

Amy H. Cannon
County Manager

Tracy Jackson
Assistant County
Manager



Rawls Howard
Director

David Moon
Deputy Director

CUMBERLAND COUNTY JOINT PLANNING BOARD

AGENDA November 15, 2022 6:00 PM Hearing Room #3

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

TEXT AMENDMENT

- A. Case ZNG-017-22: Revision and amendment to the Hope Mills Zoning Ordinance amending Article II (interpretations, calculations, and definitions), Article IV (permitted, conditional, and special uses), and Article X (individual uses).**

REZONING CASES

- B. Case ZNG-015-22: Rezoning of 1.20+/- acres from R7.5 Single Family Residential to C1(P) Planned Local Business/CZ Conditional Zoning or to a more restrictive zoning district, located at 3414 Bullard Street on REID 0414365494000, submitted by Kevin Grant (agent) on behalf of Kevin Grant (owner).**
- C. Case Case ZNG-016-22: Rezoning of 19.95+/- acres from PND Planned Neighborhood Development to R5 Single Family Residential/CZ Conditional Zoning or to a more restrictive zoning district; located 729 feet from the southwestern intersection of Golfview Road and Souchak Drive on REID 0414128716000, submitted by GMR Capital, LLC (agent) on behalf of GMR Capital, LLC (owner)**
- D. ZON-22-0071: Rezoning from C1(P) Planned Local Business District to C(P) Planned Commercial District / CZ Conditional Zoning or to a more restrictive**

zoning district for 1.19 +/- acres; located at 3353 Dunn Road; submitted by Kenneth & Dana Thurmond (applicant/owner).

- E. ZON-22-0072: Rezoning from R6 Residential District / CU Conditional Use Zoning to R5 Residential District / CZ Conditional Zoning or to a more restrictive zoning district for 20.48 +/- acres; located off Celebration Drive, east of Chicken Foot Road; submitted by June Cowles (applicant) on behalf of Carolinian Properties INC (owner).**
- F. ZON-22-0074: Rezoning from R6 Residential, C3 Planned Commercial and C(P) Planned Commercial Districts to C(P) Planned Commercial District / CZ Conditional Zoning or to a more restrictive zoning district for 5.51 +/- acres; located West of Gillespie Street, South of Moody Street; submitted by Ronald Hammond (applicant) on behalf of Annette Autry Trust (owner).**

IX. PUBLIC MEETING CONTESTED ITEMS

REZONING CASES

- G. ZON-22-0043: Rezoning from A1 Agricultural District to RR Rural Residential / CZ Conditional Zoning District or to a more restrictive zoning district for 106.75 +/- acres; located east of Hummingbird Place and west of Maxwell Road; submitted by George Rose (applicant) on behalf of Astrakel International LTD (owner).**
- H. ZON-22-0064: Rezoning from A1 Agricultural District to R15 Residential District / CZ Conditional Zoning or to a more restrictive zoning district for 5.47 +/- acres; located at 1376 and 1384 Cypress Lakes Road and two directly abutting properties; submitted by Michael Adams (applicant) on behalf of Ricky & Tina Nelson (owner).**

X. DISCUSSION

I. FEEDBACK ON SUBDIVISION ORDINANCE PROPOSALS

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 NOVEMBER 15, 2022

TO: JOINT PLANNING BOARD

FROM: HOPE MILLS PLANNING & INSPECTIONS DEPARTMENT

DATE: 11/15/2022

SUBJECT: CASE ZNG-017-22: REVISION AND AMENDMENT TO THE HOPE MILLS ZONING ORDINANCE AMENDING ARTICLE II (INTERPRETATIONS, CALCULATIONS, AND DEFINITIONS), ARTICLE IV (PERMITTED, CONDITIONAL, AND SPECIAL USES), AND ARTICLE X (INDIVIDUAL USES).

ATTACHMENTS:

Description

Case ZNG-017-22

Type

Backup Material

Jackie Warner
Mayor

Scott W. Meszaros
Town Manager



Kenjuana McCray
Mayor Pro-Tem

Chancer F. McLaughlin
Director

November 3, 2022

MEMORANDUM

TO: Hope Mills Board of Commissioners

FROM: Chancer F. McLaughlin, Development Services Director

SUBJECT: **ZNG-017-22:** Revision and amendment to the Hope Mills Zoning Ordinance amending Article II (interpretations, calculations, and definitions), Article IV (permitted, conditional, and special uses), and Article X (individual uses).

The Town of Hope Mills is requesting the approval of a text amendment to the Hope Mills Zoning Ordinance tied to a recent adopted moratorium.

If you have any questions regarding this memorandum, please contact Chancer F. McLaughlin at 910-426-4103, email: cmclaughlin@townofhopemills.com.

Attachments

Cc: Scott Meszaros, Hope Mills Town Manager, via email: smeszaros@townofhopemills.com
Dan Hartzog, Hope Mills Town Attorney, via email: dhartzogir@hartzoglawgroup.com
Jane Starling, Hope Mills Town Clerk, via email: jstarling@townofhopemills.com
Tiffany Shadik, Hope Mills Deputy Clerk, via email: tshadik@townofhopemills.com

**TOWN OF HOPE MILLS ORDINANCE IMPOSING A MORATORIUM ON CERTAIN
COMMERCIAL DEVELOPMENT
No. NS2022-05**

1. ADOPTION OF HOPE MILLS PLANS: Adopted plans for Cumberland County and the Town of Hope Mills provide a great deal of guidance and direction in regards to development in the overall surrounding areas. The specific benefits of our adopted plans are as follows:

- a) The Cumberland County Land Use Policies plan was adopted in 2008 to provide guidance and direction to local municipalities on the determination of parcel land use decision.
- b) The plan also provides goals, locational criteria, and objectives for residential but more specifically commercial uses which include: mixed use development, regional and local shopping centers, light and heavy commercial development, and activity nodes.
- c) The SW Cumberland Land Use Plan was adopted in 2013 and represents the overall community's prospective of the future development of the area from a position of recommended land uses.
- d) The overall goal and objective of the plan's adoption was to accommodate market trends and demands, protect the public's health, safety, and welfare, acknowledge existing conditions while improving the quality of overall development promoting various types that address the needs and expectation of our diverse population.

2. SIGNIFICANT ROLES: What is also important to note is the significant role and purpose that land use policies play in the planning and development of urban and rural areas. Cumberland County specifically is defined as a Nodal Corridor urban form type which calls for concentrated development to be located in nodes at major intersections connected by existing strip development:

- a) For nodal type development to be successful they should contain at a minimum, the most basic services needed by the municipality's residents.
- b) In order for these goals and objectives to be accomplished, the uses developed within these nodes should be compatible with each other while ensuring that the node is compatible with the surrounding community.

3. ESTABLISHED OVERLAYS: At the present time, the Town of Hope Mills has only 2 established overlay districts in the Airport Overlay District and the Hope Mills Historic District which were both created to provide special regulations in specified areas of the Town to accomplish stated purposes that are set forth in each:

- a) The AOD was designated to protect the public health, safety, and welfare in the immediate vicinity of the Fayetteville Regional Airport by ensuring that the future development in the overlay district is compatible with the continued operation of the airport.
- b) While the Hope Mills Historic Overlay district is the 2nd established overlay, the proper design and land use controls were never implemented to make the overlay district fully operational.

4. RECENT NEGATIVE TRENDS: As there are two main adopted plans that govern

development in the Town of Hope Mills in the Land Use Policies Plan as well as the SW Cumberland Land Use Plan, the Town of Hope Mills has also had to stay abreast of changing development trends that can tend to conflict with the goals and objectives of each plan:

- a) Developments tied to motor vehicle repair, motor vehicle sales, and tobacco related establishments have recently saturated the uses here in Hope Mills.
- b) There are no current mechanisms in place to maintain a healthy balance of uses and there is no current plan of action tied to funneling these uses to specific areas.
- c) With no system of checks and balances in place it is difficult to ensure that developments do not conflict with uses that are more harmonious to the goal of our plans that are tied to uses being compatible with each other.

5. DEVELOPMENT SUBJECT TO MORATORIUM: The regulations outlined in this ordinance shall apply to the review, consideration, approval, permitting and construction of the following uses permitted under *Section 102A-403 Use Matrix* of the Town of Hope Mills Zoning Ordinance:

- a) Motor vehicle parts and accessory sales
- b) Motor vehicle repair and/or body work
- c) Motor vehicle rentals
- d) Motor vehicle sales, new, and used
- e) Retail establishments primarily tied to smoke shops and vape establishments

6. DURATION: The proposed moratorium will begin at the execution of this ordinance and extend for a period of 6 months to afford Town of Hope Mills staff a considerable amount of time to explore options tied to making recommendations to the Hope Mills Board of Commissioners on amending the Zoning Ordinance or to establish a system of overlay districts that address the issues at hand.

7. CESSATION OF USES: The moratorium's intended purpose is the cessation of the uses outlined in Section for a period of time not to exceed 6 months while recommendations for the creation of overlay districts are considered by the Hope Mills Board of Commissioners.

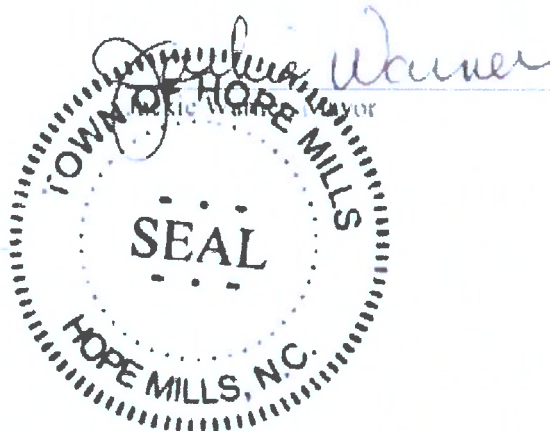
THE HOPE MILLS BOARD OF COMMISSIONERS DOES HEREBY ORDAIN, a moratorium is imposed on the approval of uses identified in Section 5 of this ordinance as permitted in *Section 102A-403 Use Matrix* of the Town of Hope Mills Zoning Ordinance for a period not less than 6 months or until it is rescinded by the board, whichever should first occur.

Adopted July 18, 2022.

Hope Mills Board of Commissioners By:

Attest:


Jane Starling, Town Clerk





STAFF REPORT

REZONING CASE# - N/A

Planning Board Meeting: November 15, 2022

Hope Mills Board Meeting: December 5, 2022

Address: N/A

REQUEST

Text Amendment

Town of Hope Mills Planning staff is requesting the approval of a text amendment tied to a recent moratorium that instituted a town wide halt on specific uses that negatively impact the character, use, and overall harmony of existing and future development areas.

SUBJECT MATTER INFORMATION

WHAT IS A MORATORIUM?

A moratorium is defined as a halt or temporary block on new types of development and issuances of permits often imposed while a new general plan of action of zoning based legislative amendment is completed. Local governments typically take this approach to take more immediate action to place a hold on proposed projects or to maintain the status quo while new regulations are being researched and considered.

WHY IS IT NEEDED IN HOPE MILLS?

Over the past year, staff has noticed a trend of particular uses being requested that could potentially create an issue of saturation. From a perspective of economic development certain uses signify additional uses that benefit the surrounding area could potentially be developed in the future. However, in some instances where there are multiple uses of the same type or uses that have negative impacts to surrounding areas, without a proper system of checks and balances cities and towns are left open to trends that could be detrimental to positive growth.

PROJECT TYPES:

With statutory and local regulations, moratoriums are applied to all new development projects to include the construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site.

PROPOSED USES:

The uses that staff would like to have included in the proposed moratorium are listed below:

- a. Motor vehicle parts and accessory sales
- b. Motor vehicle repair and/or body work
- c. Motor vehicle rentals
- d. Motor vehicle sales, new, and used
- e. Retail establishments primarily tied to smoke shops and vape establishments

RECENT ACTIVITY

The Town of Hope Mills Board of Commissioners adopted a moratorium on July 18, 2022 for a period of 6 months which applies to the review, consideration, approval, permitting, or construction of the uses identified above. The purpose of the moratorium was to allow staff a period of time to explore solutions to the negative trends through the possible drafting of amendments to the Hope Mills Zoning Ordinance or the adoption of overlay districts. Since that adoption of the moratorium staff has conducted a series of 3 separate and public work sessions as well as a survey to solicit additional information from the overall surrounding community.

OUTCOMES

The work sessions conducted by staff resulted in amendments to the Hope Mills Zoning Ordinance that established the following:

1. Definitions that provide distinctions between Motor Vehicle Service and Motor Vehicle Repair.
2. Definitions that eliminate the ambiguity tied to Ancillary Sales.
3. Language that clearly defines Smoke Shops.
4. Distance requirements for Smoke Shops along major thoroughfares in Hope Mills.
5. Minimum lot size requirements for other identified uses along major thoroughfares in Hope Mills.

STAFF RECOMMENDATION

Staff is requesting the approval of the proposed amendments to Article II Section 102A-203, Article IV Section 102A-403 and Article X, the Hope Mills Zoning Ordinance.

c. 102A-403. Use matrix.

Hope Mills Zoning Ordinance P = Permitted use C = Conditional use (Board of Commissioners approval required) S = Special use (Board of Adjustment approval required)															
LAND USES	ZONING CLASSIFICATION														
	CD	RR	R20	R15	R7.5	R6	R6A	R5	R5A	O&I(P)	C1(P)	C2(P)	C(P)	M1(P)	M(P)
Motor vehicle parts and accessories sales, contained within a building and with no outside storage											P	P	P		
Motor vehicle repair, maintenance, and/or body work, excluding commercial wrecking/dismantling/storage of junked vehicles													P	P	P
Motor vehicle rentals												P	P		
Motor vehicle sales, new and used, including motor vehicle auctions													P	P	P
Motor vehicle service station operations											P	P	P	P	P
Motor vehicle washing												P	P	P	P
Motor vehicle wrecking yards and junkyards, including sales of parts (§102A-1014)														S	P
Municipal building and activities	P									P	P	P	P		
Nursery operations/plant husbandry/greenhouses (§102A-1015)	P	P										P	P	P	P
Nursing home/convalescent home/hospital/retirement home, etc. (§102A-1016)		S	S	S	S	S	S	S	S	P	P	P	P		
Office supplies and equipment sales and service/mailbox service												P	P		

c. 102A-403. Use matrix.

Town of Hope Mills
 Zoning Ordinance
 Adopted: October 20, 2008

ARTICLE II INTERPRETATIONS, CALCULATIONS, AND DEFINITIONS

The interpretation of terms, methods of measurement, and definitions contained in this article shall be observed and applied when construing this ordinance, except when the context clearly indicates otherwise. Words not otherwise defined shall be construed and given their customary and ordinary meaning.

Sec. 102A-201. Interpretation of common terms and words.

For the purpose of interpreting certain words or terms contained within this ordinance, the following shall apply:

(a) Words used in the present tense include the future tense. Words used in the singular number include the plural, and words used in the plural number include the singular, unless the natural construction of the wording indicates otherwise.

(b) The word "shall" is always mandatory and not discretionary.

(c) The word "may" is permissive.

(d) The word "person" includes any firm, association, organization, partnership, corporation, trust or company, or any other legal entity, as well as an individual.

(e) The word "lot" shall include the words "piece," "parcel," "tract" or "plot."

(f) The phrase "used for" shall include the phrases "arranged for," "designed for," "intended for" and "occupied for."

(g) Any reference to an "article" or "section" shall mean an article or section of this ordinance, unless otherwise specified.

(h) Where any provision of this ordinance conflicts with any other provision of this ordinance, any other town regulation, or any local, State, or Federal law, the most restrictive provision will apply.

Sec. 102A-202. Methods of calculation

The rules set out herein shall be used to enforce and apply this ordinance, unless such rules are inconsistent with specific criteria contained within an individual article or section. If a discrepancy arises between the following methods and any specific section elsewhere in this ordinance, the standards of the section shall prevail.

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

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

(c) *Calculations of measurement.* The spatial separations required by this ordinance shall be calculated as follows:

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

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

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

Sec. 102A-203. Definition of specific terms and words.

In further amplification and for clarity of interpretation of the context, the following definitions of word usage shall apply:

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

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

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

(a) Conducted or located on the same zoning lot with, and of a nature customarily incidental and subordinate to, the principal structure;

(b) Clearly incidental to, subordinate in area and purpose to, and serving the principal use; and

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

Agriculture: The practice of cultivating the soil, producing crops, and raising livestock; such as but not limited to dairying, pasturage, viticulture, horticulture, hydroponics, floriculture, aquaculture, truck farming, orchards, forestry and animal and poultry husbandry, as defined in N.C. GEN. STAT. § 105-277.2. The operation of any accessory uses shall be secondary to that of the normal agricultural activities.

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

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

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

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

Alternative structure (regarding telecommunication facilities): A structure which is not primarily constructed for the purpose of holding antennas but on which one or more antennas may be mounted. Alternative structures include, but are not limited to, flagpoles, buildings, silos, water tanks, pole signs, lighting equipment, steeples, billboards and electric transmission towers.

Amusement center: An establishment offering five or more amusement devices, including, but not limited to, coin-operated electronic games, shooting galleries, table games and similar recreational diversions within an enclosed building.

Ancillary Sale Where a grocery store, supermarket, convenience store or similar market uses no more than five (5) percent of its gross floor area, or 200 square feet, whichever is less, for the display, sale, distribution, delivery, offering, furnishing, or marketing of conventional cigars, cigarettes, or tobacco. For any grocery store, convenience market, retail kiosk or similar use consisting of 250 square feet or less, "ancillary sale shall mean where no more than 13 square feet can be used for display, sale, distribution, delivery, offering, furnishing, or marketing of conventional cigars, cigarettes or any other tobacco products or tobacco paraphernalia, regardless of square footage used, is subject to the restrictions of **ARTICLE X – INDIVIDUAL USES, SEC. 102A-1032** of this ordinance.

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Ancillary use: That which is commonly subordinate to or incidental to a principal or primary use – also see *Accessory Structure or Use*.
(Amd. 08-15-11)

Antenna: Any exterior transmitting or receiving device that radiates or captures electromagnetic waves (excluding radar signals).

Apartment: A room or suite of rooms intended for use as a residence by a single household or family. Such a dwelling unit may be located in an apartment house, duplex, non-residential building or as an accessory use in a single home.

Approach surface zones: An inclined plane located directly above the approach area to the Fayetteville Regional Airport. The dimensions of the approach area are measured horizontally. The approach areas for each particular runway are symmetrically located with respect to the extended runway center lines and have lengths and widths as indicated on the *Airport Airspace Plan* contained within the *2005 Fayetteville Regional Airport Master Plan*, Sheet No. 6, or any subsequent amendment upon official adoption to the Airport Master Plan. The Airport Airspace Plan also shows the slopes of the respective approach surface zones.

Approval authority: The Board of Commissioners or other board or official designated this ordinance as being authorized to grant the specific zoning or land use permit or approval that constitutes a site specific development plan.

Assembly: An event causing a company of persons to collect together in one place, and usually for some common purpose, such as for deliberation and legislation, worship or social entertainment.

Avigation easement: An easement, recorded with the Cumberland County Register of Deeds, intended to protect property owners and residents of properties in close proximity to the Fayetteville Regional Airport and by providing for the free and unobstructed passage of aircraft in and through the air space above said properties thus providing for the safe, convenient and reasonable operation of the airport.

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

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

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

Billboard: See Sec. 102A-1402 for all sign-related definitions.

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

Board of Commissioners: The governing body of the Town of Hope Mills.

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

Bona fide farm: Any tract of land where the land is used for the production of and activities relating to, or incidental to, the production of crops, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry and all other forms of agricultural products having a domestic or foreign market.

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

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

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

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

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

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

Building height: The vertical distance measured from the average elevation of the finished grade at the front of the building to the highest point of the building.

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

Building, principal (main building and/or structure): A building in which the principal use is conducted for the lot on which it is situated.

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

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

Caliper: A measurement of the diameter of a tree trunk. Such measurement shall be taken according to the following standards:

(a) New nursery (to be installed) and regulated (existing on-site) trees up to and including four inches in diameter shall be measured six inches above ground level.

(b) For trees above four inches in diameter, the caliper measurement shall be taken 12 inches above ground level.

Call center: A central building or office place where agents or operators man banks of telephones to either make outgoing, or field incoming telephone calls for a large company or organization.

Camouflage: To disguise with paint or other aesthetic means so as to blend with the surrounding area.

Campground/RV parks: Land upon which shelters (such as tents, travel trailers and recreational vehicles) are erected or located for occupation by transients and/or vacationers. They may include such permanent structures and facilities as are normally associated with the operation of a campground.

Canopy, marquee or awning: A roof-like cover extending over a sidewalk, walkway, driveway or other outdoor improvement for the purpose of sheltering individuals or equipment from the weather. An awning is made of fabric or some flexible fabric-like substance. Canopies and marquees are rigid structures of a permanent nature.

Cemetery: As defined in Chapter 65, Article 9, of the General Statutes of North Carolina, any one or a combination of more than one of the following in a place used or to be used and dedicated or designed for cemetery purposes:

- (a) Burial park for earth interment;
- (b) Mausoleum; or
- (c) Columbarium.

Certificate of Occupancy: Official certification that a premise conforms to the provisions of this ordinance and the N.C. Building Code, and may be used or occupied. Such a certificate is granted for new construction or for alterations or additions to existing structures or a change in use upon completion of the building or site final inspection. Unless such a certificate is issued, a structure cannot be occupied, but a certificate may be issued for a portion of a structure ready for occupancy, such as separate dwelling or commercial units in a structure with multiple units.

Change of use: Changing the original purpose of the building to a different use or changing the lot configuration due to changed requirements (e.g., adding display or storage areas).

Chapter 86 [town's subdivision ordinance]: The portion of the Town of Hope Mills Code of Ordinances that governs the subdivision of land and establishes provisions for other special developments within the town; the chapter is entitled: *Subdivision Regulations*.
(Amd. 05-05-14)

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

Conditional use: A use or occupancy of a structure or a use of land, permitted only upon the successful rezoning to a conditional zoning district and made subject to the limitations and conditions specified therein. (Articles V, VI, VII and VIII)
(Amd. 05-05-14)

Condominium development: A project of two or more units in one or more multi-unit buildings designed and constructed for unit ownership as permitted by the *North Carolina Unit Ownership Act* (N.C. GEN. STAT. 47A-1 *et seq.*) and shall be approved under the requirements for condominium developments set forth in Chapter 86.

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

Conservancy organization: Any legally established incorporated entity, whether for profit or non-profit, whose primary mission is dedicated to the protection of the environment and natural resources.

Convalescent home (nursing home): An institution that is advertised, announced or maintained for the express or implied purpose of providing nursing or convalescent care for persons unrelated to the licensee. A convalescent home is a home for chronic or nursing patients who, on admission, are not as a rule acutely ill and who do not usually require special facilities such as an operating room, x-ray facilities, laboratory facilities or obstetrical facilities. A convalescent home provides care for persons who have remedial ailments or other ailments for which continuing medical and skilled nursing care is indicated; who, however, are not sick enough to require general hospital care. Nursing care is their primary need, but they will require continuing medical supervision. A major factor that distinguishes convalescent homes is that the residents will require the individualization of medical care.

Critical root zone: A circle extending around the tree with a one-foot radius for every one inch of tree diameter.

Day care facility: A building or dwelling regularly used for recreational or supervisory care of six or more persons (adults or children), not including the operator's own family members, during any 24-hour period. It does not matter where it is located, whether the same or different persons attend and whether or not it is operated for profit. The following are not included: public schools; nonpublic schools, as described in N.C. GEN. STAT. § 110-86(2); summer camps having children in full-time residence; summer day camps; specialized activities or instruction such as athletics, clubs, the arts, etc.; and bible schools normally conducted during vacation periods.

Density: The average number of families, persons, housing units or buildings per unit of land.

Developed: Land that has been converted to a specific purpose by new construction or the addition of planned or structured improvements, not otherwise excluded by the provisions of this ordinance.

DNL: The A-weighted average day/night sound level in decibels during a 24-hour period.

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

Dwelling: Any building, structure, manufactured home, or mobile home, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.

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Dwelling, multiple family: A residence designed for or occupied by two or more families with separate housekeeping and cooking facilities for each.

Dwelling, single-family: A detached residence designed for or occupied by one family only.

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

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Equestrian facilities: An integral part of and developed in conjunction with residential developments, including: horse ranches, boarding stables, riding schools and academies, trails, and horse exhibition facilities. Barns, stables, corrals, paddocks and the like are considered accessory and incidental to the foregoing uses.

(Amd. 05-05-14)

Easement: A right given or reserved by the owner of land for specific limited use of that land.

Essential site requirements: Any construction or reconstruction of site development features required by any local, State or Federal regulations, ordinances or laws, such as underground drainage, off-street parking, driveways, retention areas or similar improvements required for the intended use of the site, which cannot be accommodated on the site without the removal of regulated trees.

Façade: The exterior walls of a building which is adjacent to or fronting on a public right-of-way or other public area; typically the front of a building, but also includes any side or rear of a building facing a public right-of-way or other public area.

(Amd. 08-15-11)

Family: One or more persons occupying a single housekeeping unit and using common cooking facilities, provided that, unless all members are related by blood, marriage or adoption, no such family shall contain over five persons. The presence of household employees or children in foster care shall not disqualify any premises otherwise satisfying the above rules.

Fences or walls: A tangible barrier constructed of any allowable material erected for the purpose of providing a boundary or as a means of protection, or to prevent uncontrolled access, or for decorative purposes (such as ornamental gate or ornamental gates), or to screen from viewers in or on adjoining properties and streets, materials stored and operations conducted behind it.

Fence or wall, open: A tangible barrier in which the openings through which clear vision and the free passage of air is possible from one side to the other on a horizontal plane occupying 75 percent or more of the side area of the barrier fence or wall; all other barriers are solid fences or walls.

Flea market: Sales area (indoors or outdoors) in which space is set aside or rented, and which is intended for use by one or more individuals to sell a variety of articles.

Floor area, gross: The total area of a building measured by taking the outside dimensions of the building at each floor level.

Floor area, net: The horizontal area of each floor of a building or structure; excluding those areas not directly devoted to the principal, incidental, or accessory use, such as: storage areas, stairwells, elevators, closets, restrooms, maintenance rooms, hallways, and similar areas.

Food sales/grocery stores: Stores specializing in the sale of edible products as its principal business with incidental sales of household supplies.

Garage, commercial: Any building or premises, except those described as a private or parking garage, used for the storage or care of motor vehicles, or where any such vehicles are equipped for operation, repaired or kept for remuneration, hire or sale.

Garage, private: An accessory building or portion of a building permitted in any district allowing residential uses, providing for the storage of private motor vehicles used by the occupants of the principal building, and in which no business, occupation or service for profit is in any way conducted, except in an approved home occupation.

Golf course/driving range: Land developed for the recreational purpose of golf, excluding miniature golf courses and including country clubs, private and public courses, driving ranges and pro and snack shops.

Governmental use: A building, structure or facility owned and operated or occupied by a unit of local government of the State, including but not limited to the Town, another

municipality, any agency of the State, the United States or any State thereof, or any Indian tribe recognized as such by the federal government. This definition does not include any utility, whether owned and/or operated by any public or private agency.

Gross floor area: The total number of square feet within a building devoted to a particular use, including the space occupied by such supporting facilities as storage areas, work areas, toilets, mechanical equipment and the like.

Group development: A group of two or more principal uses, structures, or dwelling units occupying, built on, or intended to occur on a single lot, tract, or parcel of land.

Group home: A home with support and supervisory personnel, some or all of whom are nonresident, that provides room and board, personal care and habilitation services in a residential environment to not more than six resident handicapped persons 24 hours a day, seven days a week.

Group quarters: A building or group of buildings, which houses more than two persons in other than a traditional family setting. Housing may be in individual rooms or communal rooms with bathroom facilities and other common use areas. Housing may be free of charge or with a fee (monetary or service). This definition shall not include foster care homes, therapeutic foster care homes or other uses specifically listed in Sec. 102A-403, Use Matrix, i.e., group homes and residential habilitation support facilities. It does include, but is not limited to, rooming/boardng houses, dormitories, residence halls, membership lodgings, halfway houses, alcohol and drug abuse centers, homeless shelters and hospice facilities, orphanages and religious quarters.

Halfway house: An establishment whose primary purpose is the rehabilitation of persons. Such services include drug and alcohol rehabilitation and rehabilitation for prison parolees and juveniles. This shall not include facilities defined and licensed as "group homes." Halfway houses will be regulated as "group quarters."

Handicapped person: A person with a temporary or permanent physical, emotional or mental disability, including but not limited to mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances and orthopedic impairments, but not including mentally ill persons who are dangerous to themselves or others as defined in N.C. GEN. STAT. § 122C-3(11).

Hazardous materials storage: The keeping, retention or leaving of hazardous materials in closed containers, tanks, cylinders or similar vessels; or vessels supplying operation through closed connections to the vessel. Hazardous materials storage is not a permitted use inside the corporate limits of the town.

Height: For purposes of determining vertical (height) limits related to the airport overlay district, established and regulated by the Federal Aviation Administration, the datum shall be *mean sea level* elevation unless otherwise specified.

Highway Plan: A plan, formally known as *Fayetteville Area Metropolitan Planning Organization Highway Plan* that provides and defines a functional system of streets permitting travel from origins to destinations with directness, ease and safety. Different streets in this system are designed and called on to perform specific functions, thus minimizing the traffic and land service conflict.

Home occupation: Any occupation or profession carried on entirely within a dwelling or accessory building on the same lot by one or more occupants thereof.

Horizontal surface zone: A plane, circular in shape with its height 150 feet above the established Fayetteville Regional Airport elevation and having a radius from the airport reference point as indicated on the *Airport Airspace Plan* contained within the *2005 Fayetteville Regional Airport Master Plan*, Sheet No. 6, or any subsequent amendment upon official adoption to the Airport Master Plan.

Hospital: An institution designed for the diagnosis, treatment and care of human illness or infirmity and providing health services primarily for inpatients and including as related: clinic facilities, laboratories, outpatient departments, training facilities and staff offices.

Hotel/motel: A building or other structure kept, maintained, advertised as or held out to the public to be a place where sleeping accommodations are supplied for pay to transient or permanent guests or tenants and where rooms are furnished for the accommodation of such guests. Entry to sleeping rooms may be from the interior or exterior of the building. Food may be served in dining rooms, restaurants or cafes, which may be located in the same building as the sleeping rooms or may be in one or more separate buildings.

Internet café/video gaming: Any for profit business enterprise, whether as a principal, accessory or incidental use, providing three or more computers and/or other electronic devices for access to the internet, email, applications, video games, or any other similar activity for a fee that either rewards the user in currency or in any manner capable of being converted to currency whether immediate or future or any other form of compensation. This term includes but is not limited to "internet cafes," "cybercafés," "sweepstakes," or "business center." This term does not include any governmental use.

(Amd. 04-16-14)

Junk yard/salvage yard: Any area exceeding 200 square feet, in whole or in part, where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to, scrap iron and other metals, paper, rags, vehicles, rubber tires and bottles. A "junk yard" includes a motor vehicle wrecking yard, but does not include uses established entirely within enclosed buildings. It also includes residential outside storage of the above items.

Kennel: Any premises where four or more dogs which are three months old or older are kept commercially or as pets, including the boarding of animals, keeping of animals for

breeding purposes or for sale, but excluding pet grooming shops, veterinary clinics and veterinary hospitals.

Land, gross area: The square footage of all the area included within the external boundary of the property to be developed excluding existing public streets and railroad rights-of-way.

Land, net area: The land area required to meet the minimum dimensional zoning district standards as required by this ordinance.

Lateral access: The provision of ingress and egress between adjoining or abutting nonresidential uses to facilitate the circulation of vehicular traffic between those uses and designed to relieve traffic congestion, provide protection from through traffic, and limit individual driveway access along public rights-of-way.

Loading area or space, off-street: An area logically and conveniently located for bulk pickups and deliveries, and accessible to such vehicles used for the pickups and deliveries. Any required off-street loading space is not to be included as off-street parking space in computing required off-street parking space. (Article XIII)

Loading and service area: Area which is used for trash or garbage collection, vehicular loading and unloading, outdoor storage or repair, or for covered storage where the structure has no walls to screen views. Loading doors without an exterior platform (dock) are not included.

Lot: A parcel of land occupied or intended for occupancy, by a main building or group of main buildings together with any accessory buildings, including such yards, open spaces, width, and area as are required by this ordinance, either shown on a plat of record or described by metes and bounds and recorded with the Register of Deeds.

Lot, corner: A lot abutting the intersection of two or more streets, or a lot abutting on a curved street or streets, which streets have an angle of intersection of not more than 135 degrees.

Lot, depth: The depth of a lot is the average distance between the front and back lot lines excluding street rights-of-way.

Lot, flag: A lot where the main body of the lot is separated from the street giving access to the property, but which has an included strip of land at least 35 feet in width connecting the lot to the street, thus providing lot access.

Lot, frontage: The linear feet of property measured along the property line that abuts a public street or an approved private street.

Lot, interior: A lot other than a corner lot.

Lot, through: A lot, other than a corner lot, having frontage on two parallel, or approximately parallel streets, or a corner lot having frontage on three or more streets.

Lot lines: The property lines bounding a lot. Where a lot of record includes a public street right-of-way, the lot lines are presumed not to extend into the right-of-way.

Lot of record: A lot which is part of a subdivision, a plat of which has been recorded in the office of the Cumberland County Register of Deeds, or a lot described by the metes and bounds, the description of which has been recorded in the office of the Cumberland County Register of Deeds, and if applicable, meets all requirements of Chapter 86.

Lot width: The straight-line distance between the points where the building setback line intersects the two side lot lines.

Manufactured home: A manufactured building designed to be used as a single-family dwelling unit, which has been constructed and labeled indicating compliance with the U.S. Department of Housing and Urban Development administered National Manufactured Housing Construction and Safety Standards Act of 1974, as amended.

Manufactured home, Class A: A manufactured home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction and that satisfies the following additional criteria:

(a) The manufactured home has a length not exceeding four times its width, with length measured along the longest axis and width measured at the narrowest part of the other axis.

(b) The pitch of the roof of the manufactured home has a minimum vertical rise of 2.2 feet for each 12 feet of horizontal run and the roof is finished with a type of shingle that is commonly used in standard residential construction.

(c) All roof structures shall provide an eave projection of no less than six inches, which may include a gutter.

(d) The exterior siding consists predominantly of vinyl or aluminum horizontal lap siding (whose reflectivity does not exceed that of gloss white paint) or wood or hardboard siding, comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction.

(e) The manufactured home is set up in accordance with the standards set by the N.C. Carolina Department of Insurance and a continuous permanent masonry foundation, or permanent masonry curtain wall, un-pierced except for required ventilation and access, is installed under the manufactured home.

(f) Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the home shall be installed or constructed in accordance with the standards set by the N.C. Department of Insurance, attached firmly to the primary structure and anchored securely to the ground.

(g) The moving hitch, wheels and axles, and transporting lights have been removed.

Manufactured home, Class B: A manufactured home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction, but that does not satisfy all of the criteria necessary to qualify the home as a Class A manufactured home.

Manufactured home, Class C: Any manufactured home that does not meet the definitional criteria of a Class A or Class B manufactured home.

Manufactured home park: A multi-family development on any site or tract of land with three or more spaces intended to be occupied by manufactured homes, regardless of whether a charge is made for such services. Manufactured home parks may include recreational facilities and other incidental structures necessary to support the residents of the park. (Chapter 86)

Manufactured home space: A plot of land within a manufactured home park designed for the accommodation of one manufactured home. (Chapter 86)

Massage and bodywork therapy: Systems of activity applied to the soft tissues of the human body for therapeutic, educational or relaxation purposes as regulated by N.C. GEN. STAT., Chapter 90, Article 36 and the N.C. Board of Massage and Bodywork Therapy. The application may include:

(a) Pressure, friction, stroking, rocking, kneading, percussion or passive or active stretching within the normal anatomical range of movement;

(b) Complimentary methods, including the external application of water, heat, cold, lubricants and other topical preparations;

(c) The use of mechanical devices that mimic or enhance actions that may possibly be done by the hands.

Massage and bodywork therapist: Any person who is licensed by the North Carolina Board of Massage and Bodywork Therapy to practice massage and bodywork therapy as defined and regulated by N.C. GEN. STAT., Chapter 90, Article 36.

Mini-warehouse/storage facilities: A building or group of buildings, in a controlled access and/or fenced compound that contains varying sizes of individual, compartmentalized and controlled access stalls or lockers for the dead storage of a customer's personal property,

goods or wares. No sales, service, or repair activities other than the rental of dead storage units are permitted on the premises.

Mixed use: A single building containing more than one type of land use where the residential use occupies no more than 40 percent of the total building floor area and the non-residential use occupies a minimum of 60 percent of the total floor area or a single development of more than one building and use with the different types of land uses in close proximity, planned as a unified complementary whole, and functionally integrated to the use of shared vehicular and pedestrian access and parking areas.

(Amd. 08-15-11)

Mobile storage units: Self-contained portable units designed to be temporarily placed on a lot for the purpose of loading and/or unloading the contents, with the unit being transported to and stored at a permanent storage facility. (Examples include: Pods, U-pack, Mini-Mobile, etc.)

Modular structure: A manufactured structure designed for year-round residential or commercial use, with major components or modules pre-assembled and transported to a site for final assembly, foundation, construction, and utility connection. Such structures must meet all requirements of the N.C. Building Code and must have attached a North Carolina Validating Stamp.

More intensive use: A use that will have a greater impact on the surrounding area than the previous use, including activities which generate more traffic, require more employees or service deliveries, or utilize more square footage than the previous use existing on the site.

Motor vehicle: A machine designed or intended to travel over land or water by self-propulsion or while attached to a self-propelled vehicle, except that said definition shall not include a "manufactured home" as defined in this ordinance.

Motor vehicle parking lot: An area or plot of land used for, or designated for, the short-term parking of serviceable motor vehicles, either as a principal use or as an accessory use.

Motor vehicle parking lot, commercial: A tract of land which is used for the storage of legally licensed, insured and registered motor vehicles, not accessory to any other use on the same or any other lot, and which contains parking spaces rented to the general public or reserved for individuals by the hour, day, week, or month.

Motor vehicle parking space: An area of not less than 20 feet in length and nine feet in width for one motor vehicle, plus the necessary access space.

Motor vehicle parking, off-street: A parking space located outside of a public street right-of-way.

Motor vehicle repair, maintenance, and body work: Services provided to motor vehicles that include engine rebuilding, motor repair, collision service, body frame repair, incidental repairs, oil changes, replacement of parts, and overall general repair to motor vehicles and are subject to the restrictions of **ARTICLE X – INDIVIDUAL USES, SEC. 102A-1030** of this ordinance

Motor vehicle service station operations: A place where gasoline, kerosene, lubricating oil or grease for operation of automobiles, are offered for sale directly to the public on premises, and including minor automobile accessories, and washing of automobiles but not to include services defined as motor vehicle repair, maintenance, and body work.

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Motor vehicle storage lot: A plot of land used for the open storage of vehicles, which does not meet the definition of a junkyard or motor vehicle parking lot.

Multi-Phased Development: A development containing 25 acres or more that is both of the following: (a) Submitted for development permit approval to occur in more than one phase; (b) Subject to a master development plan with committed elements showing the type and intensity of use of each phase.

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New construction: Any single-family development, multi-family or non-residential structure, parking lot or motor vehicle or manufactured housing sales lot for which a building permit or construction permit is issued or upon which construction actually begins on or after the effective date of this ordinance.

Nonconforming lot: A lot existing at the effective date of this ordinance or any amendment to it that was created in compliance with Chapter 86 in effect at the time of lot creation and that does not meet the minimum area or lot width or depth requirements of the district in which the lot is located.

Nonconforming structure: An existing structure that does not comply with the dimensional requirements of this ordinance for the district in which it is located either at the effective date of this ordinance or as a result of subsequent amendments thereto.

Nonconforming use: Any existing use of land or structure which does not comply with the use regulations of this ordinance for the district in which it is located either at the effective date of this ordinance from which this ordinance was derived or as a result of subsequent amendments thereto.

Nuisance: Anything that unreasonably interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses.

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

Obstruction: Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in this ordinance.

Open space: The land used for recreation, natural resource protection, amenities and/or buffer areas. Open space may include, but is not limited to, walkways, recreation areas, playgrounds, wooded areas, greenways and watercourses.

Ordinance: This, the Town of Hope Mills Zoning Ordinance, a technical ordinance, including any amendments thereto. Whenever the effective date of the ordinance is referred to, the reference includes the effective date and the effective date of any amendment to the Zoning Ordinance. This ordinance consists of two parts – a text and a map, in hardcopy or digital format.

Person: Any individual, association, firm, partnership, public or private utility, or body politic or corporate.

Planning Department/ Planning Staff: The county agency that is contracted with the town for planning services and is responsible for and tasked with planning and land use matters for the town and the surrounding area.

Planting area: A reserved landscape area free of concrete, asphalt, stone, gravel, brick or other paving material, aside from approved walkways, which is required or used to provide growth area for required plant material.

Planting strip: Planting area along a public right-of-way which is reserved for landscaping purposes.

Plat/plan: A map, usually of land which is to be or has been subdivided or developed, showing the location, boundaries, and ownership of properties; the location, bearing and length of every street and alley line, lot line and easement boundary line; and such other information as may be necessary to determine whether a proposed subdivision or development meets all required standards of this ordinance, Chapter 86 and other applicable regulations.

Premises: A lot and the structure or structures located on it.

Principal structure/principal uses: The primary building(s), purpose(s) or function(s) that a parcel or structure serves or is intended to serve.

Public utility station: A structure or facility used by a public or quasi-public utility agency to store, distribute or generate electricity, gas, telecommunications and related equipment or to pump or chemically treat water. This does not include telecommunication towers, storage or treatment of sewage, solid waste or hazardous waste.

Public water and/or sewer: Municipal, sanitary district, community, and privately owned water and/or sewer systems as regulated and controlled by the N.C. Utilities Commission, N.C. Board of Health, N.C. Department of Environment and Natural Resources (NCDENR) and the County Public Health Department.

Public way: Any street, alley or similar parcel of land, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

Quarry operations: The extraction or removal by any means, to include, but not limited to, such activities as blasting, excavating, jacking of minerals, ores or other materials which are processed by washing, wet screening, classifying, crushing, material gradation or other treatment which combines, mixes or blends with other materials.

Recreation, indoor: An establishment providing completely enclosed recreation activities. Accessory uses shall be permitted to include the preparation and serving of food and/or the sale of equipment related to the enclosed uses. Included in this definition shall be bowling, roller or ice skating, billiards, pool, motion picture theatres and related amusements.

Recreation, outdoor: An area free of buildings except for restrooms, dressing rooms, equipment storage, maintenance buildings, open-air pavilions and similar structures used primarily for recreational activities.

Recreation, outdoor (with mechanized vehicle operations): An area or establishment, which requires the use of motors or engines for the operation of equipment or participation in the activity and afforded passage along a tract or course, typically of rough terrain. This definition includes but is not limited to go-cart tracks, bicycle motocross (BMX) courses and the like. This definition does not include golf courses (golf carts) or other low impact motorized vehicles.

(Amd. 06-15-09)

Recreational vehicle: A vehicular, portable structure built on a single chassis or capable of being placed in or on a vehicle; designed to be self-propelled or towable by a light duty truck; and designed primarily for use as temporary dwelling for recreational, camping, travel or recreational use. The basic entities are travel trailer, camping trailer, truck camper, and motor home.

Recreational vehicle park: See "Campground/RV park" above.

Religious worship activity: Any premises, the principal purpose of which is religious worship and in which the principal structure is the principal place of worship. Accessory uses may include religious education classrooms, assembly rooms, kitchen, library room or reading room, recreation hall, and a one-family dwelling unit (parsonage), but excluding day care facilities and facilities for residence or training of religious orders.

Residential habilitation support facility: A day care home with support and supervisory personnel that provides room and board, personal care and habilitation services in a family environment to more than six resident handicapped persons.

Restaurant: An eating establishment, including cafeterias, cafes, grills, fast-food establishments, etc., that has gross receipts from food sales and non-alcoholic beverage sales of at least 30 percent of the total gross receipts including alcoholic beverage sales. This definition does not include those uses regulated as a sexually oriented business.

Right-of-way: An area owned and maintained by the town, other municipality, the State of North Carolina, a public utility, a railroad or a private entity for the placement of such utilities and/or facilities for the passage of vehicles or pedestrians, including roads, pedestrian walkways, utilities or railroads.

Seasonal sales establishments: For purposes of this ordinance, the temporary offering for purchase of fireworks sales, pumpkins and Christmas trees to the general public.

Setback: The required distance between every structure with other structures, whether on the same or separate lots, and every structure and the lot lines of the lot on which it is located.

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

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

Sign: See Sec. 102A-1402 for all sign-related definitions.

Site plan: A scaled drawing depicting uses and structures proposed for a parcel of land as required by this ordinance and Chapter 86. It includes such items as lot lines, streets, building sites and setbacks, means of access, parking, reserved open space, buildings, major landscape features - both natural and manmade - and, depending on requirements, the locations of proposed utility lines. The specific criteria for site plans are found in Article XV.

Site specific development plan: A land development plan submitted to the town and considered at public hearing for purposes of obtaining one of the following zoning or land use permits or approvals: subdivision plat (if properly finalized and recorded), conditional zoning site plan or special use permit or zoning permit. (Sec. 102A-1802)
(Amd. 05-05-14)

Sleeping unit: A room or space om which people sleep, which can also include permanent provisions for living, eating, and either sanitation or kitchen facilities but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping unites.

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Solid waste disposal facility: Any depository of solid waste, excluding earth for fill and septage. This definition includes, but is not limited to, sanitary landfills, sewage treatment facilities and waste incinerators.

Special use: Those uses for which a permit is required for the proposed activities which are essentially compatible with other uses or activities permitted in a zoning district, but which present unique challenges or possess unique characteristics, or qualities that require comprehensive review at a quasi-judicial public hearing by the Board of Adjustment and which may be allowed only after the findings of fact and the imposition of reasonable conditions. (Section 102A-1706)

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

Street, centerline: A line officially determined to be lying halfway between the two edges of the street right-of-way.

Street line: The dividing line between a street or road right-of-way and the contiguous/abutting property.

Street, private: Any road, street, or alley which is not publicly owned and maintained and is used for access by the occupants of the development, their guests, and the general public. (This does not include neighborhood public roads, cart paths and ingress/egress easements.) Requirements for private streets are in Chapter 86.

Street, public: A dedicated and accepted for maintenance purposes public right-of-way for vehicular traffic that affords the principal means of access to abutting properties.

Street tree: Any tree planted within or adjacent to a public right-of-way.

Streetscape: Improvements intended primarily for the visual enhancement of the public right-of-way.

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

Subdivision: All divisions of a less than ten acre tract or parcel of land into two or more lots, building sites or other divisions for the purpose of sale or building development, whether immediate or future, with certain modifications as more particularly defined in Chapter 86.

