

Clarence Grier
County Manager

Sally Shutt
Assistant County
Manager



Rawls Howard
Director

David Moon
Deputy Director

CUMBERLAND COUNTY JOINT PLANNING BOARD

AGENDA

March 21, 2023

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
 - A. MINUTES OF FEBRUARY 21, 2023
- VI. CHAIRMAN'S WELCOME AND RULES OF PROCEDURE
- VII. PUBLIC MEETING CONSENT ITEMS

REZONING CASES

- B. **Case ZNG-002-23: Initial zoning of 1.20+/- acres to RR Rural Residential or to a more restrictive zoning district, located at 2308 (3808) Park Garden Ct on REID 9494912677000, submitted by the Town of Hope Mills (agent) on behalf of Mauricio Andrade (owner).**
- C. **ZON-22-0078: Rezoning from RR Rural Residential District and C3 Heavy Commercial District to C(P)/CZ Planned Service and Retail Conditional Zoning District or to a more restrictive zoning district for two parcels comprising 1.66 +/- acres; located at 6283 US Highway 301 South; submitted by George Rose (applicant) on behalf of Pit Stop 301 Express, LLC, and Gamil Nagi Aldalali, Ibrahim Alsaidi, Enas Alsaidi (owners).**
- D. **ZON-22-0085: Rezoning from A1 Agricultural District to R40 Residential District or to a more restrictive zoning district for 83.3 +/- acres; located at 3255 School Road and two abutting parcels; submitted by Gregory McLean (owner/applicant).**
- E. **ZON-23-0004: Rezoning from A1 Agricultural District to R20 Residential District or to a more restrictive zoning district for 1.58 +/- acres; located at 1322 Sand Hill Road; submitted by Chris Roberts (applicant) on behalf of Jesse Chason (owner).**

- F. ZON-23-0005: Rezoning from C(P) Planned Commercial & C-3 Heavy Commercial Districts to R5A/CZ Residential Conditional Zoning District to a more restrictive zoning district for 8.70 +/- acres; located east of North Main Street and west of Bragg Blvd.; submitted by Domenic Spencer (applicant) on behalf of Lorenzo McLean (owner) (Spring Lake April)**
- G. ZON-23-0007: Rezoning from O&I Office & Institutional District to R6 Residential District or to a more restrictive zoning district for 0.24 +/- acres; located at 125 Elizabeth Street; submitted by Rolisha Cain (applicant/owner) (Spring Lake April).**

VIII. PUBLIC MEETING CONTESTED ITEMS

REZONING CASES

- H. ZON-23-0003: Rezoning from R10 Residential District and CD Conversancy District to R5 Residential District or to a more restrictive zoning district for a portion of a 20.17 +/- acre parcel; located west of Lillington Hwy and north of Cottageville Dr.; submitted by Moorman, Kizer & Reitzel, Inc. (applicant) on behalf of Spring Lake Properties (owner).**

IX. DISCUSSION

I. SUBDIVISION ORDINANCE UPDATE

X. 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



Cumberland County Joint Planning Board

MINUTES

February 21, 2023

Members Present	Members Absent	Others Present
Mr. Stan Crumpler, Chair	Ms. Susan Moody	Mr. Rawls Howard
Mrs. Jami McLaughlin, Vice-Chair	Mr. William Walters	Mr. David Moon
Mr. Gary Burton	Mr. Mark Williams	Mr. Christopher Portman
Mr. James Baker	Mr. Jordan Stewart	Mr. Rick Moorefield, County Attorney
Ms. Cassandra Herbert		Mrs. Laverne Howard
Mr. Thomas Lloyd		Mrs. Cherice Hill

I. INVOCATION AND PLEDGE OF ALLEGIANCE

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

II. ADJUSTMENTS TO / APPROVAL OF AGENDA

There were none.

Mr. Baker made a motion, seconded by Mr. Lloyd to approve the agenda as submitted. Unanimous approval.

III. PUBLIC MEETING DEFERRAL / WITHDRAWALS

There were none.

IV. ABSTENTIONS BY BOARD MEMBERS

There were none.

V. APPROVAL OF THE MINUTES OF JANURARY 17, 2023

Mr. Baker made a motion, seconded by Mr. Burton to approve the minutes as submitted. Unanimous approval.

VI. CHAIRMAN'S WELCOME AND RULES OF PROCEDURE

Chair Crumpler read the welcome and rules of procedure.



Cumberland County Joint Planning Board

VII. PUBLIC MEETING CONSENT ITEMS

INITIAL ZONING CASE

- A. **Case ZNG-001-23:** Initial zoning of 15.11+/- acres to C2(P) Planned Service and Retail or to a more restrictive zoning district, located at 7050 Rockfish Road on REIDs 9494977862000, submitted by the Town of Hope Mills (agent) on behalf of Crosspoint Church (owner). **(HOPE MILLS)**

In ZNG-001-23, the Town of Hope Mills Planning staff recommends approval of the initial zoning request to the C2(P) Planned Service and Retail district and finds that although the request is not consistent with the Southwest Cumberland Land Use Plan (2013) designation, the economic and regional impact of the proposed development fits within the vision and long term outlook of the area. Approval of the request is reasonable and in the public interest because the district requested is in harmony with surrounding existing uses and zoning.

In ZNG-001-23, Mr. Baker made a motion, seconded by Mr. Burton to recommend approval of the initial zoning request to the C2(P) Planned Service and Retail district and finds that although the request is not consistent with the Southwest Cumberland Land Use Plan (2013) designation, the economic and regional impact of the proposed development fits within the vision and long-term outlook of the area. Approval of the request is reasonable and in the public interest because the district requested is in harmony with surrounding existing uses and zoning. Unanimous approval.

REZONNING CASES

- B. **Case ZON-22-0080:** Rezoning from A1 Agricultural District to R40A Residential District or to a more restrictive zoning district for three parcels comprising 3.10 +/- acres; located at 1811 and 1815 Sweetie Road; submitted by Jerald Kennon (applicant) on behalf of Herbert Dukes (owner).

In Case ZON-22-0080, Staff recommends approval of the rezoning request from A1 Agricultural District to R40A Residential District. Staff finds 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 it is compatible to and in harmony with the surrounding land use activities and zoning.



Cumberland County Joint Planning Board

In Case ZON-22-0080, Mr. Baker made the motion, seconded by Mr. Burton to recommend approval of the rezoning request from A1 Agricultural District to R40A Residential District. The Board finds the request is consistent with the Eastover Area Land Use Plan which calls for “Rural Density Residential” at this location. The Board also finds that the request is reasonable and in the public interest as it is compatible to and in harmony with the surrounding land use activities and zoning. Unanimous approval.

- C. **Case ZON-23-0002:** Rezoning from CD/CUD Conservancy Conditional Use District to R15/CUD Residential Conditional Use District or to a more restrictive zoning district for portions of two lots comprising of 0.57 +/- acres; located at 2241 and 2245 Mannington Drive; submitted by James Kizer, Jr. (applicant) on behalf of Jagjit Mehmi (owner).

In Case ZON-23-0002, Staff recommends approval of the rezoning request from CD/CUD Conservancy Conditional Use District to R15/CUD Residential Conditional Use District and find (a) The approval is an amendment to the adopted, current South-Central Land Use Plan and that the Board of Commissioners should not require any additional request or application for amendment to said map for this request; (b)The applicant has obtained a “Letter of Map Revision” from FEMA to remove the flood boundaries from the affected lots; (c) The existing land use plan designation of “open space” is based off the pre-existing flood hazard lines, not the recently approved FEMA flood hazard lines. The request is reasonable and in the public interest as the requested district would be compatible to and in harmony with the surrounding land use activities and zoning.

In Case ZON-23-0002, Mr. Baker made a motion, seconded by Mr. Burton to recommend approval of the rezoning request from CD/CUD Conservancy Conditional Use District to R15/CUD Residential Conditional Use District and find (a) The approval is an amendment to the adopted, current South-Central Land Use Plan and that the Board of Commissioners should not require any additional request or application for amendment to said map for this request; (b)The applicant has obtained a “Letter of Map Revision” from FEMA to remove the flood boundaries from the affected lots; (c) The existing land use plan designation of “open space” is based off the pre-existing flood hazard lines, not the recently approved FEMA flood hazard lines. The request is reasonable and in the public interest as the requested district would be compatible to and in harmony with the surrounding land use activities and zoning. Unanimous approval.

Cumberland County Joint Planning Board

VIII. PUBLIC MEETING CONTESTED ITEMS

REZONING CASES

- D. **Case ZON-23-0001:** Rezoning from RR Rural Residential District to R6 Residential District for 3.53 +/- acres and Initial Zoning from A1 Agriculture District to R6 Residential District for 28.8 +/- acres located at 5123 McLean Street and two abutting parcels, Town of Godwin; submitted by Zachary Angle (applicant) on behalf of Susan Tart Property, LLC (owner). **(Godwin)**

Mr. Portman presented the case information and photos.

In Case ZON-23-0001, Staff recommends approval of the rezoning request from RR Rural Residential District to R6 Residential District and Initial Zoning from A1 Agricultural District to R6 Residential District and finds; (a) The approval is an amendment to the adopted, current Vision Northeast Land Use Plan; and that the Board of Commissioners should not require any additional request or application for amendment to said map for this request; (b) Plan goals and policies promote higher densities if within the Town limits; (c) Approval of the request necessitates a map change due to recent annexation of the property into the Town of Godwin. The request is reasonable and in the public interest as the requested district would be compatible to and in harmony with the surrounding land use activities and zoning.

Public Meeting was opened.

Mr. Don Curry is the Engineer of the project and spoke in favor. Mr. Curry came forward to explain specifics about the request and stated that he was available for questions if the Board had any.

Mayor Burnett spoke in favor and stated there were less than 200 residents in the city limits. Mayor Burnett stated that this request is good for the community as residents will be able to stay in Godwin to get what they need for small shopping needs. He stated that rooftops are needed for commercial. He went on to say that we need this project to help the town grow.

Mr. Baker asked Mayor Burnett about the Godwin's Board of Commissioners annexation of the subject property and who had the final decision.

Mayor Burnett clarified what is within the city limits and what has been annexed. He briefly spoke about how this would increase the tax revenue.

Renee Paschal
Interim County Manager

Sally Shutt
Assistant County Manager



Rawls Howard
Director

David Moon
Deputy Director

Cumberland County Joint Planning Board

Mr. Ron Paskowski is opposed to the rezoning. Mr. Paskowski would like to keep Godwin County zoning and does not want the convenience of a dollar store.

Ms. Dessie Starling is opposed to the rezoning. Ms. Starling's concern is the small amount of land there is for the number of houses being proposed and if they were going to be pretty houses. Ms. Starling stated that she is not 100% against it, but feels some requirements must be met before we can put 116 houses on that property.

Ms. Leigh Able is opposed to the rezoning. Ms. Able feels that not much thought was put into the types and numbers of houses against the amount of acreage being used. Ms. Able stated that it sounds like a trailer park. Ms. Able also stated she does not want a dollar store in Godwin.

Ms. Jeannine Braxton Lindsey is opposed to the rezoning. Ms. Lindsey stated that she knows change is going to come. She spoke on her personal family history of Godwin. Her concern is three pecan trees being taken down to accommodate the population growth.

Mr. James Sealy is opposed to the rezoning. Mr. Sealy opted not to speak.

Chair Crumpler closed the Public Meeting.

Mr. Lloyd questioned Mayor Burnett about the relation the amount of houses this would add to the tax revenue it would bring in.

Mayor Burnett responded they were going by the County planning staff review and let Mr. Lloyd know the proposed plan is currently zoned A1 Agricultural but wants it to be R6 to be able to build on the property at the requested density.

Mr. Crumpler questioned Mayor Burnett that if the motion is approved, what would stop further building on the property. Mr. Crumpler further stated that if they approve the rezoning, they can legally put significantly more houses on the property.

Mr. Howard stated that even though the request was a conventional zoning and staff reviews the plans, the Town of Godwin would have final approval authority over the site plan.

Mayor Burnett stated he would not approve or allow anything that would disfigure the Town. Mayor Burnett gave personal history of the Town of Godwin and how the proposed rezoning would help the community.

Cumberland County Joint Planning Board

Mr. Crumpler questioned Mr. Curry about how many houses are going in the development.

Mr. Curry responded with 116 proposed and submitted in the preliminary subdivision package to the County for review. He further mentioned the request is R6 and not R6A to avoid mobile home parks. Mr. Curry stated that a commercial store is not in their subdivision proposal.

Mr. Lloyd stated that R6 is not required for that many units, he questioned Mr. Curry why not R10 on 32 acres.

Mr. Curry's stated that R6 is appropriate for the size lots they are looking for and it is consistent with the zoning already in place in Godwin. He further stated that we have open space requirements that they are exceeding, there are also environmental set aside areas they are avoiding to mitigate any perceived negative impacts. He also advised they do not have home builders at this time as they are not homebuilders and are still early in the zoning phase.

Mr. Curry's stated they are not applying for any concessions.

In Case ZON-23-0001, Mr. Baker made a motion, seconded by Mr. Lloyd to recommend approval of the rezoning request from RR Rural Residential District to R6 Residential District and Initial Zoning from A1 Agricultural District to R6 Residential District and find; (a)The approval is an amendment to the adopted, current Vision Northeast Land Use Plan and that the Board of Commissioners should not require any additional request or application for amendment to said map for this request; (b) Plan goals and policies promote higher densities if within the Town limits; (c) Approval of the request necessitates a map change due to recent annexation of the property into the Town of Godwin. The request is reasonable and in the public interest as the requested district would be compatible to and in harmony with the surrounding land use activities and zoning. Unanimous approval.

- E. **Case APPL-0001-23** Consideration of Applicant's Appeal of Planning Director's Denial of Final Plat Approval for the Ava Estates Subdivision; submitted by Ben Stout (applicant).

Mr. Howard presented the case information and explained what was expected of the Board according to the ordinance. Specifically, the Board was to focus on providing an interpretation of the code and not a specific plat approval. Mr. Howard stated that staff's denial of final plat approval for the development was a form of proxy denial based upon



Cumberland County Joint Planning Board

the County Attorney's interpretation regarding the use of Class "C" private streets in developments with HOA's and for Zero Lot Line developments. Per ordinance, the HOA documents must be approved by the County Attorney before staff can sign off on the final plat.

Mr. Howard presented staff's position. Staff's position is that Class "C" private streets are allowed in Zero Lot Line subdivisions and can be regulated by the development's homeowner's association. Staff believes this position is supported by the following;

- (1) There is no identifiable, direct prohibition on Class "C" private streets (or any other street type) in the County's subdivision ordinance, only parameters by which a street may be utilized and constructed;
- (2) Class "A" and "B" streets require the provision and use of right-of-way. Class "C" streets are characterized as, and require the provision of, an easement;
- (3) Section 2402(G)(5) of the County's Subdivision Ordinance states that ingress and egress easements over common area in developments shall be granted. Further, the standard specifies that the easement shall be granted for "any" lot or unit within a development. Staff interprets this as it can be for one or all lots proposed;
- (4) Easements that are owned and maintained by an HOA, in common, is standard (streets, utilities, recreational facilities, etc.). In addition to the common area and Class "C" street, the mail kiosk for the whole development is proposed to be located on the Class "C" street and accessible to all residents of the proposed development;
- (5) Finally, Staff's position is such that Section 2402(F) does not state that the easement for Class "C" private streets is prohibited, but only required to be labeled as "common area".

Mr. Crumpler opened the public meeting and asked for the applicant to present their case. Mr. Ben Stout (applicant) was not present.

Mr. Cody Sharpless who signed up in favor to speak left and was not present to speak on the case.

Mr. Lloyd asked for the County Attorney's perspective. He stated the developer found a loophole with the zero-lot line standards, basically a complicated loophole.

Mr. Rick Moorefield stated that he has a responsibility to Class "A" and "B" streets since they have a homeowner's association. Class "C" is not on the list because there is no requirement for him to look at anything on a Class "C", there is no requirement for a homeowner's association. The requirement is that the street, the boundaries of the property be into the street, be owned by the homeowners, that it be listed on the plat as a private street, and that the street be maintained by the owners of the street. There is a requirement that this requirement be listed on the deed. That is how private streets

Cumberland County Joint Planning Board

are addressed. Mr. Moorefield went on to say that the way the ordinance reads it absolutely cannot be an easement. It is owned, ownership is different than having an easement across the property.

Mr. Rick Moorefield stated that the owners of the adjoining lots would own the street, and that they couldn't be forced to deed to an HOA. Based on this, he would not approve the covenants. Mr. Moorefield also clarified what specifically he is charged with approving for these developments, per the ordinance.

Mr. Crumpler asked about lot easements and noted that currently, wouldn't the developer technically be the owner of all the lots in the development.

Mr. Moorefield stated only the four lots would have access to the easement for the street and that he cannot approve any covenant for a private street in this circumstance. The development would be better suited as two separate subdivision plats or not as a zero lot line development.

Mr. Lloyd stated that he agrees with staff's interpretation and believes staff followed the code appropriately. However, he could understand the perspective of the County Attorney and agreed with his perspective as well.

Mr. Howard stated that the ordinance could be better developed and clearer in this matter and reminded the Board that we were in the middle of a subdivision ordinance rewrite. He stated that staff would flag this issue with the consultant so it could be better addressed in the upcoming ordinance proposal.

Mr. Lloyd made a motion, seconded by Mr. Baker to support the Director's denial of final plat approval. Unanimous approval.

IX. DISCUSSION

Mr. Howard updated the Planning Board that the Board of Commissioners approved the text amendment in support of Variable Lot Residential Developments and to amend zero lot line developments standards in the County's subdivision and zoning ordinances. He informed the Board that the County's website would be updated with the new Zoning Ordinance and Subdivision Ordinance.

X. ADJOURNMENT

There being no further business, the meeting adjourned at 7:15pm

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Fayetteville, North Carolina 28301 | Phone: 910-678-7600 | Fax: 910-678-7631

cumberlandcountync.gov



PLANNING AND INSPECTIONS DEPARTMENT

MEMORANDUM FOR JOINT PLANNING BOARD AGENDA OF MARCH 21, 2023

TO: JOINT PLANNING BOARD

FROM: CUMBERLAND COUNTY PLANNING & INSPECTIONS DEPARTMENT

DATE: 3/21/2023

SUBJECT: CASE ZNG-002-23: INITIAL ZONING OF 1.20+/- ACRES TO RR RURAL RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 2308 (3808) PARK GARDEN CT ON REID 9494912677000, SUBMITTED BY THE TOWN OF HOPE MILLS (AGENT) ON BEHALF OF MAURICIO ANDRADE (OWNER).

ATTACHMENTS:

Description

Case ZNG-002-23

Type

Backup Material



STAFF REPORT

REZONING CASE# - ZNG-002-2023
Planning Board Meeting: 3-21-2023
Hope Mills Board Meeting: 4-17-2023

Address: 2308 (3808) Park Garden Court.

ZONING REQUEST: Initial zoning to RR Rural Residential

The Town of Hope Mills staff received a contiguous annexation petition for 1.20 acres of land tied to parcel identification number 9494-91-2677. The Hope Mills Board of Commissioners accepted the annexation petition adopting a resolution R2023-06 and setting the public hearing for March 6, 2023 under annexation number A2023-01. The subject property is adjacent to the existing Preserve at Lake Upchurch subdivision but access is provided from within the development. Please refer to the attached memorandum from the Hope Mills Plan Review Committee for recommendations from all pertinent engineering and permit based departments. The location of the subject property is illustrated in Exhibit "A".

SUBJECT PROPERTY INFORMATION

OWNER/APPLICANT:

Town of Hope Mills (agent) on behalf of
Mauricio Andrade (owner)

ADDRESS/LOCATION: 2308 (3808) Park
Garden Court; REIDs: 9494912677000
For additional information on
the site location, refer to Exhibit
"A"

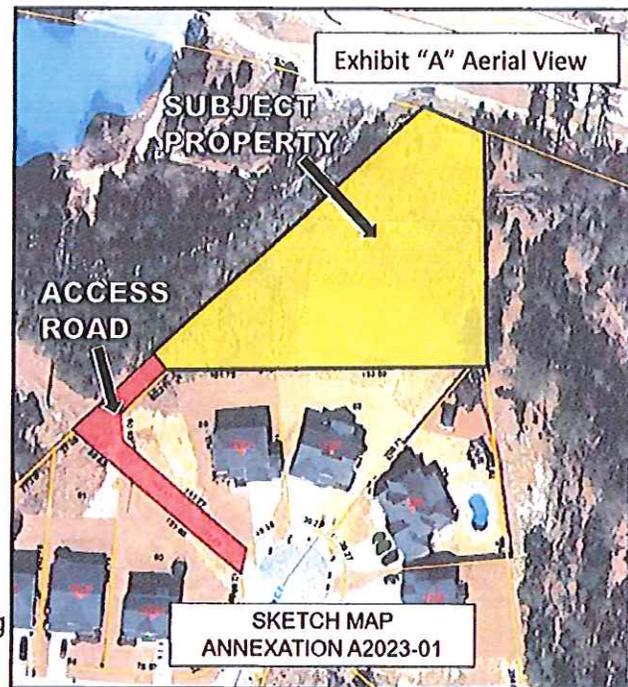
SIZE:

As stated above, the subject property is 1.20
acres in size with varying lengths of depth.

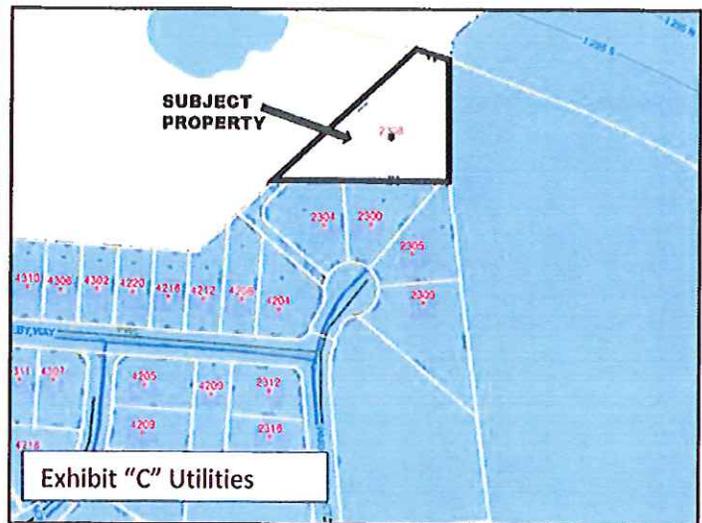
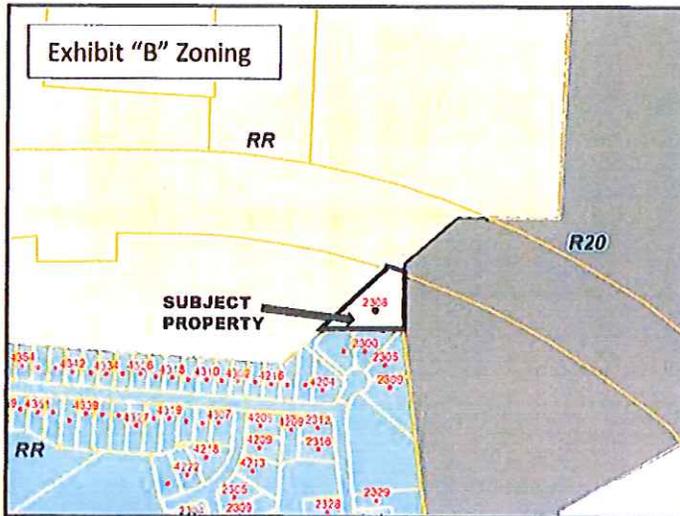
EXISTING ZONING: The subject property is
currently zoned under the RR district with the
overall immediate surrounding area also
designated under the RR district as well. As
stated above, the site is adjacent to the existing
Preserve at Lake Upchurch subdivision to the
South which is also zoned under the RR
district.

EXISTING LAND USE: The subject property is currently vacant.

SURROUNDING ZONING AND LAND USE: The properties adjacent to the immediate south
are developed with single family residential uses with the area to the immediate east currently
undeveloped. 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: The development of this property will require a building permit for the construction of a single family residence.

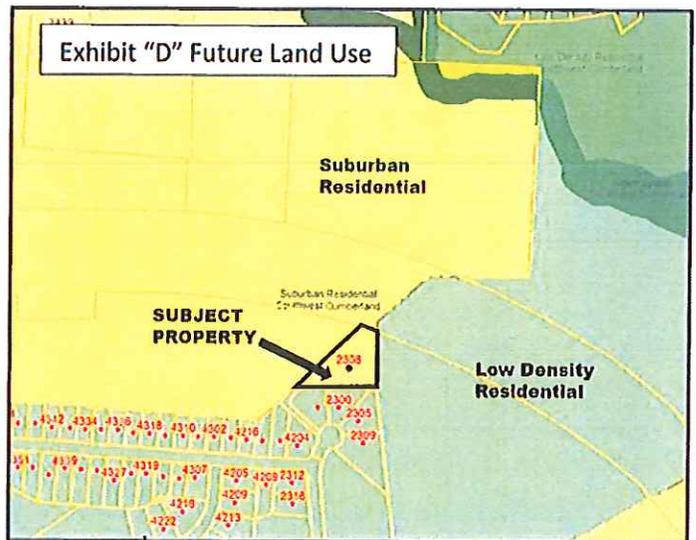
COMPREHENSIVE DEVELOPMENT PLANS:

This site is located within the Southwest Cumberland Land Use Plan area (2013) and is designated as "Suburban Residential". This request is consistent with the land use plan as it contemplates the construction of a single family residence. 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 will be served by PWC water and sewer.



