storage serving the development is compatible and an appropriate transition with the adjacent residents and is in harmony with the surrounding land use activities and zoning. Unanimous approval.

VIII. PUBLIC MEETING CONTESTED ITEMS

- G. **ZON-22-0038:** Rezoning from RR Rural Residential District to R7.5 Residential District or to more restrictive zoning district for eight parcels on 5.4 +/- acres, located at the northwest corner of Muscat Road and Advance Drive; submitted by George Rose (applicant) on behalf of EK International LLC (owners).

Mr. Moon presented the case information and photos.

In Case ZON-22-0038, the Planning and Inspections staff recommends denial the rezoning request from RR Rural Residential to R7.5 Residential District. Staff finds the request is not consistent with the Southwest Cumberland Land Use Plan which calls for "Suburban Residential" at this location.

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Staff also finds that the request is not reasonable and in the public interest as the request is not compatible to and in harmony with the surrounding land use activities and zoning.

There was no one present to speak in opposition or in favor.

In Case ZON-22-0038, Mrs. Moody made a motion, seconded by Mr. Lloyd to deny the rezoning request from RR Rural Residential to R7.5 Residential District. Staff finds the request is not consistent with the Southwest Cumberland Land Use Plan which calls for "Suburban Residential" at this location. Staff also finds that the request is not reasonable and in the public interest as the request is not compatible to and in harmony with the surrounding land use activities and zoning. Unanimous approval.

- H. **ZON-22-0035:** Rezoning from R5A Residential District to R6A Residential District or to a more restrictive zoning district; for a 5.67 +/- acre portion of a 32.7 +/- tract, located at 102 Dacha Lane; submitted by Richard L. Fox III (applicant) on behalf of 1400 N. Bragg Property, Elwood E. Perry (owners). **(Spring Lake)**

Mrs. Massari presented the case information and photos.

In Case ZON-22-0035, the Planning and Inspections staff recommends approval of the rezoning request from R5A Residential District to R6A Residential District. Staff finds the request is consistent with the Spring Lake Land Use Plan which calls for Medium Density Residential at this location. Staff also finds that the request is reasonable and in the public interest as it is compatible to and in harmony with the surrounding land use activities and zoning.

County Planning staff member Annette Massari presented the details of the case.

Three people spoke in favor of the case, two neighboring residents and a representative of the applicant.

The neighboring residents stated that the proposed use of the site matches their perception of the intended use of that land.

The representative of the applicant stated the proposed use of the site would have numerous benefits for the Town of Spring Lake including an increased tax base.

Public comment closed and Board discussion began.

Mrs. McLaughlin spoke in opposition to the rezoning, citing that mobile home park development is not compliant with the County 2030 Plan goals for Spring Lake or the public comments from the ongoing planning process for the new Spring Lake area land use plan. Mrs. McLaughlin stated that the town desires and has made efforts to improve the area housing stock, and that this proposed development is antithetical to that effort.

Other members of the Board asked, and planning staff addressed, numerous clarifying questions about the case including the intent of the development and the means of access to the subject portion of the property.

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In Case ZON-22-0035, Mr. Burton made a motion, seconded by Mr. Lloyd to recommend approval of the rezoning request from R5A Residential District to R6A Residential District. Staff finds the request is consistent with the Spring Lake Land Use Plan which calls for Medium Density Residential at this location. Staff also finds that the request is reasonable and in the public interest as it is compatible to and in harmony with the surrounding land use activities and zoning. The motion passed with Mr. Walters, Mr. Burton, Mr. Lloyd, and Mr. Crumpler voting in favor and Ms. Herbert, Mrs. Moody, and Mrs. McLaughlin voting in opposition.

- I. **ZON-22-0034:** Text Amendment to the Cumberland County Zoning Ordinance, Article 13 and a series of related Sections to update and revise sign regulations, standards, and definitions and to establish a new Article 18, Enforcement, pertaining to violations of the Zoning Ordinance; submitted by Cumberland County Planning & Inspections Dept. (applicant).

In Case ZON-22-0034, the Planning & Inspections staff recommends approval of the text amendment and finds the request consistent with the 2030 Growth Vision Plan because, while specific land use plan policies do not address a comprehensive update to the County's sign or enforcement regulations, a current ordinance that is in compliance with Federal and State law allows the department to continue to provide efficient and effective services to achieve goals laid out not only in the 2030 Growth Vision Plan, but all detailed land use plans within the County. Approval of this text amendment is also reasonable and in the public interest as it is a comprehensive update to clarify standards, review processes, and enforcement procedures for the public.

There was no one present to speak in favor or in opposition.

Mr. Chad Meadows presented the updates and revisions to the text amendment and stated that the objective was to make the amendment easier to read and understand and to bring it into closer alignment with federal law.

Mr. Lloyd asked how much input or if there was any attempt to get feedback from vendors, or sign people of any type.

Mr. Meadows stated that he did not know the answer to that question but assumed that staff has passed this information along the appropriate channels. Mr. Meadows stated that he agreed with Mr. Lloyd's notion that this information should have been shared if the Board feels that is something that should be done.

Mr. Lloyd said he thought it would be a good idea, if before the Board acts on this, allow input from the people who will be affected by this.

Mr. Crumpler said that he thought there should be input from the people who will be affected by this.

In Case ZON-22-0034, Mr. Crumpler made a motion, seconded by Mrs. Moody to remand this case to the Land Use Codes Committee and notification should include members of the sign business community and the general public for both the Land Use Codes Committee meeting and Joint Planning Board meeting. Unanimous approval.

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IX. DISCUSSION

There was none.

There being no further business, the meeting adjourned at 7:19 p.m.



PLANNING AND INSPECTIONS DEPARTMENT

MEMORANDUM FOR JOINT PLANNING BOARD AGENDA OF MAY 17, 2022

TO: JOINT PLANNING BOARD

FROM: RAWLS HOWARD, PLANNING & INSPECTIONS DIRECTOR

DATE: 5/17/2022

SUBJECT: CASE ZNG-005-22: INITIAL ZONING OF 52.94+/- ACRES TO R7.5 RESIDENTIAL AND C1(P) PLANNED LOCAL BUSINESS OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE SOUTH SIDE OF SR 1003 (CAMDEN ROAD), WEST OF INTERSECTION WITH SR 3039 (WIPPERWILL DRIVE) ON REIDS 0404048665000, 0404059166000 & 9494961873000; SUBMITTED BY STEPHEN G. TERRY ON BEHALF OF BARBARA M JOHNSON HEIRS (OWNER) & TRAE LIVICK ON BEHALF OF MCKIM & CREED, INC. (AGENT). (HOPE MILLS)

ATTACHMENTS:

Description

Case # ZNG-005-22

Type

Backup Material



STAFF REPORT

REZONING CASE# - ZNG-005-22

Cumberland County Planning Board: 5-17-2022

Hope Mills Board of Commissioners: 6-20-22

Address: South side of Camden Rd, west of intersection with Wipperwill Drive

ZONING REQUEST Initial to R7.5 and C1(P) [0.73 ac of 52.94 ac will be C1(P)]

This is a request for initial zoning of three parcels located on the south side of Camden Road, west of the intersection with Wipperwill Drive to R7.5 Residential and C1(P) Planned Local Business District. The properties were annexed into the town limits on March 21, 2022. When property is annexed into town limits, the town is required by state statute to assign a zoning district to the newly annexed area. The applicant is requesting that a 0.73-acre portion of the 52.94 annexed acreage be assigned the C1(P) district to facilitate a nonresidential use at the entrance of a future single-family subdivision. The location of the subject property is illustrated in Exhibit "A".

SUBJECT PROPERTY INFORMATION

OWNER/APPLICANT:

Stephen G. Terry on behalf of Barbara M. Johnson heirs (owner) and Trae Livick on behalf of McKim & Creed, Inc. (agent)

ADDRESS/LOCATION: South side of Camden Road, west of intersection with Wipperwill Drive;
REID #: 0404048665000, 0404059166000 & 9494961873000. Refer to Exhibit "A".

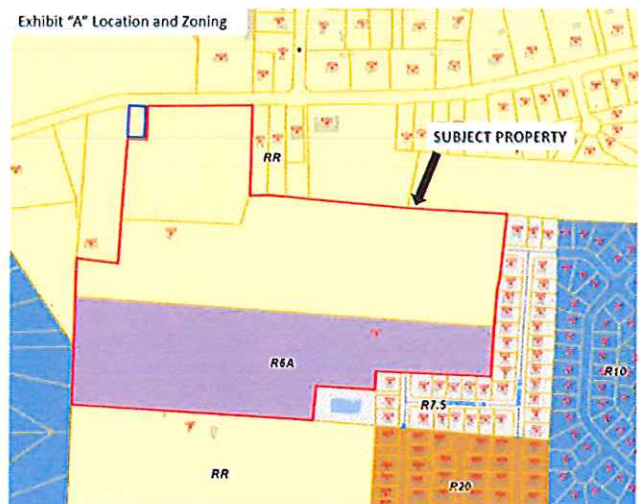
SIZE:

Three parcels totaling 52.94+/- acres. The subject properties have approximately 620 feet of frontage along Camden Road.

EXISTING ZONING: The properties are currently zoned RR Rural Residential and R6A Residential. These districts are designed to provide for residential uses at varying densities, with R6A providing for multi-family dwellings at a higher density.

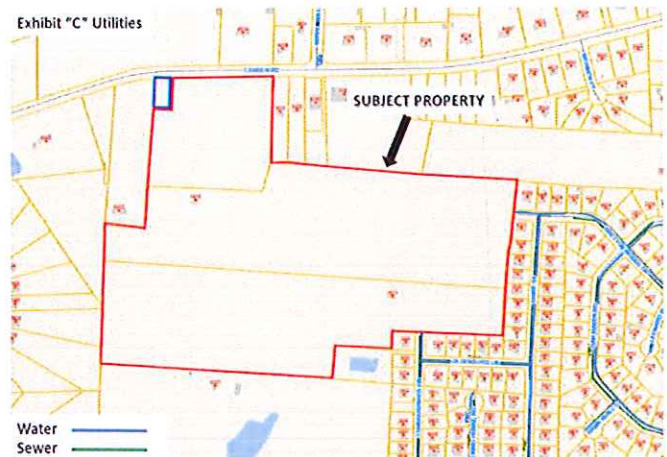
EXISTING LAND USE: The parcels are currently vacant.

SURROUNDING ZONING AND LAND USE: The immediate surrounding zoning is comprised of RR Rural Residential to the north, RR Rural Residential and R10 Residential to the west, R7.5 & R10 Residential to the east and RR Rural Residential and R20 Residential to the south.



The surrounding land uses include single-family residential dwellings, coffee shop, preschool, trade contractor and vacant land. Refer to Exhibit "B" for aerial view of surrounding land uses.

OTHER SITE CHARACTERISTICS: Exhibit "C" provides the location of water and sewer availability and also confirms that the site is not located in a watershed or Special Flood Hazard Area.



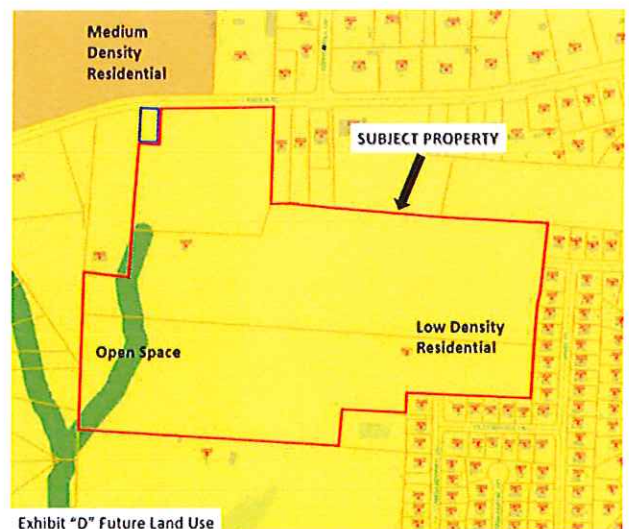
DEVELOPMENT REVIEW: Prior to the application of a zoning and/or building permit, site plan approval will be required and will be heard by the Hope Mills Board of Commissioners for the non-residential area. A subdivision review would be required for the residential area if a single-family residential development is desired.

DIMENSIONAL PROVISIONS TIED TO THE REQUEST:

MINIMUM STANDARD	EXISTING ZONING		PROPOSED ZONING	
	RR	R6A	R7.5	C1(P)
Front Yard Setback	30 feet	25 feet	30 feet	45 feet
Side Yard Setback	15 feet	10 feet	10 feet	15 feet
Rear Yard Setback	35 feet	30 feet	35 feet	20 feet
Lot Area	20,000 sq ft	6,000 sq ft	7,500 sq ft	N/A
Lot Width	100 feet	60 feet	75 feet	N/A

COMPREHENSIVE DEVELOPMENT PLANS:

This site is located within the Southwest Cumberland Land Use Plan (2013) and is designated as "Open Space" and "Low Density Residential". The "Low Density Residential" classification allows for residential Uses with a density of 2.2 to six units per acre with only stick built homes permitted. This request is mostly consistent with the adopted Southwest Cumberland Land Use Plan. Please refer to Exhibit D for additional



information.

IMPACTS ON AREA FACILITIES

TRAFFIC: FAMPO provided the following comment: Camden Road is identified as a minor arterial in the Metropolitan Transportation Plan. Camden Road is identified in the Transportation Improvement Program as U-3422, a widening project on Camden Road from Proposed Fayetteville Outer Loop to Hope Mills Road (NC 59). Right of way is scheduled for FY 2021 and construction for FY 2024. In addition, Camden Road has a AADT 2020 of 9,300 and road capacity of 10,500. After the road improvements of U-3422, the future road capacity is projected to be 38,100. The new development should not generate enough traffic to significantly impact Camden Road with the planned roadway improvements.

UTILITIES: The properties will be served by PWC water and sewer.

ECONOMIC DEVELOPMENT: Fayetteville Cumberland Economic Development Corporation has reviewed the request and reported no objections.

PLAN REVIEW COMMENTS: The Town of Hope Mills Plan Review team has no objections to this request.

SPECIAL OVERLAY DISTRICTS: The subject properties are not located within the Airport Overlay District, Five-Mile radius of Fort Bragg or Historic Overlay District.

CODE DEVIATIONS: As this is an initial zoning request, no code deviations are requested.

CONDITIONS: Conditions of approval will apply at the time a development review application is processed.

STAFF RECOMMENDATION

In ZNG-005-22, the Town of Hope Mills Planning staff **recommends approval** of the initial zoning request to R7.5 Residential and C1(P) Planned Local Business and finds:

- a. The approval is an amendment to the adopted Southwest Cumberland Land Use Plan (2013) map for the C1(P) area 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 C1(P) portion of the request is less than an acre of the overall development, will provide for the development of convenient goods and services at the lightest commercial level and is positioned with access to a heavily trafficked road at the forefront of the proposed area.
- c. And this rezoning approval is reasonable and in the public interest because the site has access to public utilities, will allow a density in harmony with existing surrounding zoning and will be in line with existing surrounding uses.



Town of Hope Mills
3/4 3/4 3/4 3/4 3/4 3/4 3/4 3/4
Planning Department

CASE NO.: <u>ZNG-006-22</u>
ZONING BOARD MEETING DATE: _____
DATE APPLICATION SUBMITTED: <u>4-12-12</u>
RECEIPT NO.: _____
RECEIVED BY: <u>BL</u>

**APPLICATION FOR
REZONING
HOPE MILLS ZONING ORDINANCE**

The following items are to be submitted with this completed application:

1. A copy of the recorded deed and/or plat;
2. If portion(s) of an existing tract is/are being submitted for rezoning, an accurate written legal description of only the area to be considered for the rezoning; and
3. A check made payable to "Town of Hope Mills" in the amount of \$ 700.00.
(See attached Fee Schedule).

Rezoning Procedure:

1. Complete application submitted by the applicant.
2. Notification to surrounding property owners.
3. Zoning Board hearing.
4. Re-notification of interested parties and adjacent property owners; public hearing advertisement in the newspaper.
5. Hope Mills Commissioners' public hearing (approximately two to four weeks after Planning Board public hearing)
6. If approved by the Hope Mills Commissioners, rezoning becomes effective immediately.

The Town Planning Staff may advise on zoning options, inform applicants of development requirements and answer questions regarding the application and rezoning process. For questions, call (910)424-4555. Hours of operation are 8:00 a.m. to 5:00 p.m., Monday through Friday.

NOTE: Any revisions, inaccuracies or errors to/on the application may cause the case to be delayed and re-scheduled for the next available Board meeting according to the Board's meeting schedule. Also, the application fee is *nonrefundable* once processing of the application has begun.

**TO THE ZONING BOARD AND THE TOWN OF HOPE MILLS BOARD OF
COMMISSIONERS, HOPE MILLS, NORTH CAROLINA:**

I (We), the undersigned, hereby submit this application, and petition the Hope Mills Board of 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, the following facts are submitted:

E-mail address

Fax number

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

Complete mailing address of agent, attorney, or applicant

Telephone number

Alternative telephone number

E-mail address

Fax number



Owner's signature
signature

Agent, attorney, or applicant's

(other than property owner)

Owner's signature

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

FILED ELECTRONICALLY
CUMBERLAND COUNTY NC
J. LEE WARREN, JR.

FILED Dec 01, 2021
AT 11:22:34 AM
BOOK 11326
START PAGE 0471
END PAGE 0472
INSTRUMENT # 55587
RECORDING \$26.00
EXCISE TAX \$1,060.00

**NORTH CAROLINA GENERAL WARRANTY DEED
PREPARED WITHOUT TITLE EXAMINATION**

Excise Tax: \$1,060.00

Parcel Identifier No. 0414-06-3928 Verified by _____ County on the ____ day of _____, 20__

By: _____

Mail/Box to: Hutchens Law Firm LLP RE.FAY1332219

This instrument was prepared by: The Real Estate Law Firm, 2919 Breezewood Avenue, Suite 300, Fayetteville, NC 28303

Brief description for the Index: Lot Tract 1, Helenale Mobile Home Park, Inc

THIS DEED made this 17th day of November, 2021, by and between

GRANTOR

Vance Andrew Blanton and Ronald Larry Blanton, a widow
and James David Blanton, an unmarried man and Ceilia Marie
Furr AKA Cecilia Marie Furr and Wanda Blanton and
Kenneth Furr
PO Box 64682
Fayetteville, NC 28306

GRANTEE

Elk Park Development, LLC.
Singing Pine Drive
Hope Mills, NC 28348
Mailing Address:
P.O. Box 53552
Fayetteville, NC 28303

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

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context. WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot, parcel of land or condominium unit situated in the City of Hope Mills, Rockfish Township, Cumberland County, North Carolina and more particularly described as follows:

BEING all of Tract 1, in a subdivision known as Helenale Mobile Home Park, Inc, and the same being duly recorded in Plat Book 124, Page 168, Cumberland County Registry, North Carolina.

Parcel ID: 0414-06-3928

Property Address: Singing Pine Drive, Hope Mills, NC 28348

The property hereinabove described was acquired by Grantor by instrument recorded in Book 8206 page 157.

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

A map showing the above described property is recorded in Plat Book 124 page 168.

Submitted electronically by "Hutchens Law Firm LLP"
in compliance with North Carolina statutes governing recordable documents
and the terms of the submitter agreement with the Cumberland County Register of Deeds.

NC E

Printed by Agreement with the NC Bar Association

North Carolina Bar Association - NC Bar Form No. 3

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple. And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions:

SUBJECT TO ALL VALID AND SUBSISTING RESTRICTIONS, RESERVATIONS, COVENANTS, CONDITIONS, RIGHTS OF WAYS AND BASEMENTS PROPERLY OF RECORD, IF ANY, AND AD VALOREM TAXES DUE FOR THE CURRENT YEAR.

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

Vance Andrew Blanton (SEAL)

Print/Type Name: Vance Andrew Blanton

Ronald Larry Blanton (SEAL)

Print/Type Name: Ronald Larry Blanton

James David Blanton (SEAL)

Print/Type Name: James David Blanton

Cecilia Marie Furr AKA Cecilia Marie Furr (SEAL)

Print/Type Name: Cecilia Marie Furr AKA Cecilia Marie Furr

Wanda Blanton (SEAL)

Print/Type Name & Title: Wanda Blanton

Kenneth Furr (SEAL)

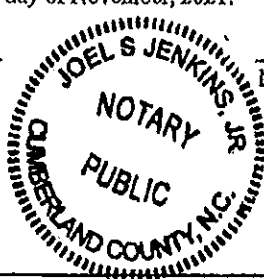
Print/Type Name & Title: Kenneth Furr

State of North Carolina

County of Cumberland

I, the undersigned Notary Public of Cumberland County and State aforesaid, certify that Vance Andrew Blanton, Ronald Larry Blanton, James David Blanton, Cecilia Marie Furr AKA Cecilia Marie Furr, Wanda Blanton and Kenneth Furr personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this 17th day of November, 2021.

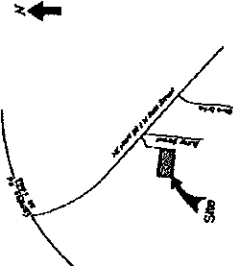
My Commission Expires: 3-5-2026



Joel S. Jenkins, Jr.
Notary Public

The foregoing Certificate(s) of _____ is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

By: _____ Register of Deeds for _____ County
Deputy/Assistant - Register of Deeds



VICINITY MAP

NOTICE TO THE PUBLIC: This plat is subject to the provisions of the North Carolina Subdivision Map Act, Chapter 20A, and the provisions of the North Carolina General Statutes, Chapter 40A, relating to the subdivision of land.

STATE OF NORTH CAROLINA
COUNTY OF CUMBERLAND

2. DEBRA McFAYOEN, President
of HELENDALE MOBILE HOME PARK, INC.

Witness my hand and seal this 23rd day of June, 2009.

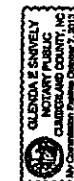
Debra McFayoen
Date: 6-23-09

HELENDALE MOBILE HOME PARK, INC.
By: [Signature]

STATE OF NORTH CAROLINA
COUNTY OF CUMBERLAND

I, [Signature], Notary Public for the State of North Carolina, do hereby certify that the foregoing plat is a true and correct copy of the original as filed with me.

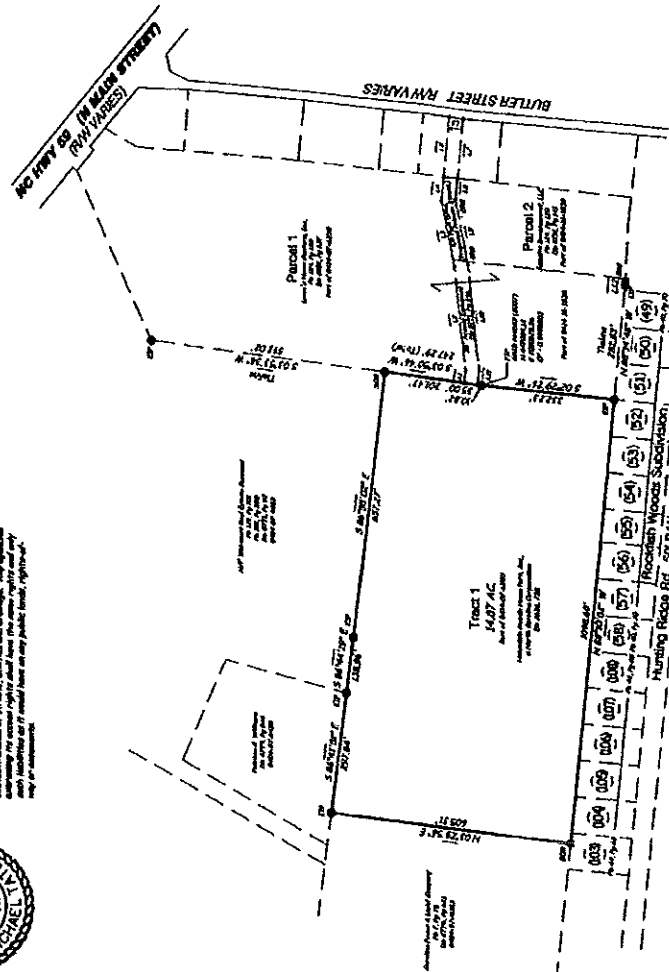
Date: 06-22-2009
Notary Public



Michael Tate, Professional Land Surveyor
No. 2512, State of North Carolina
My Commission Expires 06-22-2012

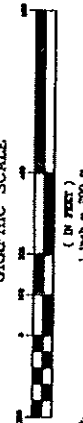
Legend:
DTP = Existing Town Plan
GDP = Existing Subdivision
GDP = Existing Subdivision
GDP = Existing Subdivision

CERTIFICATE OF PRIVATE STREET STATUS
The undersigned, Michael Tate, Professional Land Surveyor, No. 2512, State of North Carolina, has examined the plat of the subdivision of land shown on the attached plat and has determined that the same is in accordance with the provisions of the North Carolina Subdivision Map Act, Chapter 20A, and the provisions of the North Carolina General Statutes, Chapter 40A, relating to the subdivision of land.



LINE	LENGTH	BEARING
1	11.27	S 89° 57' 00" E
2	11.27	S 89° 57' 00" E
3	11.27	S 89° 57' 00" E
4	11.27	S 89° 57' 00" E
5	11.27	S 89° 57' 00" E
6	11.27	S 89° 57' 00" E
7	11.27	S 89° 57' 00" E
8	11.27	S 89° 57' 00" E
9	11.27	S 89° 57' 00" E
10	11.27	S 89° 57' 00" E
11	11.27	S 89° 57' 00" E
12	11.27	S 89° 57' 00" E
13	11.27	S 89° 57' 00" E
14	11.27	S 89° 57' 00" E
15	11.27	S 89° 57' 00" E
16	11.27	S 89° 57' 00" E
17	11.27	S 89° 57' 00" E
18	11.27	S 89° 57' 00" E
19	11.27	S 89° 57' 00" E
20	11.27	S 89° 57' 00" E
21	11.27	S 89° 57' 00" E
22	11.27	S 89° 57' 00" E

GRAPHIC SCALE



1 inch = 200 ft.



Michael Tate, Professional Land Surveyor
No. 2512, State of North Carolina
My Commission Expires 06-22-2012

HELENDALE MOBILE HOME PARK, INC.
ROCKFISH TOWNSHIP, TOWN OF HOPE MILLS
CUMBERLAND COUNTY, NORTH CAROLINA

MICHAEL TATE PROFESSIONAL LAND SURVEYOR
3521 CLINTON RD, FAYETTEVILLE, NC 28312
PHONE 910-483-7387

DATE: 06-22-09
SCALE: 1"=200'
SHEET: 1

FIG. NO. 2944
DWG. NO. 2944-1

CHECKED BY: AT
DATE: 06-22-09
SCALE: 1"=200'
SHEET: 1



Town of Hope Mills
5770 Rockfish Road
Hope Mills, NC 28348

Receipt Number: R00020288

Cashier Name: Vonda Johnson

Terminal Number: 5

Receipt Date: 4/12/2022 3:04:56 PM

Tran. Code: 103650 - Zoning Permits/Applications

Name: FIDELITY BANK (REZONING-ZNG-006-22)

\$700.00

Zoning Permits/Applications \$700.00

Total Amount Applied: \$700.00

Amount: \$700.00

Total Payment Received: \$700.00

Change: \$0.00

Payment Method: Check Payor: FIDELITY BANK (REZONING Reference: 61042)

GL Distribution:	Account Number	Account Name	Amount
	10-3650	ZONING PERMITS	700.00
		Total Distribution Amount:	700.00

OWNER	ADDRESS	CITY	STATE	ZIP
GARNER, ROXIE K	5878 HUNTING RIDGE RD	HOPE MILLS	NC	28348
BLEDSE, CHRISTOPHER LENTZ; BLEDOSE, YVONNE D.	5874 HUNTING RIDGE RD	HOPE MILLS	NC	28348
CANSLER, ROBERT E; CANSLER, CHRISTY F	5870 HUNTING RIDGE ROAD	HOPE MILLS	NC	28348
DUKE ENERGY PROGRESS INC	0 P O BOX 1551 N/A	RALEIGH	NC	27602
AMERICAN TOWERS LLC	PO BOX 723597	ATLANTA	GA	31139
DAVIS, MARILYN R	5866 HUNTING RIDGE RD	HOPE MILLS	NC	28348
LAWRENCE, GERALDINE	PO BOX 12072	ATLANTA	GA	30355
HEMION, RAYMOND	PO BOX 42	WAWARSING	NY	12489
BUCKNER, JUSTIN KYLE; BUCKNER, MARY ELIZABETH	9910 PINEVILLE RD 106	RALEIGH	NC	27617
WELCH, JOHN D; WELCH, MARY	5850 HUNTING RIDGE RD	HOPE MILLS	NC	28348
ELK PARK DEVELOPMENT LLC	PO BOX 53552	FAYETTEVILLE	NC	28303
FORREST, EVELYN L TRUTEE	PO BOX 7262	MENLO PARK	CA	94026
STOCKING, JARED; STOCKING, JAMIE	5842 HUNTING RIDGE ROAD	HOPE MILLS	NC	28348
SPORTSMAN, SHANE	5838 HUNTING RIDGE RD	HOPE MILLS	NC	28348
TEJEDA, LID HEMELDA	5834 HUNTING RIDGE RD	HOPE MILLS	NC	28348
VELASQUEZ, JESUS Y.; VELASQUEZ, SUGEY	5830 HUNTING RIDGE RD	HOPE MILLS	NC	28348
WAL-MART REAL ESTATE BUSINESS TRUST (#2929)	PO BOX 8050 MS 0555	BENTONVILLE	AR	72716
LOWES HOME CENTERS INC ATTN: TAX DEPT	1000 LOWES BLV	MOORESVILLE	NC	28117



PLANNING AND INSPECTIONS DEPARTMENT

MEMORANDUM FOR JOINT PLANNING BOARD AGENDA OF MAY 17, 2022

TO: JOINT PLANNING BOARD

FROM: RAWLS HOWARD, PLANNING & INSPECTIONS DIRECTOR

DATE: 5/17/2022

SUBJECT: ZON-22-0042: REZONING FROM RR RURAL RESIDENTIAL DISTRICT TO R7.5 RESIDENTIAL DISTRICT OR TO A MORE RESTRICTIVE ZONING DISTRICT ON 0.60 +/- ACRES; LOCATED AT 3556 CAMDEN ROAD EXT; SUBMITTED BY THOMAS HANSON (APPLICANT) ON BEHALF OF ELIZABETH BRUNO (OWNER).

ATTACHMENTS:

Description

Case # ZON-22-0042

Type

Backup Material



NORTH CAROLINA
PLANNING & INSPECTIONS

PLANNING STAFF REPORT
REZONING CASE # ZON-22-0042
Planning Board Meeting: May 17, 2022

Location: 3556 Camden Road EXT
Jurisdiction: County-Unincorporated

REQUEST

Rezoning RR to R7.5

Applicant requests a rezoning from RR Rural Residential District to R7.5 Residential District for one parcel of approximately 0.60 acres located at 3556 Camden Road EXT. The parcel is currently vacant land. The intent of the property owner is to obtain a minimum lot size of 7,500 sq. ft.

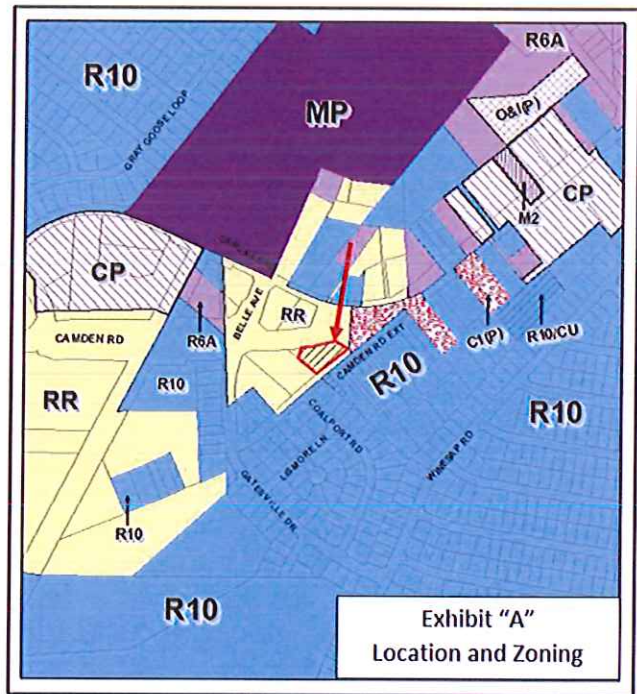
PROPERTY INFORMATION

OWNER/APPLICANT: Thomas Hanson (applicant)

ADDRESS/LOCATION: Refer to Exhibit "A", Location and Zoning Map. REID number: 0425042219000

SIZE: 0.60 +/- acres within one parcel. Road frontage along Camden Road EXT is 222.89 +/- feet. The property has a varying depth due to its shape but is approximately 164.8 +/- feet in length at its deepest point.

EXISTING ZONING: The subject property is currently zoned RR Rural Residential district. This district is intended for traditional rural use with lots of 20,000 square feet or above. The principal use of the land is for suburban density residential, including manufactured housing units, and agricultural purposes. These districts are intended to ensure that residential development not having access to public water supplies and dependent upon septic tanks for sewage disposal will occur at a sufficiently low density to provide for a healthful environment.

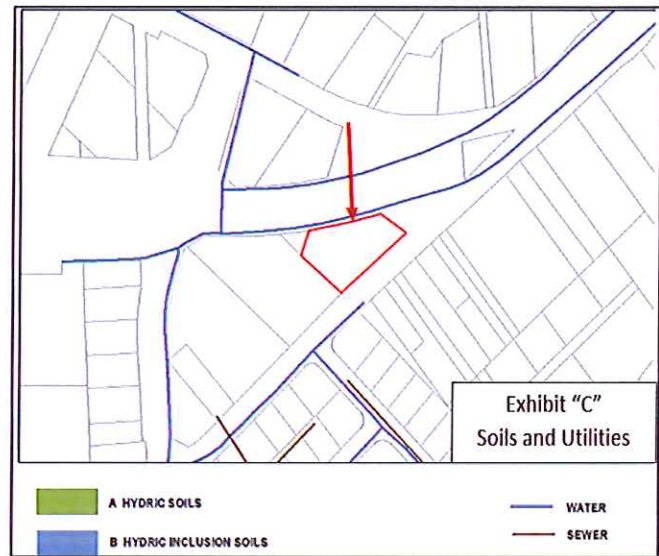


EXISTING LAND USE: Parcel is currently vacant wooded land. Exhibit "B" shows the existing use of the subject property.