Swimming pool, children's wading: Any swimming pool that does not meet the definitions of "private" or "public" swimming pool below.

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

Swimming pool, public: Any swimming pool that does not meet the definition of "private swimming pool" located above. Chapter 86 and the County Public Health Department also have provisions regulating public swimming pools.

Therapeutic foster care home: A 24-hour residential treatment facility located in a private residence which provides professionally trained parent substitutes who work intensively with children and adolescents who are emotionally disturbed or have a substance problem, or both. These homes shall not serve more than two children or adolescents.

Temporary: A permit or event for a limited period of time.

Tobacco. Any preparation of the nicotine-rich leaves of the tobacco plant which are cured by a process of drying and fermentation for use in smoking, chewing, absorbing, dissolving, inhaling, snorting, sniffing, or ingesting by any means into the body.

Tobacco paraphernalia. Any paraphernalia, equipment, devise, or instrument that is primarily designed or manufactured for smoking, chewing, absorbing, dissolving, inhaling, snorting, sniffing, or ingesting by any other means into the body of tobacco products. Items or devises classified as tobacco paraphernalia include, but are not limited to, the following: pipes, punctured metal bowls, water bong, electric pipes, e-cigarettes, e-cigarette juice, buzz bombs, vaporizers, hookahs, and devices fo holding burning metal. Lighters and matches shall be excluded from this definition.

Tobacco store and smoke shop. Any premises dedicated to the display, sale, distribution delivery, offering, furnishing, or marketing of tobacco products or tobacco par; provided, however, that any grocery store, supermarket, convenience store, or similar retail use that only sells conventional cigars, cigarettes, or tobacco as an ancillary sale shall not be defined as "tobacco store and smoke shop" and shall **not** be subject to the restrictions of **ARTICLE X – INDIVIDUAL USES, SEC. 102A-1032** of this Ordinance

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Transient lodgings: Land used or intended to be used or occupied by a group of two or more detached or semi-detached buildings, except manufactured homes, or by a multiple unit building containing guest rooms, with motor vehicle parking spaces and incidental utility structures which are provided in connection therewith, all of which is used or designed for use primarily by motor vehicle transients.

Tower: Any fabricated structure or device including, but not limited to, relay stations for commercial operations, such as cable television, telecommunication, radio, television stations and the operation of such uses. "tower" shall not include structures that support antennae or similar devices that support or facilitate HAM radio or citizen band communication.

Townhouse: A single structure on its own separate lot containing one dwelling unit that occupies space from the ground to the roof, and is attached to one or more other dwelling units by at least one common wall.

Transitional zone: The areas within the Fayetteville Regional Airport airspace that extends outward and upward from the sides of the approach zones for a horizontal distance as shown on the *Airport Airspace Plan* contained within the *2005 Fayetteville Regional Airport Master Plan*, Sheet No. 6, or any subsequent amendment upon official adoption to the Airport Master Plan.

Unit: A use, group, structure, or other entity regarded as an elementary structural or functional constituent of a whole.

Variance: A variance is a relaxation of the terms of this ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. (Section 102A-1705)

Vehicular display/service area: An area where manufactured homes, motor vehicles, motor homes, boats and trailers are displayed for sale, parked while awaiting service, or having been serviced, are awaiting customer pickup.

Vehicular use area: Areas accessible to vehicular traffic on a regular established basis, and which have an improved surface such as gravel, asphalt, brick or concrete pavement. Examples include but are not limited to driveways and parking lots. Areas that are not accessible on a regular basis to the general public and are not visible from a public right-of-way shall not be considered as a vehicular use area for purposes of this ordinance. Also not included as vehicular use areas by this definition are areas, including parking lots that are screened from public rights-of-way, which screens may not totally block from view the area screened but are installed and maintained as provided for in this ordinance.

Vertical mixed use: Buildings erected for two or more different uses, providing space for non-residential uses on the ground floor with residential areas located on the upper floors and functionally designed to share vehicular and pedestrian access and parking areas.

Yard: A space on the same lot with a principal building, open, unoccupied, and unobstructed by buildings or structures from the ground to the sky, except where encroachments and accessory buildings are expressly permitted herein.

Yard, front: An area of which the width is measured the entire length of the front property line between the side property lines; and the depth is measured as the distance between the street right-of-way or property line and the required front yard setback line.

Yard, rear: An area of which the width is measured the entire length of the rear property line between the side property lines; and the depth is measured as the distance between the property line and the required rear setback line.

Yard, side: An area extending from the required front setback to the required rear setback, or to the front or rear property lines where no front or rear setback is required by the provisions of this ordinance, the minimum and average dimensions of which are determined by the standards of property development of the zoning district in which such lot is located.

Zero lot line development: A single development including, but not limited to, patio homes, townhouses, condominiums, businesses, individual lots and including one or more structures comprising at least two individual lots, dwelling units, or businesses, whether attached or detached, intended for separate ownership and developed in accordance with the standards of Chapter 86.

Zoning: A police power measure, enacted by the Board of Commissioners pursuant to enabling statutes, in which the town is divided into districts or zones within which permitted, conditional, and special uses are established, as are regulations governing lot size, building bulk, placement, and other development standards. Requirements vary from district to district, but they must be uniform within districts.

Zoning Board: The town's appointed body established for the purpose of conducting hearings to derive at and formulate recommendations to advise the Board of Commissioners on zoning-related matters.

Zoning district: An area established by this ordinance where the individual properties are designed to serve compatible functions and to be developed at compatible scales.

Zoning vested right: A right pursuant to N.C. GEN. STAT. 160D-102; 108; 108.1 to undertake and complete the development and use of property under the terms and conditions of an approved site-specific vesting plan.

ARTICLE X INDIVIDUAL USES

Sec. 102A-1001. Development standards for individual uses.

The development standards of this article are additional to other requirements in this ordinance. If there is a conflict with another section of this ordinance or any other Federal, State or local regulation, the most restrictive requirement shall apply. These development standards are use-specific and apply as minimum development standards for the use regardless of the type of approval or permit otherwise required by this ordinance. All non-residential uses listed within this article require site plan review and approval in accordance with Article XV unless the use specifically requires approval of a special use permit or conditional zoning. Those uses requiring approval as a special use permit (Section 102A-1706) or a conditional zoning (Article V) shall also be subject to these standards and any additional standards or conditions required by the permit.

In addition to the specific criteria listed for each use, the following are to be considered as minimum criteria for every non-residential use:

- (a) All parking and loading areas shall comply with the minimum provisions established in this ordinance, Article XIII, Off-Street Parking and Loading;
- (b) All lighting shall be directed internally and shall comply with Section 102A-1202(m);
- (c) Noise generated by any use shall not substantially or detrimentally affect the ability of surrounding property owners to reasonably enjoy the use of their properties and shall not contradict those standards of Chapter 34, Town of Hope Mills Code of Ordinances, Article II, entitled: "Noise" (also referred to as the 'Noise Ordinance');

(d) When any non-residential use is adjacent to property zoned for residential, a buffer shall be provided in accordance with Section 102A-1202(g);

(e) Unless otherwise specified within these individual sections, all signage shall be in compliance with this ordinance (Article XIV, Sign Regulations) for the specific district in which the subject property is located;

(f) All new non-residential development shall comply with the landscaping provisions of Section 102A-1202(n); and

(g) Compliance with all applicable Federal, State, and local regulations, including Chapter 86, is mandatory.

Sec. 102A-1002. Airport operations (minor).

(a) Airport size and layout shall conform to current Federal Aviation Administration (FAA) design standards, if applicable.

(b) There shall be a minimum of 300 feet between any runway or taxiway to the nearest property used or zoned for residential purposes, except that a residence may be located on the property of a small private airfield.

(c) Hangars, storage buildings, terminals, loading docks and parking lots, when located within 100 feet of the property line or street right-of-way and abutting property used or zoned for residential uses, shall be screened with a vegetative buffer.

(d) The site plan shall include the location and size of landing strips and the location of landing lights (if applicable).

(e) A map of all property within 500 feet of the proposed airfield or airstrip property lines and within 1,500 feet of each end of the runway, including names and addresses of property owners, as given in the tax listings and existing land use for each property shall be submitted as part of the application.

(f) A map depicting the location, type and height of any structure, including towers, over 200 feet in height and within a five-mile radius shall be submitted as part of the application.

(g) In order to grant approval of the use, additional conditions that the Zoning Board or staff deem appropriate and reasonably necessary for the protection and safety of nearby property may be required.

Sec. 102A-1003. Bed and breakfast.

- (a) The use must be located in a structure originally constructed for use as a single family dwelling.
- (b) The operation may consist of a maximum of nine guestrooms.
- (c) Each room must have access to a hall or exterior door.
- (d) One non-illuminated sign shall be permitted, which shall have maximum dimensions of two feet high by three feet wide, and not be more than 3 ½ feet tall at its highest point above ground level.
- (e) There shall be no less than one bathroom, consisting of a bath or shower and lavatory, for each two guestrooms.
- (f) Guestrooms shall not be equipped with cooking facilities.
- (g) There shall be no other bed and breakfast within 400 feet of the property.
- (h) Parking shall be provided at the rate of one space for each room to be rented and one space for each employee/owner. No off-street parking shall be permitted any closer to the right-of-way than the principal structure.
- (i) A fire protection plan approved by the Town Fire Marshal must be submitted at the time of permit application.
- (j) The required site plan shall depict neighboring properties and buildings within 200 feet of all property lines.
- (k) Meals served on the premises to guests shall be limited to breakfast and no meals shall be served to the general public.
- (l) All State requirements shall be complied with and all required State permits are to be acquired and maintained.

Sec. 102A-1004. Borrow source operations.

- (a) The applicant shall provide a list of all property owners within 1,000 feet of the exterior boundaries of the lot of record to the site of the borrow source operation. This information shall be provided from the current Tax Administrator's property tax listing of property according to the tax administration office.
- (b) Applicants shall identify the size and location of operating, or permitted, borrow source operations within a 1 ½-mile radius as measured from the centroid of the parcel within

which the borrow pit is located. The scope and density of these operations within a 1 ½-mile radius shall be considered in making the final determination.

(c) While in transit, trucks are to use appropriate load covers, and water trucks or other means that may be necessary shall be utilized to prevent dust from leaving the borrow source operation.

(d) Existing vegetation, or stabilized, vegetated earthen berms to serve as buffers and to prevent soil erosion, shall be maintained between the borrow source operation and adjacent residences and public thoroughfares to screen the operation from the public.

(e) Hours of operation shall be sunrise to sunset, Monday through Saturday, unless otherwise stated in the permit.

(f) The applicant shall provide to the County Planning Staff, at the time the application is submitted, documentation from the N. C. Department of Transportation (NCDOT) and/or from the Town Street Department that the public thoroughfare to which the borrow source operation has access, has sufficient load carrying capacity to support the proposed traffic generated by the borrow source operation or that load limits are acceptable.

(g) The applicant shall provide to the County Planning Staff, at the time the application is submitted, proof of legal access, for the Town Attorney's approval, from the borrow source operation to a public thoroughfare if the subject property does not have direct access to a public thoroughfare.

Sec. 102A-1005. Club or lodge (not regulated by Section 102A-1023).

(a) The intensity of the use shall not have a significant adverse impact on adjacent properties due to traffic, parking, noise, refuse, or similar factors.

(b) Additional setbacks and buffering may be required in the case of facilities for outdoor functions, such as outdoor arenas, if reasonably necessary to protect adjacent properties from noise, light, and glare.

(c) Parking, loading and outdoor activity areas, such as outdoor exhibition areas, picnic areas, amphitheaters and outdoor stages and seating areas, must be buffered from view from adjacent properties. These buffers must meet the requirements of this ordinance.

(d) The site plan shall indicate the style and location of all outdoor lighting.

(e) There shall be no outdoor loudspeakers or public address system other than in an outdoor arena.

Sec. 102A-1006. Day care facilities.

(a) For day care facilities located within any residential zoning district, the following provisions must be complied with:

(1) Minimum lot size shall be 20,000 square feet.

(2) The required minimum setbacks shall be as follows:

a. Front yard: 30 feet from any public or private street;

b. Rear yard setback: 35 feet;

c. Side yard setbacks: 20 feet; and

d. Corner lots: a minimum of 30 feet from each street.

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

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

(c) Minimum of two off-street parking spaces, plus one off-street parking space for each employee, shall be provided. Off-street parking shall be provided in accordance with the standards of Article XIII of this ordinance.

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

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

Sec. 102A-1007. Golf courses.

(a) The following setbacks include any permanent or temporary structure such as, but not limited to, clubhouse, equipment storage, green house, swimming pool, tennis courts and restaurant:

(1) Front yard setback from any public street: 100 feet;

(2) Rear yard setback: 200 feet;

(3) Side yard setback: 200 feet; and

(4) Corner lot setback from side street lot lines: 200 feet.

(b) Minimum off-street parking spaces: four per hole, plus one per 200 square feet of restaurant and/or retail space, and one space per employee.

(c) Incidental uses to a golf course may include pro shop, eating establishment, drinking establishment when in conjunction with an eating establishment (not including those operating under Section 102A-1023 of this ordinance), tennis courts, swimming pools, and practice area. Permitted incidental uses may continue only as long as the golf course is in operation and open.

(d) Signs as permitted in the C1(P) planned local business district are allowed.

Sec. 102A-1008. Group homes.

A group home may not be located within a one-half mile radius of an approved or existing group home or approved or existing residential habilitation support facility, regardless of the jurisdiction of the approved or existing home or facility. A group home for not more than six resident handicapped persons any one of whom may be dangerous to others as defined in N.C. GEN. STAT. §122C-3(11)(b) is not a permitted use in any residential district.

Sec. 102A-1009. Group quarters.

(a) Each room must have access to a hall or exterior door.

(b) One non-illuminated sign shall be permitted, which shall have maximum dimensions of two feet high by three feet wide, and not be more than 3 ½ feet tall at its highest point above ground level.

(c) There shall be no less than one bathroom, consisting of a bath or shower, and lavatory, for each two guestrooms.

(d) Guestrooms shall not be equipped with cooking facilities.

(e) Parking shall be provided at the rate of one space for each room to be utilized and one space for each employee/owner. Parking shall not be permitted in any front yard.

(f) A fire protection plan approved by the Town Fire Marshal must be submitted at the time of permit application.

(g) The required site plan shall depict neighboring properties and buildings within 200 feet of property lines.

(h) The site shall have direct vehicular access to a public street or an approved private street.

Sec. 102A-1009.1. Internet café/video gaming.

The following standards apply regardless whether the internet café or video gaming facility is operated as a principal use, accessory use or incidental use:

(a) The detailed site plan accompanying the application shall comply with the provisions of Article XV and when the internet café/video gaming facility is to be located on a lot with other existing uses, all existing uses on the same lot must be labeled on the appropriate building footprint as shown on the detailed site plan;

(b) The provisions of Chapter 18 of the Town Code shall be complied with;

(c) Each such establishment shall be located no closer than 2,500 feet from another internet café/video gaming facility, regardless of the jurisdiction in which the facility is located;

(d) Each such establishment shall not be located within 500 feet of any area zoned for residential use, properties containing residential unit(s), religious worship activity, nursery school, day care facility, educational facilities, any public or non-profit recreation or amusement and any public or private school regardless of the zoning district in which located and shall be measured from the property line(s) containing such regulated use;

(e) In the event there is a change in the operational characteristics of the facility in which the internet café/video gaming operation is located, re-submittal of an updated complete application for the Special Use Permit must be submitted for re-consideration by the Board of Adjustment prior to enacting the proposed change;

(f) This establishment shall not be located within the same facility as a commercial entity in the business of providing open alcoholic beverages (to include: liquor, fortified wine, unfortified wine and beer), for sale or otherwise provided and alcohol sales within the establishment shall not be permitted;

(g) No establishment shall contain any computer, computer program or gaming machine that has been declared to be banned in the State of North Carolina;

(h) Off-street parking shall be provided at the ratio of one space for each machine for 75% of the machines that are permitted. This is independent of the off-street parking required for all/any other use on the same property;

(i) Each such establishment shall ensure functional and working security cameras are in operation and oriented toward the computers or gaming machines, the recording media shall be kept secure and available for inspection for a period not less than six months by the Town upon request of an authorized Town employee;

(j) Signage shall be as regulated in Article XIV; and

(k) All internet café/video gaming facilities in operation at the time of official adoption of the provisions of this section shall be exempt from the foregoing provisions; however, any expansion in the number of machines within an existing facility shall require staff site plan approval for the additional machines specifically to ensure adequate off-street parking is available.

(Amd. 04-16-12)

Sec. 102A-1010. Kennel operations.

(a) The site plan for kennel operations shall include information as to any outside pen area, shelters, fencing, runs, etc. pertaining to the kennel operations.

(b) Shelters, runs, and pen areas shall not be located any closer than fifteen feet to any property line for kennels located in residentially-zoned districts.

(c) The required shelter shall be fully enclosed on three sides, roofed, and have a solid floor.

(d) A vegetative buffer shall be required along the side and rear property lines and must comply with the provisions of Section 102A-1202(g). In addition, a privacy fence may be required if it is determined the fence would alleviate any detrimental effects on neighboring properties.

(e) Kennel operations shall not be allowed in residential districts if the minimum lot size required by the zoning district of the subject tract has been compromised or otherwise reduced in area as required by the zoning district, i.e., zero lot line developments.

(f) Kennel operations including all pens, shelters, etc., are required to meet the setbacks as required by the zoning district.

Sec. 102A-1011. Manufactured homes.

The Town may not adopt or enforce zoning regulations or other provisions that have the effect of excluding manufactured homes from the entire zoning jurisdiction or that exclude manufactured homes based on the age of the home.

Sec. 102A-1012. Mini-warehousing in residential districts.

For all mini-warehousing units constructed in residential districts, the following standards shall apply:

- (a) The units shall only be constructed in conjunction with multi-family housing units and the number of individual storage units shall not exceed the number of multi-family dwelling units within the development;
- (b) The façade of the mini-warehousing site shall be constructed with decorative and permanent material, such as brick, stone, etc., and be of the same type of material as the exterior of the multi-family units; and
- (c) The sides and rear perimeter of the mini-warehousing site shall be buffered and landscaped in such a manner as to blend in with the surrounding development and to not be visible to adjacent residential areas.

Sec. 102A-1013. Mixed use building.

(a) Mixed use buildings are allowed uses in the O&I(P) planned office and institutional, C1(P) planned local business, C2(P) planned service and retail, and C(P) planned commercial districts with the non-residential use determining the method of approval required, as specified in Section 102A-403, for the entire structure (i.e., site plan review, special use permit or conditional district and permit).

(b) Residential uses within a mixed use building shall not exceed 40 percent of the total floor area, with a minimum of 60 percent of the floor area of all structures devoted to the non-residential use(s) as within the specific zoning district of the property.

(c) All "for sale" residential units are subject to the provisions governing unit ownership developments (condominium developments) in the Town Subdivision Ordinance.

(d) The development must be served by public or community water and sewer.

(e) The subject property must have direct vehicular access to a paved public right-of-way.

(f) Off-street parking shall be provided in accordance with Article XIII for the non-residential use, and one and one-half off-street parking spaces for each residential unit. Shared parking shall be encouraged and permitted when it can be substantiated that the hours of operation of the non-residential use are restricted to daylight hours and will not adversely affect the residential parking needs.

(g) The minimum lot area per residential unit shall be 1,000 square feet not including the lot area utilized by the non-residential use. The site plan must provide the calculations indicating compliance with this provision.

(h) Sidewalks are required in accordance with the standards of the Town Subdivision Ordinance.

(i) A fee in lieu of dedication of on-site parks, recreation, and open space is mandatory for each new residential unit. This fee is to be calculated in the same manner as established in the provisions governing parks, recreation and open space in the Town Subdivision Ordinance.

(j) Except where the structure to be used as a mixed use building is of historical significance, the façade of the buildings approved for mixed use in a non-residential district shall be of a commercial design.

(k) There shall be no ancillary, accessory or incidental residential use of the property within view of a public street.
(Amd. 08-15-11)

Sec. 102A-1014. Motor vehicle wrecking yards and junkyards.

(a) All fluids from vehicles, transmission, brake fluid, gasoline, etc. shall be drained from any vehicle before the vehicle is stored. The fluids shall be drained into approved containers and be disposed of according to approved environmental procedures and Environmental Protection Agency (EPA) regulations.

(b) A cement pad shall be installed for fluid drainage to prevent soil pollution or contamination.

(c) If at any inspection, fluids are determined to have been placed or drained in the ground/soil, the permit shall be revoked immediately.

(d) Unless specifically approved otherwise, vehicles shall not be stacked.

(e) If stacking is specifically approved, the stacked vehicles are to be shielded in such a manner that they cannot be seen from any adjacent residentially zoned or residentially-used properties.

(f) The vehicle storage area shall be contained entirely within a six-foot high solid fence with a vegetative buffer planted along the outside of the fence along the entire perimeter of the property.

(g) The maximum number of vehicles stored on the site at any one time may be restricted to a specific number.

- (h) The vehicle storage area shall not exceed more than 50 percent of the property.
- (i) Appropriate insect and rodent control procedures shall be adopted that comply with County Public Health Department procedures.

Sec. 102A- 1015. Non-residential use as a permitted use in a residential or conservancy district (and not otherwise listed within this article).

- (a) Site plan review and approval in accordance with Article XV of this ordinance and providing for the specific information required by this section.
- (b) The minimum yard requirements shall meet or exceed those required in the C1(P) zoning district.
- (c) Required parking shall be paved if otherwise required to be paved by this ordinance. In these circumstances, paved parking shall be provided with all parking areas and internal drives being clearly marked. In addition, no parking shall be permitted in the required front yard.
- (d) Buffering and/or landscaping for the use shall be provided and maintained in such a manner as to comply with the standards of this ordinance (Section 102A-1202) and is dependent upon the zoning and nature of the surrounding area. The site must provide ample area and adequate open space on all sides of the structure so that the character of the neighborhood is preserved.
- (e) The subject property shall have direct access to a public right-of-way. Also, the plan shall include proposed points of access, ingress, and egress and the pattern of internal circulation. Points of ingress and egress shall be located so as to minimize traffic hazards, inconvenience and congestion. The existing access streets must be able to handle the anticipated increase in traffic volume, or the developer shall cover the costs of upgrading the streets; such as, but not limited to, the addition of a turning lane.
- (f) Signage for the development shall not exceed the standards allowed by Article XIV of this ordinance for the C1(P) district.
- (g) Noise levels shall not exceed 60 dB(A) between the hours of 10:00 p.m. and 7:00 a.m. In any case, the noise level, regardless of the time of day, shall not become a nuisance to neighboring properties and strict compliance with the Town's aforementioned "Noise Ordinance" is required. (Note: dB(A) refers to the sound pressure level in decibels as measured on a sound level meter using the A weighting network.)

Sec. 102A-1016. Nursing home/convalescent home/ hospital/sanitarium/ retirement home, etc.

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- (a) The facility shall not cover more than 50 percent of the tract.
- (b) Must meet all requirements for licensing by the State of North Carolina.
- (c) In addition to basic requirements for site plans as required in Article XV, the plan shall include proposed points of access, ingress and egress, the pattern of internal circulation, and the layout of parking spaces.
- (d) All facilities shall be solely for the use of residents and their guests.
- (e) Facilities for administrative services and limited medical services for the exclusive use of the residents may be located on the site.

Sec. 102A-1017. Public utility works, shops or storage yards.

- (a) All structures shall be designed and landscaped in a way as to blend in with the surrounding area.
- (b) A chain link fence shall enclose all dangerous apparatuses and shall be at least eight feet in height.
- (c) All motor vehicle parking shall be located within the area circumscribed by the buffered/screened area.
- (d) Such facilities shall be located on a public street or an approved private street.

Sec. 102A-1018. Quarry operations.

- (a) No minimum lot area is required but, the lot shall be adequate to provide the yard space required for the M(P) planned industrial district and meet the standards of this section.
- (b) The temporary erection and operation of plants and equipment necessary for crushing, polishing, dressing or otherwise physically or chemically processing the material extracted on the site shall comply with the district dimensional requirements of the M(P) zoning district.
- (c) All equipment used for excavation, quarrying and permitted processing shall be constructed, maintained and operated in such a manner as to eliminate, as far as practicable, noise, vibration, or dust which would injure or annoy persons living or working in the vicinity.
- (d) Access ways or drives within the premises shall be maintained in a dust-free condition through surfacing or such other treatment as may be necessary.

(e) No excavation shall be made closer than 200 feet from the banks of any river, stream, creek or waterway except by documentation, signed and sealed by a certified and registered professional engineer, that such excavation or quarrying shall not impair the existing lateral support needed for permanence of the water body.

(f) All excavations shall be made either to a depth of five feet below a water producing level, or graded or back-filled with non-noxious and non-flammable solids to assure that the excavated area will not collect and retain stagnant water or that the graded or back-filled surface will create a gentle rolling topography to minimize erosion by wind or rain and substantially conform with the contour of the surrounding area.

(g) Whenever the floor of a quarry is five feet or more below the grade of adjacent land, the property containing the quarry shall be completely enclosed by a barrier either consisting of a mound of earth not less than six feet high located at least 25 feet from any street right-of-way and planted with a double row of quick growing vegetative landscaping, or shall be enclosed with a chain link fence or its equivalent in strength and protective character to a height of six feet along the property line.

(h) An excavation shall be located 100 feet or more and back-filled to 150 feet from a street right-of-way line. Quarrying operations shall be located 50 feet or more from a street right-of-way line and to any property boundary line. With approval by the Town Board of Commissioners, such excavation or quarrying may be permitted inside these limits in order to reduce the ground elevation to the established street grade.

(i) More intensive buffering than the normal standard may be required when the development is near or adjacent to residentially-zoned areas.

(j) A reclamation plan shall be submitted along with the site plan and the application. All such reclamation plans shall include the following:

(1) A grading plan showing existing contours in the area to be extracted and proposed future contours showing the topography of the area after completion. Such plans shall include the surrounding area within 500 feet of the property boundary line, drawn to an appropriate scale with contour lines at intervals of five feet or less;

(2) Existing and proposed drainage of the area; and

(3) Details of re-grading and re-vegetation of the site during and at conclusion of the operation. The following are the minimum requirements to be met at the conclusion of the operation:

a. The banks of all extraction, when not back-filled, shall be sloped at a grade of not less than two feet horizontal to one foot vertical. This slope shall be maintained 20 feet beyond the water line if such exists;

b. Spoil banks shall be graded to a level suiting the existing terrain; and

c. All banks and extracted areas shall be surfaced with at least six inches of suitable soil, except exposed rock surfaces, and shall be planted or seeded with trees, shrubs, legumes or grasses and maintained until the soil is stabilized and approved by the Chief Building Inspector.

(k) When any extraction has been completed, such area shall either be left as a permanent spring-fed lake or the floor thereof shall be leveled in such manner as to prevent the collection and stagnation of water and to provide proper drainage without excessive soil erosion.

(l) All equipment and structures shall be removed within three months of the completion of the extraction of materials.

(m) The facility must be permitted by the N. C. Department of Environment and Natural Resources (NCDENR) and/or other applicable Federal, State, and local agencies.

Sec. 102A-1019. Recreation or amusement, public/private and indoor/ outdoor.

(a) One sign shall be permitted and shall not exceed the standards for those allowed in the C1(P) zoning district.

(b) The site shall have direct vehicular access to a major or minor thoroughfare or higher-level street.

(c) *Repealed.*
(Amd. 08-15-11)

(d) All outdoor lighting shall comply with the standards of Section 102A-1202(m).

(e) If the facility is of such a use that would be conducted on dirt (i.e., ball fields, go cart tracks, etc.) measures shall be taken to minimize the creation of dust.

(f) Fencing, netting, or other control measures shall be provided around the perimeter of any areas used for hitting, flying, or throwing of objects to prevent the object from leaving the designated area.

Sec. 102A-1020. Recreation vehicle park and/or campground.

(a) Recreation vehicle parks/campgrounds shall be used only by travel trailers, pickup, coaches, motor homes, camping trailers, other vehicular accommodations and tents suitable for temporary habitation and used for travel, vacation and recreation purposes.

(b) The area of the park/campground shall be at least three acres. Each recreation vehicle/camp site, excluding sites used solely for tents, shall be a minimum of 1,200 square feet in area with a maximum of 20 sites per acre. Each site shall contain a stabilized vehicular parking pad of packed gravel, paving or other suitable material.

(c) All yard setback requirements shall be in accordance with the dimensional requirements of the zoning district in which the park or campground is located and no structure, recreational vehicle site or camping site shall be located within the required yard area.

(d) Individual recreation vehicle spaces within a recreation vehicle park/campground shall not directly access a public road. Access to all recreation vehicle spaces and accessory structures within the park/campground shall be from internal streets. A driveway permit must be obtained from the N. C. Department of Transportation (NCDOT) for connection to a public street.

(e) The recreation vehicle park/campground shall not allow for permanent occupancy on the same site by the same occupant for any continuous period of time exceeding 90 days.

(f) Each park shall have at least one telephone available for public use. Management headquarters, manager's residence, recreational facilities, toilets, dumping stations, showers, coin-operated laundry facilities, stores and the uses and structures customarily incidental to operations of a recreation vehicle park/campground are permitted as accessory uses to the park, subject to the following restrictions:

(1) Such establishments (excluding recreational facilities) and the parking areas primarily related to their operations shall not occupy more than 10% of the gross area of the park/campground.

(2) The structures housing such facilities shall not be located closer than 100 feet to any public street and shall not be directly accessible from any public street but shall be accessible only from an internal drive within the park/campground.

(3) Such structures containing toilets, bathhouses and other plumbing fixtures shall comply with the requirements of the N. C. Building Code.

(g) Adequate off-street parking and maneuvering space shall be provided on site. No public street, sidewalk or right-of-way or any other private grounds not a part of the recreational vehicle parking area shall be used to park or maneuver vehicles.

(h) Internal drives shall be constructed to a minimum of 18 feet in width if providing two way streets and 12 feet in width for one way streets and contain a minimum depth of six inches of stone gravel base with proper ditching, drainage, and seeding of slopes. Permanent dead-end streets shall have a cul-de-sac constructed 40 feet in diameter.

(i) Recreational vehicle parks and campgrounds shall be enclosed by a fence, wall, landscape screening, earthen mounds or by other measures from all contiguous residential areas in a manner that complements the landscape and assures compatibility with the adjacent environment, and complies with the buffering requirements for non-residential uses adjacent to residential uses and/or districts.

(j) In addition to the requirements required to be shown on the site plan as required by the Article XV of this ordinance, the site plan shall include the name and address of the applicant, the location and dimensions of each recreation vehicle/camping site, the location and use of all service and recreational facilities, all interior access ways, drives, and parking. All site plans subject to this section shall also require approval from the County Public Health Department.

(k) When permitted, recreation vehicle parks/campgrounds within the CD conservancy district shall be subject to the following requirements:

(1) No individual recreation vehicle/camping site shall have individual on-site septic systems; and

(2) Each recreational vehicle must be equipped with a holding tank and each park/campground must have an approved dumping station or pump-out facilities on the premises.

(l) All Federal, State and other local regulations shall be complied with.

Sec. 102A-1021. Residential habilitation support facility.

(a) Minimum lot size: 20,000 square feet.

(b) The structure must pass all health and fire inspections.

(c) The property must be at least a one-half-mile radius of distance separation from an existing or approved residential habilitation support facility or an existing or approved group home, regardless of the jurisdiction of the existing or approved facility or home.

(d) The following setbacks shall be minimum yard requirements, except where the zoning district in which the facility is located has greater dimensional requirements the zoning district setbacks apply:

(1) Front yard: 50 feet from any public or private street;

(2) Rear yard: 35 feet; and

(3) Side yard: 25 feet.

(e) Paved off-street parking shall, at a minimum, be provided at the rate of two spaces plus one space for each caregiver.

(f) The facility shall have direct access to a paved public street meeting Town and/or N. C. Department of Transportation (NCDOT) standards, whichever is applicable.

(g) The facility shall provide a minimum of 100 square feet of living area per person, not counting the caregivers.

Sec. 102A-1022. Second hand, pawn and flea market.

(a) Outside storage of goods, equipment and material shall be prohibited; however, outside display of merchandise in conducting the commercial operation is permitted during the hours when the commercial operation is open for business. No storage or display shall be permitted within a public right-of-way.

(b) Vehicle parking shall be provided entirely on site. Traffic generated by the business shall not impede the normal flow of traffic on any public right-of-way.

Sec. 102A-1023. Sexually oriented business.

Sexually oriented businesses are some of the uses which, because of their very nature, may have serious objectionable characteristics, particularly when several of them are concentrated in one area, thereby having a deleterious effect upon adjacent areas, or when the uses are proposed to be located in or near sensitive areas or land uses. Special regulation of sexually oriented businesses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations and applicable criteria are contained in this section.

Sexually oriented businesses shall be allowed in the C(P) planned commercial district subject to the following:

(a) Sexually oriented businesses shall not be located within 2,500 feet of another sexually oriented business. The measurement shall be taken from the exterior walls of the building(s) containing such regulated use.

(b) Sexually oriented business shall not be located within 1,500 feet of any area zoned for residential use or from the property line of residential unit(s), religious worship activity, nursery school, day care facility, any recreation and amusement not regulated herein, and any public or private school regardless of the zoning district, and shall be measured from the property line(s) containing such regulated use.

(c) Buffering, complying with the standards of Section 102A-1202(g), shall be placed around the entire perimeter, including road frontage but excluding the entrance drive, for all sexually oriented businesses.

(d) Nude or semi-nude service or entertainment of any kind shall not be allowed outside the building of such use.

(e) The provisions of this article shall not apply to "massage and bodyworks therapy" as defined in Article II and to the extent regulated by N.C. GEN. STAT., Chapter 90.

Sec. 102A-1024. Solid waste disposal facility.

(a) Such facility shall not be located within 2,500 feet of an existing residential structure or of residentially-zoned property.

(b) Material shall not be stored outside of appropriate waste containers, and all such containers shall be located on a solid impervious surface such as concrete pads.

(c) All structures on the site shall comply with the dimensional requirements for the zoning district.

(d) The site shall be maintained to prevent odors, rodents and any other nuisances.

(e) The site shall have direct access to a paved public street.

(f) Access roads leading to any part of the operation shall be constructed in such a manner as to not impede traffic on any public or private street and shall be paved or constructed with gravel or crushed stone surface and maintained in a dust-free manner.

(g) All environmental health rules and regulations, including Federal and State laws, shall be complied with.

(h) One identification sign, as defined in Section 102A-1402, shall be permitted in accordance with Article XIV.

Sec. 102A-1025. Theater productions, outdoor.

(a) One sign shall be permitted and shall not exceed the standards for those allowed in the C1(P) planned local business district.

(b) The site shall have direct vehicular access to a minor or major thoroughfare or higher-level classification of street.

(c) In residential districts, hours of operation shall be between sunrise and sunset. Noise levels shall not pose a nuisance to neighboring properties.

(d) All outdoor lighting shall be turned off between 11:00 p.m. and sunrise, except lighting used for walkways, roads, parking lots and security. In these cases, fully shielded lights must be used.

Sec. 102A-1026. Towers.

(a) A communication tower and associated equipment totally concealed within a building or structure so as to be architecturally indiscernible shall not be regulated as a tower under this section.

(b) The applicant, owner, or developer of a tower that is to be at least 75 feet in height shall submit a site plan with the application for permits to authorize construction or erection of the tower. The site plan shall include:

(1) Identity of the proposed or intended user(s) of the tower;

(2) The certification of a registered engineer that the tower has the structural integrity and/or capacity to support or to accommodate more than one use or user;

(3) The statement and supporting information and documentation by the applicant, owner, or developer that no structures or facilities suitable for collocation are available within the coverage area;

(4) The statement of the owner indicating the intent and willingness to permit shared use of the tower and the potential for or limitations on the number of other users that the proposed tower can accommodate; and

(5) Elements and design that meet all requirements of this ordinance and Chapter 86.

(c) Setbacks:

(1) *Residential/Conservancy zones.* Any tower in the residential and/or conservancy zoning districts shall be set back from all adjacent property lines and/or lease lines a distance not less than the height of the tower.

(2) *Commercial/Industrial zones.* Any tower shall be set back from property and/or lease lines a minimum of 50 feet or one foot of setback for each two feet of tower height, whichever is greater.

(d) Structures located near towers shall not encroach upon the setbacks of the towers, unless such towers are of monopole design and construction, in which case buildings and structures may be located within the setback distances.

(e) A chain link fence at least ten feet in height and located at least ten feet from the base of the tower shall enclose the tower base.

(f) A buffer area at least 25 feet in width shall surround the tower compound. The buffer shall shield the compound area from the entire tract. No structures, including guyed wires or anchors, may be constructed or located within the buffer. The buffer area shall be planted with vegetation that shall have an initial height of at least three feet and an expected attainment of six feet in height within four years of planting. The vegetation shall be planted with such type and in such number so as to constitute a complete shield or visual blockage of the tower compound area year round. If the Chief Building Inspector determines that a natural buffer already exists on site that substantially complies with the purpose and intent of this performance standard to an equal or greater degree, such an alternative natural buffer shall be considered adequate. If an alternative natural buffer is used, the user shall be responsible to ensure that the buffer remains compliant for as long as the tower remains. If a buffer is altered to an extent where it no longer serves to shield or obscure the compound from view, the applicant or tower user(s) shall install buffers as required by this section.

(g) The applicant, owner or developer shall certify that the proposed tower will be constructed and operated in accordance with all applicable Federal, State and local laws and ordinances, including but not limited to all Federal Communication Commission (FCC) and Federal Aviation Administration (FAA) rules and guidelines.

(h) Prior to the issuance of a building permit for a tower, the applicant, owner or developer shall submit drawings sealed by a licensed engineer and a certification letter from the licensed engineer who prepared the plans that the tower will meet all applicable Federal, State and local building codes and structural standards.

(i) The tower's height shall not exceed 450 feet. When a tower is located on a building or structure, the combined height of the building or structure and the tower shall not exceed 450 feet

(j) The exterior appearance of any building or structure associated with a tower and located in a residential zone shall maintain a residential architectural quality including, without limitation, a pitched roof and frame or brick veneer construction.

(k) Buildings or structures associated with a tower and located in a residential zone may not be used as a work site for any worker. However, periodic maintenance, inspection and renovation of the facility shall be permitted.

(l) Each applicant, owner or developer shall demonstrate that the use will not be detrimental or injurious to the property values of the surrounding neighborhood. In zoning districts where the tower is a use by right, the applicant, owner or developer may satisfy the requirement by submitting a statement signed by a licensed appraiser or real estate

broker which expresses an opinion that the use will not be detrimental or injurious to the property values of the surrounding neighborhood.

(m) To protect the public from unnecessary exposure to electromagnetic radiation, the applicant, developer, owner or operator of the tower shall document that the power density levels do not exceed federally approved levels or American National Standards Institute (ANSI) standards, whichever is stricter.

(n) If lighting is required by the FAA, it shall meet or exceed the FAA standards. To the extent allowed by FAA regulations and standards, strobes shall not be used for nighttime lighting. To the extent permitted by Federal statutes, regulations and standards, the lights shall be oriented so as not to project directly onto surrounding residential property. Prior to issuance of a building permit, the applicant, developer or owner shall submit documentation from the FAA that the proposed lighting is the minimum lighting required by the FAA.

(o) A tower not used for a period of at least six months shall be determined to be abandoned and shall be removed. The owner of the tower shall remove any abandoned, unused or structurally unsound tower within 90 days of receiving notice requiring removal. The Chief Building Inspector may establish a shorter period of time for the removal of a tower that is structurally unsound.

(p) The owner or operator of a tower shall submit a statement signed and sealed by a licensed engineer that the tower will be structurally sound.

(q) If the Chief Building Inspector determines a tower is not structurally sound, the owner or operator of the tower shall, within 60 days or a shorter time period if required by the inspector, complete repairs to restore the structural soundness of the tower.

(r) The owner, applicant, or developer shall camouflage the tower so that it blends into the surrounding area. Methods of camouflage include paint, architectural design or structure, and other means.

(s) Outside storage on the site of the tower shall not be permitted.

(t) All tower sites shall comply with the provisions of Chapter 86.

Sec. 102A-1027. Metal Buildings Prohibited.

Metal buildings are hereby prohibited within the Hope Mills Historic District. For the purposes of this section, a metal building is any building which has a façade that is composed of fifty percent (50%) or more exposed metal.

(Amd. 04-07-14)

Sec. 102A-1028. Motor vehicle parts and supply sales

The minimum required lot size shall be one half (1/2) acre when located on Hope Mills Road, North Main Street, South Main Street, Rockfish Road, Camden Road, Legions Road, Elk Road, Black Bridge Road, or George Owne Road unless located at a designated Activity Node as shown in the Southwest Cumberland Land Use Plan.

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Sec. 102A-1029. Motor vehicle rental

The minimum required lot size shall be one (1) acre when located on Hope Mills Road, North Main Street, South Main Street, Rockfish Road, Camden Road, Legion Road, Elk Road, Blacks Bridge Road, or George Owen unless located at a designated Activity Node as shown in the Southwest Cumberland Land Use Plan.

Sec. 102A-1030 Motor vehicle repair, maintenance, and/or body work

The minimum required lot size shall be one half (1) acre when located on Hope Mills Road, North Main Street, South Main Street, Rockfish Road, Camden Road, Legion Road, Elk Road, Black Bridge Road, or George Owen Road, and shall be buffered on both side yards and rear yard unless located at a designated Activity Node as shown in the Southwest Cumberland Land Use Plan.

Sec. 102A-1031 Motor vehicle sales, (new and used)

The minimum required lot size shall be one (1) acre when located on Hope Mills Road, North Main Street, South Main Street, Rockfish Road, Camden Road, Legion Road, Ek Road, Black Bridge Road, or George Owen Road, unless located at a designated Activity Node as shown in the Southwest Cumberland Lands Use Plan.

Sec. 102A-1032 Tobacco store and smoke shop

Tobacco stores and smoke shops shall not be located within a one (1) mile radius of an existing tobacco store or smoke shop.

TOWN OF HOPE MILLS ORDINANCE IMPOSING A MORATORIUM ON CERTAIN COMMERCIAL DEVELOPMENT

1. ADOPTION OF HOPE MILLS PLANS: Adopted plans for Cumberland County and the Town of Hope Mills provide a great deal of guidance and direction in regards to development in the overall surrounding areas. The specific benefits of our adopted plans are as follows:

- a) The Cumberland County Land Use Policies plan was adopted in 2008 to provide guidance and direction to local municipalities on the determination of parcel land use decision.
- b) The plan also provides goals, locational criteria, and objectives for residential but more specifically commercial uses which include: mixed use development, regional and local shopping centers, light and heavy commercial development, and activity nodes.
- c) The SW Cumberland Land Use Plan was adopted in 2013 and represents the overall community's prospective of the future development of the area from a position of recommended land uses.
- d) The overall goal and objective of the plan's adoption was to accommodate market trends and demands, protect the public's health, safety, and welfare, acknowledge existing conditions while improving the quality of overall development promoting various types that address the needs and expectation of our diverse population.

2. SIGNIFICANT ROLES: What is also important to note is the significant role and purpose that land use policies play in the planning and development of urban and rural areas. Cumberland County specifically is defined as a Nodal Corridor urban form type which calls for concentrated development to be located in nodes at major intersections connected by existing strip development:

- a) For nodal type development to be successful they should contain at a minimum, the most basic services needed by the municipality's residents.
- b) In order for these goals and objectives to be accomplished, the uses developed within these nodes should be compatible with each other while ensuring that the node is compatible with the surrounding community.

3. ESTABLISHED OVERLAYS: At the present time, the Town of Hope Mills has only 2 established overlay districts in the Airport Overlay District and the Hope Mills Historic District which were both created to provide special regulations in specified areas of the Town to accomplish stated purposes that are set forth in each:

- a) The AOD was designated to protect the public health, safety, and welfare in the immediate vicinity of the Fayetteville Regional Airport by ensuring that the future development in the overlay district is compatible with the continued operation of the airport.
- b) While the Hope Mills Historic Overlay district is the 2nd established overlay, the proper design and land use controls were never implemented to make the overlay district fully operational.

4. RECENT NEGATIVE TRENDS: As there are two main adopted plans that govern development in the Town of Hope Mills in the Land Use Policies Plan as well as the SW Cumberland Land Use Plan, the Town of Hope Mills has also had to stay abreast of changing development trends that can tend to conflict with the goals and objectives of each plan:

- a) Developments tied to motor vehicle repair, motor vehicle sales, and tobacco related establishments have recently saturated the uses here in Hope Mills.
- b) There are no current mechanisms in place to maintain a healthy balance of uses and there is no current plan of action tied to funneling these uses to specific areas.
- c) With no system of checks and balances in place it is difficult to ensure that developments do not conflict with uses that are more harmonious to the goal of our plans that are tied to uses being compatible with each other.

5. DEVELOPMENT SUBJECT TO MORATORIUM: The regulations outlined in this ordinance shall apply to the review, consideration, approval, permitting and construction of the following uses permitted under *Section 102A-403 Use Matrix* of the Town of Hope Mills Zoning Ordinance:

- a) Motor vehicle parts and accessory sales
- b) Motor vehicle repair and/or body work
- c) Motor vehicle rentals
- d) Motor vehicle sales, new, and used
- e) Retail establishments primarily tied to smoke shops and vape establishments

6. DURATION: The proposed moratorium will begin at the execution of this ordinance and extend for a period of 6 months to afford Town of Hope Mills staff a considerable amount of time to explore options tied to making recommendations to the Hope Mills Board of Commissioners on amending the Zoning Ordinance or to establish a system of overlay districts that address the issues at hand.

7. CESSATION OF USES: The moratorium's intended purpose is the cessation of the uses outlined in Section for a period of time not to exceed 6 months while recommendations for the creation of overlay districts are considered by the Hope Mills Board of Commissioners.

THE HOPE MILLS BOARD OF COMMISSIONERS DOES HEREBY ORDAIN, a moratorium is imposed on the approval of uses identified in Section 5 of this ordinance as permitted in *Section 102A-403 Use Matrix* of the Town of Hope Mills Zoning Ordinance for a period not less than 6 months or until it is rescinded by the board, whichever should first occur.

Adopted July 18, 2022.

Hope Mills Board of Commissioners By:

Jackie Warner, Mayor

Attest:

Jane Starling, Town Clerk



PLANNING AND INSPECTIONS DEPARTMENT

MEMORANDUM FOR JOINT PLANNING BOARD AGENDA OF NOVEMBER 15, 2022

TO: JOINT PLANNING BOARD

FROM: HOPE MILLS PLANNING & INSPECTIONS DEPARTMENT

DATE: 11/15/2022

SUBJECT: CASE ZNG-015-22: REZONING OF 1.20+/- ACRES FROM R7.5 SINGLE FAMILY RESIDENTIAL TO C1(P) PLANNED LOCAL BUSINESS/CZ CONDITIONAL ZONING OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 3414 BULLARD STREET ON REID 0414365494000, SUBMITTED BY KEVIN GRANT (AGENT) ON BEHALF OF KEVIN GRANT (OWNER).