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

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

SPECIAL OVERLAY DISTRICTS: The subject property is not located within the boundaries of any established overlay district.

CODE DEVIATIONS: None.

STAFF RECOMMENDATION

In ZNG-002-23, the Town of Hope Mills Planning staff **recommends approval** of the initial zoning request to the RR Rural Residential district and finds that the request is consistent with the Southwest Cumberland Land Use Plan (2013) designation, and the economic and regional impact of the proposed development fits within the vision and long term outlook of the area developed to the immediate south. Approval of the request is reasonable and in the public interest because the district requested is in harmony with surrounding existing uses and zoning.



Town of Hope Mills

Planning Department

CASE NO.: ZNG-002-23

PLANNING BOARD

DATE: 3/21/23

TOHM BOARD

MEETING DATE: 4/17/23

DATE APPLICATION

SUBMITTED:
3/10/23

RECEIPT NO.: _____

RECEIVED BY: C. F. McLaughlin

APPLICATION FOR REZONING HOPE MILLS ZONING ORDINANCE

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

1. A copy of the *recorded* deed and/or plat;
2. If portion(s) of an existing tract is/are being submitted for rezoning, an accurate written legal description of only the area to be considered for the rezoning; and
3. A check made payable to "Town of Hope Mills" in the amount of \$ 0.
(See attached Fee Schedule).

Rezoning Procedure:

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

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

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

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

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

1. Requested Rezoning from Initial Zoning RR (county) to RR (Hope Mills)

If the area is a portion of an existing parcel, a written metes and bounds description of only that portion to be considered for rezoning, including the exact acreage must accompany this application along with a copy of the recorded deed 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.

2. Address/location of property to be Rezoned: 2308(3808)Park Garden Ct Fayetteville, NC

3. Parcel Identification Number (PIN #) of property: 9494-91-2677
(also known as Tax ID Number or Property Tax ID)

4. Acreage: 1.2 acres Frontage: 892.65 feet Depth: 700+

5. Water Provider: Well: _____ PWC: X

6. Septage Provider: Septic Tank _____ PWC X Other (name) _____

7. Deed Book 9394, Page(s) 570 Cumberland County Register of Deeds. (Attach copy of deed of subject property as it appears in Registry).

8. Existing use(s) of property: Empty Lot

9. Proposed use(s) of the property: Single Family Home

10. Do you own any property adjacent to, including across the street from, the property being submitted for rezoning? Yes _____ No X
If yes, where? _____

11. Has a violation been issued on this property? Yes _____ No X

The Planning 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 Planning Staff has conferred with the petitioner or assigns, and the application as submitted is accurate and correct.

Mauricio Andrade
Property owner(s)' name (print or type)

459 N Platte Rd Fayetteville, NC 28303
Complete mailing address of property owner(s)

Telephone number

Alternative telephone number

E-mail address

Fax number

Town of Hope Mills (Agent) Mauricio Andrade (owner)
Agent, attorney, or applicant (other than property owner) (print or type)

5770 Rockfish Road Hope Mills, NC 28348
Complete mailing address of agent, attorney, or applicant

910-426-4103
Telephone number

Alternative telephone number

cmclaughlin@townofhopemills.com
E-mail address

Fax number

Owner's signature



Agent, attorney, or applicant's signature
(other than property owner)

Owner's signature

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



Town of Hope Mills Voluntary Annexation Packet

VOLUNTARY ANNEXATION SUBMITTAL REQUIREMENTS.

Only complete submittals will be processed. The following items are required to be submitted to the Town of Hope Mills for your application to be deemed complete:

- Original Petition Form Signed by ALL Owners of the property
- Legal description of the area to be annexed in both hard and digital (Word) format
- A complete copy of the last deed of record for each parcel of property to be annexed
- 1 paper copy and 1 digital copy of the *filed annexation plat prepared by a registered land surveyor including the following information:
 - Title Block
Annexation Map for Town of Hope Mills
Annexation File # A2023-01
 - Vicinity map showing location of property in relation to the primary corporate town limits, (indicate where corporate limits are adjacent to the property or the location of the closest point of the primary Town Limits)
 - Surveyors' certificate
 - Plat book and page numbers

CHECK PAYABLE TO TOWN OF HOPE MILLS IN THE AMOUNT OF \$500.00 FOR VOLUNTARY ANNEXATION FEE MUST BE SUBMITTED.

(The petition fee is waived for Voluntary Annexation Petitions that are initiated by the Town through the Water and/or Sewer Annexation Agreements.)

* (Per the Secretary of State's office said plat must be signed by a surveyor but is not required to be sent through any approval process. Per GS 47-30 paragraph G. and J. The provisions of this section shall not apply to boundary plats of State lines, county lines, areas annexed by municipalities, nor to plats of municipal boundaries, whether or not required by law to be recorded.)

Town of Hope Mills

5770 Rockfish Road • Hope Mills, NC 28348 • (910) 424-4555 • (910) 424-4902 fax



For Town Clerk Use
Annexation #

Town of Hope Mills Voluntary Annexation Petition

To the Board of Commissioners of the Town of Hope Mills:

We, the undersigned, being of all the owners of the real property described herein, respectfully request that the area described herein be annexed to the Town of Hope Mills pursuant to the provisions of G.S. 160A-31.

The area to be annexed is contiguous non-contiguous to the existing Town limits of Hope Mills and the boundaries of such territory are as indicated below and on the attached map and description.

Property Information:

If only part of a parcel is included, then write "Part" after the Cumberland County Parcel Identification Number and Real Estate Identification Number (s)

Cumberland County Parcel Identification Number (s)

9494-91-2677

Cumberland County Real Estate Identification Number (s)

9494912677000

Acres of Annexation Area 1.20

Existing Population _____

Number of existing residential dwelling units 2 Do you declare vested rights? yes no

*We acknowledge that by exercising vested rights pursuant to G.S. 160A-331 or G.S. 160A-334 I shall be deemed to have agreed to this petition. We further acknowledge that to be true such rights in any event shall result in a termination of vested rights previously acquired for the property. If a group vested rights in the parcel, indicate "yes" and attach proof.

Property Owner(s):

Address:

Signature:

Date:

I property owner sign this petition including husband and wife if jointly owned

[Handwritten Signature]

459 N. Falkland
 Fayetteville NC 28303

*Vested Right - Means the right to undertake and complete the development and use of property under the terms and conditions of an approved site-specific development plan or an approved phased development plan. A vested right shall be deemed established with respect to any property upon valid approval, or conditional approval, of a site-specific development plan or phased development plan, following notice and public hearing by the county with jurisdiction over the property.

Town of Hope Mills

5770 Rockfish Road • Hope Mills, NC 28348 • (910) 424-4555 • (910) 424-4902 fax



ENGINEERING - SURVEYING - DESIGNING - DRAFTING

Larry King & Associates, R.L.S., P.A.

P.O. Box 53787
1333 Morganton Road, Suite 201
Fayetteville, North Carolina 28305
P. (910) 483-4300 F. (910) 483-4052
www.LKandA.com

NC Firm License C-0887



January 23, 2023

LEGAL DESCRIPTION

MAURICIO MELGAR ANDRADE

PARK GARDEN COURT

1.20 Acres

LYING in Rockfish Township, Cumberland County, North Carolina, this subject tract being bounded on the east, by the tract as conveyed to ST LAMBS SQUARE, INC as described and recorded in Deed Book 9394, Page 570, Cumberland County Registry; bounded on the south by lots, 87, 88, 89 as shown on PLAT BOOK 148, PAGE 94, bounded on the west by the tract as conveyed to Barbara M. Johnson, Heirs as described and recorded in Deed Book 1146, Page 168, Cumberland County Registry; bounded on the north by the southern right of way margin of NC HWY 295, a 328 foot public right of way, and being more particularly described as follows

COMMENCING from an existing iron rebar, located in the western right of way of Park Garden Court, 50 feet from the center point of the Cul-De-Sac the **TRUE POINT AND PLACE OF BEGINNING**;

THENCE along and with said 50 foot radius, a curve to the left, an arc distance of 21.98 feet, a chord bearing South 16 degrees 38 minutes 49 seconds West a distance of 21.80 feet a iron pipe;

THENCE, North 50 degrees 08 minutes 10 seconds West for a distance of 210.61 feet to an iron Rod,

THENCE North 47 degrees 06 minutes 46 seconds East for a distance of 85.17 feet to an iron rebar,

THENCE, North 47 degrees 59 minutes 36 seconds East for a distance of 366.69 feet to an iron Rod, along the southern Right of Way of NC HWY 295;

THENCE, along and with said HWY 295, a curve to the right radius of 3110.00, arc of 59.56 feet, chord bearing of South 72 degrees 26 minutes 04 seconds East for a distance of 59.56 feet to an Iron rod;

THENCE, South 00 degrees 09 minutes 15 seconds East for a distance of 225.58 feet to an iron Rod;

THENCE, South 89 degrees 40 minutes 51 seconds West for a distance of 300.27 feet to an iron Rod;

THENCE, South 47 degrees 05 minutes 38 seconds West for a distance of 50.16 feet to an iron Rod;

THENCE, along a curve to the left, radius of 30.03 feet, arc of 51.03, chord bearing South 01 degrees 35 minutes 36 seconds East, chord of 45.11 feet to an iron Rod;

THENCE, South 50 degrees 08 minutes 10 seconds East for a distance of 145.12 feet to an iron the **TRUE POINT AND PLACE OF BEGINNING**

Together with and subject to covenants, easements, and restrictions of record.
Said property contains 1.20 acres (52,468 square feet).

This description prepared by Larry King & Associates, R.L.S., P.A. on this 25th day of January, 2023, under the supervision of W. Lorry King, a Professional Land Surveyor

W. Lorry King PLS 1378
W. Lorry King P.L.S. L-1339

FILED Sep 07, 2022
 AT 03:02:54 PM
 BOOK 11566
 START PAGE 0279
 END PAGE 0281
 INSTRUMENT # 36228
 RECORDING \$26.00
 EXCISE TAX \$200.00

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax:	200.00
Parcel ID:	9494-91-1408 and 9494-91-3780
Mail/Box to:	Single Source - Ashish Lakshini AH-410207-22-P
Prepared by:	F. Stuart Clarke (R-08271-22) **Without title examination or certification**
Brief description for the index:	Parcel ID(s): 9494-91-1408/9494-91-3780 Two Tracts Tbe Preserve at Lake Upchurch

THIS GENERAL WARRANTY DEED ("Deed") is made on the 9th day of August, 20 22, by and between:

GRANTOR	GRANTEE
Anthony D. Mendez, an unmarried person and Christi L. Abendschohn, an unmarried person 4454 Home Stakes Dr. Parkton, NC 28371	Mauricio Melgar Andrade, single Mailing Address: 459 N Platte Rd Fayetteville, NC 28303

Enter in the appropriate block for each Grantor and Grantee their name, mailing address, and, if appropriate, state of organization and character of entity, e.g. North Carolina or other corporation, LLC, or partnership. Grantor and Grantee includes the above parties and their respective heirs, successors, and assigns, whether singular, plural, masculine, feminine or neuter, as required by context.

FOR VALUABLE CONSIDERATION paid by Grantee, the receipt and legal sufficiency of which is acknowledged, Grantor by this Deed does hereby grant, bargain, sell and convey to Grantee, in fee simple, all that certain lot, parcel of land or condominium unit in the City of Fayetteville, Fayetteville City, Cumberland County, North Carolina and more particularly described as follows (the "Property"):

BEING all of Lot 1.20 Acres, as shown on a survey entitled "Recombination Survey For: Anthony Mendez Previously Recorded in PB 135, PO 119", and the same being duly recorded in Plat Book 148, Page 94, Cumberland County Registry, North Carolina.

All or a portion of the Property was acquired by Grantor by instrument recorded in Book 11159 Page 0164

All or a portion of the Property includes or does not include the primary residence of a Grantor.

A map showing the Property is recorded in Book 148 Page 94.

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

Restrictions, easements and rights-of-way of record; and ad valorem taxes for the current year.

IN WITNESS WHEREOF, the Grantor has duly executed this North Carolina General Warranty Deed, if an entity by its duly authorized representative.

[Signature]
Name: Anthony D. Mendez

Entity Name _____

Name: Christi L. Abenschein

By: _____

Name: _____

Title: _____

Name: _____

By: _____

Name: _____

Title: _____

STATE OF NORTH CAROLINA, COUNTY OF Cumberland

Danielle R. Darling, a Notary of the above state and county, certify that the following person(s) personally appeared before me on the 9th day of August, 2003, each acknowledging to me that he/she/they signed the foregoing document, in the capacity represented and identified therein (if any):
Anthony D. Mendez

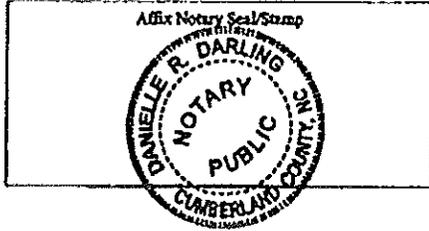


[Signature]
Notary Public (Official Signature)
My commission expires: November 20, 2003

STATE OF NORTH CAROLINA, COUNTY OF Cumberland

I, Danielle R. Darling, a Notary of the above state and county, certify that the following person(s) personally appeared before me on the 9th day of August, 2022 each acknowledging to me that he/she/they signed the foregoing document, in the capacity represented and identified therein (if any).

Christi L. Abendschein



Danielle R. Darling
Notary Public (Official Signature)
My commission expires: November 20, 2023

Quick Info: S Last Sale on Parcel

Owner: ANDRADE, MAURICIO MELGAR
 PIN: 9494-91-2677
 Location: 2308 PARK GARDEN CT
 Description: 1.20 AC ANTHONY MENDEZ RECOMB PL148-094
 Market Area: 2494

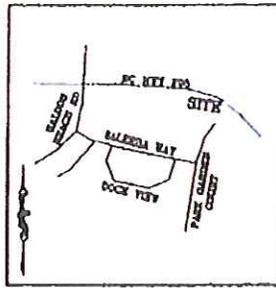
Acres: 1.20
 Building Type:
 Parcel Note:

Property Value	Count	Value	Package	Land
Land	1	\$72,000		\$100,000
Building	0			09/07/2022
Misc Imprv	0			QUALIFIED
Total Assessed		\$72,000	Work Center	Create Work Item

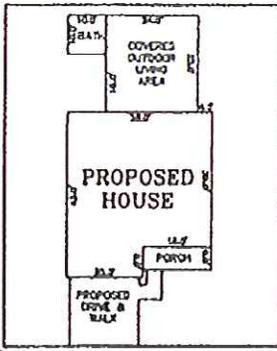
Deferrals/Exemptions: None
 Taxable: \$72,000

Parcel Summary

Ownership	Property	Documents	Situs	Narratives
Owner	ANDRADE, MAURICIO MELGAR	Deed/Doc: 011566-00279		
Location:	2308 PARK GARDEN CT	Deed Date: 09/07/2022		
Mailing Address:	459 N PLATTE RD FAYETTEVILLE NC 28303	Book of Maps: 009494-00020		
		Plat Ref: 000148-00094		



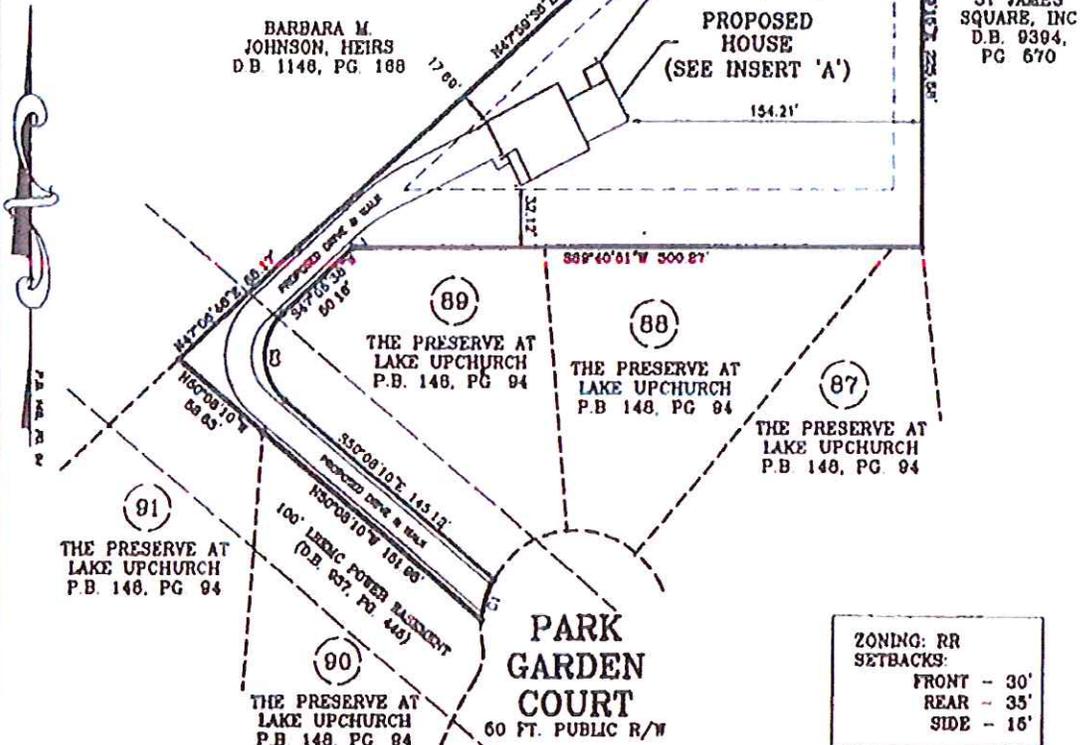
VICINITY MAP
(NO SCALE)



INSERT 'A'
(1" = 30')

CURVE TABLE				
CURVE	LENGTH	RADIUS	BEARING	CHORD
C1	21.98'	50.00'	S16°38'49"W	21.80'
C2	69.68'	3110.00'	S72°28'04"E	69.68'
C3	61.03'	30.03'	S01°36'38"E	46.11'

NOTE : CONTRACTOR TO VERIFY ALL BUILDING SETBACKS PRIOR TO CONSTRUCTION.



IMPERVIOUS AREA:
HOUSE, PORCHES 2,298 SQ. FT.
DRIVEWAY, SIDEWALK 6,462 SQ. FT.
TOTAL 7,760 SQ. FT.

PLOT PLAN

NOTE : CONTRACTOR TO LOCATE UTILITY TIE-INS AND CONTACT LOCAL REGULATORY AGENCY PRIOR TO PAVING OVER WITH DRIVEWAY.

PLOT PLAN FOR: MAURICIO MELGAR ANDRADE
ADDRESS: 3808 PARK GARDEN COURT
CITY OF: HOPE MILLS, NC
COUNTY OF: CUMBERLAND

TOWNSHIP OF: ROCKFISH
DATE: OCTOBER 27TH, 2022
SCALE: 1" = 60'
REFERENCE: ANTHONY MENDEZ PROPERTY
P.B. 148, PG. 94



I, W. LARRY KING, CERTIFY THAT THIS MAP IS FOR THE PURPOSES OF PRESENTING ONLY. IT IS NOT A SURVEY AND NO RELIANCE MAY BE PLACED ON ITS ACCURACY. THE OPERATIONS SHOWN ON THIS MAP PLAN IS PLACED ACCORDING TO THE INSTRUMENTS REFERRED TO BY THIS SURVEYOR. ALL DISTANCES AND BEARINGS SHOULD BE CHECKED FOR COMPLIANCE WITH SURVEYING AND CONVEYANCE.

W. Larry King
W. LARRY KING, PLS - 441339
Lory King & Associates, R.L.S., P.A.
P.O. Box 53787
1333 Morganton Road, Suite 201
Fayetteville, NC 28305
Phone: (910) 483-4300
Fax: (910) 483-4052
www.LKandA.com
NC Firm License C-0887



THIS MAP CAN NOT BE USED FOR RECONSTRUCTION OR APPLICABLE TO A DEED TO BE RECORDED. THIS MAP IS NOT DRAWN IN ACCORDANCE WITH GS 47-50.

THIS DOCUMENT AND ANY INFORMATION SHOWN ON THIS MAP IS TAKEN FROM THAT DOCUMENT OR DOCUMENTS IN THE INSTRUMENTS REFERRED TO BY THIS SURVEYOR. THIS INFORMATION SHOULD BE COMPARED AS THE BEST AVAILABLE FOR THE PROPERTY BEFORE ISSUANCE OF PERMITS OR COMMENCEMENT OF CONSTRUCTION. NO FIELD SURVEY WAS PERFORMED ON THIS PROPERTY BY THE SURVEYOR.

After recording return to: Jane Stirling, Co. Town of Hope Mills, 3170 Rockfish Rd, Hope Mills, NC 28348

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE
TOWN OF HOPE MILLS, NORTH CAROLINA
ASSEXATION ORDINANCE NO. A2023-01**

WHEREAS the Board of Commissioners has been petitioned under GS 160A-29 and GS160A-58.1 to annex the area described below, and

WHEREAS the Board of Commissioners has by resolution directed the Town Clerk to investigate the sufficiency of the petition, and

WHEREAS the Town Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at Hope Mills Town Hall at 7:00 p.m. on March 6, 2023, after due notice by publication in the Fayetteville Observer on February 23, 2022, and

WHEREAS the Board of Commissioners finds that the petition meets the requirements of GS 160A-29 and GS 160A-58.1.

NOW, THEREFORE, BE IT ORDAINED, by the Board of Commissioners of the Town of Hope Mills, North Carolina that

Section 1. By virtue of the authority granted by GS 160A-29 and GS 160A-58.1, the following described territory is hereby annexed and made part of the Town of Hope Mills as of March 6, 2023.

AREA FOR ANNEXATION

This is a contiguous annexation of 1.2 acres more or less and being property located at 3808 Park Garden Court Pin number 9494-12-677, Plat Book 148 Page 0094, Cumberland County Registry, North Carolina.

Legal Description

LYING in Rockfish Township, Cumberland County, North Carolina, this subject tract being bounded on the east, by the tract as conveyed to ST JAMES SQUARE, INC as described and recorded in Deed Book 9391, Page 570, Cumberland County Registry, bounded on the south by lots, 87, 88, 89 as shown on PLAT BOOK 148, PAGE 94, bounded on the west by the tract as conveyed to Barbara M. Johnson, Heirs as described and recorded in Deed Book 1146, Page 168, Cumberland County Registry, bounded on the north by the southern right of way margin of NC HWY 295, a 328 foot public right of way, and being more particularly described as follows:

COMMENCING from an existing iron rebar, located in the western right of way of Park Garden Court, 50 feet from the center point of the Cul-De-Sac the **TRUE POINT AND PLACE OF BEGINNING**,

THENCE along and with said 50-foot radius, a curve to the left, an arc distance of 21.98 feet, a chord bearing South 16 degrees 38 m nutes 49 seconds West a distance of 21.80 feet an iron pipe,

THENCE, North 50 degrees 08 m nutes 10 seconds West for a distance of 210.61 feet to an iron Rod,

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THENCE, North 47 degrees 59 m nutes 36 seconds East for a distance of 366.69 feet to an iron Rod, along the southern Right of Way of NC HWY 295,

THENCE, along and with said HWY 295, a curve to the right radius of 3110.00, arc of 59.56 feet, chord bearing of South 72 degrees 26 m nutes 04 seconds East for a distance of 59.56 feet to an iron rod,

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THENCE, South 89 degrees 40 minutes 51 seconds West for a distance of 300.27 feet to an iron Rod.

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THENCE, along a curve to the left, radius of 30.03 feet, arc of 51.03, chord bearing South 01 degrees 35 minutes 36 seconds East, chord of 45.11 feet to an iron Rod.

THENCE, South 50 degrees 08 minutes 10 seconds East for a distance of 145.12 feet to an iron Rod
TRUE POINT AND PLACE OF BEGINNING.

Section 2. Upon and after March 6, 2023, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the Town of Hope Mills and shall be entitled to the same privileges and benefits as other parts of the Town of Hope Mills. Said territory shall be subject to municipal taxes according to G.S. 160A-38.1.

Section 3. The Mayor of the Town of Hope Mills shall cause to be recorded in the office of the Register of Deeds of Cumberland County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the Cumberland County Board of Elections, as required by G.S. 163-288.1.

ADOPTED THIS 6th DAY OF March, 2023

Lackie W. Wynn, Mayor

ATTEST:

**Tom G. Stirling, CMC, NCCMC
Town Clerk**



MEMORANDUM

DATE: March 1, 2023

TO: Chancer F. McLaughlin – Interim Town Manager

FROM: Stephen F. Dollinger – Police Chief
Elisabeth Brown – Stormwater Administrator
Don Sisko – Public Works Director
Chuck Hodges – Fire Chief
Robert Carter – Fire Marshall
Kenny Tatum – Chief Building inspector
Chancer F. McLaughlin – Development Services Director

SUBJECT: Park Garden Court Annexation
REQUEST: Contiguous Annexation
PARCEL#: 9494912677000
SIZE: 1.20 acres
LOCATION: 2308 (3808) Park Garden Court

POLICE DEPARTMENT:

Recommendation: **APPROVAL**
Comments: No objections

PUBLIC WORKS DEPARTMENT:

Recommendation: **APPROVAL**
Comments: No objections. Driveway permit required.

STORMWATER DEPARTMENT:

Recommendation: **APPROVAL**
Comments: No objections.

PLANNING AND ZONING DEPARTMENT:

Recommendation: **APPROVAL**
Comments: Planning staff is requesting approval to begin the initial zoning process to designate the site under the RR Rural Residential district.

FIRE DEPARTMENT:

Recommendation: **APPROVAL**

Comments: No objections.