SURROUNDING LAND USE: Exhibit "B" illustrates the following:

- **North:** Camden Road along with single family housing
- **East:** Single family residential
- **West:** Single family residential
- **South:** Single family residential

OTHER SITE CHARACTERISTICS: The site is not located in a Watershed or within a Flood Zone Hazard Area. Soils and Utilities are illustrated in Exhibit "C".



DEVELOPMENT REVIEW: Subdivision review (Recombination Plat) by County Planning & Inspections will be required before any development.

DIMENSIONAL PROVISIONS FOR REQUESTED DISTRICT:

Minimum Standard	RR (Existing Zoning)	R7.5 (Proposed)
Front Yard Setback	30 feet	30 feet
Side Yard Setback	15 feet (one story) 15 feet (two story)	10 feet (one story) 15 feet (two story)
Rear Yard Setback	35 feet	35 feet
Lot Area	20,000 sq. ft.	7,500 sq. ft.
Lot Width	100'	75'

Development Potential:

Existing Zoning (RR)	Proposed Zoning (R7.5)
1 dwelling units	3 dwelling units

- Assumes 80% of land is usable for development after exclusion of potential area for roads and drainage.
- Calculation: $(\text{total developable area times } 0.8) / \text{minimum lot size for zone district}$.
- Section 202 (A): Lot count may be rounded-up when a fraction occurs. When any requirement of this ordinance results in a fraction of a unit, a fraction of one-half or more shall be considered a whole unit, and a fraction of less than one-half shall be disregarded.

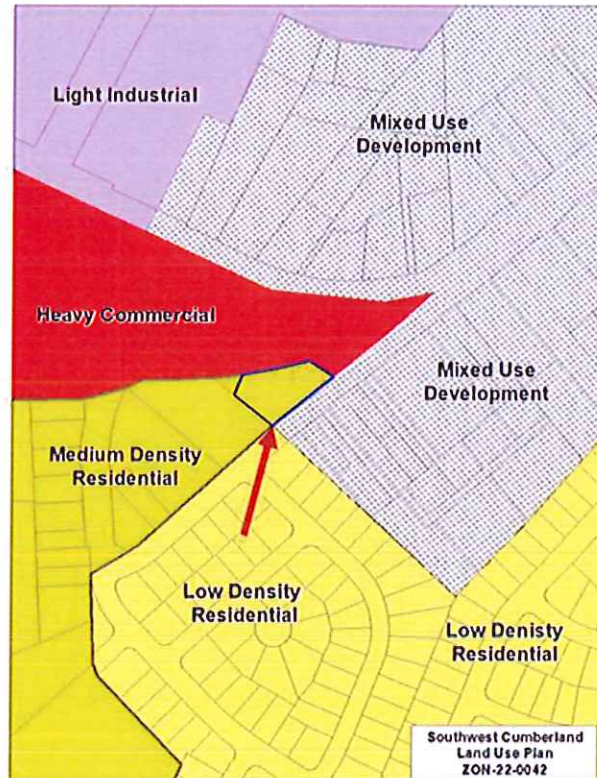
COMPREHENSIVE PLANS: This property is located within the Southwest Cumberland Land Use Plan (2013). The future land use designation of the property is "Medium Density Residential". **The proposed request is consistent with the adopted land use plan.** Associated zoning districts within the plan include: R5A, R6, and R7.5.

APPLICABLE PLAN GOALS/POLICIES:

Residential Development Goal: Provide a full range of housing types and sites with adequate infrastructure in new and redeveloped neighborhoods throughout the area that is in harmony with the surrounding areas; respects environmentally sensitive areas; and that accommodates the present and future needs of the residents while maintaining the character of the area.

Objectives:

- Maintain the stability, character, and density of existing sound neighborhoods.
- Locate high density residential development near major activity centers, along existing or future transit routes, above regional or community shopping facilities, near downtown Hope Mills (not in areas where it is not compatible with the surrounding development), and where all urban services are available.
- Require all residential areas to have adequate entrances/exits that minimize traffic congestion, while encouraging safe speed zones, school, and pedestrian right of ways, and not enabling neighborhoods to become cut-through options for drivers to avoid already congested areas.



IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES

UTILITIES: Water and sewer lines are available near the subject property. It is the applicant's responsibility to determine if this utility provider will serve their development. Utilities for water and sewer are shown on Exhibit "C".

TRAFFIC: The subject property sits on Camden Road and is identified as a minor arterial in the Metropolitan Transportation Plan. Camden Rd is identified in the Transportation Improvement Program as U-2810C, a widening project on Camden Rd from East of CSX Railroad to Owen Dr. Project is currently under construction. In addition, Camden Rd has a AADT 2020 of 13,000 and road capacity of 14,600. The future roadway capacity after the road widening will be 43,300. Due to current street improvements the new zoning request does not demand a trip generation. The new development should not generate enough traffic to significantly impact Camden Rd.

SCHOOLS CAPACITY/ENROLLMENT:

School	Capacity	Enrollment
Elizabeth Cashwell Elementary	624	562
Douglas Byrd Middle	768	699
Douglas Byrd High	1466	1159

ECONOMIC DEVELOPMENT: Fayetteville Cumberland County Economic Development Corporation has reviewed the request and had no objection to the proposed request.

EMERGENCY SERVICES: Cumberland County Fire Marshal's office has reviewed the request and stated to ensure all applicable fire department access requirements are met in accordance with Section 503 of the 2018 NC Fire Code.

SPECIAL DISTRICTS: The property is located outside of the Fayetteville Regional Airport Overlay District.

CONDITIONS OF APPROVAL: This is a conventional zoning and there are no conditions at this time.

STAFF RECOMMENDATION

In Case ZON-22-0042, the Planning and Inspections staff **recommends approval** of the rezoning request from RR Rural Residential District to R7.5 Residential District. Staff finds the request is consistent with the Southwest Cumberland Land Use Plan which calls for "Medium Density Residential" at this location. Staff also finds that the request is reasonable and in the public interest as it is compatible to and in harmony with the surrounding land use activities and zoning.

Attachments:
Notification Mailing List
Application

ATTACHMENT – MAILING LIST

Robert & Karen Poole
1933 Orlean Dr
Jacksonville, FL 32210

Joseph & Wanda Smith
3612 Lismore Ln
Hop Mills, NC 28348

Elizabeth Bruno
5435 Amy Ln
San Antonio, TX 78223

Kay Brewington
3411 Sids Mill Rd
Fayetteville, NC 28348

Freddie & Kanice McLean
PO BOX 58375
Fayetteville, NC

Sharanda McNeill
1046 Coalport Rd
Hope Mills, NC 28348

Diana Frischkorn
1058 Coalport Rd
Hope Mills, NC 28348

Travis Yeagley
3624 Oakland Ave
Fayetteville, NC 28348

Adriano & Carrie Dacosta
3621 Camden Road EXT
Hope Mills, NC 28348

Stephanie Freeman &
Dena Hardee
221 Gimsley Rd
Rowland, NC 28383

Laura Kenny
6617 Winthrop Dr
Fayetteville, NC 28311

Missionary Holiness Conference
Trustees
3652 Golfview Dr
Hope Mills, NC 28348

Kevin & Anna Newbold
1100 Sandwell Ct
Hope Mills, NC 28348

Stephen Sweat
4104 Camden Rd Ext
Hope Mills, NC 28348

Lana Harrington
3600 Lismore Ln
Hope Mills, NC 28348

Dan & Nichole Roberts
3601 Lismore Ln
Hope Mills, NC 28348

Alice & George Hobbs
4151 Camden Rd
Fayetteville, NC 28306

Samantha Ratley
1023 Coalport Rd
Hope Mills, NC 28348

Rick & Kelly Melter
2095 Orville St
Eastover, NC 28312

Linda Gibson
1034 Coalport Rd
Hope Mills, NC 28348

Alhobishi Convenience Stores &
Rentals, Inc
PO BOX 807
St Pauls, NC 28384

John & Sylvia McCaskill
3288 Glenmore Dr
Hope Mills, NC 28348

Alvis Moore
1105 Sandwell Ct
Hope Mills, NC 28348

Sharon Jackson
3640 Oakland Ave
Fayetteville, NC 28306

Carl Thomas, Trustee
Bernice Johnson, Trustee
310 N Plymouth St
Fayetteville, NC 28312

Patrick Kenny JR
Sharon Sanders
3538 Oakland Ave
Fayetteville, NC 28306

William Smith
1031 Coalport Rd
Hope Mills, NC 28348

Roger & Sarah Larson
3625 Camden Rd EXT
Hope Mills, NC 28348

Bryan Carr Jr & Robert W CO-T
408 Murray Hill Rd
Fayetteville, NC 28303

William Kiger
3608 Lismore Ln
Hope Mills, NC 28348

Joseph Bronson Jr
1042 Coalport Rd
Hope Mills, NC 28348

Thomas Sweat & Deanna Harris
4052 Camden Rd
Fayetteville, NC 28306

Dana Gerlosky
4146 Camden Rd
Fayetteville, NC 28306

Henri & Melissa Brown
3668 Sycamore Rd
Decatur, GA 30034

Darla Hudock
3616 Lismore Ln
Hope Mills, NC 28348

Duke Energy Progress Inc
411 N 210 Hwy
Spring Lake, NC 28390

Gary Davies
1054 Coalport Rd
Hope Mills, NC 28348

Nannette & Freddie Rogers
Barbara Hood
3614 Camden Road Ext
Fayetteville, NC 28306

Steven Carnes
18417 Mount Cherie Cir
Fountain Valley, CA 92708

James & Kay Brewington
3411 Sids Mill Rd
Fayetteville, NC 28312

Kathy Collins
3601 Camden Road Ex
Hope Mills, NC 28348

Alice Bateman
4151 Camden Rd
Fayetteville, NC 28306

Kawanace Green
1027 Coalport Rd
Hope Mills, NC 28348

Michael Perez
1104 Sandwell Ct
Hope Mills, NC 28348

Cori King & Norman Harlan JR
3613 Camden Rd Ext
Hope Mills, NC 28348

Rick & Kelly Melter
2095 Orville St
Eastover, NC 28312

Carla Charles
1038 Coalport Rd
Hope Mills, NC 28348

Christina Sweat
6368 Waldos Beach Rd
Fayetteville, NC 28306

Joel Macias
3988 Cumberland Rd
Fayetteville, NC 28306

William Marsh Jr
1062 Coalport Rd
Hope Mills, NC 28348

Sharona & Robert Carter
3609 Camden Rd Ext
Hope Mills, NC 28348

Kimberly Brewington
1108 Sandwell Ct
Hope Mills, NC 28348

Jason & Tasaporn Barrett
3620 Lismore Ln
Hope Mills, NC 28348

Martin Williams
4065 Camden Rd
Fayetteville, NC 28306

Mark & Kristi Ellard
1035 Coalport Rd
Hope Mills, NC 28348

David Bedker
6639 Bush Way
Carmichael, CA 95628

Raul & Lianie Santana
830 March Banks Pl
Hope Mills, NC 28348

Donatila Butler
4114 Camden Rd
Fayetteville, NC 28348

Michael Wahl
7821 A Outing Ave
Pasadena, MD 21122

Alice & George Hobbs
4151 Camden Rd
Fayetteville, NC 28306

First Church Fayetteville, INC
2813 Cumberland Rd
Fayetteville, NC 28306

Usiel & Amanda Arguelles-Carreno
3617 Camden Rd Ext
Fayetteville, NC 28306

Erlinda Miller
15299 Flintlock Ter
Woodbridge, VA 22191

Roy & Frankei Jo Sweatt
3612 Camden Rd Ext
Fayetteville, NC 28306

James Horton
3755 Camden Rd Ext
Fayetteville, NC 28306

Marlon Crooks
1109 Sandwell Ct
Hope Mills, NC 28348

Lewis & Rheunette Keen
1050 Coalport Rd
Hope Mills, NC 28348

AOM Investments, LLC
PO BOX 361
Fayetteville, NC 28302

Richard & Dorothy Thompson
3624 Lismore Ln
Hope Mills, NC 28348

Ruben & Iris Guardado
3605 Camden Rd
Fayetteville, NC 28306

Donna & William Hickman
Alma & Guilford Barnhill
4821 Hurley Dr
Fayetteville, NC 28304

Lottie McKoy
7265 Old Fayetteville Rd
Garland, NC 28441

ATTACHMENT: APPLICATION



County of Cumberland

Planning & Inspections Department

CASE #: ZON-22-0042

PLANNING BOARD
MEETING DATE: _____

DATE APPLICATION
SUBMITTED: _____

RECEIPT #: _____

RECEIVED BY: _____

APPLICATION FOR REZONING REQUEST CUMBERLAND COUNTY ZONING ORDINANCE

The following items are to be submitted with the completed application:

1. A copy of the *recorded* deed and/or plat.
2. If a portion(s) of the property is being considered for rezoning, an accurate written legal description of only the area to be considered;
3. A check made payable to "Cumberland County" in the amount of \$ 250.⁰⁰.
(See attached Fee Schedule).

Rezoning Procedure:

1. Completed application submitted by the applicant.
2. Notification to surrounding property owners.
3. Planning Board hearing.
4. Re-notification of interested parties / public hearing advertisement in the newspaper.
5. County Commissioners' public hearing (approximately four weeks after Planning Board public hearing)
6. If approved by the County Commissioners, rezoning becomes effective immediately.

The Planning & Inspections Staff will advise on zoning options, inform applicants of development requirement and answer questions regarding the application and rezoning process. For further questions, call (910)678-7603 or (910)678-7609. Hours of operation are 8:00 a.m. to 5:00 p.m., Monday through Friday.

NOTE: Any revisions, inaccuracies or errors to the application may cause the case to be delayed and will be scheduled for the next available board meeting according to the board's meeting schedule. Also, the application fee is *nonrefundable*.

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 RP to R7.5/R10
2. Address of Property to be Rezoned: 3556 Camden Rd EXD
3. Location of Property: Fayetteville NC 28306
4. Parcel Identification Number (PIN #) of subject property: 0425-042219
(also known as Tax ID Number or Property Tax ID)
5. Acreage: .6 Frontage: 2167 Depth: _____
6. Water Provider: Well: _____ PWC: ☒ Other (name): _____
7. Septage Provider: Septic Tank _____ PWC: ☒
8. Deed Book _____, Page(s) _____, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
9. Existing use of property: Vacant / Residential
10. Proposed use(s) of the property: Residential / single family housing
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.

Elizabeth Bruno
NAME OF OWNER(S) (PRINT OR TYPE)

5435 Amy Ln. San Antonio TX 78223
ADDRESS OF OWNER(S)

(210) 379-3576 HOME TELEPHONE #
WORK TELEPHONE #

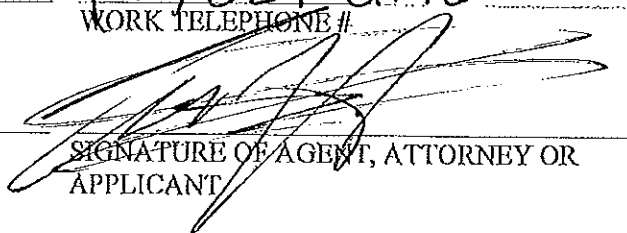
Thomas Hanson
NAME OF AGENT, ATTORNEY, APPLICANT (PRINT OR TYPE)

4851 Veasey Mill Dr. Wade NC 28395
ADDRESS OF AGENT, ATTORNEY, APPLICANT

freedombuildersnc@hotmail.com
E-MAIL

(210) 379-3576 HOME TELEPHONE #
(910) 824-6146 WORK TELEPHONE #


SIGNATURE OF OWNER(S)


SIGNATURE OF AGENT, ATTORNEY OR APPLICANT

SIGNATURE OF OWNER(S)

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



PLANNING AND INSPECTIONS DEPARTMENT

MEMORANDUM FOR JOINT PLANNING BOARD AGENDA OF MAY 17, 2022

TO: JOINT PLANNING BOARD

FROM: RAWLS HOWARD, PLANNING & INSPECTIONS DIRECTOR

DATE: 5/17/2022

SUBJECT: ZON-22-0048: REZONING FROM C1(P) PLANNED LOCAL BUSINESS DISTRICT TO C1(P) PLANNED LOCAL BUSINESS DISTRICT / CZ CONDITIONAL ZONING OR TO A MORE RESTRICTIVE ZONING DISTRICT ON 0.49 +/- ACRES; LOCATED AT 3876 DUNN ROAD; SUBMITTED BY TOWN OF EASTOVER. (EASTOVER)

ATTACHMENTS:

Description

Case # ZON-22-0048

Type

Backup Material



PLANNING STAFF REPORT
REZONING CASE # ZON-22-0048
Planning Board Meeting: Mar. 17, 2022

Location: 3876 Dunn Road
Jurisdiction: Town of Eastover

REQUEST

Rezoning C1(P) to C1(P)/CZ

Applicant requests a rezoning from C1(P) Planned Local Business District to C1(P)/Conditional Zoning Planned Local Business District on approximately 0.49 +/- acres located at 3876 Dunn Road. The parcel is occupied by the Eastover Town Hall and falls within the Eastover Commercial Core Overlay District. The request is to add 30' x 30' accessory enclosed metal storage structure behind the Town Hall (See Exhibit "G" for illustration of proposed structure and architectural design).

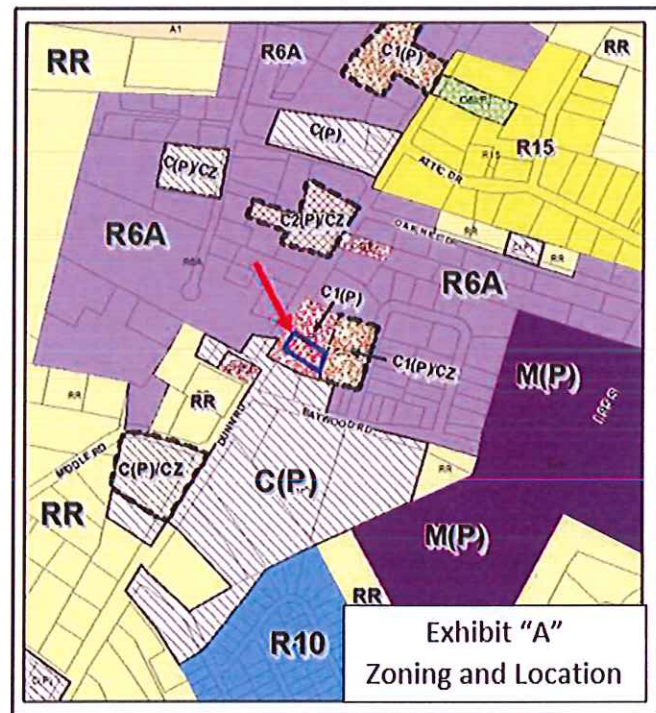
PROPERTY INFORMATION

OWNER/APPLICANT: Ronald D. Autry/Town of Eastover

ADDRESS/LOCATION: Refer to Exhibit "A", Location and Zoning Map. REID number: 0469502700000

SIZE: 0.49 +/- acres within one parcel. Road frontage along Dunn Road is 100 feet. The property has a depth of approximately 229 +/- feet in length at its deepest point.

EXISTING ZONING: The subject property is currently zoned C1(P) Planned Local Business District. This district is designed to cater to the ordinary shopping needs of the immediate neighborhood with emphasis on convenience goods. This district is customarily located adjacent to an arterial street and generally surrounded by residential areas. To promote the essential design features with the C1(P) district, plan approval is a requirement. This property is located within the Eastover Commercial Core Overlay District as shown in Exhibit "H".

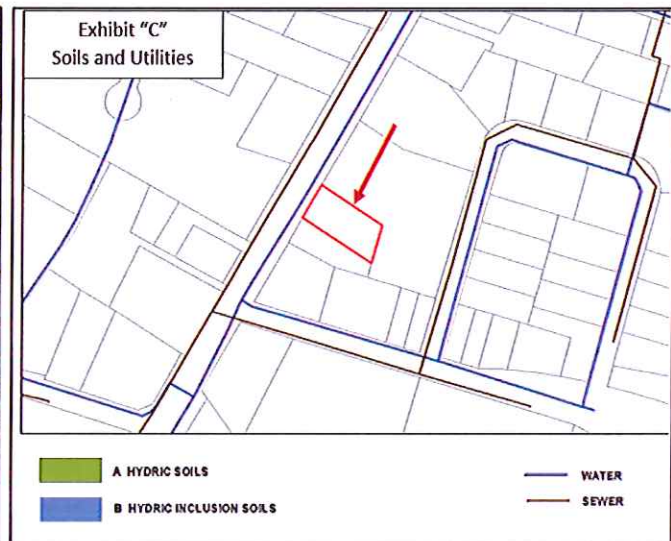


EXISTING LAND USE: Property currently holds the Eastover Town Hall building. Exhibit "B" shows the existing use of the subject property.

SURROUNDING LAND USE: Exhibit "B" illustrates the following:

- **North:** Eastover Sanitary District facility and Single family residential
- **East:** Eastover Sanitary District facility and single family residential
- **West:** Single family residential
- **South:** Commercial properties including a gas station and bank

OTHER SITE CHARACTERISTICS: The site is not located in a Watershed or within a Flood Zone Hazard Area. The subject property, as delineated in Exhibit "C", illustrates no presence of hydric or hydric inclusion soils at the property.

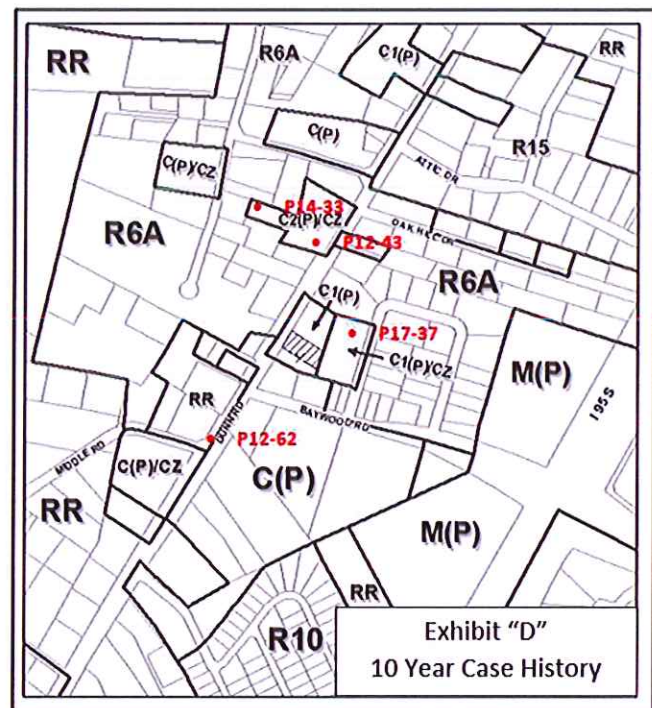


TEN YEAR ZONE CASE HISTORY:

Exhibit "D" denotes the location of the zoning case history described below.

- P17-37: R6A to C1(P)/CZ (Approved)
- P14-33: R6A to C2(P)/CZ (Approved)
- P12-62: Adoption CCO District (Approved)
- P12-46: R6A to C2(P) (Approved C2(P)/CZ)

DEVELOPMENT REVIEW: The proposed accessory storage building is subject to the applicable Zoning Ordinance and the Eastover Commercial Core Overlay requirements. The applicant will be applying for a Zoning Permit with a plot plan to the Code Enforcement Section for review, should this Conditional Rezoning request be approved by the Eastover Town Council.



DIMENSIONAL PROVISIONS FOR REQUESTED DISTRICT:

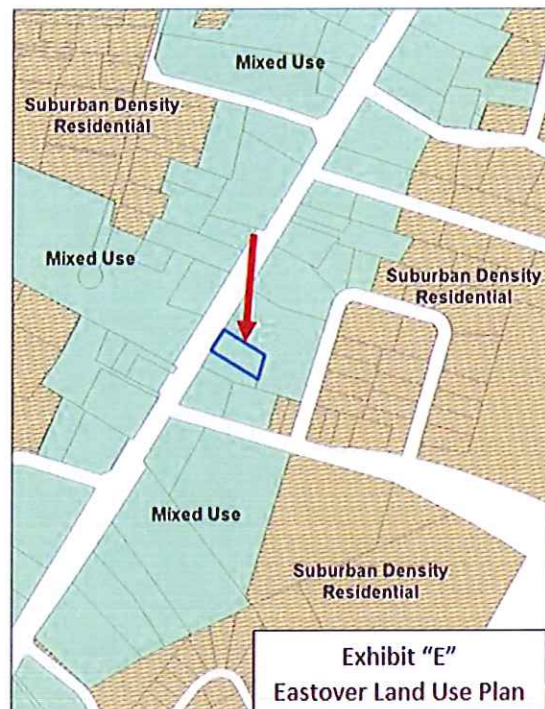
Minimum Standard	C1(P) (Existing Zoning)	C1(P)/CZ (Proposed)
Front Yard Setback	45 feet	45 feet
Side Yard Setback	15 feet	15 feet
Rear Yard Setback	20 feet	20 feet

COMPREHENSIVE PLANS: This property is located within the Eastover Area Land Use Plan (2018). The future land use designation of the property is "Mixed Use". **The proposed request is consistent with the adopted land use plan.** Associated zoning districts within the plan include: MXD/CZ, C(P), C1(P), C2(P), O&I(P).

APPLICABLE PLAN GOALS/POLICIES:

-Objectives:

Mixed Use Development Goal: "The Mixed-Use classification allows a mixture of commercial uses, office and institutional as well as vertical mixed-use, which allows light commercial/office and institutional/residential uses in the same building. Zoning districts associated with this type of development are: MXD/CZ, C(P), C1(P), C2(P) and O&I(P). Public water and sewer should be required." (Eastover Area Land Use Plan p. 57)



IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES

UTILITIES: Water and sewer lines are available near the subject property. It is the applicant's responsibility to determine if this utility provider will serve their development. Utilities for water and sewer are shown on Exhibit "C".

TRAFFIC: The subject property sits on Dunn Road and is identified as a minor arterial in the Metropolitan Transportation Plan. There are no roadway construction improvement projects planned and the subject property will have no significant impact on the Transportation Improvement Program. In addition, Dunn Road has a 2020 AADT of 3,100 and a road capacity of 12,900. Due to lack of data and the small scale, the new zoning request does not demand a trip generation. The new development should not generate enough traffic to significantly impact Dunn Road.

SCHOOLS CAPACITY/ENROLLMENT: The proposed zoning request will not generate any impacts on school enrollment.

School	Capacity	Enrollment
Armstrong Elementary	441	389
Mac Williams Middle	1164	1141
Cape Fear High	1476	1519

ECONOMIC DEVELOPMENT: Fayetteville Cumberland County Economic Development Corporation has reviewed the request and has no objection to the proposed request.

EMERGENCY SERVICES: Cumberland County Fire Marshal's office has reviewed the request and stated that the property owner must ensure all fire department access requirements are met in accordance with section 503 of the 2018 NC fire code, and to submit building plans to scale for new construction and building renovation.

SPECIAL DISTRICTS: This property is located within the Eastover Commercial Core Overlay District. The property is not located within the Fayetteville Regional Airport Overlay District or within five miles of Fort Bragg Military Base.

CONDITIONS OF APPROVAL: Exhibit "F" provides the development and use conditions associated with this conditional zoning. The conditional zoning site plan is provided in Exhibit "G".

STAFF RECOMMENDATION

In Case ZON-21-0048, the Planning and Inspections staff **recommends approval** of the rezoning request from C1(P) Planned Local Business District to C1(P)/CZ Planned Local Business District Conditional Zoning. Staff finds the request is consistent with the Eastover Area Land Use Plan which calls for "Mixed Use" at this location. Staff also finds that the request is reasonable and in the public interest as it is compatible to and in harmony with the surrounding land use activities and zoning.

Attachments:
Notification Mailing List
Application
Condition Sheet
Conditional Use Site Plan

Exhibit "F"
Condition Sheet

CONDITIONAL ZONING NO. ZON-22-0048

Draft

ZON-22-0048: Rezoning from C1(P) Planned Local Business District to C1(P) Planned Local Business District / CZ Conditional Zoning on 0.49 +/- acres; located at 3876 Dunn Road; submitted by Town of Eastover.

Town Board Approval Date: May 18, 2022

Effective Date: May 18, 2022

REID number: 0469502700000 (as of May 2022)

Pre- Permit Related:

1. Applicant shall apply for a Zoning Permit to Code Enforcement Section and submit a plot plan to engineer scale showing building foot prints for the proposed accessory enclosed storage structure for their review, including building setback.
2. Code Enforcement Section shall review the plot plan to ensure consistency and compliance with the terms of the conditions and zoning ordinance, Eastover Commercial Core Overlay District (where applicable), conditions of approval and the Conditional Zoning Conceptual Plot Plan.

Permit-Related:

3. The owner/developer(s) of the subject site must obtain detailed instructions on provisions of the County Zoning Ordinance and permits required to place any structure within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. For additional information, the developer should contact a Code Enforcement Officer.
4. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
5. 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.
6. A Code Enforcement Officer must inspect the site and certify that the site is developed in accordance with the approved plans.
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 Division of Water Quality, North Carolina Department of Environment and Natural Resources. 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 County Code Enforcement.
8. For any new development where the developer disturbs or intends to disturb more than one acre of land, the developer must provide the Code Enforcement Section with an approved NC Department of Environment and Natural Resources (NCDENR) 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 NCDENR approval must be provided to Code Enforcement at the time of application for any building/zoning permits.

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 Zoning Permit and plot plan.

Site-Related:

10. For the subject site, as delineated in Exhibit "A", all uses, dimensions, setbacks and other related provisions shall be consistent with of the C1(P) zoning, County Subdivision and Development Ordinance, Eastover Commercial Core Overlay District and the "Exhibit "A" conditional zoning site plan, as applicable.
11. Any new construction is subject to the requirements to the Eastover Commercial Core Overlay District regulatory requirements subsection D: Development Standards. The accessory storage shall not exceed a building height are floor area greater than the commercial building on this site.
12. For any new development, an adequate drainage system must be installed by the developer in accordance with the NC Department of Environment and Natural Resources' (NCDENR) *Manual on Best Management Practices* and all drainage ways must be kept clean and free of debris. (Section 2306 D, County Subdivision Ordinance)
13. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision Ordinance)
14. In the event a stormwater utility structure is required by the NC Department of Environment and Natural Resources (NCDENR), 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.
15. 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.
16. Ensure all fire department access requirements are met in accordance with section 503 of the 2018 NC fire code. Submit building plans to scale for new construction and building renovation. For questions contact the Fire Marshal's Office at (910) 321-6737.