ATTACHMENTS:

Description

Case ZNG-015-22

Type

Backup Material

Jackie Warner
Mayor

Scott W. Meszaro
Town Manager



Kenjuana McCray
Mayor Pro-Tem

Chancer F. McLaughlin
Director

November 3, 2022

MEMORANDUM

TO: Hope Mills Board of Commissioners

FROM: Chancer F. McLaughlin, Development Services Director

SUBJECT: **Case No. ZNG-015-22.** Rezoning of 1.20+/- acres from R7.5 Single Family Residential to C1(P) Planned Local Business/CZ Conditional Zoning or to a more restrictive zoning district, located at 3414 Bullard Street on REID 0414365494000, submitted by Kevin Grant (agent) on behalf of Kevin Grant (owner).

The developer is requesting approval of a conditional rezoning request for the facilitation of a Community Event Center and Food Truck Park. Egress/ingress to the site will be provided via Bullard Street with the site served by PWC water and sewer.

Attached you will find key additional pieces of information and recommended conditions of approval. If you have any questions regarding this memorandum, please contact Chancer F. McLaughlin at 910-426-4103, email: cmclaughlin@townofhopemills.com.

Attachments

Cc: Scott Meszaros, Hope Mills Town Manager, via email: smeszaros@townofhopemills.com
Dan Hartzog, Hope Mills Town Attorney, via email: dhartzogjr@hartzoglawgroup.com
Jane Starling, Hope Mills Town Clerk, via email: jstarling@townofhopemills.com
Tiffany Shadik, Hope Mills Deputy Clerk, via email: tshadik@townofhopemills.com



STAFF REPORT

REZONING CASE# - ZNG-015-22

Planning Board Meeting: 11-15-22

Hope Mills Board Meeting: 12-5-22

Address: 3414 Bullard Street

ZONING REQUEST:

From R7.5 to C1(P)/CZ Conditional Zoning

The applicant is requesting the approval of a conditional zoning for the development of a 2,400 square foot Community Center that will serve as a facility to provide community-oriented environment for nonprofit children's groups, groups tied to special needs, as well as senior citizens. Tied to the Kwirkz non-profit organization, the programs will be rooted in serving the special needs community in three distinct areas: transportation, housing, and employment. The program also consists of a "borrow a bike program for the youth, providing "borrowing" sports equipment program, as well as a book sharing program. The center will also be available for the community to book for special events and will have asphalt spaces with a power supply for Food Truck vendors. The facility will also provide services tied to food distribution, a farmers' market, a small business development program, and a community garden. Egress/ingress to the site will be provided off of the south side of Bullard Street and will provide or a total of 13 parking spaces. The location of the subject property is illustrated in Exhibit "A".

SUBJECT PROPERTY INFORMATION

OWNER/APPLICANT:

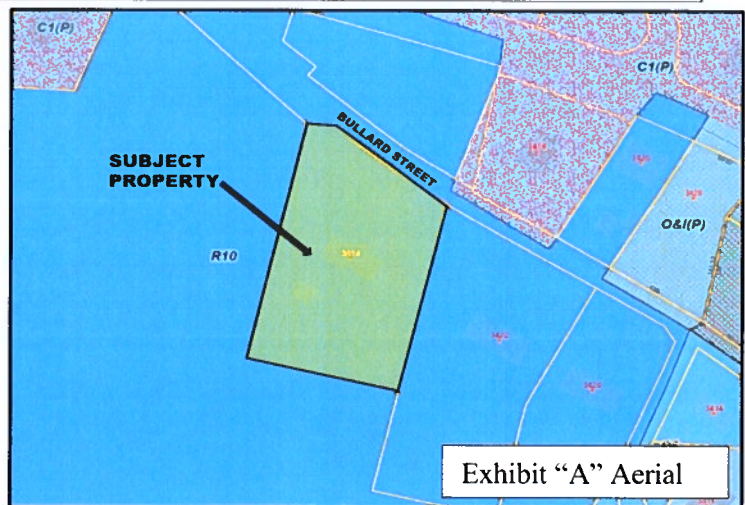
Kevin A. Grant (agent) on behalf of
Kevin A. Grant (owner)

ADDRESS/LOCATION:

3414 Bullard Street.
REID 0414365494000. For additional
information on the site location, refer to
Exhibit
"A".

SIZE:

The subject property is 1.20 acres in size.



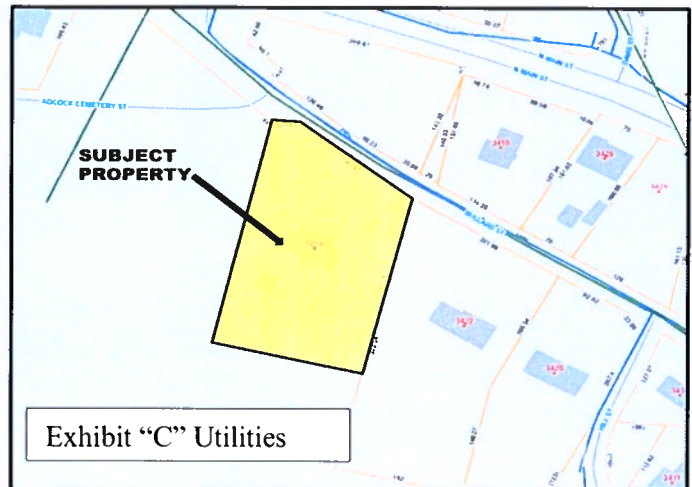
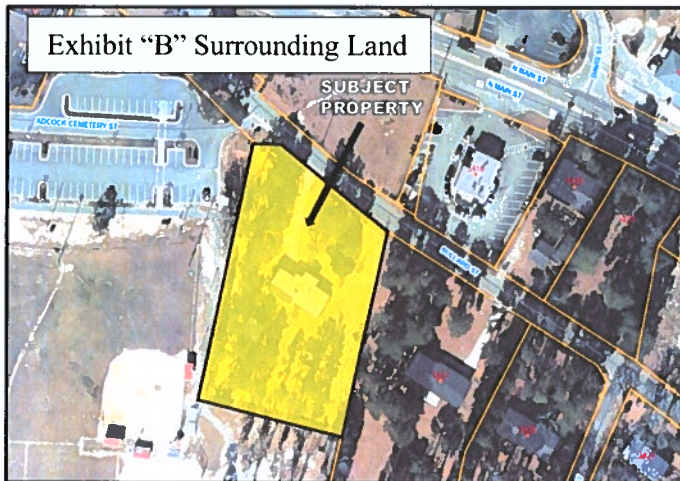
EXISTING ZONING: The site is currently zoned under the R7.5 Single Family Residential district

EXISTING LAND USE: The subject property is currently vacant.

SURROUNDING ZONING AND LAND USE:

The area to the immediate west, south, and east are zoned under the R7.5 Single Family Residential District with a commercially zoned parcel to the northeast and commercial developments to the far east. Refer to Exhibit “B” for zoning and surrounding land uses.

OTHER SITE CHARACTERISTICS: Exhibit “C” provides the location of water and sewer availability.



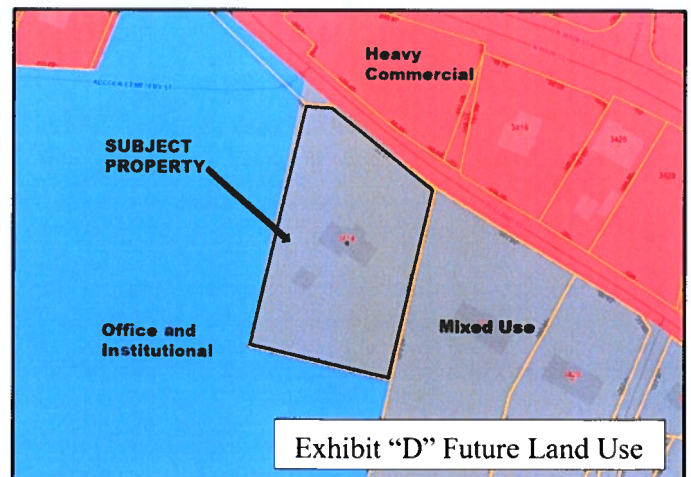
DEVELOPMENT REVIEW: As this is a conditional zoning request, the site plan is one of the filed conditions. As such, the approval of this request also constitutes approval of the overall site plan.

DIMENSIONAL PROVISIONS TIED TO THE REQUEST:

MINIMUM STANDARD	EXISTING ZONING	PROPOSED ZONING
Front Yard Setback	30 feet	45 feet
Side Yard Setback	10	15
Rear Yard Setback	35 feet	20 feet
Lot Area	N/A	N/A
Lot Width	N/A	N/A

COMPREHENSIVE DEVELOPMENT PLANS:

This site is located within the Southwest Cumberland Land Use Plan (2013) study area and is designated as “Mixed Use”. This request is not consistent with the land use plan as the C1(P) request is fit within the Light Commercial land use designation. Please refer to Exhibit “D” for additional information.



IMPACTS ON AREA FACILITIES

TRAFFIC: FAMPO did not provide any objections to this request.

UTILITIES: The property is currently 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 property is not located within the boundaries of any established overlay district.

CODE DEVIATIONS: None.

CONDITIONS: See conditions outlined in the submitted application and site plan.

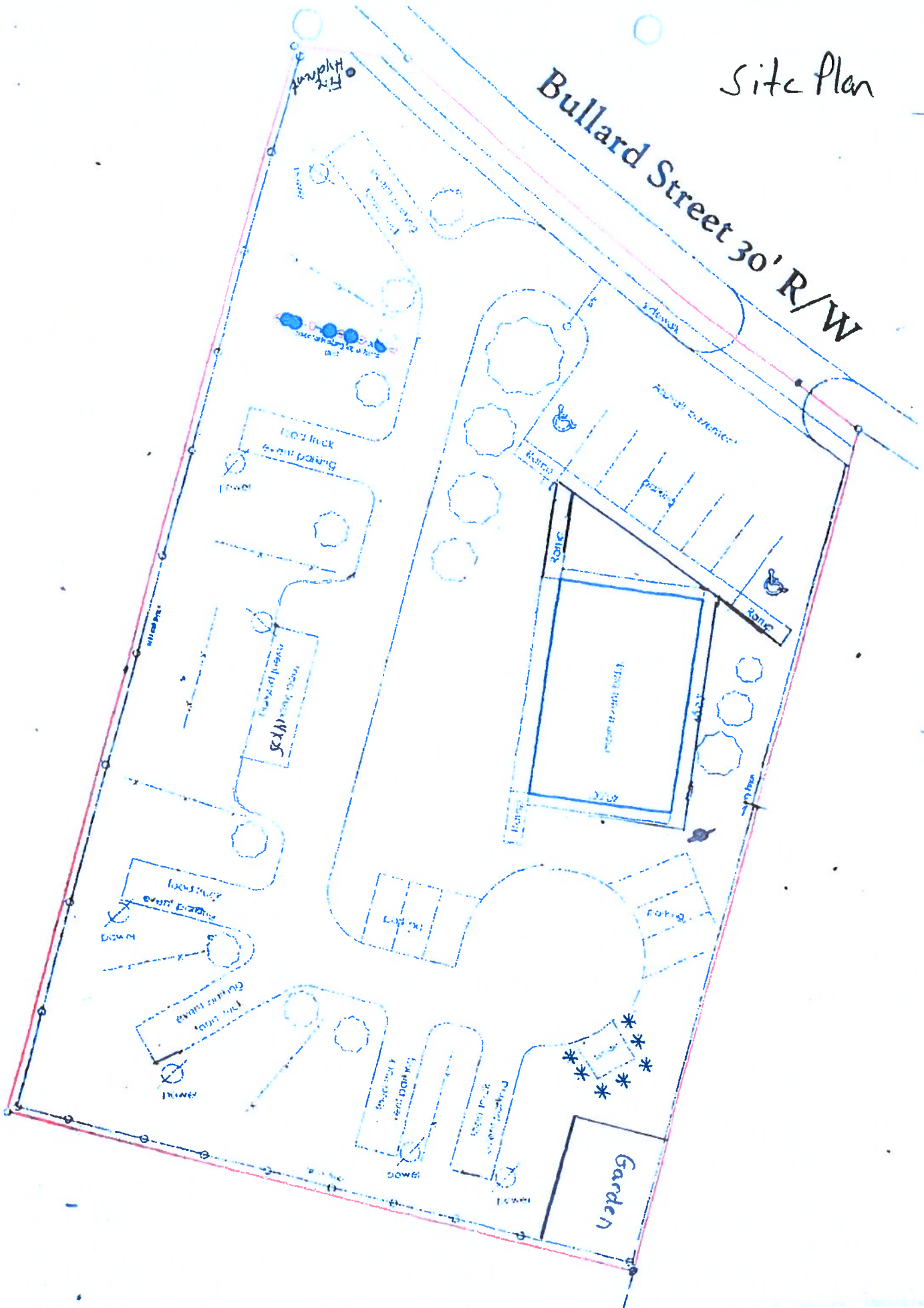
STAFF RECOMMENDATION

In ZNG-015-22, the Town of Hope Mills Planning staff recommends approval of the rezoning from R7.5 Residential district to the C1(P) Planned Local Business/CZ Conditional Zoning district and finds:

- a. The approval is an amendment to the adopted Southwest Cumberland Land Use Plan (2013) map to accommodate the C1(P)/CZ request and that the Board of Commissioners should not require any additional requests 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. As the Mixed-Use Land Use designation does contemplate the facilitation of commercial development the proposed use is compatible with the development on the existing adjacent parcels.
- c. Approval of the request is reasonable and in the public interest as the proposed use would be in harmony with the overall surrounding area, will be in line with existing surrounding zoning, and because the site has access to public utilities.

Site Plan

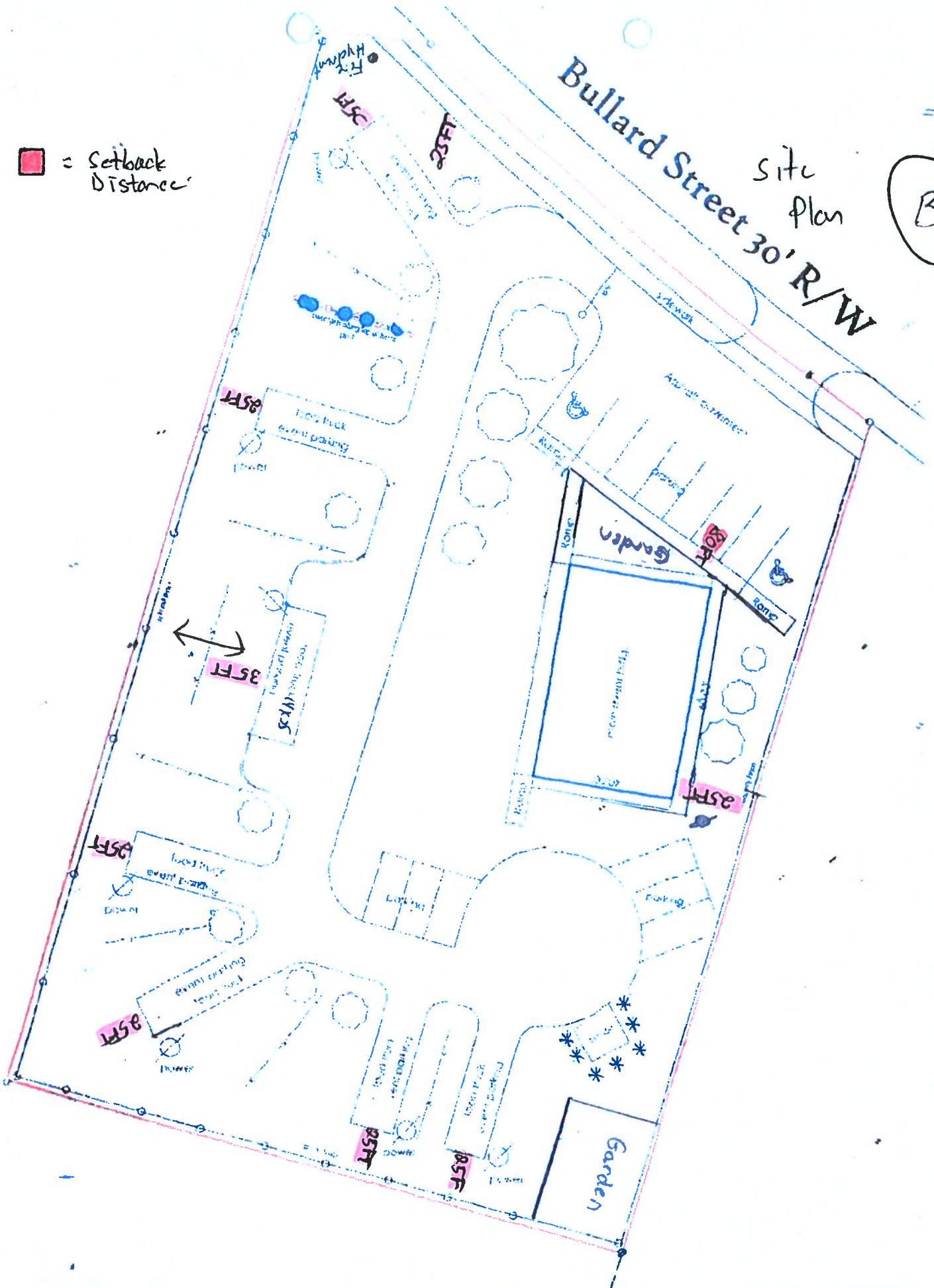
Bullard Street 30' R/W



■ = Setback Distance

site plan
Bullard Street 30' R/W

B



C

Site Plan

Bullard Street 30' R/W

A hand-drawn site plan showing a street layout. A diagonal line represents Bullard Street, with a 30-foot Right of Way (R/W) indicated. A sidewalk is shown adjacent to the street. A 10-foot wide area is marked near a circular feature, possibly a tree or a small structure. The drawing is done in blue ink on a white background.



Site Plan (D)

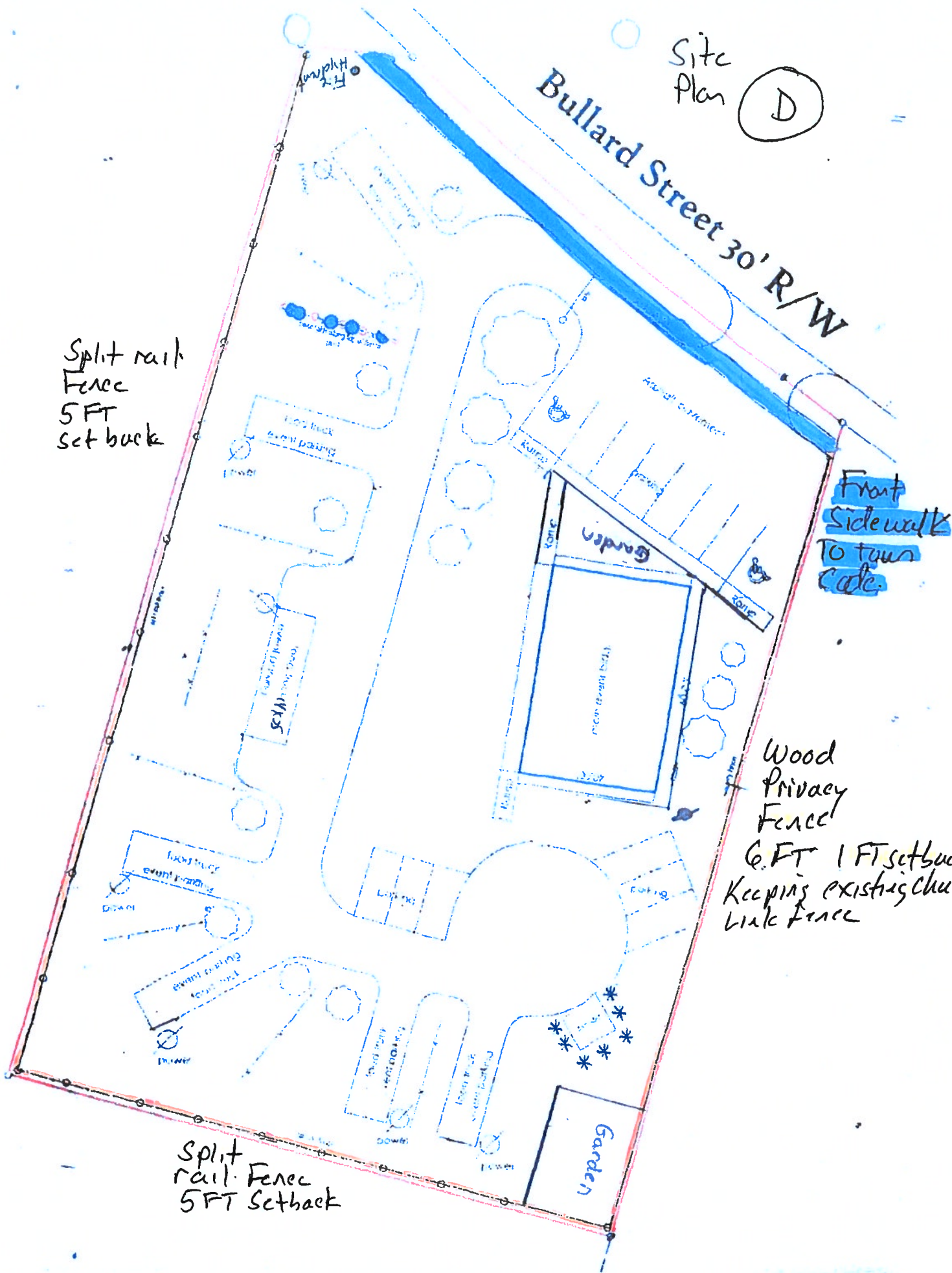
Bullard Street 30' R/W

Split rail Fence
5 FT set back

Front Sidewalk
To town Code

Wood Privacy Fence
6 FT 1 FT set back
Keeping existing chain link fence

Split rail Fence
5 FT set back



A

Hope Mills Event Center and Food Truck Park

3414 BULLARD STREET. Hope Mills N.C 28306

OUR PURPOSE: To provide a healthy, safe, family and community oriented space for the Town. To promote community and growth through positive interaction.

RECEIVED
9/16/22

WE INTEND:

-To provide an open space community building to serve as a venue for the Hope Mills community, Town of Hope Mills, and Hope Mills Park. Our event center will be a free use center for any nonprofit children's group or senior citizen's group, and especially special needs groups. Kwirkz (kwirkz.net) will be our 501-C3 nonprofit. Kwirkz is an organization that serves the special needs community. Kwirkz provides resources for special needs in three areas transportation, housing, and employment.

- To provide a Borrow a Bike program for youth in our community.

If you are visiting HMP and want to ride a bike but do not have one. Borrow a Bike! Just return it to the bike rack when you are finished using it.

-To provide sports equipment and games for anyone to borrow and use. Just return them to the appropriate bin.

-To provide a book sharing program. Similar to a little free library.

Our event center will also be available to book private and special events, such as graduations, weddings, military events and business functions. You only need to fill out an event date application to book a date and time.

WE ALSO:

Intend to provide ^{Asphalt} gravel spaces with a power supply for Food Truck Vendors. Within the guidelines of the Hope Mills Food truck ordinance, we will provide an aesthetically pleasing common area for food trucks. The food trucks will service the event center, the park, and our community. Seating and benches will be part of the common area.

Together, with the event building and food truck spaces we intend to provide an area for positive community growth and interaction through food and fellowship.

OTHER INTENDED USES FOR EVENT BUILDING AND GROUNDS:

- *Food Distribution
- *Farmer's Market
- *A Community Garden
- *Arts & Crafts Fairs
- *Small Business Development

IN ADDITION:

We would like to donate a portion of our proceeds to the Town of Hope Mills, Hope Mills Parks & Recreation and the Hope Mills Police and Fire departments. Liability is always an issue. We intend to be fully insured and risk assessed.

OUR WHY.....TO PAY IT FORWARD!



SKETCH MAP
Case Number ZNG-015-22



TOWN OF HOPE MILLS

5770 ROCKFISH ROAD • HOPE MILLS, NORTH CAROLINA 28348-1848
TELEPHONE (910) 424-4555 • FAX (910) 424-4902

September 23, 2022

TRANSMITTAL MEMORANDUM

TO: HOPE MILLS TOWN MANAGER
HOPE MILLS TOWN CLERK
HOPE MILLS DEVELOPMENT DIRECTOR
HOPE MILLS TOWN INSPECTIONS (KEN TATUM)
HOPE MILLS STORMWATER
HOPE MILLS TOWN ATTORNEY
HOPE MILLS FIRE MARSHAL
FAMPO
TAX MAPPING
CO ENVIRONMENTAL HEALTH
CCP&I COUNTY ENGINEERING
CCP&I LOCATION SERVICES
CCP&I COMP PLANNING
NORCRESS/PUBLIC UTILITIES
BOARD OF EDUCATION
ECONOMIC DEVELOPMENT ALLIANCE

PWC
NCDOT
DUKE ENERGY
USPS
MCCOG
NCDEQ
US FISH & WILDLIFE
US ARMY CORPS OF ENGINEERS
RLUAC
AIRPORT

FROM: EMILY WEIDNER, TOWN PLANNER

SUBJECT: CASE NO: ZNG-015-22

REQUEST: REZONING FROM R10 TO C1(P)/CZ

LOCATION: 3414 BULLARD STREET

THE FOLLOWING ADDITIONAL INFORMATION IS PROVIDED:

REID: 0414365494000
EXISTING USE: SINGLE FAMILY RESIDENTIAL
PROPOSED USE: COMMUNITY BUILDING/FOOD TRUCK PARK
NO. OF LOTS/UNITS AFFECTED: 1
WATER: PWC
SEWER: PWC
PAGES ATTACHED: 2: SKETCH MAP & SITE PLAN

PLEASE REVIEW AND MAKE NECESSARY COMMENTS IN WRITING TO OUR OFFICE WITHIN FIVE (5) WORKING DAYS FROM THE RECEIPT OF THIS MATERIAL OR NO LATER THAN **9:00 A.M., SEPTEMBER 30, 2022**. FOR ASSISTANCE CALL EMILY WIEDNER AT 910-429-3514 OR EMAIL eaweidner@townofhopemills.com

First	Last	Street	City	State	Zip
WWG & OAG, LLC		3402 Wipperwill Drive	Fayetteville	NC	28306
Town of Hope Mills		5770 Rockfish Road	Hope Mills	NC	28348
Joel & Migdalia	Cruz	3422 Bullard Street	Hope Mills	NC	28348
Cook Out - Hope Mills, Inc.		15 Laura Lane Ste 300	Thomasville	NC	27360



DRAFT CONDITIONS SHEET

Town of Hope Mills

STAFF REVIEW: 11-4-22 HOPE MILLS COMMISSIONERS DECISION: TBD

CASE NO: ZNG-015-22 NAME OF DEVELOPMENT: HOPE MILLS EVENT CENTER AND FOOD TRUCK PARK

MIA: N/A CONDITIONAL ZONING/DEVELOPMENT REVIEW

LOCATION: 3414 BULLARD STREET ZONING: C1(P)/CZ

PIN: 0414365494000

OWNERS / DEVELOPER: KEVIN A. GRANT ENGINEER OR DESIGNER: KEVIN A. GRANT

STAFF RECOMMENDATION:

- ☒ PRELIMINARY
- ☐ EXTENSION ☐ REVISION
- ☐ APPROVED CONDITIONALLY
- ☐ DENIED

TOWN BOARD DECISION:

- ☒ PRELIMINARY
- ☐ EXTENSION ☐ REVISION
- ☐ APPROVED CONDITIONALLY
- ☐ DENIED

Pre- Permit Related:

1. The Town of Hope Mills has tree preservation provisions in their ordinance; the developer must contact Chancer McLaughlin, Hope Mills Town Planner concerning the removal of trees from this site prior to obtaining a tree removal permit.

Permit-Related:

2. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the Hope Mills Zoning Ordinance and building/zoning permits required to place any structure within this development from the Hope Mills Inspection Department/Planning Department, in Town Hall at 5770 Rockfish Road. For additional information, the developer should contact a Town Planner.
3. The Town's Plan Review Committee requirements must be complied with and in the event any significant changes to the site plan are necessary to satisfy the Plan Review Committee's requirements, re-submittal of the site plan may be required.

4. Connection to public water and sewer is required, the Public Works Commission (PWC) must approve water and sewer plans prior to application for any permits. A copy of the PWC approval must be provided to the Hope Mills Inspections Department/Planning Department at the time of application for building/zoning permits. (Section 86A-406 (1), Public Water and Sewer Systems Hope Mills Subdivision Ordinance)
- a. All projects are required to submit separately to PWC for review and/or approval.
 - b. The Submittal Checklist and plans for the project are required to be included with the submittal to PWC. Additional documents that may be required are identified in the Submittal Checklist that is available at <https://www.faypwc.com/design-standards/>.
 - c. For projects requiring water and/or sewer main extensions, PWC has local delegated permitting authority from the State and may issue your water and sewer permits.
 - d. Water and/or sewer mains shall be extended in accordance with PWC's policies.
 - e. You may contact PWC for information on obtaining water and sewer services. (PWC – Water Resources Engineering, 910-223-4730)
 - f. No permanent structure(s) shall be permitted within any PWC utility easements.
 - g. Landscaping plan(s) shall be included in the submittal to PWC. No trees are allowed to be planted in PWC water and sewer utility easements. Non-invasive shrubs can be placed in the rear 5 feet of easements (if necessary). Chet Green can provide a list of vegetation allowed within easement areas. **Existing and proposed PWC easements must be shown on the landscaping plan in addition to being shown on the utility plan(s).**
 - h. Any existing water and/or sewer laterals that are not utilized on the project must be killed out at the main in accordance with PWC requirements.
 - i. A fire hydrant flow test may be required as determined by the fire marshal's office. As of July 1, 2019 the hydrant flow test fee is \$500. The application form is available at <https://www.faypwc.com/design-standards/>. The completed application form and fee should be submitted to Fayetteville PWC Customer Programs Call Center, 955 Old Wilmington Road, Fayetteville, NC 28301. Contact Robert Turner (910-223-4741, Robert.turner@faypwc.com) at PWC with any questions.
 - j. A water permit is not required for fire lines of any size for projects submitted to PWC for review after January 01, 2017.
 - k. A hydraulic analysis (i.e. fire hydrant flow calculations) shall be submitted to PWC for review as determined by the fire marshal's office. These calculations shall demonstrate that the required fire flow may be supplied by the approved fire hydrant(s), as determined by the fire marshal's office, while maintaining 20 psi residual pressure on the PWC water system.
5. New development that will disturb one acre or more of land or is part of a larger common plan of development that will disturb one acre or more of land is subject to the Post-Construction Stormwater Management Permitting Program administered by the Hope Mills Stormwater Department. If one acre or more of land is to be disturbed, prior to the issuance of any building/zoning permits for this site a copy of the Town's Stormwater Management Permit must be provided to the Hope Mills Inspections Department/Planning Department.
6. For any new development, the developer must/may have to provide the Hope Mills Inspections Department/Planning Department with an approved NC Department of Environmental Quality (NCDEQ) sedimentation and erosion control plan (S&E) prior to any application for permits. (Note: If any retention/detention basins are required for state approval of this plan, then three copies of a revised plan must be submitted and approved by Planning & Inspections prior to application for any building/zoning permits.) A copy of the NCDEQ approval must be provided to the Hope Mills Town Inspections Department/Planning Department at the time of application for any building/zoning permits.
7. The developer must provide a site-specific address and tax parcel number to the Hope Mills Inspections Department/Planning Department at the time of building/zoning permit application.

8. Landscaping must be provided in accordance with Section 102A-1202(n), Landscaping, Hope Mills Zoning Ordinance and/as shown on the site plan. Three copies of a revised site plan depicting the landscaping must be submitted to Land Use Codes. The following are the minimum standards for the required landscaping of this site:
- 4 large shade trees or 8 small ornamental trees within the front yard setback area;
 - 6 small ornamental trees and 10 shrubs are required in the building yard area;
 - 3 trees and 5 shrubs are required within the parking area.

In addition:

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

In addition, the following regulations must also be complied with that may or may not encompass all regulations governed by the Town of Hope Mills Standards and Specifications Manual:

- Streets and alleys to be built in accordance with the Town of Hope Mills Standards and Specifications.
 - Driveways permitted and built in accordance with the Town of Hope Mills Standards and Specifications.
 - Sidewalks to be installed in accordance with the Town of Hope Mills Subdivision Ordinance and in accordance with the Town of Hope Mills Standards and Specifications.
 - Sidewalks along a state road require a third party agreement between the developer, North Carolina Department of Transportation, and the Town of Hope Mills.
13. The developer may be required to obtain a driveway permit for construction of any new connection or alteration of any existing connection. If a driveway permit is required, a copy of the approved driveway permit must be provided to Hope Mills Inspections Department at the time of application for building/zoning permits. **Permits MUST be secured prior to the change or alteration of existing or proposed property use. Failure to secure required permits prior to construction or change in property usage may result in the removal of the driveway or street connections at the property owner's expense.**

Site-Related:

14. All uses, dimensions, setbacks and other related provisions of the Hope Mills Subdivision Ordinance and Zoning Ordinance for the C1(P) zoning district must be complied with, as applicable.
15. All corner lots and lots fronting more than one street must provide front yard setbacks from each street.
16. This conditional approval is not approval of any freestanding signs. If a freestanding sign is desired, re-submittal of the site plan is required prior to application for any freestanding sign permits. Attached signage for this development must be in accordance with the applicable sign regulations as set forth in Article XIV of the Hope Mills Zoning Ordinance and that the proper permit(s) must be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is **not** approval of the size, shape, or location of any signs.)
17. Curbs and gutters must meet the NC Department of Transportation's (NCDOT) standards and specifications.
18. A concrete, or other approved surface material, sidewalks are required to be constructed along Bullard Street and interior portions of the development. (Section 86A-405, Sidewalks, Hope Mills Subdivision Ordinance)
19. A drainage permit from the Town of Hope Mills Stormwater Department is required for any development or redevelopment that will construct, alter, repair, relocate, or demolish any storm sewer natural watercourse, or other drainage facility. The standards used for the design and construction of all stormwater drainage structures and/or stormwater BMP facilities shall be in accordance with the "Town of Hope Mills Stormwater Design Standards", the Design Manual, and shall be subject to the requirements of Chapter 67 Article III.
20. Fire hydrants must be installed along all proposed streets and drives; hydrants must be located in accordance with the state fire code.
21. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 86A-406(c), Underground utilities required, Hope Mills Subdivision Ordinance)
22. The owner/developer shall secure and maintain the detention/retention basin, keeping it clear of debris and taking measures for the prevention of insect and rodent infestation.
23. All lighting is required to be directed internally within this development and comply with the provisions of Section 102A-1202(m), Outdoor Lighting, Hope Mills Zoning Ordinance.
24. A solid buffer must be provided and maintained along the portions of the site adjacent to residentially zoned properties in accordance with the provisions of Section 102A-1202(g), Buffer Requirements, Hope Mills Zoning Ordinance. (Note: Chain link fencing cannot be used to satisfy the buffer requirement.)
25. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.
26. All required off-street parking spaces shall be a minimum of 9' x 20' and shall be surfaced, with a permanent material such as asphalt or concrete, and striped prior to application for the building final inspection. A minimum of 13 off-street parking spaces is required for this development. (Section 102A-1302, Off-street parking, Hope Mills Zoning Ordinance.)
27. A minimum of 1 off-street loading spaces(s) measuring 12' x 25' with 14' overhead clearance must be provided. (Note: Three copies of a revised site plan depicting the required loading space(s) must be submitted and approved prior to application for any building/zoning permits.) (Section 102A-1303 Off-street loading, Hope Mills Zoning Ordinance.)

28. 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.
29. Noise levels shall not exceed 60 dB(A) between the hours of 10:00 pm and 7:00 am. In any event, the noise level, regardless of the time of day, shall not become a nuisance to neighboring properties and strict compliance with the County's Noise Ordinance is required.

Plat-Related:

30. The builder/developer must provide the buildable envelopes on the final plat: providing a five-foot maintenance easement along each side of all common internal lines with all other applicable setbacks being provided for; or at the time of permit application, the individual plot plans must be approved by the Town Planner 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 notarized signature(s) of all current tax record owner(s) and notary certifications appear on the final plat when submitted for final approval. (Section 86A-603(d), Certificate of Ownership and Dedication, Hope Mills Subdivision Ordinance)
33. The developer is reminded that the improvements must be in place or that final plat approval will only be granted in accordance with Section 86A-602 (b), (c) or (d), Final Plat – Guarantees of Improvements, Hope Mills Subdivision Ordinance. (Note: Once the improvements are in place, the developer is responsible for contacting Hope Mills Street, Planning and Inspections Departments to schedule an inspection of the improvements.)
34. The final plat must be submitted to the Current Planning Section for review and approval for recording with the County Register of Deeds, and the plat must be recorded prior to any permit application for any structure and/or prior to the sale of any lot or unit within this development.
35. The developer should be aware that any addition and/or revision to this plat may require an additional review and approval by the Planning & Inspections Department prior to submission for final plat approval of any portion of this development.

Plat-Required Statements:

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

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

Advisories:

37. The owner/developer is responsible for ensuring easements which may exist on the subject property are accounted for, not encumbered and that no part of this development is violating the rights of the easement holder.
38. The 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.
39. This conditional approval is not to be construed as all encompassing of the applicable rules, regulations, etc. which must be complied with for any development. Other regulations, such as building, environmental, health and so forth, may govern the specific development. The developer is the responsible party to ensure full compliance with all applicable Federal, State, and local regulations.

Other Relevant Conditions:

40. This conditional approval is contingent upon continued compliance with the Town's Subdivision and Zoning Ordinances.
41. The owner/developer be aware that every deed created for a lot being served by an on-site water and/or sewer system must contain the following disclosure when filed with the County Register of Deeds:

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

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

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

If you need clarification of any conditions, please contact Chancer McLaughlin or Emily Weidner at 910-429-3514; otherwise, contact the appropriate agency at the contact numbers below.

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

County Health Department:	Fred Thomas	433-3692	ftthomas@co.cumberland.nc.us
Food & Lodging Env. Health:	Fred Thomas	433-3692	ftthomas@co.cumberland.nc.us
Ground Water Issues:	Fred Thomas	433-3692	ftthomas@co.cumberland.nc.us
Fayetteville Airport Director	Toney Coleman	433-1625	toneycoleman@fayettevillenc.gov
PWC:	Joe Glass	223-4740	joe.glass@faypwc.com
	Sam Powers	223-4370	sam.powers@faypwc.com
Town of Hope Mills:		424-4555*	
Town Clerk:	Jane Starling		jstarling@townofhopemills.com
Planner – Zoning Permits	Chancer McLaughlin		cmclaughlin@townofhopemills.com
Chief Building Inspector:	Kenneth Tatum		ktatum@townofhopemills.com
Stormwater/Flood Administrator:	Beth Brown		eabrown@townofhopemills.com
Zoning Inspector:	Chancer McLaughlin		cmclaughlin@townofhopemills.com
Fire Marshal	Robert Carter		rcarter@townofhopemills.com
Public Works – Streets/sidewalks	Don Sisko		dsisko@townofhopemills.com
US Postal Service	Jennifer L Way	(704) 393-4412	jennifer.l.way@usps.gov
Corp of Engineers (wetlands):	Emily Greer	(910) 251-4049	emily.c.greer@usace.army.mil
NCDEQ (E&S):	Leland Cottrell	(910) 433-3393	leland.cottrell@ncdenr.gov
Location Services:			
Site-Specific Address:	Will Phipps	678-7616	wphipps@co.cumberland.nc.us
Street Naming/Signs:	Mark Blackwell	678-7626	mablackwell@co.cumberland.nc.us
Tax Parcel Numbers:		678-7549	
NCDOT (driveways/curb-cuts):	Troy Baker	364-0601	tlbaker@ncdot.gov
NCDOT (subdivision roads):	Earl C. Locklear	364-0601	elocklear@ncdot.gov
Transportation Planning:	Justin Ritchey	678-7632	jritchey@co.cumberland.nc.us
N.C. Division of Water Quality:	Annette Lucas	(919) 807-6381	annette.lucas@ncdenr.gov

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



Town of Hope Mills
◆
Planning Department

CASE #:	<u>ZNG-015-22</u>
ZONING BOARD MEETING DATE:	<u>11/15/22</u>
DATE APPLICATION SUBMITTED:	<u>9/10/22</u>
RECEIPT #:	_____
RECEIVED BY:	<u>CEM</u>

**APPLICATION FOR
CONDITIONAL ZONING DISTRICT
REZONING REQUEST
HOPE MILLS ZONING ORDINANCE**

Upon receipt of this application (petition), the Planning Staff will schedule the request to be heard by the Hope Mills Zoning Board in accordance with the Board's adopted meeting schedule. 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 Zoning Board will make a recommendation to the Hope Mills 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 two to four weeks following the Zoning 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 "Town of Hope Mills" in the amount of \$ 700 (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 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)424-4555. Hours of operation are 8:00 a.m. to 5:00 p.m., Monday through Friday.

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

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

1. Applicant/Agent Kevin A. Grant
2. Address: 3402 Wipperwill Dr. Zip Code 28306
3. Telephone: (Home) 910-423-9743 (Work) 910-850-0044
4. Location of Property: 3414 Bullard St. Hope Mills NC
5. Parcel Identification Number (PIN #) of subject property: 0414-36-5494
(also known as Tax ID Number or Property Tax ID)
6. Acreage: 1.15 Frontage: 194 Depth: 242
7. Water Provider: PWC Septage Provider: PWC
8. Deed Book 11346, Page(s) 0701, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
9. Existing use of property: R10 - Vacant & Not Livable
10. Proposed use(s) of the property: Community Building & Food Truck parking.

NOTE: Be specific and list all intended uses.

11. Do you own any property adjacent to, including across the street from, the property being submitted for rezoning? Yes _____ No X
12. Has a violation been issued on this property? Yes _____ No X
13. It is requested that the foregoing property be rezoned FROM: R10

TO: (Select one)

- X Conditional Zoning District, with an underlying zoning district of C1
(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.)

Community event building &
Food Truck spaces.

Reference - Business Plan (A)

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

1 lot 1.15 Acre in size Commercial / 1 Building
60 X 40 - w/ Restrooms (x2) (public) - 1 story
7 Food Truck spaces 14 X 25 - Grounds - green/eco footprint

2. DIMENSIONAL REQUIREMENTS:

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

Set backs are to be within town code's / ordinance
See Site Plan (B)

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

13 parking spaces. 2 Handicapped. Asphalt/Concrete
Hard surface

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIV.

Signage to be located at Right/Front
of property & within size regulation!

4. LANDSCAPE AND BUFFER REQUIREMENTS:

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

See Site Plan (C)

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

See Site Plan (D)

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.

1. Hours of operation 7am - 7pm Mon - Sat
9am 2pm Sun.
2. Number of Employees - 1-3
3. Lighting - Interior - Fluorescent/LED
Exterior - LED - Permitted Streetlight & Permitted area lighting.

6. SITE PLAN REQUIREMENTS:

The application must include a site plan drawn to the specifications of Sec. 102A-1502. If the proposed uses involve development subject to the Hope Mills Subdivision Ordinance, the site plan required may be general in nature, showing a generalized street pattern, if applicable, and the location of proposed uses. If the proposed uses include development not subject to the Subdivision Ordinance, the site plan must be of sufficient detail to allow the Planning Staff, Hope Mills Plan Review Committee, the Zoning Board and Board of Commissioners to analyze the proposed uses and arrangement of uses on the site. It also must include the footprints of all buildings (proposed and existing), the proposed number of stories, location and number of off-street parking and loading spaces, proposed points of access to existing streets and internal circulation patterns. In addition, the location of all proposed buffers and fences and landscaping shall be included on the site plan.

7. STATEMENT OF ACKNOWLEDGMENT:

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

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

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

Kevin A Grant
NAME OF OWNER(S) (PRINT OR TYPE)

3402 Wipperwill dr. Fayetteville Nc. 28306
ADDRESS OF OWNER(S)

Kgrant@auto-tek.com
E-MAIL

910-423-9743 910-850-0044
HOME TELEPHONE WORK TELEPHONE

Kevin A Grant
SIGNATURE OF OWNER(S) SIGNATURE OF OWNER(S)

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

ADDRESS OF AGENT, ATTORNEY, APPLICANT

HOME TELEPHONE WORK TELEPHONE

E-MAIL ADDRESS FAX NUMBER

SIGNATURE OF AGENT, ATTORNEY, OR APPLICANT

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

9/16/2022

Town Of Hope Mills:
5770 Rockfish Rd
Hope Mills NC 28348



September 16, 2022

Re: Food Truck Ordinance VARIANT request.

A request for 3 additional food trucks which allows for a total of 7 food trucks and distance requirement reductions.

It has come to my attention that the Food Truck Ordinance is somewhat new and evolving as is the Food Truck Industry.

Under the Development Standards of the Food Truck Ordinance, section 3 for capacity, 4 food trucks are allowed on parcels over one acre. Four food trucks were the number allotted for purposes of safety as the food trucks were using generators. This created a hazard for fumes and noise pollution. Generators are an unprotected extreme heat source and emit noxious fumes and pollutants.

We respectfully request a variant for 3 additional trucks for a total of 7 to be allowed on the Bullard Street property. Let it be known that we intend to provide an underground power supply for each food truck space. This omits the need for a generator and as a result those safety concerns are eliminated. The result will be less noise and a safer more enjoyable experience for everyone.

Also, since we will not need to use generators, we request a reduction in distance requirements under section 5 in the Development Standards. If you will refer to Site Plan B in our application, you will see our request for distance.

Lastly, I would like to mention our Business Plan which is to be a free use center for those with special needs, seniors, and youths. The additional 3 food trucks and the revenue they will create will be very important in keeping our community

event building a free use center for the groups mentioned. The community service's we are attempting to provide for the town and community will rely primarily on the food truck space leasing and the revenue generated from food truck operations.

Thank you for your time and consideration of these variant requests. I would like to mention that I am available to answer any questions you may have and am always open to any suggestions for betterment of this property. It is my hope that this project will grow and positively enhance and enrich our community.