INSPECTIONS DEPARTMENT:

Recommendation: **APPROVAL**

Comments: Building permit required for the construction of a new single family residence.



STAFF REPORT

REQUEST – Annexation

Hope Mills Board Meeting: 3-6-2023

Address: 2308 (3808) Park Garden Court

REQUEST

ANNEXATION

The Town of Hope Mills staff received a contiguous annexation petition for 1.20 acres of land tied to parcel identification number 9494-91-2677. The Hope Mills Board of Commissioners accepted the annexation petition adopting a resolution R2023-06 and setting the public hearing for March 6, 2023 under annexation number A2023-01. The subject property is adjacent to the existing Preserve at Lake Upchurch subdivision but access is provided from within the development. Please refer to the attached memorandum from the Hope Mills Plan Review Committee for recommendations from all pertinent engineering and permit based departments. The location of the subject property is illustrated in Exhibits "A & B".

SUBJECT PROPERTY INFORMATION

OWNER/APPLICANT:

Larry King & Associates (agent) on behalf of Mauricio Andrade (owner)

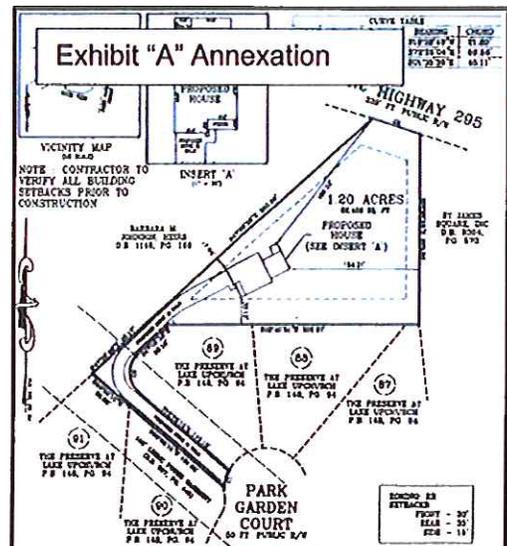
ADDRESS/LOCATION:

REID #: 9494912677000. Refer to Exhibit "A".

SIZE:

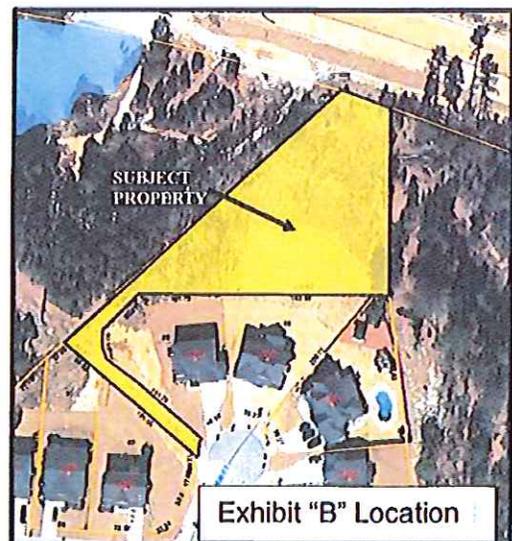
As stated above, the subject property is 1.20 acres in size.

EXISTING ZONING: The site is currently zoned under the RR Rural Residential district with a large established residential development to the immediate south also designated under the RR district. There is a large area to the east designated under the R20 district.



STAFF RECOMMENDATION

Staff is requesting authorization to proceed with initially zoning the property under the RR Rural Residential district.



Last Name	First Name	Street	City	State	Zip
Andrade	Mauricio	459 N Platte Rd	Fayetteville	NC	28303
Johnson Heirs	Barbara M	PO Box 53349	Fayetteville	NC	28305
Saunders	Joseph & Lorinda	4208 Saleeby Way	Fayetteville	NC	28306
Hinrichs	Matthew & Holly	4204 Saleeby Way	Fayetteville	NC	28306
Bowyer	John & Samantha	2304 Park Garden Ct	Fayetteville	NC	28306
Heredia	Jessica M	2300 Park Garden Ct	Fayetteville	NC	28306
Manywether II	Felix A	2305 Park Garden Ct	Fayetteville	NC	28306
Stout Land Development Co, LLC	Stout Land Development Co, LLC	2507 Spring Valley Rd	Fayetteville	NC	28306



PLANNING AND INSPECTIONS DEPARTMENT

MEMORANDUM FOR JOINT PLANNING BOARD AGENDA OF MARCH 21, 2023

TO: JOINT PLANNING BOARD

FROM: CUMBERLAND COUNTY PLANNING & INSPECTIONS DEPARTMENT

DATE: 3/21/2023

SUBJECT: ZON-22-0078: REZONING FROM RR RURAL RESIDENTIAL DISTRICT AND C3 HEAVY COMMERCIAL DISTRICT TO C(P)/CZ PLANNED SERVICE AND RETAIL CONDITIONAL ZONING DISTRICT OR TO A MORE RESTRICTIVE ZONING DISTRICT FOR TWO PARCELS COMPRISING 1.66 +/- ACRES; LOCATED AT 6283 US HIGHWAY 301 SOUTH; SUBMITTED BY GEORGE ROSE (APPLICANT) ON BEHALF OF PIT STOP 301 EXPRESS, LLC, AND GAMIL NAGI ALDALALI, IBRAHIM ALSAIDI, ENAS ALSAIDI (OWNERS).

ATTACHMENTS:

Description	Type
Case ZON-22-0078	Backup Material

REQUEST **Rezoning C3 & RR to C(P)/CZ**

Applicant requests a rezoning from C3 Heavy Commercial District and RR Rural Residential to C(P)/CZ Planned Commercial District Conditional Zoning for two parcels of approximately 1.66 combined acres located at 6275 and 6295 S US 301 Hwy. The northern parcel is currently zoned C3 which is a dormant district and corresponds to C(P) Planned Commercial District and RR Rural Residential and is occupied by a convenience store with gas sales and a motor vehicle repair and tire sales business. The southern parcel is currently vacant and zoned RR Rural Residential.

The intent of the property owner is to: 1) demolish the existing convenience store building and replace it with a new building with a convenience store and retail space that would straddle the property line shared by the current two parcels; 2) double the fuel station area from two to four fuel pumps and expand the overhead fuel station canopy; and 3) continue to operate a motor vehicle repair and tire sales business in its current building. The existing fuel station canopy and the building used for auto repair and tire sales are non-conforming structures. In the case of the fuel station canopy, it is located entirely within the front yard setback area. In the case of the auto repair building, the building has been expanded without obtaining building permits for two attached building additions.

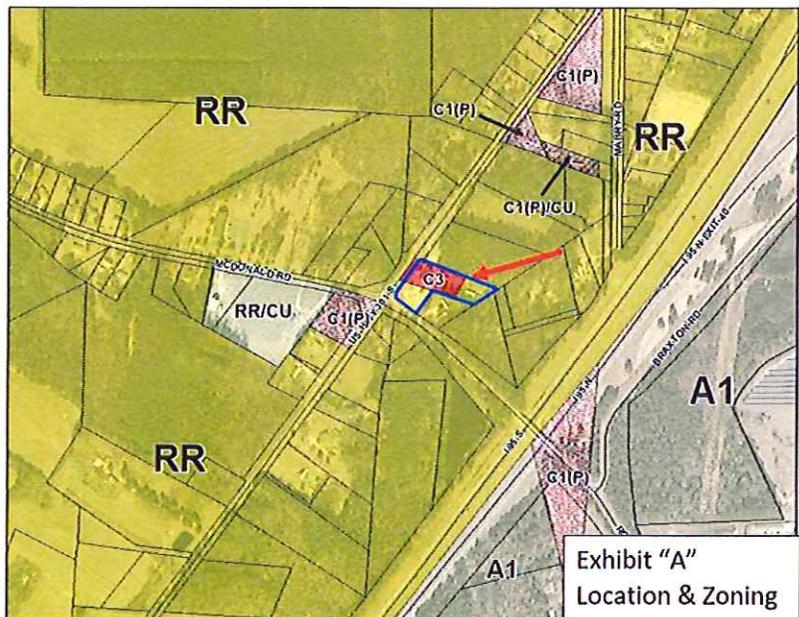
The conditional zoning site plan is provided in Exhibit "F" with the conditions of approval, which the applicant/property owner has accepted.

PROPERTY INFORMATION

OWNER/APPLICANT: Pit Stop 301 Express LLC (owner); George Rose (applicant)

ADDRESS/LOCATION: Refer to Exhibit "A", Location and Zoning Map. REID number: 0412573088000 & 0412575175000

SIZE: 1.66 acres within two parcels. The northern parcel contains approximately 1.25 acres and the southern parcel approximately 0.41 acres. Road frontage along US 301 South is a combined 477 +/- feet and 135 +/- feet along Roslin Farm Road. The property has a varying depth due to its shape but is approximately 400 +/- feet in length at its deepest point.



EXISTING ZONING: The subject properties are currently zoned C3 Heavy Commercial and RR Rural Residential.

C3 Heavy Commercial District is dormant and shall correspond to the C(P) Planned Commercial District. This district is designed to assure the grouping of buildings on a parcel of land so as to constitute a harmonious, efficient and convenient retail shopping area. Site plans assure traffic safety and the harmonious and beneficial relations between the commercial area and contiguous land.

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

EXISTING LAND USE: The northern parcel contains an existing convenience store, gas station facility, and a motor vehicle repair business with tire sales. The southern parcel is currently vacant land. Exhibit "B" shows the existing use of the subject property.

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

- **North:** Wooded vacant land (owned by Pit Stop) and parcels with single-family homes
- **East:** Wooded lands and single-family homes
- **West:** Wooded lands and single-family homes
- **South:** Single-family homes

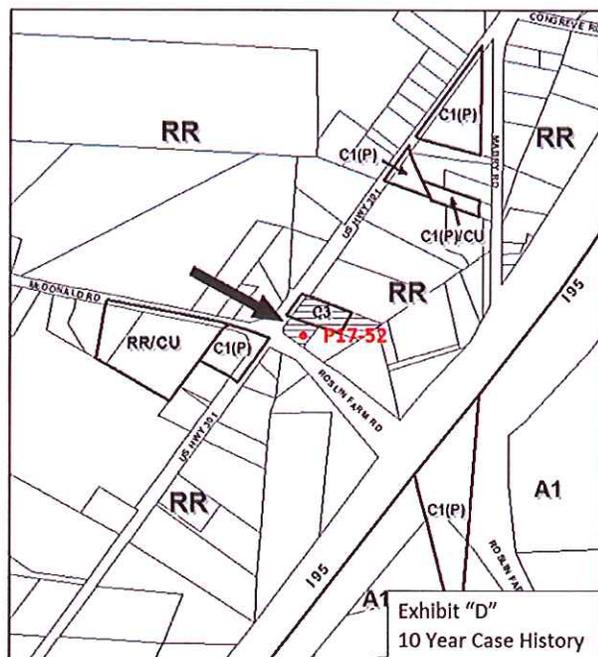
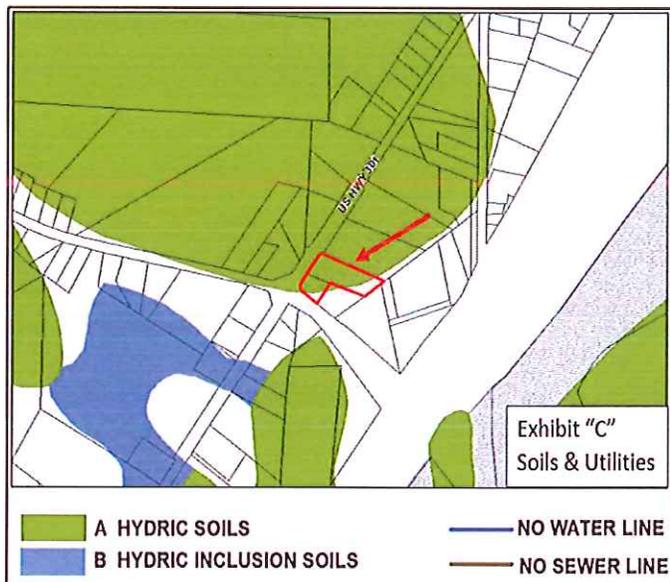
OTHER SITE CHARACTERISTICS: The site is not located in a Watershed or within a Flood Zone Hazard Area. The subject property, as delineated in Exhibit "C", illustrates presence of hydric soils on the property.

TEN YEAR ZONE CASE HISTORY:

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

- **P17-52:** RR to C(P); denied

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



DIMENSIONAL PROVISIONS FOR REQUESTED DISTRICT:

Minimum Standard	C3 (Existing Zoning)	RR (Existing Zoning)	C(P)/CZ (Proposed)
Front Yard Setback	50 feet	30 feet	50 feet
Side Yard Setback	30 feet	15 feet (one & two story)	30 feet
Rear Yard Setback	30 feet	35 feet	30 feet
Lot Area	N/A	20,000 sq. ft.	N/A
Lot Width	N/A	100 feet	N/A

Development Potential:

Existing Zoning (C3)	Existing Zoning (RR)	Proposed Zoning (C(P)/CZ)
N/A	1 dwelling unit	N/A

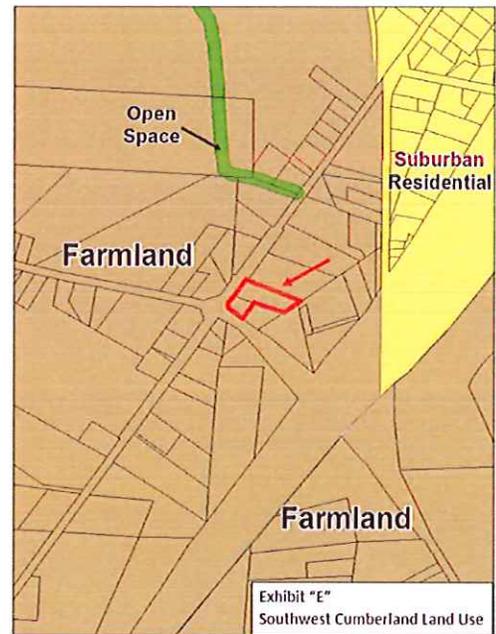
- Section 202 (A): Lot count may be rounded-up when a fraction occurs. When any requirement of this ordinance results in a fraction of a unit, a fraction of one-half or more shall be considered a whole unit, and a fraction of less than one-half shall be disregarded.

COMPREHENSIVE PLANS: This property is located within the Southwest Cumberland Land Use Plan (2013) (Exhibit "E"). The future land use classification of the property is "Farmland". Associated Zoning districts for this classification are A1, A1A, R40, R40A. **The proposed request is not consistent with the adopted Land Use Plan.**

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

Farmland Development Goal:

"Preserve rural character and lifestyle where appropriate."
(Southwest Cumberland Land Use Plan, p. 142)



IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES

UTILITIES: Water and sewer lines are not 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". Well and septic will likely be required, and the lot size must meet the minimum area necessary to accommodate both.

TRAFFIC: According to the Fayetteville Area Metropolitan Planning Organization (FAMPO), The subject parcel is located on US 301S which 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, the 2021 average annual daily traffic is 8,800 with a road capacity of 14,700.

The proposed zoning of convenience retail with gasoline sales with a general floor area of approximately 4,020 SQ FT for the convenience market and retail space, will generate 5,788 trips on an average weekday. The trip generation of 4,020 SQ FT for Convenience Market is calculated below using vehicle trip ends by 1,000 SQ FT GTA;

- Weekday: 5,788 trips, 50% entering, 50% exiting (4.02 (1000 SQ FT) X average rate of 1440.02 = 5,788 trips) *******(4020/1000=4.02)*******
- AM Peak: 338 trips, 51% entering, 49% exiting (4.02 (1000 SQ FT) X average rate of 84.06 = 338 trips)
- PM Peak: 393 trips, 50% entering, 50% exiting (4.02 (1000 SQ FT) X average rate of 97.66 = 393 trips)

With the existing 2021 AADT of 8,800 and an additional 5,788 weekday trips from the proposed development, the estimated future AADT will be 14,588 trips for US 301 S. The proposed development will not generate enough traffic to place it over its current capacity of 14,700 and will not significantly impact US 301 S.

SCHOOLS:

School	Capacity	Enrollment
Gallberry Farm Elementary	884	886
Gray's Creek Middle	1083	1152
Gray's Creek High	1517	1452

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 that all fire department access requirements are met in accordance with section 503 of the 2018 NC fire code and to ensure fire protection water supply requirements are 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: This is a conditional zoning and conditions for the use and development of the property are under Exhibit "F" with the conditional zoning site plan.

STAFF RECOMMENDATION

In Case ZON-22-0078, Planning and Inspections staff **recommends approval** of the rezoning request from C3 Heavy Commercial District and RR Rural Residential to C(P)/CZ Planned Commercial District Conditional Zoning. Staff finds the request is not consistent with the Southwest Cumberland Land Use Plan which calls for "Farmland" at this location. However, staff further finds that:

1. Approval is an amendment to the adopted, current Southwest Cumberland Land Use Plan and that the Board of Commissioners should not require any additional request or application for amendment to said map for this request,
2. The request would promote and compliment the existing commercial activity in the vicinity to serve area residents, and
3. The request would promote the remediation and rejuvenation of an existing commercial property.

The request is reasonable and in the public interest as the requested district would be compatible to and in harmony with the surrounding land use activities and zoning.

Attachments:
 Notification Mailing List
 Application

Exhibit "F"
Conditions of Approval

CONDITIONAL ZONING NO. ZON-22-0078

ZON-22-0078: Rezoning from RR Rural Residential District and C3 Heavy Commercial District to C(P)/CZ Planned Service and Retail Conditional Zoning District or to a more restrictive zoning district for two parcels comprising 1.66 +/- acres; located at 6283 US Highway 301 South; submitted by George Rose (applicant) on behalf of Pit Stop 301 Express, LLC, and Gamil Nagi Aldalali, Ibrahim Alsaidi, Enas Alsaidi (Owners).

REID number: 0412573088000 & 0412575175000 (as of March 2023)

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 C(P) Commercial District and as further restricted 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 C(P) Planned Commercial District development standards shall apply.

B. Permitted and Prohibited Uses.

1. Use of the site is limited to all uses allowed in the C2(P) and Motor Vehicle Repair, a C(P) Planned Commercial District use. Motor Vehicle Body Work is not an allowed use.

C. Development Standards.

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

a. Building's "A" and "B": Setbacks shall follow the C(P) District minimum requirements.

b. Building "C" (fuel station canopy): Setback of the existing fuel station canopy and its extension are subject to the following conditions depending on the applicable situation:

(1) NCDOT Approval for ROW Encroachment. The existing fuel station canopy (732 sq. ft) extends into the U.S. Highway 301 right-of-way. A right-of way utilization agreement must be obtained from NC-DOT for the existing fuel station canopy to remain at the front property line. If an agreement with DOT cannot be obtained, then the canopy must be removed or relocated to a site location that complies with the minimum front yard setback standard.

(2) Replacement of Existing Canopy/Fuel Pumps. If the Owner replaces the existing fuel canopy structure and pump stations, then the new fuel station canopy and pump stations must comply with the minimum front yard setback standard for the C(P) District. If only the fuel canopy structure is replaced and not the existing fuel pumps, then the canopy must be moved outside the Highway 301 road right-of-way.

2. Accessory structure: minimum setback standards for the C(P) Planned Commercial District shall be followed.

D. Infrastructure and Utilities

1. **Water and Sewer:**

- a. The Owner shall connect to public water and sewer when lines are located within 300 linear feet from the front yard, and shall be installed at the owner's expense. Until public water and sewer lines are within 300 feet, on-site septic tanks and wells are allowed if approved by the County Environmental Health Dept. All septic system and water well permits must be obtained from Environmental Health Dept. prior to issuance of a building permit.
- 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. 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 or final site plan regarding off-site road improvements.** No certificate of occupancy shall be issued until all required NC-DOT turn lanes are completed.

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. The property shall be regularly maintained to be free of litter and trash; trash receptacles shall be provided at the fuel station; and used tires shall be stored either within a building or sold screen fence shown on the final site plan.
- c. Outdoor Lighting. Outdoor lighting shall follow the requirements of Section 1102.M. of the Zoning Ordinance, including any new lighting underneath canopy; requiring it to be placed in such a manner that no light-emitting surface is visible from any residential area or public roadway or other public way when viewed at ground level and further to reduce glare. An outdoor lighting plan shall be provided with the final site plan.

E. Environmental:

1. Underground storage tanks and fuel lines. In the event a State agencies requires replacement and/or relocation of the existing fuel pump stations and/or underground fuel storage tanks, the fuel station canopy and the fuel pumps shall be relocated to a site location that complies with the minimum front yard setback standard.
2. 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 County'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.) A note shall be provided on the final site plan referencing the above language.

F. Development Review Process and Final Site Plan

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 final site plan must be submitted to and approved by the Current Planning Division. The final site plan shall be prepared consistent with the County Zoning Ordinance and shall show the following:
 - a. All required off-street parking spaces are required to be a minimum of 9' x 20' and surfaced with a permanent material such as asphalt or concrete, and striped prior to application for the building final inspection.
 - b. A loading berth shall have minimum plan dimensions of 12 feet by 25 feet and 14 feet overhead clearance. A loading berth shall be sufficient to allow normal loading operations of a kind and magnitude appropriate to the use served per Section 1203.D
3. A landscape plan shall be submitted with the final site plan in accordance with the requirements of Section 916 subsection D complying with the standards (Section 1102.G, Zoning Ordinance).

4. The project's engineer of record will provide a letter requesting inspection to Code Enforcement Manager when site work has been completed in conformance with approved Conditional Zoning Site Plan and Final Site Plan certifying required improvements have been installed in the field.

G. Plat-Related. Prior to issuance of a building permit, the two parcels must be recombined into one single parcel under a single ownership.

If a plat is required, the following must be met by the developer/owner:

1. All building setbacks shall be shown on the final plat.
2. That the final plat must be submitted to Planning Staff for review and approval for recording; and that the final 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. Remedy of Existing Non-Conforming Situations. Prior to any construction activity on the site, including clearing and grading, the following non-conforming situations must be remedied by the owner:
 - a. the inoperable junk motor vehicle stored in the rear yard shall be removed; b. chickens and chicken coop removed; old fires, trash and debris in the rear yard behind Building "B" shall be removed.
 - b. Building permits must be obtained for all building additions to Building "B" for which building permits were never obtained; or the building additions must be removed.
2. 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.
3. Paved parking shall be provided with all parking areas, internal drives and loading areas, and all parking spaces and loading areas shall be clearly marked. In addition, no parking shall be permitted in the required front yard setback except at fuel pump stations that are allowed within the front yard setback as shown with the Conditional Zoning site plan.
4. 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.
5. All modifications considered to be substantial by the Planning Director, including changes in use and/or increase in intensity, to the approved Conditional Zoning districts shall be reviewed in the same manner as a new project (Cumberland County Zoning Ordinance, Section 506).
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. Fire Protection and Review. Owner to ensure all fire department access requirements are met in accordance with section 503 of the 2018 NC fire code, and shall ensure fire protection water supply requirements are met in accordance with Section 507 of the 2018 NC Fire Code. Prior to commencing any site construction activity, building plans to scale for new construction and building renovation must be submitted to the Fire Marshal.

I. Signage.

1. This conditional approval is not approval of any freestanding signs. If a freestanding sign is desired, re-submittal of the site plan is required prior to application for any freestanding sign permits. Attached signage for this development must be in accordance with the applicable sign regulations as set forth in Article XIII of the County Zoning Ordinance and that the proper permit(s) must be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is not approval of the size, shape, or location of any signs.)
2. All signage on the site shall comply with the County Zoning Ordinance and all existing non-conforming signs shall be removed. Any proposed signage to this site is subject to Article XIII Sign Regulations. All sign permits shall be applied through the Code Enforcement Division.