Other Related Conditions:

EXHIBIT "A" of the Conditional Zoning
Conditional Zoning Site Plan

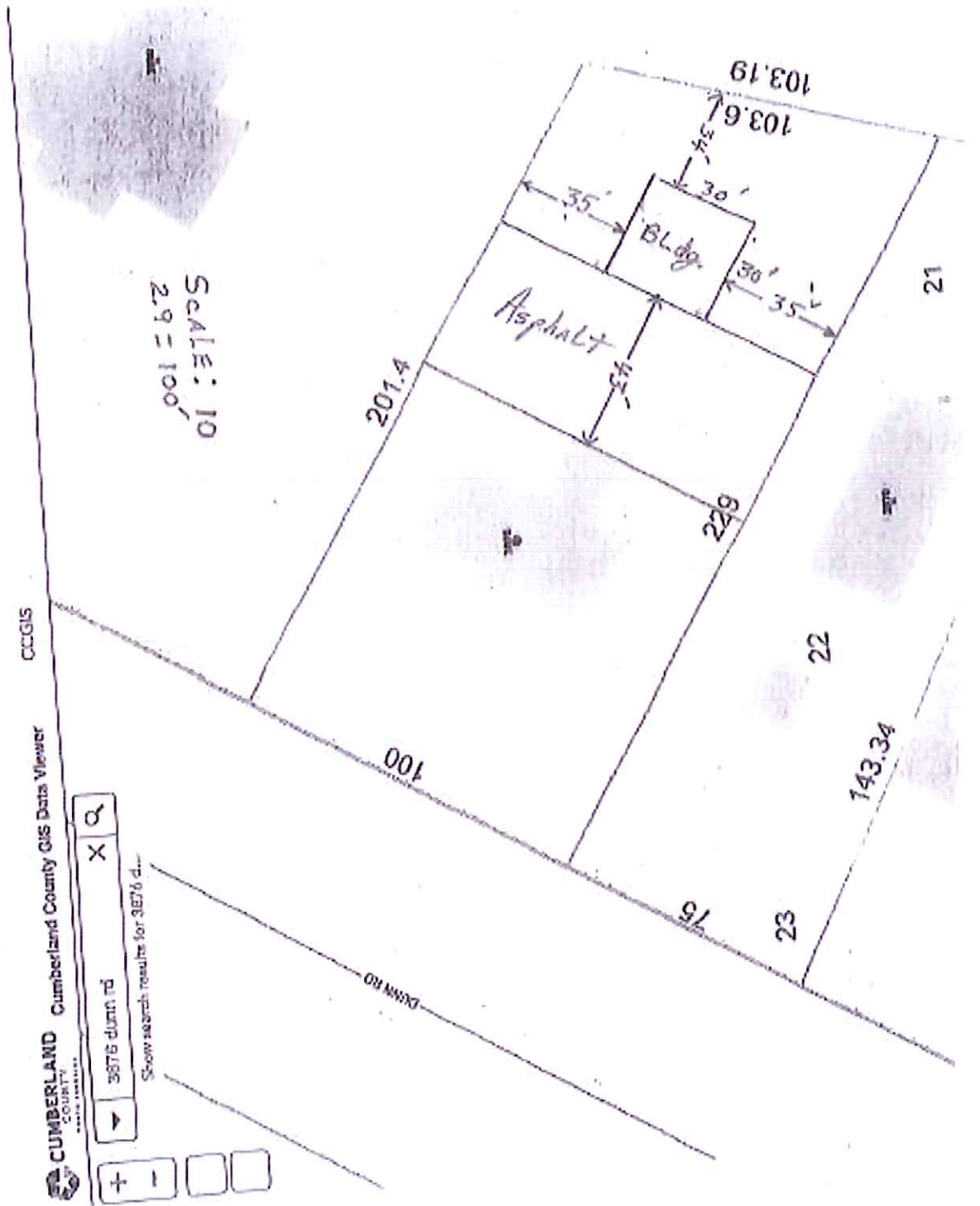
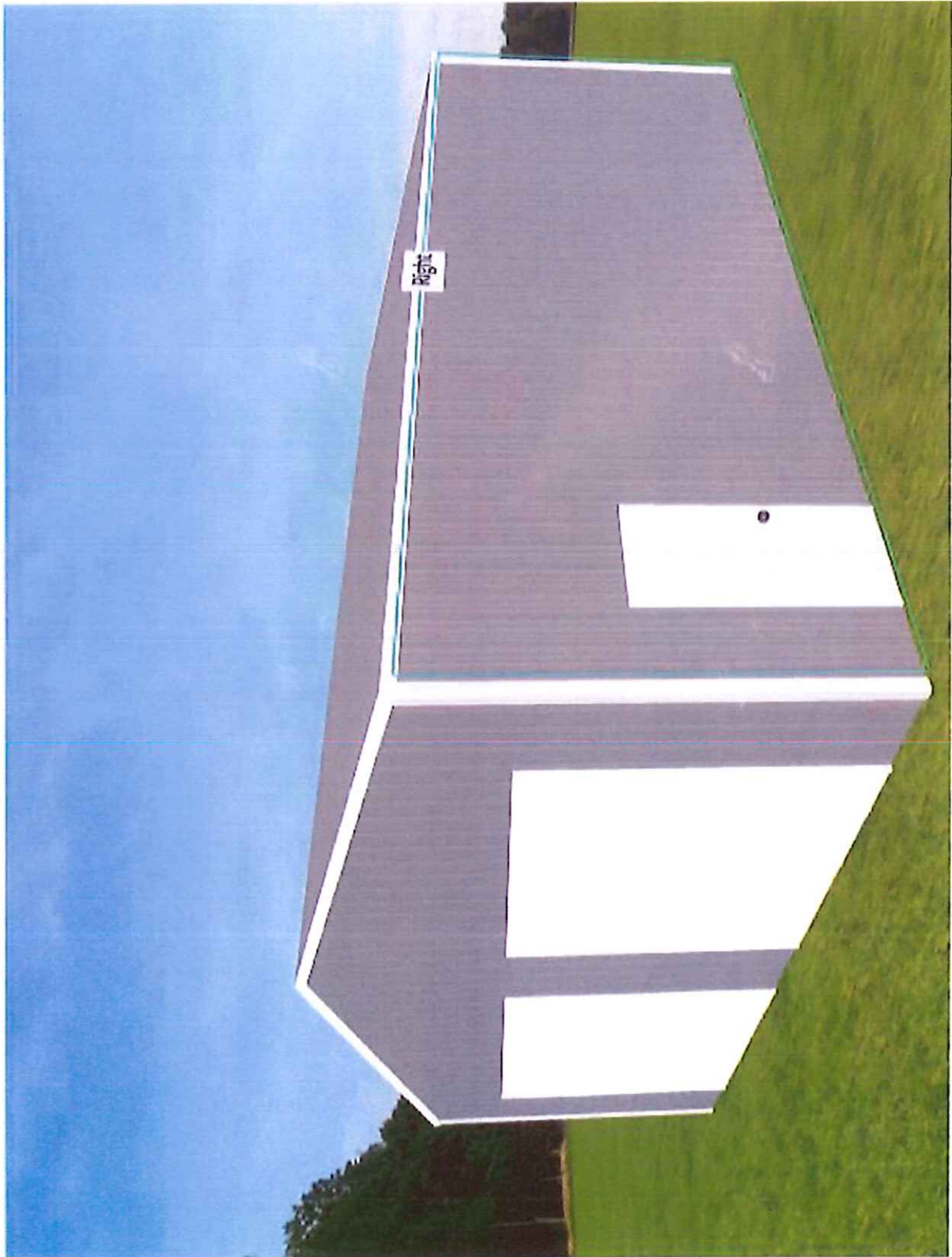
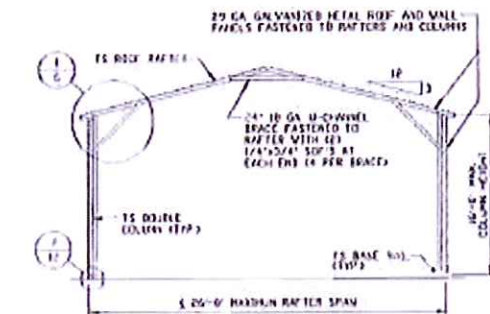
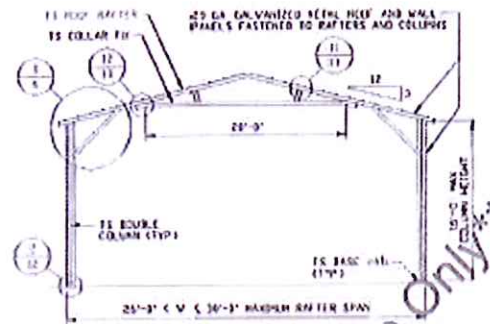


EXHIBIT "G"
ILLUSTRATION OF PROPOSED ACCESSORY STORAGE STRUCTURE
AND ARCHITECTURAL DESIGN

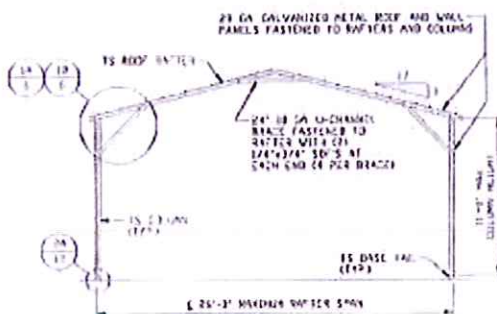




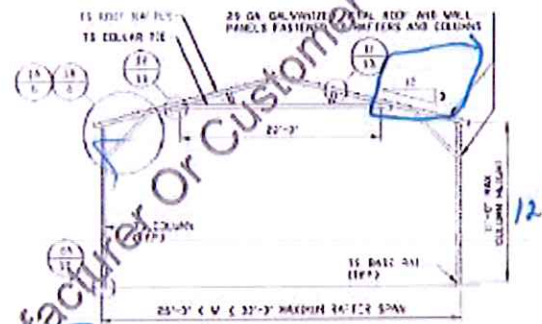
TYPICAL RAFTER/COLUMN END FRAME SECTION
SCALE: NTS



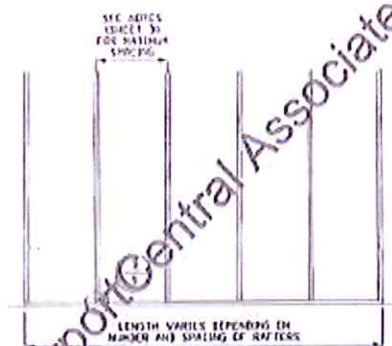
TYPICAL RAFTER/COLUMN END FRAME SECTION
SCALE: NTS



TYPICAL RAFTER/COLUMN END FRAME SECTION
SCALE: NTS



TYPICAL RAFTER/COLUMN END FRAME SECTION
SCALE: NTS



TYPICAL RAFTER/COLUMN SIDE FRAMING SECTION
SCALE: NTS

MOORE AND ASSOCIATES
ENGINEERING AND CONSULTING, INC.

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DRAWN BY: JG

CHECKED BY: PHH

PROJECT MGR: WSH

CLIENT: CC

CARPORT CENTRAL, INC.
737 SOUTH MAIN STREET
MOUNT AIRY, NC 27030

10'-0\"/>

DATE: 6-17-21

SHT. 5

SCALE: NTS

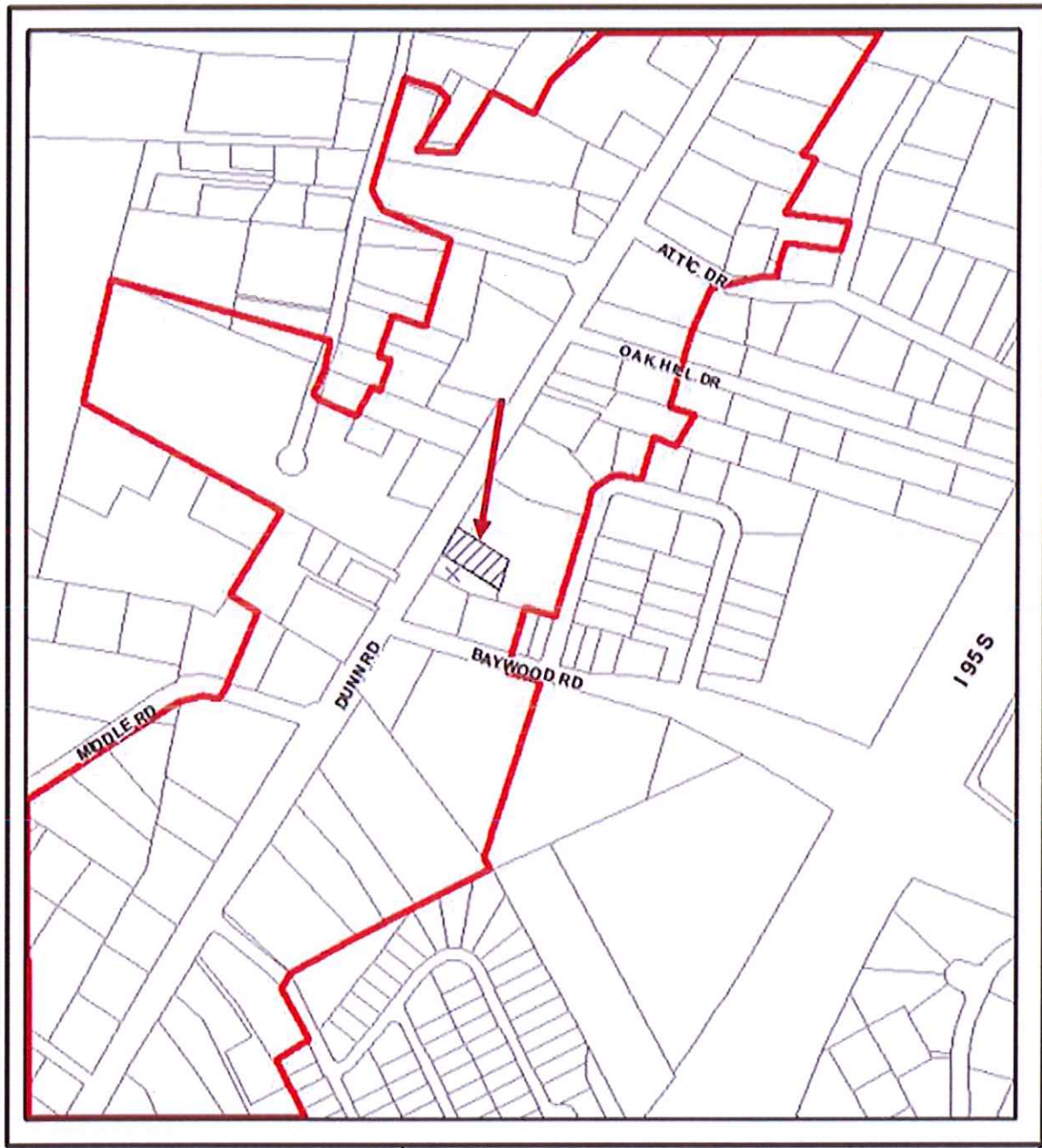
DWG. NO SK-3

JOB NO: 171715/102535/

803763/20105

REV: 3

EXHIBIT "H"
Eastover Commercial Core Overlay District



ATTACHMENT – MAILING LIST

Central Farms, Inc.
PO BOX 2020
Springdale, AR 72765

Tarry Golubosky
Georgenia Downey
5729 Thomas Trl
Bolivia, NC 28422

Jacqueline Draughon
3921 Dunn Rd
Eastover, NC 28312

Frank Mieszkowski
2546 Culbreth Dr
Eastover, NC 28312

Culbreth Investments LLC
2309 Furlong Pl
Eastover, NC 28312

Furr Properties, LLC
PO BOX 2824
Fayetteville, NC 28302

Donna & Gary Boggs
3833 Dunn Road
Eastover, NC 28312

Cynthia Whetzel
3870 Dunn Rd
Eastover, NC 28312

Major K Sykes Life Estate
2512 Ballpark Rd
Eastover, NC 28312

Danny & Peggy Matthews
1745 Eastover St
Eastover, NC 28312

Philip & Joni Smith
PO BOX 156
Wade, NC 28395

Eric Chavis & Sandra Holland
3312 Baywood Rd
Eastover, NC 28312

Dorothy & Dajaneek Viera
2564 Culbreth Dr
Fayetteville, NC 28312

Deborah & Phillip Davis
1702 Middle Rd
Eastover, NC 23812

Todd & Angela Brady
3914 Dunn Rd
Eastover, NC 28312

Ann Singleton
2442 Fields Rd
Fayetteville, NC 28312

Phillip Smith
883 Three Wood Dr
Fayetteville, NC 28312

Branch Banking & Trust CO
Property Tax Department
PO BOX 167
Winston-Salem, NC 27102

ATTACHMENT: APPLICATION



County of Cumberland
◆
Planning & Inspections Department

CASE #: _____

PLANNING BOARD
MEETING DATE: _____

DATE APPLICATION
SUBMITTED: _____

RECEIPT #: _____

RECEIVED BY: _____

**APPLICATION FOR
CONDITIONAL ZONING DISTRICT
REZONING REQUEST
CUMBERLAND COUNTY ZONING ORDINANCE**

Upon receipt of this application (petition), the County Planning & Inspections Staff will present to the Joint Planning Board the application at a hearing. In accordance with state law and board's policy, the staff will provide notice of the hearing to the appropriate parties and in the proper manner.

The Joint Planning Board will make a recommendation to the Cumberland County Board of Commissioners concerning the request. The Board of Commissioners will schedule a public hearing and issue a final decision on the matter. Generally, the Commissioners will hold their public hearing in the month following the meeting of the Planning Board. The Conditional Zoning District shall not be made effective until the request is heard and received approval by the Board of Commissioners.

The following items are to be submitted with the completed application:

1. A copy of the *recorded* deed and/or plat.
2. If a portion of an existing tract is/are being submitted for rezoning, an accurate written legal description of only the area to be considered;
3. A copy of a detailed site plan drawn to an engineering scale, showing the location of all buildings, yard dimensions, driveways, fencing, lighting parking areas, landscaping, and all other pertinent data to the case; and
4. A check made payable to the "Cumberland County" in the amount of \$ _____.

The Planning & Inspections Staff will advise on zoning options, inform applicants of development requirement and answer questions regarding the application and rezoning process. For further questions, call (910)678-7627. Hours of operation are 8:00 a.m. to 5:00 p.m., Monday through Friday.

NOTE: Any revisions, inaccuracies or errors to the application may cause the case to be delayed and will be scheduled for the next available board meeting according to the board's meeting schedule. Also, the application fee is *nonrefundable*.

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

**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. Applicant/Agent Town of Eastover
2. Address: 3876 Dunn Rd, Eastover Zip Code 28312
3. Telephone: (Home) 910-323-0707 (Work) 910-323-0707
4. Location of Property: 3876 Dunn Rd, Eastover, NC
28312
5. Parcel Identification Number (PIN #) of subject property: 0469-50-2700
(also known as Tax ID Number or Property Tax ID)
6. Acreage: 0.49 Frontage: 100' Depth: 229'
7. Water Provider: ESD
8. Sewer Provider: ESD
9. Deed Book 11386, Page(s) 0401-0402, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
10. Existing use of property: Town Hall
11. Proposed use(s) of the property: Town Hall

NOTE: Be specific and list all intended uses.

12. Has a violation been issued on this property? Yes _____ No X
13. It is requested that the foregoing property be rezoned FROM: _____
TO: (Select one)
X Conditional Zoning District, with an underlying zoning district of _____
(Article V)
_____ Mixed Use District/Conditional Zoning District (Article VI)
_____ 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 to only the use(s) specified in this application.)

Install 30' X 30' Metal Storage Building

- 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.

0.49 Commercial

2. DIMENSIONAL REQUIREMENTS:

- A. Reference either the dimensional requirements of the district (Sec. 1004) or list the proposed setbacks.

*Setbacks - 35' Side
34' Back*

- 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. *N/A*

Fence - Back & Right Side
Tree Line - Left Side

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.

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 Godwin 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 shall be of sufficient detail to allow the County Planning and Inspections Staff, and the Joint 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.

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 and Department a valid request, not incompatible with existing neighborhood zoning patterns.

I further understand I must voluntarily agree to all ordinance related conditions prior to the first hearing on the case. The undersigned hereby acknowledge that the County Planning & Inspections Staff has conferred with the petitioner or assigns, and the application as submitted is accurate and correct.

Town of Eastover
Name of Owner(s) (Print or Type)

3876 DUNN RD, EASTOVER, NC 28312
Address of Owner(s)

TOWNMANAGER@EASTOVERNC.COM
E-Mail

910-323-0707 910-323-0707
Home Telephone Work Telephone

Charles D. Autry
Signature of Owner(s) Signature of Owner(s)

Ronald D. Autry
Name of Agent, Attorney, Applicant (by assign) (Print or Type)

3876 DUNN RD, EASTOVER, NC 28312
Address of Agent, Attorney, Applicant

910-323-0707 910-323-0707
Home Telephone Work Telephone

TOWNMANAGER@EASTOVERNC.COM 910-323-2640
E-Mail Address Fax Number

Ronald D. Autry
Signature of Agent, Attorney,
or Applicant

* ALL record property owners must sign this petition.

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



PLANNING AND INSPECTIONS DEPARTMENT

MEMORANDUM FOR JOINT PLANNING BOARD AGENDA OF MAY 17, 2022

TO: JOINT PLANNING BOARD

FROM: RAWLS HOWARD, PLANNING & INSPECTIONS DIRECTOR

DATE: 5/17/2022

SUBJECT: ZON-22-0040: REZONING FROM M2 HEAVY INDUSTRIAL DISTRICT TO R15 RESIDENTIAL DISTRICT OR TO A MORE RESTRICTIVE ZONING DISTRICT ON 24.59 +/- ACRES; LOCATED AT THE EAST END OF FRONT STREET, TOWN OF STEDMAN; SUBMITTED BY CARLOS JACK HORNE (APPLICANT) ON BEHALF OF BILLY & FAY HORNE (OWNERS). (STEDMAN)

ATTACHMENTS:

Description

Case # ZON-22-0040

Type

Backup Material



NORTH CAROLINA
PLANNING & INSPECTIONS

PLANNING STAFF REPORT
REZONING CASE # ZON-22-0040
Planning Board Meeting: May 17, 2022

Location: Front Street, Stedman, NC
Jurisdiction: Stedman

REQUEST

Rezoning M2 to R15

Applicant requests a rezoning from M2 Heavy Industrial District to R15 Residential District for one parcel of approximately 24.59 +/- total acres located on Front Street, Town of Stedman. The R15 Zoning district will allow single family dwelling units at one dwelling per 15,000 square feet. The intent of the property owner is to rezone to R15 Residential District for possible future subdivision. The subject site is currently vacant, and the subject site is/was used for agriculture. At the current time, staff is unaware if the subject site has road access. The parcel abutting the northern property line, which appears to be unpaved Front Street right-of-way, is actually a legal parcel owned by CSX Transportation Inc.

PROPERTY INFORMATION

OWNER/APPLICANT: Billy D. & Fay J. Horne

ADDRESS/LOCATION: Refer to Exhibit "A," Location and Zoning Map. REID number: 0495570150000

SIZE 24.59+/-acres across one parcel. The property owner also owns an abutting parcel at the northwest corner of the subject site (REID 0495474577000).

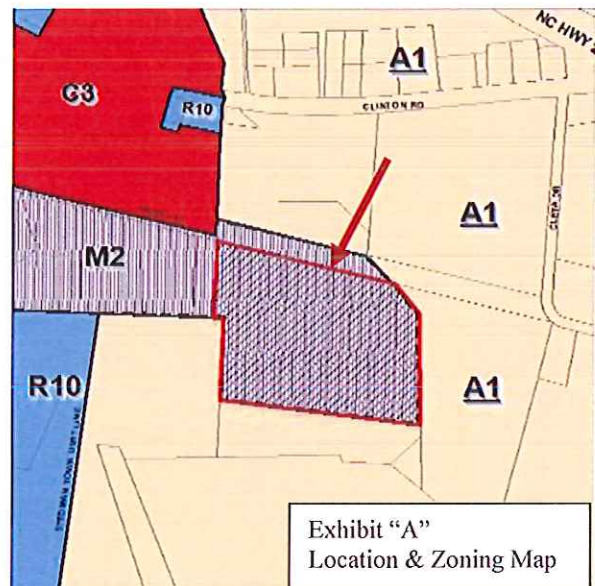
The property has a varying depth due to its rectangular shape, but has a frontage width of 1,024'.

EXISTING ZONING: The subject property is currently zoned M2 Heavy Industrial District. This district is designed primarily for manufacturing and processing industries, all of which cause and create high degrees of nuisances and are not compatible with residential, or commercial/service usages. The general intent of this district is to encourage the continued use of certain lands within the Town of Stedman for heavy industrial purposes. This district is normally located on larger tracts of land, such as this property, with good highway and rail access, buffered from residential districts by other more compatible uses. Commercial activities are not permitted except for those have only the limited contact with the general public and those not involving the sale of any merchandise/retail except for items produced on the premises or for the purpose of serving employees, guests, and/or other persons who are within the districts with an industrial activity (Section 2.15).

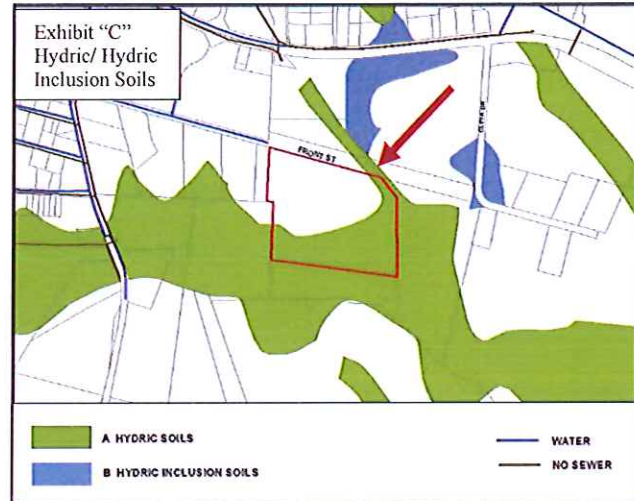
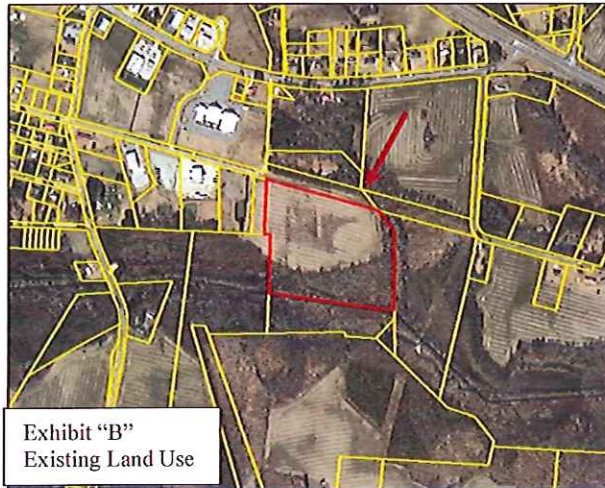
EXISTING LAND USE: Current Land Use is Agriculture. Exhibit "B" shows the existing use of the subject property.

SURROUNDING LAND USE: Exhibit "B" illustrates the following:

- **North:** Wooded lands and a single-family home
- **East:** Wooded lands and wetlands
- **West:** Stedman Volunteer Fire Department
- **South:** Wooded lands, wetlands, and an intermittent creek



OTHER SITE CHARACTERISTICS: The site is not located in a Watershed. However, the property does have a Flood Zone Hazard Area in the lower portion of the parcel. The subject property, as delineated in Exhibit "C," illustrates presence of hydric or hydric inclusion soils at a small portion of the northeast corner of the property.



DEVELOPMENT REVIEW: Any future subdivision proposal shall be subject to the Town of Stedman Zoning and Subdivision Ordinance regulatory requirements.

DIMENSIONAL PROVISIONS FOR REQUESTED DISTRICT:

Minimum Standard	M2 (Existing Zoning)	R15 (Proposed)
Front Yard Setback	50 feet from R/W (80 feet from Street Centerline)	30 feet
Side Yard Setback	30 feet	15 feet (10 feet/ +2 story)
Rear Yard Setback	30 feet	35 feet
Lot Area	24.59 acres	15,000 sq. ft.
Lot Width	100'	100'

Development Potential:

Existing Zoning (M2)	Proposed Zoning (R15)
N/A	57 dwelling units

- Assumes 80% of land is usable for development after exclusion of potential area for roads and drainage.
- Calculation: $(total\ developable\ area\ times\ 0.8) / minimum\ lot\ size\ for\ zone\ district$.
- Section 202 (A): Lot count may be rounded-up when a fraction occurs. When any requirement of this ordinance results in a fraction of a unit, a fraction of one-half or more shall be considered a whole unit, and a fraction of less than one-half shall be disregarded.

COMPREHENSIVE PLANS: This property is located within the Stedman Area Land Use Plan (2020), as shown in Exhibit "D". The future land use designation of the property is "Industrial and Open Space". Associated zoning districts within the plan include: M2, C(P), and C3.

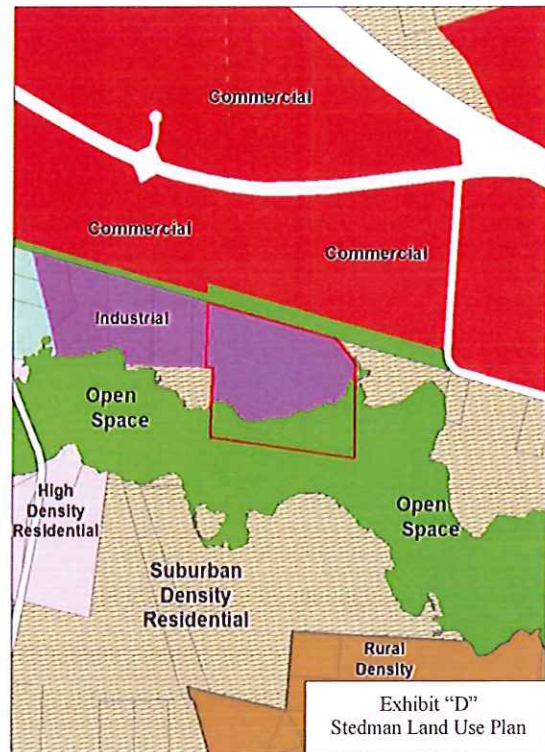
The proposed request is not consistent with the adopted land Use plan.

APPLICABLE PLAN GOALS/POLICIES THAT SHOULD BE CONSIDERED FOR:

Residential Zoning Goal:

Location Criteria for "Residential Districts R15, R10, R10M:

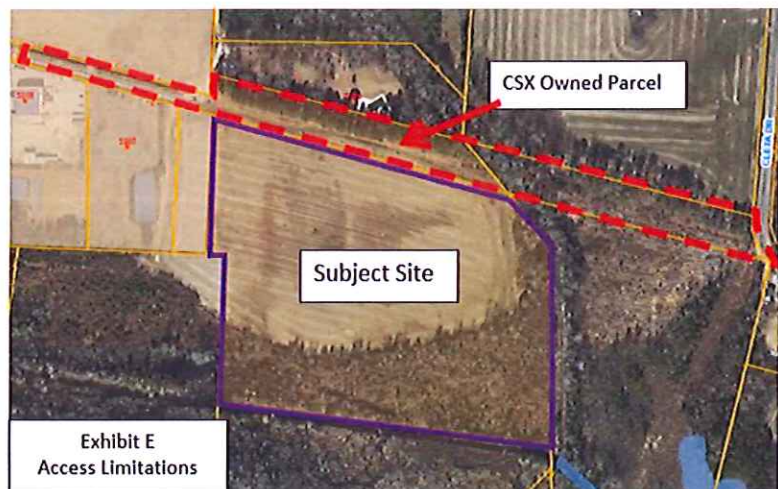
- Public water and sewer required
- Must have access to a public or approved private street
- Desirable to be located within 3 miles of a recreation area or facility



IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES

UTILITIES: Water lines are within 300' of the parcel (59.26' from the end of the water line locator on Front Street). Sewer lines are not available to the parcel and the parcel would potentially be on septic. Closest sewer lines are 1,769' from the site and are located on Carol Street. PWC would inform the applicant if they will connect to their water lines, per the Ordinance.

TRANSPORTATION: As shown in Exhibit "E", the subject site – outlined with a purple line -- does not have access to a paved road or a street right-of-way. An abutting parcel to the west, which is owned by the same property owner, has access to the paved end of Front Street. However, this paved end of Front Street is located in a parcel owned by CSX Transportation – which is outlined with a red dashed line in Exhibit "E". Prior to approving any development of the subject site, the property owner must demonstrate that CSX Transportation authorizes the use of its land for a public or private street. According to the Fayetteville Area Metropolitan Planning Organization (FAMPO), the subject property is located outside of FAMPO boundaries.



SCHOOLS CAPACITY/ENROLLMENT:

School	Capacity	Enrollment
Stedman Primary	162	122
Stedman Elementary	358	250
Mac Williams Middle	1164	1141
Cape Fear High	1476	1519

ECONOMIC DEVELOPMENT: Fayetteville Cumberland County Economic Development Corporation has reviewed the request and had no objection to the proposed request.

EMERGENCY SERVICES: Cumberland County Fire Marshal's office has reviewed the request and ensure all applicable fire department access requirements are met.

SPECIAL DISTRICTS: The property is not located within the Fayetteville Regional Airport Overlay District or within five miles of Fort Bragg Military Base.

CONDITIONS OF APPROVAL: This is a conventional zoning and there are no conditions at this time.

STAFF RECOMMENDATION

In Case ZON-22-0040, the Planning and Inspections staff **recommends denial** of the rezoning request from M2 Heavy Industrial District to R15 Residential District. Staff finds the request is not consistent with the Stedman Land Use Plan which calls for "Industrial and Open Space" at this location. Staff finds that the site has limited roadway access and abuts flood areas. Staff also finds that the request is not reasonable and in the public interest as the request is not in harmony with the surrounding land use activities and zoning.

Attachments:
Notification Mailing List
Application

ATTACHMENT – MAILING LIST

Ellen McMillan Hall, Trustee
PO BOX 246
Stedman, NC 28391

Stedman Baptist Church of Stedman NC,
Inc.
PO BOX 190
Stedman, NC 28391

Stedman Swim & Racquet Club
PO BOX 16
Stedman, NC 28391

Carita Ann Bradshaw
7830 Clinton Rd
Stedman, NC 28391

Billy D & Fay J Horne
PO BOX 205
Fayetteville, NC 28302

Stedman Volunteer Fire Department
PO BOX 366
Stedman, NC 28391

Jerry & Anita McCall
348 Clela Dr
Stedman, NC 28391

CSX Transportation Inc.
Tax Department
500 Water St. C910
Jacksonville, FL 32202

Molcie Farms LLC
PO BOX 53943
Fayetteville, NC 28305

ATTACHMENT: APPLICATION



County of Cumberland

Planning & Inspections Department

CASE #: ZON-22-0040

PLANNING BOARD

MEETING DATE: _____

DATE APPLICATION

SUBMITTED: _____

RECEIPT #: REC-004281-2022
REC-004282-2022

RECEIVED BY: 03/18/22

APPLICATION FOR REZONING REQUEST CUMBERLAND COUNTY ZONING ORDINANCE

The following items are to be submitted with the completed application:

1. A copy of the *recorded* deed and/or plat.
2. If a portion(s) of the property is being considered for rezoning, an accurate written legal description of only the area to be considered;
3. A check made payable to "Cumberland County" in the amount of \$ 600.00.
(See attached Fee Schedule).

Rezoning Procedure:

1. Completed application submitted by the applicant.
2. Notification to surrounding property owners.
3. Planning Board hearing.
4. Re-notification of interested parties / public hearing advertisement in the newspaper.
5. County Commissioners' public hearing (approximately four weeks after Planning Board public hearing)
6. If approved by the County Commissioners, rezoning becomes effective immediately.

The Planning & Inspections Staff will advise on zoning options, inform applicants of development requirement and answer questions regarding the application and rezoning process. For further questions, call (910)678-7603 or (910)678-7609. Hours of operation are 8:00 a.m. to 5:00 p.m., Monday through Friday.

NOTE: Any revisions, inaccuracies or errors to the application may cause the case to be delayed and will be scheduled for the next available board meeting according to the board's meeting schedule. Also, the application fee is *nonrefundable*.

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

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

1. Requested Rezoning from M2 to R15
2. Address of Property to be Rezoned: Front St, Stedman, NC
3. Location of Property: Where Front St dead ends
4. Parcel Identification Number (PIN #) of subject property: 0495-57-0150
(also known as Tax ID Number or Property Tax ID)
5. Acreage: 22.5 Frontage: Front St to be extended Depth: _____
6. Water Provider: Well: _____ PWC: X Other (name): _____
7. Septage Provider: Septic Tank _____ PWC X
8. Deed Book 5648, Page(s) 0559, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
9. Existing use of property: Agriculture
10. Proposed use(s) of the property: Residential
11. Do you own any property adjacent to or across the street from this property?
Yes X No _____ 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.

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.

Billy D & Fay J Horne
NAME OF OWNER(S) (PRINT OR TYPE)

PO Box 205 Fayetteville, NC 28302
ADDRESS OF OWNER(S)

433-0980
HOME TELEPHONE #

910-237-7890
WORK TELEPHONE #

C Jack Horne
NAME OF AGENT, ATTORNEY, APPLICANT (PRINT OR TYPE)

501 Rob Road Stedman NC 28391
ADDRESS OF AGENT, ATTORNEY, APPLICANT

jackhorne@hbc-inc.com
E-MAIL

910-309-8844
HOME TELEPHONE #

WORK TELEPHONE #

Billy D. Horne
SIGNATURE OF OWNER(S)

SIGNATURE OF AGENT, ATTORNEY OR
APPLICANT

Fay J. Horne
SIGNATURE OF OWNER(S)

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



PLANNING AND INSPECTIONS DEPARTMENT

MEMORANDUM FOR JOINT PLANNING BOARD AGENDA OF MAY 17, 2022

TO: JOINT PLANNING BOARD

FROM: RAWLS HOWARD, PLANNING & INSPECTIONS DIRECTOR

DATE: 5/17/2022

SUBJECT: ZON-22-0044: REZONING FROM C(P) PLANNED COMMERCIAL DISTRICT TO M(P) PLANNED INDUSTRIAL/CZ CONDITIONAL ZONING DISTRICT OR TO A MORE RESTRICTIVE ZONING DISTRICT ON 4.87 +/- ACRES; LOCATED AT 3703 GILLESPIE STREET; SUBMITTED BY SETH HENRY BRITTON SAEUGLING (APPLICANT) ON BEHALF OF KATHRYN & ROBERT GAINES (OWNER).