Kevin Grant



WWG & OAG LLC

kgrant@auto-tek.com

910-850-0044

910-670-9702



PLANNING AND INSPECTIONS DEPARTMENT

MEMORANDUM FOR JOINT PLANNING BOARD AGENDA OF NOVEMBER 15, 2022

TO: JOINT PLANNING BOARD

FROM: HOPE MILLS PLANNING & INSPECTIONS DEPARTMENT

DATE: 11/15/2022

SUBJECT: CASE CASE ZNG-016-22: REZONING OF 19.95+/- ACRES FROM PND PLANNED NEIGHBORHOOD DEVELOPMENT TO R5 SINGLE FAMILY RESIDENTIAL/CZ CONDITIONAL ZONING OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED 729 FEET FROM THE SOUTHWESTERN INTERSECTION OF GOLFVIEW ROAD AND SOUCHAK DRIVE ON REID 0414128716000, SUBMITTED BY GMR CAPITAL, LLC (AGENT) ON BEHALF OF GMR CAPITAL, LLC (OWNER)

ATTACHMENTS:

Description	Type
Case ZNG-016-22	Backup Material

Jackie Warner
Mayor

Scott W. Meszaros
Town Manager



Kenjuana McCray
Mayor Pro-Tem

Chancer F. McLaughlin
Director

November 3, 2022

MEMORANDUM

TO: Hope Mills Board of Commissioners

FROM: Chancer F. McLaughlin, Development Services Director

SUBJECT: **Case ZNG-016-22:** Rezoning of 19.95+/- acres from PND Planned Neighborhood Development to R5 Single Family Residential/CZ Conditional Zoning or to a more restrictive zoning district; located 729 feet from the southwestern intersection of Golfview Road and Souchak Drive on REID 0414128716000, submitted by GMR Capital, LLC (agent) on behalf of GMR Capital, LLC (owner)

The developer is requesting approval of a conditional zoning request for that facilitation of a multifamily residential development. Egress/Ingress to the property will be provided via Golfview Road with the site served by PWC water and sewer.

Attached you will find key additional pieces of information and recommended draft conditions of approval. If you have any questions regarding this memorandum, please contact Chancer F. McLaughlin at 910-426-4103, email: cmclaughlin@townofhopemills.com.

Attachments

Cc: Scott Meszaros, Hope Mills Town Manager, via email: smeszaros@townofhopemills.com
Dan Hartzog, Hope Mills Town Attorney, via email: dhartzogjr@hartzoglawgroup.com
Jane Starling, Hope Mills Town Clerk, via email: jstarling@townofhopemills.com
Tiffany Shadik, Hope Mills Deputy Clerk, via email: tshadik@townofhopemills.com



STAFF REPORT

REZONING CASE# - ZNG-016-22

Planning Board Meeting: 11-15-2022

Town of Hope Mills Meeting: 12-5-22

Address: located 729 feet from the southwestern intersection of Golfview Road and Souchak Drive

REZONING REQUEST

PND to R5/CZ

This is a request for the rezoning of a 19.95 located on REID 0414128716000 from the existing PND Planned Neighborhood Development to the R5 Single Family Residential/CZ Conditional Zoning District. The location of the subject property is illustrated in Exhibit "A".

SUBJECT PROPERTY INFORMATION

OWNER/APPLICANT:

GMR Capital, LLC (agent) on behalf of
GMR Capital, LLC (owner).

ADDRESS/LOCATION: 729 feet from the southwestern intersection of Golfview Road and Souchak Drive; REID #: 0414128716000. Refer to Exhibit "A" For detailed zoning information.

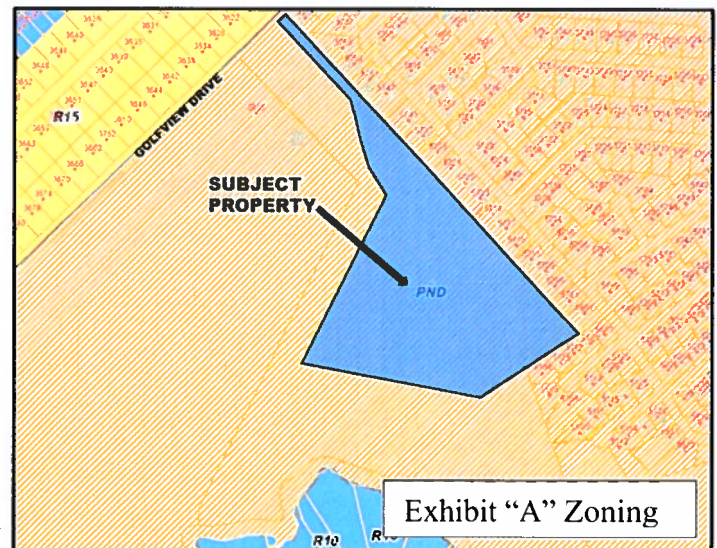
SIZE:

One parcel totaling 19.95+/- acres.

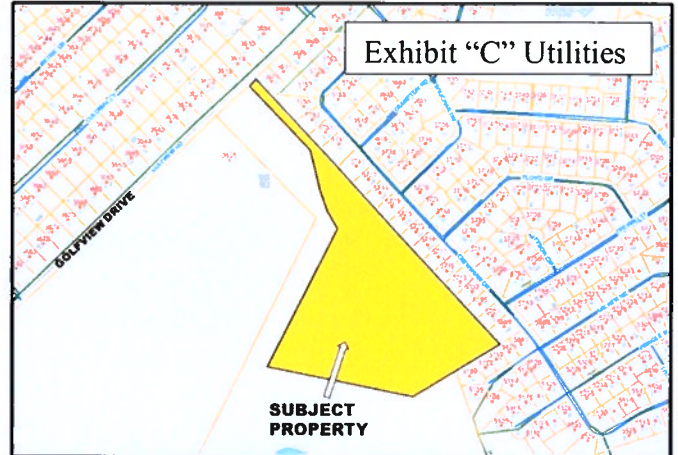
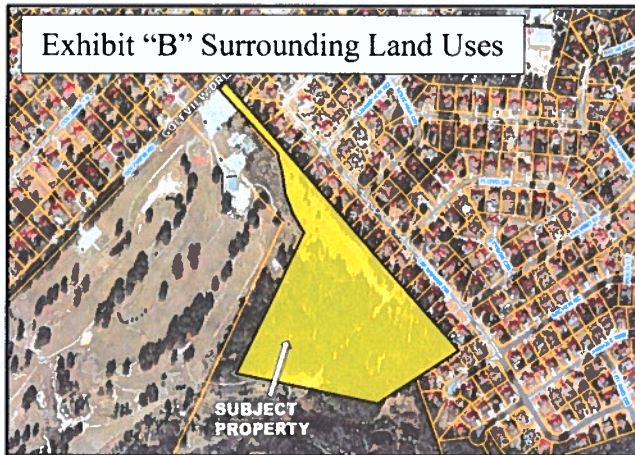
EXISTING ZONING: The property is currently zoned under the PND Planned Neighborhood Development District.

EXISTING LAND USE: The parcel is currently vacant.

SURROUNDING ZONING AND LAND USE: As indicated, the property is currently zoned under the PND Planned Neighborhood Development District with a large area to the east also zoned under this residential district. There is an established residential district across the street from the subject property zoned under the R15 Single Family district with another vacant parcel as well as the Hope Mills Golf Course located to the immediate west. Existing surrounding land uses are provided in Exhibit "B".



OTHER SITE CHARACTERISTICS: Exhibit “C” provides the location of water and sewer availability.



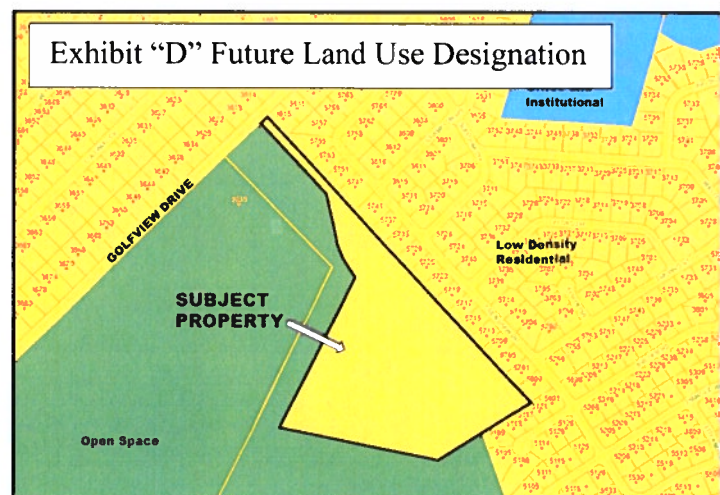
DEVELOPMENT REVIEW: As this is a conditional zoning request, the site plan is one of the filed conditions. As such, the approval of this request also constitutes approval of the overall site plan.

DIMENSIONAL PROVISIONS TIED TO THE REQUEST:

MINIMUM STANDARD	EXISTING ZONING	PROPOSED ZONING
Front Yard Setback	30 feet	25 feet
Side Yard Setback	10 feet/story	4 feet/story
Rear Yard Setback	35 feet	30 feet
Lot Area	7,500	5,000
Lot Width	N/A	N/A

COMPREHENSIVE DEVELOPMENT PLANS:

This site is located within the Southwest Cumberland Land Use Plan Area (2013) and is designated as “Low Density Residential” as the PND District aligns with the R7.5 Residential District development controls. As such the R5 Single Family Residential District request is not Compliant because the R5 district is considered High Density Residential. Please refer to Exhibit “D” for additional information.



IMPACTS ON AREA FACILITIES

TRAFFIC: *Comments from NCDOT:* A 300 unit apartment complex along SR 1115 (Golfview Drive) will require roadway improvements consisting of right and left turn lanes with possible right of way dedication. Based upon a 35mph facility the right turn lane would consist of 140' taper and 100' full storage with the left turn lane consisting of a 125' approach taper, 140' bay taper with 100' full storage. Limited right of way availability may require the installation of a closed drainage system with the construction of curb and gutter.

Comments from FAMPO: The new development will generate enough traffic to significantly impact Golfview Road because Golfview Road is currently over capacity at its existing AADT.

UTILITIES: The property 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: A Stormwater permit will be required for 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: There are no code deviations tied to this request.

SCHOOL SYSTEM:	School System	Capacity	Enrollment
	Rockfish Elementary	799	662
	Hope Mills Middle	680	539
	South View High	1871	1619

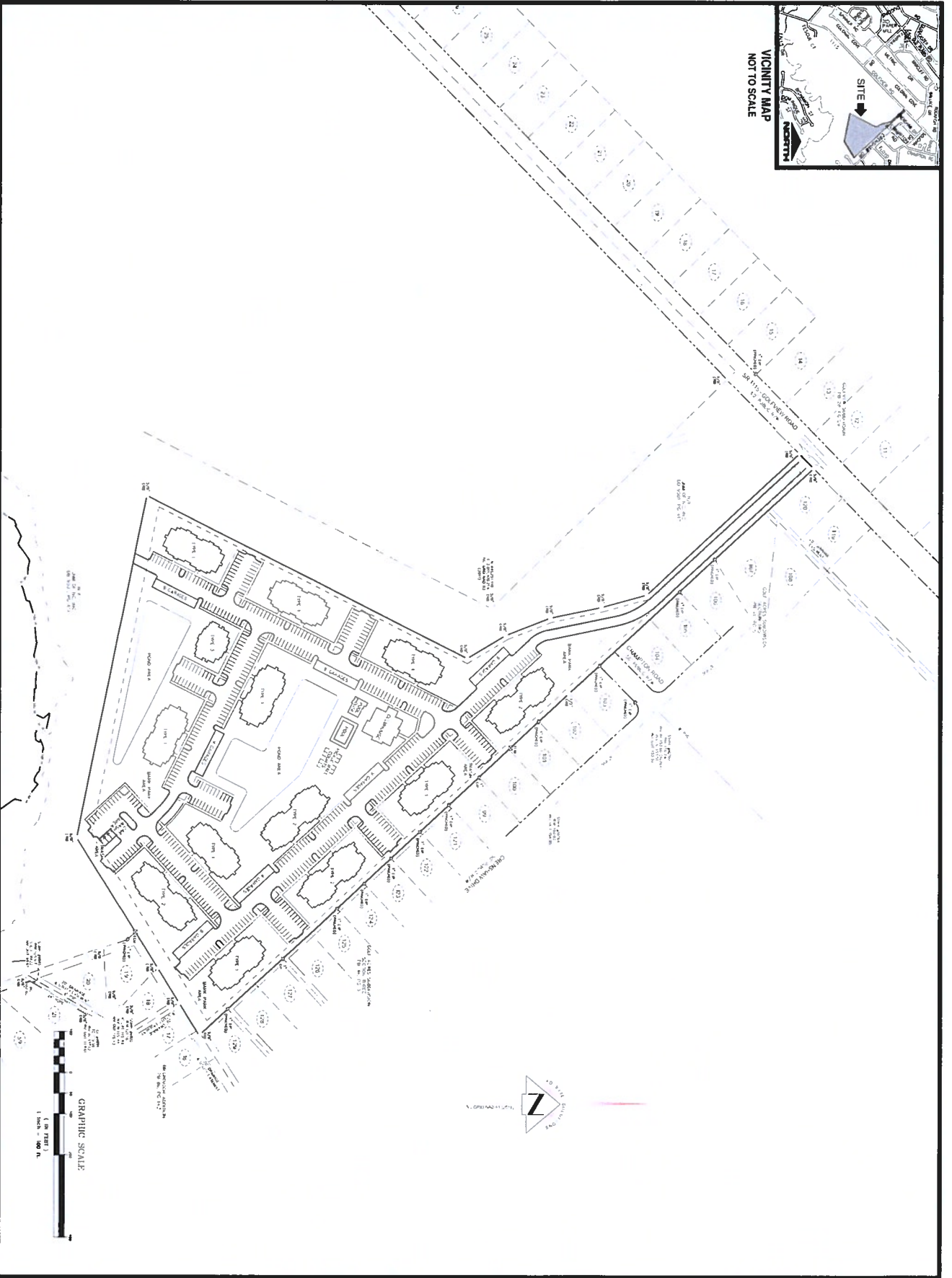
CONDITIONS: See attached conditions.

STAFF RECOMMENDATION

In ZNG-007-22, the Town of Hope Mills Planning staff recommends approval of the rezoning from PND Planned Neighborhood Development to the R5 Residential District and finds:

- a. The approval is an amendment to the adopted Southwest Cumberland Land Use Plan (2013) map to accommodate the R5 request and that the Board of Commissioners should not require any additional requests 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. As the High Density Residential Land Use designation does contemplate the facilitation of residential development a single family residential use is compatible with the residential development on the existing adjacent parcels.

- c. Approval of the request is reasonable and in the public interest as the proposed use would be in harmony with the overall surrounding area, will be in line with existing surrounding zoning, and because the site has access to public utilities.



REVISIONS

PRELIMINARY PLAT

PROJECT NAME
**GOLFVIEW
ROAD
APARTMENTS**

CONCEPTUAL
SITE PLAN
300 UNITS

CLIENT
H & H MULTIFAMILY

PROJECT INFORMATION

223434-0	1/18/10
1/18/10	1/18/10
1/18/10	1/18/10
1/18/10	1/18/10

DRAWING SCALE
1/8" = 1' - 0"

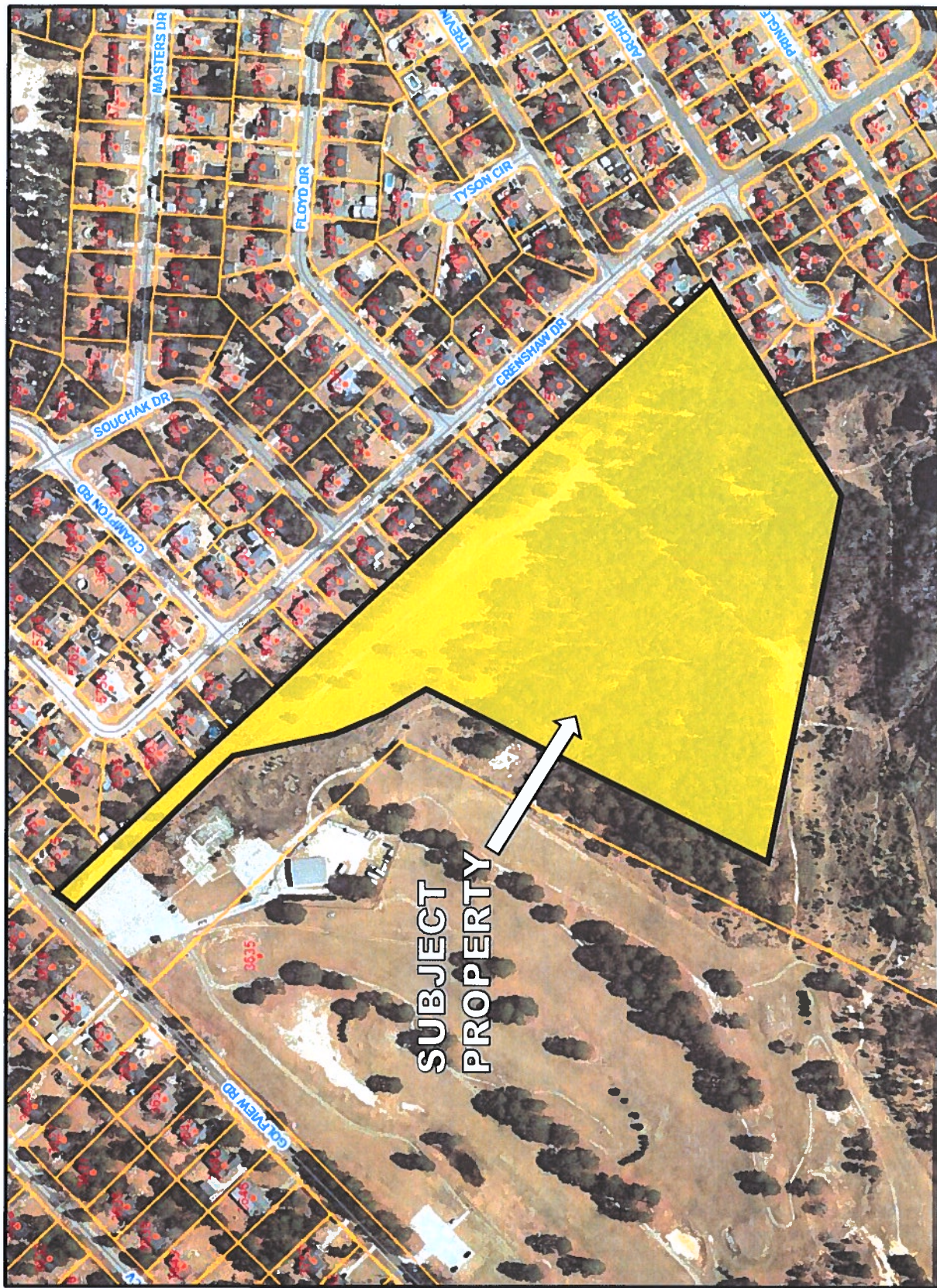
DATE RELEASED

APRIL 29, 2007

SHEET NUMBER

C-2.0

2010 Blackwood Avenue, Suite 100
Fresno, CA 93720
Phone: (559) 439-0044



SKETCH MAP
Case Number ZNG-016-22



DRAFT CONDITIONS SHEET

Town of Hope Mills

STAFF REVIEW: 11-4-22 HOPE MILLS COMMISSIONERS DECISION: TBD

CASE NO: ZNG-016-22 NAME OF DEVELOPMENT: GOLFVIEW ROAD APARTMENTS

MIA: N/A CONDITIONAL ZONING REQUEST/GROUP DEVELOPMENT

LOCATION: UNADDRESSED ZONING: R5 (REQUESTED)

PIN: 0414128716000

OWNERS / DEVELOPER: GMR CAPITAL, LLC ENGINEER OR DESIGNER: GMR CAPITAL, LLC

STAFF RECOMMENDATION:

- ☒ PRELIMINARY
- ☐ EXTENSION ☐ REVISION
- ☐ APPROVED CONDITIONALLY
- ☐ DENIED

TOWN BOARD DECISION:

- ☒ PRELIMINARY
- ☐ EXTENSION ☐ REVISION
- ☐ APPROVED CONDITIONALLY
- ☐ DENIED

Pre- Permit Related:

1. The Town of Hope Mills has tree preservation provisions in their ordinance; the developer must contact Chancer McLaughlin, Hope Mills Town Planner concerning the removal of trees from this site prior to obtaining a tree removal permit.

Permit-Related:

2. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the Hope Mills Zoning Ordinance and building/zoning permits required to place any structure within this development from the Hope Mills Inspection Department/Planning Department, in Town Hall at 5770 Rockfish Road. For additional information, the developer should contact a Town Planner.
3. The Town's Plan Review Committee requirements must be complied with and in the event any significant changes to the site plan are necessary to satisfy the Plan Review Committee's requirements, re-submittal of the site plan may be required.
4. Connection to public water and sewer is required, the Public Works Commission (PWC) must approve water and sewer plans prior to application for any permits. A copy of the PWC approval must be provided to the Hope Mills Inspections Department/Planning Department at the time of application for building/zoning permits. (Section 86A-406 (1), Public Water and Sewer Systems Hope Mills Subdivision Ordinance)

- a. All projects are required to submit separately to PWC for review and/or approval.
 - b. The Submittal Checklist and plans for the project are required to be included with the submittal to PWC. Additional documents that may be required are identified in the Submittal Checklist that is available at <https://www.faypwc.com/design-standards/>.
 - c. For projects requiring water and/or sewer main extensions, PWC has local delegated permitting authority from the State and may issue your water and sewer permits.
 - d. Water and/or sewer mains shall be extended in accordance with PWC's policies.
 - e. You may contact PWC for information on obtaining water and sewer services. (PWC – Water Resources Engineering, 910-223-4730)
 - f. No permanent structure(s) shall be permitted within any PWC utility easements.
 - g. Landscaping plan(s) shall be included in the submittal to PWC. No trees are allowed to be planted in PWC water and sewer utility easements. Non-invasive shrubs can be placed in the rear 5 feet of easements (if necessary). Chet Green can provide a list of vegetation allowed within easement areas. **Existing and proposed PWC easements must be shown on the landscaping plan in addition to being shown on the utility plan(s).**
 - h. Any existing water and/or sewer laterals that are not utilized on the project must be killed out at the main in accordance with PWC requirements.
 - i. A fire hydrant flow test may be required as determined by the fire marshal's office. As of July 1, 2019 the hydrant flow test fee is \$500. The application form is available at <https://www.faypwc.com/design-standards/>. The completed application form and fee should be submitted to Fayetteville PWC Customer Programs Call Center, 955 Old Wilmington Road, Fayetteville, NC 28301. Contact Robert Turner (910-223-4741, Robert.turner@faypwc.com) at PWC with any questions.
 - j. A water permit is not required for fire lines of any size for projects submitted to PWC for review after January 01, 2017.
 - k. A hydraulic analysis (i.e. fire hydrant flow calculations) shall be submitted to PWC for review as determined by the fire marshal's office. These calculations shall demonstrate that the required fire flow may be supplied by the approved fire hydrant(s), as determined by the fire marshal's office, while maintaining 20 psi residual pressure on the PWC water system.
5. New development that will disturb one acre or more of land or is part of a larger common plan of development that will disturb one acre or more of land is subject to the Post-Construction Stormwater Management Permitting Program administered by the Hope Mills Stormwater Department. If one acre or more of land is to be disturbed, prior to the issuance of any building/zoning permits for this site a copy of the Town's Stormwater Management Permit must be provided to the Hope Mills Inspections Department/Planning Department.
 6. For any new development, the developer must/may have to provide the Hope Mills Inspections Department/Planning Department with an approved NC Department of Environmental Quality (NCDEQ) sedimentation and erosion control plan (S&E) prior to any application for permits. (Note: If any retention/detention basins are required for state approval of this plan, then three copies of a revised plan must be submitted and approved by Planning & Inspections prior to application for any building/zoning permits.) A copy of the NCDEQ approval must be provided to the Hope Mills Town Inspections Department/Planning Department at the time of application for any building/zoning permits.
 7. The developer must provide a site-specific address and tax parcel number to the Hope Mills Inspections Department/Planning Department at the time of building/zoning permit application.
 8. A Certificate of Occupancy will not be issued until the Hope Mills Stormwater Department inspects the site and certifies that it has been developed in accordance with the approved drainage plans.
 9. A *Certificate of Occupancy* will not be issued until the Town Planner inspects the site and certifies that the site is developed in accordance with the approved plans.

10. The developer must obtain a driveway permit from NC Department of Transportation (NCDOT). A copy of the approved driveway permit must be provided to Hope Mills Inspection Department /Planning Department at the time of application for building/zoning permits. **Permits MUST be secured prior to the change or alteration of existing or proposed property use. Failure to secure required permits prior to construction or change in property usage may result in the removal of the driveway or street connections at the property owner's expense.** For additional information contact the Hope Mills Street Department and NCCDOT Division 6 / District 2 office at the numbers listed on the bottom of this conditional approval.

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

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

11. If driveways are changed or added, the developer must obtain a driveway permit from NC Department of Transportation (NCDOT). If required, a copy of the approved driveway permit must be provided to Hope Mills Inspection Department /Planning Department at the time of application for building/zoning permits. **Permits MUST be secured prior to the change or alteration of existing or proposed property use. Failure to secure required permits prior to construction or change in property usage may result in the removal of the driveway or street connections at the property owner's expense.** For additional information contact the Hope Mills Street Department and NCDOT Division 6 / District 2 office at the numbers listed on the bottom of this conditional approval.

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.

In addition, the following regulations must also be complied with that may or may not encompass all regulations governed by the Town of Hope Mills Standards and Specifications Manual:

- Streets and alleys to be built in accordance with the Town of Hope Mills Standards and Specifications.
- Driveways permitted and built in accordance with the Town of Hope Mills Standards and Specifications.
- Sidewalks to be installed in accordance with the Town of Hope Mills Subdivision Ordinance and in accordance with the Town of Hope Mills Standards and Specifications.
- Sidewalks along a state road require a third party agreement between the developer, North Carolina Department of Transportation, and the Town of Hope Mills.

12. The developer may be required to obtain a driveway permit for construction of any new connection or alteration of any existing connection. If a driveway permit is required, a copy of the approved driveway permit must be provided to Hope Mills Inspections Department at the time of application for building/zoning permits. **Permits MUST be secured prior to the change or alteration of existing or proposed property use. Failure to secure required permits prior to construction or change in property usage may result in the removal of the driveway or street connections at the property owner's expense.** For additional information contact the Division 6 / District 2 office at the number listed on the bottom of this conditional approval.

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

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

Site-Related:

13. All uses, dimensions, setbacks and other related provisions of the Hope Mills Subdivision Ordinance and Zoning Ordinance for the R5 zoning district must be complied with, as applicable.
14. 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 XIV of the Hope Mills Zoning Ordinance and that the proper permit(s) must be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is **not** approval of the size, shape, or location of any signs.)
15. All applicable provisions of Section 86A-501, "Group Developments", Hope Mills Subdivision Ordinance, must be complied with.
16. Dedication of feet of right-of-way and reservation of feet of right-of way along Golfview Drive is required and the metes and bounds for both dedication and reservation must be reflected on any future site plans. The location of all improvements, required or otherwise, and all building setback lines are to be measured from the ultimate right-of-way line.

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

17. Curbs and gutters must meet the NC Department of Transportation's (NCDOT) standards and specifications.
18. A concrete, or other approved surface material, sidewalks are required to be constructed along both sides of all streets, to include along SR (2 or more du/ac). (Section 86A-405, Sidewalks, Hope Mills Subdivision Ordinance)
19. A drainage permit from the Town of Hope Mills Stormwater Department is required for any development or redevelopment that will construct, alter, repair, relocate, or demolish any storm sewer natural watercourse, or other drainage facility. The standards used for the design and construction of all stormwater drainage structures and/or stormwater BMP facilities shall be in accordance with the "Town of Hope Mills Stormwater Design Standards", the Design Manual, and shall be subject to the requirements of Chapter 67 Article III.
20. Fire hydrants must be installed along all proposed streets and drives; hydrants must be located in accordance with state fire code. (Section 86A-406 (b), Fire hydrants, Hope Mills Subdivision Ordinance)
21. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 86A-406(c), Underground utilities required, Hope Mills Subdivision Ordinance)
22. The owner/developer shall secure and maintain the detention/retention basin, keeping it clear of debris and taking measures for the prevention of insect and rodent infestation.
23. This review does not constitute a "subdivision" approval by NC Department of Transportation (NCDOT). A separate submittal to NCDOT will be required prior to consideration for addition to the system of any street within this development.
24. The Hope Mills Street Department must approve the street plans and the street(s) are required to be constructed to the Town's standards for secondary roads.
25. Turn lanes may be required by the Hope Mills Street Department and NC Department of Transportation (NCDOT).

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

26. All lots within this development are required to be served by an internal street system.
27. An internal street system will be required by the Hope Mills Street Department and NC Department of Transportation (NCDOT) to serve any future divisions of the parent tract.
28. All lighting is required to be directed internally within this development and comply with the provisions of Section 102A-1202(m), Outdoor Lighting, Hope Mills Zoning Ordinance.
29. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.
30. All required off-street parking spaces shall be a minimum of 9' x 20' and shall be surfaced, with a permanent material such as asphalt or concrete, and striped prior to application for the building final inspection. A minimum of _____ off-street parking spaces is required for this development. (Section 102A-1302, Off-street parking, Hope Mills Zoning Ordinance.)
31. A minimum of _____ off-street loading spaces(s) measuring 12' x 25' with 14' overhead clearance must be provided for the _____ area. (Note: Three copies of a revised site plan depicting the required loading space(s) must be submitted and approved prior to application for any building/zoning permits.) (Section 102A-1303 Off-street loading, Hope Mills Zoning Ordinance.)
32. 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.
33. Noise levels shall not exceed 60 dB(A) between the hours of 10:00 pm and 7:00 am. In any event, the noise level, regardless of the time of day, shall not become a nuisance to neighboring properties and strict compliance with the County's Noise Ordinance is required.

Plat-Related:

34. The builder/developer must provide the buildable envelopes on the final plat: providing a five-foot maintenance easement along each side of all common internal lines with all other applicable setbacks being provided for; **or** at the time of permit application, the individual plot plans must be approved by the Town Planner prior to issuance of any permits.
35. 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.
36. All lots within this development must be served by an internal street system and a "no access" easement must be reflected on the final plat along SR _____.
37. The NC Department of Transportation (NCDOT) will not allow a driveway for each individual lot. Lots _____ will be required to be served by joint driveways and the joint driveways must be reflected on the final plat.
38. A 10' x 70' sight distance easement is required at the intersection of _____ with _____ and must be reflected on the final plat.
39. A 25' right-of-way radius is required at all intersections and must be reflected on the final plat. (Section 86A-404(a)(11), Street Design, Hope Mills Subdivision Ordinance)

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

40. The NC Department of Transportation (NCDOT) stamp must be affixed to the final plat prior to submission for final plat approval by Land Use Codes.

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.

41. The notarized signature(s) of all current tax record owner(s) and notary certifications appear on the final plat when submitted for final approval. (Section 86A-603(d), Certificate of Ownership and Dedication, Hope Mills Subdivision Ordinance)
42. The developer is reminded that the improvements must be in place or that final plat approval will only be granted in accordance with Section 86A-602 (b), (c) or (d), Final Plat – Guarantees of Improvements, Hope Mills Subdivision Ordinance. (Note: Once the improvements are in place, the developer is responsible for contacting Hope Mills Street, Planning and Inspections Departments to schedule an inspection of the improvements.)
43. 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.
44. The developer should be aware that any addition and/or revision to this plat may require an additional review and approval by the Planning & Inspections Department prior to submission for final plat approval of any portion of this development.

Plat-Required Statements:

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

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

Advisories:

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 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.
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 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.

Other Relevant Conditions:

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

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

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

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

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

If you need clarification of any conditions, please contact Chancer McLaughlin or Emily Weidner at 910-429-3514; otherwise, contact the appropriate agency at the contact numbers below.

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

County Health Department:	Fred Thomas	433-3692	fthomas@co.cumberland.nc.us
Food & Lodging Env. Health:	Fred Thomas	433-3692	fthomas@co.cumberland.nc.us
Ground Water Issues:	Fred Thomas	433-3692	fthomas@co.cumberland.nc.us
Fayetteville Airport Director	Toney Coleman	433-1625	toneycoleman@fayettevillenc.gov
PWC:	Joe Glass	223-4740	joe.glass@faypwc.com
	Sam Powers	223-4370	sam.powers@faypwc.com
Town of Hope Mills:		424-4555*	
Town Clerk:	Jane Starling		jstarling@townofhopemills.com
Planner – Zoning Permits	Chancer McLaughlin		cmclaughlin@townofhopemills.com
Chief Building Inspector:	Kenneth Tatum		ktatum@townofhopemills.com
Stormwater/Flood Administrator:	Beth Brown		eabrown@townofhopemills.com
Zoning Inspector:	Chancer McLaughlin		cmclaughlin@townofhopemills.com
Fire Marshal	Robert Carter		rcarter@townofhopemills.com
Public Works – Streets/sidewalks	Don Sisko		dsisko@townofhopemills.com
US Postal Service	Jennifer L Way	(704) 393-4412	jennifer.l.way@usps.gov
Corp of Engineers (wetlands):	Emily Greer	(910) 251-4049	emily.c.greer@usace.army.mil
NCDEQ (E&S):	Leland Cottrell	(910) 433-3393	leland.cottrell@ncdenr.gov
Location Services:			
Site-Specific Address:	Will Phipps	678-7616	wphipps@co.cumberland.nc.us
Street Naming/Signs:	Mark Blackwell	678-7626	mablackwell@co.cumberland.nc.us
Tax Parcel Numbers:		678-7549	
NCDOT (driveways/curb-cuts):	Troy Baker	364-0601	tlbaker@ncdot.gov
NCDOT (subdivision roads):	Earl C. Locklear	364-0601	elocklear@ncdot.gov
Transportation Planning:	Justin Ritchey	678-7632	jritchey@co.cumberland.nc.us
N.C. Division of Water Quality:	Annette Lucas	(919) 807-6381	annette.lucas@ncdenr.gov

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



TOWN OF HOPE MILLS

5770 ROCKFISH ROAD • HOPE MILLS, NORTH CAROLINA 28348-1848
TELEPHONE (910) 424-4555 • FAX (910) 424-4902

October 10, 2022

TRANSMITTAL MEMORANDUM

TO: HOPE MILLS TOWN MANAGER
HOPE MILLS TOWN CLERK
HOPE MILLS DEVELOPMENT DIRECTOR
HOPE MILLS TOWN INSPECTIONS (KEN TATUM)
HOPE MILLS STORMWATER
HOPE MILLS TOWN ATTORNEY
HOPE MILLS FIRE MARSHAL
FAMPO
TAX MAPPING
CO ENVIRONMENTAL HEALTH
CCP&I COUNTY ENGINEERING
CCP&I LOCATION SERVICES
CCP&I COMP PLANNING
NORCRESS/PUBLIC UTILITIES
BOARD OF EDUCATION
ECONOMIC DEVELOPMENT ALLIANCE

PWC
NCDOT
DUKE ENERGY
USPS
MCCOG
NCDEQ
US FISH & WILDLIFE
US ARMY CORPS OF ENGINEERS
RLUAC
AIRPORT

FROM: CHANCER F. MCLAUGHLIN, DEVELOPMENT SERVICES DIRECTOR

SUBJECT: CASE NO: ZNG-016-22

REQUEST: FROM PND TO R5/CZ SINGLE FAMILY RESIDENTIAL/CONDITIONAL ZONING

LOCATION: 729 FEET FROM THE SOUTHWESTERN INTERSECTION OF GOLFVIEW ROAD AND SOUCHAK DRIVE

THE FOLLOWING ADDITIONAL INFORMATION IS PROVIDED:

REID: 0414128716000

EXISTING USE: VACANT

PROPOSED USE: MULTIFAMILY (APARTMENTS 300 UNITS)

NO. OF LOTS/UNITS AFFECTED: 1

WATER: PWC

SEWER: PWC

PAGES ATTACHED: 2: SKETCH MAP & SITE PLAN

PLEASE REVIEW AND MAKE NECESSARY COMMENTS IN WRITING TO OUR OFFICE WITHIN FIVE (5) WORKING DAYS FROM THE RECEIPT OF THIS MATERIAL OR NO LATER THAN **9:00 A.M., OCTOBER 17, 2022**. FOR ASSISTANCE CALL EMILY WIEDNER AT 910-429-3514 OR EMAIL ewiedner@townofhopemills.com

GMR CAPITAL, LLC

PO BOX 53552

Fayetteville, NC 28305

Paul & Allison Johnson

6217 Bretton Woods Dr

Hope Mills, NC 28348

Matthew & Emily Cooper

5117 Archer Road

Hope Mills, NC 28348

Betty Eileen Donovan

5699 Crenshaw Drive

Hope Mills, NC 28348

Daniel & Shanna Buford

5705 Crenshaw Drive

Hope Mills, NC 28348

Alyssa Buckland & Brandon Boahn

5713 Crenshaw Drive

Hope Mills, NC 28348

Filiberto & Maria Milagros

5717 Crenshaw Drive

Hope Mills, NC 28348

Christopher & Sonia Rhodie

6300 Touchstone Drive

Fayetteville, NC 28311

Stephen Fuller

5729 Crenshaw Drive

Hope Mills, NC 28348

Walter & Freda Houston

5737 Crenshaw Drive

Hope Mills, NC 28348

JNM OF NC, INC

5604 Shady Pine Ct

Hope Mills, NC 28348

Amanda Thomas Oharrow

5113 Archer Road

Hope Mills, NC 28348

Bobby Hart

5121 Archer Road

Hope Mills, NC 28348

Christian & Betsy Roose

5701 Crenshaw Drive

Hope Mills, NC 28348

Sheryl Garcia-Bell Life Estate

5709 Crenshaw Drive

Hope Mills, NC 28348

Nakeitha Brayboy

5715 Crenshaw Drive

Hope Mills, NC 28348

On-Son Lopez

5719 Crenshaw Drive

Hope Mills, NC 28348

Stephen & Sandra England

5725 Crenshaw Drive

Hope Mills, NC 28348

Theodore Paul Boesel

5733 Crenshaw Drive

Hope Mills, NC 28348

Jamel Sean Dumas

5741 Crenshaw Drive

Hope Mills, NC 28348

Bryan J Smith

5747 Crenshaw Drive

Hope Mills, NC 28348

Christy L Ivey & Janice Faircloth

5753 Crenshaw Drive

Hope Mills, NC 28348

Cynthia L Shackelford

3615 Golfview Road

Hope Mills, NC 28348

Michael J Harris

3618 Golfview Road

Hope Mills, NC 28348

James & Teresa Back

3626 Golfview Road

Hope Mills, NC 28348

Annie Bozeman

3638 Golfview Road

Hope Mills, NC 28348

Victor & Sheila Lancaster

3644 Golfview Road

Hope Mills, NC 28348

Roberto & Conchita Rodriguez

3646 Golfview Road

Hope Mills, NC 28348

Jenna Jensen

15 N Briar Circle

Fayetteville, NC 28306

Katie E Evans

3670 Golfview Road

Hope Mills, NC 28348

James & Vicki Mauldin

5751 Crenshaw Drive

Hope Mills, NC 28348

Daniel & Alice Glemaker

5755 Crenshaw Drive

Hope Mills, NC 28348

Edith J Fitzgerald

5305 Moonflower Ct

Holly Springs, NC 27540

Roy & Gwendolyn Chavis

3622 Golfview Road

Hope Mills, NC 28348

Norman & Mary Zanders

3634 Golfview Road

Hope Mills, NC 28348

Doris Benton Delk Life Estate

3642 Golfview Road

Hope Mills, NC 28348

Mohammad Omar Al Bayyari

3646 Golfview Road

Hope Mills, NC 28348

Frank & Virginia Dulzer

3652 Golfview Road

Hope Mills, NC 28348

Keith Cox

PO BOX 414

Hope Mills, NC 28348

Tasia Marie Stewart

3674 Golfview Road

Hope Mills, NC 28348

Jake & Jennilynn Williams
3678 Golfview Road
Hope Mills, NC 28348

Kenneth & Tina Jones
3682 Golfview Road
Hope Mills, NC 28348

Hollis & Jill Peery
2741 Rivercliff Road
Fayetteville, NC 28301



Town of Hope Mills

Planning Department

CASE #: ZNG-016-22

ZONING BOARD
MEETING DATE: 11/15/22

DATE APPLICATION
SUBMITTED: 9/29/22

RECEIPT #: COM

RECEIVED BY: COM

APPLICATION FOR CONDITIONAL ZONING DISTRICT REZONING REQUEST HOPE MILLS ZONING ORDINANCE

Upon receipt of this application (petition), the Planning Staff will schedule the request to be heard by the Hope Mills Zoning Board in accordance with the Board's adopted meeting schedule. 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 Zoning Board will make a recommendation to the Hope Mills 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 two to four weeks following the Zoning 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 "Town of Hope Mills" 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 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)424-4555. Hours of operation are 8:00 a.m. to 5:00 p.m., Monday through Friday.

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

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

1. Applicant/Agent GMR Capital, LLC
2. Address: PO BOX, 53552, Fayetteville Zip Code 28305
3. Telephone: (Home) N/A (Work) 910-978-1010
4. Location of Property: Golfview Road, Hope Mills
5. Parcel Identification Number (PIN #) of subject property: 0414-12-8716
(also known as Tax ID Number or Property Tax ID)
6. Acreage: 19.95 Frontage: 301' Depth: 2,000'
7. Water Provider: PWC Septage Provider: PWC
8. Deed Book 11514, Page(s) 740, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
9. Existing use of property: Old Golf Course
10. Proposed use(s) of the property: Multi-Family

NOTE: Be specific and list all intended uses.

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

TO: (Select one)

- X Conditional Zoning District, with an underlying zoning district of R5/CZ
(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.)

Multi-Family

- 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.

19.96

2. DIMENSIONAL REQUIREMENTS:

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

STB PLAN

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

STB PLAN

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIV.

WILL MEET ORDINANCE REGS.

4. LANDSCAPE AND BUFFER REQUIREMENTS:

- A. For all new non-residential and mixed use development abutting a public street, indicate the number and type of large or small ornamental trees used in the streetscape, yard space, and/or parking areas, plus the number and type of shrubs. [Sec. 102A-1202(n)]. **NOTE: All required landscaping must be included on the site plan.**
- B. Indicate the type of buffering and approximate location, width and setback from the property lines. [Sec. 102A-1202(g)] **NOTE: All required buffers must be included on the site plan.**

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. 102A-1502. If the proposed uses involve development subject to the Hope Mills Subdivision Ordinance, the site plan required may be general in nature, showing a generalized street pattern, if applicable, and the location of proposed uses. If the proposed uses include development not subject to the Subdivision Ordinance, the site plan must be of sufficient detail to allow the Planning Staff, Hope Mills Plan Review Committee, the Zoning Board and Board of Commissioners to analyze the proposed uses and arrangement of uses on the site. It also must include the footprints of all buildings (proposed and existing), the proposed number of stories, location and number of off-street parking and loading spaces, proposed points of access to existing streets and internal circulation patterns. In addition, the location of all proposed buffers and fences and landscaping shall be included on the site plan.

7. STATEMENT OF ACKNOWLEDGMENT:

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

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

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

GMR Capital LLC - Rodney Sherrill
NAME OF OWNER(S) (PRINT OR TYPE)

PO Box 63552, Fayetteville, NC 28305
ADDRESS OF OWNER(S)

rodneys1010@gmail.com
E-MAIL

910-391-1577
HOME TELEPHONE

910-978-1010
WORK TELEPHONE


SIGNATURE OF OWNER(S)

SIGNATURE OF OWNER(S)

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

ADDRESS OF AGENT, ATTORNEY, APPLICANT

HOME TELEPHONE

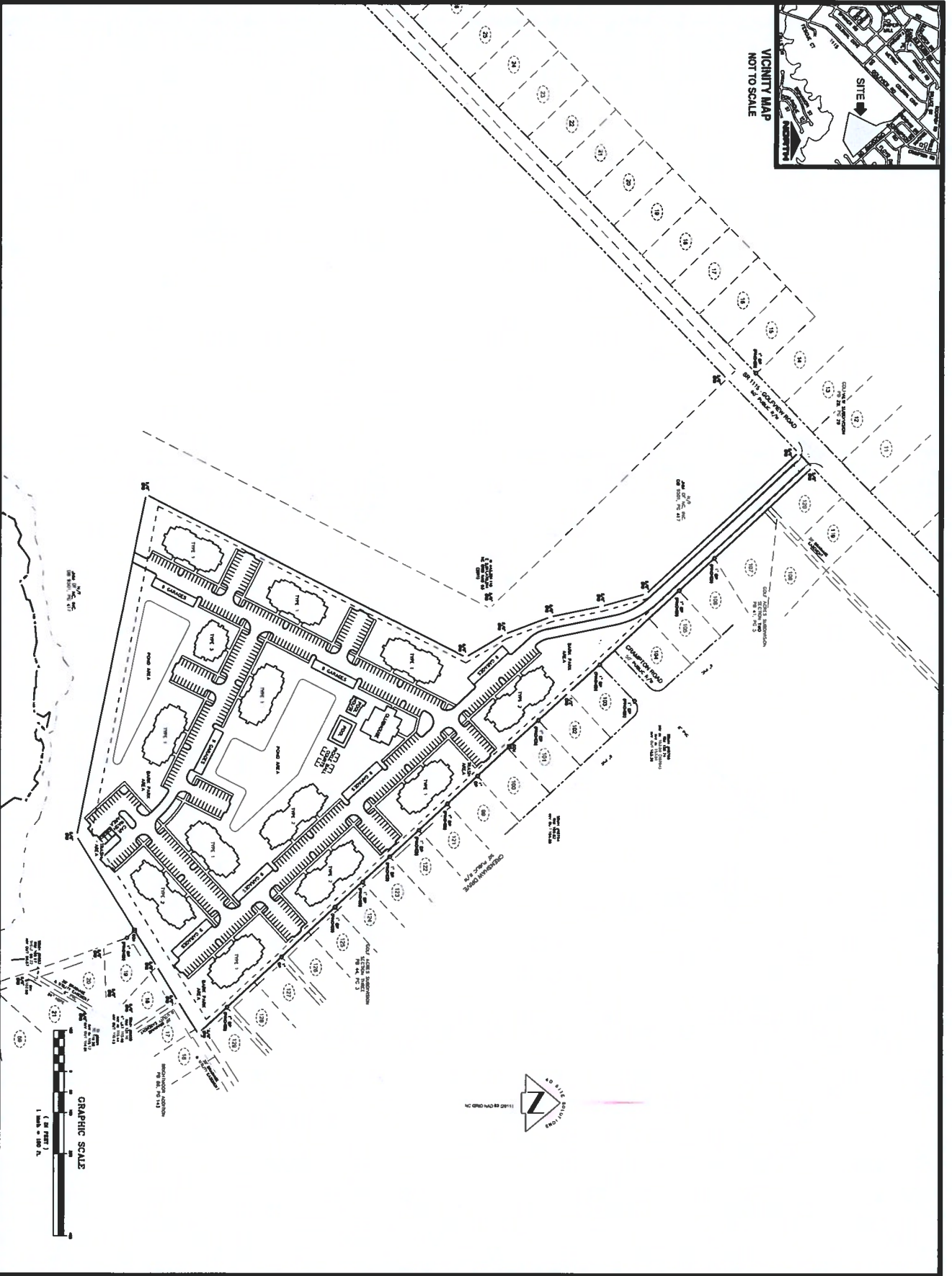
WORK TELEPHONE

E-MAIL ADDRESS

FAX NUMBER

SIGNATURE OF AGENT, ATTORNEY, OR APPLICANT

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



PRELIMINARY PLAT
NOT FOR RECORD OR CONFORMANCE OF PLAT

PROJECT NAME
GOLFVIEW
ROAD
APARTMENTS

**CONCEPTUAL
SITE PLAN
300 UNITS**

CLIENT
H & H MULTIFAMILY

2019 Suncoast Avenue - Suite 100
Fort Lauderdale, FL 33304
Phone: (954) 944-4444

PROJECT INFORMATION

DESIGNED BY	SLAH
DRAWN BY	SLAH
CHECKED BY	SLAH
PROJECT NUMBER	1500

DRAWING SCALE
HORIZONTAL: 1" = 100'

DATE RELEASED
APRIL 28, 2022

SHEET NUMBER
C-2.0



PLANNING AND INSPECTIONS DEPARTMENT

MEMORANDUM FOR JOINT PLANNING BOARD AGENDA OF NOVEMBER 15, 2022

TO: JOINT PLANNING BOARD

FROM: CUMBERLAND COUNTY PLANNING & INSPECTIONS DEPARTMENT

DATE: 11/15/2022

SUBJECT: ZON-22-0071: REZONING FROM C1(P) PLANNED LOCAL BUSINESS DISTRICT TO C(P) PLANNED COMMERCIAL DISTRICT / CZ CONDITIONAL ZONING OR TO A MORE RESTRICTIVE ZONING DISTRICT FOR 1.19 +/- ACRES; LOCATED AT 3353 DUNN ROAD; SUBMITTED BY KENNETH & DANA THURMOND (APPLICANT/OWNER).