Conditions set forth herein are accepted by the Property Owner:

Property Owner (print name)

Date

Property Owner (sign name)

BROOKS ADCOX
BETTY M C L ADCOX
6321 S US 301 HWY
PARKTON, NC 28371

IBRAHIM ALSAIDI; GAMIL N ALDALALI
NAJWA ABDALWAHAB MOHMED RAGEH
5320 SOUTH FORTY DR
HOPE MILLS, NC 28348

FAUD ALSAIDI
HANA ALSAIDI
GAMIL ADALALI
5320 SOUTH FORTY DR
HOPE MILLS, NC 28348

GAMIL NAGI ALDALALI
IBRAHIM ALSAIDI
ENAS A ALSAIDI
6283 S US 301 HWY
HOPE MILLS, NC 28348

BRENDA G BARKER
6233 ROSLIN FARM RD
HOPE MILLS, NC 28348

CHARLES MITCHELL BARTLEMUS JR
TRUSTEE
6360 S US 301 HWY
PARKTON, NC 28371

GRAHAM WESLEY BRAMBLE JR
6254 S US 301 HWY
HOPE MILLS, NC 28348

KELVIN S BRAMBLE
5080 MADISON AVE
HOPE MILLS, NC 28348

WILLAM RANDALL CAULDER
6165 MCDONALD RD
PARKTON, NC 28371

BRIAN K CORBIE
491 NORMENT RD
LUMBERTON, NC 28358

JORGE V ELIAS
5909 WATERCREST CT
FAYETTEVILLE, NC 28304

STEVE ELLIOTT
JEANETTE SMITH ELLIOT
6156 MCDONALD RD
PARKTON, NC 28371

DAVID F FERRUZZI
6809 TOWBRIDGE RD
FAYETTEVILLE, NC 28306

GARDNER HOLDINGS LLC
PO BOX 715
HOPE MILLS, NC 28348

DAVID GREGSON
6175 MCDONALD ROAD
PARKTON, NC 28371

BRENDA HOOD
6233 ROSLIN FARM RD
HOPE MILLS, NC 28348

MICHAEL GARLAND MCLEAN LIFE ESTATE
6246 MABRY RD
HOPE MILLS, NC 28348

NC DEPT OF TRANSPORTATION
1546 MAIL SERVICE CTR
RALEIGH, NC 27611

NEW VISION CHRISTIAN CHURCH INC
PO BOX 193
HOPE MILLS, NC 28348

DAVID L PAIT
RITA M PAIT
3670 HEARTPINE DR
FAYETTEVILLE, NC 28306

PIT STOP 301 EXPRESS LLC
6279 US HWY 301 S
HOPE MILLS, NC 28348

PIT STOP 301 EXPRESS LLC
6283 S US 301 HWY
HOPE MILLS, NC 28348

SEALY LUCINDA
8952 HERITGE DR SW
SUNSET BEACH NC 28468

ZACHARY TAYLOR
449 E 22 ST 1C
BROOKLYN, NY 11226

ZACHARY M TAYLOR
6250 MABRY RD
HOPE MILLS, NC 28348

JULIA B UPCHURCH
6266 S US 301 HWY
HOPE MILLS, NC 28348

STEEN ADAM WOOD
CRYSTAL LYNN WOOD
6365 US 301 HWY
PARKTON, NC 28371

ATTACHMENT: APPLICATION



County of Cumberland
Planning & Inspections Department

CASE #: ZON-22-0078

PLANNING BOARD
MEETING DATE: _____

DATE APPLICATION
SUBMITTED: _____

RECEIPT #: _____

RECEIVED BY: _____

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

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

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

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

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

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

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

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

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

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

1. Applicant/Agent GEORGE M. ROWE
2. Address: P.O. BOX 53441 FAYETTEVILLE Zip Code 28305
3. Telephone: (Home) _____ (Work) 910-977-5822
4. Location of Property: 6295 US 301 SOUTH SOUTHEAST CORNER OF INTERSECTION OF US 301 SOUTH AND ROSLIN FARM ROAD.
5. Parcel Identification Number (PIN #) of subject property: 0412-51-3088
(also known as Tax ID Number or Property Tax ID) 0412-51-515
6. Acreage: 1.00 Frontage: 477 (301) (ROSLIN) Depth: IRREGULAR
7. Water Provider: WELL
8. Sewer Provider: SEPTIC
9. Deed Book 10756 / 10110, Page(s) 309 / 735, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
10. Existing use of property: VACANT (CORNER), CONVENIENCE STORE
11. Proposed use(s) of the property: CONVENIENCE STORE

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: RR

TO: (Select one)

- Conditional Zoning District, with an underlying zoning district of ~~C2(P)~~ C(P)/CZ
(Article V)
- _____ Mixed Use District/Conditional Zoning District (Article VI)
- _____ Density Development/Conditional Zoning District, at the _____ Density
(Article VIII)

APPLICATION FOR
CONDITIONAL ZONING

1. PROPOSED USE(S):

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

CONVENIENCE STORE

- 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.

NO RESIDENTIAL OR OPEN SPACE ACREAGE.
PROPOSED 4,000 SQUARE FOOT CONVENIENCE
STORE WITH FUEL PUMPS AND CANOPY.

2. DIMENSIONAL REQUIREMENTS:

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

FRONT 50' REQUIRED - 68' SHOWN
REAR 30' REQUIRED - 30' SHOWN
SIDE 30' REQUIRED - 50' SHOWN

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

9 SPACES SHOWN
ASPHALT SURFACE

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.

XIII, SECTION 1305

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.

2 SMALL ORNAMENTAL TREES PER 50
LINEAR FEET OF FRONTAGE = 10 TREES
1 ORNAMENTAL TREE PER 50 LF BUILDING WIDTH = 2 TREES
2 SHRUBS PER 10 LF BUILDING WIDTH = 16 SHRUBS

- B. Indicate the type of buffering and approximate location, width and setback from the property lines.

6' SOLID FENCE ALONG REAR PROPERTY LINE
WHERE ADJACENT TO RR ZONING

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.

PIT STOP 301 EXPRESS LLC
Name of Owner(s) (Print or Type)
5601 McDONALD ROAD, PARKTON, NC 28371
Address of Owner(s)

E-Mail
Home Telephone _____ Work Telephone 910-524-7986

[Signature] _____
Signature of Owner(s) Signature of Owner(s)
FUAD ALSAIDI

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 910-977-5022
E-Mail Address george@gmrpe.com Fax Number _____

[Signature]
Signature of Agent, Attorney, or Applicant

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

From: [George Rose](#)
To: [David Moon](#)
Cc: [Christopher Portman](#); margaretc@jenkinsce.pro; [Buddy Jenkins](#)
Subject: RE: Pit Stop Conditional Zoning Conditions
Date: Tuesday, March 14, 2023 3:33:03 PM
Attachments: [image001.png](#)

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,

Reference case number ZON-22-0078, we have spoken with the developer and he has agreed to the conditions as outlined in the attachment with your March 9th email. Please call if you have questions.

George M. Rose
P.O. Box 53441
Fayetteville, NC 28305
george@gmrpe.com
Mobile: 910-977-5822
Office: 910-485-5822

From: David Moon <dmoon@cumberlandcountync.gov>
Sent: Thursday, March 9, 2023 6:06 PM
To: George Rose <george@gmrpe.com>
Cc: Christopher Portman <cportman@cumberlandcountync.gov>
Subject: Pit Stop Conditional Zoning Conditions
Importance: High

George:

See the attachment and let's meet or talk on the phone Friday.

David B. Moon, AICP
Deputy Director

Department of Planning & Inspections
130 Gillespie Street
Fayetteville, NC 28301
Phone: (910) 678-7606
www.cumberlandcountync.gov





PLANNING AND INSPECTIONS DEPARTMENT

MEMORANDUM FOR JOINT PLANNING BOARD AGENDA OF MARCH 21, 2023

TO: JOINT PLANNING BOARD

FROM: CUMBERLAND COUNTY PLANNING & INSPECTIONS DEPARTMENT

DATE: 3/21/2023

SUBJECT: ZON-22-0085: REZONING FROM A1 AGRICULTURAL DISTRICT TO R40 RESIDENTIAL DISTRICT OR TO A MORE RESTRICTIVE ZONING DISTRICT FOR 83.3 +/- ACRES; LOCATED AT 3255 SCHOOL ROAD AND TWO ABUTTING PARCELS; SUBMITTED BY GREGORY MCLEAN (OWNER/APPLICANT).

ATTACHMENTS:

Description

Case ZON-22-0085

Type

Backup Material

REQUEST	Rezoning A1 to R40
----------------	---------------------------

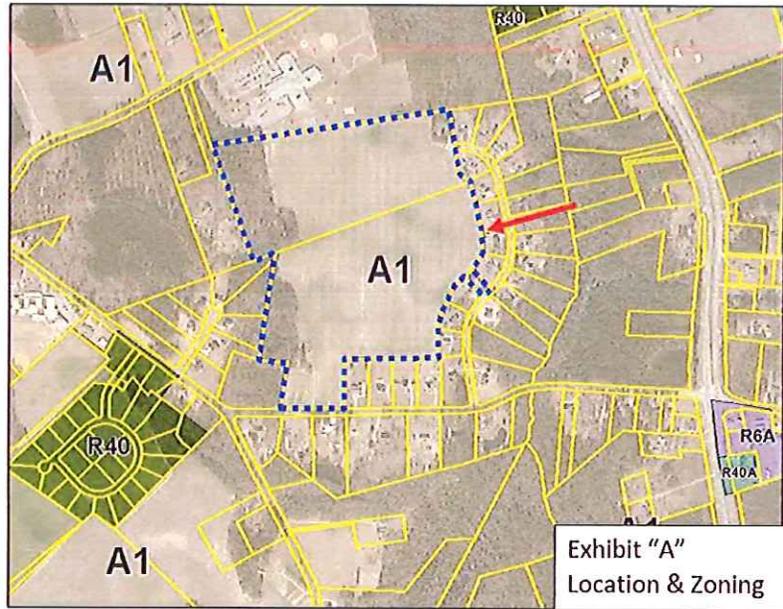
Applicant requests a rezoning from A1 Agricultural District to R40 Residential District for three parcels of approximately 83.3 combined acres located at 3255 School Road and the two abutting parcels. Two parcels are used for agriculture farming and the third parcel (comprising 0.44 acres) is vacant and appears to serve as a potential future road connection to Pridgeon Farm Road. Residential lots within the Longbranch Plat surround this third parcel on three sides but this parcel is not a part of the Longbranch Plat, which is provided as an attachment. The intent of the property owner is to subdivide the property to create a residential development with a minimum lot size of 40,000 sq. ft.

PROPERTY INFORMATION

OWNER/APPLICANT: Gregory McLean

ADDRESS/LOCATION: Refer to Exhibit "A", Location and Zoning Map. REID number: 0441254172000, 0441261096000, 0441353280000

SIZE: 83.3 +/- acres within three parcels. The northern parcel contains approximately 35.59 +/- acres and the parcel abutting School Road approximately 47.28 +/- acres. There is a 0.44 +/- acre parcel located within the Longbranch Subdivision but is not a part of the Longbranch Plat. Road frontage along school Road is 533 +/- feet. The property has a varying depth due to its shape but is approximately 2,288 +/- feet in length at its deepest point.



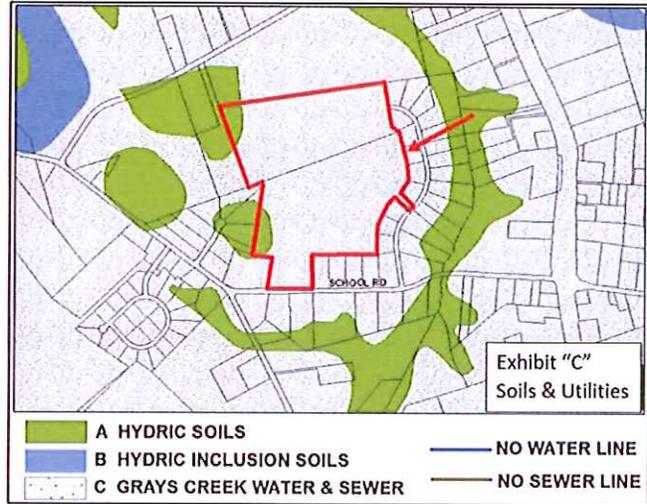
EXISTING ZONING: The subject property is currently zoned A1 Agricultural District. Minimum lot size for this district is two acres. This district is intended to promote and protect agricultural lands, including woodland, within the County. The general intent of the district is to permit all agricultural 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: Each parcel is vacant. Exhibit "B" shows the existing use of the subject property.

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

- **North:** Alderman Road Elementary School
- **East:** Longbranch subdivision (zero-lot line subdivision w\ abutting lot size of one acre or greater)
- **West:** Edgewoods Farm Subdivision (zero-lot line w/ lots sizes ranging from 0.84 to 1.7 acres.)
- **South:** Longbranch subdivision (zero lot line) and other single family homes.

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 soils at a small portion of the southwest and northwest corner of the property.

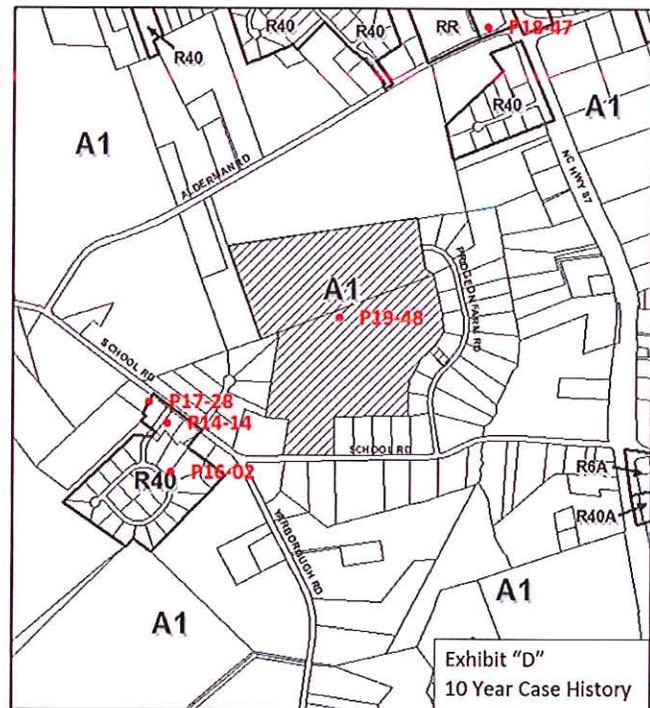


TEN YEAR ZONE CASE HISTORY:

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

- P14-14: A1 to R40; approved R40 ON 2.72 ACRES
- P16-02: A1 to R40; approved
- P17-28: A1 & R40 to R40; approved
- P18-47: RR to C2(P); approved
- P19-48: A1 to R40; withdrawn by applicant

DEVELOPMENT REVIEW: Subdivision review by County Planning & Inspections will be required before any development. A pedestrian connection to Alderman Elementary is required per Subdivision Code.



DIMENSIONAL PROVISIONS FOR REQUESTED DISTRICT:

Minimum Standard	A1 (Existing Zoning)	R40 (Proposed)
Front Yard Setback	50 feet	30 feet
Side Yard Setback	20 feet (one story) 25 feet (two story)	15 feet
Rear Yard Setback	50 feet	35 feet
Lot Area	2 acres	40,000 sq. ft.
Lot Width	100'	100'

Development Potential:

Existing Zoning (A1)	Proposed Zoning (R40)
42 dwelling units	91 dwelling units

- Lot yield estimate based on minimum lot area and total land area. Calculation does not take into consideration land for streets, parks and open space, stormwater retention, other common areas.
- 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.

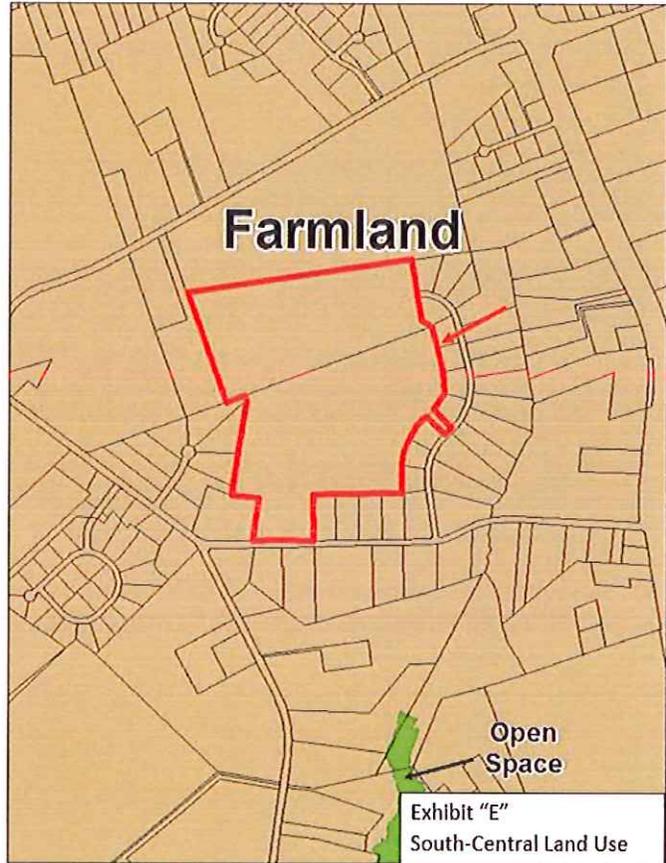
COMPREHENSIVE PLANS: This property is located within the South Central Land Use Plan (2015), as shown in Exhibit "E". The future land use designation of this property is "Farmland". Associated Zoning districts for this classification are A1, A1A, R40, R40A. **The proposed rezoning request is consistent 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 sidewalks and pedestrian facilities, where appropriate to provide access to facilities such as schools, commercial areas, and recreation facilities.
- Encourage the use of low impact developments techniques.



IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES

UTILITIES: Water and sewer lines are not 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". Well and septic will be required if public water and sewer lines are not available at the time of development. Lot size must meet the minimum area necessary to accommodate both.

TRAFFIC: Road access points to the site can occur from School Road and from two points along Pridgeon Farm Road -- at the north end of the street and at appoint mid-block. According to the Fayetteville Area Metropolitan Planning Organization (FAMPO), The subject parcels are located on School 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 2021 AADT for School Road and there is no available road capacity data. Due to lack of data and the small scale, the new zoning request does not demand a trip generation. The new zoning should not generate enough traffic to significantly impact School Road.

SCHOOLS CAPACITY/ENROLLMENT:

School	Capacity	Enrollment
Alderman Road Elementary	707	661
Gray's Creek Middle	1083	1152
Gray's Creek High	1517	1452

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 and to ensure fire protection water supply requirements are 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: This is a conventional zoning and there are no conditions at this time.

STAFF RECOMMENDATION

In Case ZON-22-0085, Planning and Inspections staff **recommends approval** of the rezoning request from A1 Agricultural District to R40 Residential District. Staff finds the request is consistent with the South-Central Land Use Plan which calls for "Farmland" 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
- Longbranch Plat (abutting)
- Application

ATTACHMENT – MAILING LIST

FORREST, RANDALL JERRY;FORREST, DANIEL JACKSON	2229 PRIDGEON FARM RD	FAYETTEVILLE, NC 28306
JOHNSON, DANNY L;JOHNSON, LINDA H	3326 SCHOOL RD	FAYETTEVILLE, NC 28306
TINER, JIMMY WAYNE;TINER, BELINDA ANN	2141 PRIDGEON FARM RD	FAYETTEVILLE, NC 28306
PATTERSON, BRYAN L;PATTERSON, LISA A	2784 ALDERMAN RD	FAYETTEVILLE, NC 28306
TAYLOR, JAKE M JR;TAYLOR, SUSAN M	5731 IONE CT	HOPE MILLS, NC 28348
BAKER, SETH P;BAKER, DENISE M	2224 PRIDGEONFARM RD	FAYETTEVILLE, NC 28306
LAKEY, JODY L JR;MARONEY, ALYSSA E	186 VERDMONT DR	RAEFORD, NC 28376
DREHER-JOHNSON, AUDREY R;DREHER-JOHNSON, WILLIAM H JOHNSON	5732 IONE CT	HOPE MILLS, NC 28348
BLACKSHEAR, DITZAH;BLACKSHEAR, TORRIS	2241 PRIDGEONFARM ROAD	FAYETTEVILLE, NC 28306
ALBERY, PEARL P;ALBERY, JAMES G	3488 SCHOOL RD	FAYETTEVILLE, NC 28306
MELVIN, ROBERT FRANKLIN	3386 SCHOOL RD	FAYETTEVILLE, NC 28306
MARVIN UNITED METHODIST CHURCH	6740 S NC 87 HWY	FAYETTEVILLE, NC 28306
WILLIAMS, CASSIUS C;WILLIAMS, JAYE D	3321 SCHOOL RD	FAYETTEVILLE, NC 28306
CASHWELL, DENNIS V;CASHWELL, DEBORAH H	3216 SCHOOL RD	FAYETTEVILLE, NC 28306
COLE, CHAD H	4209 YARBOROUGH RD	HOPE MILLS, NC 28348
MCLEAN, GREGORY G	3857 LEGION RD	HOPE MILLS, NC 28348
FREDENBURG, ANTHONY E;FREDENBURG, HEATHER	2325 PRIDGEONFARM RD	FAYETTEVILLE, NC 28306
RHONE, PEARL WILLIAMS	2240 PRIDGEONFARM RD	FAYETTEVILLE, NC 28306
DEVORE, CHARLES JEFFREY;DEVORE, JUDY N	3114 SCHOOL RD	HOPE MILLS, NC 28348
PATTON, BRANDON S	229 OLD ST	FAYETTEVILLE, NC 28309
PARADISE HOMES OF FAYETTEVILLE, LLC	2094 ORVILLE STREET	EASTOVER, NC 28312
MARTIN, JEFFREY TODD	2322 PRIDGEONFARM RD	FAYETTEVILLE, NC 28306
BLAKE, AMI L.;BLAKE, ROBERT B.	5700 IONE CT	HOPE MILLS, NC 28348
LILLY, MADELINE KAY	2135 PRIDGEONFARM RD	FAYETTEVILLE, NC 28306
LEE, ELIZABETH F	3280 SCHOOL RD	FAYETTEVILLE, NC 28306
PATTON, BRANDON SHAWN;PATTON, AMANDA L	6552 S NC 87 HWY	FAYETTEVILLE, NC 28306
CASHWELL, WILLIAM T.;CASHWELL, STACEY M.	3216 SCHOOL RD	FAYETTEVILLE, NC 28306
BAKER, MARYANNE ALMENIA	7265 NC HWY 87 S	FAYETTEVILLE, NC 28306
KAHLENBERG, DEANA;KAHLENBERG, MARK	2315 PRIDGEON FARM RD	FAYETTEVILLE, NC 28306
WELLS, RHONDA K;WELLS, SCOTT A	2212 PRIDGEONFARM RD	FAYETTEVILLE, NC 28306
HOLLOWAY, WILLIAM H;HOLLOWAY, DEBORAH B	5716 IONE CT	HOPE MILLS, NC 28348
DEVORE, CHARLES JEFFREY;DEVORE, JUDY N	3114 SCHOOL RD	HOPE MILLS, NC 28348
SHELLEY, IRA B JR;SHELLEY, GABRIELE B	3362 SCHOOL RD	FAYETTEVILLE, NC 28306
MELVIN, ROBERT FRANKLIN	3386 SCHOOL ROAD	FAYETTEVILLE, NC 28306
SPENCER, JEANETTE RENE;SPENCER, ROBERT LESLIE	2123 PRIDGEON FARM RD	FAYETTEVILLE, NC 28306

MULLIS, STEVE NEAL;MULLIS, PATRICIA A	2300 PRIDGEONFARM RD	FAYETTEVILLE, NC 28306
WALTERS, SUSAN M;WILLIAM, C MELVIN	4118 YARBOROUGH RD	HOPE MILLS, NC 28348
MCNAIR, LEE A	3414 SCHOOL RD	FAYETTEVILLE, NC 28306
EDGEWOODS FARM LLC	3114 SCHOOL RD	HOPE MILLS, NC 28348
HINDS, JAMES M.;HINDS, JENNIFER R.	2130 PRIDGEONFARM RD	FAYETTEVILLE, NC 28306
WALTERS, DENNIS M;WALTERS, SUSAN M	4100 YARBOROUGH RD	HOPE MILLS, NC 28348
RICHARDS, ROBERT O;RICHARDS, JAMEY	3341 SCHOOL RD	FAYETTEVILLE, NC 28306
BURNS, PASSHA R;BURNS, MICHAEL J	5708 IONE CT	HOPE MILLS, NC 28348
WALTERS, WILLIAM M;WALTERS, TIFFANY S	4190 YARBOROUGH RD	HOPE MILLS, NC 28348
CRUZ, AMANDA L;NIEVES, MIGUEL A CRUZ	5844 DOTTIE CIR	HOPE MILLS, NC 28348
GRAHAM, MICHAEL SCOTT;GRAHAM, KAREN E	3262 SCHOOL RD	FAYETTEVILLE, NC 28306
HINES, SHAUN;KURKIMILLIS, KRISTINA	5836 DOTTIE CIR	HOPE MILLS, NC 28348
SEARS, GLEN;SEARS, SHARI RENEE HARRIS	523 ABBOTTSWOOD DR	FAYETTEVILLE, NC 28301
KALMES, JARED;KALMES, DESHELL	2345 PRIDGEONFARM RD	FAYETTEVILLE, NC 28306
MCLEAN, GREGORY G	3857 LEGION RD	HOPE MILLS, NC 28348
OBEE, ARTHUR MOORE SR;OBEE, ANTHEA TOON	5701 IONE CT	HOPE MILLS, NC 28348
LASATER, SHERI LEE;LASATER, DAVID S	2223 PRIDGEONFARM RD	FAYETTEVILLE, NC 28306
TINER, JIMMY;TINER, BELINDA	2205 PRIDGEONFARM RD	FAYETTEVILLE, NC 28306
CAMERON, LATRICE M;CAMERON, JOSEPH D	5848 DOTTIE CIR	HOPE MILLS, NC 28348
WILLIAMS, BRUCE A SR;WILLIAMS, GLORIA M	5721 IONE CT	HOPE MILLS, NC 28348
MCCLENDON, GARRY W;MCCLENDON, CYNTHIA C	2211 PRIDGEONFARM ROAD	FAYETTEVILLE, NC 28306
WATSON, MARIA J	2316 PRIDGEONFARM RD	FAYETTEVILLE, NC 28306
EDGEWOODS FARM LLC	3114 SCHOOL RD	HOPE MILLS, NC 28348
MARTINS, KEVIN W;MARTINS, SHELBI F	3015 MORNING DEW LN	FAYETTEVILLE, NC 28306
CRUMPLER, M WOODARD JR, THOMAS H;ROBERT, P	516 WESTCHESTER DR	GREENVILLE, NC 27858
TROY, WENDELL;TROY, LORRIA C	2072 LAKE UPCHURCH RD	PARKTON, NC 28371
DEVORE, KATHERINE JENNIFER;DEVORE, DOUGLAS L REECE	7682 HARLOW DR	HIGH POINT, NC 27263
HAUSLER, BLAKE;HAUSLER, FLORENCE	2217 PRIDGEONFARM RD	FAYETTEVILLE, NC 28306
JOHNSON, JOSEPH EARL;JOHNSON, KRISTEN DAWN	6490 S NC 87 HWY	FAYETTEVILLE, NC 28306
MCLEAN, GREGORY G	3857 LEGION RD	HOPE MILLS, NC 28348
WALTERS, WILLIAM M;WALTERS, TIFFANY S	4190 YARBOROUGH RD	HOPE MILLS, NC 28348
SMALLS, VALENCIA A;SMALLS, RAYNALDO A	5709 IONE CT	HOPE MILLS, NC 28348
INGOE, HUNTER W;INGOE, JACQUELYN S	2235 PRIDGEONFARM RD	FAYETTEVILLE, NC 28306
CRAWFORD, RALPH;CRAWFORD, CAROLYN;JONES, DAVID	2342 PRIDGEONFARM RD	FAYETTEVILLE, NC 28306
ROUSE, EDDIE R;ROUSE, MARCIA BASS	3361 SCHOOL RD	FAYETTEVILLE, NC 28306
WRENN, JESSE L;WRENN, STEPHANIE L	3001 MORNING DEW LANE	FAYETTEVILLE, NC 28305
WRIGHT, DAVID R;WRIGHT, MARIE G	2129 PRIDGEONFARM RD	FAYETTEVILLE, NC 28306
ALBERY, JAMES G;ALBERY, PEARL P	3488 SCHOOL RD	FAYETTEVILLE, NC 28306
WALTERS, WILLIAM M;WALTERS, TIFFANY S	4190 YARBOROUGH RD	HOPE MILLS, NC 28348
WHEELER, STEPHEN D.;WHEELER, CAROL S.	2814 ALDERMAN DR	FAYETTEVILLE, NC 28306
MCFADYEN, DAVID G JR;MCFADYEN, DEBRA	6514 S NC 87 HWY	FAYETTEVILLE, NC 28306
DEVORE, CHARLES JEFFREY;DEVORE, JUDY N	3114 SCHOOL RD	HOPE MILLS, NC 28348
CUMBERLAND COUNTY BOARD OF EDUCATION	PO BOX 2357	FAYETTEVILLE, NC 28302
EDGEWOODS FARM LLC	3114 SCHOOL RD	HOPE MILLS, NC 28348
MARTIN, JOSEPH B;MARTIN, AUDREY M	2200 PRIDGEONFARM RD	FAYETTEVILLE, NC 28306
CURLE, TERRANCE JOSEPH;HORN, REBECCA ANNE CURLE	2941 SCHOOL RD	HOPE MILLS, NC 28348