ATTACHMENTS:

Description

Case # ZON-22-0044

Type

Backup Material



PLANNING STAFF REPORT
REZONING CASE # ZON-22-0044
Planning Board Meeting: May 17, 2022

Location: 3703 Gillespie Street
Jurisdiction: County-Unincorporated

REQUEST

Rezoning C(P) to M(P)/CZ

Applicant requests a change of zoning from C(P) Planned Commercial District to M(P) Planned Industrial Conditional Zoning District for approximately 4.87 +/- acres of land at 3703 Gillespie Street (See Exhibit A). Purpose of the request is to establish an unmanned contractors' outdoor storage yard facility that can accommodate their tenants needs to store equipment and supplies. Outdoor storage is not a permitted use or activity in the C(P) Zoning District, but in the M(P) zoning district outdoor storage is accepted. The applicant is rezoning to M(P) conditional zoning with conceptual plan specifically designed with offered conditions in an effort to mitigate any compatibility concerns with the adjacent residents with their request (Exhibit "G") and agreeing to limit the use to only outdoor storage. Applicant has also made an effort reach out with the adjacent residents going door to door to canvas any concerns with their proposed request (Exhibit "H").

PROPERTY INFORMATION

OWNER/APPLICANT: Seth Saeugling (applicant) on behalf of Kathryn and Robert Gaines (owners).

ADDRESS/LOCATION:

3703 Gillespie Street. Refer to Exhibit "A", Location and Zoning Map.

REID number: 0424777172000

SIZE: 4.87 acres with 458 feet of street frontage along Gillespie Street.

EXISTING ZONING: The subject properties are currently zoned C(P) Planned Commercial District. This district is designed to assure the grouping of buildings on a parcel of land so as to constitute a harmonious, efficient, and convenient retail shopping area. Site plans assure traffic safety and the harmonious and beneficial relations between the commercial area and contiguous land. To promote the essential design features with the C(P) district, plan approval is a requirement. Exhibit "A" shows the zoning assigned to the subject property and surrounding areas.

EXISTING LAND USE: Based on a recent site visit, the property currently is an empty lot. Exhibit "B" provides an aerial image showing the site was previously used as storage and the uses occurring on surrounding properties.

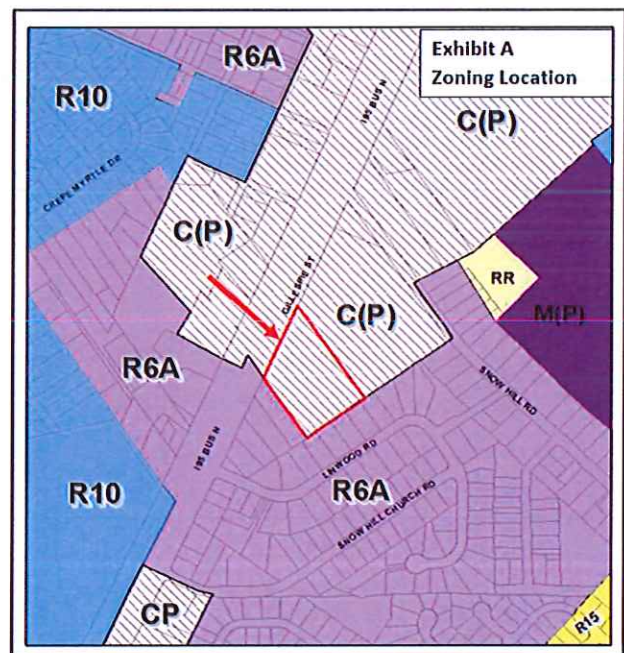
SURROUNDING LAND USE: Exhibit "B" illustrates the following land uses:

North: Commercial use

East: Single-family residential and commercial use

West: Single-family residential

South: Single-family residential





OTHER SITE CHARACTERISTICS: The subject property, as delineated in Exhibit "C", illustrates no presence of hydric or hydric inclusion soils on the property. The site is not located in a Special Flood Hazard Area according to the County Engineering Department and is not located in a Watershed Protection Area.

TEN YEAR ZONE CASE HISTORY:

No past zoning cases occurred within the ten-year case history for this location.

DEVELOPMENT REVIEW: A revised site Plan and landscape plan by recommended condition will be required to ensure compliance with applicable conditions of approval including the Zoning and Subdivision Ordinance before commencing of any construction on this site.

Dimensional Provisions for Requested District:

Minimum Standard	C(P) (Existing Zoning)	M(P) (Proposed)
Front Yard Setback	50 feet	100 feet
Side Yard Setback	30 feet (one story)	50 feet
Rear Yard Setback	30 feet	50 feet
Lot Area	N/A	N/A
Lot Width	N/A	N/A

Development Potential:

Existing Zoning (C(P))	Proposed Zoning (M(P))
N/A	N/A

COMPREHENSIVE PLANS:

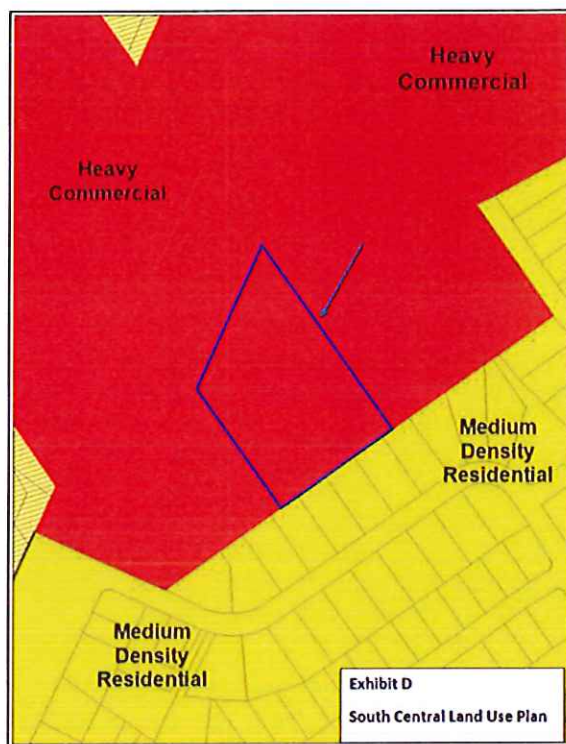
The property is located within the South-Central Land Use Plan (2015). The future land use designation on the property is Heavy Commercial. **The rezoning request is not consistent with the adopted land use plan.** Associated zoning districts within the plan include: C(P).

APPLICABLE PLAN GOALS/POLICIES:

Industrial/Manufacturing Goal: Provide areas for clean high-tech industries and manufacturing where infrastructure is adequate, that does not impact the environment or natural areas, utilizes existing vacant structures when feasible, complements existing industrial development, and is in harmony with surrounding development.

Objectives:

- Identify sites that are unique in size and location that provide special opportunities for industrial development within the Study Area, County, and Region.
- Support efforts to retain and expand existing industries.



IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES

UTILITIES: Water and sewer lines are not available near the property. It is the applicant's responsibility to determine if a utility provider will serve their development. Utilities for water and sewer are shown on Exhibit "C". Well and septic permits would be required prior to issuance of a building permit. This facility is unmanned and will not have any office structure or restrooms facilities.

TRAFFIC: The subject property sits on Gillespie St., which is a local road running parallel to and within the same right-of-way as I-95 Business Route. I-95 BR is identified as a principal arterial in the Metropolitan Transportation Plan. No roadway construction improvement projects are planned for the segment of Gillespie St., and the subject property will have no significant impact on the Transportation Improvement Program. In addition, there is no 2020 AADT for this segment of Gillespie St. However, the road capacity of Gillespie St. is 15,500. Due to lack of data and the small scale, the new zoning request it does not demand a trip generation. The new development should not generate enough traffic to significantly impact Gillespie St.

SCHOOLS CAPACITY/ENROLLMENT:

School	Capacity	Enrollment
Alderman Rd Elementary	707	667
South View Middle	847	672
South View High	1,871	1,619

ECONOMIC DEVELOPMENT: Fayetteville Cumberland County Economic Development Corporation has reviewed the request and has no objections.

EMERGENCY SERVICES: Cumberland County Fire Marshal's office has reviewed the request and stated that the applicant must ensure that all fire department access roads requirements are met in accordance

with Section 503 of the 2018 NC Fire Code, where required, to submit building plans to scale for new construction and building renovation and ensure emergency responder radio coverage is achieved.

SPECIAL DISTRICTS: The property is located within the Cumberland County Airport Overlay District and is located approximately 0.75 miles from airport property. The property is not located within five miles of the Fort Bragg Military Base. RULAC does not have any comments on this case currently.

CONDITIONS OF APPROVAL: This is a conditional zoning with a conceptual plan "Exhibit E" and conditions "Exhibit F".

STAFF RECOMMENDATION

In Case ZON-22-0044, the Planning and Inspections staff **recommends denial** the rezoning request from C(P) Planned Commercial District to M(P) Planned Industrial District/Conditional Zoning. Staff finds the request is not consistent with the South-Central Cumberland Land Use Plan which calls for "Heavy Commercial" at this location. Staff also finds that the request is not reasonable or in the public interest as the requested district is not compatible to or in harmony with the surrounding land use activities and zoning.

Attachments:
Notification Mailing List
Application

[illegible]

This side panel was developed and prepared by **Robinson D. Calcutt, Jr.**, Civil Engineer

Exhibit "F"

Draft Conditions

Applicant Offered Up Conditions:

1. The principal use or activity of this site shall only be light open-air storage that would be allowed. Additionally, any heavy industrial users or activity of any kind shall be prohibited. Tenants using open area storage units, shall not perform any work activity on the site, and units are primarily for storage of materials. Tenants will be primarily dropping or picking their materials or equipment from their open-air storage unit.

Types of materials to be stored include open aired storage units:

- Construction tools & equipment
 - Trade materials - Pipes, roles of materials etc.
 - Lumber
 - Steel
 - Small concrete barriers
 - Small cones, traffic signs & portable fencing
 - Landscaping equipment
 - Lawn maintenance equipment
 - Lawnmowers
 - Small trailers
2. The Conceptual Plan has been designed to ensure that this site does not create any nuisances, especially not a high degree of nuisance associated with planned industrial district.
 3. Hours of operation for this unmanned facility shall be from 8:00 am to 6:00 pm.
 4. Existing dense tree groupings and vegetation within the perimeter buffer for the project shall be preserved in its entirety, only trees that have die shall be removed. Where there is no solid perimeter buffer or gaps in between the existing tree groupings, an additional solid of evergreen species as infill plantings at one tree every 8 feet apart, at a height at planting between 10' and 12' will be planted outside of existing fence facing adjacent residents be installed to ensure survivability of screening.
 - A. Owners shall maintain health of trees using tree irrigation watering bags. Facility owner shall be responsible for replacement evergreen tree plantings should any tree at plantings should die with the above specification referenced.
 - B. Owners will work to plant their trees within the season suited best for tree species.
 5. A roadway buffer shall be installed along Gillespie Street as shown on the conceptual plan, with canopy trees (Shade tree species) with a caliper of 3" planted in height between 10' and 12' in at planting with a continuous hedge (with only driveway encroachment). Should canopy trees die, facility owner shall be responsible to replacement in accordance with the above specification.

6. The existing fence shall be installed with a privacy shield on the fencing to provide more opacity. Additionally, facility will be responsible maintenance and replacement of shielding material on the fencing.
7. No building or physical structures are proposed at this site, only open storage operation.
8. This facility shall be an unmanned facility.

Pre- Permit Related:

9. 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]

10. 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:

11. 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.)
12. 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]
13. Landscaping must be provided in accordance with Section 1102 N, Landscaping, County Zoning Ordinance and/as shown on the site plan. In addition, the following must be met:
 - 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.

14. **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 \$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]

15. 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 \$50 revision fee) must be submitted and approved by Planning & Inspections.) (Sec. 2306.D, County Subdivision Ord. & 2006-246, NC Session Law)

16. 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:

17. All dimensions, setbacks and other related provisions of the County Subdivision and Zoning Ordinance for the subject site is subject to M(P) zoning regulatory requirements, zoning districts must be complied with, as applicable. Additionally, the developer has agreed to limit the use and activity only to outdoor storage per offered condition #1.
18. 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.)
19. 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.)

20. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306.C, County Subdivision Ord.)
21. 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.)
22. All lighting is required to be directed internally within this development and comply with the provisions of Section 1102 M, Outdoor Lighting, County Zoning Ordinance.
23. A solid buffer must be provided and maintained where this tract/site abuts residentially zoned property in accordance with the provisions of Section 1102 G, County Zoning Ordinance (Note: Chain link fencing cannot be used to satisfy the buffer requirement.) Existing tree groupings and vegetation can be used to fulfill buffer requirements, and developer's condition # 4 requires enhanced landscaping for infilling any existing gaps within the perimeter buffers of the project.
24. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.
25. All required off-street parking spaces are required to be a minimum of 9' x 20' and surfaced, with a permanent material such as asphalt or concrete and shown on the site plan submittal, and striped prior to application for the Code Enforcement final inspection.
26. The owner/developer is responsible and liable for maintenance and upkeep of this site, all structures, and appurtenances, to include ensuring that the site is kept free of litter and debris, all grass areas mowed, all buffers and shrubbery kept trim and maintained, so that the site remains in a constant state of being aesthetically and environmentally pleasing. (Sec. 1403, County Zoning Ord.)

Advisories:

27. The applicant is advised to consult an expert on wetlands before proceeding with any development.
28. The owner/developer is responsible for ensuring easements which may exist on the subject property are accounted for, not encumbered and that no part of this development is violating the rights of the easement holder.
29. Ensure all fire department access requirements are met; submit building plans to include to scale plan for review of new buildings; ensure emergency responder radio coverage is achieved; for questions about this comment, please contact Jason Wells with the County Fire Marshal's office.

Other Relevant Conditions:

30. The developer's subsequent application for permits upon receipt of these conditions of approval constitutes the developer's understanding and acceptance of the conditions of approval for this development. Additionally, the developer is responsible to submit a site plan, including the additional components of plan submittal consisting of a lighting plan, off street parking plan, and landscape plan in compliance with the applicable required conditions of approval,

consistent with conceptual plan Exhibit E and in accordance with the Cumberland County Zoning and Subdivision Ordinance to the Current Planning Section for review and approval.

31. The developer should be aware that any addition and/or revision to the approved site plan may require an additional review. 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.
32. The owner/developer be aware that every deed created for a lot being served by an on-site water and sewer system must contain the following disclosure when filed with the County Register of Deeds:

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

Exhibit "G"
Applicant Offered Conditions

Seth Henry Britton Saeugling
Topsoil Property Co.
1513 Beal St
Rocky Mount, NC 27803

Apr 21, 2022

Mr. David Moon
Deputy Director of Planning & Inspections
Cumberland County
130 Gillespie St # 107
Fayetteville, NC 28301

Hello Mr. David Moon, Mr. Telly Shinas, Mr. Christopher Portman, and team -

Below are the top concerns that we have worked hard to address. Our solutions are below as we work to receive a positive staff recommendation for receiving very restricted conditional zoning of M(P) to allow for specific open-air storage of supplies and equipment.

We are very grateful to Mr. David Moon for his patience and advice to change our application from straight rezoning to conditional rezoning. We only asked for straight rezoning because we were told we should do that by the code enforcement department originally. We are very grateful to the Planning & Inspections department and team for their advice and encouragement.

<u>Concern</u>	<u>Solution/Possible condition</u>
<p>1. That heavy industrial activity would happen on this land.</p> <p>Our commitment: No heavy industrial activity will happen on this land.</p>	<p>We are currently zoned for C(P) which allows for self-storage. And we are asking for a very strict and specific conditional use under M(P) or M1(P) so only very light open-air storage activity would be allowed, and no heavy industrial activity would be allowed of any kind. We also do not want any of the heavy industrial activity under M(P) to be allowed on this property (manufacturing that deals with noise or environmental concerns etc)</p>
<p>2. That our site plan would be a nuisance.</p> <p>Our commitment: We will not be a nuisance in any way and will be good neighbors.</p>	<p>We will agree to a condition that our conditional zoning site plan has been designed to ensure that we do not create any nuisance, and especially not a high degree of nuisance associated with the planned</p>

	<p>industrial district activities. We've designed the site plan to a high degree to not be a nuisance in any way.</p>
<p>3. Noise complaints</p> <p>Our commitment: We will be a good neighbor, who keeps things clean and quiet.</p>	<p>We propose simple operating hours from say 8 am to 6 pm. In general, our clients would come to their open-air storage yard a couple of times a week to drop off or pick up supplies. It's generally a very quiet business, with minimal activity. People are coming here to store supplies and materials, not conduct active business etc. This is storage, none of our leases will be coming in to do active work on site. They are just here to drop things off or pick them off.</p>
<p>4. Buffer and privacy</p> <p>Our commitment: We will provide privacy and utilize the existing fencing and existing natural buffer provided by trees.</p>	<p>There is an existing natural buffer of dense trees along all 3 sides of the property. There is an existing fence that encompasses the entire property. We will install a privacy shield on the fencing to keep things "out of sight & out of mind." Existing trees will preserve existing tree groupings in their entirety to ensure compatibility with the surrounding, abutting residences. We plan to upgrade the site to have an improved entrance that beautifies the existing entrance. We will put in screening on the fence to keep items out of sight and out of mind. Any existing tree groupings within our required buffer will be fully preserved in its entirety. We will keep the existing vegetation. Where there is not a solid buffer, we will provide a solid buffer of year-round Evergreen. We will plant 1 tree every 8 feet as an evergreen where needed. We will maintain a solid opaque buffer.*</p>
<p>5. Any environmental concerns</p> <p>Our commitment: We will not allow anything hazardous on the property at any time, under any circumstance.</p>	<p>No hazardous materials are allowed on the property. This is not a junkyard. None of our clients utilize the site for junk vehicle storage.</p>
<p>6. Need for utilities on the land if there is any conditional zoning approval</p> <p>Our commitment: We have existing septic and existing water and existing power all already on the property.</p>	<p>We are not building any physical structures on the land. This is a very basic/simple storage operation. If one day we do need physical structures, we have already an existing septic tank, drainage field, and an existing well. Power hookups are already present on the property. We have talked to</p>

	the environmental department and the building official and they have no issues with the current site or our plans for it.
--	---

*At the recommendation of Mr. Telly Shinas we are happy to plant 1 Evergreen tree species every 8 feet where there are gaps within the existing buffer to provide natural and additional privacy and screening. This will provide an opacity buffer.

Also another important note is that our parking spaces will meet the requirements of the local ordinance.

We are requesting conditional zoning that would allow for only the activities described below, which are restricted and conditional upon open-air storage of the following equipment and materials.

We will ensure through proper storage, fencing, and privacy shields on fencing, that materials are not able to fly onto adjacent property either by wind or water.

Example of the limited items that would be stored in open-air, fenced-in storage yards -

- Construction tools & equipment
- Trade materials - Pipes, roles of materials etc.
- Lumber
- Steel
- Small concrete barriers
- Small cones, traffic signs & portable fencing
- Landscaping equipment
- Lawn maintenance equipment
- Lawnmowers
- Small trailers

See the next page for images/examples.

Thank you,
Seth



Exhibit "H"
Applicant & Residents Interaction

Seth Henry Britton Saeugling
Topsoil Property Co.
1513 Beal St
Rocky Mount, NC 27803

Apr 21, 2022

Hello neighbor -

My name is Seth and I am working to install a contractor storage yard at 3703 Gillespie St Fayetteville, NC 28306.

We are seeking a very simple and basic conditional re-zoning to allow this plot of land to provide safe, secure, private, outdoor storage for small businesses in our community. Our most common customer is a contractor or landscaper. We're storage for the supplies and materials.

See the photos below for examples of what types of activities we are doing.

Please call my office at 984-254-0884 to share any concerns and your name and number. I will work with my admin team to follow up with you individually and personally.

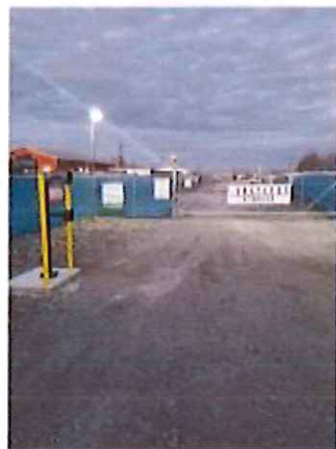
We are requesting conditional zoning that would allow for only the activities described below, which are restricted and conditional upon open-air storage of the following equipment and materials.

Example of the limited items that would be stored in open-air, fenced-in storage yards -

- Construction tools & equipment
- Trade materials - Pipes, roles of materials etc.
- Lumber
- Steel
- Small concrete barriers
- Small cones, traffic signs & portable fencing
- Landscaping equipment
- Lawn maintenance equipment
- Lawnmowers
- Small trailers

See the next page for images/examples.

Thank you,
Seth



We will make sure are true are below -

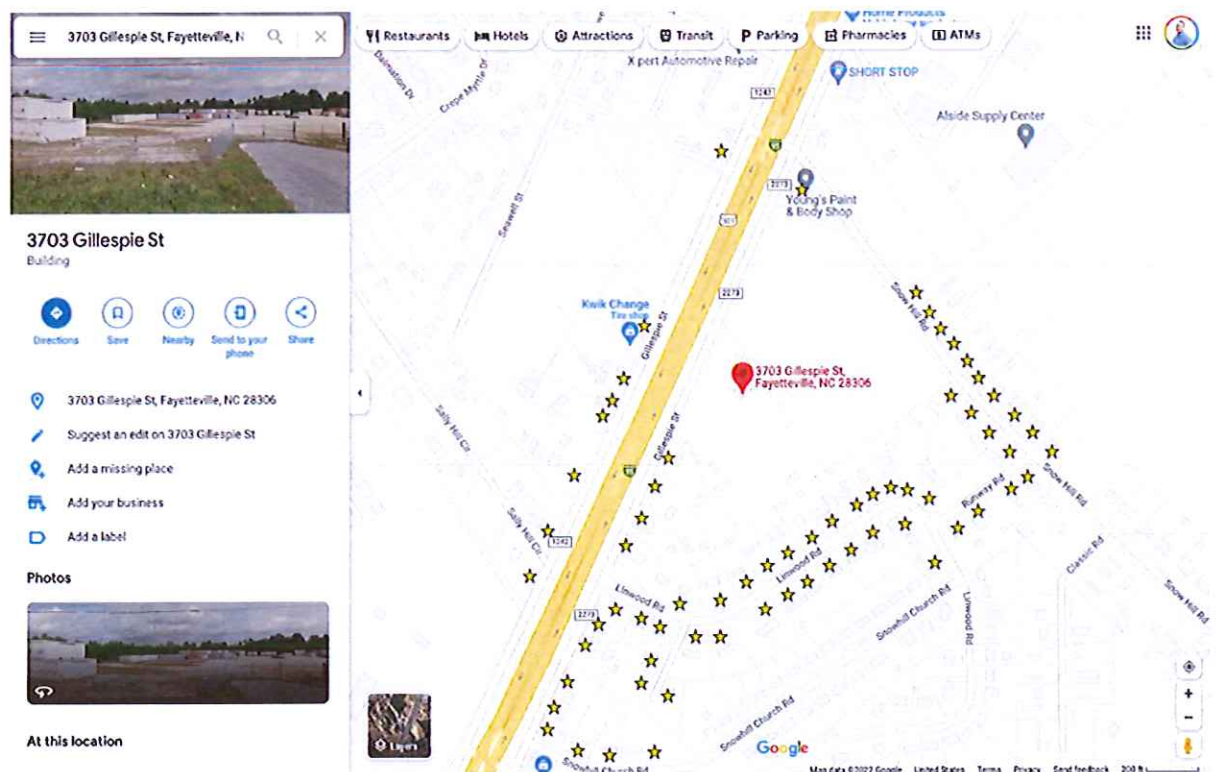
<u>We will make sure this is true</u>	<u>Solution</u>
1. No heavy industrial activity will happen on this land.	We are currently zoned for C(P) which allows for self-storage. And we are asking for a very strict and specific conditional use under M(P) or M1(P) so only very light open-air storage activity would be allowed, and no heavy industrial activity would be allowed of any kind. We also do not want any of the heavy industrial activity under M(P) to be allowed on this property (manufacturing that deals with noise or environmental concerns etc)
2. We will be a good neighbor, who keeps things clean and quiet.	We propose simple operating hours from say 8 am to 6 pm. In general, our clients would come to their open-air storage yard a couple of times a week to drop off or pick up supplies. It's generally a very quiet business, with minimal activity. People are coming here to store supplies and materials, not conduct active business etc.
3. We will provide privacy and utilize the existing fencing and existing natural buffer provided by trees.	There is an existing natural buffer of dense trees along all 3 sides of the property. There is an existing fence that encompasses the entire property. We will install a privacy shield on the fencing to keep things "out of sight & out of mind."

Community engagement numbers

- Knocked on 68 doors
- Got an answer and talked to 13 homes (17 people)
 - 19% of people opened the doors and had a conversation

Quotes from door knocking

- *"That lot has been empty for a while, I'd like to see a business go in there."*
- *"Sure, sounds like a fine plan."*
- *"I don't like a lot of noise, but I don't think there's an issue, the photos you showed me looks good."*
- *"Everyone's got a store stuff. That's fine with me."*
- *"I just want people to be good neighbors, to keep the place looking clean. I make sure to keep my yard nice, I want my neighbors to do the same."*
- *"I like the idea of a privacy screen on the fence, that's good."*
- *"Just keep it clean."*
- *"I don't care. I don't want to talk to anyone."*



ATTACHMENT – MAILING LIST

Charles & Harriett Webster
3762 Gillespie St.
Fayetteville, NC 28306

Raynor Property Management, LLC
3137 Bolivia St
Fayetteville, NC 28306

Gabriel Panuco
175 Pine Oak Ln
Dunn, NC 28334

Georgie & John Bulmer
112 Linwood Rd
Fayetteville, NC 28306

Ronnie Littler
110 Linwood Rd
Fayetteville, NC 28306

Ellen & Willie Evans
106 Linwood Rd
Fayetteville, NC 28306

Curtis Russell House
3759 Gillespie St
Fayetteville, NC 28306

Michael & Kathy Delavega
114 Linwood Rd
Fayetteville, NC 28306

Marco Torres
108 Linwood Rd.
Hope Mills, NC 28348

Excell Hickerson
3747 Gillespie St
Fayetteville, NC 28306

Penny Porter
3863 Sturbridge Dr
Hope Mills, NC 28306

Donald & Delores McDonald
124 Linwood Rd
Fayetteville, NC 28306

Elmer & Marlene Chinchilla
3733 Gillespie St
Fayetteville, NC 28306

Ava Capehart
119 Snowhill Church Rd
Fayetteville, NC 28306

J-Mac Properties, LLC
PO BOX 4367
Asheboro, NC 27204

Jack & Luetricia Sewell
3823 Camden Rd
Fayetteville, NC 28306

Alton Hair
2119 Hollyridge Pl
Fayetteville, NC 28304

Wilbert & Tonya Comber
127 Snowhill Church Rd
Fayetteville, NC 28306

Tijuana Brinson & Brenda Fite
244 Perch Dr
Fayetteville, NC 28306

Chad & Tamara Baucom
2253 Andalusian Dr
Hope Mills, NC 28348

Hazel Jean McLaurin
131 Snowhill Church Rd
Fayetteville, NC 28306

Diane McCoy & Brinson Marie
124 Lynnwood Rd
Fayetteville, NC 28304

Thelma Strong
127 Linwood Rd
Fayetteville, NC 28306

Tanya Johnson
135 Snowhill Church Rd
Fayetteville, NC 28306

Brandon Brooks
139 Snow Hill Church Rd
Fayetteville, NC 28306

Israel Olea
139 Linwood Rd
Fayetteville, NC 28306

Glenda Clear
131 Linwood Rd
Fayetteville, NC 28306

Donald & Sherry Donnelly
135 Linwood Rd
Fayetteville, NC 28306

Misty & Tommie Manning
3718 Gillespie St
Fayetteville, NC 28306

Kathy, Tommie & Sue Manning
3738 Gillespie St
Fayetteville, NC 28306

Billy Gene & Kathy Manning
3718 Gillespie St
Fayetteville, NC 28306

Chad Lee Newman
3692 Gillespie St
Fayetteville, NC 28306

McFadyen Cemetery
3006 Wetherby Ct.
Fayetteville, NC 28306

Ralph & Sondra Holloman
3275 E NC 20 HWY
St. Pauls, NC 28384

Kathryn Gaines
87 Quercus Cir
Little Rock, AR 72223

Michael B Coleman
2065 Wilbur St
Eastover, NC 28312

James & Kimberly Elmore
147 Snowhill Church Rd
Fayetteville, NC 28306

Isreal Olea
139 Linwood Rd
Fayetteville, Nc 28306

Joseph & Betty Strickland
PO BOX 2273
Fayetteville, NC 28302

Teresa Mae Ray, Trustee
393 Freedom Dr
St Pauls, NC 28384

Donald Pfau & Anne Greene
143 Linwood Rd
Fayetteville, NC 28306

Schneider Property Solutions, Inc
4801 Glenwood Ave Ste 200
Raleigh, NC 27612

Juan Garcia & Mayra Morales
159 Snowhill Church Road
Fayetteville, NC 28306

Carmen Velazquez
139 Linwood Rd
Fayetteville, NC 28304

Cheryl James
145 Linwood Rd
Fayetteville, NC 28306

Emmons & Wheeler LLC
2965 Gillespie St
Fayetteville, NC 28306

Donnie Morris
3395 Cumberland Rd
Fayetteville, NC 28306

Jimmy & Malulan Jackson Jr.
167 Snowhill Church Rd
Fayetteville, NC 28306

Luther Wilder Jr
315 Bellhaven Dr
Evans, GA 30809

Phyllis Carroll, Custodian
Elbert Terrell
PO BOX 602
Maxton, NC 28364

Anthony & Katrina Gamble
PO BOX 64986
Fayetteville, Nc 28309

Clyde & Helen Weaver Trustees
104 Old Gate Rd
Fayetteville, NC 28314

Vonda Morris
PO BOX 64986
Fayetteville, NC 28306

Willie & Ruthalene Brewington
246 Snowhill Rd
Fayetteville, NC 28306

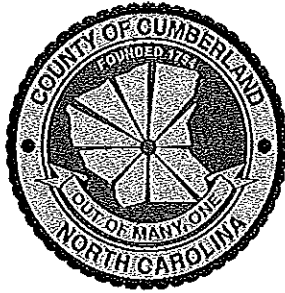
Daniel Richardson
236 Snowhill Rd
Fayetteville, NC 28306

Virgie Simmons
256 Snowhill Rd
Fayetteville, NC 28306

Loretta Kimble
264 Snowhill Rd
Fayetteville, NC 28306

Isaac Young
4439 Claude Lee Rd
Fayetteville, NC 28306

ATTACHMENT: APPLICATION



County of Cumberland

Planning & Inspections Department

APPLICATION FOR CONDITIONAL ZONING DISTRICT REZONING REQUEST CUMBERLAND COUNTY ZONING ORDINANCE

CASE #: _____

PLANNING BOARD
MEETING DATE: 5/17/2022

DATE APPLICATION
SUBMITTED: 4/12/2022

RECEIPT #: _____

RECEIVED BY: _____

Upon receipt of this application (petition), the Planning and Inspections Staff will present to the Planning Board the application at a hearing. In accordance with state law and board's policy, a notice of the hearing will be mailed to the owners of the adjacent and surrounding properties, which may be affected by the proposed Conditional Zoning. In addition, a sign will be posted on the property.

The Planning Board will make a recommendation to the Cumberland County Board of Commissioners concerning the request. The Board of Commissioners will schedule a public hearing and issue a final decision on the matter. Generally, the Commissioners will hold the public hearing four weeks following the Planning Board meeting. The Conditional Zoning District is not effective until the request is heard and approval granted by the Board of Commissioners.

The following items are to be submitted with the completed application:

1. A copy of the recorded deed and/or plat,
2. If a portion of an existing tract is/are being submitted for rezoning, an accurate written legal description of only the area to be considered;
3. A copy of a detailed site plan drawn to an engineering scale, showing the location of all buildings, yard dimensions, driveways, fencing, lighting parking areas, landscaping, and all other pertinent data to the case; and
4. A check made payable to the "Cumberland County" in the amount of \$_____ (See attached Fee Schedule)

NOTE: Any revisions, inaccuracies or errors to the application or site plan may cause the case to be delayed and will be scheduled for the next available Board meeting according to the Board's meeting schedule. Also, the application fee is *nonrefundable*.

The Planning and Inspections Staff is available for advice on completing this application; however, they are not available for completion of the application or preparation of the site plan. For questions call (910)678-7603 or (910) 678-7602. Hours of operation are 8:00 a.m. to 5:00 p.m., Monday through Friday.

**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 Seth Henry Britton Saeugling, Applicant
2. Address: 1513 Beal St, Rocky Mount, NC Zip Code 27804
3. Telephone: (Home) 252-231-3540 (Work) _____
4. Location of Property: 3703 Gillespie Street, Fayetteville, NC 28306
5. Parcel Identification Number (PIN #) of subject property: 0424-77-7172
(also known as Tax ID Number or Property Tax ID)
6. Acreage: 4.87 Frontage: 458 feet Depth: 500.5 feet
7. Water Provider: Existing well on-site Septage Provider: Existing septic on-site
8. Deed Book 005395, Page(s) 00146, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
9. Existing use of property: Empty lot (formerly used to sell & lease shipping & storage containers)
10. Proposed use(s) of the property: Self-storage in portable, enclosed metal storage boxes,
Contractor storage yards, used to store equipment, and supplies, behind high-quality,
NOTE: Be specific and list all intended uses. visually beautiful privacy fencing.
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: C(P)

TO: (Select one)

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

APPLICATION FOR
CONDITIONAL ZONING

1. PROPOSED USE(S):

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

Self-storage in portable, enclosed metal storage boxes is already approved with the existing zoning. Vehicle storage is also approved with the existing zoning.

We are requesting a conditional zoning only to allow for open-air storage of supplies related to construction and landscaping. We do not want to have any other conditional uses on this property except for the ability to storage a very limited number of items in a fenced in storage yard, which qualifies as "open air storage" according to the Cumberland County Code Book.