ATTACHMENTS:

Description

Case ZON-22-0071

Type

Backup Material

REQUEST

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

Applicant requests a rezoning from C1(P) Planned Local Business District to C(P)/CZ Planned Commercial Conditional Zoning District on approximately 1.189 +/- acres located at 3353 Dunn Road, as depicted in Exhibit "A". The parcel is occupied by an existing church and falls within the Eastover Commercial Core Overlay District. The request is to allow for a change of use from a church to farm supplies merchandising and machinery sales/servicing (in accordance with Section 916). Under this classification, the applicant is proposing outdoor power equipment sales & service, a garden center, and hardware sales. A conditional zoning site plan and conditions of approval are provided in Exhibits "F" and "G", respectively.

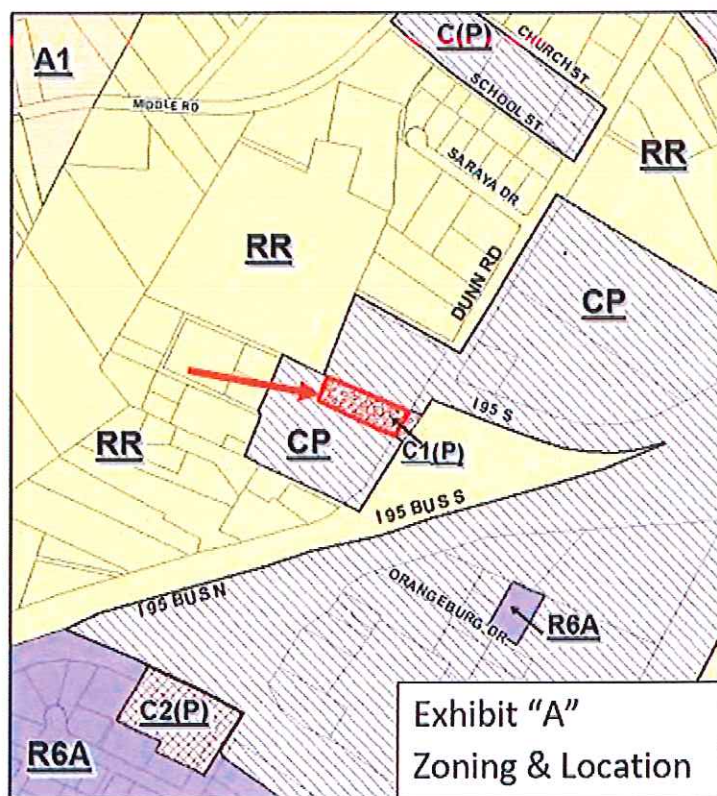
PROPERTY INFORMATION

OWNER/APPLICANT: Kenneth & Dana Thurmond (Owner)

ADDRESS/LOCATION: Refer to Exhibit "A", Location and Zoning Map. REID number: 0468278611000

SIZE: 1.189 +/- acres within one parcel. Road frontage along Dunn Road is 131 feet. The property has a depth of approximately 414 +/- 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".

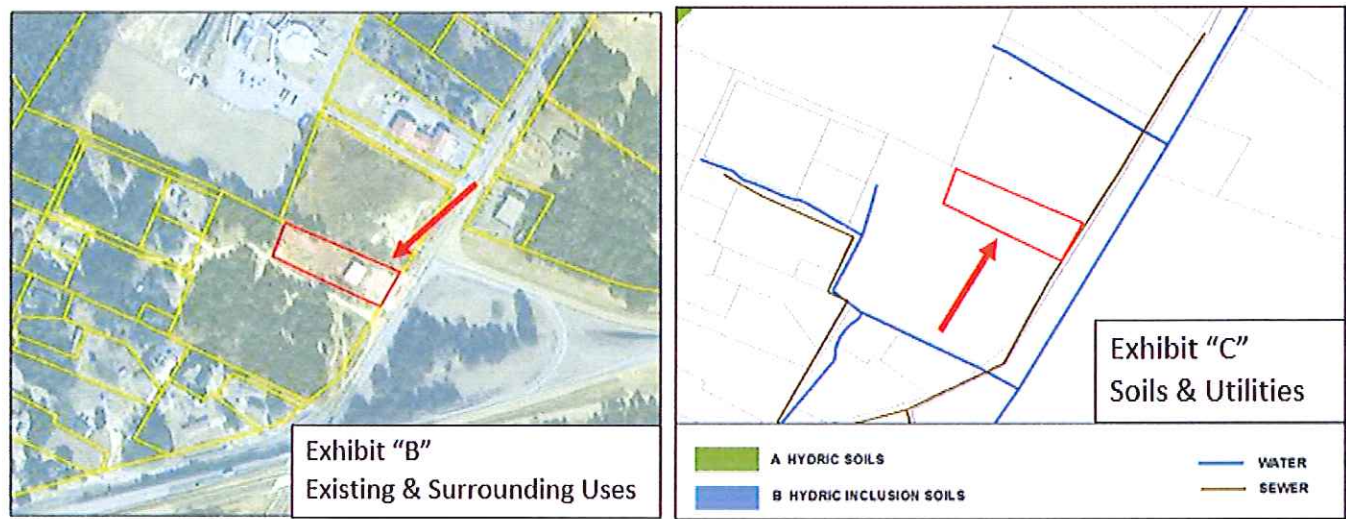


EXISTING LAND USE: Property currently holds a structure previously used as a church. Exhibit "B" shows the existing use of the subject property.

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

- **North:** Vacant land & Single-family residential
- **East:** Interstate 95
- **West:** Single family residential
- **South:** Commercial property and Interstate 95

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.

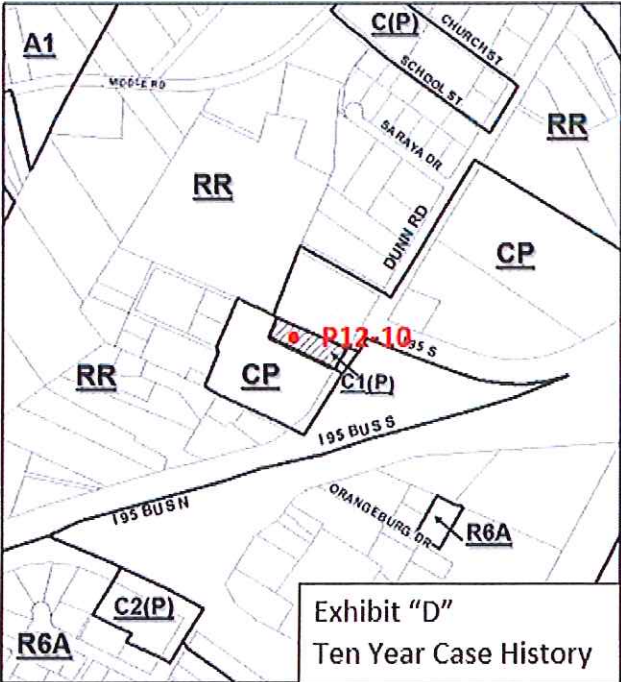


TEN YEAR ZONE CASE HISTORY:

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

- P12-10: O& I(P) to C1(P): Approved

DEVELOPMENT REVIEW: The proposed change of use 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:

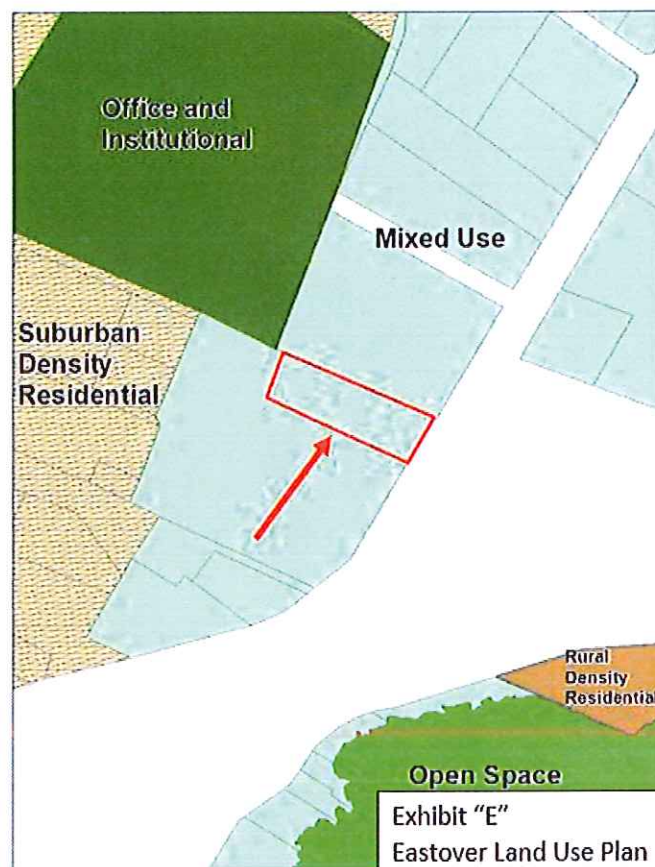
Minimum Standard	C1(P) (Existing Zoning)	C(P)/CZ (Proposed)
Front Yard Setback	45 feet	50 feet
Side Yard Setback	15 feet	30 feet
Rear Yard Setback	20 feet	30 feet

COMPREHENSIVE PLANS: This property is located within the Eastover Area Land Use Plan (2018). The future land use classification of the property is Mixed Use. Associated zoning districts for this classification are: MXD/CZ, C(P), C1(P), C2(P) and O&I(P). The proposed rezoning request from is consistent with the adopted Land Use Plan.

APPLICABLE PLAN GOALS/POLICIES:

-Objectives:

- Protect established residential areas from the encroachment of non-residential developments
- Rehabilitate and reuse vacant commercial structures
- Encourage the location of businesses that reflect the needs of the community



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 proposes zoning request will not generate any impacts on school enrollment. The proposed commercial development will not generate any additional student 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.

TRAFFIC: NCDOT Driveway Permit required. Closure of one driveway required and reduce width of remaining driveway to 36' maximum. Change of use of subject properties and/or construction of any new connection or alteration of any existing connection shall require an approved Driveway Permit. 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/developer's expense. 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. For additional information contact the Division 6 / District 2 office.

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" (which will serve as Exhibit "A").

STAFF RECOMMENDATION

In Case ZON-22-0071, Planning and Inspections staff **recommends approval** of the rezoning request from C1(P) Planned Local Business District to C(P)/CZ Planned Commercial Conditional Zoning District. 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-22-0071

ZON-22-0071: Rezoning from C1(P) Planned Local Business District to C(P) Planned Commercial District / CZ Conditional Zoning or to a more restrictive zoning district for 1.19 +/- acres; located at 3353 Dunn Road; submitted by Kenneth & Dana Thurmond (applicant/owner).

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 footprints for the proposed accessory enclosed storage structure for their review, including building setback.
2. Applicant shall submit a site plan to Current Planning Section for review in accordance with the approved Conditional Zoning conceptual plan and satisfying the Town of Eastover Commercial Overlay regulatory requirements pursuant to Section 801 D. Development standards. The subject site is located within the Commercial Overlay and subject to the provisions of Section 801. The provisions in Section 801 D shall apply to all new construction; renovation and/or remodeling of the exterior areas of any structure or property to the extent practicable in accordance with regulatory requirements outlined under subsections: 1-10.
3. 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 and subsequent site plan approval by the Town of Eastover Town Council.

Permit-Related:

4. 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.
5. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
6. 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.
7. A Code Enforcement Officer must inspect the site and certify that the site is developed in accordance with the approved plans.
8. New development where the developer will disturb or intends to disturb more than one acre of land is subject to the Post-Construction Stormwater Management Permitting Program (Phase II Stormwater Management Requirements) administered by the 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.

9. 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.
10. The building final inspection cannot be accomplished until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved Zoning Permit and plot plan.

Site-Related:

11. For the subject site, as delineated in Exhibit "A", all uses, dimensions, setbacks and other related provisions shall be consistent with of the C(P) zoning, County Subdivision and Development Ordinance, Eastover Commercial Core Overlay District and the "Exhibit "A" conditional zoning site plan, as applicable.
12. 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 or floor area greater than the commercial building on this site.
13. 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)
14. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision Ordinance)
15. 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.
16. 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.
17. 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.

Advisories:

18. The developer is advised any internal renovations within the existing structure must be brought up to meet the current building and fire code requirements. The developer should contact either a Building Inspector or Fire Marshall for any questions for the required Building and fire codes.
19. 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.

Other Related Conditions:

20. 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. 108.B, County Zoning Ord.; & Secs. 2005 & 2007 County Subdivision Ord.)

EXHIBIT "G" of the Conditional Zoning (Exhibit "A" to the Conditions of Approval)
Conditional Zoning Site Plan

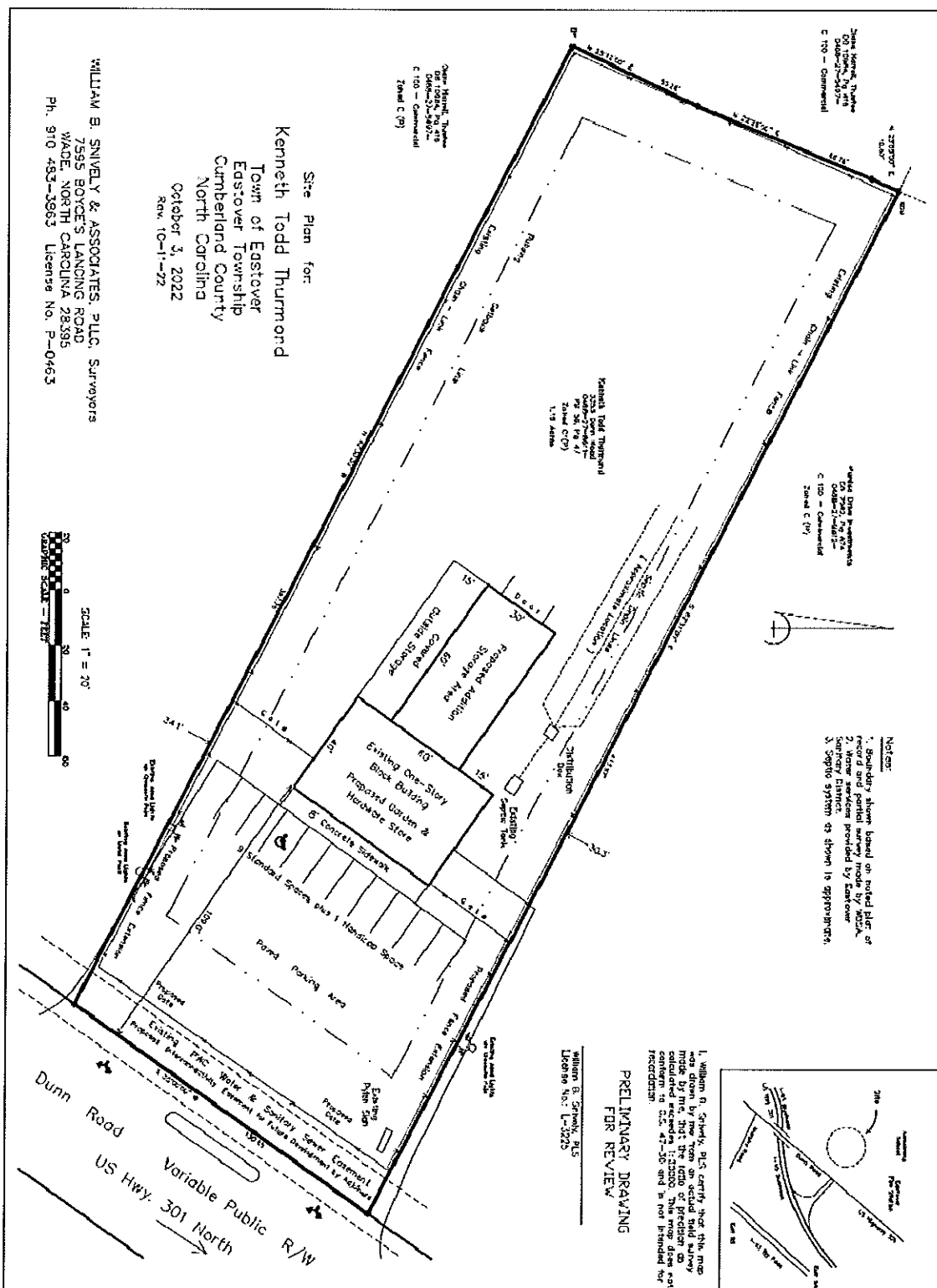
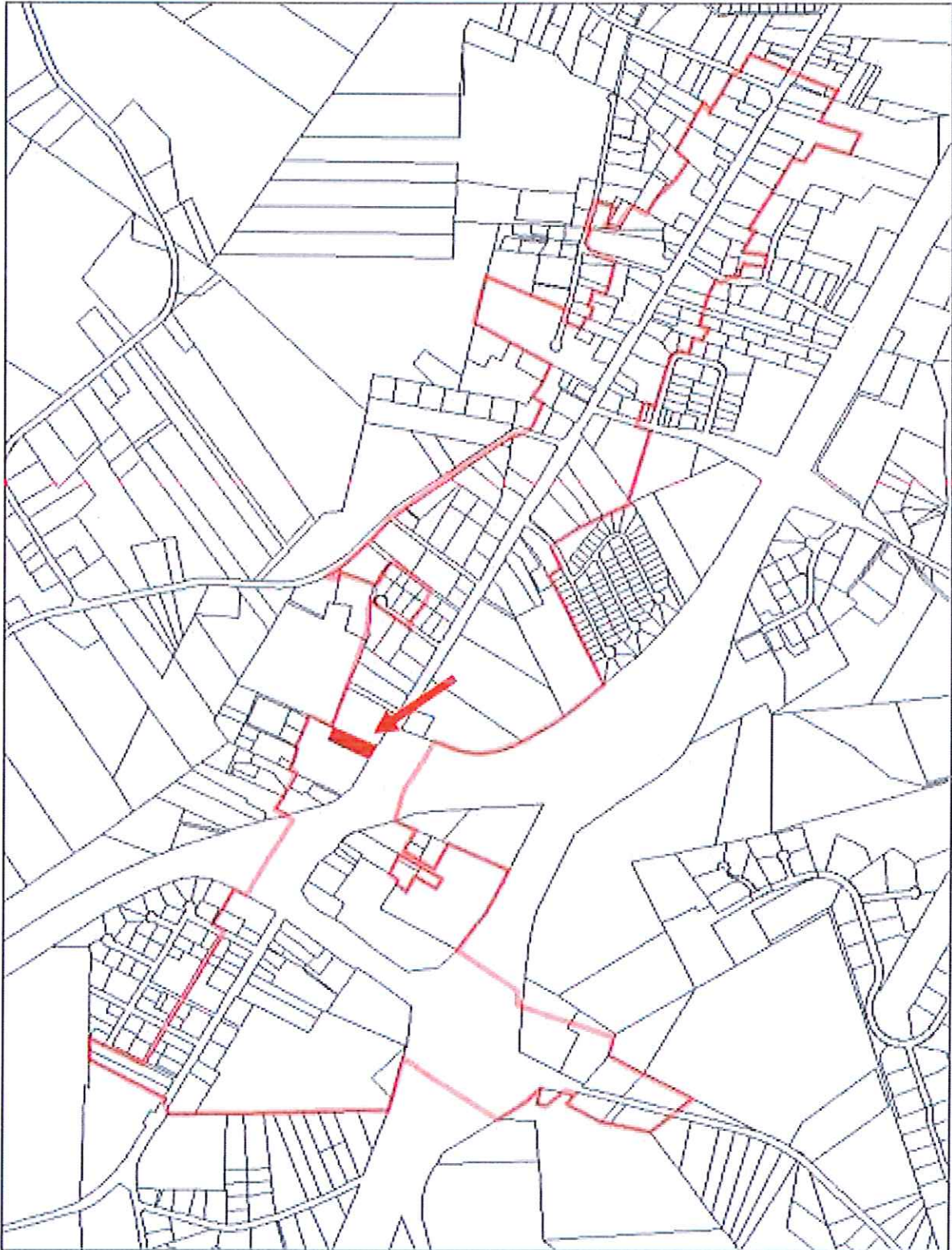


EXHIBIT "H"
Eastover Commercial Core Overlay District



ATTACHMENT – MAILING LIST

HERRING, JOYCE
3159 AGLOW DR
EASTOVER, NC 28312

EDWARDS, LONDON H; EDWARDS, NANCY S
1578 DUNN RD
EASTOVER, NC 28312

SHREE GANESHJI LLC
4121 LATHBURY LANDING WAY
CARY, NC 27513

MCLAURIN, JESSIE ALFORD
3071 HATCHER LN
EASTOVER, NC 28312

ALFORD, ELLA RUTH LIFE ESTATE
3093 HATCHER LN
EASTOVER, NC 28312

HARRELL, DIANE TRUSTEE
PO BOX 53729
FAYETTEVILLE, NC 28305

ALFORD, SHERICE ALEXANDER; ALFORD,
ELLA RUTH
3093 HATCHER LN
EASTOVER, NC 28312

COGDELL, CHARLES H IV; COGDELL, CAROLYN;
BAGGETT, WILLIAM JOSEPH; MARTIN, MARY
WEBER BAGGETT; BAGGETT, JOSEPH WOODROW
JR; BAGGETT, BENJAMIN HUSKE
2011 LITTLE PALM WAY
WILMINGTON, NC 28480

JONES, THELMA COGDELL; JONES, JOHN
WESLEY
5801 EDMESTON DR
FAYETTEVILLE, NC 28311

MCCALL, ALBERT JR; MCCALL, MARY
652 HILLEY ST
HOPE MILLS, NC 28348

PURDUE DR INVESTMENTS LLC
304 SUMMERTIME RD
FAYETTEVILLE, NC 28301

BAGGETT, MARY SUSAN; LEE, ROY
3602 DUNN RD
EASTOVER, NC 28312

SMITH, LEVETTA GAINEY; MATTIE, LEVETTA
GAINEY SMITH; MATTIE, LEVETTA GAINEY
SMITH
3136 AGLOW DR
EASTOVER, NC 28312

EASTOVER VOLUNTEER FIRE DEPARTMENT,
INC
3405 DUNN RD
EASTOVER, NC 28312

LOJOBI LLC
12001 JASMINE COVE WAY
RALEIGH, NC 27614

WILLIAMS, ALICE
467 SHORELINE DR
FAYETTEVILLE, NC 28311

CUMBERLAND COUNTY BD OF ED
PO BOX 2357
FAYETTEVILLE, NC 28302

SCALLY, JOHN C JR; LIFE ESTATE; SCALLY,
SYLVIA LIFE ESTATE
2805 EASTOVER NORTH DR
EASTOVER, NC 28312

NIEVES, EDGARDO; NIEVES, CARMEN G
3423 DUNN RD
EASTOVER, NC 28314

PARKER, JAMES MICHAEL; PARKER, JOANN
POWERS
3199 ORANGEBURG DR
EASTOVER, NC 28312

JONES, JAMES O HEIRS
PO BOX 706
FAYETTEVILLE, NC 28302

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 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 \$ 700 (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 Kenneth & Dana Thurmond
2. Address: 2417 Tucker Rd Zip Code 28312
3. Telephone: (Home) 9103086868 (Work) 9104830455
4. Location of Property: 3353 Dunn Rd
5. Parcel Identification Number (PIN #) of subject property: 0468278611000
(also known as Tax ID Number or Property Tax ID)
6. Acreage: 1.189 Frontage: 131' Depth: 414'
7. Water Provider: Eastover Sanitary Septage Provider: Eastover Sanitary
8. Deed Book 8052, Page(s) 0770, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
9. Existing use of property: Church
10. Proposed use(s) of the property: Outdoor Power Equipment Sales & Service, Garden, & Hardware

NOTE: Be specific and list all intended uses.

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

TO: (Select one)

- ✓ Conditional Zoning District, with an underlying zoning district of CP ~~Eastover~~
(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.) *Outdoor Power Equipment Sales & Service, Garden & Hardware*

B. Density: List the amount of acreage that will be residential, commercial, and/or open space, and the number of lots and/or dwelling units proposed, and the square footage of the non-residential units. *1.189 acre*

2. DIMENSIONAL REQUIREMENTS:

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

*Sides - 20'
Rear - 20'
Front - 20'*

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

10 total with 1 being handicap

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.

4. LANDSCAPE AND BUFFER REQUIREMENTS:

A. For all new non-residential and mixed use development abutting a public street, indicate the number and type of large or small ornamental trees used in the streetscape, yard space, and/or parking areas, plus the number and type of shrubs. (Sec. 1102N). NOTE: All required landscaping must be included on the site plan. Per DOT - no trees to be planted in front.

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.

existing tree line

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.

Monday - Friday 7:30 to 5:30, Saturday 8-12
Closed Sunday. Number of Employees - 10,

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.

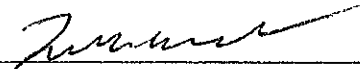
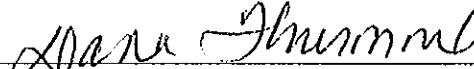
I further understand I must voluntarily agree to all ordinance related conditions prior to the first hearing on the case or any disagreement may be cause for an unfavorable recommendation. The undersigned hereby acknowledge that the Planning and Inspections Staff has conferred with the petitioner or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

Kenneth and Dana Thurmond
NAME OF OWNER(S) (PRINT OR TYPE)

2417 Tucker Rd Eastver, NC 28312
ADDRESS OF OWNER(S)

eastvertradingcompany@aol.com
E-MAIL

910 308 10808 910 483 0455
HOME TELEPHONE WORK TELEPHONE

 
SIGNATURE OF OWNER(S) SIGNATURE OF OWNER(S)

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

2417 Tucker Rd Eastver, NC 28312
ADDRESS OF AGENT, ATTORNEY, APPLICANT

910 308 10808 910 483 0455
HOME TELEPHONE WORK TELEPHONE

eastvertradingcompany@aol.com 910 433 4329
E-MAIL ADDRESS FAX NUMBER


SIGNATURE OF AGENT, ATTORNEY, OR APPLICANT



PLANNING AND INSPECTIONS DEPARTMENT

MEMORANDUM FOR JOINT PLANNING BOARD AGENDA OF NOVEMBER 15, 2022

TO: JOINT PLANNING BOARD

FROM: CUMBERLAND COUNTY PLANNING & INSPECTIONS DEPARTMENT

DATE: 11/15/2022

**SUBJECT: ZON-22-0072: REZONING FROM R6 RESIDENTIAL DISTRICT / CU
CONDITIONAL USE ZONING TO R5 RESIDENTIAL DISTRICT / CZ
CONDITIONAL ZONING OR TO A MORE RESTRICTIVE ZONING
DISTRICT FOR 20.48 +/- ACRES; LOCATED OFF CELEBRATION
DRIVE, EAST OF CHICKEN FOOT ROAD; SUBMITTED BY JUNE
COWLES (APPLICANT) ON BEHALF OF CAROLINIAN PROPERTIES
INC (OWNER).**

ATTACHMENTS:

Description

Case ZON-22-0072

Type

Backup Material

Location: South of Celebration Dr. and
East of Chickenfoot Rd.
Jurisdiction: County-Unincorporated

REQUEST

Rezoning R6/CU to R5/CZ

Applicant requests a rezoning from R6/CU Residential Conditional Use District to R5/CZ Residential Conditional Zoning District for one parcel of approximately 20.48 acres located on Celebration Dr. east of Chickenfoot Rd. The site location is shown in Exhibit "A". The parcel is currently vacant land. The intent of the property owner is to increase the density for a multifamily apartment complex to allow the unit yield to increase from 206 units to 264 units.

The proposed multi-family development includes 264 apartments, a management office/swimming pool facility, and several enclosed garages/storage buildings. Primary public road access is from Celebration Drive and an emergency access is proposed from the southwest project area to Chickenfoot Road. A conditional use site plan is provided in Exhibit "F" with the conditions of approval.

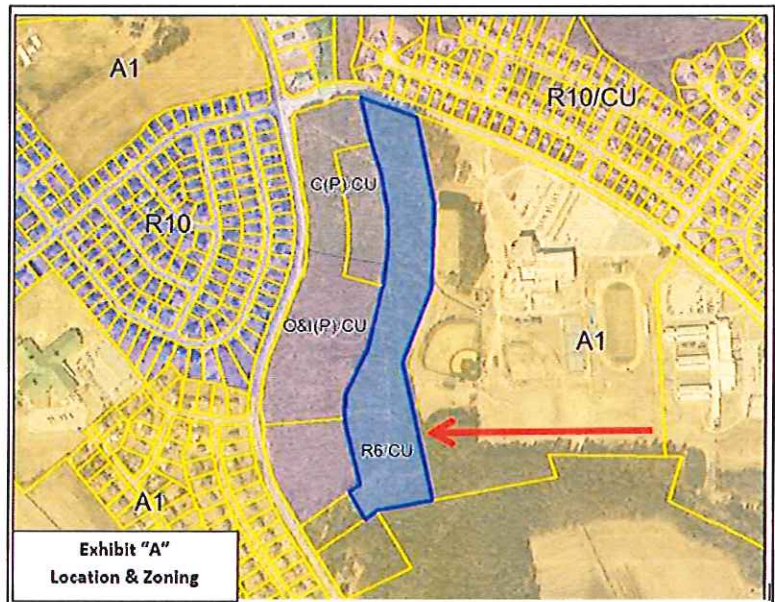
PROPERTY INFORMATION

OWNER/APPLICANT: Carolinian Properties, Inc. (Owner). June Cowles of WitherRavenel (Applicant)

ADDRESS/LOCATION: Refer to Exhibit "A", Location and Zoning Map. REID number: 0422767202000.

SIZE: 20.48 +/- acres within one parcel. Road frontage along Celebration Dr. is a combined 385 +/- feet. The property is approximately 2,600 +/- feet in length at its deepest point.

EXISTING ZONING: The subject property is currently zoned R6/CU. Minimum lot size for this district is 6,000 sq ft. This is a district designed for a mix of single- and multi-family dwellings.

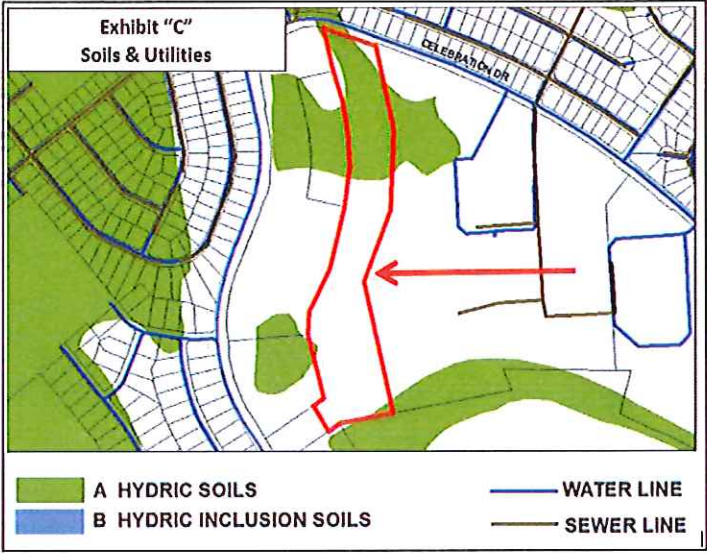
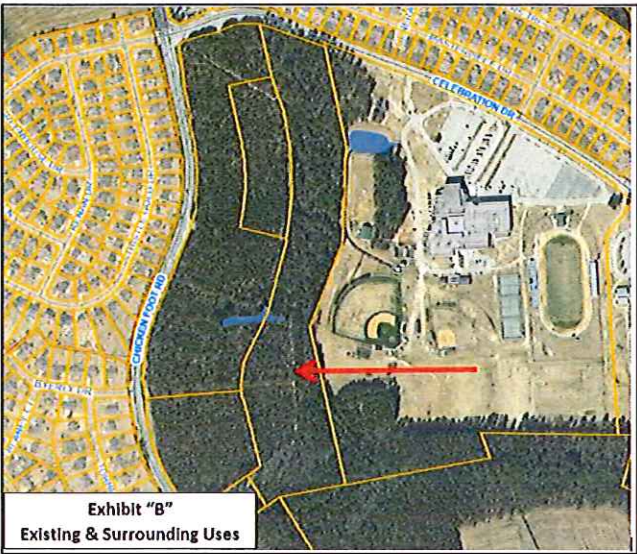


EXISTING LAND USE: Land is currently vacant woodland. Exhibit "B" shows the existing use of the subject property.

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

- **North:** Single family residential neighborhood
- **East:** Grays Creek High School
- **West:** Wooded lands and single-family residential neighborhoods
- **South:** Wooded lands and farmland

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 "D", illustrates presence of hydric soils at the northern third of the property.



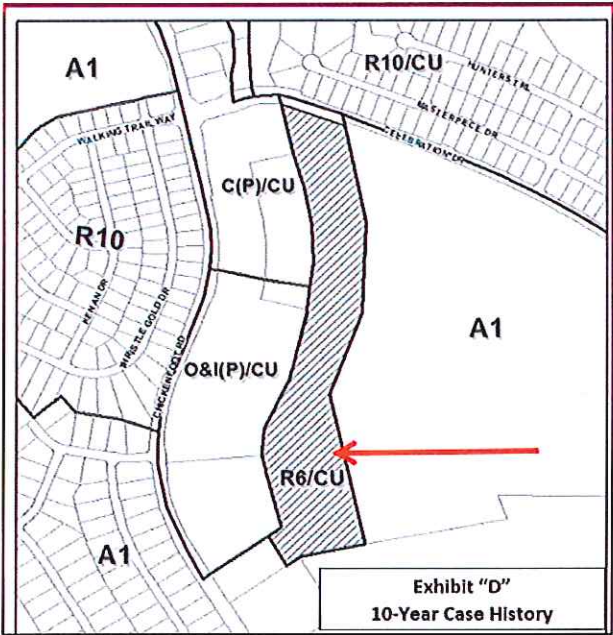
TEN YEAR ZONE CASE HISTORY:

Exhibit "E" denotes the location of the 10-year zoning case history described below. There is no case history for this area

DEVELOPMENT REVIEW:

Applicant has submitted a site plan addressing submittal requirement pursuant to Zoning Ordinance Section 1402, as well as the additional review criteria of Zoning Ordinance Sections 1102 & 1202. The proposed site plan has been submitted also addressing submittal requirements pursuant to Subdivision Ordinance Section 2401.

-Applicant has reviewed conditions presented by Current Planning Staff (Attachment F)



DIMENSIONAL PROVISIONS FOR REQUESTED DISTRICT:

Minimum Standard	R6/CU (Existing Zoning)	R5 (Zoning)	R5/CZ (Proposed)
Front Yard Setback	25 ft	25 ft	As shown on site plan and within the conditions of approval – see below.
Side Yard Setback	10 ft (one story) 12 ft (two story)	10 ft (one story) 10 ft (two story); rises w/additional stories	
Rear Yard Setback	30 ft	30 ft	
Lot Area	6,000 sq ft	5,000 sq.ft., then varies by unit count	
Lot Width	60 ft	60 ft	

Project Setbacks:

Setback Standards. Minimum setback standards for this residential development – for both the single family and multi-family lots --shall be:

Grey's Creek High School Property Line --	Building or garage --	21 feet
	All other --	30 feet
South property line --	Building or garage --	30 feet
	All other --	50 feet
Celebration Drive ROW --	Building or accessory structure ---	50 feet
Western property line --	Building, garage, or accessory structure-	21 feet

DEVELOPMENT POTENTIAL:

Existing Zoning (R6/CU)	Zoning (R5)*	Proposed Conditional Zoning (R5\CZ)**
174 dwelling units	468 dwelling units	264 Units

(*) Estimated lot yield based on the following calculation

- 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.

(**) Based on the Conditional Zoning Site Plan

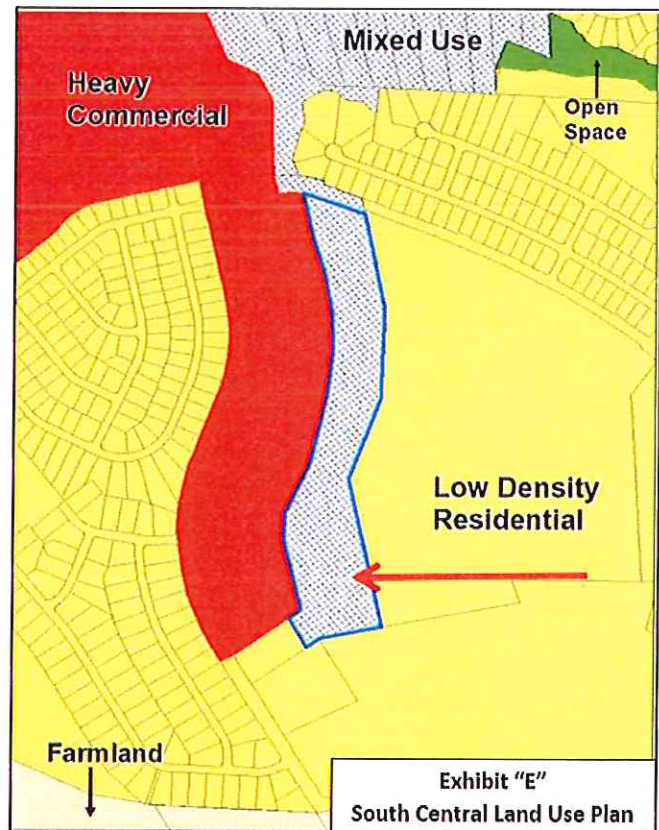
COMPREHENSIVE PLANS:

This property is located within the South-Central Land Use Plan (2015). The future land use classification of the property is "Mixed Use".

Associated zoning districts for this classification are: R5, MXD/CZ, C(P), C1(P), C2(P) and O&I(P). **The proposed rezoning request is consistent with the adopted Land Use Plan.**

Associated plan goals and policies that may be considered include the following:

- Promote the building of quality housing.
- Provide flexibility for mixed-use and higher density developments to locate close to existing or future commercial centers.
- Promote infill development.



IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES

UTILITIES: PWC 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 "D". The project will be required to connect to the central water and sewer systems.

TRANSPORTATION: According to the Fayetteville Area Metropolitan Planning Organization (FAMPO), the subject property sits just east of the corner of Celebration Drive and Chickenfoot Road. Celebration Drive is identified as a local road in the Metropolitan Transportation Plan and Chickenfoot Road is identified as a major collector 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, Chickenfoot Rd has a 2020 AADT of 12,000 and an estimated road capacity of 15,800. Celebration Drive does not have a 2020 AADT nor does it have a road capacity listed. The trip generation of 264 multi-family housing is calculated below:

AM Peak: 74 trips, 17% entering, 83% exiting (264 dwelling units X average rate of 0.28 = 74 trips)

PM Peak: 84 trips, 63% entering, 37% exiting (264 dwelling units X average rate of 0.32 = 84 trips)

The proposed development will not generate enough traffic to place it over its current capacity of 15,800 and will not significantly impact Chickenfoot Rd.

SCHOOLS CAPACITY/ENROLLMENT:

School	Capacity	Enrollment
Galberry Farm Elementary	884	897
Gray's Creek Middle	1083	1125
Gray's Creek High	1517	1396

The proposed apartment complex abuts Greys Creek High School along the entire eastern project boundary line. Galberry Farm Elementary School is located one-quarter mile to the west of the temporary emergency road entrance to the apartment complex.

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 states that all applicable fire department access requirements must be met in accordance with Section 503 of the 2018 NC Fire Code & the fire protection water supply requirements must be met in accordance with Section 507 of the 2018 NC Fire Code.

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: See Exhibit "F" for the Conditions of Approval and Conditional Zoning Site Plan. The applicant has reviewed and accepted these conditions.

STAFF RECOMMENDATION

In Case ZON-22-0072, Planning and Inspections staff **recommends approval** of the rezoning request from R6/CU Residential District Conditional Use to R5/CZ Residential Conditional Zoning District. Staff finds the request is consistent with the South-Central 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; Access Agreement

Exhibit "F"
Conditions of Approval
ZON-22-0072

ZON-22-0072: Rezoning from R6 Residential District / CU Conditional Use Zoning to R5 Residential District / CZ Conditional Zoning or to a more restrictive zoning district for 20.48 +/- acres; located off Celebration Drive, east of Chicken Foot Road

The property delineated with Exhibit "A" is subject to the following conditions:

A. Applicability: All use and development of the property applicable to this Conditional Zoning (ZON-22-072) and as delineated in Exhibit "A" shall occur consistent with the standards and requirements of the R5 Residential Zoning District unless otherwise stated herein. If any standards herein are inconsistent with the Zoning or Subdivision ordinance, the conditions set forth herein shall supersede and apply to the development of the property delineated in Exhibit "A." If not expressly stated herein the R5 Residential standards shall apply.

B. Permitted and Prohibited Uses.

1. Use of the site is limited to 264 multi-family units and accessory structures as shown on the Conditional Zoning Site Plan appearing in Exhibit "A".

C. Development Standards.

1. Setback Standards. Minimum setback standards for this residential development -- for both the single family and multi-family lots --shall be:

Grey's Creek High School Property Line -- Building or garage -- 21 feet
All other -- 30 feet

South property line -- Building or garage -- 30 feet
All other -- 50 feet

Celebration Drive ROW -- Building or accessory structure --- 50 feet

Western property line -- Building, garage, or accessory structure -- 21 feet

Minimum distance between buildings shall be determined by building code.

2. Accessory structure: garage/storage buildings and the office/club house/pool facility shall have minimum setback as shown on the conditional zoning site plan. Any other accessory structures shall follow the minimum setback standards for the R5 zoning district.
3. Signage for this development be in accordance with the applicable sign regulations as set forth in Article IX of the County Zoning Ordinance and that the proper permit(s) be obtained prior to the installation of any permanent signs on the property. Note: This conditional approval is NOT approval for the size, shape, or location of any signs.

D. Infrastructure and Utilities

1. Water and Sewer:

- a. A building must be connected to central water and sewer prior before issuance of a certificate of occupancy.
- b. 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.)

2. Roads/Access:

- a. The developer must obtain a driveway permit from the NC Department of Transportation prior to construction of the driveway.
- b. The proposed emergency access connecting to Chickenfoot Road shall be permanent unless changed to a public road in the future or if its relocation is approved by the Current Planning Division. The emergency access driveway shall be designed and constructed according to minimum standards set forth in Chapter V, Section 503 of the State Fire Code: 20 foot wide, 13.6 foot high clearing; capable of supporting at minimum a 75,000 lbs. vehicle in all-weather driving conditions, provides a suitable turnaround area in the form of a cul-de-sac or hammerhead at the end of the access driveway; and as further described in Section 503 and by the County Fire Marshal. The secondary access must be constructed and established prior to issuance of a certificate of occupancy for the building holding the 100th residential unit.
- c. Off-Site Road Improvements. Turn lanes may be required by the NC Department of Transportation (NCDOT). [Art. XIV, County Zoning Ord. & NCGS §136-18(5) & §136-93]. Developer must coordinate with NCDOT prior to submittal of any preliminary subdivision plan regarding off-site road improvements.

3. Stormwater and Drainage:

- a. 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 Environmental Quality. 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.
- b. 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.) The homeowner's association shall be responsible for maintain all stormwater facilities unless otherwise required by the NCDEQ.
- c. 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.)

d. 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. Other Utilities.

a. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306.C, County Subdivision Ord.) That any lighting used to illuminate off-street parking areas shall be subject to the same standards as listed in Section 1102.M.

b. That garbage collection be provided in a manner approved by the County Environmental Health Department. Dumpsters shall be located on a concrete pad and screened around three sides at minimum.

F. Development Review Process.

1. That the owner(s)/developer(s) of these lots obtain detailed instructions on permits required to place a structure within this development from the Inspections Department at 130 Gillespie Street Room 106. The Inspections Department will need a copy of the approved condition sheet and map for additional information.
2. Prior to any clearing or grading of the subject property, a group development permit and site plan must be approved by the County Current Planning Section. A construction phasing plan shall be provided with the group development site plan and shall identify construction staging areas.
3. No occupancy permit be issued until the zoning administrator inspects the site and certifies that the site is developed in accordance with plans.

G. Plat-Related. If a plat is required, the following must be met by the developer/owner:

1. All building footprints shall be shown on the final plat and all common areas, recreation areas and facilities shall be labeled on the final plat.
2. That the final plat must be submitted to Planning Staff for review and approval for recording; and that the plat must be consistent with the conditional zoning site plan and the group development site plan. The final plat must be recorded prior to any permit application on any structure and/or prior to the sale of any lot or unit in this development.
3. That any/all easements appear on the final plat.

H. Other Conditions.

1. Use and Development Conditions. This conditional zoning and the site plan conditions of approval are 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, State agencies, 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.

2. 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.
3. All modifications, including changes in use and/or increase in density, to approved Conditional Zoning districts, other than those listed below, shall be reviewed in the same manner as a new project (Cumberland County Zoning Ordinance, Section 506).
4. A site-specific address and tax parcel number be provided at the time of building/zoning permit application.
5. A phased development, phase two and subsequent phases be recorded showing the changes of the number of units for buildings 2-11, to include garages and parking spots allotted.