ATTACHMENT: APPLICATION

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

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

1. Requested Rezoning from AI to R40
2. Address of Property to be Rezoned: 3255 School Road
3. Location of Property: east side of intersection of School Rd and Yarborough Rd
4. Parcel Identification Number (PIN #) of subject property: 0441-25-4172 *0441261096000*
(also known as Tax ID Number or Property Tax ID) *0441353280800*
5. Acreage: 47.37 *83.3 AM* Frontage: 533' Depth: 1,575 *2288 AM*
6. Water Provider: Well: PWC: _____ Other (name): _____
7. Septage Provider: Septic Tank PWC _____
8. Deed Book 11467, Page(s) 307, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
9. Existing use of property: Single family dwelling and farm
10. Proposed use(s) of the property: Residential single family subdivision
11. Do you own any property adjacent to or across the street from this property?
Yes _____ No If yes, where? _____
12. Has a violation been issued on this property? Yes _____ No

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

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

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

Gregory McLean

NAME OF OWNER(S) (PRINT OR TYPE)

3857 Legion Road, Hope Mills, NC 28348

ADDRESS OF OWNER(S)

910-263-2944

HOME TELEPHONE #

WORK TELEPHONE #

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

ADDRESS OF AGENT, ATTORNEY, APPLICANT

E-MAIL

HOME TELEPHONE #

WORK TELEPHONE #

SIGNATURE OF OWNER(S)

SIGNATURE OF AGENT, ATTORNEY OR APPLICANT

SIGNATURE OF OWNER(S)

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



PLANNING AND INSPECTIONS DEPARTMENT

MEMORANDUM FOR JOINT PLANNING BOARD AGENDA OF MARCH 21, 2023

TO: JOINT PLANNING BOARD

FROM: CUMBERLAND COUNTY PLANNING & INSPECTIONS DEPARTMENT

DATE: 3/21/2023

SUBJECT: ZON-23-0004: REZONING FROM A1 AGRICULTURAL DISTRICT TO R20 RESIDENTIAL DISTRICT OR TO A MORE RESTRICTIVE ZONING DISTRICT FOR 1.58 +/- ACRES; LOCATED AT 1322 SAND HILL ROAD; SUBMITTED BY CHRIS ROBERTS (APPLICANT) ON BEHALF OF JESSE CHASON (OWNER).

ATTACHMENTS:

Description

Case ZON-23-0004

Type

Backup Material

REQUEST

Rezoning A1 to R20

Applicant requests a rezoning from A1 Agricultural District to R20 Residential District within one parcel of approximately 1.58 acres located at 1322 Sand Hill Road. The parcel is currently vacant land. The intent of the property owner is to subdivide the lot to create lots with a minimum size of 20,000 sq. ft. per lot.

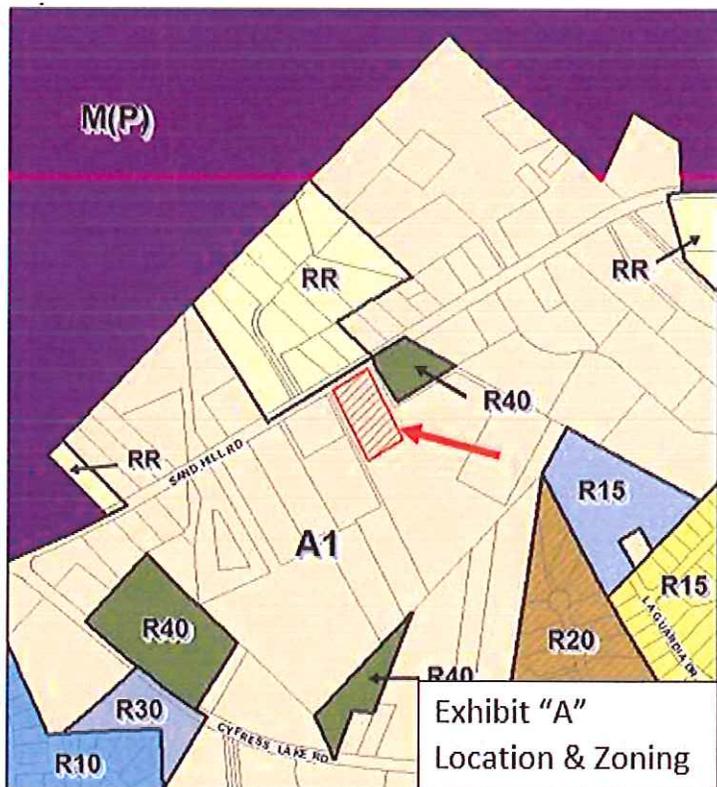
PROPERTY INFORMATION

OWNER/APPLICANT: Chris Roberts (applicant) on behalf of Jesse Chason (owner).

ADDRESS/LOCATION: Refer to Exhibit "A", Location and Zoning Map. REID number: 0433215269000

SIZE: 1.58 +/- acres within one parcel. Road frontage along Sand Hill Road is 190 feet. The property has a varying depth but is approximately 365 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.

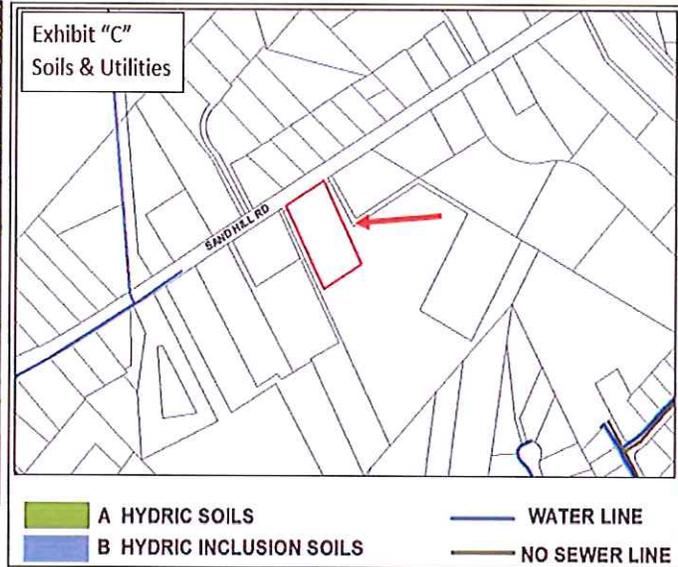


EXISTING LAND USE: The parcel is currently vacant. Exhibit "B" shows the existing use of the subject property.

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

- **North:** Single-family homes (1/2 acre lots) and Victoria Plantation, a single-family neighborhood
- **East:** Single-family homes
- **West:** Farmland
- **South:** Single-family homes

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 on the property.

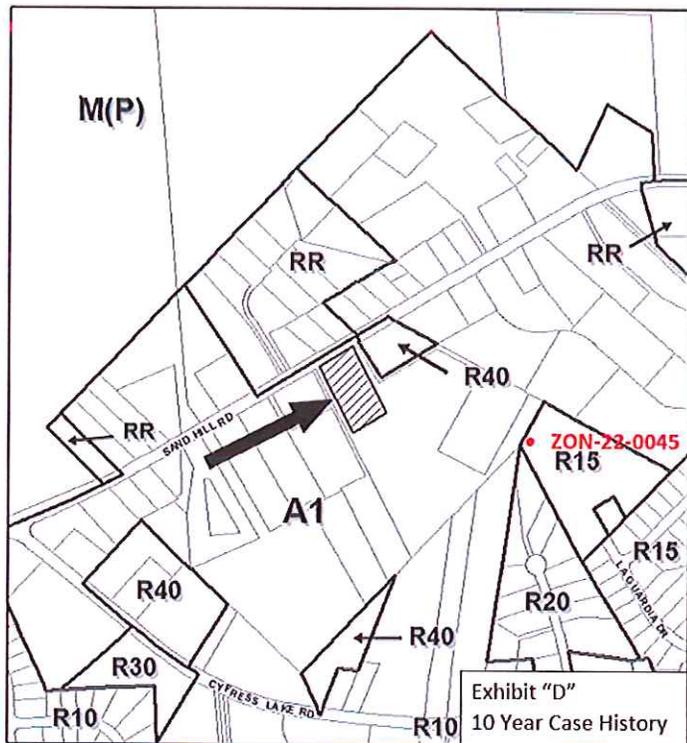


TEN YEAR ZONE CASE HISTORY:

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

- ZON-22-0045: A1 to R15/CZ; APPROVED

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



DIMENSIONAL PROVISIONS FOR REQUESTED DISTRICT:

Minimum Standard	A1 (Existing Zoning)	R20 (Proposed)
Front Yard Setback	50 feet	30 feet
Side Yard Setback	20 feet (one story) 25 feet (two story)	15 feet (one story) 15 feet (two story)
Rear Yard Setback	50 feet	35 feet
Lot Area	2 acres	20,000 sq. ft.
Lot Width	100'	100'

Development Potential:

Existing Zoning (A1)	Proposed Zoning (R20)
1 dwelling units	3 dwelling units

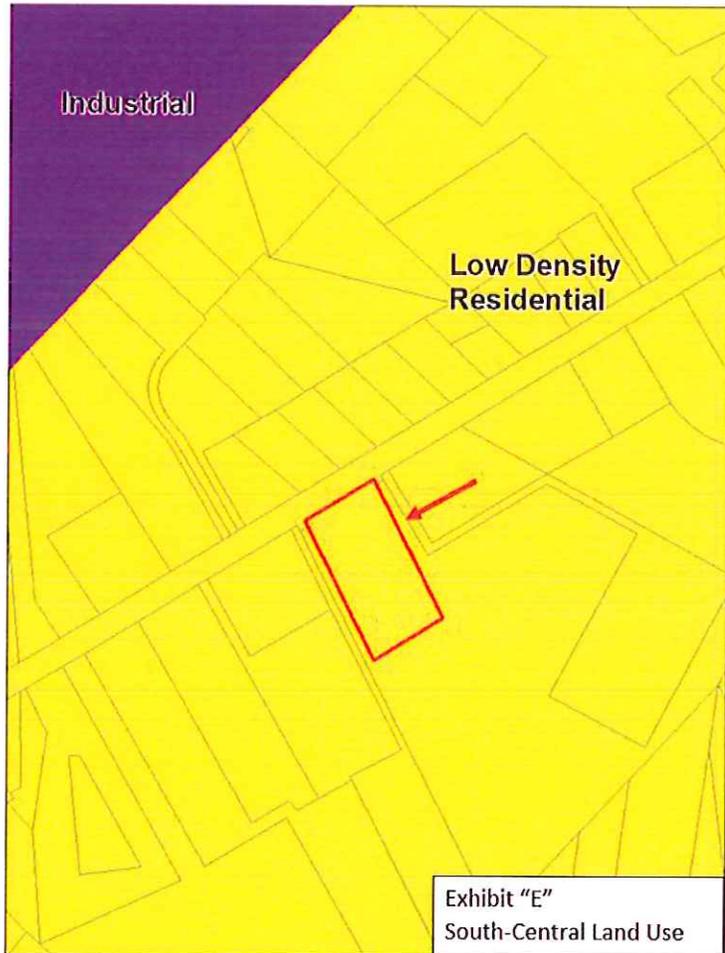
- Lot count may be rounded-up when a fraction occurs. When any requirement of this ordinance results in a fraction of a unit, a fraction of one-half or more shall be considered a whole unit, and a fraction of less than one-half shall be disregarded.

COMPREHENSIVE PLANS: This property is located within the South-Central Land Use Plan (2015), as shown in Exhibit "E". The future land use designation of this property is "Low Density Residential". Associated Zoning Districts include R7.5 & R15. **The proposed rezoning request is consistent with the adopted land use plan.** The request is less dense than what the plan calls for.

APPLICABLE PLAN GOALS/POLICIES:

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.
- Promote sidewalks and pedestrian facilities, where appropriate to provide access to facilities such as schools, commercial areas, and recreation facilities.



IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES

UTILITIES: Water lines are located approximately 525 feet to the west along Sand Hill Road and sewer lines are not available near the subject property. Pursuant to the County Subdivision Ordinance, connection to the water line is only required if the parcel is within 300 feet. This property is not located within this distance. The applicant is responsible to determine if this utility provider will serve their development. Utilities for water and sewer are shown on Exhibit "C". Well and septic will be required, and the lot size must meet the minimum area necessary to accommodate both.

TRAFFIC: According to the Fayetteville Area Metropolitan Planning Organization (FAMPO), the subject parcels are located on Sandhill 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 2021 AADT for Sandhill Road and there is no available road capacity data. Due to lack of data and the small scale, the new zoning request does not demand a trip generation. The new zoning should not generate enough traffic to significantly impact Sandhill Road.

SCHOOLS CAPACITY/ENROLLMENT:

School	Capacity	Enrollment
Alderman Road Elementary	707	661
Gray's Creek Middle	1083	1152
Gray's Creek High	1517	1452

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

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

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

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

STAFF RECOMMENDATION

In Case ZON-23-0004, Planning and Inspections staff **recommends approval** of the rezoning request from A1 Agricultural District to R20 Residential District. Staff finds the request is consistent with the South-Central Land Use Plan which calls for "Low Density Residential" at this location. Staff also finds that the request is reasonable and in the public interest as it is compatible to and in harmony with the surrounding land use activities and zoning.

Attachments:
Notification Mailing List
Application

ATTACHMENT – MAILING LIST

KEIM, BRIDGITTE E;HICKS, DOUGLAS;HICKS, JEROD A;RAEFORD, RAMONA A	1384 CYPRESS LAKE RD	HOPE MILLS, NC 28348
MCKOY, BOBBY L;MITCHELL, LISA M	1159 CYPRESS LAKES RD	HOPE MILLS, NC 28348
ADORJAN, JOHN M;ADORJAN, KIMBERLY L	4809 KIARA DR	HOPE MILLS, NC 28348
BURNS, CANDY;BURNS, LUDIE	1222 JACOB ST	FAYETTEVILLE, NC 28312
THE THELMA REVOCABLE LIVING TRUST	3217 COACHMANS WAY	DURHAM, NC 27705
MELVIN, KENNETH EARL	1451 SAND HILL RD	HOPE MILLS, NC 28348
FAULKNER, FRED THOMAS	2608 DUMFRIES DR	FAYETTEVILLE, NC 28306
GIBBS, JOHN L;GIBBS, CAROLINE A	4804 KIARA DR	HOPE MILLS, NC 28348
SIMMONS, GLENDA MCPHERSON;KRISTEN, BRIGGS	41 TAYLOR AVE 2E	POUGHKEEPSIE, NY 12301
THE THELMA REVOCABLE LIVING TRUST	3217 COACHMANS WAY	DURHAM, NC 27705
HESTER, CHARLES OTIS	5804 SOMERTON PL	HOPE MILLS, NC 28348
BROWN, CURTIS JEROME JR	816 CABALETTA DR	HOPE MILLS, NC 28348
HICKS, JOYCE	1345 CYPRESS LAKES RD	HOPE MILLS, NC 28348
WILLIAM R HOMES LLC	8000 CORPORATE DRIVE STE	CHARLOTTE, NC 28226
DAVIS, GLENNITA DELSHAWN RAEFORD	1186 SAND HILL RD	HOPE MILLS, NC 28348
SMITH, TIANA MARIE;SMITH, JESSE OLIVER JR.	1305 SANDHILL RD	HOPE MILLS, NC 28348
BUCK, EDWARD WAYNE	1203 SAND HILL RD	HOPE MILLS, NC 28348
THE THELMA REVOCABLE LIVING TRUST	3217 COACHMANS WAY	DURHAM, NC 27705
LATKOVICH, JEFFREY A	74 SPOTSWOOD DR	SPOTSWOOD, NJ 08884
CUMBERLAND COUNTY	PO BOX 449	FAYETTEVILLE, NC 28302
LOCKLEAR, E J	5805 SOMERTON PL	HOPE MILLS, NC 28348
BAPTIST UNION CHURCH	PO BOX 250	HOPE MILLS, NC 28348
RAYE, TOWANDA J	1422 SAND HILL RD	HOPE MILLS, NC 28348
FREEMAN, CAROLYN	1155 SAND HILL RD	HOPE MILLS, NC 28348
HICKS, JOYCE	1345 CYPRESS LAKES RD	HOPE MILLS, NC 28348
PURDIE, GEORGE W	1164 SAND HILL RD	HOPE MILLS, NC 28348
LOCKLEAR, ELIJAH J	5805 SOMERTON PL	HOPE MILLS, NC 28348
SHAW, LAMONT	1451 SAND HILL RD	HOPE MILLS, NC 28348
LATKOVICH, JEFFREY A	4800 KIARA DR	HOPE MILLS, NC 28348
HINSON, WILLIAM AUBREY;HINSON, LAURA WILLEY	4812 KIARA DR	HOPE MILLS, NC 28348
GARDNER, LLOYD ANDREW;GARDNER, PAULA S	1204 SAND HILL RD	HOPE MILLS, NC 28348
BUXTON, GLORIA G	5921 STATE RD	HOPE MILLS, NC 28348
SANSBURY, IRENE LIFE ESTATE	1376 SAND HILL RD	HOPE MILLS, NC 28348
WAL-MART STORES EAST LP (#6040)	PO BOX 8050 MS 0555	BENTONVILLE, AR 72716
ROBERTS RENTALS LLC	3001 THROWER RD	HOPE MILLS, NC 28348
MCATEER, KIMBERLY;MCATEER, BOBBY	5801 SOMERTON PL	HOPE MILLS, NC 28348
MCKOY, DORA GRACE EVANS;MCKOY, BOBBY L	1159 CYPRESS LAKES RD	HOPE MILLS, NC 28348
PURDIE, GLENNIS	2901 BOISE CT	FAYETTEVILLE, NC 28306
ROBERTS RENTALS LLC	3001 THROER RD	HOPE MILLS, NC 28348
RAEFORD, RAMONA A	1356 SAND HILL RD	HOPE MILLS, NC 28348
BROWN, CAROLYN J	1336 LEANDER LN	HOPE MILLS, NC 28348
HESTER, CHARLES OTIS	5804 SOMERTON PL	HOPE MILLS, NC 28348
NOLAN, CHERYL ELAINE MCPHERSON;GLENDA, M SIMMONS	909 WICKER CT	FAYETTEVILLE, NC 28304
HAMPTON, APRIL, LEONARD JR;LEONDRA, HAMPTON MCADOO	6815 SEATTLE FLEW PL	WHITSETT, NC 27377
MCALLISTER, ROGER D;MCALLISTER, SHIRLEY D	1432 SAND HILL RD	HOPE MILLS, NC 28348
BLEDSE, KIMBERLY F;ROSS, SABRINA F;RUSSELL, SHANNON FOWLER;FOWLER, JASON R	6400 EMU DR	HOPE MILLS, NC 28348
MCKOY, JOHN R;MCKOY, KATIE LEE	1341 SAND HILL RD	HOPE MILLS, NC 28348
JONES, BRENDA W;JOHNSON, STEPHANIE W;SMITH, GLORIA;WRIGHT, ANDER L C;WRIGHT, DAVID	3540 FIFTH AVE	YOUNGSTOWN, OH 44505
PURDIE, JANNIE B	1145 SAND HILL RD	HOPE MILLS, NC 28348
MCALLISTER, ROGER;MCALLISTER, SHIRLEY	1432 SAND HILL RD	HOPE MILLS, NC 28348
GRAY'S CREEK LEARNING ACADEMY PROPERTIES, LLC	PO BOX 294	ST PAULS, NC 28384

GLEATON, DANIEL WEBSTER;GLEATON, MYRTLE VIRGINIA	230 WOODGLEN DR	FAYETTEVILLE, NC 28314
RAYE, TOWANDA J	1422 SAND HILL RD	HOPE MILLS, NC 28348
GILL, PATRICIA ANN	1185 SAND HILL RD	HOPE MILLS, NC 28348
LASANE, RONZA SURMURIEL	1300 SAND HILL RD	HOPE MILLS, NC 28348
HICKS, JOYCE	1345 CYPRESS LAKES RD	HOPE MILLS, NC 28348
WHISNANT, MARY S	1233 CYPRESS LAKES RD	HOPE MILLS, NC 28348
BUXTON-CURRIE, MONICA;BUXTON-MALLOY, MELANIE	1361 SANDHILLS RD	HOPE MILLS, NC 28348
HESTER, CHARLES OTIS	5804 SOMERTON PL	HOPE MILLS, NC 28348
SANSBURY, IRENE LIFE ESTATE	1376 SAND HILL RD	HOPE MILLS, NC 28348
FREEMAN, LOUISE W	1401 SAND HILL RD	HOPE MILLS, NC 28348
THOMPSON, KELVIN G;BENTLEY-THOMPSON, SABRINA	1309 CYPRESS LAKE RD	HOPE MILLS, NC 28348
MATTHEWS, TERESA;MORRIS, MONROE;MORRIS, RENEE	1451 REDWOOD DR	PISCATAWAY, NJ 08854
CHASON, JESSE	1322 SAND HILL ROAD	HOPE MILLS, NC 28348
WHISNANT, MARY	1233 CYPRESS LAKES RD	HOPE MILLS, NC 28348
RAEFORD, ROMONA ANN	2001 TREE VISTA LN 301	RALEIGH, NC 27604
RAYE, DONALD P;RAYE, TOWANDA	1422 SANDHILL RD	HOPE MILLS, NC 28348
FREEMAN, MATTIE BELL	1164 SAND HILL RD	HOPE MILLS, NC 28348
BUXTON-CURRIE, MONICA;BUXTON-MALLOY, MELANIE	1361 SANDHILLS RD	HOPE MILLS, NC 28348
WILLIAMS, WILLIE L;WILLIAMS, SHIRLEY R	1165 SAND HILL RD	HOPE MILLS, NC 28348
HICKS, JOYCE	1345 CYPRESS LAKES RD	HOPE MILLS, NC 28348
J.M.B.B., LLC	3508 TREE RING CT	FAYETTEVILLE, NC 28306
MELVIN, KENNETH EARL	1451 SAND HILL RD	HOPE MILLS, NC 28348
GROSSO, THOMAS;GROSSO, THERESA	4808 KIARA DR	HOPE MILLS, NC 28348
THE THELMA REVOCABLE LIVING TRUST	3217 COACHMANS WAY	DURHAM, NC 27705
JONES, BRENDA W;JOHNSON, STEPHANIE W;SMITH, GLORIA;WRIGHT, ANDER L C;WRIGHT, DAVID	3540 FIFTH AVE	YOUNGSTOWN, OH 44505
COVINGTON, MARY WHITE LIFE ESTATE	1361 SAND HILL ROAD	HOPE MILLS, NC 28348
BRAMBLE, CHRISTOPHER G;BRAMBLE, JESSICA	PO BOX 4704	HOPE MILLS, NC 28348
MONROE, WILLIAM	5809 SOMERTON PL	HOPE MILLS, NC 28348
STEVENS, DOTTIE M	451 ROBERTS RD	WILLOW SPRING, NC 27592
MELVIN, KENNETH E;MELVIN, SARAH F	1451 SAND HILL RD	HOPE MILLS, NC 28348
MCALLISTER, ERIC LAMAR TRUSTEE	PO BOX 294	ST PAULS, NC 28348
GROOMS, EDNA BERNICE	5817 SOMERTON PL	HOPE MILLS, NC 28348
BUCK, EDWARD WAYNE	1203 SAND HILL RD	HOPE MILLS, NC 28348

ATTACHMENT: APPLICATION



County of Cumberland
Planning & Inspections Department

CASE #:	<u>70A 23-0004</u>
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 \$ _____.
(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 A1 (R) ~~F100-Rural~~ to R20
- 2. Address of Property to be Rezoned: 1322 Sand Hill Rd
- 3. Location of Property: off Sand Hill Rd
- 4. Parcel Identification Number (PIN #) of subject property: 0433-21-5269
(also known as Tax ID Number or Property Tax ID)
- 5. Acreage: 1.58 Frontage: 190 Depth: 365
- 6. Water Provider: Well: PWC: _____ Other (name): _____
- 7. Septage Provider: Septic Tank PWC _____
- 8. Deed Book 11465, Page(s) 0565, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
- 9. Existing use of property: Vacant land
- 10. Proposed use(s) of the property: Residential
- 11. Do you own any property adjacent to or across the street from this property?
Yes _____ No If yes, where? _____
- 12. Has a violation been issued on this property? Yes _____ No

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

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

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.