Example of the limited items that would be stored in open-air, fenced-in storage yards: Construction tools & equipment, Trade materials - Pipes, roles of materials etc., Lumber, Steel, Pipes, Small concrete barriers, Small cones, traffic signs & portable fencing, Landscaping equipment, Lawn maintenance equipment, Lawnmowers Small trailers

- 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.

It is a 4.87 acre lot, about 30% of the plot of land will be open space, and about 70% of the land will fit within the uses of the existing zoning.

2. DIMENSIONAL REQUIREMENTS:

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

There will be no permanent structures on this plot of land. We plan to install simple fencing for open-air storage yards (this is what we are applying for conditional zoning b/c this is considered "open air" storage) and portable, metal storage containers (this is approved underneath the existing zoning and code requirements)

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

Gravel for parking spaces. We plan to have 10-11 parking spaces, standard size (9 foot width, 22 foot length)

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.

We plan to only have basic signage, that fits within all regulations for the district.

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.**

There is a natural buffer of forest and trees on all 3 sides of the property that touch up against other properties. The front of the property faces Gillespie Street.

- 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.**

We will follow all setbacks and buffering requirements. Again no permanent structures are located on the land, nor will be built on this land.

This site already has existing fencing and gates that were installed by the previous owner and approved under the previously approved site plan on file. There is also already existing well water and septic on the property, so if we ever needed utilities that would be available. Again, there are no permanent structures or buildings of any kind, this is purely design to be a storage yard of basic supplies and materials.

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.

We will use the existing lighting, we will have security cameras installed for added security. The site will be accessible via a gate keypad for entry.

There will be no smoke, no emissions, no pollutants. This is purely a storage space. There are industrial activities happening on this land.

We will ensure through proper storage, fencing, and privacy shields on fencing, that materials are not able to fly onto adjacent property either by wind or water.

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.

KATHRYN & ROBERT GAINES

NAME OF OWNER(S) (PRINT OR TYPE)

87 QUERCUS CIR LITTLE ROCK AR 72223

ADDRESS OF OWNER(S)

910-818-8400 (Real Estate Broker Representing Owners)

HOME TELEPHONE #

WORK TELEPHONE #

Seth Henry Britton Saeugling, Applicant

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

304 Owen Dr, Fayetteville, NC 28304

ADDRESS OF AGENT, ATTORNEY, APPLICANT

topsoilpropertyco@gmail.com

E-MAIL

252-231-3540

HOME TELEPHONE #

WORK TELEPHONE #

SIGNATURE OF OWNER(S)

SIGNATURE OF AGENT, ATTORNEY OR APPLICANT

SIGNATURE OF OWNER(S)



PLANNING AND INSPECTIONS DEPARTMENT

MEMORANDUM FOR JOINT PLANNING BOARD AGENDA OF MAY 17, 2022

TO: JOINT PLANNING BOARD

FROM: RAWLS HOWARD, PLANNING & INSPECTIONS DIRECTOR

DATE: 5/17/2022

SUBJECT: ZON-22-0045: REZONING FROM A1 AGRICULTURAL DISTRICT TO R15 RESIDENTIAL DISTRICT/ CZ CONDITIONAL ZONING OR TO A MORE RESTRICTIVE ZONING DISTRICT ON 6.00 +/- ACRES; LOCATED AT THE END OF LAGUARDIA DRIVE; SUBMITTED BY SCOTT BROWN (APPLICANT) ON BEHALF OF WILLIAM R. HOMES, LLC (OWNER).

ATTACHMENTS:

Description

Case # ZON-22-0045

Type

Backup Material

REQUEST

Rezoning A1 to R15/CZ

Applicant requests a rezoning from A1 Agricultural District to R15 Residential Conditional Zoning District for one parcel of approximately 6.0 acres located at the end Laguardia Dr, north of Gander Way. The applicant proposes 14 single family residential lots as a Zero Lot Line Subdivision Development with lots ranging from 10,506 sq. ft to 17,133 sq. ft and a 1.1 acre stormwater pond. The tract is currently vacant and wooded. Access to the subject site can only occur at the present time through the Cypress Crossing neighborhood from Laguardia Drive. Conditions of Approval and Conditional Zoning Subdivision Plan can be found in Exhibit "H".

UPDATE: This case was remanded to the Planning Board at the March 21, 2022 Board of Commissioners Meeting. The applicant requested to change the rezoning application to a conditional zoning.

PROPERTY INFORMATION

OWNER/APPLICANT: William R Homes, LLC/Scott Brown

ADDRESS/LOCATION: Northwest end of Laguardia Dive. Refer to Exhibit "A", Location and Zoning Map. REID number: 0433306897000.

SIZE: 6.0 +/- acres within one parcel. The property has approximately 51.68 +/- feet of street frontage along the north side of Laguardia Dr. The property has a depth extending about 644.2 +/- feet on the west side and about 709.9 +/- on the east.

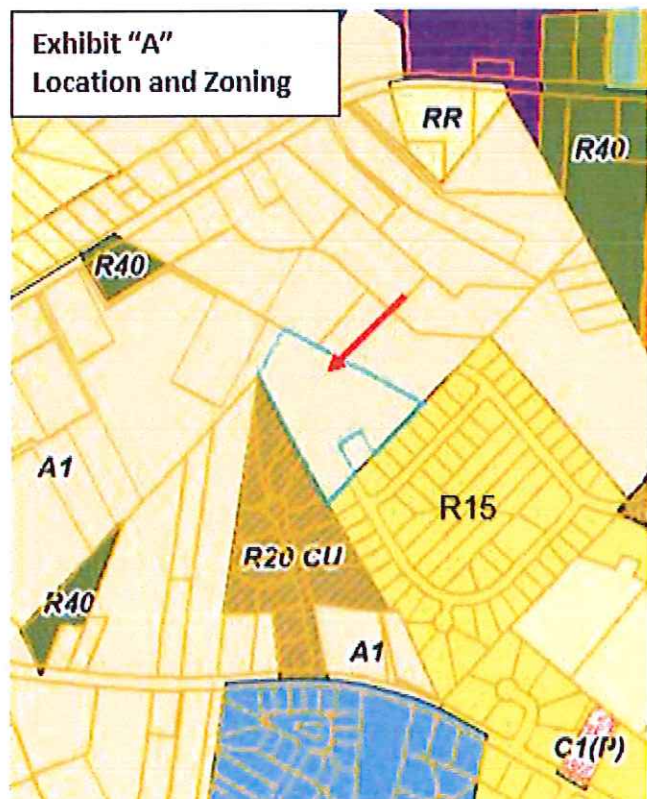
EXISTING ZONING: The subject property is currently zoned A1 Agricultural District. This district is intended to promote and protect agricultural lands, including woodland, within the County. The general intent of the district is to permit all agricultural uses to exist free from most private urban development except for large lot, single-family development. Some public and/or semi-public uses as well as a limited list of convenient commercial uses are permitted to ensure essential services for the residents.

EXISTING LAND USE: The parcel is vacant and wooded. Exhibit "B" shows the existing use of the subject property.

SURROUNDING LAND USE: Exhibit "B" illustrates the following:

North: Abutting to the northeast is a parcel assigned A1 zoning district with a single-family home.

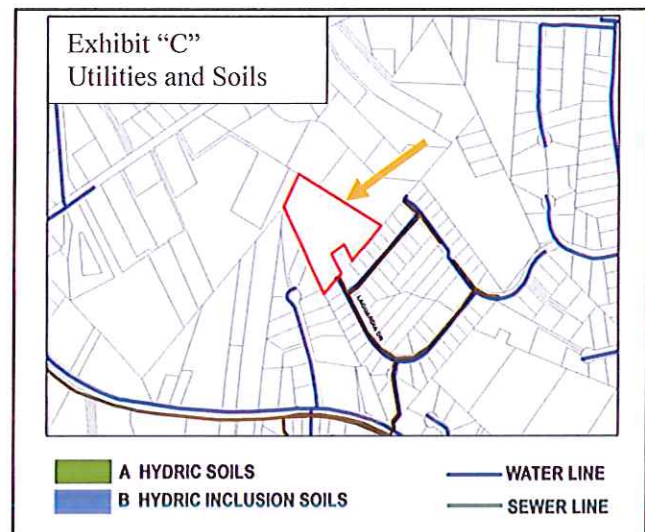
East: East is Sansbury Estates, a residential subdivision zoned A1 with lots occupied with single family homes or are vacant, which are served by a Class "C" private street.



West: West of the subject site is a single-family residential neighborhood, Cypress Landing, zoned R20/Conditional Use. Exhibit "E", attached, presents the plat for Cypress Landing.

South: Southeast is a single-family subdivision, Cypress Crossing, that is zoned R15 and has typical minimum lot size of 9,750 sq. ft. with a typical minimum lot width of 75 feet. Cypress Crossing is a zero lot subdivision/plat with lots sizes smaller than the minimum 15,000 sq. ft. for R15 zoning. Exhibit "F", attached, presents the Zero Lot Line Plat for Cypress Crossing.

OTHER SITE CHARACTERISTICS: The site is not located in a Watershed or within a Flood Zone Hazard Area. The subject property, as delineated in Exhibit "C" illustrates no presence of hydric or hydric inclusion soils.

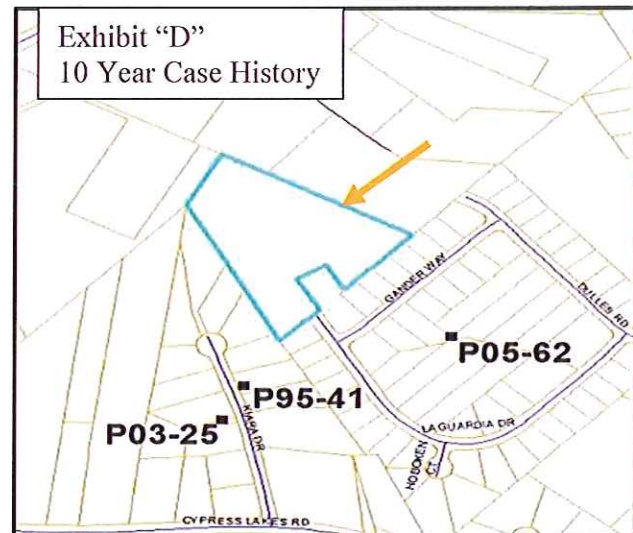


TEN YEAR ZONE CASE HISTORY:

Exhibit "D" denotes the location of the zoning case history described below.

- P05-62: A1 to R15; APPROVED
- P03-25: R20/CU REVISION; APPROVED
- P95-41: A1 TO R20/CU; APPROVED

DEVELOPMENT REVIEW: Subdivision review by County Planning & Inspections will be required before any development.



DIMENSIONAL PROVISIONS FOR REQUESTED DISTRICT:

Minimum Standard	A1 (Existing Zoning)	R15	R15/CZ
Front Yard Setback	50 feet	30 feet	30 feet
Side Yard Setback	20 feet (one story) 25 feet (two story)	10 feet	5 feet*
Rear Yard Setback	50 feet	35 feet	35 feet
Lot Area	2 acres	15,000 sq. ft.	10,500
Lot Width	100'	75'	75'

*Any side yard setback abutting a lot within Cypress Crossing subdivision, shall have a minimum 15 foot side yard setback.

Development Potential:

Existing Zoning (A1)	Zoning (R15)	CZ Subdivision Plan
2 dwelling units	14 dwelling units	14 dwelling units

- Assumes 80% of land is usable for development after exclusion of potential area for roads and drainage.
- Calculation: **(total developable area times 0.8)/minimum lot size for zone district.**
- **Section 202 (A):** Lot count may be rounded-up when a fraction occurs. When any requirement of this ordinance results in a fraction of a unit, a fraction of one-half or more shall be considered a whole unit, and a fraction of less than one-half shall be disregarded.

COMPREHENSIVE PLANS: Located in the South Central Cumberland Land Use Plan (2015), the subject property is designated as "Low Density Residential", which is intended for residential properties having a density of 2.2 to 6 units/acre, as shown within Exhibit "G". At 14 proposed residential lots and a site with 6.0 acres, the density is 2.33 units per acres. The Low-Density Residential designation calls for associated zoning districts of R15 and R7.5. **Request is consistent with the adopted land use plan.** Associated zoning districts within the plan include: R7.5 and R15.

APPLICABLE PLAN GOALS/POLICIES:

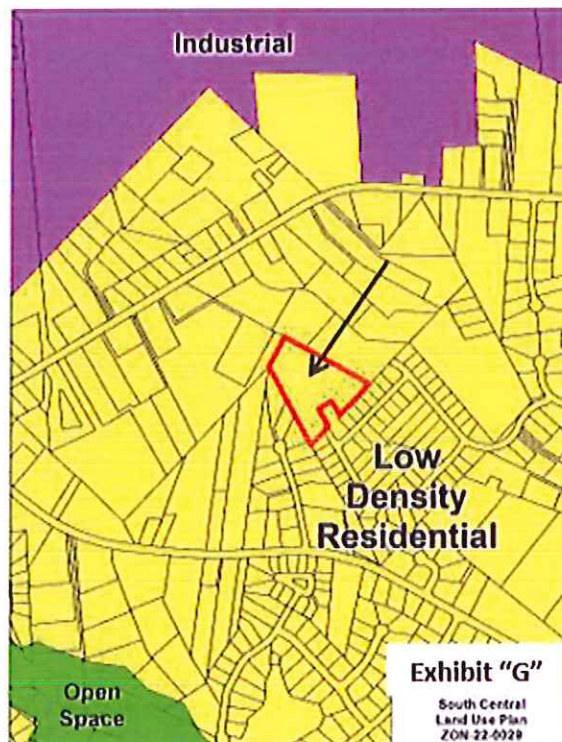
-Goals: Provide a complete range of residential housing types that accommodates the needs of all residents with adequate infrastructure while preserving the character of the area and protecting environmentally sensitive areas.

-Objectives:

- Any residential development greater than two units per acre must have public or private water and sewer.
- Encourage use of low impact developments techniques.
- Strengthen and enforce minimum housing standards
- Promote building of quality housing.
- Provide flexibility for mixed-use and higher density developments to locate close to existing or future commercial centers.
- Locate residential areas with respect to natural and environmental sensitive areas.
- Promote infill development.
- Promote sidewalks and pedestrian facilities to provide access to facilities such as schools, commercial areas, and recreation facilities.
- Provide and preserve natural vegetative buffer areas between single and multistory residential development and non-residential uses.

Requirements (pg. 118):

- Only stick-built homes are permitted in this land use classification.
- Public or community water and sewer is required.



IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES

UTILITIES: PWC water and sewer lines are available at the end of Laguardia Drive. It is the applicant's responsibility to determine if this utility provider will serve their development. Utilities for water and sewer are shown on Exhibit "C".

TRAFFIC: According to the Fayetteville Area Metropolitan Planning Organization (FAMPO), the subject property sits Laguardia Drive and is identified as a local street in the Metropolitan Transportation Plan. There are no roadway construction improvement projects planned and the subject property will have no significant impact on the Transportation Improvement Program. In addition, Laguardia has no available AADT or road capacity data. Due to the small development scale and lack of data, the new zoning request does not demand a trip generation. The new development should not generate enough traffic to significantly impact Laguardia Drive.

SCHOOLS CAPACITY/ENROLLMENT:

School	Capacity	Enrollment
Alderman Road Elementary	707	667
Gray's Creed Middle	1,083	1,125
Gray's Creek High	1,517	1,396

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

EMERGENCY SERVICES: Cumberland County Fire Marshal's office has reviewed the request and stated that the applicant must ensure that all fire department access roads requirements are met in accordance with section 503 of the 2018 NC Fire Code, where required.

SPECIAL DISTRICTS: The property is not located within the Fayetteville Regional Airport Overlay District or within five miles of Fort Bragg Military Base.

CONDITIONS OF APPROVAL: This is a conditional zoning with a conceptual subdivision plan, both are Exhibit "H"

CODE DEVIATIONS: No deviations have been identified.

STAFF RECOMMENDATION

In Case ZON-22-0045, the Planning and Inspections staff **recommends approval** of the rezoning request from A1 Agricultural District to R15 Residential/CZ Conditional Zoning District. Staff finds the request is consistent with the South-Central Cumberland Land Use Plan which calls for Low Density Residential at this location. Staff also finds that the request is compatible to and in harmony with the surrounding land use activities and zoning.

Attachments:
Notification Mailing List
Application

EXHIBIT "E"
Cypress Landing Plat

**CONDITIONAL ZONING TERMS
CASE ZON-22-0045**

R15/CZ RESIDENTIAL/CONDITIONAL ZONING DISTRICT

**Ordinance Related Conditions
For up to a 14 Lot Zero Lot Line Subdivision**

Pre- Permit Related:

1. A recorded plat is required prior to permit application, see Plat-Related conditions below. [Sec. 4-8(b)(7), County Code]
2. The Code Enforcement Section must approve the individual plot plan for each lot prior to permit application. (Sec. 2402, County Subdivision Ord.)
3. Prior to permit application, the developer must provide to the Code Enforcement Section documentation of NC Department of Environmental Quality Division of Energy, Mineral and Land Resources' (NCDEQ DEMLR) approval of the Sedimentation and Erosion control plan for this project. NCDEQ DEMLR requires a Sedimentation and Erosion control plan be submitted and approved 30 days prior to land disturbing activities if said land disturbing activity will exceed one acre.

If a plan is not required, per 15ANCAC 04B.0105 "Person conducting land disturbing activity shall take all reasonable measures to protect public and private property from damage cause by such activities." Sedimentation and erosion control measures will need to be installed to protect adjacent properties. [Sec. 4-8(b)(6), County Code; originally under County jurisdiction relinquished to NCDEQ around 2000]

4. The development shall connect to the central water and sewer systems available to it. No certificate of occupancy shall be issued until central water and sewer is available. On-site septic tanks are not allowed.
5. 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.)
6. The County Health Department must approve water plans if not connected to central water system. Property not served by public water system is required to be large enough and of such physical character to comply with the Health Department's minimum standards. A copy of the Health Department approval must be provided to Code Enforcement. (Note: All Health Department requirements must be met prior to issuance of final permits.) (Sec. 2306 A, County Subdivision Ord. & Sec. 1101.E, County Zoning Ord.)
7. Fire hydrants are required when served by extension of a public water system where the provider is capable of supplying sufficient water pressure to operate the hydrants.

The following are the minimum standards for hydrant installation:

1. Fire hydrants shall be located no more than 1,000 feet apart and at a maximum of 500 feet from any lot or unit;

2. Each fire hydrant shall have the minimum main supply line as required by the provider to adequately provide the appropriate amount of pressure to the hydrant;
3. Fire hydrants shall be maintained by the entity supplying water thereto; and
4. Standard hydrant design (National Standard Thread, 4½-inch steamer, (2) 2½-inch discharge connections, etc.) and proper maintenance shall be utilized.

Pre- Permit Related:

8. The owner/developer(s) of this site must obtain detailed instructions from the County Current Planning Section in the Historic Courthouse at 130 Gillespie Street on provisions of the County Zoning and Subdivision Ordinances or any other county applicable development regulatory requirements regarding the preliminary plat or subdivision plan submittal requirements.
9. If any right-of-way dedication is required by NCDOT, a recorded plat referenced above shall identify any such right-of-way dedication and sight distance easements. (Sec. 2402, County Subdivision Ord.)
10. 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]

11. Authorization for wastewater system construction required before other permits to be issued. The County Health Department must approve sewer plans.

Permit-Related:

12. The owner/developer(s) of this property 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.)
13. 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]
14. **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 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]

15. 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)

Site-Related:

16. All uses, dimensions and other related provisions of the County Subdivision and Development Ordinance, and County Zoning Ordinance for the R15 Residential/CZ Conditional Zoning must be complied with, as applicable, and as appearing with the conceptual subdivision plan appearing in Exhibit "A". Any conditions set forth herein this ordinance shall supersede the Zoning and Subdivision Code. If not specifically addressed within this Ordinance, all requirements of the Zoning and Subdivision Codes shall be met, including applicable Section 2402 Zero Lot Line Development provisions, subsection C, E, F, G, H, I, and J.
17. Minimum setback standards for this residential subdivision shall be:
Front – 30 feet
Side – 5 feet. Any side yard abutting a yard within Cypress Crossing, the side yard setback shall be 15 feet.
Rear: 35 feet
18. This conditional approval is not approval of any freestanding signs. Attached signage for this development must be in accordance with the applicable sign regulations as set forth in Article XIII of the County Zoning Ordinance and that the proper permit(s) must be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is **not** approval of the size, shape, or location of any signs.) (Art. XIII, County Zoning Ord.)
19. 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.)
20. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306.C, County Subdivision Ord.)
21. 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.)

22. This review does not constitute a "subdivision" approval by NC Department of Transportation (NCDOT). The NC Department of Transportation's (NCDOT) approval of the driveway plans is required, and any street improvements are required to be constructed to the NCDOT standards for secondary roads. (Sec. 2304B, County Subdivision Ord. & NCGS §136-102.6). If buildings permits are issued by Cumberland County prior to NCDOT acceptance of the streets, the developer is responsible that roads shall meet conditions suitable for safe passage for vehicles used by County inspection personnel. The County Building Official may delay inspections if determined that road conditions do not provide safe passage for vehicles used by County inspectors.

23. Turn lanes may be required by the NC Department of Transportation (NCDOT). [Art. XIV, County Zoning Ord. & NCGS §136-18(5) & §136-93]

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

24. The subdivision plan must provide an internal access to any the stormwater facility serving the site, to allow the HOA to have the ability to access the stormwater facility.

Plat-Related:

25. Prior to Final Plat submittal, the Engineer of Record shall submit certification to Current Planning Section that the hydrant provisions, water, and sewer extension have been met and installed with required acceptance from the utility provider.

26. All open space areas shall be shown and noted on the Final Plat as common open space and dedicated to the HOA for maintenance and responsibility.

27. The final plat shall be prepared in accordance with Article XV of the Subdivision Ordinance and also include the following:

- (1) All building sites (lots/units) numbered with bearings and distances shown for their respective boundaries.
- (2) All —common areall labeled as such with the facilities thereon indicated.
- (3) Any notes as required under this section, including maintenance easements when required.
- (4) An indication as to the location (book and page number) of the covenants and restrictions governing the recorded plat.

28. The developer is required to submit to the Current Planning Section either one set of a hard copy or one set of a pdf email copy to Alyssa Garcia, agarcia@co.cumberland.nc.us of the following documents:

- a. One copy of proposed covenants, by-laws and articles of incorporation for the proposed development designating responsibility for _____ by the owners' association for the development;
- b. One copy of the deeds proposed for recordation conveying all common area to the proposed owners association;
- c. One copy of any proposed supplemental covenants if the proposed development is to be submitted for final approval in phases; and
- d. One copy of each proposed final plat prior to the submission for final approval – can be a phase of the approved development or the complete development as approved.

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

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

29. The street name signs, in compliance with the County Street Sign Specifications, must be installed prior to final plat approval. The developer should contact Location Services for inquiries regarding the County's policy for street sign installation or, if the sign is commissioned from a private source, to schedule an inspection of the street sign(s). The Current Planning Section must receive notice of agreement with the Location Services Section for sign installation or of satisfactory inspection prior to the approval of the final plat. Sec. 4-171, County Code)
30. The builder/developer must provide the buildable envelopes on the final plat: the individual plot plans must be approved by the Code Enforcement Section prior to issuance of any permits.
31. Any/All easements must be reflected on the final plat and labeled as to type of easement, reference number for document creating the easement, and the name of the agency, individual, etc. who holds the easement.
32. The NC Department of Transportation (NCDOT) stamp must be affixed to the final plat prior to submission for final plat approval by the Current Planning Section.

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

33. The notarized signature(s) of all current tax record owner(s) and notary certifications appear on the final plat when submitted for final approval. (Section 2503 D, Certificate of Ownership and Dedication, County Subdivision and Development Ordinance).
34. The developer is reminded that the improvements must be in place or that final plat approval will only be granted in accordance with Section 2502 B, C, or D, Final Plat – Guarantees of Improvements, County Subdivision and Development Ordinance. (Note: Once the improvements are in place, the developer is responsible for contacting Jeff Barnhill to schedule an inspection of the improvements.)
35. The developer's engineer must submit to Cumberland County Planning and Inspection Department a sealed document certifying that the streets have been constructed to the NC Department of Transportation (NCDOT) standards for secondary roads.
36. The Developer must formally notify the NC Department of Transportation once construction of the public streets is complete and initiate the process of transferring the responsibility of road maintenance to the NCDOT. If application to the NCDOT District Engineer has not been formally submitted by the time building permits have been issued for 80% of the lots shown on the Preliminary plan, no additional building permits can be issued until the NCDOT District Engineer notifies this department of the receipt of the application. (Sec.2304. B.2, County Subdivision Ordinance and Section 107, County Zoning Ordinance.
37. The development(s) and any future lot owners are responsible for the maintenance and upkeep of the streets until such time the streets are added to the State system by the NC Department of Transportation (NCDOT) for maintenance purposes. The developer is advised to give notice of the

street status to any future lot owners in the event the lots are conveyed prior to the NCDOT's acceptance.

38. The Final Plat must be submitted to the Current Planning Section for review and approval for recording with the County Register of Deeds, and the plat must be recorded prior to any permit application for any structure and/or prior to the sale of any lot or unit within this development. The Final Plat submittal package must include Final Plat submittal checklist filled out by applicant providing required Legal and HOA documents for County Attorney review pursuant to the requirements of Section 2402, subsections C, E, F, G, H, I and J of the Subdivision Ordinance prepared by the applicant's HOA attorney.
39. 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.
40. Prior to Final Plat approval, engineer of record shall provide certification that waterline has been installed.

Plat-Required Statements:

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

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

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

"Nonconforming structures have not been created by this subdivision."

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

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

Advisories:

44. The applicant is advised to consult an expert on wetlands before proceeding with any development.
45. 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

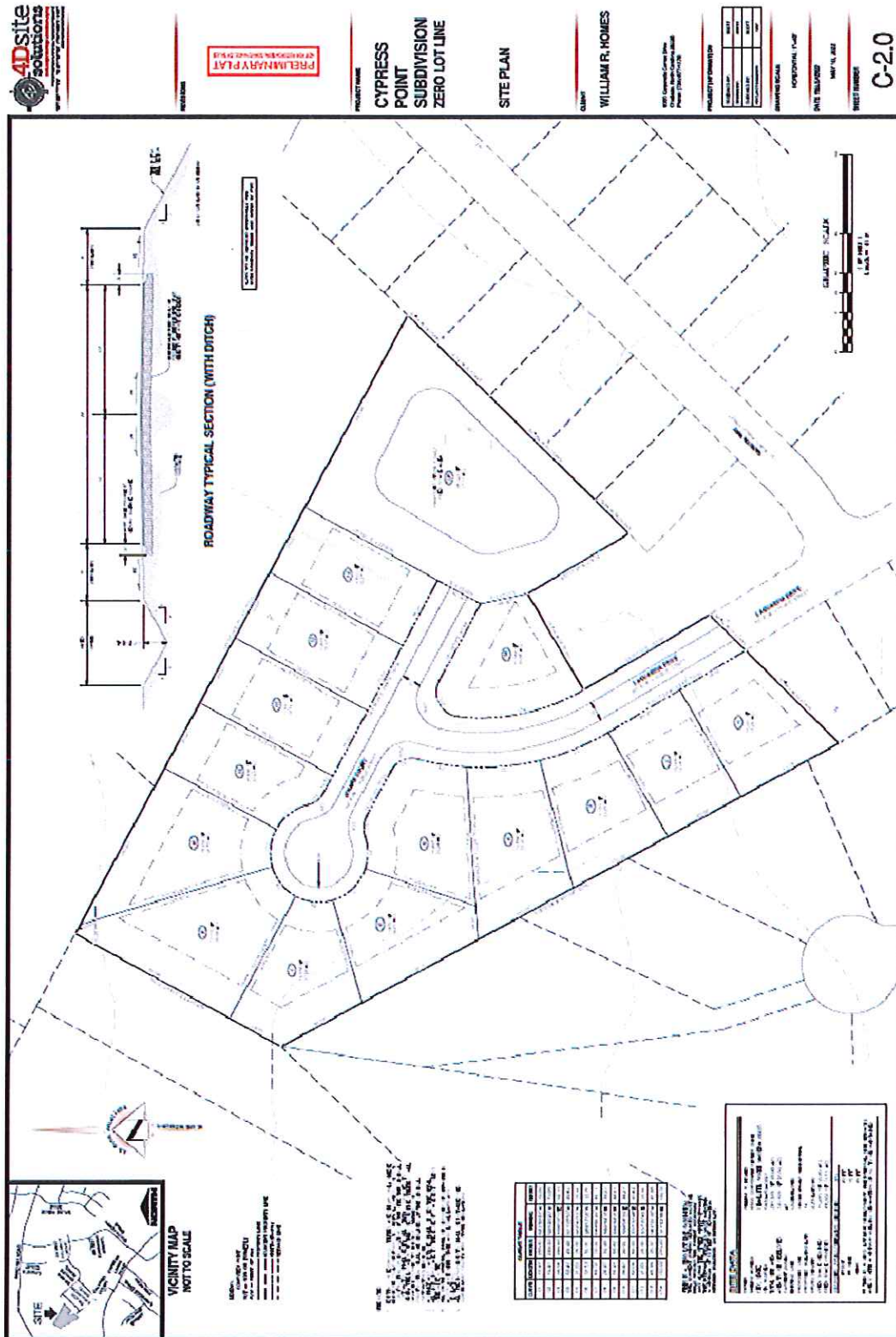
construction. A Section 404 permit will be required if the applicant needs to fill wetlands and the permit must be obtained prior to any construction on this site.

46. The owner/developer is responsible for ensuring easements which may exist on the subject property are accounted for, not encumbered and that no part of this development is violating the rights of the easement holder.
47. The US Postal Service most likely will require this development to have centralized cluster boxes for postal service to each lot or unit. The developer is advised contact the US Postal Growth Coordinator for the Mid-Carolinas District to determine the appropriate location for the cluster boxes. If the cluster box location requires changes to the subdivision or site plan, a revised preliminary/plan must be submitted to the Planning & Inspections Department for review and approval.
48. 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.
49. The developer(s) and any future lot owners are responsible for the maintenance and upkeep of the streets until such time the streets are added to the State system by the NC Department of Transportation (NCDOT) for maintenance purposes. The developer is advised to give notice of the street status to any future lot owners in the event the lots are conveyed prior to the NCDOT's acceptance.

Other Relevant Conditions:

50. This conditional approval is contingent upon continued compliance with the County's Zoning and Subdivision Ordinance the conditions set forth herein, including applicable NC State Statute 160-D requirements.
51. Any revision or addition to this plan necessitates re-submission for Current Planning Section review and approval prior to the commencement of the change. Final Plat submittal must conform to the approved conceptual preliminary plan Exhibit "H".

Conditional Zoning Subdivision Plan (Zero Lot Line)



ATTACHMENT – MAILING LIST

Bobby Hicks Heirs & Raeford Ramona 1384 Cypress Lake Rd Hope Mills, NC 28348	John & Kimberly <u>Adorian</u> 4809 Kiara Dr Hope Mills, NC 28348	Roger McAllister 1401 Leander Ln Hope Mills, NC 28348
Henry & <u>Letia</u> Hammond 1513 <u>Laguardia Dr</u> Hope Mills, NC 28348	John & Carolina Gibbs 4804 Kiara Dr Hope Mills, NC 28348	Alicia <u>Cabbagestalk</u> 724 <u>Fairbluff Dr</u> Hope Mills, NC 28348
Virginia French 1504 Dulles Rd Hope Mills, NC 28348	Curtis Brown Jr 816 Cabaletta Dr Hope Mills, NC 28348	The Thelma Revocable Living Trust 3217 <u>Coachmans Way</u> Durham, NC 27705
Towanda Raye 1422 Sand Hill Rd Hope Mills, NC 28348	Jeffrey <u>Latkovich</u> 74 Spotswood Dr Spotswood, NJ 08884	Priscilla & Herbert Beckwith PO BOX 183 Hope Mills, NC 28348
Sammy & Monica <u>Yankaway</u> 4712 Gander Way Hope Mills, NC 28348	Henry & Debra Shotwell 4729 Gander Way Hope Mills, NC 28348	Charles <u>Cogdell</u> 1521 <u>Laguardia Dr</u> Hope Mills, NC 28348
Timothy Hammonds Jr. 1450 <u>Laguardia Dr</u> Hope Mills, NC 28348	<u>Hape, LLC</u> 1449 Cypress Lakes Rd Hope Mills, NC 28348	Eric & Danielle Hurley 1516 Dulles Rd Hope Mills, NC 28348
Clay & Jill <u>Hernly</u> 1509 Dulles Rd Hope Mills, NC 28348	Caleb & Maddison Ritchey 4720 Gander Way Hope Mills, NC 28348	Donald & Towanda Raye 1422 Sandhill Rd Hope Mills, NC 28348
Jeffrey <u>Latkovich</u> 4800 Kiara Dr Hope Mills, NC 28348	Joyce Hicks 1345 Cypress Lakes Rd Hope Mills, NC 28348	Shirley & Roger McAllister 1432 Sand Hills Rd Hope Mills, NC 28348
William & Laura Hinson 4812 Kiara Dr Hope Mills, NC 28348	Freeman & Tik Williams 1508 Dulles Rd Hope Mills, NC 28348	Logan & Dana <u>Yustin</u> 4717 Gander Way Hope Mills, NC 28348
Valeria McMillan 4724 Gander Way Hope Mills, NC 28348	Frederick & <u>Shaquetta</u> Sinclair 1501 Dulles Rd Hope Mills, NC 28348	Irene <u>Sansbury</u> Life Estate 1376 Sand Hill Rd Hope Mills, NC 28348

Kristina Ducheine
4821 Kiara Dr
Hope Mills, NC 28348

Jerome & Okayo Ouattara
1449 Dulles Rd
Hope Mills, NC 28348

Travis & Kim Christian
1520 Laguardia Dr
Hope Mills, NC 28348

Jeffrey & Jodie Nance
4820 Kiara Dr
Hope Mills, NC 28348

Joseph Brown
4828 Kiara Dr
Hope Mills, NC 28348

Brandi & Giovaughn Kaigler-Jackson
4704 Gander Way
Hope Mills, NC 28348

Leyni Williams
1513 Dulles Rd
Hope Mills, NC 28348

Nickolus & Alyssa Liquori
1512 Laguardia Dr
Hope Mills, NC 28348

J.M.B.B., LLC
3508 Tree Ring Ct
Fayetteville, NC 28306

Calvin & Agnes Smith
PO BOX 838
Hope Mills, NC 28348

Monroe, Renee Morris
Teresa Matthews
299 Isabella Ave
Irvington, NJ 07111

Paul Chaionn
3394 Hawthorne St
Hope Mills, NC 28348

John Patrick Kelly
1504 Laguardia Dr
Hope Mills, NC 28348

Carlos & Josefina Diaz
4733 Gander Way
Hope Mills, NC 28348

Edward & Shawna Shelley
1505 Dulles Rd
Hope Mills, NC 28348

Carolyn Brown
1336 Leander Ln
Hope Mills, NC 28348

Adilson & Luz Mieses Rodriguez
4725 Gander Way
Hope Mills, NC 28348

Thomas & Theresa Grosso
4808 Kiara Dr
Hope Mills, NC 28348

Brian & Jennifer Young
1451 Laguardia Dr
Hope Mills, NC 28348

David & Carlene Morales
4713 Gander Way
Hope Mills, NC 28348

Thomas & Leslie Haskins
4709 Gander Way
Hope Mills, NC 28348

Robert & Jill Laverick
4825 Kiara Dr
Hope Mills, NC 28348

Edgar Christie
1521 Dulles Rd
Hope Mills, NC 28348

Sonya Wilson
4817 Kiara Dr
Hope Mills, NC 28348

Richard & Theresa Hall
4721 Gander Way
Hope Mills, NC 28348

Connie Freeman Life Estate
1413 Cypress Lakes Rd
Hope Mills, NC 28348

Tate & Jessica Stanley
1453 Dulles Rd
Hope Mills, NC 28348

Ralph & Sondra Holloman
3275 E NC 20 HWY
ST Pauls, NC 28384

Corey & Patricia Young
1509 Laguardia Dr
Hope Mills, NC 28348

Jayshaun & Ashley Givens
1516 Laguardia Dr
Hope Mills, NC 28348

Stephen & Mindy Raines
1454 Laguardia Dr
Hope Mills, NC 28348

Jason & Brittany Bullock
4708 Gander Way
Hope Mills, NC 28348

Maria Demilia
1512 Dulles Rd
Hope Mills, NC 28348

John & Valerie McMillan
1517 Dulles Rd
Hope Mills, NC 28348

Eric McAllister, Trustee
PO BOX 294
St Pauls, NC 28348

Bobby Hicks Heirs
1384 Cypress Lakes Rd
Hope Mills, NC 28348

Chad & Brandie Hume
1520 Dulles Rd
Hope Mills, NC 28348

Zelma & Carmelo Lopez
4716 Gander Way
Hope Mills, NC 28348

Kimberly Bledsoe, Sabrina Ross,
Shannon Russell, Jason Fowler
6400 Emu Dr
Hope Mills, NC 28348

Merle Prewitt
2126 Cypress Lakes Rd
Hope Mills, NC 28348

Thomas & Louanne Webb
1517 Laguardia Dr
Hope Mills, NC 28348

Min Hui Yang & W Wang Meng
1508 Laguardia Dr
Hope Mills, NC 28348

Sharon Lipscomb
1473 Cypress Lake Rd
Hope Mills, NC 28348

Timothy & Kristy Wood
4728 Gander Way
Hope Mills, NC 28348

Jordan & Katy Goers
1524 Laguardia Dr
Hope Mills, NC 28348

ATTACHEMENT: Application



County of Cumberland
◆
Planning & Inspections Department

CASE #: _____

PLANNING BOARD
MEETING DATE: _____

DATE APPLICATION
SUBMITTED: _____

RECEIPT #: _____

RECEIVED BY: _____

**APPLICATION FOR
CONDITIONAL ZONING DISTRICT
REZONING REQUEST
CUMBERLAND COUNTY ZONING ORDINANCE**

Upon receipt of this application (petition), the County Planning & Inspections Staff will present to the Joint Planning Board the application at a hearing. In accordance with state law and board's policy, the staff will provide notice of the hearing to the appropriate parties and in the proper manner.