WALKING TRAIL WAY

CHICKEN FOOT ROAD

BYERLY DRIVE

SODAWATER CONTROL HOUSE

CEMENTATION DRY

BLOCK 1

BLOCK 2

BLOCK 3

BLOCK 4

BLOCK 5

BLOCK 6

BLOCK 7

BLOCK 8

BLOCK 9

BLOCK 10

BLOCK 11

PLANNING PLAN

EX-2

MALLARD CREEK CONDITIONAL ZONING SITE PLAN

CLARKVILLE, MISSOURI

CAVINES & CATES CONSULTANTS

WithersRavenel Engineers | Planners | Surveyors

ATTACHMENT – ACCESS AGREEMENT

From: Prewitt Land Company, LLC
2126 Cypress Lakes Road
Hope Mills, NC 28348

October 4th, 2022

To: Watson Caviness
639 Executive Place, Suite 400
Fayetteville, NC 28305

RE: Cross Access Agreement, Tax Parcel 0422762439000, 20.43 acs

Dear Mr. Caviness,

Please accept this letter as an agreement from Prewitt Land Company, LLC to provide an access easement through the parcel 0422762439000.

The access easement will be established through a formal agreement and exhibit to be recorded with the Cumberland County Registrar of Deeds at the time of site plan or rezoning approval. The easement will stay in place until such time when the property is developed to its intended use of commercial. When the parcel is developed, the cross-access easement will be honored.

Sincerely,



Prewitt Land Company, LLC, member

Cumberland

County, North Carolina

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she sign the foregoing document:

William E. Prewitt

Name of principal

Date: October 4, 2022



Official Signature of Notary

Loretta J. Faircloth, Notary Public

My commission expires June 8, 2023

ATTACHMENT – MAILING LIST

PREWITT LAND CO LLC
2125 CYPRESS LAKES RD
HOPE MILLS, NC 28348

SHIRLEY MOORE; JONTHAN R. HAIR
1104 MASTERPIECE DR
HOPE MILLS, NC 28348

KAREN B. HILL
1208 MASTERPIECE DR
HOPE MILLS, NC 28348

JAMES P. GROSS; LISA A. GROSS
1188 HUNTERS TRL
HOPE MILLS, NC 28348

JEROME L. ROUSE
625 TORHUNTA DR
HOPE MILLS, NC 28348

JILLIAN R. THOMPSON
1112 MASTERPIECE DR
HOPE MILLS, NC 28348

JASON F GONZALES; JOSIE ROJAS
1017 THISTLE GOLD DR
HOPE MILLS, NC 28348

TYLER L BRANSCOM; GENIFER BRANSCOM
1135 MASTERPIECE DR
HOPE MILLS, NC 28348

CHRISTOPHER MOSSE; JEWELS GROVE
517 TORHUNTA DRIVE
HOPE MILLS, NC 28348

5490 CELEBRATION DRIVE LLC
5490 CELEBRATION DR
HOPE MILLS, NC 28348

THOMAS H BARBER; SILVIA P BARBER
1127 MASTERPIECE DR
HOPE MILLS, NC 28348

DAMON C AUBIN; CARSON A AUBIN
1184 HUNTERS TRL
HOPE MILLS, NC 28348

JEFFREY EVENS; DIANA BROWN-EVENS
1209 MASTERPIECE DR
HOPE MILLS, NC 28348

BIRCHWOOD FARMS INC
2126 CYPRESS LAKES RD
HOPE MILLS, NC 28348

ERIC J DERCOLE
1111 MASTERPIECE DR
HOPE MILLS, NC 28348

ANTHONY F PILLOT; ROSALINA PILLOT
605 TORHUNTA DR
HOPE MILLS, NC 28348

KENNETH L HOWARD; NURECINE L
HOWARD
5310 GENERATOR LN
HOPE MILLS, NC 28348

DONALD J KULP; BARBARA J KULP
1021 THISTLE GOLD DR
HOPE MILLS, NC 28348

RONNIE M HOLLAND; PATSY T HOLLAND
1132 MASERPIECE DR
HOPE MILLS, NC 28348

DANNY GLEATON; MARGARET GLEATON
3022 POLLY ISLAND RD
AUTRYVILLE, NC 28348

CYNTHIA B OSGOOD
621 TORHUNTA DR
HOPE MILLS, NC 28348

MARK W COBB; SUTASINI N COBB
1100 MASTERPIECE DR
HOPE MILLS, NC 28348

FRANK A VILLAR; MEGAN J VILLAR
1105 MASTERPIECE DR
HOPE MILLS, NC 28348

PAUL ANTHONY REBULTAN
1119 MASTERPIECE DR
HOPE MILLS, 28348

MARK T ABENDSCHEIN; BELINDA A
ABENDSCHEIN
5499 WALKING TRAIL WAY
HOPE MILLS, NC 28348

LEO WAITE; NANCY WAITE
2021 BRAXTON ST
CLERMONT, FL 34711

JOSHUA DELGADO; CARISSA R DELGADO
1128 MASTERPIECE DR
HOPE MILLS, NC 28348

CHARLIE SMALL JR; ELENITA SMALL
1013 THISTLE GOLD DR
HOPE MILLS, NC 28348

TERRY DANIELS; MIRANDA DANIELS
1005 THISTLE GOLD
HOPE MILLS, NC 28348

TINA C NELSON
521 TORHUNTA DR
HOPE MILLS, NC 28438

ATTACHMENT – MAILING LIST

CAROLINIAN PROPERTIES INC
639 EXECUTIVE PL 400
FAYETTEVILLE, NC 28305

MARSHALL BARNETTE; TERRI MARLEY
1579 CHICKEN FOOT RD
HOPE MILLS, NC 28348

BRYNTON E HESTER; KATHRYN N HESTER
1123 MASTERPIECE DR
HOPE MILLS, NC 28348

PAULA A JOHNSON; ROSEANNE M
JOHNSON
1202 HUNTERS TRL
HOPE MILLS, NC 28348

TOMI KING; WILLASEANIA KING
1101 MASTERPIECE DR
HOPE MILLS, NC 28348

GERARD E WINFREY; SHERION B WINFREY
1115 MASTERPIECE DR
HOPE MILLS, NC 28348

LEOTIS BELL; RENIE D BELL
1205 MASTERPIECE DR
HOPE MILLS, NC 28348

JEFFREY F MONROE; KAREN R MONROE
1131 MASTERPIECE DR
HOPE MILLS, NC 28348

TEAM INVESTORS IN
120 WESTLAKE RD 4B
FAYETTEVILLE, NC 28306

JOHN D FARBY; ANGEL FABRY
1120 MASTERPIECE DR
HOPE MILLS, NC 28348

MARK R LUPTON; LAURA L LUPTON
1025 THISTLE GOLD DR
HOPE MILLS, NC 28348

MICHAEL B CLARK; SHANNON D CLARK
1029 THISTLE GOLD DR
HOPE MILLS, NC 28348

THOMAS M STOVALL; AMY G STOVALL
1204 MASTERPIECE DR
HOPE MILLS, NC 28348

MATTHEW SHAWON PUHR; LISA PUHR
1212 MASTERPIECE DR
HOPE MILLS, NC 28348

ARMANDO RUIZ JR; GABRIELA E RUIZ
1009 THISTLE GOLD DR
HOPE MILLS, NC 28348

ESTERLENE LILLY
7010 KALMIA LN
HOPE MILLS, NC 28348

CUMBERLAND COUNTY BD OF ED
PO BOX 2357
FAYETTEVILLE, NC 28302

JOSE YE TRUSTEE; NILDA YE TRUSTEE
921 RIVERA ST
SAN FRANCISCO, CA 94116

AMBER TILLMAN MORROW
609 TORHUNTA DR
HOPE MILLS, NC 28348

MCNEIL FARM I LLC
1471 CLIFTON MCNEIL RD
HOPE MILLS, NC 28348

JEOL M RAINEY
1116 MASTERPIECE DR
HOPE MILLS, NC 28348

SOUTHEASTERN REGIONAL MEDICAL
CENTER
300 W. 27TH ST
LUMBERTON, NC 28358

MARY GAINEY
3314 FIRE DEPT RD
HOPE MILLS, NC 28348

JOSLYN DIXON
5498 WALKING TRAIL WAY
HOPE MILLS, NC 28348

DAVID K SHOEMAKER; KATIE C SHOEMAKER
1192 HUNTERS TRL
HOPE MILLS, NC 28348

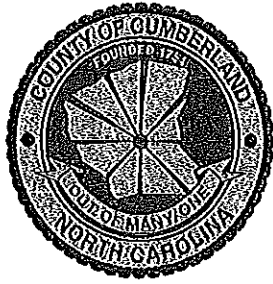
VIEMARIE FLORES
617 TORHUNTA DR
HOPE MILLS, NC

SHAWN E LUDLUM; ROBIN H LUDLUM
1216 MASTERPIECE DR
HOPE MILLS, NC 28348

DAVID LEE SYLVESTER; AMY M SYLVESTER
1108 MASTERPIECE DR
HOPE MILLS, NC 28348

RUSSELL LUGO; NAOMI LUGO
18 E 37TH ST
PATTERSON, NJ 07514

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 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 \$ 500.00 (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 WithersRavenel
2. Address: 137 S. WILMINGTON ST #200, RALEIGH, NC Zip Code 27601
3. Telephone: (Home) _____ (Work) 919-469-3340
4. Location of Property: 0 CELEBRATION DR
5. Parcel Identification Number (PIN #) of subject property: 0422-76-7202
(also known as Tax ID Number or Property Tax ID)
6. Acreage: 20.48 ac Frontage: ~385 ft Depth: ~2,600 ft
7. Water Provider: PWC Septage Provider: PWC
8. Deed Book 6338, Page(s) 0785-0788, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
9. Existing use of property: Vacant
10. Proposed use(s) of the property: Multi-family dwellings

NOTE: Be specific and list all intended uses.

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

TO: (Select one)

- X Conditional Zoning District, with an underlying zoning district of R5
(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.)

Please see the attached list of Proposed uses.
15 units per acre Maximum Density.

- 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.

20.48 acres of residential units. 264 dwelling units proposed.
Approximately 12.89 units/acre.

2. DIMENSIONAL REQUIREMENTS:

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

The proposed site shall meet the dimensional requirements of the proposed underlying district (R5) per Sec. 1104 of the Cumberland County Zoning Ordinance.

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

569 spaces proposed. Off-street parking spaces, drive areas and entrances to any structure shall be designed and constructed to the standards of the N.C. Building Code, or other applicable Federal, State or local regulation.

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.

The proposed site shall meet the requirements of Article XIII Sign Regulations of the Cumberland County Zoning 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.**

No trees required, only multi-family dwellings proposed. The required landscaping will be included on the site plan for Multi-family dwellings. A preliminary site plan is included showing landscape buffers.

- 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.**

Please see the preliminary site plan. Buffers are located along the perimeter as shown on the preliminary site plan:

5. MISCELLANEOUS:

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

No additional information. The proposed use is multi-family buildings and as such the site will be consistent with the Zoning Ordinance, (lighting, parking, setbacks, height, 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 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.

CAROLINIAN PROPERTIES INC

NAME OF OWNER(S) (PRINT OR TYPE)

639 EXECUTIVE PL 400, FAYETTEVILLE, NC 28305

ADDRESS OF OWNER(S)

Casey@cavinessandcates.com

E-MAIL

HOME TELEPHONE

910-481-0503

WORK TELEPHONE

SIGNATURE OF OWNER(S)

Watson Caviness

SIGNATURE OF OWNER(S)

WithersRavenel, June Cowles Senior Planner

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

137 S. WILMINGTON ST #200, RALEIGH, NC 27601

ADDRESS OF AGENT, ATTORNEY, APPLICANT

919-469-3340

HOME TELEPHONE

WORK TELEPHONE

jcowles@withersravenel.com

E-MAIL ADDRESS

FAX NUMBER

Cowles, June

Digitally signed by Cowles, June
DN: E=jcowles@withersravenel.com, CN="Cowles, June",
OU=Raleigh, OU=WRUsers, DC=wrinternal01, DC=com
Date: 2022.09.13 07:47:08 -0400

SIGNATURE OF AGENT, ATTORNEY, OR APPLICANT

Proposed Permitted Uses:

Accessories Uses, (Incidental to any permitted use)

Bed and Breakfast

Dwelling Multiple Family and Single

Fire Station/Emergency Services

Home Occupation (Incidental)

Library

Public Utilities/Substation

Religious Worship Activities

Schools

Swimming Pools (Incidental to principal use)

Proposed Uses that Require Special Use Permits:

Assemblies, Community assembly hall, armory, stadium, coliseum, community centers, etc)

Club or Lodge

Daycare Facility

Nursing Home/Convalescent Home/Hospital/Retirement Home

Recreation or Amusement Public/Private

Tower



PLANNING AND INSPECTIONS DEPARTMENT

MEMORANDUM FOR JOINT PLANNING BOARD AGENDA OF NOVEMBER 15, 2022

TO: JOINT PLANNING BOARD

FROM: CUMBERLAND COUNTY PLANNING & INSPECTIONS DEPARTMENT

DATE: 11/15/2022

SUBJECT: ZON-22-0074: REZONING FROM R6 RESIDENTIAL, C3 PLANNED COMMERCIAL AND C(P) PLANNED COMMERCIAL DISTRICTS TO C(P) PLANNED COMMERCIAL DISTRICT / CZ CONDITIONAL ZONING OR TO A MORE RESTRICTIVE ZONING DISTRICT FOR 5.51 +/- ACRES; LOCATED WEST OF GILLESPIE STREET, SOUTH OF MOODY STREET; SUBMITTED BY RONALD HAMMOND (APPLICANT) ON BEHALF OF ANNETTE AUTRY TRUST (OWNER).

ATTACHMENTS:

Description

Case ZON-22-0074

Type

Backup Material

REQUEST

Rezoning R6, C3, & C(P) to C(P)/CZ

Applicant requests a rezoning from R6 Residential District, C3 Heavy Commercial District, and C(P) Planned Commercial District to C(P)/CZ Planned Commercial District Conditional Zoning for a 5.51 acre parcel located south of Charles Street, north of W. Mountain Drive and west of Gillespie Street, as shown in Exhibit "A". The applicant is proposing a trades contractor vehicle and dump truck parking for a business owned by the applicant. The property owner also owns a half-acre parcel that abuts the southwest corner of subject rezoning property, which is assigned a C3 Commercial zoning district. This parcel has approximately 105 lineal feet of frontage along W. Mountain Drive, allowing access to the rezoning property. The subject rezoning site also abuts Charles Street, but the applicant has indicated that this residential street will not be used by the proposed trade contractor yard, and the Conditions of Approval prohibit use of Charles Street. If the rezoning is approved for the 5.5 acre rezoning site, the applicant proposes to purchase both parcels. A conditional zoning site plan and conditions of approval appear in Exhibit "E" and "F", respectively.

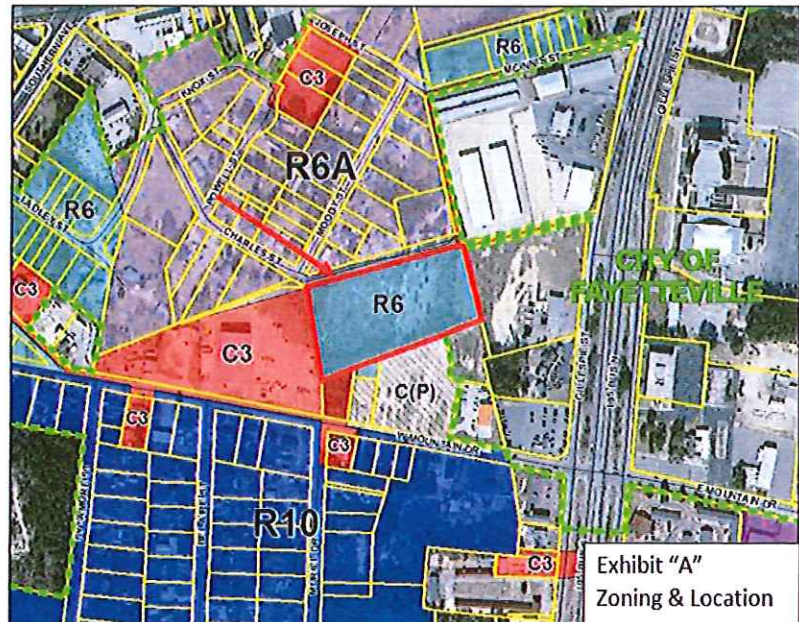
PROPERTY INFORMATION

OWNER/APPLICANT: Ronald Hammond (Applicant) on behalf of Annette Autry Trustee (Owner).

ADDRESS/LOCATION: Refer to Exhibit "A", Location and Zoning Map. REID number: 0426909378000

SIZE: 5.51 +/- acres with 21.1 +/- feet along Gillespie Street. The property has a varying depth due to its rectangular shape but is approximately 1,182.61 +/- feet in length at its deepest point.

EXISTING ZONING: The buildable portion of the subject property is currently zoned R6 Residential District. C3 and C(P) zoning are located along the flagpole portion. The minimum lot size for the R6 district is 6,000 square feet. This district is designed for a mix of single- and multi-family dwellings.

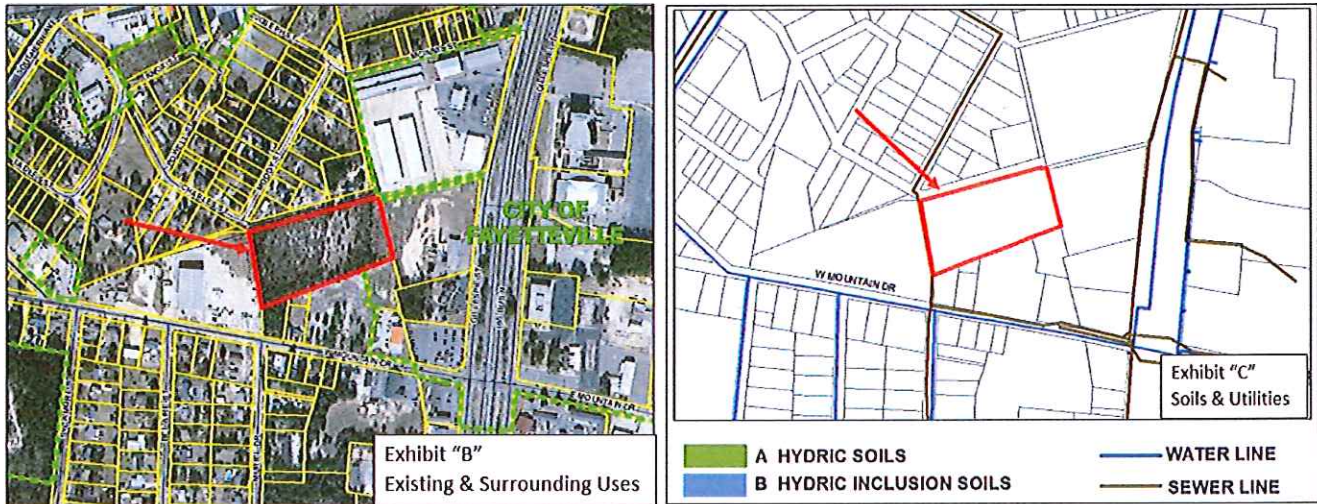


EXISTING LAND USE: The parcel is currently vacant. Exhibit "B" shows the existing use of the subject property.

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

- **North:** Single Family residential, Commercial, and Fayetteville City Limits
- **East:** Commercial, Fayetteville City Limits
- **West:** Commercial; truck storage yard
- **South:** Single Family residential, Commercial, and Fayetteville City Limits

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 presence of hydric or hydric inclusion soils at a small portion of the northeast corner of the property.



DEVELOPMENT REVIEW: Site Plan review by County Planning & Inspections will be required before any development. This site plan must be consistent with the conditional zoning site plan.

DIMENSIONAL PROVISIONS FOR REQUESTED DISTRICT:

Minimum Standard	R6 (Existing Zoning)	C(P)/CZ (Proposed)
Front Yard Setback	25 feet	50 feet
Side Yard Setback	10 feet (one story) 12 feet (two story)	30 feet
Rear Yard Setback	30 feet	30 feet
Lot Area	6,000 sq. ft.	N/A
Lot Width	60'	N/A

Development Potential:

Existing Zoning (R6)	Proposed Zoning (C(P)/CZ)
32 dwelling units	N/A

- 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 classification of the property is "Heavy Commercial". An associated zoning district for this classification is C(P). **The proposed rezoning request is consistent with the adopted Land Use Plan.**

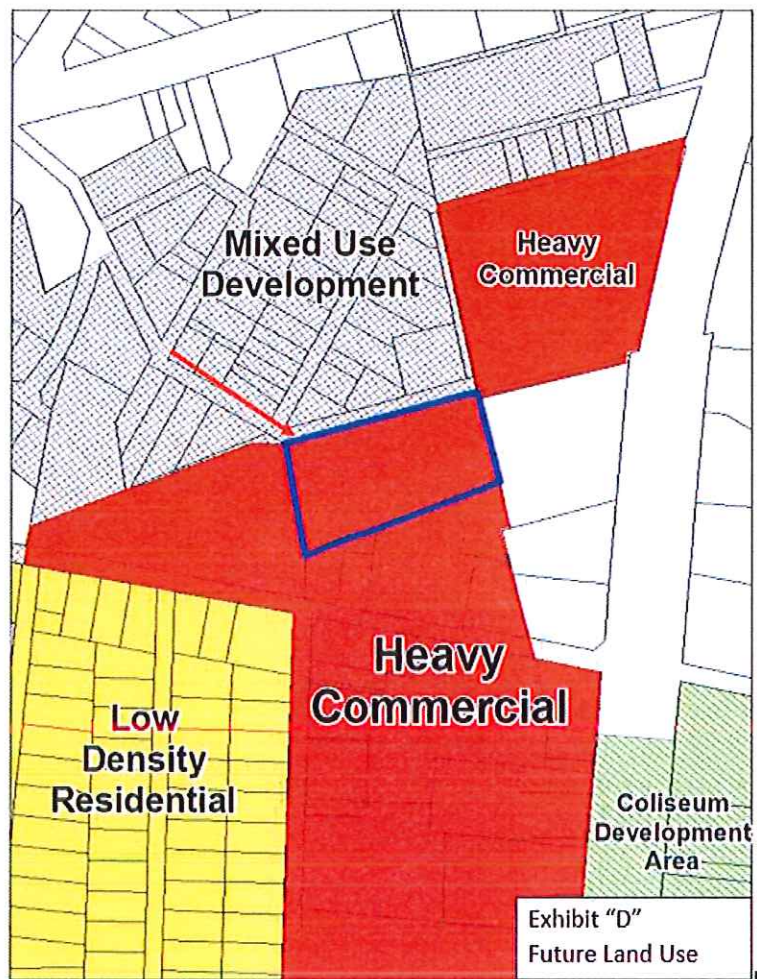
APPLICABLE PLAN GOALS/POLICIES:

Commercial Goal:

Create an atmosphere that supports existing and future commercial activities while complimenting the existing residential area; encourages and fosters economic development that is harmonious with the character of the area; respects environmentally sensitive areas; is well-designed and attractive; located in areas with sufficient infrastructure to support the type of commercial activities; and provides a range of commercial locations that accommodate market demands that meet the needs of area residents.

Objectives:

- Concentrate regional and community oriented commercial development in nodes at major intersections
- Commercial development must be constructed so as not to impact the privacy of residential areas on the ground or by air (height).
- All commercial development in an established residential area should be in harmony with the area in scale, size, appearance, and accessibility.



IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES

UTILITIES: PWC water and sewer utilities are available along the frontage of Gillespie Street and W. Mountain 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".

TRANSPORTATION/ACCESS: Access to the 5.5 acre rezoning site, as shown in the conditional zoning site plan in Exhibit "E", will occur from a new driveway or street connection to W. Mountain Drive. The subject site also has 21 foot wide strip of land that connects to Gillespie Street, which could also likely be used for access.

The subject property sits on the corner of Gillespie St. and W. Mountain Drive. Gillespie Street is a local road in the Metropolitan Transportation Plan and W. Mountain Drive is a major collector in the Metropolitan Transportation Plan. There are no roadway construction improvement projects planned for Gillespie St. There are no roadway construction improvement projects planned for W. Mountain Drive, and the subject property will have no significant impact on the Transportation Improvement Program. In addition, there is no 2020 AADT for this portion of Gillespie St. However, the road capacity for this portion of Gillespie St. is 22,200. The 2020 AADT for W. Mountain Drive is 4300. However, the road capacity for W. Mountain Drive is 9800. 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 Gillespie St. or W. Mountain Drive.

SCHOOLS CAPACITY/ENROLLMENT: This rezoning will not generate any additional school-age children; thus, no impact will occur on public school enrollment.

School	Capacity	Enrollment
Cumberland Road Elementary	461	287
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 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: The property is located within the Cumberland County Airport Overlay District and is located approximately 1.68 +/- miles from the airport runway. The property is not located within five miles of the Fort Bragg Military Base.

CONDITIONS OF APPROVAL: This is a conditional zoning with a conceptual site plan appearing in "Exhibit E" and conditions of approval shown in "Exhibit F".

STAFF RECOMMENDATION

In Case ZON-22-0074, Planning and Inspections staff **recommends approval** of the rezoning request from R6 Residential District, C3 Heavy Commercial District, and C(P) Planned Commercial District to C(P)/CZ Planned Commercial District Conditional Zoning. Staff finds the request is consistent with the Southwest Cumberland Land Use Plan which calls for "Heavy Commercial" 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:

Site Plan

Conditions Sheet

Notification Mailing List

Application

Exhibit "E" Conditional Zoning Site Plan

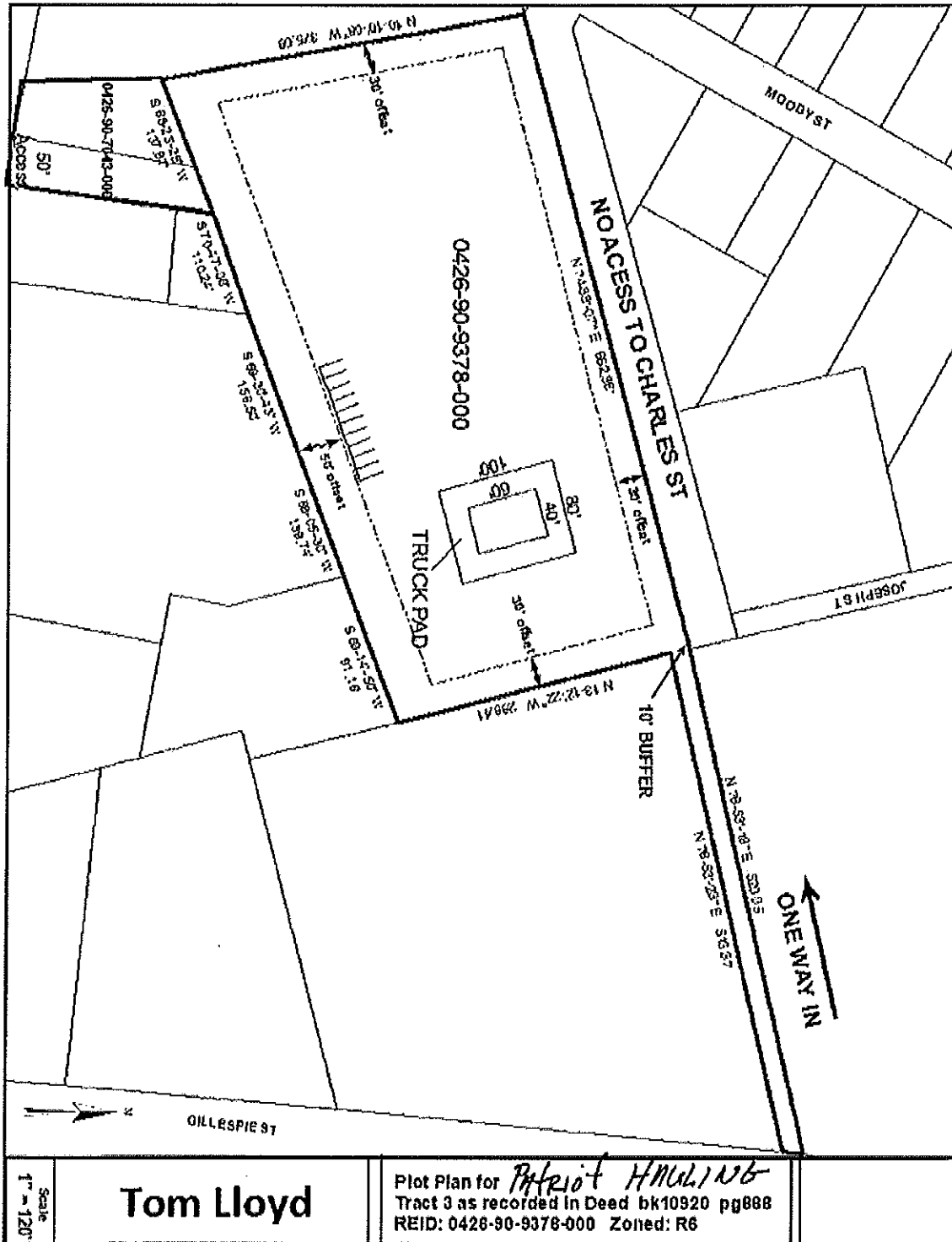


Exhibit "F"
Conditions of Approval
ZON-22-0074

The property delineated with Exhibit "A" is subject to the following conditions:

ZON-22-0074: Rezoning from R6 Residential, C3 Planned Commercial and C(P) Planned Commercial Districts to C(P) Planned Commercial District / CZ Conditional Zoning or to a more restrictive zoning district for 5.51 +/- acres; located West of Gillespie Street, South of Moody Street.

A. Applicability: All use and development of the property applicable to this Conditional Zoning (ZON-22-074) and as delineated in Exhibit "A" shall occur consistent with the standards and requirements of the C(P) Commercial Zoning unless otherwise stated herein. If any standards herein are inconsistent with the Zoning or Subdivision ordinance, the conditions set forth herein shall supersede and apply to the development of the property delineated in Exhibit "A."

B. Permitted and Prohibited Uses.

1. Use of the site is limited to trades contractor vehicle and dump truck parking as shown on the Conditional Zoning Site Plan appearing in Exhibit "A".
2. No truck storage or parking shall occur within the minimum setback area shown on the Conditional Zoning Site Plan (Exhibit "A").

C. Development Standards.

1. Setback Standards. Minimum setback standards for this residential development – for both the single family and multi-family lots --shall be:

Front – 50 feet
Side – 30 feet (one-story); 25 feet (two or more stories); rises with each additional floor.
Rear-- 30 feet
2. Accessory structure: minimum setback for accessory structures shall be that which is allowed for the C(P) zoning district.
3. Signage for this development be in accordance with the applicable sign regulations as set forth in Article IX of the County Zoning Ordinance and that the proper permit(s) be obtained prior to the installation of any permanent signs on the property. Note: This conditional approval is NOT approval for the size, shape, or location of any signs.
4. A solid buffer must be provided and maintained between the outside storage areas and the public right-of-way; the buffer must screen the outside storage from public view and be provided in accordance with the provisions of Section 1102 G, Buffer Requirements, County Zoning Ordinance. (Note: Chain link fencing cannot be used to satisfy the buffer requirement.) This buffer shall be show of the development site plan.
5. Any newly required off-street parking spaces are required to be a minimum of 9' x 20' and shall be surfaced, with a permanent material such as asphalt or concrete, and striped prior to application for the building final inspection. A minimum of one off- street parking space for each vehicle used

directly in the conduct of the use, plus two additional spaces for each three employees on the largest shift is required for this development.

6. All vehicles, including trucks and equipment stored at the site, shall only occur at the designated parking and storage areas appearing on the development site plan.
7. A recombination plat is required prior to site plan submittal to combine the rezoning parcel with the parcel abutting W. Mountain Drive.

D. Infrastructure and Utilities

1. Water and Sewer:

- a. All buildings constructed within the property shall be connected to central water and sewer prior to issuance of a certificate of occupancy.
- b. 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.)

For any new construction with utilities, the developer is encouraged to consider extension of the Public Works Commission (PWC) water to serve this site public water and sewer.

2. Roads/Access:

- a. The developer must obtain a driveway permit from the NC Department of Transportation prior to construction of any driveway connecting to a state-maintained road. If driveways are changed or added, the developer must obtain a driveway permit from the NC Department of Transportation (NCDOT). If required, a copy of the approved driveway permit must be provided to Code Enforcement at the time of application for building/zoning permits.
- b. No vehicular access or driveway cut to Charles Street will be allowed. All traffic shall ingress and egress the property in accordance with the general driveway locations appearing in the Conditional Zoning Site Plan (Exhibit "A").
- c. Off-Site Road Improvements. Turn lanes may be required by the NC Department of Transportation (NCDOT). [Art. XIV, County Zoning Ord. & NCGS § 136-18(5) & § 136-93]. Developer must coordinate with NCDOT prior to submittal of any preliminary subdivision plan regarding off-site road improvements.

3. Stormwater and Drainage:

- a. 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 Environmental Quality. 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.

b. 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.) The homeowner's association shall be responsible for maintain all stormwater facilities unless otherwise required by the NCDEQ.

c. 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.)

d. Stormwater facilities shall be owned and maintained by the property owner(s) unless NCDEQ requires otherwise.

e. 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. Other Utilities.

a. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306.C, County Subdivision Ord.) That any lighting used to illuminate off-street parking areas shall be subject to the same standards as listed in Section 1102.M., Subdivision Code.

b. That garbage collection be provided in a manner approved by the County Environmental Health Department. Dumpsters shall be located on a concrete pad and screened around three sides at minimum.

F. Development Review Process.

1. The owner(s)/developer(s) shall obtain detailed instructions on permits required to place a structure within this development from the Inspections Department at 130 Gillespie Street Room 106. The Inspections Department will need a copy of the approved condition sheet and map for additional information.
2. Prior to any clearing or grading of the subject property, a development site plan must be approved by the County Current Planning Section.
3. No occupancy permit shall be issued until the zoning administrator inspects the site and certifies that the site is developed in accordance with plans.

G. Plat-Related. If a plat is required, the following must be met by the developer/owner:

1. If a plat is required, all building footprints shall be shown on the final plat and all common areas, recreation areas and facilities shall be labeled on the final plat.
2. If a plat is required, the final plat must be submitted to Current Planning Staff for review and approval for recording; and that the plat must be consistent with the conditional zoning site plan and the group development site plan. The final plat must be recorded prior to any permit application on any structure and/or prior to the sale of any lot or unit in this development.
3. Any and all easements shall appear on the final plat. 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.
4. To prevent access to Charles Street, a "no access" easement shall be depicted along the entire frontage of Charles Street.

H. Other Conditions.

1. Use and Development Conditions. This conditional zoning and the site plan conditions of approval are 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, State agencies, 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.
2. 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.
3. Any revision or addition to this conditional zoning site plan, whether initiated by the developer or necessary to meet requirements promulgated by local state, or federal requirements, necessitates re-submission for Current Planning Section review and approval prior to the commencement of the change. Should the change be determined to be a substantial modification, as determined by the County Planning & Inspections, the substantial changes must be reviewed and approved by the Board of County Commissioners following the same process as a conditional zoning application.
4. A site-specific address and tax parcel number be provided 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.

Advisories:

1. A concrete sidewalk may be required at the development site plan application if a new building is proposed; however, this approval is not conditioned upon sidewalk construction due to no new site (building) construction being proposed.
2. The developer is strongly encouraged to leave as much existing vegetation and tree grouping as possible on this site, particularly along the frontage of Charles Street.

Plot Plan for *Patriot HOMES*
 Tract 3 as recorded in Deed bk10920 pg888
 REID: 0426-90-9378-000 Zoned: R6

Scale: 1" = 120'

Tom Lloyd

Scale
1" = 120'

Tom Lloyd

Plot Plan for *Patriot Homes*
Tract 3 as recorded in Deed bk10920 pg888
REID: 0426-90-9378-000 Zoned: R8

ATTACHMENT – MAILING LIST

THOMAS, TERRI WILLIAMS
699 SAND HILL RD
HOPE MILLS, NC 28348

HORNE, CHARLES E
PO BOX 325
STEDMAN, NC 28391

THOMPSON, JAMES HOWARD JR
2401 MOODY ST
FAYETTEVILLE, NC 28303

BABU, SURESH; PATEL, KOKILABEN R
2502 GILLESPIE ST
FAYETTEVILLE, NC 28306

AREC 28 LLC
2727 N CENTRAL AVE
POENIX, AZ 85004

LEE, WILLIAM
2512 BEL AIRE ST
FAYETTEVILLE, NC 28306

BREWINGTON, WARREN
2424 MOODY ST
FAYETTEVILLE, NC 28306

WILLIAMS, JOHN DENNIS LIFE ESTATE
5106 PAUL PEEL PLACE
HOPE MILLS, NC 28348

WILLIAMS, TERESA L
328 CHARLES ST
FAYETTEVILLE, NC 28306

BENTLEY, BEATRICE O
2423 MOODY ST
FAYETTEVILLE, NC 28306

HARRIS, CONRAD
840 ZAPATA LN
FAYETTEVILLE, NC 28314

WELL OF LIVING WATER MINISTRIES INC
117 W MOUNTAIN DR
FAYETTEVILLE, NC 28306

POMEROY, TRACY G
241 W MOUNTAIN DR
FAYETTEVILLE, NC 28306

SMITH, RALPH
2440 MOODY ST
FAYETTEVILLE, NC 28306

DEPANI, MONAL
6017 BUR TRL
RALEIGH, NC 27616

BCC OF EDENTON LLC
PO BOX 827
EDENTON, NC 27932

WILLIAMS, JOHN JOSEPH
5106 PAUL PEEL PLACE
HOPE MILLS, NC 28348

AUTRY, ANNETTE M. TRUSTEE
222 LITCHFIELD PL
FAYETTEVILLE, NC 28306

2858 INVESTMENTS LLC
2858 OWEN DR
FAYETTEVILLE, NC 28302

CHU, DANH D
9002 W MALL DR
EVERETT, WA 98208

TRIPP, DALE ANN W
339 CHARLES ST
FAYETTEVILLE, NC 28306

DORDAL, PAUL; DORDAL, LAUREEN M G
4624 SW DEVANE RD
SHALLOTTE, NC 28470

WILLIAMS, TERRI CHRISTINE
699 SAND HILL RD
HOPE MILLS, NC 28348

RAMAN, NATARAJAN; RAMAN, BALA
2832 FRANZIA DR
FAYETTEVILLE, NC 28306

WILLIAMS, MATTHEW EDWARD; WILLIAMS,
MIRANDA PAIGE; WILLIAMS, JOHN JOSEPH
5106 PAUL PEEL PLACE
HOPE MILLS, NC 28348

KEITH, TOM J; KEITH MARY ANN BELL
121 S. COOL SPRING ST
FAYETTEVILLE, NC 28301

ARNETT, APRIL
2517 CARRIAGE CREED RD
FAYETTEVILLE, NC 28312

HAGANS, RONALD D
226 CHARLES ST
FAYETTEVILLE, NC 28306

BROWN, CHAD; BROWN, ERIN
PO BOX 64902
FAYETTEVILLE, NC 28306

WILLIS, RUBY WILLIAMS
3536 INMAN CIR
FAYETTEVILLE, NC 28306

SMOTHERMAN, SANDRA LEE;
SMOTHERMAN, LARRY
2467 POWELL ST
FAYETTEVILLE, NC 28306

ROBINSON, GEDARIN
2515 MURIEL DR
FAYETTEVILLE, NC 28306

MELTON, LARRY ROGER
320 LADLEY ST
FAYETTEVILLE, NC 28306

WRIGHT, KAREN STEWART
207 W MOUNTAIN DR
FAYETTEVILLE, NC 28306

BEAMAN, JASON CLINT
2513 BEL AIRE ST
FAYETTEVILLE, NC 28306

BENTLEY, THOMAS NOAH HEIRS
93 SOUTHFORK RD
PARKTON, NC 28371

MCCONNAUGHY, ADA LOU HEIRS;
QUINELL, STEDMAN
2510 MURIEL DR
FAYETTEVILLE, NC 28306

BOOHER, ERICA
5021 BUTLER NURSERY RD
FAYETTEVILLE, NC 28306

CAROLINA HOLDINGS (VA) LLC
14200 JUSTICE RD
MIDLOTHIAN, VA 23113

BENNETT, MD HEIRS
114 VILLAGE CIR
CLINTON, NC 28328

AMERCO REAL ESTATE CO
PO BOX 29046
PHOENIX, AZ 85038

REECE, JOHNNY; REECE, ELLA B
2405 MOODY ST
FAYETTEVILLE, NC 28306

HORNE, CHARLES E; HORNE, BILLY D;
HORNE, FAY J
PO BOX 205
FAYETTEVILLE, NC 28302

REYNOLDS, MARY T LIFE ESTATE
3342 HIGH ST
EASTOVER, NC 28312

CAROLINA SUN INVESTMENTS LLC
1662 MIDDLE RD
FAYETTEVILLE, NC 28312

TRIPP, DALE WILLIAMS
339 CHARLES ST
FAYETTEVILLE, NC 28306

CAROLINA SUN INVESTMENTS LLC
PO BOX 205
FAYETTEVILLE, NC 28302

TEMPLETON, THOMAS D
2520 MURIEL DR
FAYETTEVILLE, NC 28206

WBM LLC
PO BOX 26210
FAYETTEVILLE, NC 28314

THRASH, JAMES T; THRASH, APRIL R
2454 JOSEPH ST
FAYETTEVILLE, NC 28306

WILLIAMS, MATTHEW EDWARD;
WILLIAMS, MIRANDA PAIGE; WILLIAMS,
JOHN JOSEPH
2610 JOHNS SMITH RD
FAYETTEVILLE, NC 28306

STEWART, WILLIAM JR I
2429 MOODY ST
FAYETTEVILLE, NC 28306

INGRAM, NELSON D
235 W MOUNTAIN DR
FAYETTEVILLE, NC 28306

WILLIAMS, CLIFFORD M
2008 BONNER BUSSELLS DR
SOUTHPORT, NC 28461

ATTACHMENT: APPLICATION



County of Cumberland
— ♦ —
Planning & Inspections Department

CASE #: ZON-22-0074

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 \$ 475.00.
(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 R6, C3, C(P) to C(P)
2. Address of Property to be Rezoned: 0 Gillespie St.
3. Location of Property: _____
4. Parcel Identification Number (PIN #) of subject property: 0426-90-9378
(also known as Tax ID Number or Property Tax ID)
5. Acreage: 5.51 Frontage: 21.1 ft. Depth: 513'
6. Water Provider: Well: _____ PWC: ☒ Other (name): _____
7. Septage Provider: Septic Tank _____ PWC _____
8. Deed Book 10920, Page(s) 0886, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
9. Existing use of property: VACANT
10. Proposed use(s) of the property: TRUCK PARKING (PERSONAL/
TRADE VEHICLES)
11. Do you own any property adjacent to or across the street from this property?
Yes ☒ No _____ If yes, where? PIN
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.

ANETTE Autry TRUST
NAME OF OWNER(S) (PRINT OR TYPE)

222 LITCHFIELD PL, FAYETTEVILLE NC 28305
ADDRESS OF OWNER(S)

(910) 988-7431 HOME TELEPHONE #
WORK TELEPHONE #

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

2804 Sand Trap Lane Hope Mills NC 28348
ADDRESS OF AGENT, ATTORNEY, APPLICANT

patriothauling.nc@gmail.com
E-MAIL

(910) 551-2469 HOME TELEPHONE #
WORK TELEPHONE #

James R. Hammond Trustee
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 NOVEMBER 15, 2022

TO: JOINT PLANNING BOARD

FROM: CUMBERLAND COUNTY PLANNING & INSPECTIONS DEPARTMENT

DATE: 11/15/2022

SUBJECT: ZON-22-0043: REZONING FROM A1 AGRICULTURAL DISTRICT TO RR RURAL RESIDENTIAL / CZ CONDITIONAL ZONING DISTRICT OR TO A MORE RESTRICTIVE ZONING DISTRICT FOR 106.75 +/- ACRES; LOCATED EAST OF HUMMINGBIRD PLACE AND WEST OF MAXWELL ROAD; SUBMITTED BY GEORGE ROSE (APPLICANT) ON BEHALF OF ASTRAKEL INTERNATIONAL LTD (OWNER).

ATTACHMENTS:

Description

Case ZON-22-0043

Type

Backup Material



NORTH CAROLINA
PLANNING & INSPECTIONS

PLANNING STAFF REPORT
REZONING CASE # ZON-22-0043
Planning Board Meeting: November 15, 2022

Location: Hummingbird Pl and Maxwell Rd
Jurisdiction: County-Unincorporated

REQUEST

Rezoning A1 to RR/CZ

Applicant requests a rezoning from A1 Agricultural District to RR/CZ Rural Residential Conditional Zoning District for ten parcels of approximately 106.04 +/- combined acres located off Hummingbird Place, as shown in Exhibit "A". All parcels are under the same ownership. Nine parcels are currently vacant or wooded land, but one parcel (REID 0477402183000) along Hummingbird Place is occupied by a single-family home. The intent of the property owner is to recombine and subdivide, creating a proposed zero-lot-line subdivision with a maximum of 168 residential lots having a minimum lot size of 20,000 sq. ft. The project is planned in two phases with Phase 1 proposing 54 lots and Phase 2 with 114 lots. Phase 2 cannot proceed to construction until a second road access connection to Maxwell Road is obtained by the project owner.

The proposed Conditional Zoning Site Plan appears in Exhibits "B" to "E" (attached) and the Conditional Zoning use and development conditions appear in Exhibit "F". While the RR zoning district allows manufactured homes as a permitted use, the conditional zoning prohibits them.