Jesse Chason

NAME OF OWNER(S) (PRINT OR TYPE)

899 N Orange Ave Apt 432 Orlando,
FL 32801

ADDRESS OF OWNER(S)

910-308-8662

HOME TELEPHONE #

WORK TELEPHONE #

Chris Roberts

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

3102 W. Main st Hope Mills Nc 28348

ADDRESS OF AGENT, ATTORNEY, APPLICANT

MarketPlace Builders @ Gmail

E-MAIL

910 987 2900

HOME TELEPHONE #

WORK TELEPHONE #

Jesse Chason

SIGNATURE OF OWNER(S)

Chris Roberts

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 MARCH 21, 2023

TO: JOINT PLANNING BOARD

FROM: CUMBERLAND COUNTY PLANNING & INSPECTIONS DEPARTMENT

DATE: 3/21/2023

SUBJECT: ZON-23-0005: REZONING FROM C(P) PLANNED COMMERCIAL & C-3 HEAVY COMMERCIAL DISTRICTS TO R5A/CZ RESIDENTIAL CONDITIONAL ZONING DISTRICT TO A MORE RESTRICTIVE ZONING DISTRICT FOR 8.70 +/- ACRES; LOCATED EAST OF NORTH MAIN STREET AND WEST OF BRAGG BLVD.; SUBMITTED BY DOMENIC SPENCER (APPLICANT) ON BEHALF OF LORENZO MCLEAN (OWNER) (SPRING LAKE APRIL)

ATTACHMENTS:

Description

Case ZON-23-0005

Type

Backup Material

REQUEST

Rezoning C(P) & C-3 to R5A/CZ

Applicant requests a rezoning from C(P) Planned Commercial & C-3 Heavy Commercial District to R5A/CZ Residential District Conditional Zoning for one parcel of approximately 8.70 acres located on the east side of N. Main Street, west of Bragg Blvd. The site location is shown in Exhibit "A". Located in the Main Street Overlay District, the parcel is currently vacant land. The intent of the property owner is to increase density to accommodate a multifamily apartment complex with a maximum of 72 units, as illustrated in the conditional zoning site plan provided in Exhibit "F" with the conditions of approval, which the applicant/property owner has accepted.

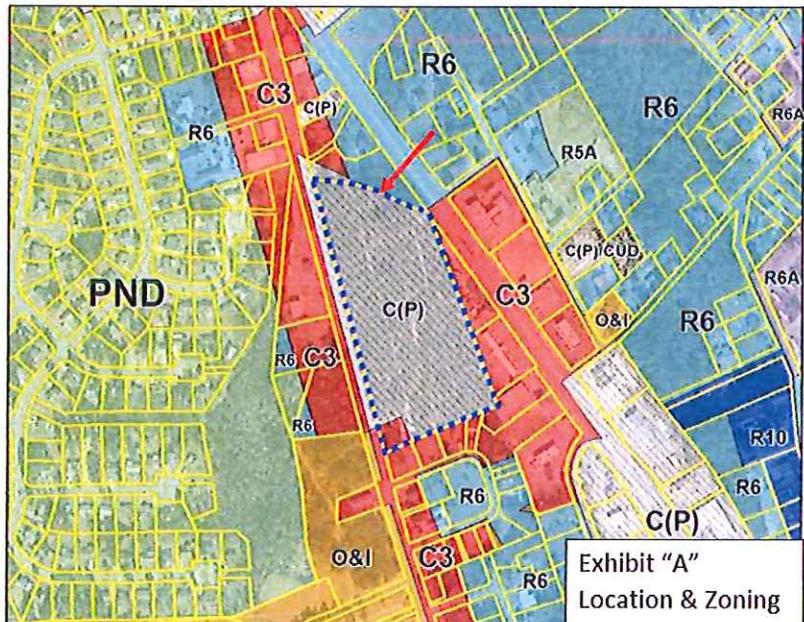
PROPERTY INFORMATION

OWNER/APPLICANT: Domenic Spencer (applicant); Lorenzo McLean (owner)

ADDRESS/LOCATION: Refer to Exhibit "A", Location and Zoning Map. REID number: 0501684230000

SIZE: 8.70 +/- acres within one parcel. The road frontage along N. Main Street is 265 feet. The property has a varying depth due to its shape, but is approximately 433 feet in length at its deepest point.

EXISTING ZONING: The subject property is currently zoned C3 Heavy Commercial District and C(P) Planned Commercial District as well as located within the Main Street Overlay District.



C-3 Heavy Commercial: This conventional zoning district is designed primarily for a wide variety of retail and wholesale business, commercial and contract services, commercial recreation and amusement, public assembly and office uses. Since this district has such a wide selection of uses, it will not be expanded without consideration as to its effect on surrounding lands and is limited to those areas of mixed commercial activity which lie adjacent [to] or at the intersection of major arterials and those areas which exhibit a highly mixed composition of commercial land uses.

C(P) Planned Commercial District. The intent of this conventional zoning district is to assure the grouping of buildings on a parcel of land so as to constitute a harmonious, efficient and convenient retail shopping area. To promote the essential design features within this district, plan approval is required. Any site plan shall assure traffic safety and the harmonious and beneficial relations between the commercial area and contiguous land.

MSOD Main Street Overlay District: An overlay zoning district intended to protect and enhance the traditional downtown main street area by maintaining and stimulating a pedestrian-friendly, vibrant

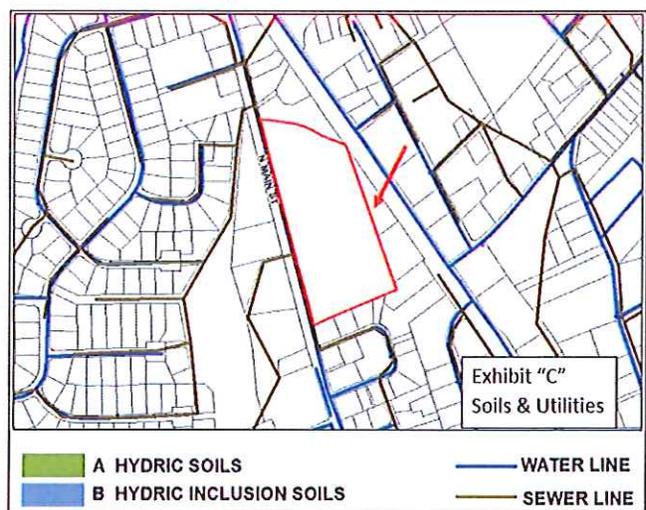
environment while encouraging economic growth that compliments and expands the unique character of the downtown area. Individual structures are encouraged to be multi-story with uses mixed vertically, street level commercial and upper level office and/or residential. It is the purpose of these regulations to encourage vitality by excluding certain activities which have a negative effect on the public realm through motor vehicle dominated or non-pedestrian oriented design or uses. To facilitate the purpose and intent of this overlay district, proposed uses and all development plans shall be consistent with the regulations as contained within this chapter for the CB Central Business district.

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

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

- **North:** Commercial and single-family residential homes
- **East:** Commercial and single-family residential homes. N. Bragg Blvd.
- **West:** Commercial and wooded land. N. Main Street.
- **South:** Single-family residential homes and the Main Street business corridor.

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 on the property.

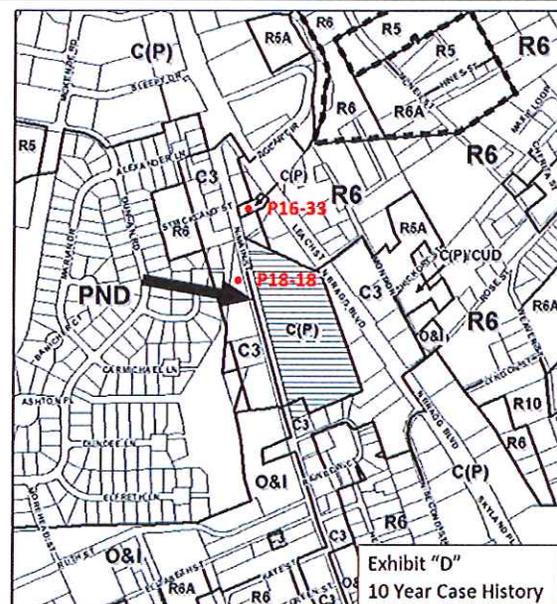


TEN YEAR ZONE CASE HISTORY:

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

- **P16-33:** R6 & C-3/MSOD TO C-3; approved MSOD removal & C(P)
- **P18-18:** removal of MSOD, R6 & C-3 TO C-3; approved

DEVELOPMENT REVIEW: Site Plan Review by County Planning & Inspections and Town approval of the site plan will be required before any development. Building façade elevation and appearance must be consistent with the "Facade Improvement Guide" for the Main Street Overlay District. Exhibit "F", Conditions of Approval, includes an illustration of the building façade.



DIMENSIONAL PROVISIONS FOR REQUESTED DISTRICT:

Minimum Standard	C-3 (Existing Zoning)	C(P) (Existing Zoning)	R5A (Proposed)
Front Yard Setback	45 feet	50 feet	25 feet
Side Yard Setback	15 feet	30 feet	14 feet
Rear Yard Setback	20 feet	30 feet	N/A
Lot Area	N/A	N/A	6,000 sq. ft.
Lot Width	N/A	N/A	60'

Development Potential:

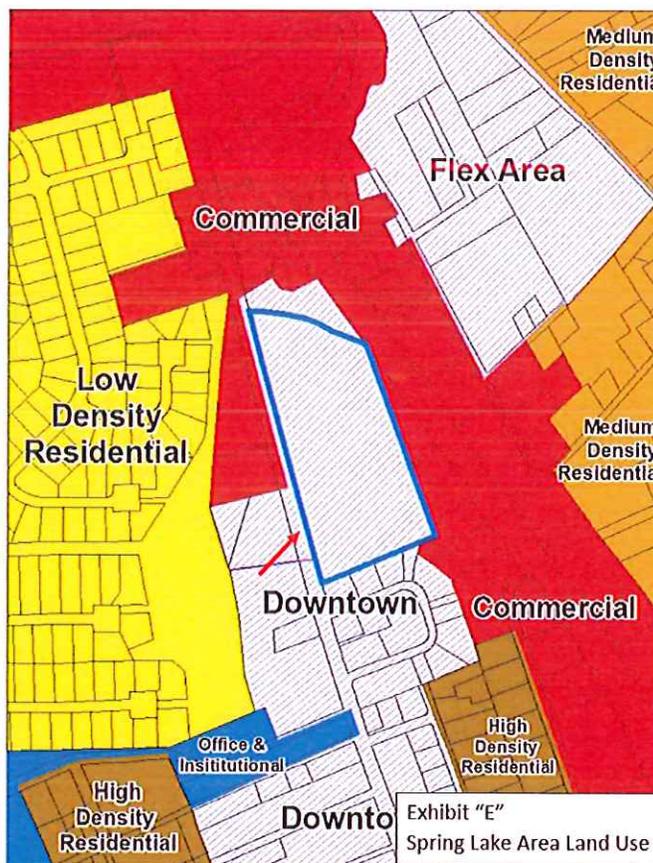
Existing Zoning (C-3)	Existing Zoning (C(P))	Proposed Zoning (R5A/CZ)
N/A	N/A	72 dwelling units

- 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 Spring Lake Land Use Plan (2022), as shown in Exhibit "E". The future land use designation of this property is Flex Area #2. Associated Zoning Districts: MXD/CD, CB, C-1, R5, R5A. **The proposed rezoning request is consistent with the adopted land use plan.**

APPLICABLE PLAN GOALS/POLICIES:

- When new development occurs in each of these flex areas, it must be considered that the new development may set precedent for the rest of the flex area.
- Rezoning requests within a Flex Area should consider the use of conditional zoning to ensure the new use is in harmony with existing and surrounding uses.
- The considerable size and desirable location of this area creates an excellent opportunity for a mixed-use development. A mixed-use development could serve as an attraction to downtown and bring additional residents that would support existing downtown businesses.
- Also suitable in Flex Area 2 is the Central Business Zoning District, light commercial uses, and multi-family housing.
- If strategically developed, this area can create a transition between the locally important Main Street corridor and the regionally important Bragg Boulevard corridor, drawing in local and regional travelers.



IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES

UTILITIES: Spring Lake 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: According to the Fayetteville Area Metropolitan Planning Organization (FAMPO), The Main Street Overlay District 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, Main Street has no roadway capacity and there is no 2021 AADT. Bragg Blvd is identified as a principal arterial. It has a 2021 AADT of 45,500 and a road capacity of 57,200.

The proposed zoning and 72 dwelling units will generate 679 trips on an average weekday.

The trip generation of 72 multi-family apartment complex is calculated below;

- Weekday: 679 trips, 50% entering, 50% exiting (72 dwelling units X average rate of 9.44 = 142 trips)
- AM Peak: 54 trips, 26% entering, 74% exiting (72 dwelling units X average rate of 0.76 = 11 trips)
- PM Peak: 72 trips, 64% entering, 36% exiting (72 dwelling units X average rate of 1 = 15 trips)

With the existing 2021 AADT of 45,500 on Bragg Blvd and the additional 679 weekday trips from the proposed development, the estimated future AADT will be 46,179 trips. The proposed development will not generate enough traffic to place it over its current capacity of 57,200.

SCHOOLS CAPACITY/ENROLLMENT:

School	Capacity	Enrollment
WT Brown Elementary	667	550
Spring Lake Middle	664	600
Pine Forest High	1712	1713

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

EMERGENCY SERVICES: No comments were received from the Spring Lake Fire Marshal's office regarding the rezoning request.

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

CONDITIONS OF APPROVAL: This is a conditional zoning and conditions are found under Exhibit "F", including the conditional zoning site plan and building façade illustrations.

DEVIATIONS REQUESTED BY APPLICANT: The Main Street Overlay District allows for multiple family development but requires commercial or office development on the first floor to promote mixed use buildings along Main Street. Multifamily is a permitted use in the Main Street Overlay District, and the Spring Lake Land Use Plan promotes the downtown area for Flex Area, which includes multi-family. Through the Conditional Zoning the applicant requests to place residential on the first floor of the building facing Main Street but commercial and offices remain a permitted use as well on the first floor. If market conditions change, the property owner can change the use of the first floor from residential to office or commercial consistent with the Main Street Overlay District.

STAFF RECOMMENDATION

In Case ZON-23-0005, Planning and Inspections staff **recommends approval** of the rezoning request from C(P) Planned Commercial & C-3 Heavy Commercial District to R5A/CZ Residential District Conditional Zoning. Staff finds the request is consistent with the Spring Lake Land Use Plan which calls for "Flex Area" 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

Exhibit "F"
Conditions of Approval
ZON-23-0005

ZON-23-0005: Rezoning from C(P) Planned Commercial & C3 Heavy Commercial Districts to R5A/CZ Residential Conditional Zoning District to a more restrictive zoning district for 8.70 +/- acres; located east of North Main Street and west of Bragg Blvd.

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-23-0005) and as delineated in Exhibit "A" shall occur consistent with the standards and requirements of the R5A Residential Zoning District and as otherwise stated herein in Section B. 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 Main Street Overlay District standards shall apply.

B. Permitted and Prohibited Uses.

1. Use of the site is limited to 72 multi-family units as shown on the Conditional Zoning Site Plan appearing in Exhibit "A", as well as office and commercial uses on the first floor for buildings facing Main Street as allowed by the Main Street Overlay District. Through this Conditional Zoning, residential use is allowed on the first floor. Where residential use occurs on the first floor for buildings facing Main Street, any change of use from residential to office or commercial uses shall require review by the Town for on- or off-street parking needs associated with the change of use. No change of use shall occur until a site plan has been approved by the Town to address any additional parking needs or other site modifications.

C. Development Standards.

1. Setback Standards. Minimum setback standards for this residential development – for multi-family lots --shall be:

South property line -- 14 feet
N Main Street ROW (western property line) – Building or accessory structure --- 25 feet
Eastern property line -- Building, garage, or accessory structure -- 30 feet
Minimum distance between buildings shall be determined by building code.
2. Accessory structure: The office/club house shall have minimum setback as shown on the conditional zoning site plan. Any other accessory structures shall follow the minimum setback standards for the R5A zoning district.
3. Signage for this development be in accordance with the applicable sign regulations as set forth in Chapter 42 Article XI of the Spring Lake 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. Development of the site shall occur consistent with the conditional use site plan appearing in Exhibit "A" and the architectural deviations appearing in Exhibit "B". Any change considered to be a substantial deviation from Exhibit "A" or "B" by the Town Planner shall require approval by the Town Board of Alderman.
5. Recreation Requirements. Any recreation and park requirements for residential uses shall comply with standards applicable to the R5A zoning district.

D. Infrastructure and Utilities

1. Water and Sewer:

- a. A building must be connected to Spring Lake 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.)

2. Roads/Access:

- a. The developer must obtain a driveway permit from the NC Department of Transportation prior to construction of the driveway.
- 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.

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.
- d. Prior to permit application, the developer must provide to the Spring Lake 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 42-132 (D)(3)(g) Spring Lake Zoning Ordinance).
- b. Section 42-174.(2)h Spring Lake Zoning Ordinance, all pedestrian areas, including off-street parking areas are to be lighted with shielded, controlled lighting, and shall complement the proposed development in color and style while being consistent with existing lighting of adjacent or nearby developed nonresidential properties. The provisions of section 1102.M shall apply in this district as well as the recommendations of the façade guide.
- c. That garbage collection be provided in a manner approved by the Spring Lake Code Enforcement Section. Dumpsters shall be located on a concrete pad and screened around three sides at minimum per Section 42-228 (3).

E. Main Street Overlay District and Main Street Façade Guidelines.

- a. Exterior building elevations shall comply with the intent of the Main Street Façade Guidelines. Building facades shall comply with the architectural design presented in Exhibit "B".
- b. Any substantial change, as determined by the Town Planner, in the architectural design of the building elevation appearing in Exhibit "B" shall require approval by the Town Board of Alderman.
- c. Any change of use from first floor residential to commercial or office use shall comply with the Main Street Façade Guidelines.

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 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. All building setbacks shall be shown on the final plat and all common areas, recreation areas and facilities shall be labeled on the final plat, as determined by the Current Planning Manager.
2. That the final plat must be submitted to Planning Staff for review and approval for recording; and that the final 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 (Spring Lake Zoning Ordinance, Section 42-359).
4. A site-specific address and tax parcel number be provided at the time of building/zoning permit application.

Conditions set forth herein are accepted by the Property Owner:

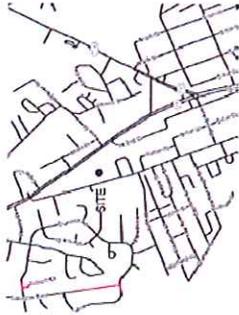
Property Owner (print name)

Date

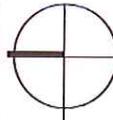
Property Owner (sign name)

Exhibit "A" of the Conditions of Approval Conditional Zoning Site Plan

PROPOSED UNIT MIX:
1 BEDROOM / 1 BATH - 12 UNITS
2 BEDROOM / 2 BATH - 36 UNITS
3 BEDROOM / 2 BATH - 24 UNITS
TOTAL - 72 UNITS
TOTAL SQUARE FEET:
GARAGE WALKUP BUILDINGS (2)
8,70 ACRES
SITE INFO:
PARKING:
- ZONING REQUIRED - 144
- NCHFA REQUIRED - 144 (11 HC SPOTS)
- PROVIDED 144 (11 HC SPOTS)
REQUIRED AMENITIES:
1. PLAYGROUND
2. MULTIPURPOSE ROOM (200SF)
3. COVERED PICNIC AREA (150SF; 2 TABLES AND GRILL)
ADDITIONAL AMENITIES:
4. COVERED PATIO WITH SEATING (150SF)
5. EXERCISE ROOM
6. RESIDENT COMPUTER CENTER (2 COMPUTER MINIMUM)
SPRING LAKE ZONING INFORMATION:
NAME OF DEVELOPMENT: THE FLATS AT SPRING LAKE
PROPOSED OWNER: THE FLATS AT SPRING LAKE LLC
EXISTING ZONING OF PROPERTY: C-3
PROPOSED ZONING OF PROPERTY: R-5A CONDITIONAL
ACREAGE OF SITE: 8.70 ACRES
SCALE OF DRAWING: 1" = 70'-0"
PROPOSED BUILDING SQUARE FOOTAGE 92,340 TOTAL
NUMBER OF OFF-STREET PARKING SPACES: 144
RESIDENTIAL SPACE PER ACRE: 10,387 SF / ACRE
NON-RESIDENTIAL SPACE PER ACRE: 227 SF / ACRE