The Joint Planning Board will make a recommendation to the Cumberland County Board of Commissioners concerning the request. The Board of Commissioners will schedule a public hearing and issue a final decision on the matter. Generally, the Commissioners will hold their public hearing in the month following the meeting of the Planning Board. *The Conditional Zoning District shall not be made effective until the request is heard and received approval by the Board of Commissioners.*

The following items are to be submitted with the completed application:

1. A copy of the *recorded* deed and/or plat.
2. If a portion of an existing tract is/are being submitted for rezoning, an accurate written legal description of only the area to be considered;
3. A copy of a detailed site plan drawn to an engineering scale, showing the location of all buildings, yard dimensions, driveways, fencing, lighting parking areas, landscaping, and all other pertinent data to the case; and
4. A check made payable to the "Cumberland County" in the amount of \$_____.

The Planning & Inspections Staff will advise on zoning options, inform applicants of development requirement and answer questions regarding the application and rezoning process. For further questions, call (910)678-7627. Hours of operation are 8:00 a.m. to 5:00 p.m., Monday through Friday.

NOTE: Any revisions, inaccuracies or errors to the application may cause the case to be delayed and will be scheduled for the next available board meeting according to the board's meeting schedule. Also, the application fee is *nonrefundable*.

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

**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. Applicant/Agent William R. Homes, LLC
2. Address: 8000 Corporate Center Dr, Ste 100, Charlotte, NC Zip Code 28226
3. Telephone: (Home) 704-877-1178 (Work) _____
4. Location of Property: end of Laguardia Drive
5. Parcel Identification Number (PIN #) of subject property: 0433306897000
(also known as Tax ID Number or Property Tax ID)
6. Acreage: 6 Frontage: 51' Depth: 650'
7. Water Provider: PWC
8. Sewer Provider: PWC
9. Deed Book 11325, Page(s) 757, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
10. Existing use of property: Wooded
11. Proposed use(s) of the property: single family residential subdivision

NOTE: Be specific and list all intended uses.

12. Has a violation been issued on this property? Yes _____ No X
13. It is requested that the foregoing property be rezoned FROM: A1
TO: (Select one)
X Conditional Zoning District, with an underlying zoning district of R15
(Article V)
_____ Mixed Use District/Conditional Zoning District (Article VI)
_____ 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 to only the use(s) specified in this application.)
- The runoff from the development will not be directed toward the lots along Gander Way. 4728, 4724, 4720 and 4716 Gander Way have problems with water ponding along the rear of the lots. The proposed development will not add to the current ponding problem. It is possible that the development will help to reduce or possibly eliminate the current ponding issues.
- 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.
- There are 14 proposed lots for the R15 zoning. All property will be residential with exception to the open space area provided for the storm pond. There will be approximately 1 ac of open space for the development with the remainder in street ROW and single family lots.

2. DIMENSIONAL REQUIREMENTS:

- A. Reference either the dimensional requirements of the district (Sec. 1004) or list the proposed setbacks.
- The parent tract perimeter and street setbacks for R15 listed in the ordinance will be honored. This will be a zero lot line development. The internal lots and setbacks will be in accordance with a zero lot line development.
- 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.

- Project sign will be in accordance with the current ordinance

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.

- 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 Godwin 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 shall be of sufficient detail to allow the County Planning and Inspections Staff, and the Joint 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.

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 and Department a valid request, not incompatible with existing neighborhood zoning patterns.

I further understand I must voluntarily agree to all ordinance related conditions prior to the first hearing on the case. The undersigned hereby acknowledge that the County Planning & Inspections Staff has conferred with the petitioner or assigns, and the application as submitted is accurate and correct.

William R. Homes, LLC
Name of Owner(s) (Print or Type)

8000 Corporate Center Drive, Suite 100, Charlotte, NC 28226
Address of Owner(s)

jimmyray33@gmail.com
E-Mail

704-877-1178
Home Telephone Work Telephone

[Signature]
Signature of Owner(s) Signature of Owner(s)

4D Site Solutions, Inc - Scott Brown
Name of Agent, Attorney, Applicant (by assign) (Print or Type)

409 Chicago Drive, Suite 112, Fayetteville, NC 28306
Address of Agent, Attorney, Applicant

910-489-6731
Home Telephone

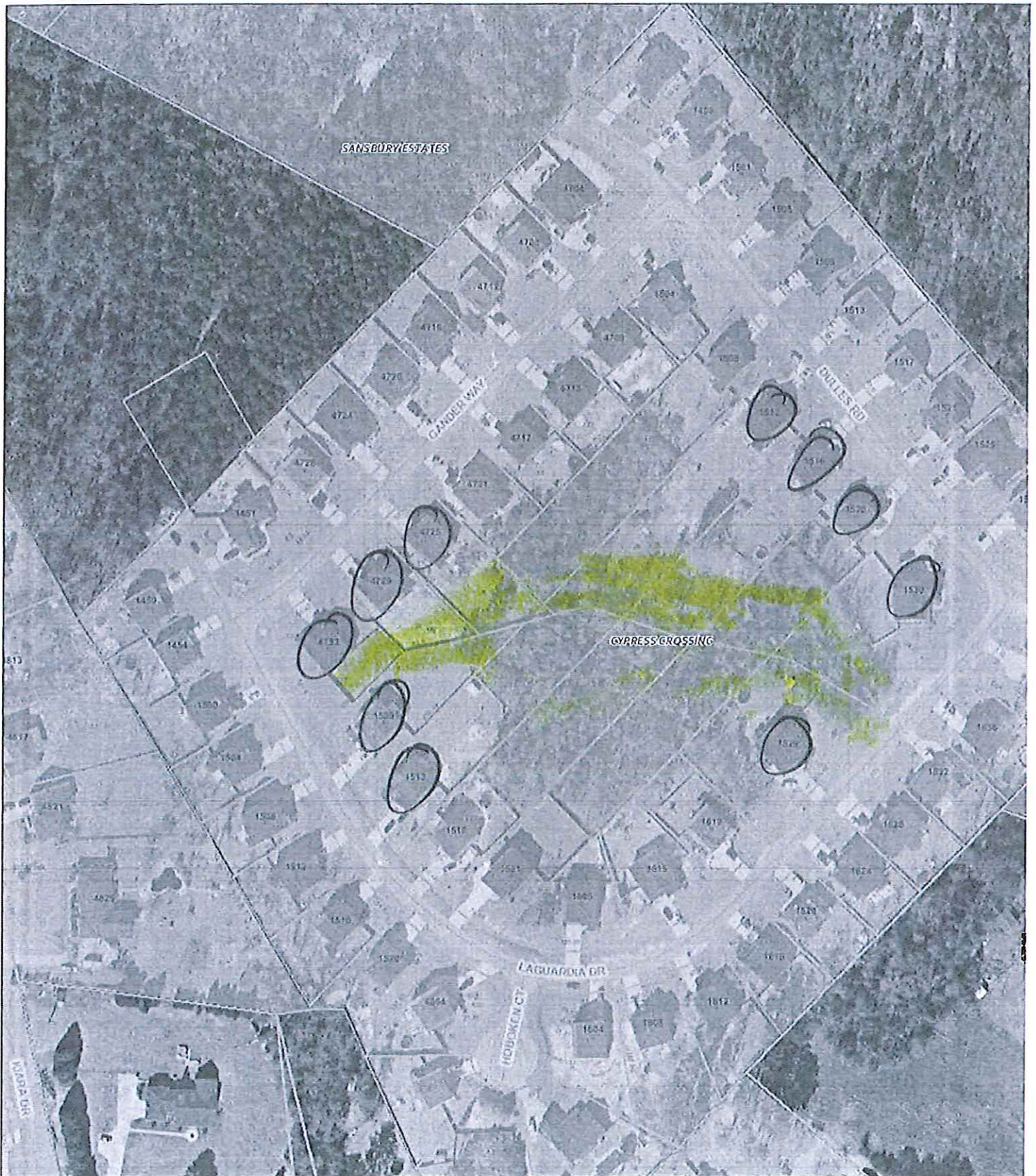
910-426-6777
Work Telephone

sbrown@4dsitesolutions.com
E-Mail Address Fax Number

[Signature]
Signature of Agent, Attorney,
or Applicant

- * **ALL record property owners must sign this petition.**
- * **The contents of this application, upon submission, becomes "public record."**

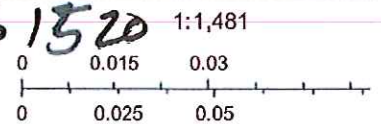
2017 view



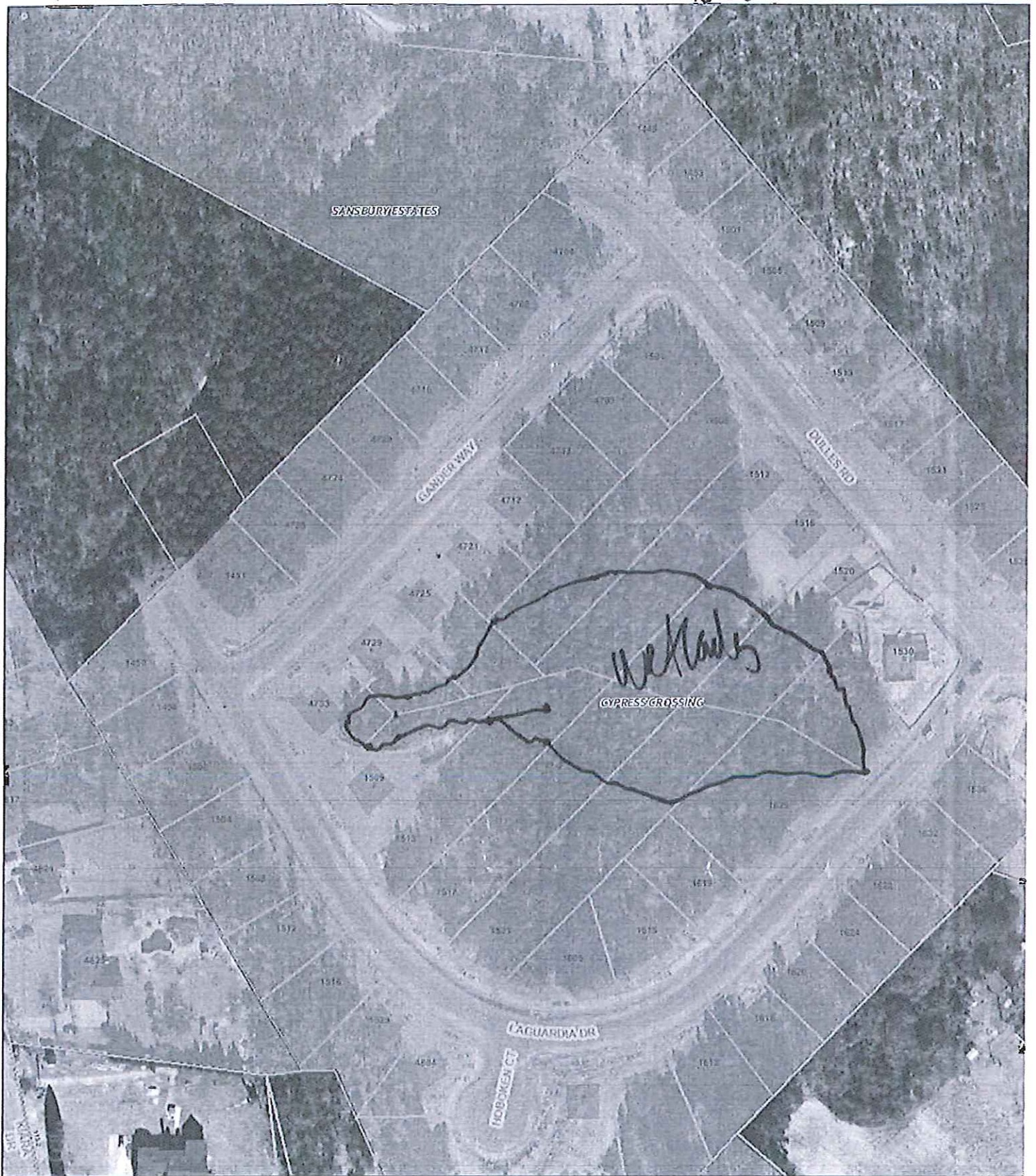
3/22/2022, 11:12:27 AM

- Parcels
- Addresses
- Buildings
- Subdivisions

4793 4729 4725 1508 1512 1516 1520
1530 1629 1509 1513
ID homeowners



2010 view *Before*



3/22/2022, 11:10:13 AM

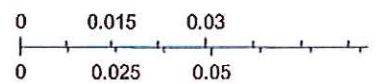
1:1,481

Parcels

• Addresses

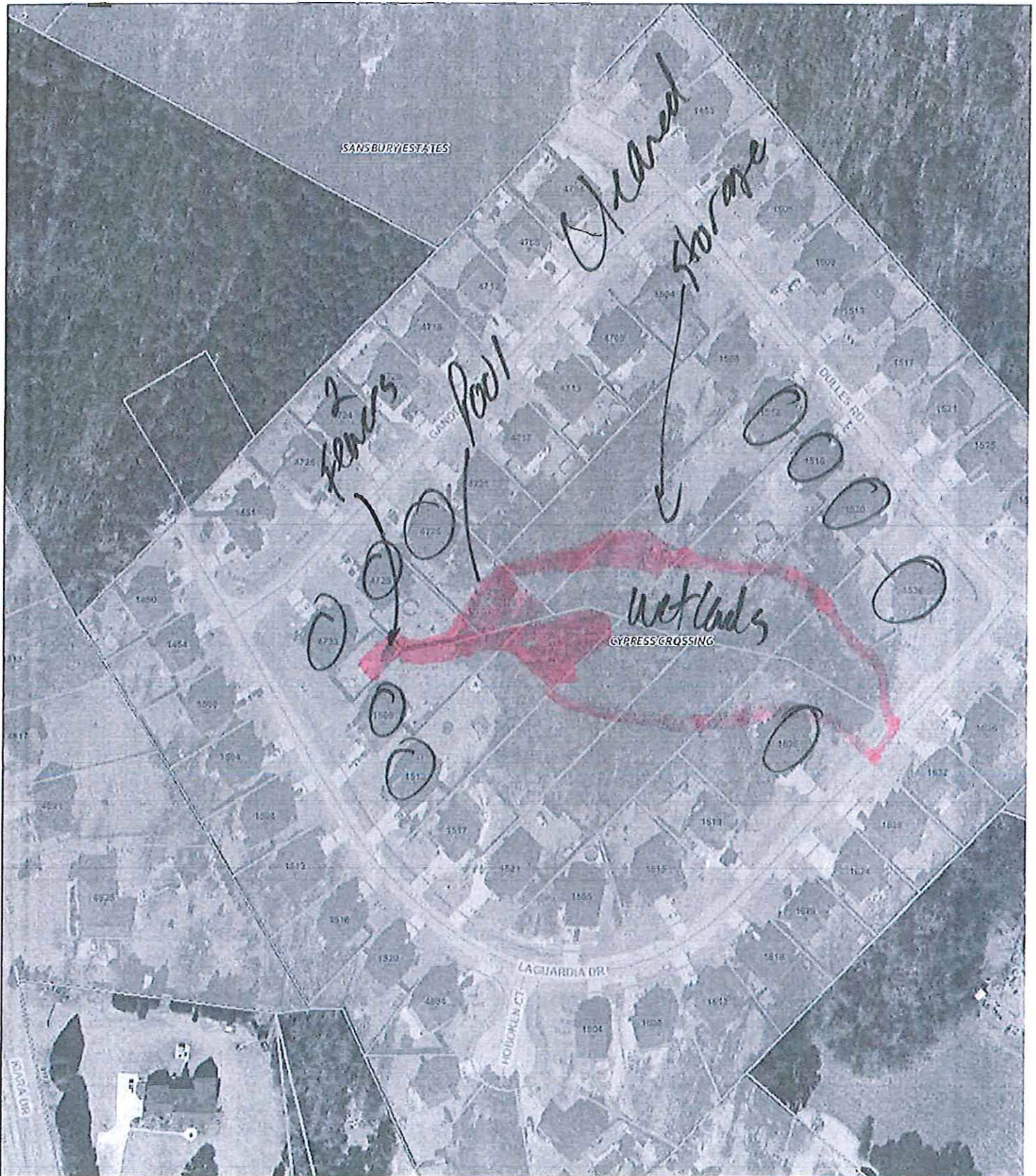
Buildings

Subdivisions



2021 view

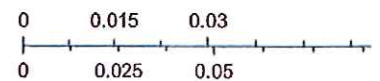
After



3/22/2022, 11:13:14 AM

10 Homeowners impacted.

1:1,481



- Parcels
- Addresses
- Buildings
- Subdivisions

39.26

53.24

44.44

39.2

65.47

12.28

130

181.77

32.73

36

62.6

38

124.6

37

139

288.43

82.97

37.48

190.05

71

GANDER WAY

LA AGUADILLA DR

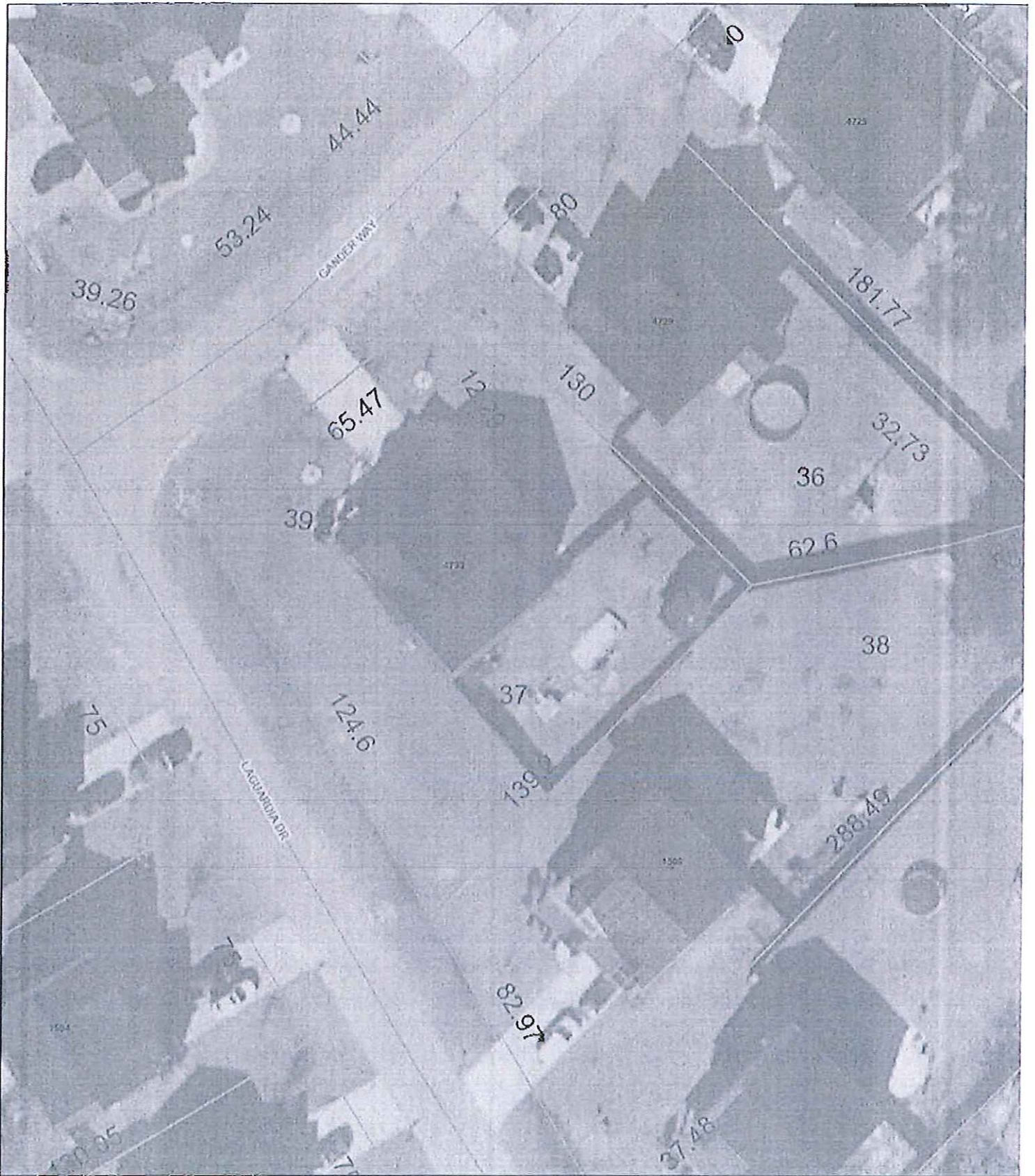
1:370

A horizontal number line for k_1 with major tick marks at 0, 0.005, 0.01, and 0.02. There are also minor tick marks at intervals of 0.001. Specific values are labeled above the line: 0, 0.00425, 0.0085, and 0.02. The label k_1 is at the right end of the line.

0 0.005 0.01 0.02 k_t

Subdivision

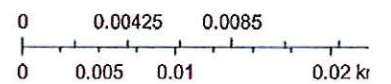
4729 Fence in wetlands and cleared wetlands



3/22/2022, 11:29:08 AM

1:370

- Parcels
- Addresses
- Buildings
- Subdivisions



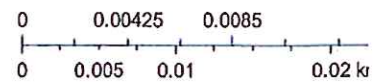
4725 Pool in wetlands



3/22/2022, 11:28:33 AM

1:370

- Parcels
- Addresses
- Buildings
- Subdivisions



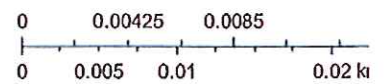
1509 Fence in wetlands and cleared wetlands



3/22/2022, 11:31:22 AM

1:370

- Parcels
- Addresses
- Buildings
- Subdivisions



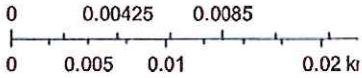
1629 Fence and storage building in wetlands and cleared wetlan



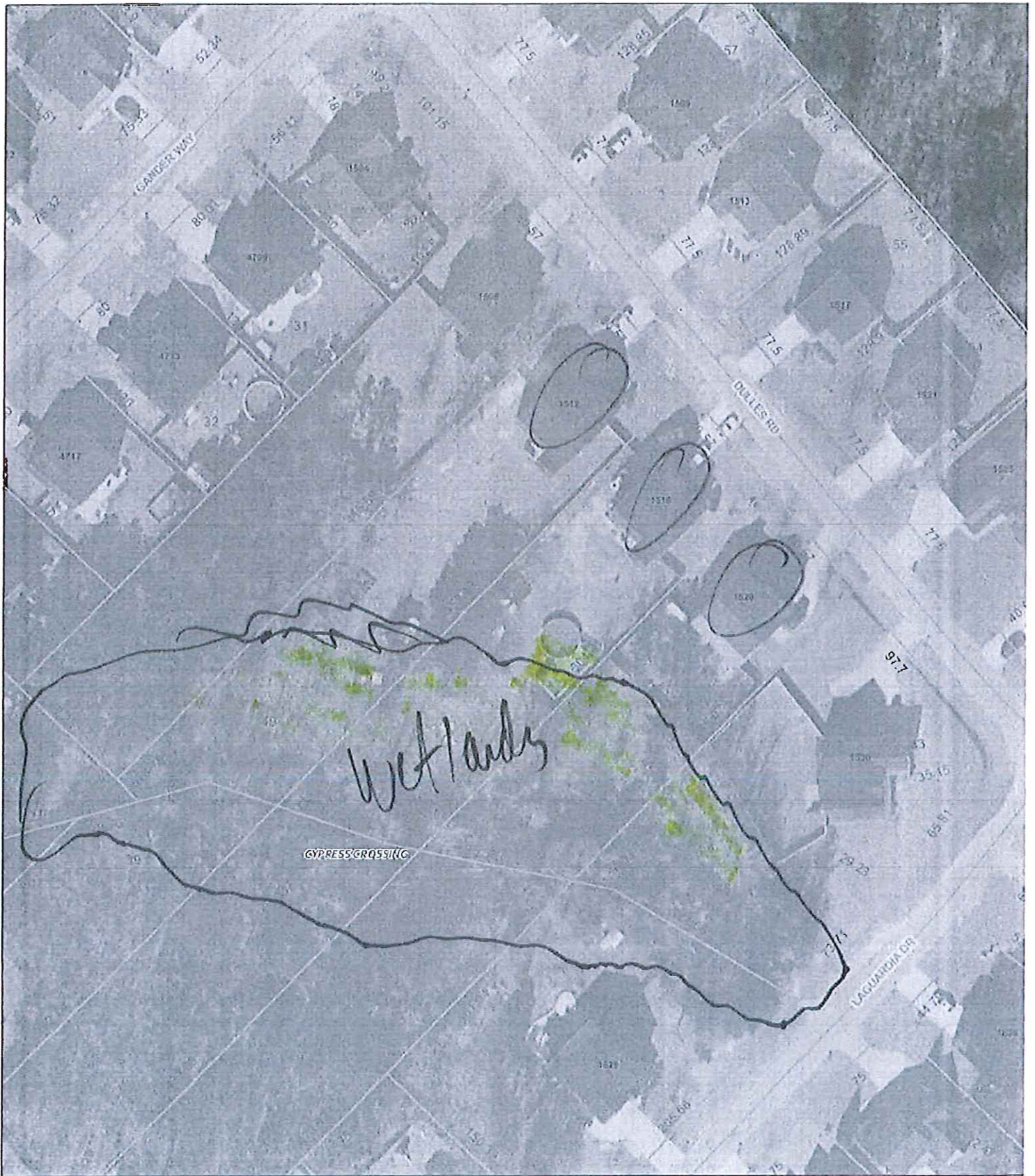
3/22/2022, 11:32:53 AM

1:370

- Parcels
- Addresses
- Buildings
- Subdivisions



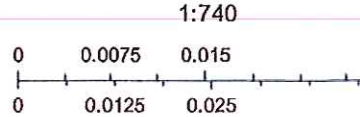
earred wetlands and 1512 has a storage building and appears to have c



3/22/2022, 11:35:39 AM

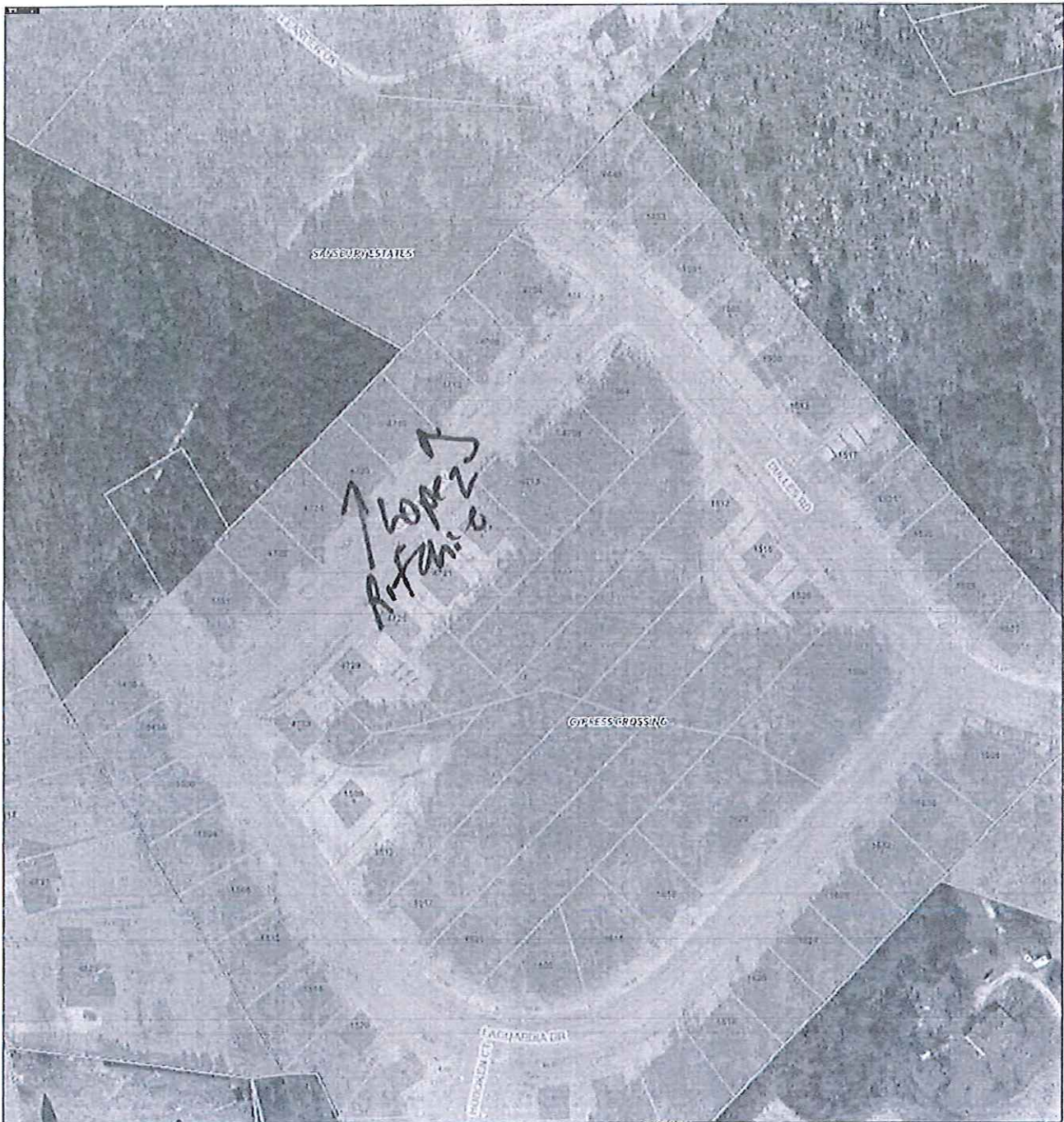
- Parcels
- Addresses
- Buildings
- Subdivisions

1520, 1516 & 1512
Buildings



2008 view

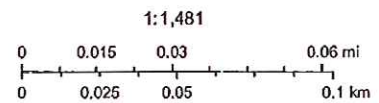
before



3/22/2022, 11:07:22 AM

- Parcels
- Addresses
- Buildings
- Subdivisions
- Streets
- HydroPolygons
- HydroPolygons
- Red: Band_1
- Green: Band_2
- Blue: Band_3

Tully Tree property
no issues.