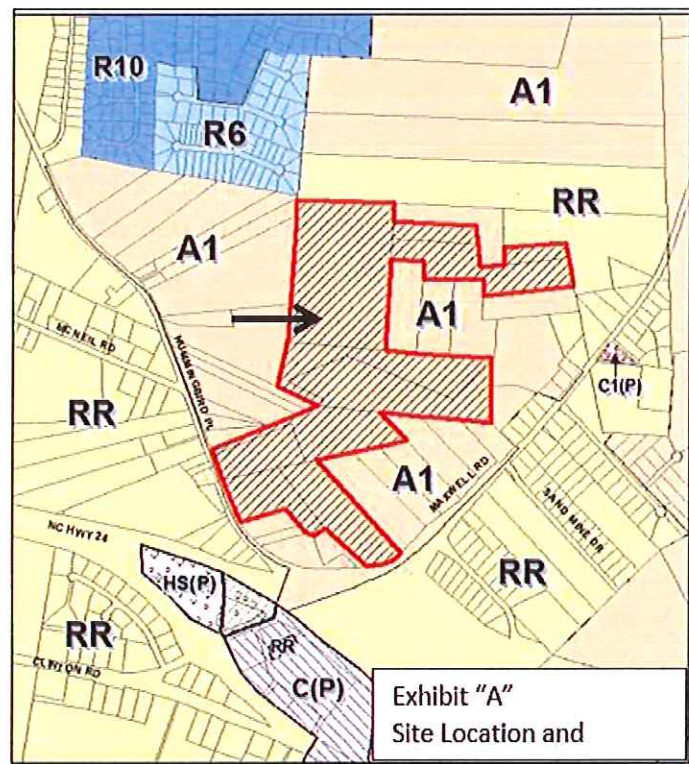
PROPERTY INFORMATION

OWNER/APPLICANT: Astrakel International LTD (Owner); George Rose, P.E. (Applicant)

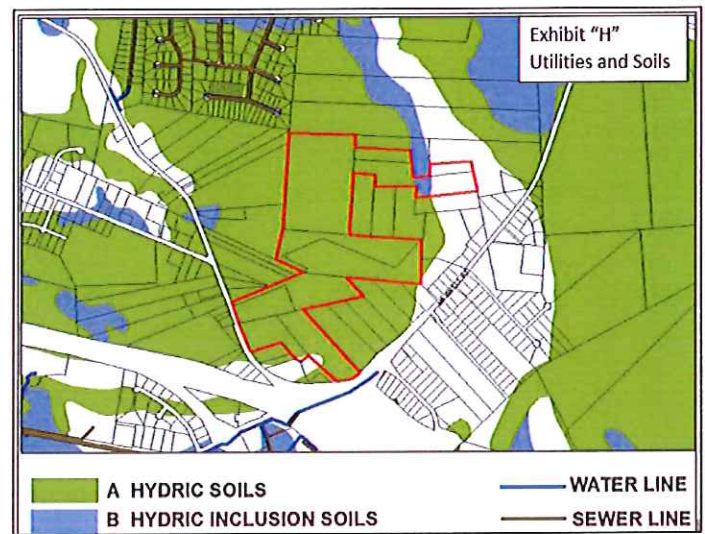
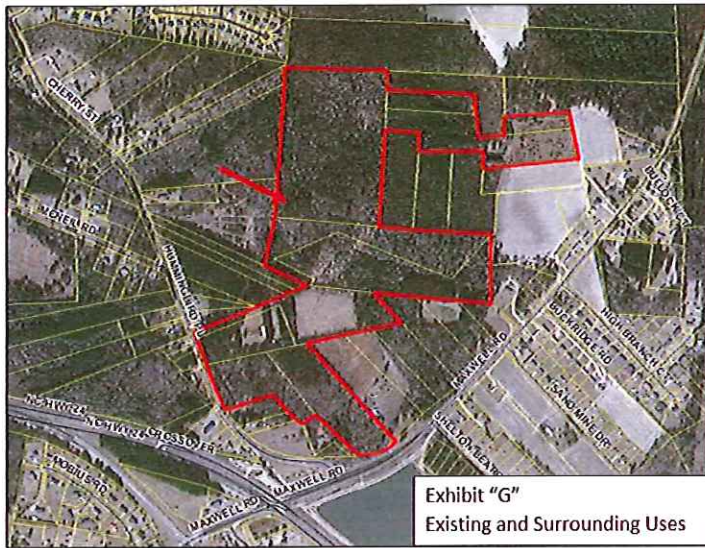
ADDRESS/LOCATION: Refer to Exhibit "A", Location and Zoning Map. REID number: 0477407361000, 0477529285000, 0477614952000, 0477402183000, 0476494728000, 0476590576000, 0477629056000, 0477600910000, 0477510886000, 0477505792000

SIZE: 106.04 +/- acres within 10 parcels. Road frontage along Hummingbird Place is 755 +/- feet. Road frontage along Maxwell Road is 369 +/- feet. The property has a varying depth due to its irregular shape but is approximately 3,611 +/- feet in length at its deepest point.

EXISTING ZONING: The subject property is currently zoned A1 Agricultural District, as shown in Exhibit "A". Minimum lot size for this district is two acres. 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: Nine parcels are currently vacant or wooded land, but one parcel (0477402183000) has a single-family home located on it. Exhibit "G" shows the existing use of the subject property.



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

- **North:** Wooded land and Baywood residential subdivision with single family and duplex homes
- **East:** Wooded lands and single-family subdivisions
- **West:** Wooded lands and single-family home parcels
- **South:** Wooded lands and single-family homes

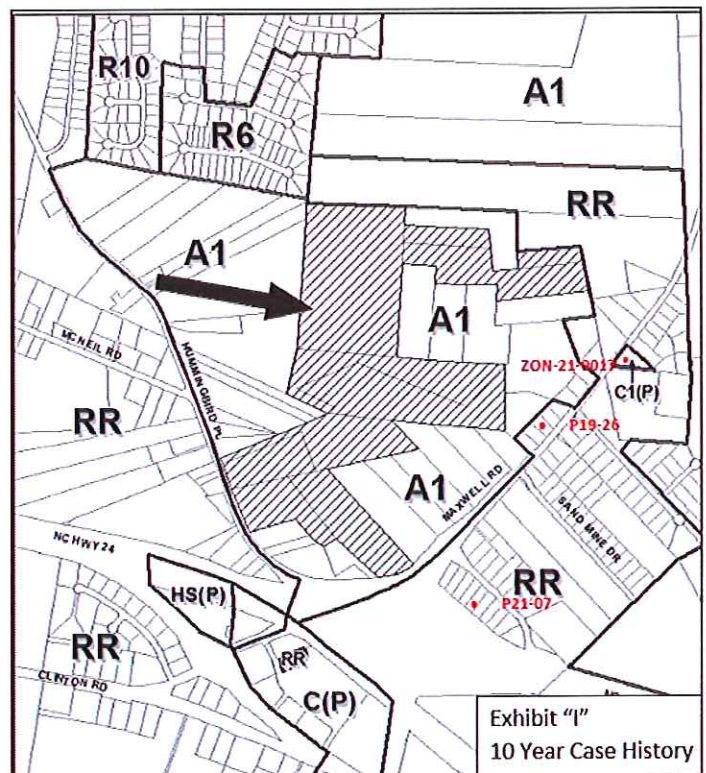
OTHER SITE CHARACTERISTICS: The site is not located in a Watershed Protection Area or within a Flood Zone Hazard Area. The subject property, as delineated in Exhibit "H", illustrates presence of hydric and hydric inclusion soils on the entirety of the property.

TEN YEAR ZONE CASE HISTORY:

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

- P19-26; Approved A1 to RR
- P21-07; Approved C(P) to RR
- ZON-21-0017; Approved RR & C1(P) to C1(P)

DEVELOPMENT REVIEW: Subdivision review (Recombination Plat and Subdivision Plan) by County Planning & Inspections will be required before any development. The project is proposed to occur in two phases. The second phase cannot commence construction until a second road access is connected at one of the two additional road connections leading to Maxwell Road.



DIMENSIONAL PROVISIONS FOR REQUESTED DISTRICT:

Minimum Standard	A1 (Existing Zoning)	RR	RR/CZ* (Proposed)
Front Yard Setback	50 feet	30 feet	30 feet
Side Yard Setback	20 feet (one story) 25 feet (two story)	15 feet	15 feet
Rear Yard Setback	50 feet	35 feet	35 feet
Lot Area	2 acres	20,000 sq. ft.	20,000 sq. ft.
Lot Width	100'	100'	85'

DEVELOPMENT POTENTIAL (BASED ON MAXIMUM ALLOWED DENSITY):

Existing Zoning (A1)	RR*	Proposed Zoning (RR/CZ) **
53 lots	232 lots	168 lots

(*) Calculation based on the following:

- Assumes 100% of land is usable for development based on maximum allowed density for the zoning district. For conventional zoning, maximum density is not feasible once land for roads and open considered.
- Calculation: $(\text{total developable area}) / \text{minimum lot size for zone district}$.
- 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.

(**) based on the conditional zoning site plan appearing in Exhibit "B" to "E"

MAXIMUM ALLOWED DENSITY:

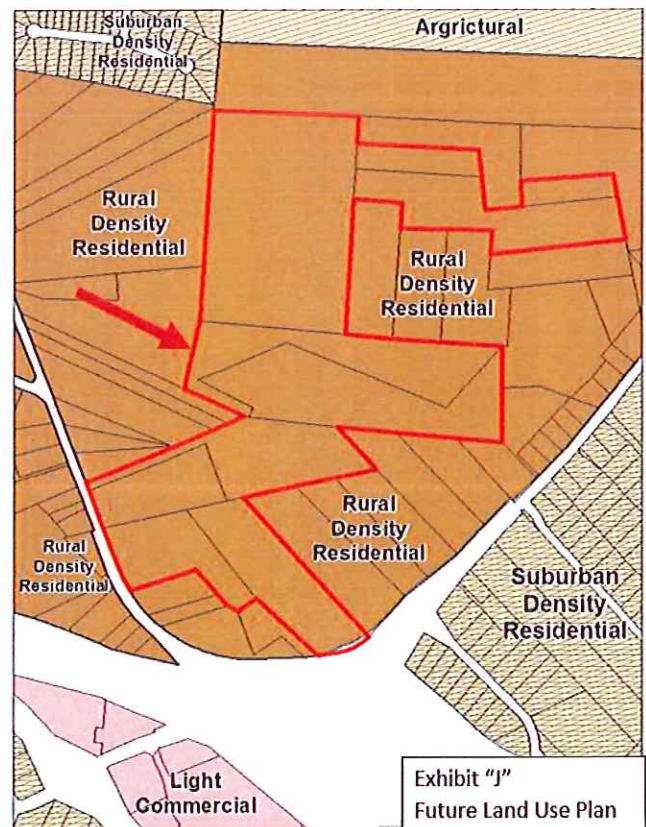
Allowed (A1): 0.5 du/ac	RR: 2.2 du/ac	Proposed (RR/CZ): 1.58 du/ac
-------------------------	---------------	------------------------------

COMPREHENSIVE PLANS: This property is located within the Eastover Area Land Use Plan (2018), as shown in Exhibit "J". The future land use designation of the property is "Rural Density Residential". **The proposed request is consistent with the adopted Land Use Plan.**

Residential Development Goal:

Provide for a full range of housing types with adequate infrastructure throughout that is in harmony with the surrounding areas and accommodates the future needs of the residents while maintaining the character of the area.

- Improve and/or add street lighting in residential areas.
- Use development techniques that preserve the rural character of the area.
- Encourage more than one means of ingress/egress in new residential subdivisions and connectivity to existing subdivisions. (Eastover Area Land Use Plan, p. 49.)



IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES

UTILITIES: PWC water and sewer lines are available along the Maxwell Road frontage. It is the responsibility of the applicant to determine if these utilities will adequately serve their development. Information regarding availability of water and sewer lines is shown on Exhibit "I". Sewer lines will need to be extended to the project. Water lines are currently located along Maxwell Road. The Conditions of Approval require the project to connect to central water and sewer.

TRANSPORTATION: According to the Fayetteville Area Metropolitan Planning Organization (FAMPO), the subject parcels are located on Hummingbird Place, which is identified as a local road 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, there is no 2020 AADT for Hummingbird Place as well, there is no available road capacity data.

SCHOOLS CAPACITY/ENROLLMENT:

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

Source: Cumberland County Public Schools

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

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, to ensure fire protection water supply requirements are met in accordance with Section 507 of the 2018 NC Fire Code, and the additional access will be required to be completed prior to the start of Phase 2 of this project.

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, Exhibit "F" provides the proposed zoning and development conditions. The proposed conditional zoning site plan (conceptual subdivision plan) appear as an exhibit to the "Conditional Zoning Conditions of Approval" and in more detail within Exhibits "B" through "E".

STAFF RECOMMENDATION

In Case ZON-22-0043, Planning and Inspections staff **recommends approval** of the rezoning request from A1 Agricultural District to RR/CZ Rural Residential Conditional Zoning District. Staff finds that the request is consistent with the Eastover Area Land Use Plan which calls for "Rural Density Residential" at this location. Staff also finds that the request is reasonable and in the public interest as the requested district is compatible to and in harmony with the surrounding land use activities and zoning.

Attachments:
Conditional Site Plan
Condition Sheet
Notification Mailing List
Application

Exhibit "B"

Conditional Zoning Site Plan

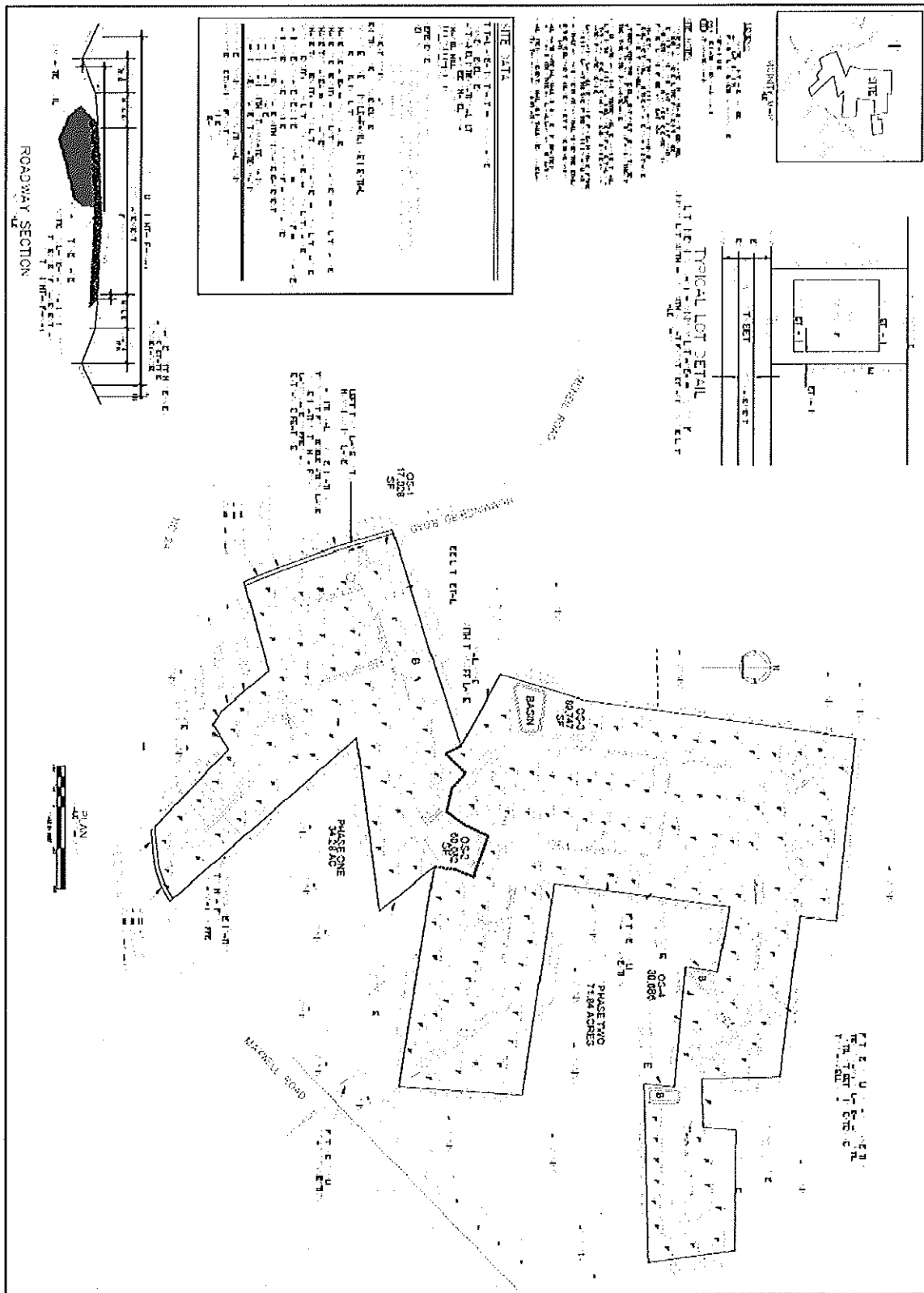
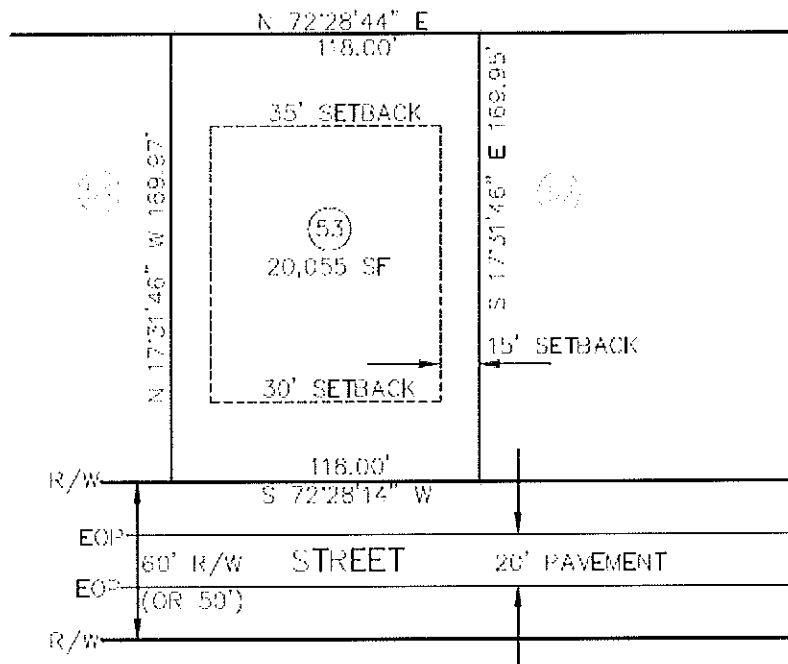


Exhibit "C"

Conditional Zoning Site Plan

SITE NOTES

1. PROPERTY BOUNDARIES SHOWN HAVE NOT BEEN FIELD SURVEYED AND WERE PLOTTED FROM EXISTING DEED DESCRIPTIONS, RECORDED PLATS AND GIS INFORMATION. SOME METES & BOUNDS SHOWN WERE GENERATED USING FORCED CLOSURE OF DEED AND PLAT DATA.
2. PHASE TWO OF THIS SUBDIVISION CANNOT COMMENCE DEVELOPMENT UNTIL SUCH TIME AS A SECONDARY ENTRANCE IS SECURED TO MAXWELL ROAD.
3. STREETS WITHIN THIS DEVELOPMENT ARE TO BE CONSTRUCTED TO NCDOT STANDARDS FOR THE PURPOSES OF ADDING THEM TO THE STATE SYSTEM FOR MAINTENANCE.
4. PUBLIC WATER AND SEWER UTILITIES WILL BE PROVIDED TO ALL LOTS IN THIS SUBDIVISION BY DEVELOPMENT OF A CENTRAL PUMP STATION AND SEWER FORCE MAIN FOR SEWER SERVICE AND PWC WATER FOR WATER SERVICE.
5. LANDSCAPING PLAN WILL BE PROVIDED FOR EACH PHASE OF THE SUBDIVISION PLAN AT THE TIME OF THE SUBDIVISION APPLICATION.
6. ASPHALT AND BASE SPECIFICATIONS SHALL BE PER THE DETAILS.
7. ENTIRE DEVELOPMENT WILL BE SUBJECT TO ONE HOMEOWNERS ASSOCIATION.
8. ALL WASTE MATERIAL SHALL BE DISPOSED OF OFF-SITE IN ACCORDANCE WITH STATE AND LOCAL LAWS AND REGULATIONS.
9. ALL SITE IMPROVEMENTS SHALL BE INSTALLED PER CUMBERLAND COUNTY STANDARDS AND SPECIFICATIONS.



TYPICAL LOT DETAIL

(LOT DIMENSIONS VARY - MINIMUM LOT AREA = 20,000 SF)
 (MINIMUM LOT WIDTH = 85' WITH 40' AT FRONT SETBACK ON PIE LOTS)
 SCALE 1"=50'

SITE DATA

TOTAL AREA IN TRACT = 106.04 ACRES

OWNER/DEVELOPER:

ASTRAKEL INTERNATIONAL, LTD

335 W. BARBEE CHAPEL ROAD

CHAPEL HILL, NC 27517

ghrjr@ghrjr-pa.com

910-587-2699

REFERENCE: DB 11343 PG 786

REID NO: 0477407361, 0477529285000, 0477614952000,
0477402183000, 0476494728000, 0476590576000,
0477629056000, 0477505792000, 0477600910000,
0477510886000

CURRENT ZONING: A1

EXISTING USE: UNDEVELOPED

PROPOSED USE: SINGLE-FAMILY RESIDENTIAL

PROPOSED BUILDING LOTS: 168

PHASE ONE AREA = 34.28 ACRES

PHASE ONE DENSITY = 54 LOTS/34.28 ACRES = 1.58 LOTS/ACRE

PHASE TWO AREA = 71.84 ACRES

PHASE TWO DENSITY = 114 LOTS/71.84 ACRES = 1.59 LOTS/ACRE

GROSS DENSITY: 168 LOTS/106.12 ACRES = 1.58 LOTS/ACRE

PARK/OPEN SPACE REQUIRED: $168(800) = 134,400$ SF = 3.09 ACRES

PARK/OPEN SPACE PROVIDED: 197,543 SF = 4.53 ACRES

OS-1 IS OPEN SPACE WITH SIGNAGE EASEMENT

OS-2 IS PARK SPACE

OS-3 IS PARK WITH STORMWATER BASIN

OS-4 IS OPEN SPACE STORMWATER BASIN

PROPOSED ZONING: RR CONDITIONAL ZONING

PROPOSED SETBACKS: FRONT 30'

SIDE 15'

REAR 35'

SED DITCH SERVES
VEGETATIVE
EYANCE

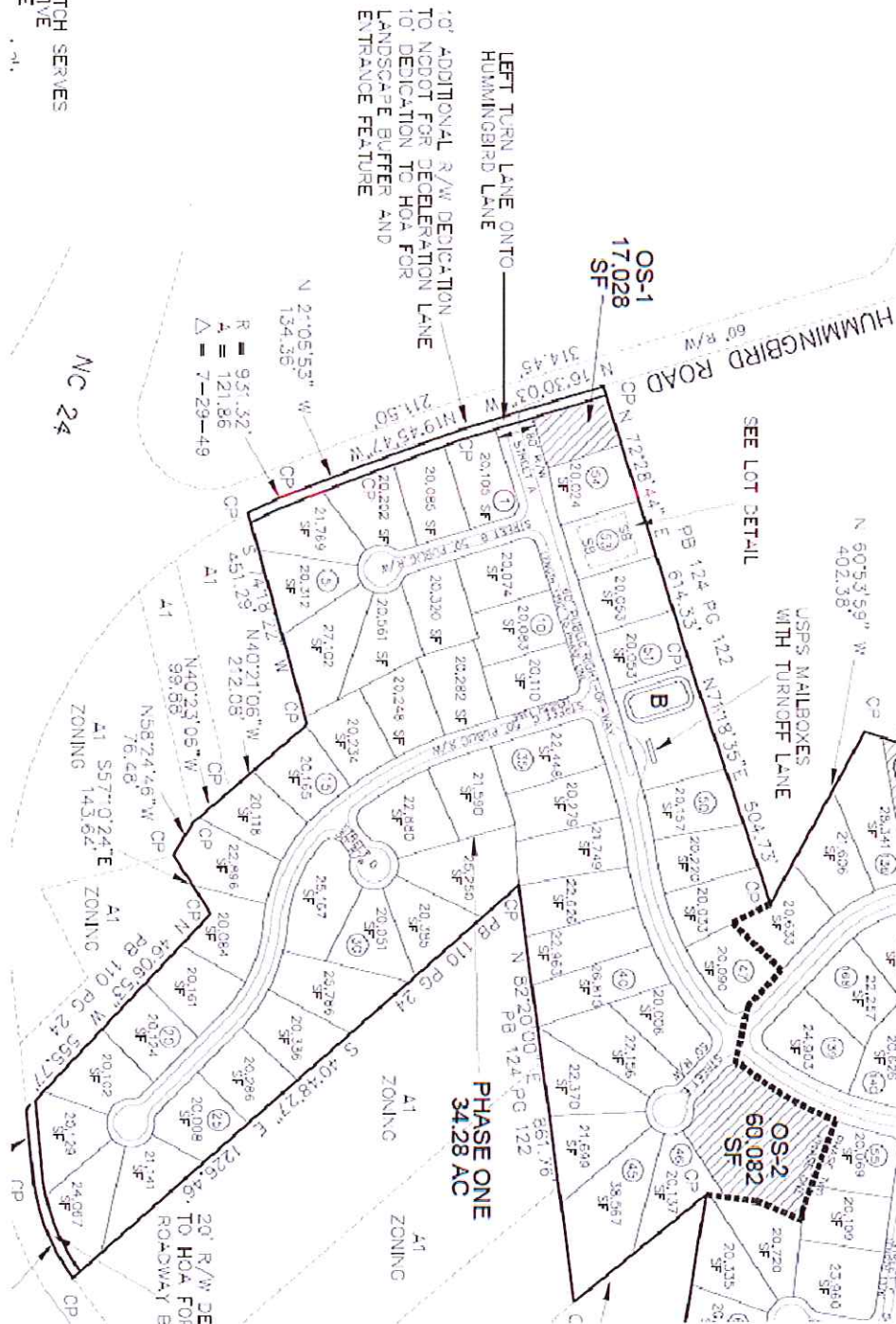


Exhibit "E" Conditional Zoning Site Plan - Phase 2

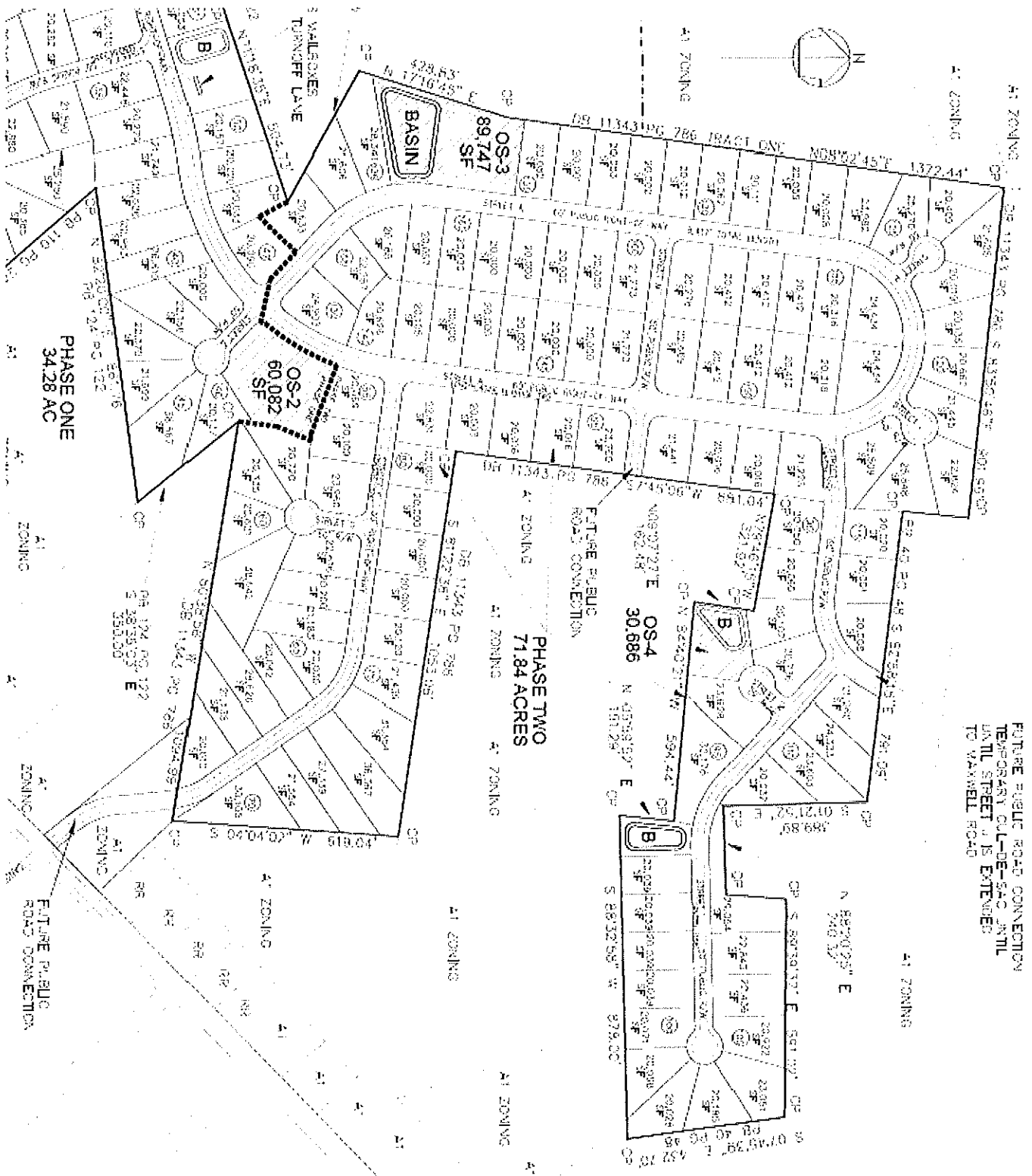


Exhibit "F"

CONDITIONAL ZONING CONDITIONS OF APPROVAL CASE ZON-22-0043

RR/CZ RESIDENTIAL/CONDITIONAL ZONING DISTRICT

Ordinance Related Conditions *For up to a 168 Lot Zero Lot Line Subdivision*

A. Applicability: All use and development of the property applicable to this Conditional Zoning (ZON-22-043) and as delineated in Exhibit "A" shall occur consistent with the standards and requirements of the RR Rural Residential Zoning District unless otherwise stated herein. If any standards herein are inconsistent with the Zoning or Subdivision ordinance, the conditions set forth herein shall supersede and apply to the development of the property delineated in Exhibit "A."

B. Permitted and Prohibited Uses.

1. Uses within residential lots are limited to single-family residential and associated accessory uses. Group development, including duplexes and multi-family housing are not allowed. Manufactured homes are not allowed, including Class "A", "B", and "C". Mother-in-law or guest housing is allowed on the same lot as the primary residential structure, but such accessory dwelling unit shall not have a kitchen in order to qualify as insubordinate and accessory to the primary residential structure.
2. Common areas shall only be used for open space, parks and recreation, stormwater facilities, buffer areas or public utilities as declared within the CZ Site Plan shown within Exhibit "A".
3. The development is limited to a maximum of 168 single family lots.

C. Development Standards

1. Site Development: Development shall occur consistent with the Conditional Zoning Site Plan provided in Exhibit "A" and as set forth herein, and with the County Zoning and Subdivision Ordinance. Any standards or regulations not addressed herein shall then follow the County Zoning and Subdivision Codes,

2. Setback Standards. Minimum setback standards for this residential subdivision shall be:

Front – 30 feet
Side – 15 feet
Rear-- 35 feet
Corner lot-- 30 feet

Accessory structures: minimum setback standards as set forth for the RR zoning district, Zoning Ordinance.

All corner lots as well as lots fronting more than one street must provide front yard setbacks from each street. (Secs. 1101.G & 1102.B, County Zoning Ord.)

3. No primary or accessory structure shall encroach the minimum setback standard established herein unless a variance is granted by the Board of Adjustment. After the initial plat is recorded, no replat can be used to change the minimum setback standards through a zero-lot line plat.

D. Infrastructure and Utilities

1. Water and sewer. All residential homes and any within common areas shall be served by central water and sewer systems. No lot or tract shall be served by on-site septic systems.

a. Any lift or pump station facilities for central water or sewer systems shall be placed in a tract owned by the utility provider and not placed in an easement within a residential lot. A lift station site shall not be used to meet open space requirements.

b. No certificate of occupancy for a residential home shall be issued until central water and sewer is available to a residential structure.

2. Roads. All internal roads shall be public roads.

a. 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

b. Off-Site Road Improvements. Turn lanes may be required by the NC Department of Transportation (NCDOT). [Art. XIV, County Zoning Ord. & NCGS §136-18(5) & §136-93]. Developer must coordinate with NCDOT prior to submittal of any preliminary subdivision plan regarding off-site road improvements.

c. All residential driveways shall be connected to internal roads and shall not connect directly to Hummingbird Place or Maxwell Road.

d. Road signs. Developer is responsible for installation of all required traffic safety signs prior to recording a plat or issuance of a building permit, whichever occurs first.

e. Sidewalks. Developer is not required to construct sidewalks within any internal or external road, including any portion of a subdivision within the boundaries of a municipal influence area. However, the developer may install sidewalks at the developer's discretion on at least one side of the road if the road rights-of-way are public roads and the HOA establishes an agreement with NCDOT placing maintenance responsibility to the HOA. If NCDOT does not accept the roads, then the HOA shall be responsible for maintaining any sidewalks installed within the road right-of-way.

f. Road ownership/maintenance. Prior to NCDOT acceptance of street construction, road rights-of-way, and related drainage systems, the developer is responsible for their maintenance and that all roads 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.

g. 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.

h. In the event the NCDOT driveway permit or road acceptance process substantially alters the conditional zoning site plan, as such determination will be made by the County Planning & Inspections Director, such modification to the conditional zoning site plan must be approved by the Board of County Commissioners following the same review and hearing process for a conditional zoning application.

i. Certification of Completion. Prior to recording of any plat, 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.

3. Stormwater and Drainage.

a. Stormwater. 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.) The homeowner's association shall be responsible for maintain all stormwater facilities unless otherwise required by the NCDEQ.

b. 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.)

c. All stormwater facilities shall be owned and maintained by the homeowner's association unless NCDEQ requires otherwise.

4. Utilities. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306.C, County Subdivision Ord.)

E. Phasing and Preliminary Subdivision Plan

1. Project Phasing. Development shall occur in two phases. Construction, including clearing and grading, for Phase 2, as illustrated in Exhibit "A" shall not commence until a second public road access connects Phase 2 to Maxwell Road. Such connector road design and alignment must be approved and accepted by NCDOT prior to any road construction. Such road shall be owned and maintained by the developer until the road improvements have been accepted by and transferred in ownership to NCDOT. A performance bond, if requested by the County, shall be provided to the County to ensure construction and completion of the connector road. Said performance bonds shall be consistent with the provisions of the Subdivision Code and N.C. general statutes.

2. Preliminary Subdivision Plan.

a. A preliminary subdivision plan must be submitted to and approved by the Cumberland County Department of Planning and Inspections prior to any on-site clearing, grading or construction activity. Such subdivision plan must be consistent with the conditions set forth herein and the County's zoning and subdivision ordinances.

b. Prior to submitting an application for a preliminary subdivision plan, the applicant must coordinate with the US Postal Growth Coordinator or Postmaster for the Mid-Carolinas District to determine the appropriate location for the cluster boxes. If community cluster mailboxes are required, the County may require appropriate off-street parking or drive-aisle to avoid traffic safety and pedestrian conflicts.

3. Landscape/Street tree planting will be provided with the preliminary subdivision plan as is consistent and required by the Zoning and Subdivision Ordinances, where applicable.

4. The application for a preliminary subdivision plan, including all supporting plans and support documents, shall be submitted through the Cumberland County Customer Self-Service electronic permitting system.

F. Plat-Related:

1. A copy of the recorded deed or deeds conveying all common area to the owner's association must be provided to the Current Planning Division within thirty (30 days) of the recording of the plat or prior to issuance of the first building permit, whichever is first. No building permit will be issued after the recording of a plat until such time the ownership of all common areas appearing in the plat is transferred to the owner's association.
2. The street name signs, in compliance with the County Street Sign Specifications, must be installed prior to final plat approval.
3. The builder/developer must provide the buildable envelopes on the preliminary subdivision plan.
4. Any/All easements must be reflected on the preliminary subdivision plan and 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.
5. Entire development shall be subject to one homeowner's association.
6. Once an initial plat is recorded, no further subdivision of a residential lot will occur unless necessary to accommodate lot line changes necessary to accommodate road right-of-way, utilities, or lot combinations. Lot line changes are allowed only if the changes results in an increase in the number of residential lots above the maximum of 195 lots.

G. Other Relevant Conditions:

1. Use and Development Conditions. This conditional zoning and the site plan conditions of approval are 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, State agencies, 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.
2. 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 Statue 160-D requirements.
3. Any revision or addition to this conditional zoning site plan, whether initiated by the developer or necessary to meet requirements promulgated by local state, or federal requirements, necessitates re-submission for Current Planning Section review and approval prior to the commencement of the change. Should the change be determined to be a substantial modification, as determined by the County Planning & Inspections, the substantial changes must be reviewed and approved by the Board of Cuntly Commissioners following the same process as a conditional zoning application.

David Moon

From: George Rose <george@gmripe.com>
Sent: Monday, November 7, 2022 2:33 PM
To: David Moon
Subject: RE: ZON-22-0043 Staff Report and Conditions of Approval

CAUTION: This email originated from outside of the County. Do not open attachments, click on links, or reply unless you trust the sender or are expecting it.

David,

The conditions are acceptable as noted on the staff report.

George M. Rose
P.O. Box 53441
Fayetteville, NC 28305
george@gmripe.com
Mobile: 910-977-5822
Office: 910-485-5822

From: David Moon <dmoon@cumberlandcountync.gov>
Sent: Thursday, November 3, 2022 9:50 AM
To: George Rose <george@gmripe.com>
Subject: ZON-22-0043 Staff Report and Conditions of Approval

George:

Attached is the staff report and the conditions of approval (which are an exhibit to the staff report) for the Tuesday, November 15 Joint Planning Board meeting, 6:00 p.m. Please let me know if you or your client have any concerns regarding the conditional of approval. There are not changes other than those necessary to the conditions of approval to make it consistent with the revised site plan.

Though this returns to the Joint Planning Board, your team should treat it as a new application and be prepared to present your plan. I believe the only change between the November 15 meeting and the last meeting before the Joint Planning Board will be more detailed questions regarding stormwater management/drainage.

David B. Moon, AICP
Deputy Director

Department of Planning & Inspections
130 Gillespie Street
Fayetteville, NC 28301
Phone: (910) 678-7606
www.cumberlandcountync.gov



[illegible]

FUTURE PHASE ROAD CONVERSION
TEMPORARY DULLES-DC AVENUE
AVENUE STREET J.B. EXTENSION
TO WANNELL ROAD

PHASE ONE
 34.28 AC

PHASE TWO
 71.84 ACRES

OS-3
 89,747 SF

OS-2
 60,082 SF

OS-4
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ATTACHMENT – MAILING LIST

DENISE CRUZ-JUAREZ
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HARVEY CAIN
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DIANE HARRELL TRUSTEE
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TERESA LYNN BRANTLEY
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JADIE ATKINS
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FAYETTEVILLE RD, NC 28312

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1270 CANADY POND RD
HOPE MILLS, NC 28348

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1333 LEROY AUTRY RD
AUTRYVILLE, NC 28318

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PERRY S. FINCH
1390 SUB SHUMPERT RD
PELION, SC 29123

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REBECCA L GARRIGAN-PEGUEROS
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FAYETTEVILLE, NC 28312

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JIMMY H. MARTIN
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FAYETTEVILLE, NC 28312

ELISE N WADE
1691 FOUR WOOD DR
FAYETTEVILLE, NC 28312

MICHELE SALLIE
CARL D. SALLIE
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FAYETTEVILLE, NC 28312

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PERCY L. MCNEILL
2519 CAMERON WOODS LN
FAYETTEVILLE, NC 28306

WILLIAM EDWIN JACKSON, JR
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VINCENT EDWIN TALLEY
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CLINTON, NC 28328

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4114 DRAUGHON RD
EASTOVER, NC 28312

DOMETHIUSA WANITA LOCKE
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FAYETTEVILLE, NC 28314

PEOPLES BAPTIST CHURCH OF
CUMBERLAND COUNTY
3627 CLINTON RD
FAYETTEVILLE, NC 28312

WILLIAM MCPHAIL
366 CARROLL STORE RD
AUTRYVILLE, NC 28318

MARSHA DROSE
4051 MT TABOR RD
RED SPRINGS, NC 28377

GEORGETTE J DOYON
JEANETE CARLEVALE
4 HIGHGATE CLOSE
YORK, ME 03909

LEON EVANS LIFE ESTATE
4064 S NC 210 HWY
EASTOVER, NC 28312

NANCY L WHITEHEAD
410 SHELTON BEARD RD
STEDMAN, NC 28391

RICKY D HEIRS GREENWADE
4121 FULTON ST
FAYETTEVILLE, NC 28312

ISAAC DAVID SAUCEDO BABAUTA
FRANCINE ANGUI
415 SHELTON BEARD ROAD
STEDMAN, NC 28391

JAMES MORRELL
430 SHELTON BEARD RD
STEDMAN, NC 28391

STACY ANN C WAITE FRAZER
RANDY FRAZER
435 SHELTON BEARD ROAD
STEDMAN, NC 28391

SONYA A. MELVIN
440 SHELTON BEARD RD
STEDMAN, NC 28391

JESSICA D CAGLE
4406 BLUEBUSH DR
FAYETTEVILLE, NC 28312

SAMUEL JONATHAN ARROYO-MATOS
ALEJANDRA LIZ BETANCES RAMON
441 SHELTON BEARD RD
STEDMAN, NC 28391

SAMUEL EVERNICE JOHNSON MARAJ III
SAMANTHA MARAJ
4410 BLUEBUSH DR
FAYETTEVILLE, NC 28312

CARLA SMITH WOOLARD
4414 BLUEBUSH DR
FAYETTEVILLE, NC 28312

JANET STANFIELD MELVIN
DONALD CRAIG MELVIN
4415 BLUEBUSH DR 305B
FAYETTEVILLE, NC 28312

TATIANA A GONCHAROV
ALEXANDER V GONCHAROV
4419 BLUEBUSH DR
FAYETTEVILLE, NC 28312

KATHRYN V LOCKLEAR
MARTIN J LOCKLEAR II
4424 GRIP DR
FAYETTEVILLE, NC 28312

KRYSTLE E SKINNER
JASON SKINNER
444 SHELTON BEARD RD
STEDMAN, NC 28391

KRISTIN M LAZATIN
ALEXANDER B. LAZATIN
4447 BENT GRASS DR
FAYETTEVILLE, NC 28312

SABRINA C. LASSETTER
445 SHELTON BEARD ROAD
STEDMAN, NC 28391

BELANGER AUBREY JR
AMANDA CHASON
4502 BLUEBUSH DR
FAYETTEVILLE, NC 28312

JOY CAIN WRENCH
GARY CHRIS WRENCH
4504 BLUE BUSH DR
FAYETTEVILLE, NC 28312

ARLETHA MCLEAN
4506 RUGBY CT
FAYETTEVILLE, NC 28312

JANET W DAVIS
4506 BLUEBUSH DR
FAYETTEVILLE, NC 28312

JONATHAN JAY GRAY
4507 GRIP DRIVE
FAYETTEVILLE, NC 28312

PATTI S DOTSON
MICHAEL E. DOTSON
4508 GRIP DR
FAYETTEVILLE, NC 28312

PENNY W FREEMAN
JEREMY M. FREEMAN
4510 RUGBY CT
FAYETTEVILLE, NC 28312

STEPHANIE H ASHLOCK
MICHAEL A. ASHLOCK
4511 BLUEBUSH DR
FAYETTEVILLE, NC 28312

SUZANNE KOSARICH
MARK R KOSARICH
4511 GRIP DR
FAYETTEVILLE, NC 28312

PAMELA M HAYES
JAMES G HAYES
4512 GRIP DR
FAYETTEVILLE, NC 28312

JEAN MARIE GAITHER
MICHAEL R. GAITHER
4514 BLUEBUSH DR
FAYETTEVILLE, NC 28312

TESSIE CARA HARMON
WILLIAM ANDREW HARMON
4514 RUGBY CT
FAYETTEVILLE, NC 28312

DEBORAH A CASKEY
RICHARD A. CASKEY
4515 GRIP DRIVE
FAYETTEVILLE, NC 28312

LISAMARIE HEATH
BRYAN C. HEATH
4516 GRIP DR
FAYETTEVILLE, NC 28312

TINA M JOHNSON-TARIO
4517 BLUEBUSH DR
FAYETTEVILLE, NC 28312

AMY L REYNOLDS
4519 BLUEBUSH DR
FAYETTEVILLE, NC 28312

CONNIE COWAN
TRACY W. COWAN
4648 MCNEIL RD
FAYETTEVILLE, NC 28312

PRISCILLA W HEIRS MURRAY
470 SHELTON BEARD RD
STEDMAN, NC 28391

KETURAH ALTHEA WILLIAMSON GIBBONS
471 SHELTON BEARD RD
STEDMAN, NC 28391

DORIS HUEFNER
PAUL A. HUEFNER
4913 SAND MINE RD
STEDMAN, NC 28391

KRISTEN J MARTIN
PAUL K. MARTIN
4917 SAND MINE RD
STEDMAN, NC 28391

LORI D HOLLOWAY
4930 HIGH BRANCH CT
STEDMAN, NC 28391

KATHLEEN MARIE O'TOOLE
SHARI MARIE BURROUGHS
4940 HIGH BRANCH CT
STEDMAN, NC 28391

AMANDA LYNN SHARP
4960 HIGH BRANCH CT
STEDMAN, NC 28391

ELAINE B SMITH
BRIAN J. SMITH
4973 HUMMINGBIRD PL
FAYETTEVILLE, NC 28312

ELAINE B SMITH
BRIAN JAMES SMITH
4977 HUMMINGBIRD PL
FAYETTEVILLE, NC 28312

ROBERT MALLOY
5045 MAXWELL RD
STEDMAN, NC 28391

DONNA M. WILSON
JAMES A. WILSON
5117 MAXWELL RD
STEDMAN, NC 28391

GLEANA S BLANKS SKENANDORE
GEORGE D SKENANDORE JR
5118 MAXWELL RD
STEDMAN, NC 28391

HALEY R SPILLERS
MATTHEW SPILLERS
5129 MAXWELL ROAD
STEDMAN, NC 28391

ASHLEY WETMORE
CHRISTOPHER WETMORE
5137 MAXWELL ROAD
STEDMAN, NC 28391

CINDY L FRICK
5176 MAXWELL RD
STEDMAN, NC 28391

CHRISTIAN JEANO ROUSSEAU
5177 MAXWELL RD
STEDMAN, NC 28391

ROBIN L GIENIEWSKI
BODGAN B GIENIEWSKI
5195 HUMMINGBIRD PL
FAYETTEVILLE, NC 28312

ISABEL RAMOS PASCUAL CANO
INDALECIO ALEJO CANO
5211 MAXWELL RD
STEDMAN, NC 28391

TAMI LAMBERT BULLOCK
WAYNE LAMAR BULLOCK
5227 MAXWELL RD
STEDMAN, NC 28391

LUNETTE MATTHEWS LIFE ESTATE
DENTON MATTHEWS
5236 MAXWELL RD
STEDMAN, NC 28391

VICKIE JONES
WILLIAM A. JONES JR
5251 HUMMINGBIRD PL
FAYETTEVILLE, NC 28312

SHEILA B OLIVER
5285 MAXWELL RD
STEDMAN, NC 28391

REBECCA C. BULLOCK
SHEILA B. OLIVER
5285 MAXWELL RD
STEDMAN, NC 28391

BOBBY A. HARGROVE
5304 HUMMINGBIRD PL
FAYETTEVILLE, NC 28312

JOYCE S TURNER
LEON G. TURNER
5324 HUMMINGBIRD PL
FAYETTEVILLE, NC 28312

PAMELA J. STRICKLAND
CONNIE J STRICKLAND
6017 IVERLEIGH CIR
FAYETTEVILLE, NC 28311

LENA BELL HEIRS JONES
610 WAKEFIELD DR
FAYETTEVILLE, NC 28303

ASTRAKEL INTERNATIONAL LTD
621 MEADOWMONT VILLAGE CIRCLE
CHAPEL HILL, NC 27517

BERNETTA GUTHARY
636 MONAGAN ST
FAYETTEVILLE, NC 28301

ERNESTENE S GRAHAM
CALVIN GRAHAM JR
662 CARL FREEMAN RD
STEDMAN, NC 28391

AMBER D. KENNEDY
AARON S. KENNEDY
856 SATINWOOD CT
FAYETTEVILLE, NC 28312

A.YOUNG GEORGE
EVA MAE MALLOY
PO BOX 2015
LELAND, NC 28451

BETTY H. STRICKLAND
JOSEPH T. STRICKLAND
PO BOX 2273
FAYETTEVILLE, NC 28302

GERALDYNE O. LEWIS
PO BOX 2661
LUMBERTON, NC 28359

VANDER CENTER LLC
PO BOX 53729
FAYETTEVILLE, NC 28305

DIXIE M LOCK
MILTON F. LOCK JR
PO BOX 65239
FAYETTEVILLE, NC 28306

INTER-TRUST FINANCE CO INC
PO BOX 766
SPRING LAKE, NC 28390

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 \$ 150.