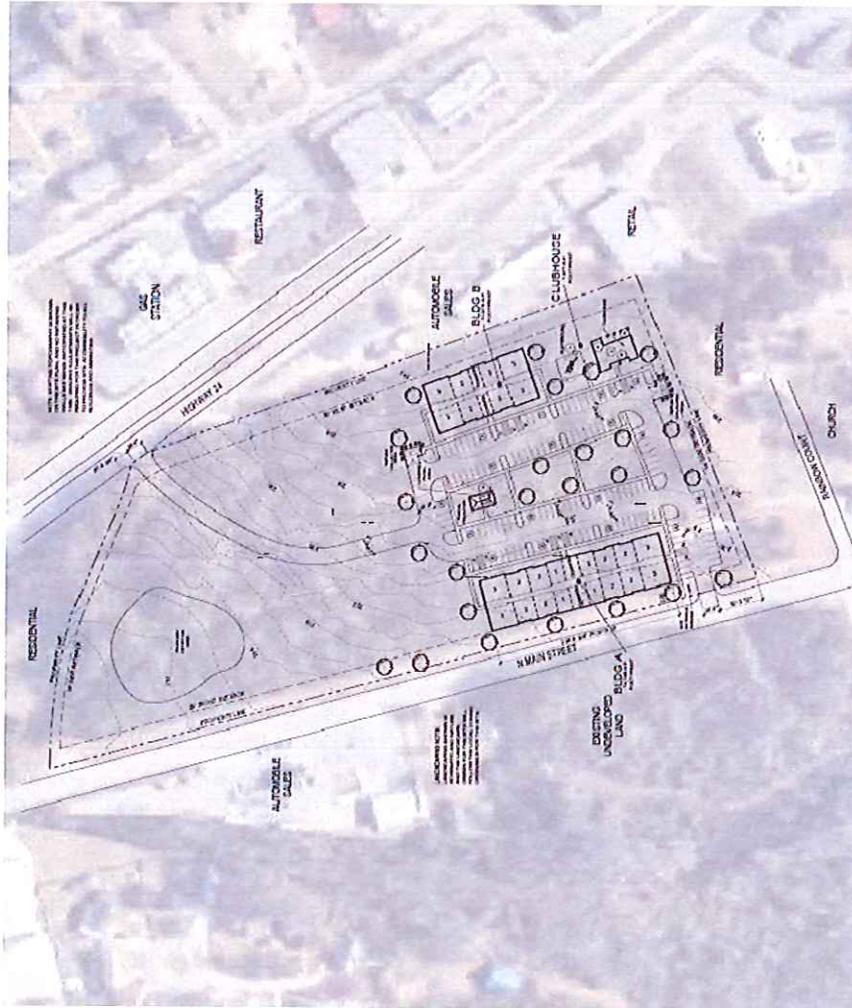
vicinity map



site plan



NOTE: SITE DOES NOT CONTAIN ANY FLOOD PLAIN BORDERS OR WETLANDS



PIVOTAL
HOUSING PARTNERS

THE FLATS AT SPRING LAKE

spring lake, nc

02.28.2023
site plan | 02

© 2023 PIVOTAL HOUSING PARTNERS LLC

Exhibit "B" Building Elevations



front (main street) elevation



side elevation

ATTACHMENT – MAILING LIST

HARBOUR, M W;HARBOUR, PATSY S	111 SOUNDVIEW DR	NEWPT, NC 28370
JACKSON, GAIL EVETTE	217 DUNCAN ROAD	SPRING LAKE, NC 28390
OGARRA, JAMES P	PO BOX 1016	SPRING LAKE, NC 28390
YANCEY, WILLIAM H;YANCEY, CHIN TOX	118 BRUCE LN	SPRING LAKE, NC 28390
BIRTS-FOWLKES, CARA-LYNN;AUCIA, M MARKS	3632 RANSOM PL	ALEXANDRIA, VA 22306
JONES, WILTON C;W C JONES INVESTMENT COMPANY	951 S MCPHERSON CHURCH R	FAYETTEVILLE, NC 28303
HINNANT, JAMES;HINNANT, PENNAPA	801 N MAIN STREET	SPRING LAKE, NC 28390
MCCAULEY & MCDONALD INVESTS IN	PO BOX 361	FAYETTEVILLE, NC 28302
MDN RENTALS LLC	2014 BRAGG BLV	FAYETTEVILLE, NC 28303
HUSKISSON, CATHY M, WENDY L JOHNSON;DAVID, L	6036 WHITE TIP RD	JACKSONVILLE, FL 32258
REID, JORDAN COLLEEN	104 BRUCE LN	SPRING LAKE, NC 28390
GRIMES, YONG	111 BRUCE LANE	SPRING LAKE, NC 28390
BATTS, SAMANTHA A	205 DUNCAN ROAD	SPRING LAKE, NC 28390
RWEST INVESTMENTS INC	833 DOCS RD	LILLINGTON, NC 27546
CUMBERLAND COUNTY	PO BOX 449	FAYETTEVILLE, NC 28302
NEWSOME, SHIRLEY PARKER TRUSTEE	4616 BOONE TRAIL	MILLERS CREEK, NC 28651
MCNEILL, WILLIE JAMES LIFE ESTATE;MCNEILL, BOBBIE P LIFE ESTATE	585 MOORES CHAPEL RD	LILLINGTON, NC 27546
WORTHY, CHARLES W;GWENDSYN, B TRUSTEES	6808 ROBINIA RD	CAMP SPRING, MD 20748
LANGLOIS, RICHARD	PO BOX 53606	FAYETTEVILLE, NC 28302
DE LA PAZ, JUANITA	1006 BRAGG BLV 179	SPRING LAKE, NC 28390
CROCKER, PATRICIA A/H/H	201 CHESHIRE DR	WARNER ROBINS, GA 31068
RAB GROUP ABERDEEN LLC	PO BOX 4405	PINEHURST, NC 28374
KANERIA, KISHOR;KANERIA, KUSUM	11222 EMPIRE LAKES DR	RALEIGH, NC 27617
PATTERSON, ZACKERY;PATTERSON, KELLI MONIQUE	112 BRUCE LANE	SPRING LAKE, NC 28390
MCCAULEY & MCDONALD INVESTS IN	PO BOX 361	FAYETTEVILLE, NC 28302
SCOTT, MABEL MCLEAN	6105 WELSHIRE CT	UPPER MARLBORO, MD 20772
TIANITECH HVAC & APPLIANCES, LLC	5623 DODGE DR	FAYETTEVILLE, NC 28303
NOE, STEVEN PAGE;KIMBERLY, RENEE SHERIDAN	292 MOUNT VISTA DR	LILLINGTON, NC 27546
MCNEILL, GREGORY J;MCNEILL, YVONNE	703 FRANCIS CT	SPRING LAKE, NC 28390
WHITE, LUCILLE	1605 FOREST LN	BAINSBIDGE, GA 30817
LANGLOIS, RICHARD	PO BOX 53606	FAYETTEVILLE, NC 28302
ITHIER, RICHARD E, OSCAR I ITHIER MONTANEZ;ITHIER, TERRIE	114 BRUCE LN	SPRING LAKE, NC 28390
IGLESIA DE DIOS EL BUEN PASTOR INC	510 N. MAIN ST	SPRING LAKE, NC 28390
TOWN OF SPRING LAKE	300 RUTH ST	SPRING LAKE, NC 28390
BROWN, DONNA L	1011 ROSSEA RD	SPRING LAKE, NC 28390
SHEETS, DELLA HARDISON	997 N BRAGG BLVD	SPRING LAKE, NC 28390
LEACH, EARL	222 HARVARD RD	PEMBERTON, NJ 08068
LEWIS, YON SUN TRUSTEE	287 JOHN WILL LN	BROADWAY, NC 27505
MARKS, PAMELA ELAINE;WHARTON, ALTHEA FAYE;BIRTS, CAROLYN YVONNE;JONES, ELLA DELORIS;FARMER, GLENDA VONITA	337 LARCHMONT RD	BROADWAY, NC 27505
NVEST IN RALEIGH LLC	500 N. WEST ST UNIT #419	RALEIGH, NC 27603
WORTHY REAL ESTATE LLC	6320 LYNETTE CIR	FAYETTEVILLE, NC 28314
HENOON, PHILIP BRANDON;DELLA, PETTY HENSON	301 HOLLY GLEN DR	CHESAPEAKE, VA 23325
BECK, FELICIA	644 RIVERSIDE DR 100	NEW YORK, NY 10031
MOUNA, JORGE ROSA;MARIA, D ACEVEDO-VIDOT	301 LAKETREE BLV	SPRING LAKE, NC 28390
YUN, SOON KU;YUN, YOUNG HUI	149 MANCHESTER RD	SPRING LAKE, NC 28390
FERGUSON, MICHEL I	504 SANTA FE DR	FAYETTEVILLE, NC 28303
DUNBAR, ETHAN N;LOIS, D	319 N SECOND ST	SPRING LAKE, NC 28390
OGARRA, JAMES P	614 DUNCAN RD	SPRING LAKE, NC 28390
BIRTS-FOWLKES, CARA-LYNN;MARKS, AUCIA M;JONES, ELLA DELORIS;WHARTON, ALTHEA FAYE;FARMER, LENDA VONITA;BIRTS, CAROLYN YVONNE;MARKS, PAMELA ELAINE	3632 RANSOM PL	ALEXANDRIA, VA 22306
CHARLES, TORRIE T	107 BRUCE LN	SPRING LAKE, NC 28390
BIRTS-FOWLKES, CARA-LYNN;MARKS, AUCIA M;JONES, ELLA DELORIS;WHARTON, ALTHEA FAYE;FARMER, LENDA VONITA;BIRTS, CAROLYN YVONNE;MARKS, PAMELA ELAINE	3632 RANSOM PL	ALEXANDRIA, VA 22306
SKINNER-ENCISO, FERNANDO J	124 STRICKLAND DR	SPRING LAKE, NC 28390
SPRING LAKE ASSEMBLY OF GOD	105 STRICKLAND ST	SPRING LAKE, NC 28390
YUN, SOON;YUN, YOUNG H	207 DUNCAN ROAD	SPRING LAKE, NC 28390
DOWDY, JOHN W JR	3604 TATTERSOL CT	FAYETTEVILLE, NC 28306
VASQUEZ-MATOS, RUBEN;EDUARDA, GUTIERREZ	118 RAINBOW CT	SPRING LAKE, NC 28390
TOWN OF SPRING LAKE	300 RUTH ST	SPRING LAKE, NC 28390
NEWSOME, SHIRLEY PARKER TRUSTEE	4616 BOONE TRAIL	MILLERS CREEK, NC 28651
JONES, LILLIAN	717 MONT DR	SPRING LAKE, NC 28390
GTH INVESTMENTS INC	PO BOX 1261	FAYETTEVILLE, NC 28302
WEBB, MYONG	126 RAINBOW CT	SPRING LAKE, NC 28390
COUSIN HOLDINGS LLC	800 PAMALEE DR	FAYETTEVILLE, NC 28303
STAR PETROLEUM LLC	508 ALLIANCE CIR	CARY, NC 27519
TOWN OF SPRING LAKE	300 RUTH ST	SPRING LAKE, NC 28390
GARFIELD, GWENDOLYN	101 SHADOWOOD DR	MARTINEZ, GA 30809
SKIDMORE, JONATHON	1049 BACKWOODS RD	VIRGINIA BEACH, VA 23455
TIANITECH HVAC & APPLIANCES, LLC	5623 DODGE DR	FAYETTEVILLE, NC 28303
HINNANT, JAMES;HINNANT, PENNAPA	61 NASSAU LN	SANFORD, NC 27332

JONES, BENNER III
BELL, RITA MANNING;BELL, WILBERT R
DOWDY, JOHN W JR
BIRTS-FOWLKES, CARA-LYNN;ALICIA, M MARKS
NEWSOME, SHIRLEY PARKER TRUSTEE
BOFILL, JAMES
KANERIA, KISHOR;KANERIA, KUSUM
MCBRIDE, RICHARD BENJAMIN SR;MCBRIDE, PETRONIA JONES
HENDON, PHILIP BRANDON;HENDON, DELLA PETTY
RAMSEY PLAZA LLC
TANDON III LLC
BROWN, DONNA L
JONES, COLON;MCBRIDE, PETRONIA;CLAYTON, SHARION;MCAMILLAN, CIKY JONES;LEACH, ANTHONY
ATTIA INVESTMENTS LLC
WORTHY, CHARLES W;GWENDSELYN, B TRUSTEES
JACKSON, RONALD;JACKSON, MARIAN R
BIRTS-FOWLKES, CARA-LYNN;MARKS, ALICIA M;JONES, ELLA DELORIS;WHARTON, ALTHEA FAYE;FARMER, LENDA VONITA;BIRTS, CAROLYN YVONNE;MARKS, PAMELA ELAINE
MCNEILL, WILLIE JAMES LIFE ESTATE;MCNEILL, BOBBIE P LIFE ESTATE
MARKS, MICHAEL;MARKS, PAMELA JONES
FISHER, CHAD MICHAEL
MCNEILL, WILLIE JAMES LIFE ESTATE;MCNEILL, BOBBIE P LIFE ESTATE
ELLENWOOD PROPERTIES LLC
BBC ENTERPRISES
MEDLIN, MILDRED H
DIAZ, ANGEL LUIS;DIAZ, NELSON
B & B BUILDING MAINTENANCE LLC
CLARK, ETHEL T;CLARK, DAVID L
TOWN OF SPRING LAKE
WALLACE, LAKITA S;WALLACE, ANTHONY D
HART, JAMES E
SKIDMORE, JONATHAN
CLASSIC NETWORK PRIVATE LIMITED CONSTRUCTION LLC
WOODS INVESTMENT ENTERPRISE LLC
GREEN'S TAX SERVICES LLC
BBC ENTERPRISES
AK PREMIER PROPERTIES INC
HARTWICK, CUNTON;HARTWICK, LISA
SLATER, JAMES
FIELDS, ELEANOR LEACH
JONES, THOMAS L
FORT SILL NATIONAL BANK
PEPPERS, TIMOTHY;PEPPERS, DOONGW
SKINNER-ENCISO, FERNANDO J
SAT FRIENDS PROPERTY LLC
ASHFIELD, WILLIAM F
WOODRUP, FELECIA G
MARKS, PAMELA ELAINE;WHARTON, ALTHEA FAYE;BIRTS, CAROLYN YVONNE;JONES, ELLA DELORIS;FARMER, GLENDA VONITA

PO BOX 565
445 SHORELINE DR
3604 TATTERSOL CT
3632 RANSOM PL
4616 BOONE TRAIL
445 HALLMARK RD
221 DRING RD NE
103 ALEXANDER LN
301 HOLLY GLEN DR
3771 RAMSEY ST 10911
PO BOX 2324
1011 ROSSER RD
109 ALEXANDER LN
3620 LEGION RD
6808 ROBINIA RD
5000 DOGWOOD TRL
3632 RANSOM PL
585 MOORES CHAPEL RD
337 LARCHMONT RD
211 DUNCAN ROAD
585 MOORES CHAPEL RD
518 N BRAGG BLV
PO BOX 766
PO BOX 544
317 N SECOND ST
5318 S NC 210 HWY
1425 MILTON ST
300 RUTH ST
712 N BRAGG BLV
714 A N MAIN ST
37 UTAH PL
11222 EMPIRE LAKES DR
1264 OBI RD
PO BOX 2021
PO BOX 765
204 ROSE STREET
219 DUNCAN RD
1172 NORTHAMPTON RD
3413 DALTON ST
318 HENDON ST
PO BOX 33009
107 CARMICHAEL LN
124 STRICKLAND DR
624 COOPER BEACH LN
112 CARMICHAEL LN
1005 BUCKHILL RD
337 LARCHMONT RD
FAYETTEVILLE, NC 28302
FAYETTEVILLE, NC 28311
FAYETTEVILLE, NC 28306
ALEXANDRIA, VA 22036
MILLERS CREEK, NC 28651
FAYETTEVILLE, NC 28303
SPRING LAKE, NC 28390
SPRING LAKE, NC 28390
CHESAPEAKE, VA 23125
FAYETTEVILLE, NC 28301
FAYETTEVILLE, NC 28302
SPRING LAKE, NC 28390
SPRING LAKE, NC 28390
HOPE MILLS, NC 28348
CAMP SPRING, MD 20748
PORTSMOUTH, VA 23703
ALEXANDRIA, VA 22306
LILLINGTON, NC 27546
FAYETTEVILLE, NC 28311
SPRING LAKE, NC 28390
LILLINGTON, NC 27546
SPRING LAKE, NC 28390
SPRING LAKE, NC 28390
SOUTHERN PINES, NC 28388
SPRING LAKE, NC 28390
BUNNLEVEL, NC 28323
SPRING LAKE, NC 28390
SPRING LAKE, NC 28390
SPRING LAKE, NC 28390
SPRING LAKE, NC 28390
ATHENS, OH 45701
RALEIGH, NC 27617
DUNN, NC 28334
ANGIER, NC 27501
SPRING LAKE, NC 28390
SPRING LAKE, NC 28390
SPRING LAKE, NC 28390
PETERSBURG, VA 23805
COPPERAS COVE, TX 76522
SPRING LAKE, NC 28390
FORT SILL, OK 73503
SPRING LAKE, NC 28390
SPRING LAKE, NC 28390
WAKE FOREST, NC 27587
SPRING LAKE, NC 28390
FAYETTEVILLE, NC 28311
FAYETTEVILLE, NC 28311

ATTACHMENT: APPLICATION



Town of Spring Lake
◆
Planning & Inspections Department

CASE #: _____

PLANNING BOARD

MEETING DATE: _____

DATE APPLICATION

SUBMITTED: _____

RECEIPT #: _____

RECEIVED BY: _____

**APPLICATION FOR
CONDITIONAL USE DISTRICT & PERMIT
REZONING REQUEST
TOWN OF SPRING LAKE ZONING CODE**

Upon receipt of this application (petition), the County Planning 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 Use.

The Planning Board will make a recommendation to the Spring Lake Board of Aldermen concerning the request. The Board of Aldermen will schedule a public hearing and make a final decision on the matter. Generally, the Board will hold a public hearing four weeks following the meeting of the Planning Board. The Conditional Use District and Permit shall not be made effective until the request is heard and received approval by the Board of Aldermen.

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

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

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

The Town Staff and the County Planning Staff are 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 BOARD OF ALDERMEN, TOWN OF SPRING LAKE, NORTH CAROLINA THROUGH THE CUMBERLAND COUNTY JOINT PLANNING BOARD:

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

1. Applicant/Agent Domenic Spencer
2. Address: 9100 Centre Pointe Dr Suite #210,
West Chester Township, OH Zip Code 45069
3. Telephone: (Home) 404-791-2627 (Work) _____
4. Location of Property: 604 N Main Street, Spring Lake, Cumberland County North Carolina, 28390
8.70 ACS LD 1/2 MI N OF SPG LAKE OLD HWY 87 N/S WO
5. Parcel Identification Number (PIN #) of subject property: 0501-68-4230
(also known as Tax ID Number or Property Tax ID)
6. Acreage: 8.70 Frontage: see new plan Depth: see new plan
7. Water Provider: Town Lake Spring Lake Utility Service
8. Septage Provider: Town Lake Sprng Lake Utility Service
9. Deed Book 9430-0841, Page(s) 2014-05-15, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
10. Existing use of property: commercial
11. Proposed use(s) of the property: residential-multi-family

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

12. It is requested that the foregoing property be rezoned FROM: C-3

TO: (Select one)

- Conditional Zoning District, with an underlying zoning district of R-5A
(Article IV)
- Mixed Use District/Conditional Zoning District (Article VI)
- Planned Neighborhood District/Conditional Zoning District (Article VII)
- Density Development/Conditional Zoning District, at the _____ Density
(Article VIII)

APPLICATION FOR
CONDITIONAL USE PERMIT

1. PROPOSED USE(S):

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

The proposed use of the Conditional Use Permit is to waive the mixed-use requirement for the parcel and develop 100% multi-family residential, in keeping with the city and local ordinances.

- 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.

The project will be developed on 8.70 acres; due to the topography found on the northern part of the property, the residential will mainly be concentrated towards the southside; please see new site plan

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

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

The district dimensional requirements, including minimum lot size, setbacks, and density restrictions, of Article XI shall not apply within the district; however, all periphery setbacks shall be that of any adjoining zoning district

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

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

please see new site plan for this information

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

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

All signage within the district shall comply with the sign regulations as authorized in Section 1306.A; please see new site plan for this information

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

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

We will not have full landscape information at this time; however, we will comply with the zoning ordinance

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

please see new site plan for new dimensions applied to the site

6. MISCELLANEOUS:

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

We do not have any information at this time that will impact the petition

7. SITE PLAN REQUIREMENTS:

The application must include a site plan drawn to the specifications of Sec. 42-167. If the proposed uses involve development subject to the Town's Subdivision Regulations, the site plan required may be general in nature, showing a generalized street pattern, if applicable, and the location of proposed uses. If the proposed uses include development not subject to the Subdivision Regulations, the site plan shall be of sufficient detail to allow the County Planning Staff, Town Staff and the Planning Board to analyze the proposed uses and arrangement of uses on the site. It shall also include the footprints of all buildings (proposed and existing), the proposed number of stories, location and number of off-street parking and loading spaces, proposed points of access to existing streets and internal circulation patterns. In addition, the location of all proposed buffers and fences and landscaping shall be included on the site plan.

8. STATEMENT OF ACKNOWLEDGMENT:

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

It is the responsibility of the petitioner (personally or by agent) to submit to the County Planning Staff a valid request, not incompatible with existing neighborhood zoning patterns.

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

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

I further understand I must voluntarily agree to all conditions for the Conditional Use Permit. The undersigned hereby acknowledge that the County Planning Staff has conferred with the petitioner or assigns, and the application as submitted is accurate and correct.

Lorenzo McLean

NAME OF OWNER(S) (PRINT OR TYPE)

6105 WELSHIRE CT UPPER MARLBORO, MD 20772

ADDRESS OF OWNER(S)

lxmjr2144@gmail.com

E-MAIL

202-480-3611

HOME TELEPHONE

WORK TELEPHONE

Lorenzo McLean, Jr.

SIGNATURE OF OWNER(S)

SIGNATURE OF OWNER(S)

Domenic Spencer

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

9100 Centre Pointe Dr Suite #210,
West Chester Township, OH

ADDRESS OF AGENT, ATTORNEY, APPLICANT

404-791-2627

HOME TELEPHONE

WORK TELEPHONE

domenic.spencer@pivotal-hp.com

E-MAIL ADDRESS

FAX NUMBER

Domenic Spencer

SIGNATURE OF AGENT, ATTORNEY,
OR APPLICANT

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

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

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

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

From: [George Tullos](#)
To: [David Moon](#); [Domenic Spencer](#)
Cc: [Kirk Paisley - BDCL](#)
Subject: RE: Rezoning Case 23-0005 Conditions of Approval -- Spring Lake apartment project
Date: Wednesday, March 15, 2023 8:32:58 AM
Attachments: [image002.png](#)
[image003.png](#)

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, we accept these changes and look forward to moving forward with you. Thanks! George

Note that my email address and Company name have changed (see below). Please update my contact information accordingly.

George D. Tullos Jr.
Senior Vice President-Development-
Southeast
P / 770.687.9462
E / george.tullos@pivotal-hp.com



9100 Centre Pointe Drive, Suite 210
West Chester, OH 45069
PIVOTAL-HP.COM

From: David Moon <dmoon@cumberlandcountync.gov>
Sent: Wednesday, March 15, 2023 8:29 AM
To: Domenic Spencer <domenic.spencer@pivotal-hp.com>
Cc: George Tullos <George.Tullos@pivotal-hp.com>; Kirk Paisley - BDCL <kirk.paisley@bdclarchitects.com>
Subject: RE: Rezoning Case 23-0005 Conditions of Approval -- Spring Lake apartment project

Domenic:

Below are the changes I made – the word “Western” was supposed to be “Eastern” and I added language next to “N. Main Street” to also clarify the western property line. Please send a separate email accepting the conditions. The email will be added to the case report that is disseminated to the Joint Planning Board members on tomorrow afternoon.

1. Setback Standards. Minimum setback standards for this residential development – for multi-family lots --shall be:

South property line -- 14 feet

N Main Street ROW (western property line) – Building or accessory structure --- 25 feet



PLANNING AND INSPECTIONS DEPARTMENT

MEMORANDUM FOR JOINT PLANNING BOARD AGENDA OF MARCH 21, 2023

TO: JOINT PLANNING BOARD

FROM: CUMBERLAND COUNTY PLANNING & INSPECTIONS DEPARTMENT

DATE: 3/21/2023

SUBJECT: ZON-23-0007: REZONING FROM O&I OFFICE & INSTITUTIONAL DISTRICT TO R6 RESIDENTIAL DISTRICT OR TO A MORE RESTRICTIVE ZONING DISTRICT FOR 0.24 +/- ACRES; LOCATED AT 125 ELIZABETH STREET; SUBMITTED BY ROLISHA CAIN (APPLICANT/OWNER) (SPRING LAKE APRIL).

ATTACHMENTS:

Description	Type
Case ZON-23-0007	Backup Material

REQUEST	Rezoning O&I to R6
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Applicant requests a rezoning from O&I Office and Institutional District to R6 Residential District for one parcel of approximately 0.24 acres located at 125 Elizabeth Street. The parcel is currently vacant wooded land. The intent of the property owner is to rezone to a residential district to accommodate a residential home and meet setback standards due to the small lot size.

PROPERTY INFORMATION

OWNER/APPLICANT: Rolisha Cain
(applicant/owner)

ADDRESS/LOCATION: Refer to Exhibit "A", Location and Zoning Map. REID number: 0501568794000

SIZE: 0.24 +/- acres within one parcel. Road frontage along Elizabeth Street is 65 +/- feet. The property is approximately 160 feet in length at its deepest point.

EXISTING ZONING: The subject property is currently zoned O&I Office and Institutional District. This conventional zoning district is designed primarily for agencies and offices rendering specialized services in the professions, finance, real estate and brokerage as well as the traditional institutional functions both public and private, public assembly, religious and certain cultural recreational activities and group housing. The uses in this district classification may be characterized as having no retail or wholesale trade, except as incidental use. The district is normally small and often situated between business and residential areas. The regulations are designed for maintaining more compatibility with nearby residential districts than would exist with a commercial district.

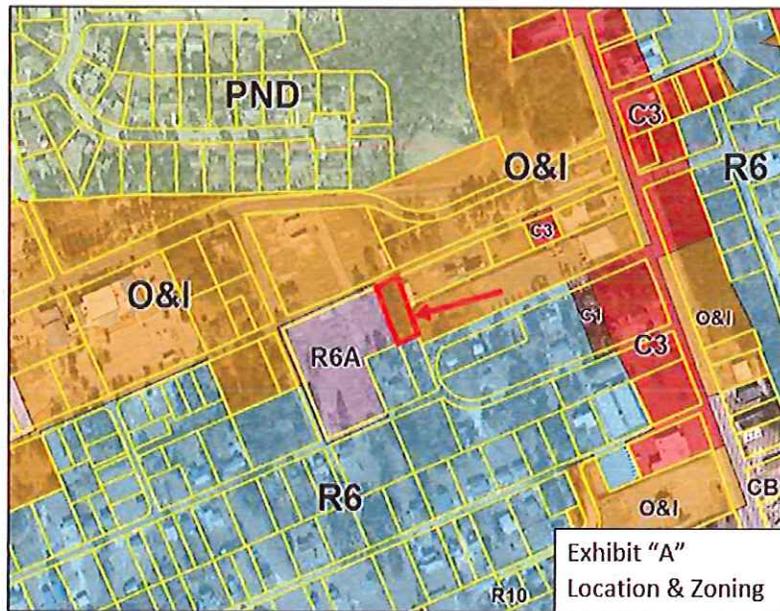


Exhibit "A"
Location & Zoning

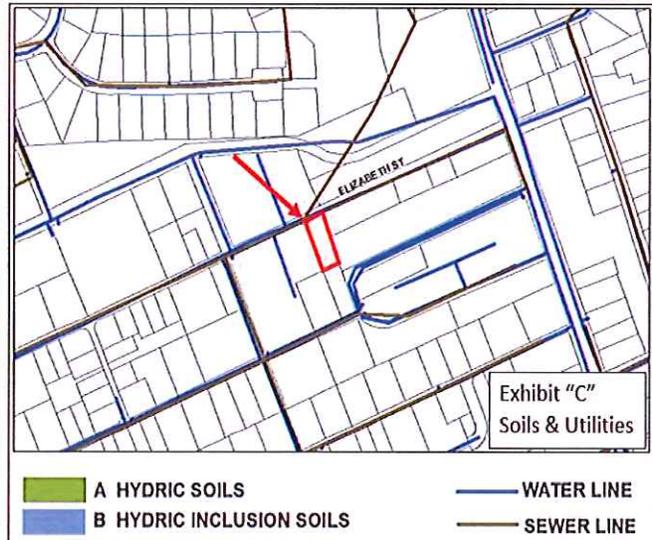
EXISTING LAND USE: The parcel is currently vacant. Exhibit "B" shows the existing use of the subject property.