CCGIS - TAX MAPPING
CCGIS \ ESRI Charlotte
CCGIS

ANSBURY ESTATES



1:1,481

0 0.025 0.05

 Buildings

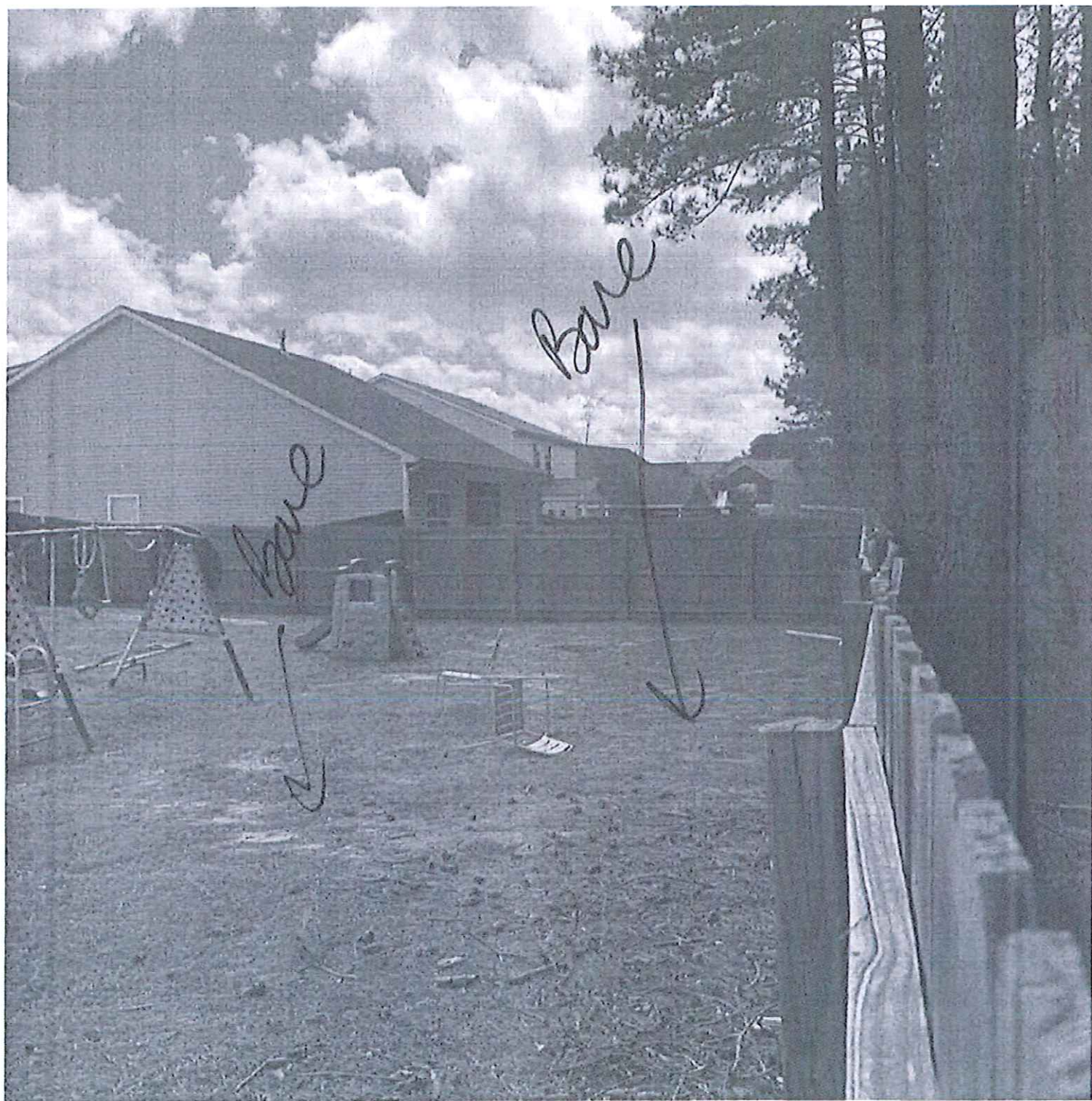
 Subdivisions

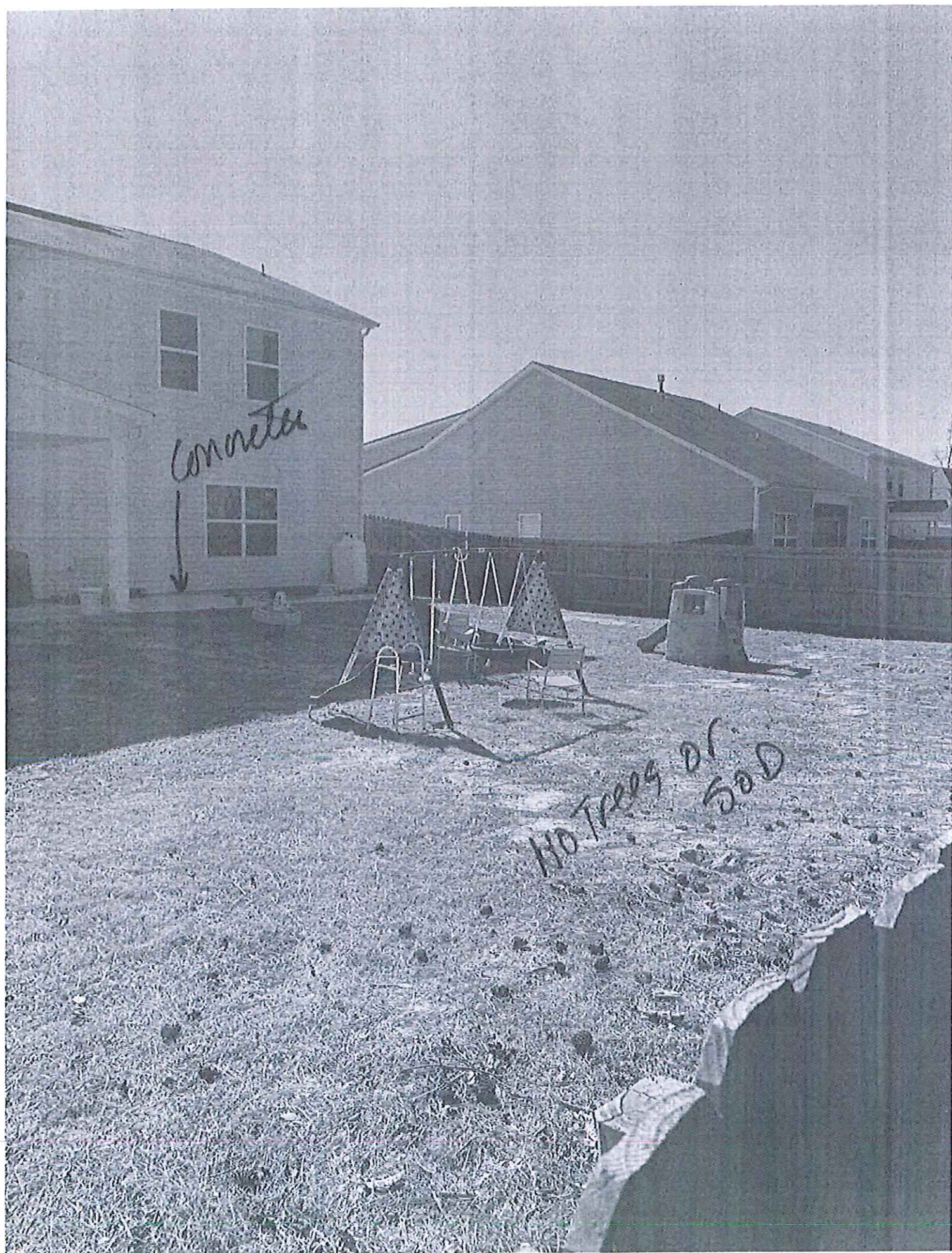
Subdivisions



plant something

Bare
earth!!

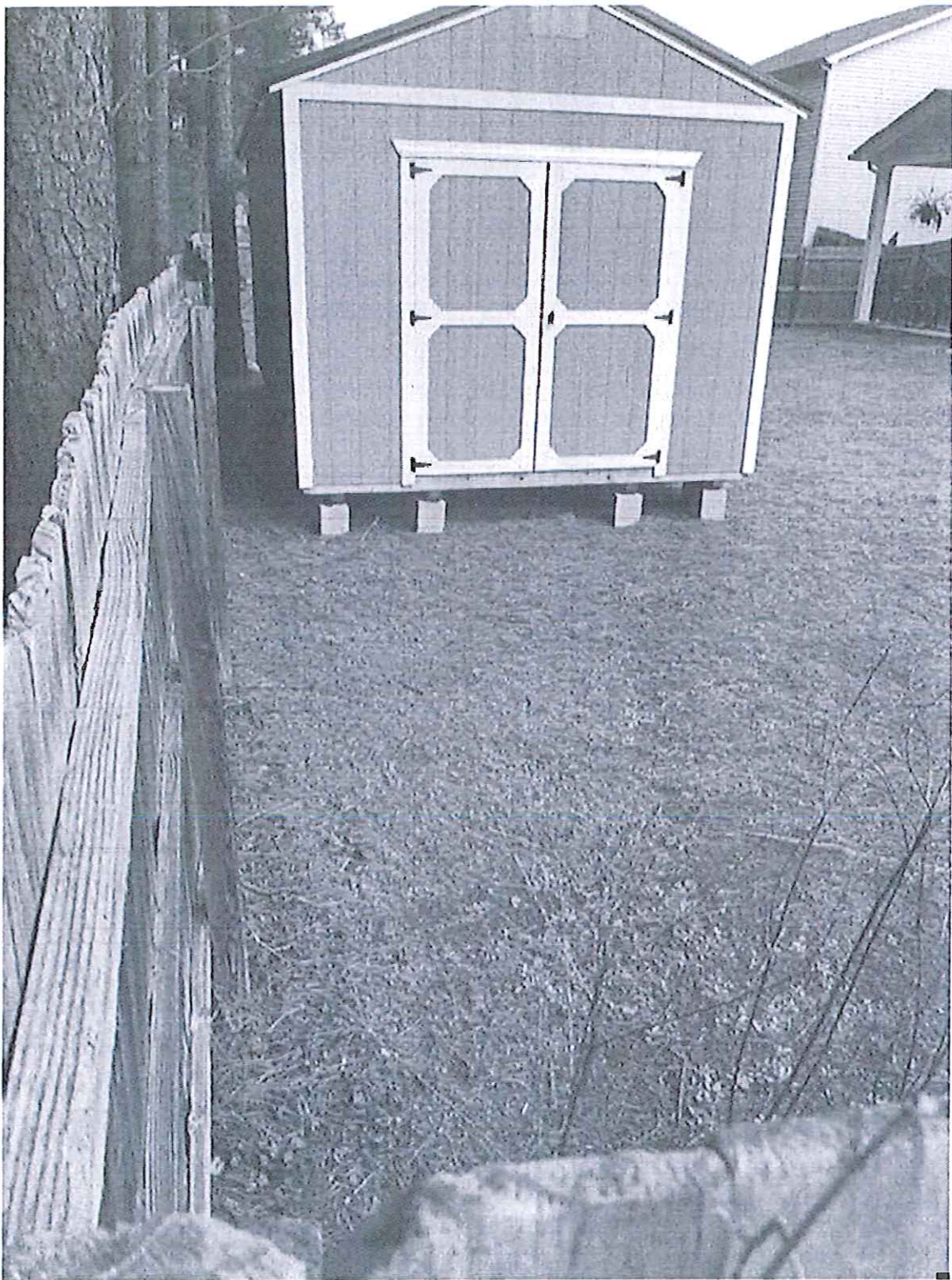




extra
Drive
way







Lopez



Lopez

Carlene Lopez Morales

4713 Gander Way

Hope Mills, NC 28348

Dear Mrs. Morales,

My name is Jimmy Ray and I own William R Homes LLC who is attempting to rezone the land to the north of Cypress Crossing in order to build homes. I am a small builder and all my employees rely on me to provide lots to build our homes. The quality of our homes is high and I encourage you to go look at some of our homes that we are building in the Grays Creek area.

While doing all this research on how your subdivision is encountering excessive flooding several things have come up. The first thing we noticed is that from when the subdivision was developed the developer noted an area to the center of the subdivision and had that area classified as "wetlands". I have enclosed some research I did on these wetlands and the first thing that jumped out was that wetlands help with water storage and minimize the effects of flooding. They also help filter the water so that when it eventually ends up in a stream the water will not be as toxic. They store water and help prevent rapid run off. Also, during my research I have found that in order to dig up or disturb wetlands require a permit from the Army Corps of Engineers and NCDENR. We found that 10 homeowners in Cypress Crossing have impacted wetlands either through clearing unnecessarily, installing Fences, installing storage buildings, installing pools etc. All of those impacts will require permits in order to impact those protected wetlands.

We took some topographical points behind Mr. Ritch and Mrs. Lopez homes to see what the topo of my land in comparison to theirs would be. While doing this research we found several disturbing things. Mrs. Lopez has installed 1,200 SF of driveway along the side of her home and is storing a boat on the rear of it. She also installed a 12x12 storage shed along the rear line. Then added a 12'x10' additional patio to the rear of her home. All these things are affecting her water flow. The term used by the county is called impervious area. Those are areas that water will not be absorbed and will shed off. The general consensus is that the impervious areas should be less than 35% of the developed lot which includes the residence and all things added that will not hold water. Trees, sod, flower beds, mulch etc can all help with absorption of water but her rear yard doesn't have much of this according to the pictures we took. We calculated Mrs. Lopes impervious to be around 65% meaning only 35% of her yard can absorb water. The only areas that can hold water in the rear is so small and doesn't have anything there to absorb the water. That is the main reason she has issues.

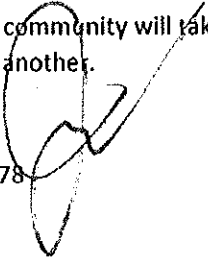
Mr. Ritchie has a similar story although he as a bit more impervious that Lopez. Yet similar to Lopez, Mr. Ritchie poured a 10'x30' concrete patio on the rear of his home. He also poured a 3rd car parking area on the left side similar to Lopez. Both those have now cut his impervious down to less than 50% of the lot left to hold water. From the aerial pics, it also appears that the entire rear yard was cleared and nothing was replanted (see pics). That along with all the concrete poured is what is causing his issues as there is nothing there to absorb the water.

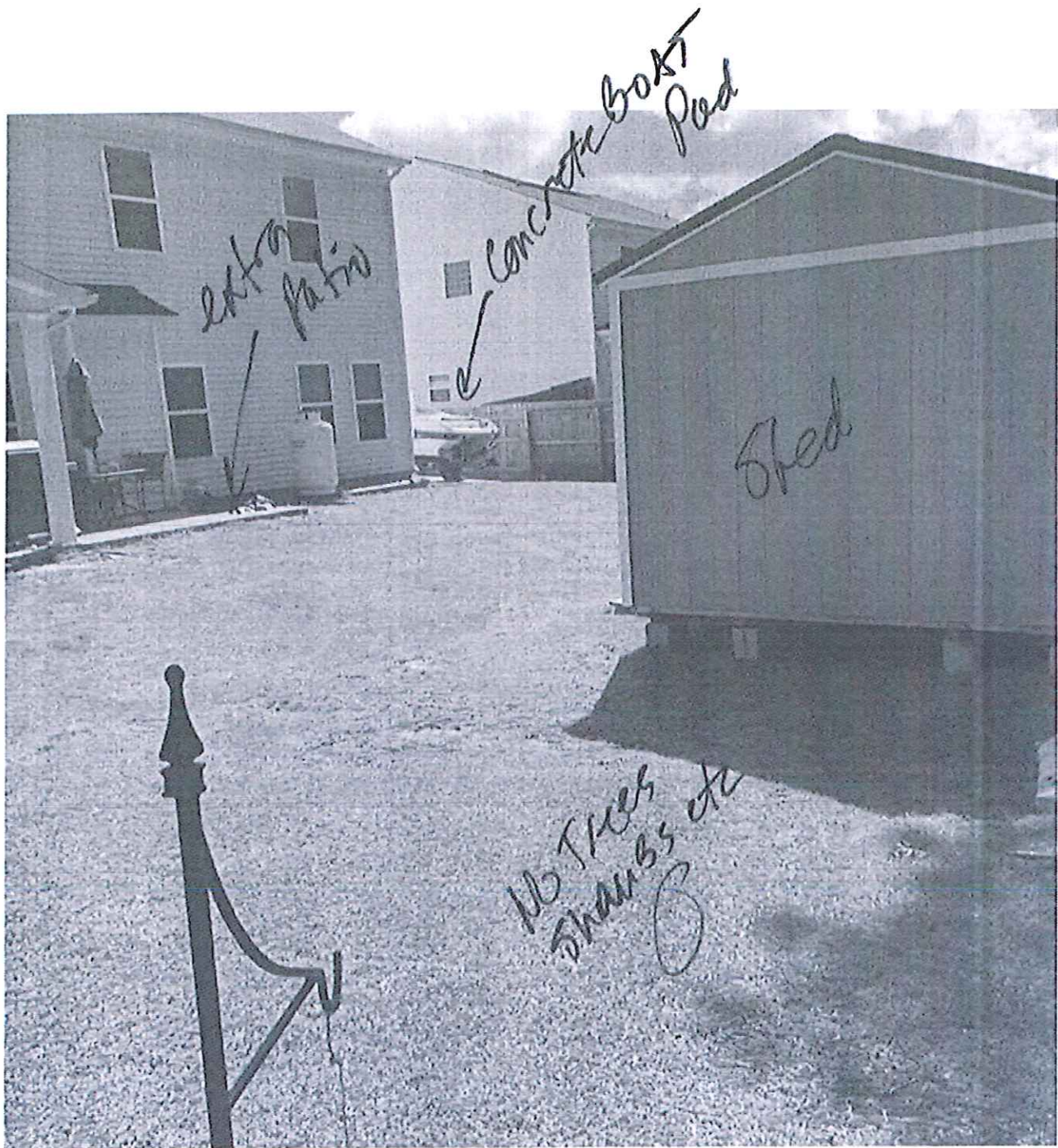
Regardless if my 14 lot subdivision is approved or they just make me stick to the current zoning of 2 homes the water issues your subdivision is having will continue on until your community takes aggressive action. Stop clearing the wetland, stop pouring concrete when you already have a water issue. Start planting trees and adding mulch beds, sod etc. Those actions will help you control your water flow.

I hope your community will take a look at all these issues and deal with them directly instead of passing the buck to another.

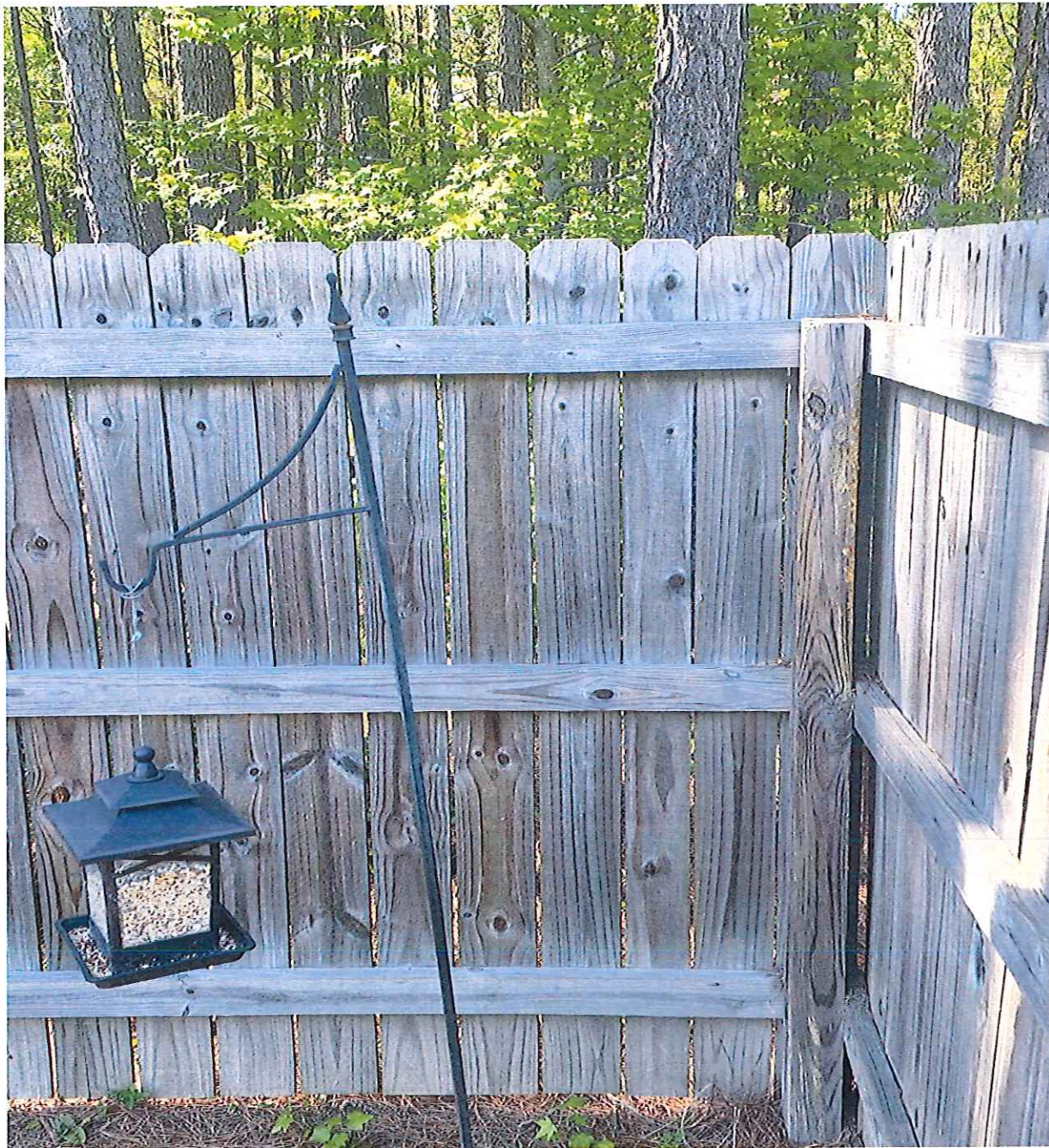
Jimmy Ray

704-877-1178



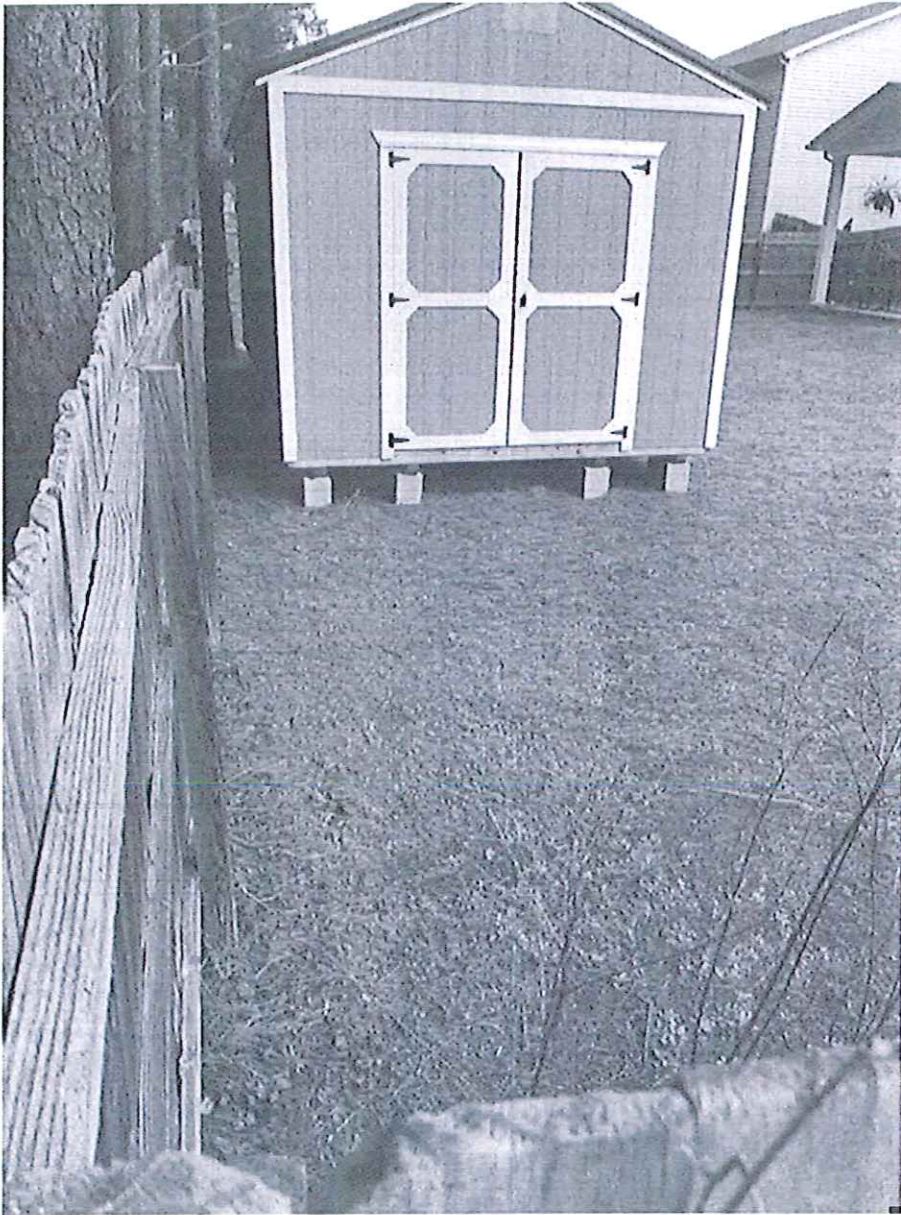


This black iron stand is smaller than the fence and is clearly seen on this picture. Invasion of privacy! In addition, the previous builder was the one who removed trees, added concrete patios and advice to make concrete driveways to avoid parking on green areas to diminish water erosion.



Here you can observe my black iron stand is inside my fence. Therefore, to be clearly standing out on the picture above means that whoever took the picture of my property had to leaning over inside of my fence which is inside my private property.



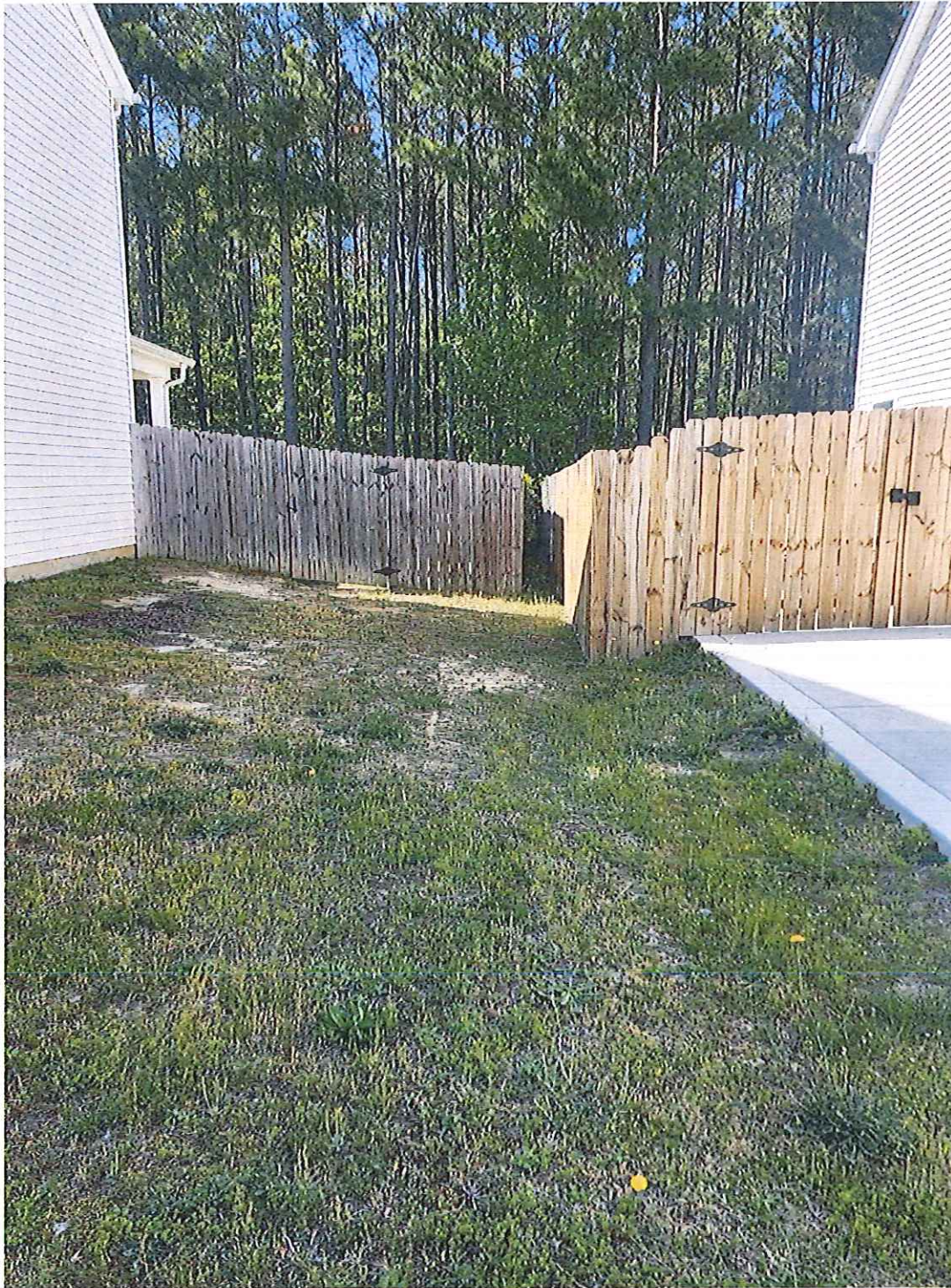


The shed is not sitting on a concrete slab, it will allow grass to absorb water. Also, the small boat has been removed from sitting on the grass and a shrub has been planted next to the fence.



7
The concrete driveway has been installed to avoid parking on grass, since the water detour diverter is flowing between both fences.

Lopez



You can observe the water detour diverter between both fences and the water marks are visible in the grass.



My other side of the property has another water detour, trees and shrubs are planted to help divert the water.

Other houses in the neighborhood have cement driveways and water detour to help with drainage between fences.

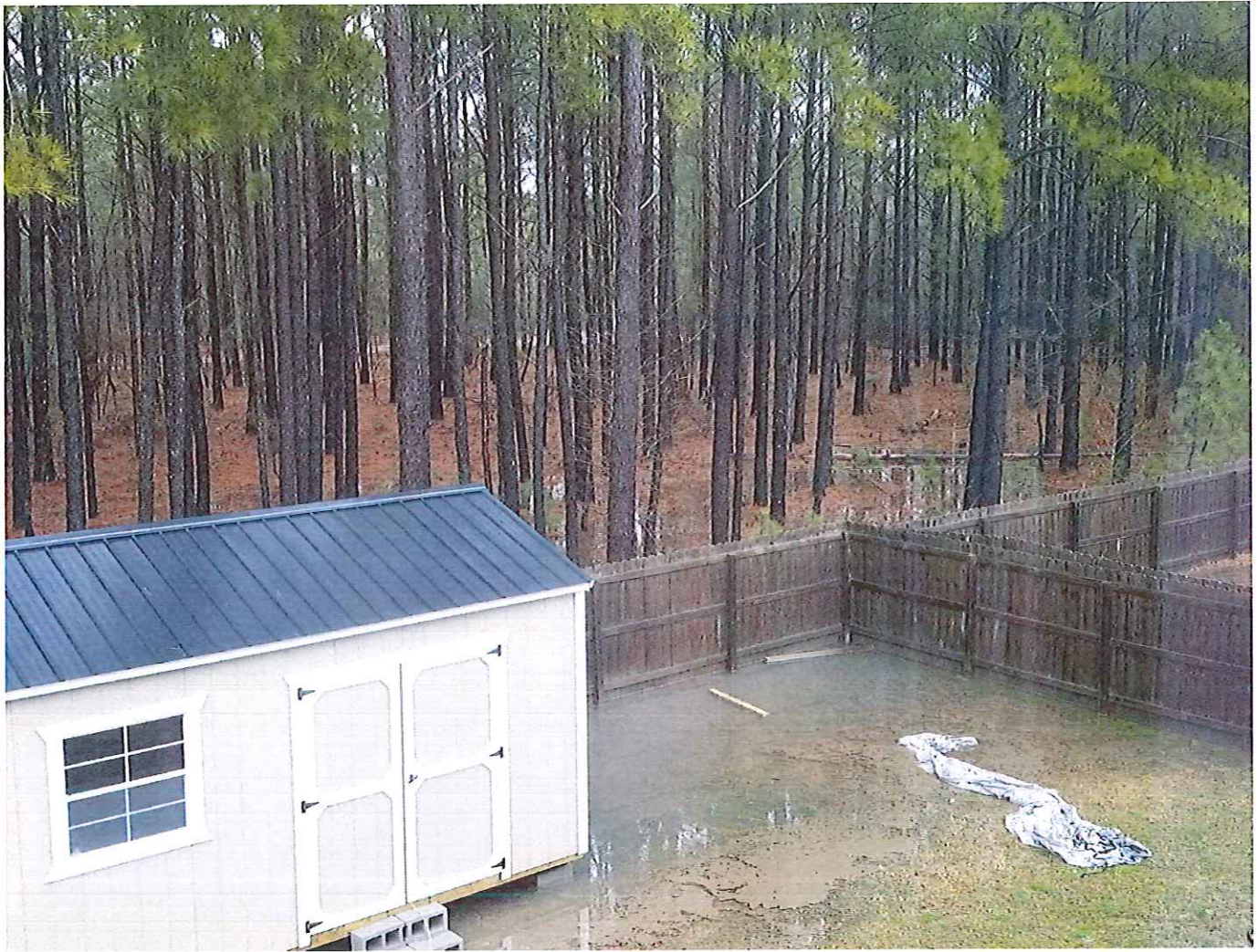




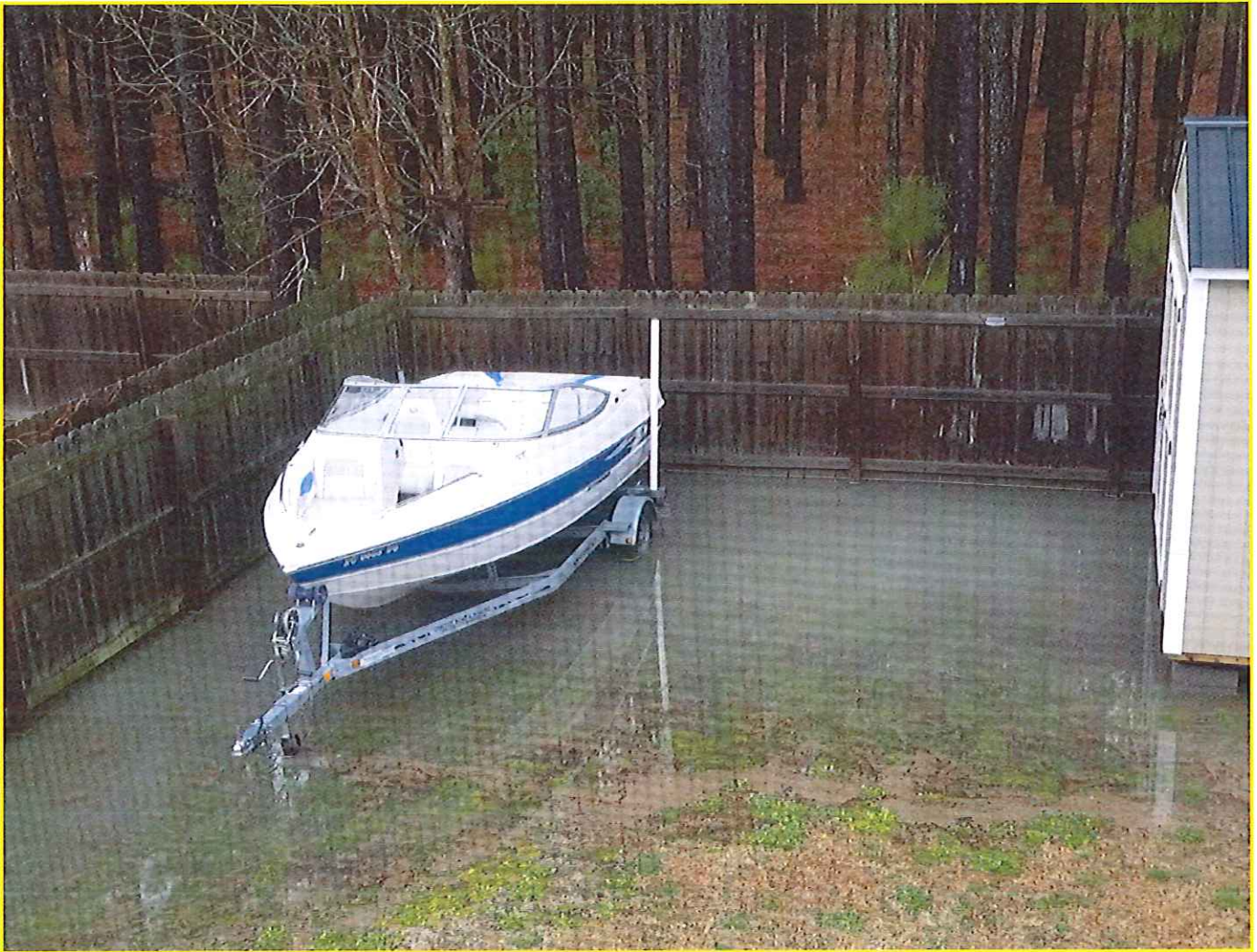


These are my concern and the concerns of other neighbors from this community:





You can clearly see the area where the builder plans to build has flooded as well.