(ADDITIONAL FEE)

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 GEORGE M. POKE
2. Address: P.O. BOX 53441 FAYETTEVILLE Zip Code 28305
3. Telephone: (Home) _____ (Work) 910-977-5822
4. Location of Property: HUMMINGBIRD ROAD
5. Parcel Identification Number (PIN #) of subject property: 0477407361000
(also known as Tax ID Number or Property Tax ID) 0477529285000
6. Acreage: 106.75 Frontage: 600 HUMMINGBIRD ROAD Depth: IRREGULAR
PURCE
7. Water Provider: PWC
8. Sewer Provider: PWC SEWER PUMP STATION
9. Deed Book 11343, Page(s) 786, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
10. Existing use of property: FARMLAND, WOODLAND
11. Proposed use(s) of the property: SINGLE-FAMILY RESIDENTIAL

*
SEE
BELOW

NOTE: Be specific and list all intended uses.

12. Has a violation been issued on this property? Yes _____ No ✓
13. It is requested that the foregoing property be rezoned FROM: A1
TO: (Select one)

- ✓ Conditional Zoning District, with an underlying zoning district of RR
(Article V)
_____ Mixed Use District/Conditional Zoning District (Article VI)
_____ Density Development/Conditional Zoning District, at the _____ Density
(Article VIII)

* 0477402183000 0477629056000
0476494728000 0477505192000
0476590576000 0477600910000
0477510886000

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.)

ZERO LOT LINE SINGLE-FAMILY RESIDENTIAL

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

PHASE ONE IS 58 LOTS ON 29.8 ACRES TOTAL
OPEN SPACE MINIMUM 800 SQUARE FEET PER
LOT OR 46,400 SF.

2. DIMENSIONAL REQUIREMENTS:

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

PROPOSED SETBACKS:
FRONT 30'
REAR 35'
SIDES 5'

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

MINIMUM 2 OFFSTREET PARKING SPACES
PER LOT.

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.

SECTION 1206 DEVELOPMENT SIGN

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.

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.

ASTRAKEL INTERNATIONAL LTD.

Name of Owner(s) (Print or Type)

324 GLENBURNEX DRIVE, UNIT 103

Address of Owner(s)

ghajr@ghajr-pa.com

E-Mail

910-587-2699

Home Telephone

Work Telephone

George M. Rose, Jr.

Signature of Owner(s)

Signature of Owner(s)

GEORGE M. ROSE

Name of Agent, Attorney, Applicant (by assign) (Print or Type)

P.O. BOX 53441 FAYETTEVILLE, NC 28305

Address of Agent, Attorney, Applicant

Home Telephone

Work Telephone

george@gmrpe.com

E-Mail Address

Fax Number

George M. Rose

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 NOVEMBER 15, 2022

TO: JOINT PLANNING BOARD

FROM: CUMBERLAND COUNTY PLANNING & INSPECTIONS DEPARTMENT

DATE: 11/15/2022

SUBJECT: ZON-22-0064: REZONING FROM A1 AGRICULTURAL DISTRICT TO R15 RESIDENTIAL DISTRICT / CZ CONDITIONAL ZONING OR TO A MORE RESTRICTIVE ZONING DISTRICT FOR 5.47 +/- ACRES; LOCATED AT 1376 AND 1384 CYPRESS LAKES ROAD AND TWO DIRECTLY ABUTTING PROPERTIES; SUBMITTED BY MICHAEL ADAMS (APPLICANT) ON BEHALF OF RICKY & TINA NELSON (OWNER).

ATTACHMENTS:

Description

Case ZON-22-0064

Type

Backup Material



NORTH CAROLINA
PLANNING & INSPECTIONS

PLANNING STAFF REPORT
REZONING CASE # ZON-22-0064
Planning Board Meeting: November 15, 2022

Location: 1376 & 1384 Cypress Lakes Road
Jurisdiction: County-Unincorporated

REQUEST

Rezoning A1 to R15/CZ

Applicant requests a rezoning from A1 Agricultural District to R15/CZ Residential District Conditional Zoning for four parcels of approximately 5.47 combined acres located at 1376 and 1384 Cypress Lakes Road and two directly abutting properties. The site location appears in Exhibit "A". Two parcels are occupied by a single-family home while the other two abutting parcels are vacant. The intent of the property owner is to recombine the four lots into two lots for a total of nine residential units. A multifamily housing development with 4 structures, 8 units in total, is proposed for 3.83 acres of the site. The request will also create a 1.64-acre parcel containing the single-family home, separate from the 3.76 acres multi-family project. All 5.47 acres is subject to the conditional zoning and the conditions of approval. The Conditional Zoning Site Plan and the Conditions of Approval appears within Exhibit "E".

PROPERTY INFORMATION

OWNER/APPLICANT: Michael Adams (Applicant);
Ricky & Tina Nelson (Owner)

ADDRESS/LOCATION: Refer to Exhibit "A",
Location and Zoning Map. REID number:
0432390350000, 0432299103000,
0432391357000, 0432299542000

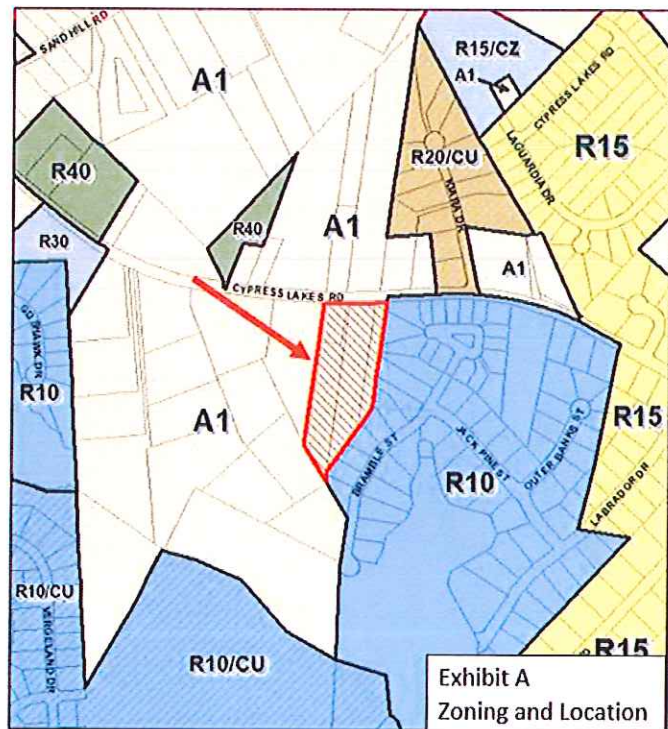
SIZE: 5.47 +/- acres within four parcels. The
individual parcel acreage is below:

0432390350000: 2.21 acres
0432299103000: 1.96 acres
0432391357000: 0.76 acres
0432299542000: 0.54 acres

Road frontage along Cypress Lakes Road is a
combined 325 +/- feet. The property has a varying
depth due to its shape but is approximately 897 +/-
feet in length at its deepest point.

EXISTING ZONING: The subject property is currently
zoned A1 Agricultural District. Minimum lot size for this
district is two acres. 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.

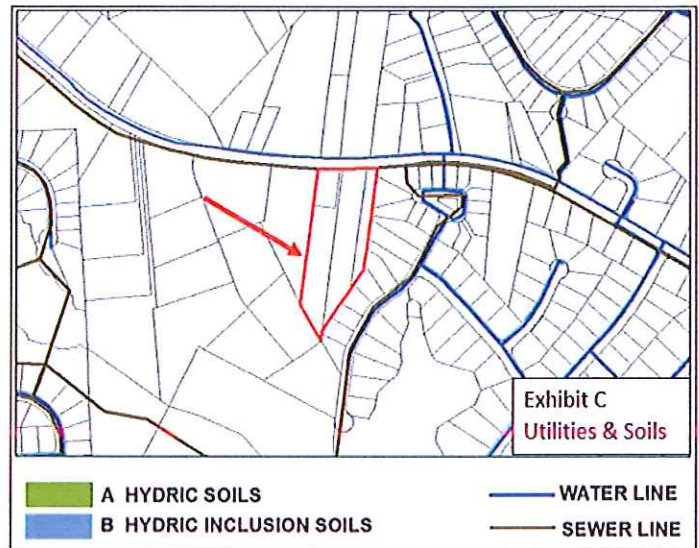
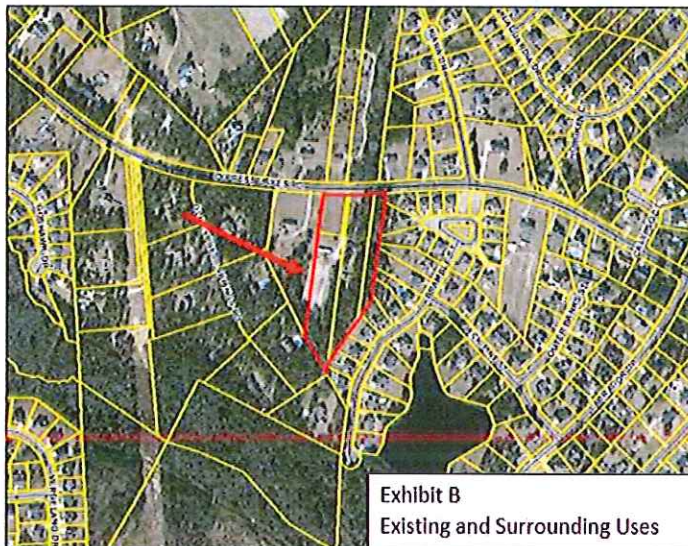
EXISTING LAND USE: Two parcels contain a single-family home. Two parcels are vacant. Exhibit "B" shows
the existing use of the subject property.



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

- **North:** Single family homes
- **East:** Cypress Cove & Labrador Lake single-family neighborhood
- **West:** Ole Cypress Spring neighborhood
- **South:** Labrador Lake & Ole Cypress Spring neighborhood

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.



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

DIMENSIONAL PROVISIONS FOR REQUESTED DISTRICT:

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

Development Potential:

Existing Zoning (A1)	Zoning (R15)	Proposed Zoning (R15/CZ)
3 dwelling units	13 dwelling units	9 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 South-Central Cumberland Land Use Plan (2015). The future land use classification of the property is "Low Density Residential". Associated zoning districts for this classification are R7.5 & R15

The proposed rezoning request is consistent with the adopted Land Use Plan.

APPLICABLE PLAN GOALS/POLICIES:

Residential Development Goal: "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."

- Promote the building of quality housing.
- Promote infill development.
- Provide flexibility for mixed-use and higher density developments to locate close to existing or future commercial centers.

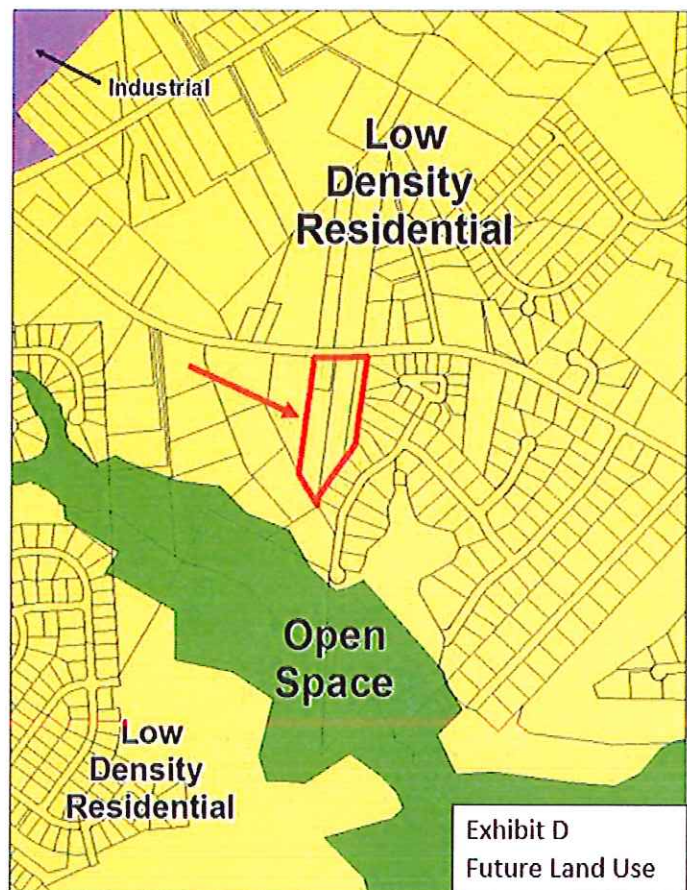


Exhibit D
Future Land Use

IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES

UTILITIES: PWC water and sewer lines are available, and a sewer main extension is located along the frontage of Cypress Lakes Road. This multi-family development will be required to connect to central water and sewer. It is the responsibility of the applicant to determine if these utilities will adequately 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 parcels are located on Cypress Lakes Road which is identified as a local road 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, there is no 2020 AADT for Cypress Lakes Road. There is no available road capacity data. Due to lack of data and the small scale, the new conditional zoning request does not demand a trip generation. The development proposed in the conditional zoning site plan should not generate enough traffic to significantly impact Cypress Lakes Road.

SCHOOLS CAPACITY/ENROLLMENT:

School	Capacity	Enrollment
Alderman Rd Elem	707	667
Gray's Creek Mid	1083	1125
Gray's Creek High	1517	1396

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, the developer must ensure fire protection water supply requirements are met, and to submit building plans to scale for new construction and building renovation. The Fire Marshall also stated that the current "T" turnaround size shown on the Conditional Zoning Site Plan will need to be increased at the time of the development site plan application.

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; conditions of approval are listed under Exhibit "F" with the conditional zoning site plan.

STAFF RECOMMENDATION

In Case ZON-22-0064, Planning and Inspections staff **recommends approval** of the rezoning request from A1 Agricultural District to R15/CZ Residential District Conditional Zoning. Staff finds the request is consistent with the South-Central Land Use Plan which calls for "Low Density Residential" at this location. Staff finds that the request is reasonable and in the public interest as the request is in harmony with the character of surrounding land use activities and zoning.

Attachments:

Condition Sheet

Site Plan

Notification Mailing List

Application

Exhibit "E"

CONDITIONAL ZONING NO. ZON-22-0064

ZON-22-0064: Rezoning from A1 Agricultural District to R15 Residential District / CZ Conditional Zoning or to a more restrictive zoning district for 5.47 +/- acres; located at 1376 and 1384 Cypress Lakes Road and two directly abutting properties.

The property delineated with Exhibit "A" is subject to the following conditions:

A. Applicability. All use and development of the property applicable to this Conditional Zoning (ZON-22-064) and as delineated in Exhibit "A" shall occur consistent with the standards and requirements of the R15 Residential Zoning District unless otherwise stated herein. If any standards herein are inconsistent with the Zoning or Subdivision ordinance, the conditions set forth herein shall supersede and apply to the development of the property delineated in Exhibit "A." If not expressly stated herein the R15 Residential standards shall apply.

B. Permitted and Prohibited Uses.

1. Uses within residential lots are limited to single-family residential and multi-use residential for the portions of the project site as delineated within Exhibit "A".
2. The development is limited to a maximum of 8 multi-family dwelling units and one single family lot.
3. The single-family lot shall stand on its own and is not required to be part of the homeowners association.

C. Development Standards.

1. Site Development: Development and use shall occur consistent with the Conditional Zoning Site Plan provided in Exhibit "A" and as set forth herein, and with the County Zoning and Subdivision Ordinance. Any standards or regulations not addressed herein shall then follow the County Zoning and Subdivision Codes,
2. Setback Standards. Minimum setback standards for this residential development --shall be:

Front – 25 feet
Side – 10 feet (one-story); 25 feet (two or more stories)
Rear-- 30 feet
Corner lot-- 25 feet

Accessory structures: minimum setback standards as set forth for the R15 zoning district, Zoning Ordinance.

3. No primary or accessory structure shall encroach the minimum setback standard established herein unless a variance is granted by the Board of Adjustment. After the initial plat is recorded, no replat can be used to change the minimum setback standards through a zero-lot line plat.

D. Infrastructure and Utilities.

1. Water and Sewer. _All residential homes shall be served by central water and sewer systems. No lot or tract shall be served by on-site septic systems.
 - a. Any lift or pump station facilities for central water or sewer systems shall be placed in a tract owned by the utility provider and not placed in an easement within a residential lot. A lift station site shall not be used to meet open space requirements.
 - b. The Public Works Commission must approve water and sewer plans prior to application for any permits. 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.
 - c. 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.)
2. Roads/Access
 - a. Off-Site Road Improvements. Turn lanes may be required by the NC Department of Transportation (NCDOT). [Art. XIV, County Zoning Ord. & NCGS § 136-18(5) & § 136-93]. Developer must coordinate with NCDOT prior to submittal of any preliminary subdivision plan regarding off-site road improvements.
 - b. At the time of a site plan application or plat for the multi-family lot, the type of roadway or driveway serving the eight multi-family units shall be determined.
 - c. Road signs. If required, developer is responsible for installation of all required traffic safety signs prior to recording a plat or issuance of a building permit, whichever occurs first. That the street name signs, in compliance with the Cumberland County Street Sign Specifications, shall be installed prior to final plat approval. Note: The developer is responsible for contacting 678-7621, once the street name sign(s) are installed, to schedule an inspection of said sign(s) and notice of a satisfactory inspection must be received by Current Planning prior to the approval of the final plat.
 - d. This review does not constitute a "subdivision" or "site plan" 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
 - e. Road ownership/maintenance. Prior to NCDOT acceptance of street construction, road rights-of-way, and related drainage systems, the developer is responsible for their maintenance and that all roads 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.
 - f. The developer(s) and any future owners of the multi-family lot are responsible for the maintenance and upkeep of any internal 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 owners in the event the lots are conveyed prior to the NCDOT's acceptance.

- g. In the event the NCDOT driveway permit or road acceptance process substantially alters the conditional zoning site plan, as such determination will be made by the County Planning & Inspections Director, such modification to the conditional zoning site plan must be approved by the Board of County Commissioners following the same review and hearing process for a conditional zoning application.
- h. Certification of Completion. Prior to recording of any plat or certificate of completion for a driveway, the developer's engineer must submit to Cumberland County Planning and Inspection Department a sealed document certifying that the streets or driveways have been constructed to the NC Department of Transportation (NCDOT) standards for secondary roads.
- i. The street name signs, in compliance with the County Street Sign Specifications, must be installed prior to final plat approval.

3. Stormwater and Drainage.

- a. The single-family lot and the multi-family lot shall stand on their own regarding drainage and stormwater management.
- b. 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.) The homeowner's association shall be responsible for maintain all stormwater facilities unless otherwise required by the NCDEQ.
- c. 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.)
- d. Stormwater facilities on the multi-family lot shall be owned and maintained by the homeowner's association unless NCDEQ requires otherwise.
- e. 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]

- f. 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)

4. Other Utilities. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306.C, County Subdivision Ord.) That any lighting used to illuminate off-street parking areas shall be subject to the same standards as listed in Section 1102.M.

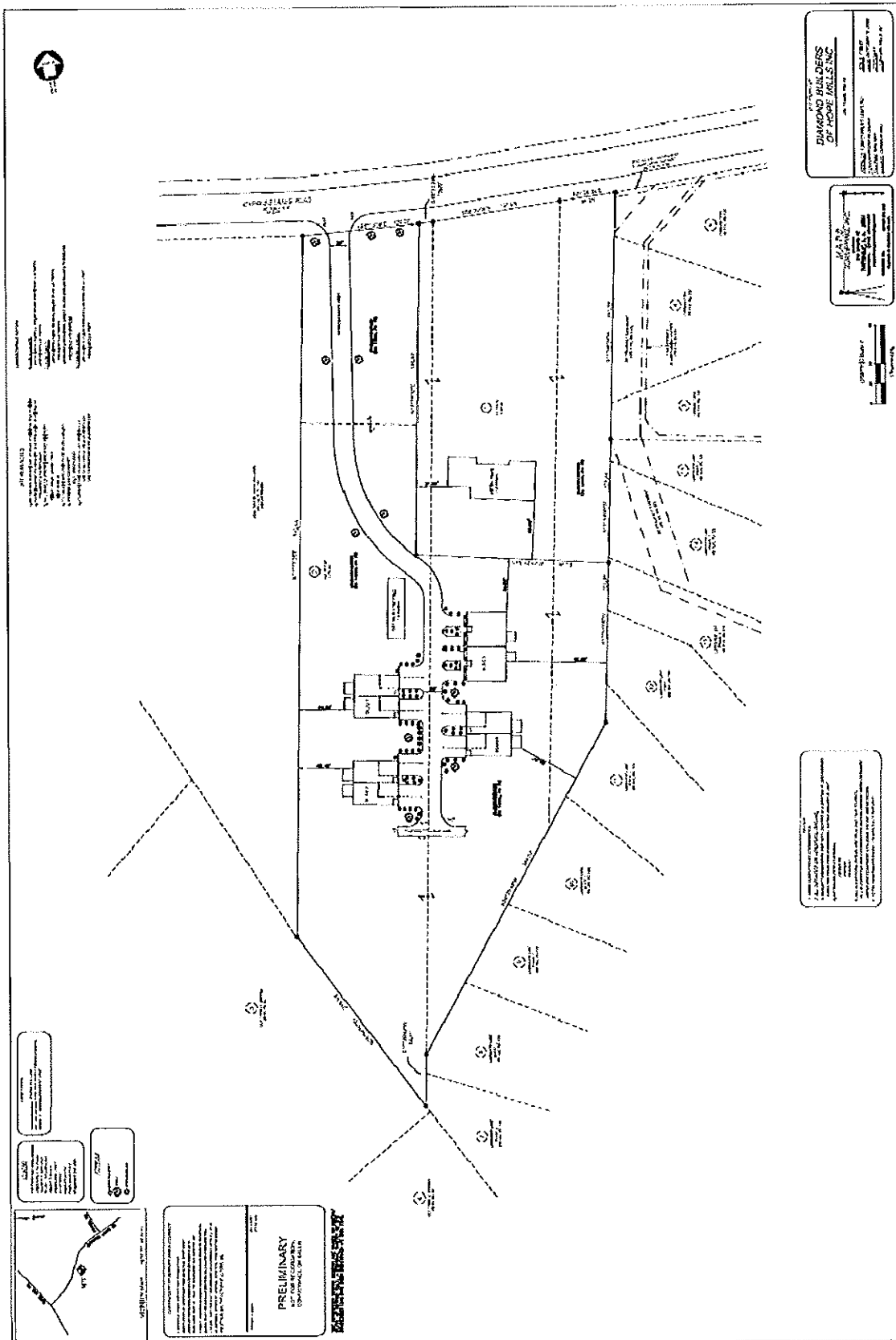
F. Plat-Related.

1. A recombination plat shall be submitted to create the multi-family and single family lots.
2. 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]
3. That all uses, and setbacks be compatible with those permitted in the A1 zoning classification.
4. 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.
5. 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.

G. Other Relevant Conditions:

1. Use and Development Conditions. This conditional zoning and the site plan conditions of approval are 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, State agencies, 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.
2. 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 Statue 160-D requirements.
3. Any revision or addition to this conditional zoning site plan, whether initiated by the developer or necessary to meet requirements promulgated by local state, or federal requirements, necessitates re-submission for Current Planning Section review and approval prior to the commencement of the change. Should the change be determined to be a substantial modification, as determined by the County Planning & Inspections, the substantial changes must be reviewed and approved by the Board of Cuntly Commissioners following the same process as a conditional zoning application.

EXHIBIT "A" of the Conditional Zoning Conditions of Approval (ZON-22-0064)



ATTACHMENT – MAILING LIST

Hick, Joyce
1345 Cypress Lakes RD
Hope Mills, NC 28348

STEWART, THOMAS H III; STEWART, LISA GAIL
4705 BRAMBLE ST
HOPE MILLS, NC 28348

LOUIS, WILLIAM P JR; LOUIS, KATHRYN R
822 JACK PINE ST
HOPE MILLS, NC 28348

LONG, JACK E; LONG, DIANE R KERNEY
5318 OLE CYPRESS SPRINGS RD
HOPE MILLS, NC 28348

JACKSON, ERIC J; JACKSON, JENNIFER R
4725 BRAMBLE ST
HOPE MILLS, NC 28348

JOHNSON, LINDA
4923 BRAMBLE ST
HOPE MILLS, NC 28348

STANFIELD, STEVEN W; STANFIELD, MARTHA
4931 BRAMBLE ST
HOPE MILLS, NC 28348

TROGDON, BRENDA
4812 BRAMBLE ST
HOPE MILLS, NC 28348

DIAMOND BUILDERS OF HOPE MILLS INC
PO BOX 68
HOPE MILLS, NC 28348

THRELKELD, BARRY L; THRELKELD, MINDY L
4736 BRAMBLE ST
HOPE MILLS, NC 28348

HANNAH, MICHAEL D; HANNAH, UMI S
828 JACK PINE ST
HOPE MILLS, NC 28348

WILLIAMS, JONATHAN ERIC; WILLIAMS,
DANYA MICHELLE
1348 CYPRESS LAKES RD
HOPE MILLS, NC 28348

BROWN, JOSEPH W
4828 KIARA DR
HOPE MILLS, NC 28348

VANSOELEN, WILLIAM ROELOF;
VANSOELEN, JENNIFER ANN
5319 OLE CYPRESS SPRINGS RD
HOPE MILLS, NC 28348

CAYLOR, DOUGLAS L; CAYLOR, KATHERINE
M
4907 BRAMBLE ST
HOPE MILLS, NC 28348

PEGRAM, CLARNCE EUGENE
4717 BRAMBLE ST
HOPE MILLS, NC 28348

LOCKLEAR, LAUREN S; LOCKLEAR, JOSHUA
A
4908 BRAMBLE ST
HOPE MILLS, NC 28348

PREWITT, MERLE R
2126 CYPRESS LAKES RD
HOPE MILLS, NC 28348

KOONCE, PEGGY DAVIS
4728 BRAMBLE ST
HOPE MILLS, NC 28348

HENSLEY, DANIEL P; HENSLEY, HEATHER S
4716 BRAMBLE ST
HOPE MILLS, NC 28348

PREWITT, THOMAS; PREWITT, WILLIAM E;
PREWITT, JAMES R
2126 CYPRESS LAKES RD
HOPE MILLS, NC 28348

CHAIONN, PAUL
3394 HAWTHORNE ST
HOPE MILLS, NC 28348

SMITH, ANNETTE RICCI; SMITH, NATHAN
TRACY
4920 BRAMBLE ST
HOPE MILLS, NC 28348

CARTER, URSULA
5308 OLE CYPRESS SPRINGS RD
HOPE MILLS, NC 28348

HINSON, WILLIAM AUBREY; HINSON,
LAURA WILLEY
4812 KIARA DR
HOPE MILLS, NC 28348

ZAHNAN, GAIL P
1101 BELMONT CIR
FAYETTEVILLE, NC 28305

CYPRESS COVE OF CUMBERLAND
HOMEOWNERS ASSOC. INC
1561 CYPRESS LAKES RD
HOPE MILLS, NC 28348

ANDREWS FEDERAL CREDIT UNION
PO BOX 4000
CLINTON, MD 20735

JONES, DENNIS DEWAYNE; JONES,
MCLINDA ANN
PO BOX 1154
HOPE MILLS, NC 28348

HODGES, LYNETTE JOHNSON; HODGES,
CHARLES LEONARD
4917 BRAMBLE ST
HOPE MILLS, NC 28348

COWLEY, NICHOLAS; COWLEY, VICTORIA
ELIZABETH
4721 BRAMBLE ST
HOPE MILLS, NC 28348

MANG, JASON
4927 BRAMBLE ST
HOPE MILLS, NC 28348

CONNOR, SANDY
4704 BRAMBLE ST
HOPE MILLS, NC 28348

NANCE, JEFFREY; NANCE, JODIE
4820 KIARA DR
HOPE MILLS, NC 28348

HARRISON, LORI
4904 BRAMBLE ST
HOPE MILLS, NC 28348

JONES, LOLITA
4740 BRAMBLE ST
HOPE MILLS, NC 28348

PUMMILL, WILLIAM ELLIS
1333 CYPRESS LAKES RD
HOPE MILLS, NC 28348

JEFFREYS, GEORGE WESLEY R; JEFFREYS,
KIMBERLY R
4712 BRAMBLE ST
HOPE MILLS, NC 28348

LOVELACE, SHAWN ELLIS ALLEN, MARINA
LUZ
4713 BRAMBLE ST
HOPE MILLS, NC 28348

SCOTT, W ROSS; SCOTT, KATHLEEN M
VERKULEN
5325 OLE CYPRESS SPRINGS RD
HOPE MILLS, NC 28348

OAKMAN, JAMES R; OAKMAN, NOREEN
ZENMS
4916 BRAMBLE ST
HOPE MILLS, NC 28348

MATTHEWS, THERESA; MORRIS, MOROE;
MORRIS, RENEE
1389 CYPRESS LAKES RD
HOPE MILLS, NC 28348

FREEMAN, CONNIE M LEFE ESTATE
1413 CYPRESS LAKES RD
HOPE MILLS, NC 28348

STATON, DARRELL K; LINDA, C
815 JACK PINE ST
HOPE MILLS, NC 28348

JONES, JOHN BENNETT; JONES, KATHY D
4700 BRAMBLE ST
HOPE MILLS, NC 28348

BAILEY, SUSAN R
4935 BRAMBLE ST
HOPE MILLS, NC 28348

THOMSON, KELVIN G; BENTLEY-
THOMPSON SABRINA
1309 CYPRESS LAKES RD
HOPE MILLS, NC 28348

LAVERIC, ROBERT JR; LAVERICK, JILL A
4825 KIARA DR
HOPE MILLS, NC 28348

WHISNANT, MARY
1233 CYPRESS LAKES RD
HOPE MILLS, NC 28348

ROPPOLI, JEAN
5301 OLE CYPRESS SPRINGS RD
HOPE MILLS, NC 28348

ULIASZ, CORINTHIA K
4732 BRAMBLE ST
HOPE MILLS, NC 28348

COLE, DANIEL SANTOS
4912 BRAMBLE ST
HOPE MILLS, NC 28348

WRIGHT, ROBIN
4724 BRAMBLE ST
HOPE MILLS, NC 28348

ARNETT, DENNY M; ARNETT, WANDA B
809 JACK PINE ST
HOPE MILLS, NC 28348

BIRCHWOOD FARMS INC
2126 CYPRESS LAKES RD
HOPE MILLS, NC 28348

BECKWITH, PRISCILLA GIBBS; BECKWITH,
HERBERT JR
PO BOX 183
HOPE MILLS, NC 28348

EANES, MICHAEL W LIFE ESTATE; EANES,
JUDY B LIFE ESTATE
821 JACK PINE ST
HOPE MILLS, NC 28348

CYPRESS COVE OF CUMBERLAND
HOMEOWNERS ASSOC. INC
4701 BRAMBLE ST
HOPE MILLS, NC 28348

SMITH, CALVIN M; SMITH, AGNES B
PO BOX 838
HOPE MILLS, NC 28348

RACFORD, JAMES M; RACFORD, LINDA F
16705 STOCKLAND CT
HUNTERSVILLE, NC 28078

MCDONALD, WILLIAM H; MCDONALD,
ALLISON P
4900 BRAMBLE ST
HOPE MILLS, NC 28348

GOODMAN JOSEPH, GOODMAN, ANGELA B
4720 BRAMBLE ST
HOPE MILLS, NC 28348

STEPHENS, JOHN T; STEPHENS, ANN H;
PREWITT WILLIAMS; PREWITT JAMES
810 JACK PINE ST
HOPE MILLS, NC 28348

SHELTON, TYSON L; SHELTON, SANDRA E
4924 BRAMBLE ST
HOPE MILLS, NC 28348

MCLEOD, DONALD C; MCLEOD, JENNIFER
HALL
4709 BRAMBLE ST
HOPE MILLS, NC 28348

JORDAN, CURTIS J; JORDAN, MISTY G
4928 BRAMBLE ST
HOPE MILLS, NC 28348

LYNCH, COLLINE KAREN
5314 OLE CYPRESS SPRINGS ROAD
HOPE MILLS, NC 28348

PIERCE, MICHAEL W; PIERCE, WENDI L
GOZA
4816 BRAMBLE ST
HOPE MILLS, NC 28348

ATTACHMENT: APPLICATION



County of Cumberland
—◆—
Planning & Inspections Department

CASE #: _____

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 \$ 400.
(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 AI to R 7.5
2. Address of Property to be Rezoned: 1384 Cypress Lakes Rd
3. Location of Property: Cypress Lakes Rd (West of Cypress Cove Subdivision)
4. Parcel Identification Number (PIN #) of subject property: 043239035000 0432299103000
(also known as Tax ID Number or Property Tax ID) 0432391357000 0432299542000
5. Acreage: 5.47 (Total) Frontage: 325 (Total) Depth: 897
6. Water Provider: Well: _____ PWC: X Other (name): _____
7. Septage Provider: Septic Tank _____ PWC X
8. Deed Book 11539, Page(s) 18, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
9. Existing use of property: Residential - Single Family
10. Proposed use(s) of the property: Residential - Multi Family
11. Do you own any property adjacent to or across the street from this property?
Yes _____ No X If yes, where? _____
12. Has a violation been issued on this property? Yes _____ No X

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

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

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.

Ricky + Tina Nelson
NAME OF OWNER(S) (PRINT OR TYPE)
6309 Clem Rose Lane
~~4618 Salem Prince Dr~~ Hope Mills NC 28348
ADDRESS OF OWNER(S)

910- HOME TELEPHONE # 910-237-1391 WORK TELEPHONE #

Michael J. Adams (MAPS Surveying)
NAME OF AGENT, ATTORNEY, APPLICANT (PRINT OR TYPE)

216 Mason St Fayetteville NC 28301
ADDRESS OF AGENT, ATTORNEY, APPLICANT

Maps@mapssurveying.com
E-MAIL

910-484-6432
HOME TELEPHONE # WORK TELEPHONE #

[Signature] SIGNATURE OF OWNER(S) [Signature] SIGNATURE OF AGENT, ATTORNEY OR APPLICANT

[Signature]
SIGNATURE OF OWNER(S)

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

CUMBERLAND COUNTY FEE SCHEDULES

REQUESTED ZONING DISTRICTS ¹	LESS THAN 5 ACRES	5 TO 50 ACRES	50 TO 100 ACRES	100+ ACRES
CD A1 A1A R40 R40A R30 R30A R20 R20A RR R15 R7.5 R6 R6A R5 R5A	\$200	\$400	\$500	\$500
O&I(P) C1(P) C2(P) C(P) M1(P) M(P)	\$400	\$500	\$600	\$800
CONDITIONAL ZONING DISTRICTS ² RESIDENTIAL DD/CZ MODIFICATION OF CONDITIONS	\$500 \$400	\$500	\$500	\$500
CONDITIONAL ZONING DISTRICTS ² NONRESIDENTIAL PND/CZ MXD/CZ MODIFICATION OF CONDITIONS	\$700 \$400	\$800	\$800	\$800
SUBDIVISION WAIVERS ALL TEXT AMENDMENTS ORDINANCE TEXT	\$200 \$100 \$10			
BOARD OF ADJUSTMENT*				
SPECIAL USE PERMITS VARIANCES WATERSHED ADMINISTRATIVE REVIEW/APPEALS INTERPRETATIONS NONCONFORMING USES		\$200 \$100		
* Board of Adjustment fee include hearings for the County Flood Ordinance and County Watershed Ordinance				

¹If more than one zoning district is requested in the same applications, the highest fee for the district requested will apply.

²If a general rezoning is requested and based on recommendations of the Joint Planning Board or County Commissioners, a Conditional Zoning District and Permit application is to be filed; the original application fee will be credited toward the Conditional Zoning District and Permit application fee.

Revised October 26, 2011



ATTACHMENTS:

Description

DICUSSION DOCUMENTS

Type

Backup Material

Amy H. Cannon
County Manager

Tracy Jackson
Assistant County Manager



Rawls Howard
Director


David Moon
Deputy Director

Planning & Inspections Department

November 9, 2022

MEMORANDUM

TO: Joint Planning Board Members

FROM: Rawls Howard, Planning and Inspections Director 

SUBJECT: Subdivision Discussion for November 15, 2022 Planning Board Meeting

At the October 13th, 2022 Agenda Session, the Board of County Commissioners (BOCC) gave direction to staff to receive feedback from the Planning Board on options for a possible Zero Lot Line amendment to the Subdivision Ordinance. The direction from the BOCC also included getting comments from the development community. Staff reached out to the Home Builder's Association to request written feedback. Staff received written comments on staff's proposed language in addition to some suggested language for consideration.

In the November agenda packet, I have included staff's recommended options for amendment language in addition to the HBA's comments. At this point, staff is not processing this as an official text amendment but seeking feedback to bring back to the BOCC for further guidance and direction.

Staff has consulted with the County Attorney's office and mutually agreed that this item would be best placed under the discussion portion of the November Planning Board agenda. Staff will present a PowerPoint summary of the staff draft and will go over the comments from the HBA. Staff will then take the Planning Board's feedback and present it to the BOCC to get further direction on how the BOCC would like to move forward with this item.

If you have questions or concerns, please don't hesitate to reach out to me directly. Thanks for all you do for our community.

Staff Proposal

SECTION 2103. DEFINITIONS OF SPECIFIC TERMS AND WORDS.

Variable Lot Residential Development: A development that consists of single-family residential structures on individual lots where the developer may reduce the minimum lot size of such lots in accordance with Section 2405 of this Ordinance while maintaining applicable overall density standards for the zoning district in which it is located.

Zero Lot Line Development: A development including, but not limited to, ~~residential lots~~, patio houses, townhomes and non-residential structures including one or more structures comprising at least two, ~~single-family~~ residences or non-residential ~~structures~~ uses, whether attached or detached, intended for separate ownership.

***Option 1:

SECTION 2405. VARIABLE LOT RESIDENTIAL DEVELOPMENTS.

A. Purpose. The purpose of this section is to provide desirable open space, tree cover, recreation area, scenic vistas, and site design variety in single family, residential subdivisions by allowing certain variations in lot sizes so long as the overall density of dwelling units and maximum number of lots is no greater than that permitted by the zoning ordinance by preparing a preliminary and final subdivision plat in full accord with the applicable requirements of this ordinance and in conformity with the following:

1. Public water and sewer prerequisite. Any subdivision submitted as a variable lot residential development shall be served by public water and sewer systems as required subdivision improvements.
2. Maximum number of lots. The maximum number of lots that may be created in a variable lot residential development shall be computed as follows:
 - a. From the gross land area of land to be committed to the development, subtract all land covered by water, wetlands, and all the land subject to flooding.
 - b. From the remainder, subtract 20% as allowance for normal street right-of-way. This standard shall apply regardless of the amount of land that would have been placed in the street right-of way.
 - c. Divide the remainder by the minimum lot area requirement for single family dwellings of the zoning district in which the development is located. The result is the maximum number of lots that may be created in the development.

3. Minimum lot standards. As permitted by this ordinance and the County Zoning Ordinance, a variable lot residential development is exempt from the minimum lot sizes specified therein for the district in which the development is located. In no case, however, shall the lot size of any development be less than 75% of the minimum required for single family lots by this ordinance or by the County Zoning Ordinance for the district in which the development is located, whichever minimum is applicable, and all other dimensional requirements of the applicable ordinance shall be complied with.
4. Open Space Standards. At the discretion of the developer, a variable lot residential development may utilize a range of lots sizes not in conflict with the minimums specified above.
 - a. Where any reduction is made in lot size in accordance with these provisions, an amount of land equivalent to the difference in the required minimum lot sizes and the proposed minimum lot sizes, shall be reserved. This open space reservation shall be in addition to any open space dedication or reservation as provided for in Section 2308 of this ordinance.
 - b. No parcel of any open space such area thus provided shall be less than one contiguous acre in size and all such area shall be physically a part of the area being subdivided. Such areas, as provided in accordance with these provisions, shall be held in nonprofit corporate ownership by the owners within the development. For the purposes of recording a subdivision plat, such open space areas shall be noted as "Common Area" and subject to the standards found in Section 2402(F) of this ordinance.
 - c. In consideration of the purposes served by a variable lot residential development, the title to such areas as provided shall be preserved to the perpetual benefit of the public generally or the private properties in the development and shall be restricted against private ownership for any other purpose. Recreational improvements clearly incidental to the purpose of these provisions may be made within the open space, provided that the maximum coverage of each type of improvement shall not exceed 20% of the total open space.
5. Access to Open Space. All lots created within the development shall have direct access to all parks or open spaces, as provided, by means of public or private streets or dedicated walkways or by fact of physical contiguity with

HBA Comments

***Option 4:

Our first suggestion would be to leave the current ordinance as is for multi-family, duplexes, etc. THEN....

1. Copy the existing zero-lot line section and rename it SINGLE FAMILY VARIABLE LOT RESIDENTIAL DEVELOPMENTS.
2. Require the minimum lot size to be no less than 50% of the required lot size for that zoning.
3. Require the side and rear setbacks to be no less than 75% of the required setbacks for that zoning district.

Our comments/suggestions for this proposal are in blue below. The orange is unclear to use and we need clarification on the intent.

SECTION 2103. DEFINITIONS OF SPECIFIC TERMS AND WORDS.

Variable Lot Residential Development: A development that consists of single-family residential structures on individual lots where the developer may reduce the minimum lot size of such lots in accordance with Section 2405 of this Ordinance while maintaining applicable overall density standards for the zoning district in which it is located.

Zero Lot Line Development: A development including, but not limited to, ~~residential lots~~, patio houses, townhomes and non-residential structures including one or more structures comprising at least two, ~~single-family~~ residences or non-residential ~~structures~~ uses, whether attached or detached, intended for separate ownership.

***Option 1:

SECTION 2405. VARIABLE LOT RESIDENTIAL DEVELOPMENTS.

A. Purpose. The purpose of this section is to provide desirable open space, tree cover, recreation area, scenic vistas, and site design variety in single family, residential subdivisions by allowing certain variations in lot sizes so long as the overall density of dwelling units and maximum number of lots is no greater than that permitted by the zoning ordinance by preparing a preliminary and final subdivision plat in full accord with the applicable requirements of this ordinance and in conformity with the following:

1. Public water and sewer prerequisite. Any subdivision submitted as a variable lot residential development shall be served by public water and /or sewer systems as required subdivision improvements.
2. Maximum number of lots. The maximum number of lots that may be created in a variable lot residential development shall be computed as follows:

a. From the gross land area of land to be committed to the

development, subtract all land covered by water, wetlands, and all the land subject to flooding.

b. From the tract remainder, subtract 20% 15% as allowance for normal street right-of-way. This standard shall apply regardless of the amount of land that would have been placed in the street right of way.

c. Divide the remainder by the minimum lot area requirement for single family dwellings of the zoning district in which the development is located. The result is the maximum number of lots that may be created in the development.

3. Minimum lot standards. As permitted by this ordinance and the County Zoning Ordinance, a variable lot residential development is exempt from the minimum lot sizes specified therein for the district in which the development is located. In no case, however, shall the lot size of any development be less than 75% 50% of the minimum required for single family lots by this ordinance or by the County Zoning Ordinance for the district in which the development is located, whichever minimum is applicable, and all other dimensional requirements of the applicable ordinance shall be complied with. Please explain the intent.

If a developer has to run water and sewer to a site, this along with #2 will kill every deal.

Does this mean there will be no deviation in setbacks?

4. Open Space Standards. At the discretion of the developer, a variable lot residential development may utilize a range of lots sizes not in conflict with the minimums specified above.

a. Where any reduction is made in lot size in accordance with these provisions, an amount of land equivalent to the difference in the required minimum lot sizes and the proposed minimum lot sizes, shall be reserved. This open space reservation shall be in addition to any open space dedication or reservation as provided for in Section 2308 of this ordinance.

There is no benefit to doing this type of development. This section says that for every reduction in lot size, you still have to set aside the balance required.

Currently, a developer can pay in lieu for open space. Will that be the case here?

- b. No parcel of any open space such area thus provided shall be less than one-half contiguous acre in size and all such area shall be physically a part of the area being subdivided. Such areas, as provided in accordance with these provisions, shall be held in nonprofit corporate ownership by the owners within the development. For the purposes of recording a subdivision plat, such open space areas shall be noted as "Common Area" and subject to the standards found in Section 2402(F) of this ordinance.
- c. In consideration of the purposes served by a variable lot residential development, the title to such areas as provided shall be preserved to the perpetual benefit of the public generally or the private properties in the development and shall be restricted against private ownership for any other purpose. Recreational improvements clearly incidental to the purpose of these provisions may be made within the open space, provided that the maximum coverage of each type of improvement shall not exceed 20% of the total open space.

assume this means that if a developer wants to incorporate an amenity (clubhouse, pool, soccer field, walking track, etc.), it can't take up more than 20%?

- 5. Access to Open Space. All lots created within the development shall have direct access to all parks or open spaces, as provided, by means of public or private streets or dedicated walkways or by fact of physical contiguity with other public lands or lands in common ownership by all residents.
- 6. Open Space Provisions. Where the open space is to be deeded to a homeowner's association or other such nonprofit ownership, the developer shall file a declaration of covenants and restrictions that will govern the open space as common area in accordance with Section 2402 (G)-(J) of this ordinance.

*****Option 2:**

Same as Option 1, except for utilities. The new Section 2405 (A)(1) would read:

- 1. Utilities. Any subdivision submitted as a variable lot residential development shall be served by adequate water and sewer systems as required by Section 2306 of this ordinance.

*****Option 3:**

Return to traditional use of Zero Lot Line standards for “attached” products (townhomes, condos, etc.). Only need to change the definition.

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