This event occurred in February 2021, 2 months after I purchased this property. You can clearly observe the water in the back of the fence where the builder plans to build.

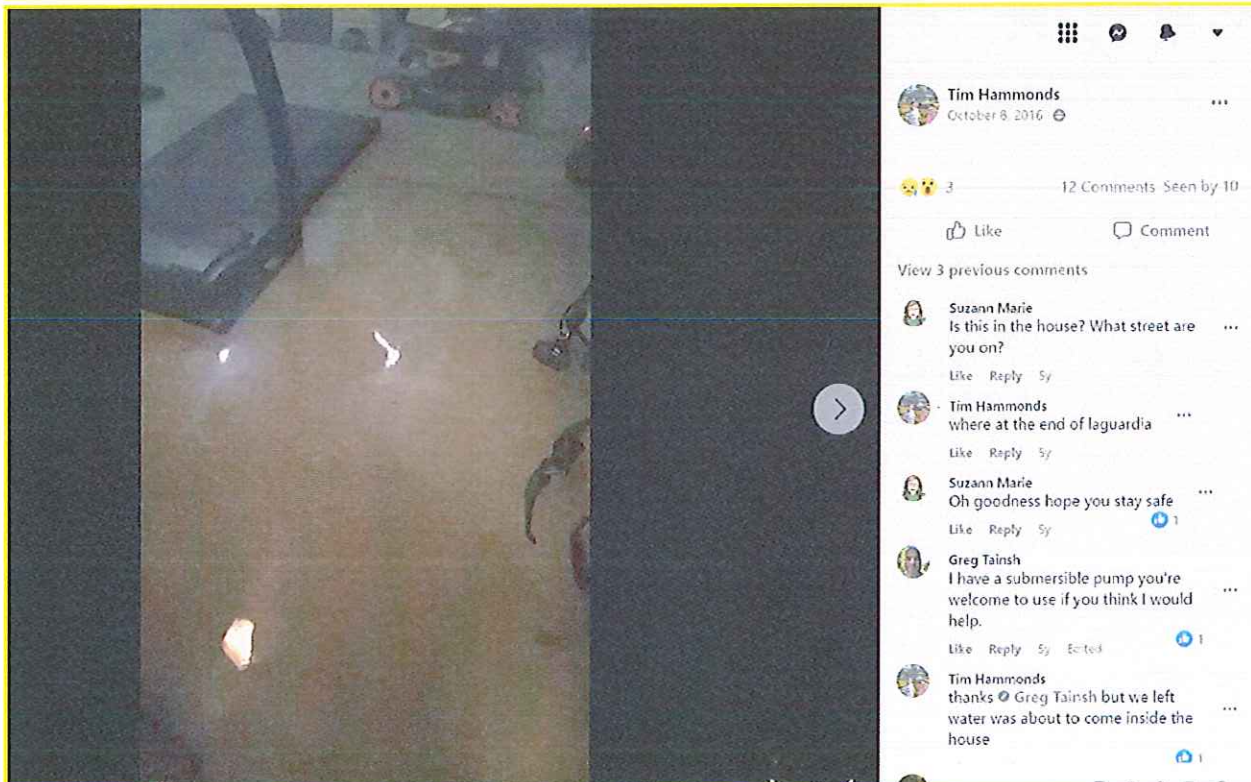
Now, in hurricane season. This is what happened to other neighbors.











This neighbor who lives on La Guardia, where the entrance for the new subdivision plans to be, had water inside his garage. Also, in the picture above you can observe it was beginning to enter their home. At this time they evacuated the property.

2000 0029

Carlene Lopez Morales

4713 Gander Way

Hope Mills, NC 28348

Dear Mrs. Morales,

My name is Jimmy Ray and I own William R Homes LLC who is attempting to rezone the land to the north of Cypress Crossing in order to build homes. I am a small builder and all my employees rely on me to provide lots to build our homes. The quality of our homes is high and I encourage you to go look at some of our homes that we are building in the Grays Creek area.

While doing all this research on how your subdivision is encountering excessive flooding several things have come up. The first thing we noticed is that from when the subdivision was developed the developer noted an area to the center of the subdivision and had that area classified as "wetlands". I have enclosed some research I did on these wetlands and the first thing that jumped out was that wetlands help with water storage and minimize the effects of flooding. They also help filter the water so that when it eventually ends up in a stream the water will not be as toxic. They store water and help prevent rapid run off. Also, during my research I have found that in order to dig up or disturb wetlands require a permit from the Army Corps of Engineers and NCDENR. We found that 10 homeowners in Cypress Crossing have impacted wetlands either through clearing unnecessarily, installing fences, installing storage buildings, installing pools etc. All of those impacts will require permits in order to impact those protected wetlands.

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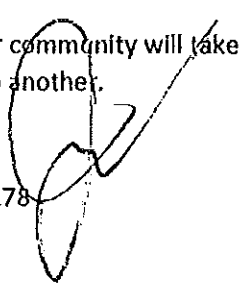
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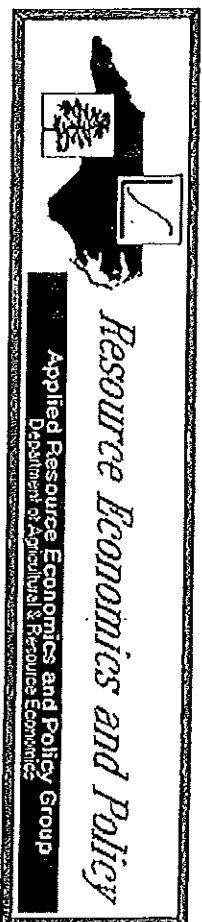
Regardless if my 14 lot subdivision is approved or they just make me stick to the current zoning of 2 homes the water issues your subdivision is having will continue on until your community takes aggressive action. Stop clearing the wetland, stop pouring concrete when you already have a water issue. Start planting trees and adding mulch beds, sod etc. Those actions will help you control your water flow.

I hope your community will take a look at all these issues and deal with them directly instead of passing the buck to another.

Jimmy Ray

704-877-1178





Wetland Regulations in North Carolina

Prepared by:

Vernon N. Cox, Leon E. Danielson, and Dana L. Hoag,
Agricultural and Resource Economics,
Applied Resource Economics and Policy Group.

Wetlands perform a variety of valuable functions. They improve water quality, recharge groundwater, provide flood control, and support a wide variety of fish, wildlife, and plants. Federal and state governments have written a number of laws and regulations designed to protect wetlands. Because of the complexity of these laws and regulations and the number of different agencies involved in enforcement, complying with these regulations can be complicated. This fact sheet summarizes the major regulations related to protection of wetland resources in North Carolina.

Wetlands and Policy

The U.S. Fish and Wildlife Service (FWS) estimates that when Europeans first arrived in North America, wetlands occupied more than 220 million acres in the area that now comprises the lower 48 states. By 1980, wetlands occupied about 134 million acres. The FWS estimates the current rate of wetland loss to be about 290,000 acres per year. For approximately 200 years, the Federal Government and many states, including North Carolina, approved of and assisted in wetland destruction as a way to improve public health and encourage economic development. For the first 70 years of the twentieth century, the U.S. Department of Agriculture offered direct financial and technical assistance to farmers for wetland drainage. Many of these direct incentives for wetland destruction ended during the 1970s. In 1977, President Carter issued Executive Order 11990 which required agencies of the Federal Government to "minimize the destruction, loss or degradation of wetlands" and to "avoid direct and indirect support of new construction in wetlands wherever there is a practicable alternative." This change in federal policy has led to a number of regulations which affect the use of wetlands in the United States and North Carolina.

What are Wetlands?

In order to implement the wetland regulations, it is first necessary to reach an adequate definition of wetland characteristics so that regulated areas can be identified. The Army Corps of Engineers, the U.S. Environmental Protection Agency (EPA) and the Soil Conservation Service (SCS) use wetland definitions that are conceptually the same. In general, wetlands are identified as lands having all three of the following attributes:

- at least periodically, the land supports wetland vegetation typically adapted for life in saturated soil conditions;
- the substrate is predominantly undrained hydric soil (i.e., soil that is saturated or flooded long enough to produce the anaerobic conditions that wetland vegetation requires); and
- the substrate is saturated or covered by shallow water at some time during the growing season of each year.

Much of the controversy surrounding wetlands in recent years has focused on the proper definition and identification of wetlands. Wetlands regulated under sections 404 and 401 of the Clean Water Act are currently identified using technical criteria in the 1987 U.S. Army Corps of Engineers Wetland Delineation Manual. In 1989, a revised multi-agency manual was developed as a replacement for the 1987 version. However, these revisions led to considerable confusion and controversy. As a result, another revision of the delineation manual was developed in 1991, but, because it generated additional controversy, it was not adopted. During Congressional review of the 1991 manual, Congress barred the Corps from implementing the 1989 manual. As a result, the 1987 manual continues to be used for wetland delineation. Congress also appropriated funding for the National Academy of Sciences to study wetlands science issues. The results of this study should provide additional information necessary to develop a revised delineation manual. The study is to be completed in 1994.

Why Are Wetlands Important?

Historically, wetlands have been considered unimportant, even worthless. At best, they were considered useful only when filled or drained. However, during the last twenty to thirty years, scientists and policy makers have become more aware of the value of wetlands to landowners and the general public. These wetland values may include:

- water storage, including limiting the effects of floods and droughts;
- water purification;
- shoreline stabilization;
- habitat for waterfowl and other animals, and plants;
- erosion protection;
- production of fish and shellfish;
- food production;
- timber production;
- education and research;
- recreation; and
- open space and aesthetic values.

Increased awareness of the value of wetlands has resulted in a number of regulations and programs designed to protect wetlands and the benefits they provide.

Major Wetland Regulations and Their Enforcement

Table 1 provides an outline of the wetland regulations discussed in this fact sheet. Each category is discussed below. Section 404 Permits Section 404 of the Clean Water Act of 1972 provides the primary legislative authority behind federal efforts to regulate the use of wetlands. Section 404 requires that a permit be obtained from the U.S. Army Corps of Engineers prior to undertaking any activity that will result in the discharge of dredged or fill materials into waters of the United States, including wetlands.

Corps regulations state that the discharge of dredged material includes the addition of material to specified discharge sites located in waters of the United States and the runoff or overflow from a contained land or water disposal area. Fill material includes any material used primarily for replacing an aquatic area with dry land or changing the bottom elevation of a body of water.

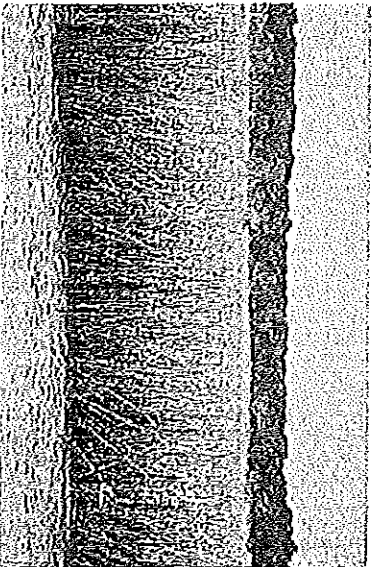
Table 1. State and Federal Legislation Affecting Wetlands

Legislation	Responsible Agency	Regulated Activity
Section 404 Clean Water Act (1972)	U.S. Army Corps of Engineers	Discharge of dredged or fill materials into waters of the United States
Section 401 Clean Water Act (1972)	NC Division of Environmental Management	Discharge of pollutants in surface waters of the state
NC Coastal Area Management Act (1974)	Division of Coastal Management	Development in designated "Areas of Environmental Concern"
Division of Coastal Management State Dredge and Fill Act (1969)	Division of Coastal Management	Filling or dredging in estuarine waters, tidelands, marshlands, and state-owned lakes
Title XIV: 1990 Food, Agriculture, Conservation and Trade Act (Swampbuster)	Agricultural Stabilization and Conservation Service	Conversion of wetlands for the purpose of agricultural production

Upon receiving a permit application, the Corps determines the type of permit needed, if any. If an individual permit is required, a public notice is prepared containing information on the nature and magnitude of the project to evaluate the probable impact on the public interest. Copies of the notice are sent for review and comment to each federal and state resource agency, local agencies, and the public.

Wetlands

What are wetlands?



Wetlands are areas where water covers the soil for least part of the year and include a variety of natural

systems, such as marshes, swamps, bottomland hardwoods, pocosins and wet flats. While each wetland type looks and functions differently, the prolonged presence of water causes the growth of specially adapted plants and the development of wetland (hydric) soils.

Wetlands usually are covered by plants, ranging from marsh grasses to trees. All wetland plants must tolerate living in saturated soil without oxygen during parts of the growing season. Many plants that grow in wetlands are "hydrophytes," because they can live with their roots in water.

Soils that have developed in wetlands are known as hydric soils, because they have formed under water-logged conditions. They have distinctive color, texture and, sometimes, odor. The presence of hydric soil means an area was once a wetland; however, it does not by itself mean that the area functions as a wetland today.

The most obvious wetlands, such as cypress swamps, have standing water in them nearly all the time. Wetlands that develop along the fringes of open water, like tidal saltmarshes, flood daily. Others, such as bottomland hardwoods along streams, develop in response to seasonal flooding.

Many wetlands occur far from open water — in low-lying areas where rainwater collects or in areas where the groundwater is often at or near the soil surface. Some of these wetlands are noticeably wet most of the time, but others may appear to be dry forests at certain times of the year. Although such areas may not be easily identified as wetlands by an untrained observer, many of them still perform important wetland functions.

Wetlands are worth protecting



Wetlands perform various functions, many of which are important to coastal North Carolina. The role of wetlands as

wildlife habitat has long been recognized. More recently their critical roles in protecting water quality, preventing floods and erosion, and maintaining fish populations have become evident

Water-quality protection

During rainstorms, runoff from farm land, highways and urban areas washes into rivers and sounds. This runoff may contain toxins, bacteria, sediment, or nutrients that can harm aquatic life and contaminate drinking water. Stormwater runoff is a major contributor to water-quality problems in coastal North Carolina.

Wetlands are natural buffers between uplands and waterways. By trapping sediment, removing nutrients and detoxifying chemicals, wetlands act as efficient and cost-effective filtration systems. When runoff enters a wetland, many of the harmful components are removed before the water enters a stream or creek.

Wooded wetland corridors along headwater creeks are the most important filters of agricultural runoff in the coastal area. Bottomland hardwoods and swamp forests along rivers limit sediments, nutrients, and toxic chemicals from entering the river as floodwaters run through them. Wetlands are vital for protecting the quality of coastal sounds because they remove upstream pollutants from the water.

Flood protection

Wetlands minimize the danger of damaging floods by storing water and preventing rapid runoff of stormwater. Water that is stored in wetlands after rains is released gradually into the groundwater or through surface outflow. This function of wetlands helps maintain more constant water levels in streams.

Large pocosin wetlands can store enormous amounts of water and slow runoff of freshwater into brackish estuaries

In addition to hunting and fishing, many wetlands offer opportunities for birdwatching, canoeing and photography. Almost all of the public recreation areas in the coastal area include significant wetlands. Visits to wetland wildlife refuges are an important part of the tourist economy in some coastal counties.

Development in wetlands

Development in wetlands in North Carolina requires a permit from either the U.S. Army Corps of Engineers or the N.C. Division of Coastal Management (<https://deq.nc.gov/about/divisions/coastal-management>). Wetland permits are meant to protect the valuable wetland functions described in this brochure. Before disturbing wetlands, consult with one of these agencies.



Coastal Management Estuarine Shorelines

[Estuarine Shoreline Stabilization \(/about/divisions/coastal-management/coastal-management-estuarine-shorelines/estuarine-shoreline-stabilization\)](#)

[Coastal & Estuarine Land Conservation Program \(NCCELP\) \(/about/divisions/coastal-management/coastal-management-estuarine-shorelines/nccelp\)](#)

Balance on	
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2/1/01	
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PLANNING AND INSPECTIONS DEPARTMENT

MEMORANDUM FOR JOINT PLANNING BOARD AGENDA OF MAY 17, 2022

TO: JOINT PLANNING BOARD

FROM: RAWLS HOWARD, PLANNING & INSPECTIONS DIRECTOR

DATE: 5/17/2022

SUBJECT: CUMBERLAND COUNTY JOINT PLANNING BOARD BYLAWS

ATTACHMENTS:

Description	Type
CUMBERLAND COUNTY JOINT PLANNING BOARD BYLAWS	Backup Material



Cumberland County Planning & Inspections Department

130 Gillespie Street

Fayetteville, NC 28301

(PH) 910-678-7600 (FX) 910-678-7631

BYLAWS

CUMBERLAND COUNTY JOINT PLANNING BOARD

The Cumberland County Joint Planning Board is created to provide for continuous, cooperative, comprehensive planning through interlocal agreements entered into by the County of Cumberland and the various municipalities. This Joint Planning Board is created pursuant to the authority of Article 20, Part 1, of Chapter 160A of the North Carolina General Statutes.

ARTICLE I **MEMBERSHIP**

Members of the Cumberland County Joint Planning Board are appointed in the following fashion:

Cumberland County Board of Commissioners	4 members
Eastover Town Council	1 member
Board of Commissioners of the Towns of Falcon, Godwin & Wade	1 member
Hope Mills Board of Commissioners	1 member
Town of Linden Board of Commissioners	1 member
Spring Lake Board of Aldermen	1 member
Stedman Board of Commissioners	1 member
Total	10 members

The term of membership of the Joint Planning Board members appointed by the Board of Commissioners shall be for four years. No such member shall serve more than two full terms, except that upon recommendation of two-thirds of the Joint Planning Board, it may recommend a third full term to the Board of Commissioners. ~~There are no term limitations for members appointed by the participating municipalities.~~

ARTICLE II

ATTENDANCE

Faithful attendance at the meetings of the Board is considered a pre-requisite for the maintenance of membership on the Board. The Board may make a recommendation to the appointing body for removal for the following reasons:

- A. Unexcused absences from three (3) consecutive meetings.
- B. Absence from five (5) meetings during a calendar year, whether such absences are excused or unexcused.
- C. Upon receipt of a letter of resignation from the member to the governing body of the jurisdiction they serve, with a copy provided to the Cumberland County Planning and Inspections Department.
- D. Behavior found to be disruptive, threatening, or unethical and causing harm to the integrity of Cumberland County, its municipalities, its elected officials, members of the Planning Board or the citizens of Cumberland County.

ARTICLE III

OFFICERS

A. **Election.** At the last regular meeting in June of each year, the Board shall elect from its membership, a Chairperson and a Vice-Chairperson. The Planning & Inspections Director shall be *ex-officio*, nonvoting secretary of the Board.

B. **Tenure.** The term of office shall be from July 1 until June 30 of the following year.

C. **Duties.**

- 1. **Chairperson.** The Chairperson shall preside at all meetings, appoint members to committees, serve as *ex-officio* voting member of all committees and perform such other duties as may be ordered by the Board. The Chairperson shall also serve to consult with the County Manager in the hiring of a permanent Planning Director.
- 2. **Vice-Chairperson.** The Vice-Chairperson shall act in the capacity of the Chairperson in the Chairperson's absence, and in the event the office of the Chairperson becomes vacant, the Vice-Chairperson shall succeed to this office for the unexpired term, and the Board shall elect a successor to the office of the Vice-Chairperson for the unexpired term. The Vice-Chairperson shall serve as *ex-officio* voting member of all committees. The Vice-Chairperson shall also serve to consult with the County Manager in the hiring of a permanent Planning Director.
- 3. **Secretary.** The Planning Director, or their designee, shall serve as the Board Secretary. The Secretary shall execute such documents as authorized by the Board, in the name of the Board, perform duties hereinafter listed and such other duties as the Board shall determine. In the event the position of the Director becomes vacant, the ~~Chairperson~~ Deputy Director shall ~~appoint-a~~

~~Planning & Inspections Department staff member to~~ perform the secretarial duties until a new Director or Interim Director is appointed by the County Manager. ~~is employed.~~

- D. **Rotation in Office.** No elected officer shall be eligible to serve more than two consecutive terms in the same office. In filling vacancies for unexpired terms, an officer who has served more than half of a term is considered to have served a full term in that office.

ARTICLE IV **MEETINGS**

- A. **Public.** All regular and special meetings, hearings, records and accounts of the Board and of all committees thereof shall be open to the public. Closed sessions may be held in conformity with the Open Meetings Law.
- B. **Regular Meetings.** Meetings shall be held on the ~~first and~~ third Tuesdays of each month at ~~7~~ 6 p.m. in the Historic Courthouse Hearing Room, or such other time or place as the Board may determine.
- C. **Special Meetings.** Special meetings may be called by the Chairperson or by vote of a simple majority of members of the Board. The Chairperson may designate in advance regular or special meetings for the presentation of reports on the comprehensive plan or on general planning discussions, deferring hearings and petitions to subsequent meetings. Notice of such special meeting shall be given by the Secretary to all members of the Board at least 48 hours prior to such meeting and shall state the purpose, time and place of the meeting.
- D. **Quorum.** A simple majority of the appointed members shall constitute a quorum for the transaction of business and the taking of official action by the Board.
- E. **Order of Business.** The Secretary shall prepare an agenda for each meeting. The order of business ~~therein shall be as follows, to the extent applicable~~ shall be, but is not limited to, the following format:
1. Approval of/Adjustments to the Agenda
 2. Meeting Deferrals/Withdrawals
 3. Abstentions by Board Members
 4. Approval of Minutes
 5. Chairman's Welcome and Rules of Procedure
 6. Meeting Items
 7. Discussion
 8. Adjournment

The Board may amend the format, as needed, to accommodate unforeseen circumstances related to business of the Board and in accordance with State law.

- F. **Motions.** Motions shall be restated by the chair before a vote is taken. The name of the maker of the motion and the member seconding the motion shall be recorded.

- G. Voting.** Voting shall be by voice, or at Chairperson's call then by show of hands. The minutes shall reflect the names and votes of those members voting on non-unanimous decisions.
- H. Conflict of Interest.** Each member shall abstain from discussing and voting on any issue in which the member has a personal or financial interest, as provided by North Carolina General Statutes. Abstaining member shall disclose the general nature of the interest and shall leave the room during voting on the issue, except, an abstaining member may not have to leave the room for consent items.
- I. Staff Reports and Recommendations.** At all ~~hearings~~ meetings, the planning staff shall make a report and recommendation(s) on the matter involved before the petitioners are heard.
- J. Procedure and Action.** Board procedure on all ~~hearings~~ meetings shall be in the following order:
1. Staff report and recommendation
 2. ~~Argument~~ Presentation by ~~proponent~~ applicant
 3. Public comment ~~Argument by opponent~~
 4. Rebuttal by ~~proponent~~ applicant
 5. Public response (at Chair's discretion)
 6. Close of Public ~~Hearing~~ meeting
 7. ~~Discussion~~
 7. ~~Motion and Discussion~~ Discussion, motion, and vote by Board Members
 8. ~~Vote by Board Members~~
- The Chairperson shall have the privilege of limiting arguments by ~~both proponents and opponents~~ the public to avoid redundant, cumulative or repetitive testimony or argument.
- K. Quasi-Judicial Hearings.** Hearing shall be conducted as required by State law.
- L. Parliamentary Procedure.** Meetings shall be conducted in accordance with generally accepted principles of parliamentary procedure.
- M.** The Secretary shall cause accurate minutes of the Board's meetings reflecting, members present and action taken by the Board, to be kept.

ARTICLE V

COMMITTEES

- A. Creation of Committees.** The Chairperson ~~or~~ with consensus of the Board may establish Committees of the Board from its membership in order to provide for thorough study and consideration of matters which are the responsibility of the Board, and in order to provide for its efficient operation. The Planning Director, or their designee, shall attend all committee meetings. The committees of the Board shall consist of:

1. **Standing committees** created either by provision in the Bylaws or by express resolution of the Board, to perform an express function on a continuing basis. The standing committees created concurrent with the adoption of these Bylaws are:
 - a. **Administrative Committee.** Its duties shall be to study the work program of planning-related items of the Planning & Inspections Department. It shall receive the views of the staff thereon and make ~~its~~ such recommendations ~~to the Board~~ as it deems necessary.
 - b. **Nominating Committee.** Its duties shall be to nominate candidates for the offices of Chairperson and Vice-Chairperson for the upcoming year at the first regular meeting in June, and to recommend to the County Board of Commissioners candidates to fill County vacancies on the Board.
 - c. **Land Use Codes Committee.** Its duties shall be to review land development ordinances and staff recommendations on land development codes which may be referred to it and make recommendations to the Board.
 - d. **Comprehensive Planning Committee.** Its duties shall be to review and to make recommendations to the Board concerning Land Use Planning.
2. **Special committees** created by the Chairperson or by express resolution of the Board to perform a specific function or make a special study and recommendations. Special committees expire with the terms of the Chairperson and Vice-Chairperson.

Unless expressly authorized by the Board to do so, no committee shall have the authority to act or speak for the Board.

- B. **Committee Membership Appointment and Reassignment.** Committees may be composed of as many members as the Chairperson may deem necessary, provided that in no case shall a committee be composed of less than three members. If any specific item being discussed involves one of the constituent Towns, then the representative of the respective town should be present at the committee meeting. The elected Board officers shall serve as *ex-officio* voting members of all committees. The Chairperson shall appoint all committee members and shall designate one member as committee moderator by July 1st for standing committees, to serve until his successor has been appointed, not to exceed one year. The Chairperson may reassign members with the approval of the Board.
- C. **Meetings of Committees.** All committees shall meet at the call of the moderator. The Chairperson may request the moderator to call a special meeting at any time

with such notice as he may specify. The Secretary shall issue notice of meetings in compliance with the Open Meetings Law.

- D. **Quorum.** A majority of the members appointed to a committee shall constitute a quorum.
- E. **Cooperation with Interested Private and Public Groups.** The moderator of any standing or special committee may request the Director to invite any interested parties to appear before the committee. The moderator may invite department heads from the governing body or bodies which are directly or indirectly concerned with matters to be considered by the committee. [The Director may also request to invite any interested parties in consultation with the committee moderator.](#)

ARTICLE VI **HEARINGS**

- A. **Zoning Hearings.** Zoning hearings may be held for rezoning or initial zoning and on ~~staff~~ [any applications for](#) proposals for changes in the zoning ordinance or map of any municipal or county governing body.
- B. **Notices of Zoning Hearings.** Notice of zoning hearings shall be given to petitioners, to owners of property under consideration for rezoning and to owners of property immediately adjacent thereto. The staff shall utilize the best available method of determining names and addresses of persons to receive notice. The staff shall utilize any other method deemed advisable for notifying interested parties of zoning hearings.
- C. **Cost to Applicant.** Each applicant for rezoning shall pay the amount as determined by the applicable fee schedule, which shall be applied to the expense of processing the application: ~~including advertisement, and shall not be refunded except upon specific formal action of the Board. No application to rezone any property shall be considered more than one time in any 12-month period except upon approval by the Board or governing body.~~
- D. **Other ~~Hearings~~ Meetings.** Notice of other ~~hearings~~ [meeting](#) to be considered by the Board shall be given in a manner prescribed by the Board prior to the ~~hearing~~ [meeting](#) date. Such ~~hearings~~ [meetings](#) may be held concerning approval and revision to any elements of the comprehensive plan of any local government. In addition to the notice prescribed by the Planning Board, the staff shall attempt to publicize these ~~hearings~~ [meetings](#) through the available news media and through mailing lists which may be available.

ARTICLE VII **MATTERS TO BE CONSIDERED BY THE BOARD**

- A. **Advisory Matters.** The Board shall make recommendations to the appropriate governing bodies on the following matters:
1. Petitions and staff proposals for initial zoning ordinances and maps and for changes in existing zoning ordinances and maps.

2. The location, character and extent of public improvements and the acquisition of land, therefore.
3. The design plans of all landscape architecture in connection with parks, streets, recreation areas and public buildings and other local governmental developments, when requested by any participating jurisdiction.
4. Approval of all elements of all comprehensive plans before publication or general distribution.
- ~~5. Selection of consultants and determination of basis for compensation.~~
Such other matters as the Director shall find advisable or essential to receive consideration by the Board.
5. Such other planning-related matters as may be requested by any local governing body or by the Board.
- ~~6. Appointment of an Interim Director and recommendation regarding a Permanent Director as provided in the Interlocal Agreement for the Joint Planning Board.~~

B. Other Matters. The Board has final authority on the following matters:

1. Consideration of waivers to preliminary plans approved under the terms of the subdivision ordinance where delegated by the governing bodies.
2. Consideration of approving alternate yards for development plans in planned zoning districts, where delegated by the governing bodies.
3. Plats and plans as to the extent designated by local governing body.

ARTICLE VIII

MATTERS TO BE ACTED UPON BY STAFF ON BEHALF OF THE BOARD

~~A.~~ **Action by Staff.** The Director ~~shall~~ may take action or make recommendations in the name of the Board in accordance with authority approved or established by the Board from time to time., ~~and w~~Where there is serious conflict of interest, public controversy, ~~or~~ uncertainty, or doubt regarding the plans, policies or procedures, presentation of the matter(s) in question ~~also shall~~ may be made by the Director at a Board meeting.

The Planning & Inspections Director, in his discretion, may refer any ~~such~~ matter to the Board for its guidance.

- ~~1. Approval or securing approval of final subdivision plans in accordance with the preliminary plans recommended by the Board.~~
- ~~2. Approval or securing of approval of final landscape plans in accordance with the preliminary plans recommended by the Board.~~
- ~~3. Approval or securing of approval of proposed water and sewer extensions when the extension is to occur outside of a municipalities Municipal Influence Area and/or the Sewer Service Area.~~

~~B. The Planning & Inspections Director shall be responsible to the County Manager for all budgeting and staffing issues related to planning related services.~~

ARTICLE IX
AMENDMENTS

These Bylaws may be amended at any regular or special meeting by a two-thirds vote of the full Board, provided that no amendment may be made unless all Board members have been notified five days prior to the meeting at which such amendment is to be considered.

Adopted originally 12/12/1967.

Revised 4/24/1973, 7/30/1996, 2/17/2009 and _____.

**Ratified by Cumberland County, Eastover, Falcon, Godwin, Hope Mills, Linden,
Spring Lake, Stedman & Wade**

Executed this day _____.

Cumberland County Joint Planning Board

By: _____
Stan Crumpler, Chairman

Attest:

Rawls Howard III, Secretary

Joint Planning Board Bylaws

Date Approved: _____

By: _____

**Cumberland County Clerk to the
Board of Commissioners**

**Chairman, Cumberland County
Board of Commissioners**

Joint Planning Board Bylaws

Date Approved: _____

By: _

Hope Mills Town Clerk

Mayor, Town of Hope Mills

Joint Planning Board Bylaws

Date Approved: _____

By:

Spring Lake Town Clerk

Mayor, Town of Spring Lake

Joint Planning Board Bylaws

Date Approved: _____

By:

Eastover Town Clerk

Mayor, Town of Eastover

Joint Planning Board Bylaws

Date Approved: _____

By:

Stedman Town Clerk

Mayor, Town of Stedman

Joint Planning Board Bylaws

Date Approved: _____

By:

Falcon Town Clerk

Mayor, Town of Falcon

Joint Planning Board Bylaws

Date Approved: _____

By:

Godwin Town Clerk

Mayor, Town of Godwin

Joint Planning Board Bylaws

Date Approved: _____

By:

Wade Town Clerk

Mayor, Town of Wade

Joint Planning Board Bylaws

Date Approved: _____

By:

Linden Town Clerk

Mayor, Town of Linden



PLANNING AND INSPECTIONS DEPARTMENT

MEMORANDUM FOR JOINT PLANNING BOARD AGENDA OF MAY 17, 2022

TO: JOINT PLANNING BOARD

FROM:

DATE:

SUBJECT: SIGN ORDINANCE UPDATE