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:** Manufactured homes and vacant land
- **East:** Single family residential homes and a church
- **West:** Vacant land
- **South:** Single-family homes

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



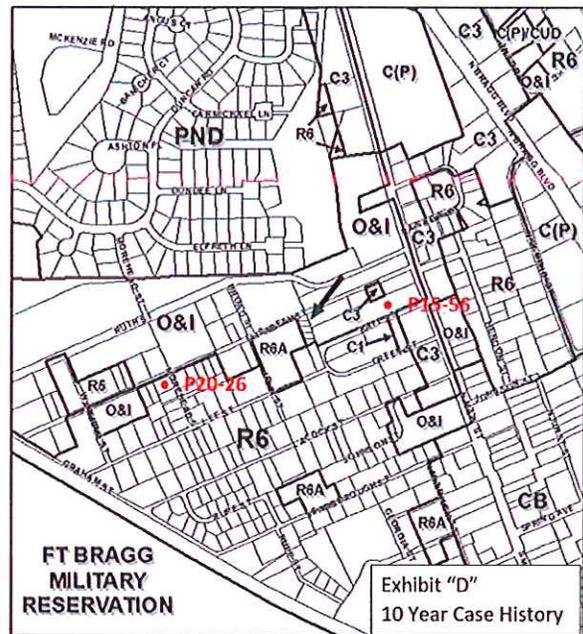
TEN YEAR ZONE CASE HISTORY:

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

- P15-56: Removal from MSOD; APPROVED
- P20-26: O&I to R6; APPROVED

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

- **Spring Lake Stormwater Review:** The Town has an outfall and an open channel running through this property, which drains from Kaye Street. The applicant is going to have to account for that in plans with a pipe or diversion.



DIMENSIONAL PROVISIONS FOR REQUESTED DISTRICT:

Minimum Standard	O&I (Existing Zoning)	R6 (Proposed)
Front Yard Setback	35 feet	25 feet
Side Yard Setback	15 feet	10 feet (one story) 12 feet (two story)
Rear Yard Setback	20 feet	30 feet
Lot Area	N/A	6,000 sq. ft.
Lot Width	N/A	60'

Development Potential:

Existing Zoning (O&I)	Proposed Zoning (R6)
N/A	1 dwelling unit

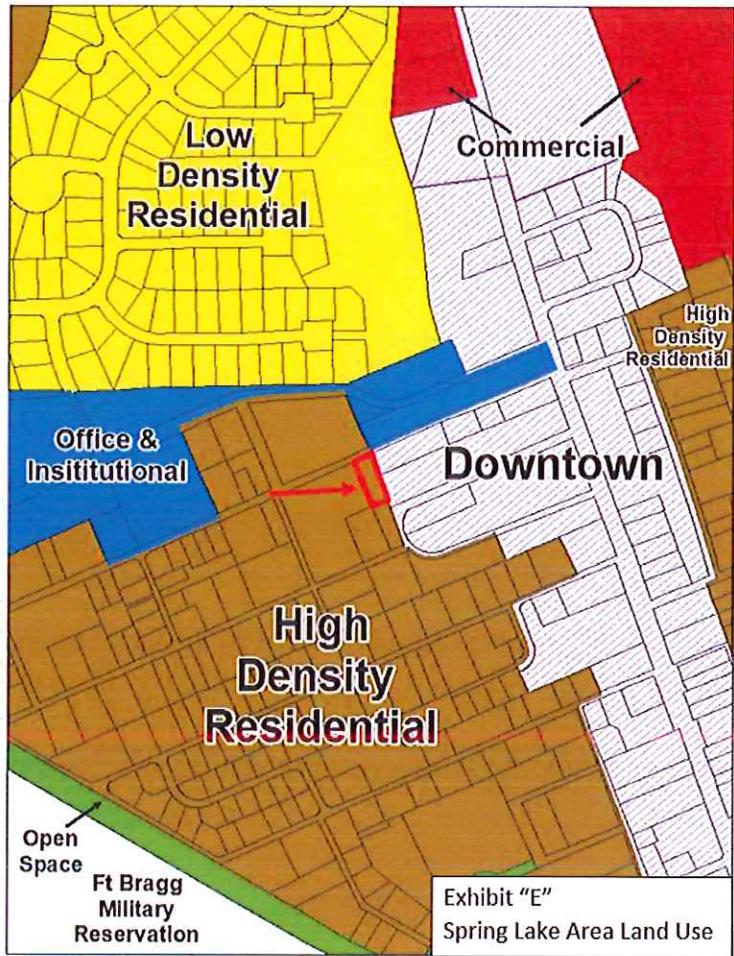
- Section 202 (A): Lot count may be rounded-up when a fraction occurs. When any requirement of this ordinance results in a fraction of a unit, a fraction of one-half or more shall be considered a whole unit, and a fraction of less than one-half shall be disregarded.

COMPREHENSIVE PLANS: This property is located within the Spring Lake Land Use Plan (2022), as shown in Exhibit "E". The future land use designation of this property is "High Density Residential". Associated Zoning Districts: R5.

The proposed rezoning request is consistent with the adopted land use plan.

APPLICABLE PLAN GOALS/POLICIES:

These small-parcel areas are well-suited for redevelopment and infill. By allowing the maximum density in these areas, small multifamily development, especially vertical development, is enabled.



IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES

UTILITIES: Spring Lake 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: According to the Fayetteville Area Metropolitan Planning Organization (FAMPO), the subject parcel is located on Elizabeth Street 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 2021 AADT for Elizabeth Street and there is no available road capacity data. Due to lack of data and the small scale, the new zoning request does not demand a trip generation. The new zoning should not generate enough traffic to significantly impact Elizabeth Street.

SCHOOLS CAPACITY/ENROLLMENT:

School	Capacity	Enrollment
WT Brown Elementary	667	550
Spring Lake Middle	664	600
Pine Forest High	1712	1713

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

EMERGENCY SERVICES: No comments were received from the Spring Lake Fire Marshal's office regarding the rezoning request.

SPECIAL DISTRICTS: The property is not located within the Fayetteville Regional Airport Overlay District. This property is within five miles of Fort Bragg Military Base. While not located within the Spring Lake Main Street Overlay District, the parcel's eastern property line abuts the overlay district boundary.

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

STAFF RECOMMENDATION

In Case ZON-23-0007, Planning and Inspections staff **recommends approval** of the rezoning request from O&I Office and Institutional District to R6 Residential District. Staff finds the request is consistent with the Spring Lake Land Use Plan which calls for "High Density Residential" at this location. Staff also finds that the request is reasonable and in the public interest as it is compatible to and in harmony with the surrounding land use activities and zoning.

Attachments:
Notification Mailing List
Application

ATTACHMENT – MAILING LIST

LEIBL, INGEBOG G	100 LACOCK ST	SPRING LAKE, NC 28390
LEIBL, INGEBOG G	102 LACOCK ST	SPRING LAKE, NC 28390
LEIBL, INGEBOG G	102 LACOOK ST	SPRING LAKE, NC 28390
WATKINS, RICKY L;WATKINS, JANICE P	122 ELFRETH LN	SPRING LAKE, NC 28390
MILLER, TODD ASHLEY	44 INDIAN TRAIL	SANFORD, NC 27332
LONG, BEATRICE GAYLE	201 LEE ST	SPRING LAKE, NC 28390
LEBRUN, MARY	119 LACOCK ST	SPRING LAKE, NC 28390
PATTERSON, CLYDE L;142 SOUTH MAIN LLC	4271 LEAFLET CHURCH RD	BROADWAY, NC 27505
JESUS, FABIAN DE;RIVERA, SHARAISKA AGOSTO	2085 LACOCK ST	SPRING LAKE, NC 28390
MYLO PROPERTIES LLC	3727 FLOYD DR	HOPE MILLS, NC 28348
PATTERSON, CLYDE L;142 SOUTH MAIN LLC	4271 LEAFLET CHURCH RD	BROADWAY, NC 27505
JONES, ADRIAN T	120 ELFRETH LN	SPRING LAKE, NC 28390
REAVES, KENNETH S;REAVES, JOVANI	398 N MAIN ST	MILLTOWN, NJ 08850
ND REAL ESTATE HOLDINGS, LLC	2601 SW ANTONIO DR	PALM CITY, FL 34990
MCDONALD, SARA M	506 BOBWHITE CT	FAYETTEVILLE, NC 28303
MYLO PROPERTIES LLC	3727 FLOYD DR	HOPE MILLS, NC 28348
DUNBAR CORPORATION	204 GROVE LN	KATHLEEN, GA 31047
QUICK PROPERTY SOLUTIONS INC.	2503 SOUTHERN AVE UNIT 64221	FAYETTEVILLE, NC 28306
RAY, DONNA M	212 LEE ST	SPRING LAKE, NC 28390
CAIN, ROLISHA	4008 WHISPER WOOD DR	FAYETTEVILLE, NC 28306
DANIELS INVESTMENT GROUP LLC	1176 HERITAGE CENTER DR	WAKE FOREST, NC 27587
NICELY, CHRISTINE REAVES	2405 W BRINKLEY DR	SPRING LAKE, NC 28390
PATTERSON, CLYDE L;142 SOUTH MAIN LLC	4271 LEAFLET CHURCH RD	BROADWAY, NC 27505
TOWN OF SPRING LAKE	300 RUTH ST	SPRING LAKE, NC 28390
GRAHAM, FLOYD	113 ELIZABETH ST	SPRING LAKE, NC 28390
BOLE, VICTORIA A;BOLE, SHAUN M MCCREARY	119 ELFRETH LN	SPRING LAKE, NC 28390
KINGDOM COMMUNITY DEVELOPMENT CORPORATION	129 N MAIN ST	SPRING LAKE, NC 28390
BBC ENTERPRISES	PO BOX 766	SPRING LAKE, NC 28390
MYLO PROPERTIES LLC	3727 FLOYD DR	HOPE MILLS, NC 28348
KINGDOM COMMUNITY DEVELOPMENT CORPORATION	129 N MAIN ST	SPRING LAKE, NC 28390
BRAGG, CIVILIAN FEDERAL CRED UN	2917 VILLAGE DR	FAYETTEVILLE, NC 28304
A/G NEW VISION MISSION CHURCH	405 N MAIN ST	SPRING LAKE, NC 28390
EXPAT INVESTMENTS, LLC	301 KERNSTOWN RD	RAEFORD, NC 28376
MR PROPERTY LLC	2613 KNIGHTWOOD RD	FUQUAY VARINA, NC 27526
PATTERSON, CLYDE L;142 SOUTH MAIN LLC	4271 LEAFLET CHURCH RD	BROADWAY, NC 27505

MYLO PROPERTIES LLC
RAY, TRAVIS
HILDEL-REYES, ANDREA
WASHINGTON, WALTER B
BRAGG MUTUAL FEDERAL CREDIT UNION
TOWN OF SPRING LAKE
MYLO PROPERTIES LLC
NICELY, CHRISTINE REAVES
LEIBL, INGEBORG GISELA
HALL, VALERIE
PEREZ, MARIO CHAVARRIA;SALAZAR, ALICIA PADILLA
PEREZ, MARIO CHAVARRIA;SALAZAR, ALICIA PADILLA
MILLER, HENRY W;MILLER, BRENDA J
MYLO PROPERTIES LLC
KINGDOM COMMUNITY DEVELOPMENT CORPORATION
TAYLOR, JACOB M
SELZLER, LEON M SR LIFE ESTATE
RHETT, AL T
MYLO PROPERTIES LLC
LEIBL, INGEBORG GISELA
MCDONALD, SARA M
HUSAMUDEEN, A MALIK;HUSAMUDEEN, VIDALENA G
BROWN, JESSIE
PATTERSON, CLYDE L;142 SOUTH MAIN LLC
CRUZ-PALMA, MARTA ALICIA;NAVES, JOSE ROSALES
PATTERSON, CLYDE L;142 SOUTH MAIN LLC
W C D C INC
TANDON III LLC
GRIMES, YONG
PATTERSON, CLYDE L;142 SOUTH MAIN LLC
MR PROPERTY LLC
MYLO PROPERTIES LLC

3727 FLOYD DR
PO BOX 614
2418 ROLLING HILL RD
110 BLACKWOOD DR
2917 VILLAGE DR
300 RUTH ST
3727 FLOYD DR
2405 BRINKLEY DR
102 LACOCK ST
327 E LOHAVEN DR
2316 FLEMING RD
2316 FLEMING RD
126 ALTON HOLDER LN
3727 FLOYD DR
129 N MAIN ST
113 ELFRETH LN
5418 QUARTER POLE LN
PO BOX 1502
3727 FLOYD DR
102 LACOCK ST
506 BOB WHITE CT
206 ELIZABETH ST
110 ELFRETH LN
4271 LEAFLET CHURCH RD
117 ELFRETH LANE
4271 LEAFLET CHURCH RD
PO BOX 766
PO BOX 2524
121 ELFRETH LN
4271 LEAFLET CHURCH RD
2613 KNIGHTWOOD RD
3727 FLOYD DR

HOPE MILLS, NC 28348
SPRING LAKE, NC 28390
FAYETTEVILLE, NC 28304
MONTGOMERY, AL 36109
FAYETTEVILLE, NC 28304
SPRING LAKE, NC 28390
HOPE MILLS, NC 28348
SPRING LAKE, NC 28390
SPRING LAKE, NC 28390
FAYETTEVILLE, NC 28314
FUQUAY-VARINA, NC 27526
FUQUAY-VARINA, NC 27526
LILLINGTON, NC 27546
HOPE MILLS, NC 28348
SPRING LAKE, NC 28390
SPRING LAKE, NC 28390
HOPE MILLS, NC 28348
LAURINBURG, NC 28353
HOPE MILLS, NC 28348
SPRING LAKE, NC 28390
FAYETTEVILLE, NC 28303
SPRING LAKE, NC 28390
SPRING LAKE, NC 28390
BROADWAY, NC 27505
SPRING LAKE, NC 28390
BROADWAY, NC 27505
SPRING LAKE, NC 28390
FAYETTEVILLE, NC 28302
SPRING LAKE, NC 28390
BROADWAY, NC 27505
FUQUAY VARINA, NC 27526
HOPE MILLS, NC 28348

ZWICKER, IRIS D;ZWICKER, DAVID	6404 NEWCASTLE RD	FAYETTEVILLE, NC 28303
LEBLANC, CYNTHIA R.	120 LACOCK ST	SPRING LAKE, NC 28390
GABRIEL, JOSEPH P;GABRIEL, MARY E	115 WATSON RD	VASS, NC 28394
TOWN OF SPRING LAKE	300 RUTH ST	SPRING LAKE, NC 28390
SELZLER, LEON M SR;SELZLER, ANNIE PEARL	5418 QUARTER POLE LN	HOPE MILLS, NC 28348
PATTERSON, CLYDE L;142 SOUTH MAIN LLC	4271 LEAFLET CHURCH RD	BROADWAY, NC 27505
MR PROPERTY LLC	2613 KNIGHTWOOD RD	FUQUAY VARINA, NC 27526
DEAN, PATRICIA DELORES VAN LOWE;ERBY, PATRICK ALEXANDER	111 A S FIRST ST	SPRING LAKE, NC 28390
MYLO PROPERTIES LLC	3727 FLOYD DR	HOPE MILLS, NC 28348
MYLO PROPERTIES LLC	3727 FLOYD DR	HOPE MILLS, NC 28348
TOWN OF SPRING LAKE	300 RUTH ST	SPRING LAKE, NC 28390
PROBST, ERIC ANDREW;PROBST, MELISSA KAY	114 ELFRETH LN	SPRING LAKE, NC 28390
MYLO PROPERTIES LLC	3727 FLOYD DR	HOPE MILLS, NC 28348
LEIBL, INGEBORG G	102 LACOCK ST	SPRING LAKE, NC 28390
LEIBL, INGEBORG G	100 LACOCK ST	SPRING LAKE, NC 28390
HAMMOND, JEAN	124 LEE ST	SPRING LAKE, NC 28390
MILLER, TODD ASHLEY	44 INDIAN TRAIL	SANFORD, NC 27332
GRAHAM, FLOYD	113 ELIZABETH ST	SPRING LAKE, NC 28390
MILLER, HENRY W;MILLER, BRENDA J	126 ALTON HOLDER LN	LILLINGTON, NC 27546
PATTERSON, CLYDE L;142 SOUTH MAIN LLC	4271 LEAFLET CHURCH RD	BROADWAY, NC 27505
MYLO PROPERTIES LLC	3727 FLOYD DR	HOPE MILLS, NC 28348
KINGDOM COMMUNITY DEVELOPMENT CORPORATION	129 N MAIN ST	SPRING LAKE, NC 28390
WAY, PHYLLIS L	201 RUTH ST	SPRING LAKE, NC 28390
RAY, TRAVIS	PO BOX 614	SPRING LAKE, NC 28390
MYLO PROPERTIES LLC	3727 FLOYD DR	HOPE MILLS, NC 28348
FERRELL, GEORGE G III	PO BOX 95	SPRING LAKE, NC 28390

ATTACHMENT: APPLICATION



TOWN OF SPRING LAKE
◆
BOARD OF ALDERMEN

CASE #: ZON-23-0007

PLANNING BOARD
MEETING DATE: _____

DATE APPLICATION
SUBMITTED: 2/15/23

RECEIPT #: _____

RECEIVED BY: CP

Application for
TOWN OF SPRING LAKE
REZONING REQUEST

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

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

Rezoning Procedure:

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

The County Planning Staff will advise on zoning options, inform applicants of development requirements and answer questions regarding the application and rezoning process. For questions or assistance, call the Land Use Codes Section at (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 Joint Planning Board meeting according to the Board's meeting schedule. Also, the application fee is *nonrefundable*.

Local Code Reference: Town of Spring Lake Chapter 42-Zoning

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 OVI^{PWC} to RL
2. Address of Property to be Rezoned: 125 Elizabeth St Spring Lk, NC 28390
3. Location of Property: 125 Elizabeth Street
Spring Lake, NC 28390
4. Parcel Identification Number (PIN #) of subject property: 0501568794000
(also known as Tax ID Number or Property Tax ID)
5. Acreage: 0.24 Frontage: 65 ft Depth: 160
6. Water Provider: Well: _____ PWC: _____ Other (name): Spring Lake
7. Septage Provider: Septic Tank _____ PWC Spring Lake
8. Deed Book 11205, Page(s) 0402, 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: Residential
11. Do you own any property adjacent to or across the street from this property?
Yes _____ No If yes, where? _____
12. Has a violation been issued on this property? Yes _____ No

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

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

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

Rolisha Cain
NAME OF OWNER(S) (PRINT OR TYPE)

4008 Whisper Wood Dr Fayetteville, NC 28306
ADDRESS OF OWNER(S)

rolishacain@gmail.com
E-MAIL

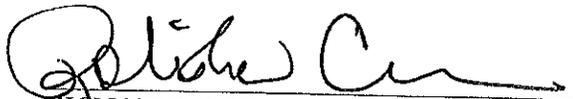
(910) 496-6562 HOME TELEPHONE # (910) 496-6562 WORK TELEPHONE #

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

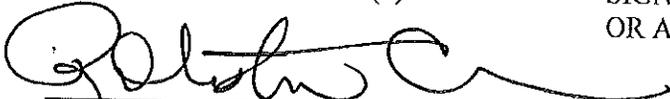
4008 Whisper Wood Dr, Fayetteville, NC
ADDRESS OF AGENT, ATTORNEY, APPLICANT

rolishacain@gmail.com
E-MAIL

910-496-6562 HOME TELEPHONE # 910-496-6562 WORK TELEPHONE #


SIGNATURE OF OWNER(S)

SIGNATURE OF AGENT, ATTORNEY OR APPLICANT


SIGNATURE OF OWNER(S)

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



PLANNING AND INSPECTIONS DEPARTMENT

MEMORANDUM FOR JOINT PLANNING BOARD AGENDA OF MARCH 21, 2023

TO: JOINT PLANNING BOARD

FROM: CUMBERLAND COUNTY PLANNING & INSPECTIONS DEPARTMENT

DATE: 3/21/2023

SUBJECT: ZON-23-0003: REZONING FROM R10 RESIDENTIAL DISTRICT AND CD CONVERSANCY DISTRICT TO R5 RESIDENTIAL DISTRICT OR TO A MORE RESTRICTIVE ZONING DISTRICT FOR A PORTION OF A 20.17 +/- ACRE PARCEL; LOCATED WEST OF LILLINGTON HWY AND NORTH OF COTTAGEVILLE DR.; SUBMITTED BY MOORMAN, KIZER & REITZEL, INC. (APPLICANT) ON BEHALF OF SPRING LAKE PROPERTIES (OWNER).

ATTACHMENTS:

Description

Case ZON-23-0003

Type

Backup Material

Location: W. of Lillington Hwy and N. of Cottageville Dr.
Jurisdiction: County-Unincorporated

REQUEST	Rezoning R10 & CD to R5
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Applicant requests a rezoning from R10 Residential and CD Conservancy District to R5 Residential District for one parcel of approximately 20.17 acres located West of Lillington Hwy and North of Cottageville Drive. Approximately 11.6 acres are located in the Conservancy district and 8.4 acres within the R10 District. The R10 zoning district is now dormant and defaults to R7.5. The parcel is currently vacant. The intent of the property owner is to build a multi-family apartment complex. A survey provided by the applicant shows the 100-year floodplain line, illustrating the approximate line where the CD Conservancy District boundary line would be located. The total property outside of the 100-year flood plain line is 13.54 acres (see attachments).

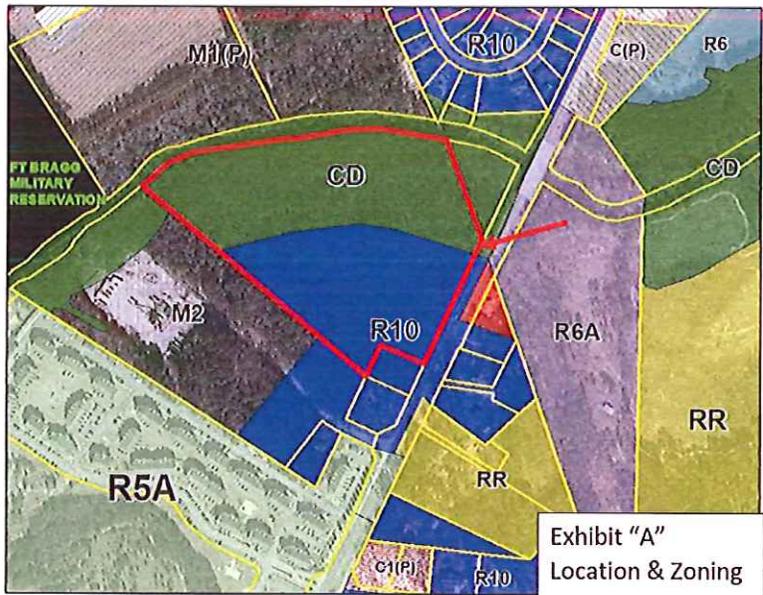
PROPERTY INFORMATION

OWNER/APPLICANT: Moorman, Kizer, & Reitzel (applicant) on behalf of Spring Lake Properties Co., Inc. (owner).

ADDRESS/LOCATION: Refer to Exhibit "A", Location and Zoning Map. REID number: 0512381282000.

SIZE: 20.17 +/- acres within one parcel. Road frontage along Lillington Hwy is 580 +/- feet. The property has a varying depth, but is approximately 1000 +/- feet in length at its deepest point.

EXISTING ZONING: The subject property is currently zoned R10 (R7.5) Residential District and CD Conservancy District.



R7.5 Residential District. A district designed primarily for single-family dwellings on lots with a minimum lot area of 7,500 square feet.

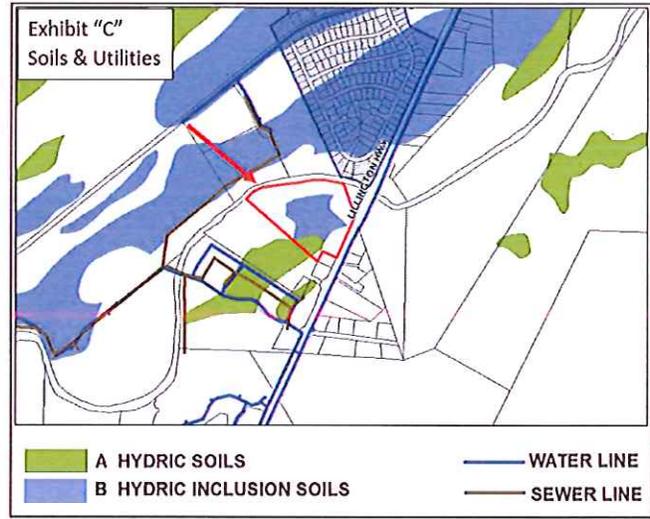
CD Conservancy District. This district is designed to preserve and protect identifiable natural resources from urban encroachment. The general intent of the district is to provide open area uses for such resource areas that will continue to provide limited development potential while preserving existing conditions to the extent feasible. Areas to be zoned in this district shall be identifiable as swamp, marsh, flood land, poor or very severe soils areas or managed and unmanaged woodland on USGS (Geological Survey) maps, soil maps prepared by the USDA (Department of Agriculture) Soil Conservation Service or other appropriate sources and on file in the County Planning and Inspections Department.

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

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

- **North:** Overhills Park single-family subdivision
- **East:** Wooded lands and single-family homes
- **West:** Wooded Land and Ft. Bragg Military Base
- **South:** Concrete facility and The Brooks on Eleven66 apartment complex

OTHER SITE CHARACTERISTICS: The site is not located in a Watershed. This property is within a Special Flood Zone Hazard Area. The subject property, as delineated in Exhibit "C", illustrates presence of hydric and hydric inclusion soils on central portions of the property.



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

DIMENSIONAL PROVISIONS FOR REQUESTED DISTRICT:

Minimum Standard	R10 (R7.5) (Existing Zoning)	CD (Existing Zoning)	R5 (Proposed)
Front Yard Setback	30 feet	50 feet	25 feet
Side Yard Setback	10 feet (one story) 15 feet (two story)	50 feet	10 feet
Rear Yard Setback	35 feet	50 feet	30 feet
Lot Area	7,500 sq. ft.	N/A	5,000 sq. ft.
Lot Width	75'	N/A	100'

Development Potential:

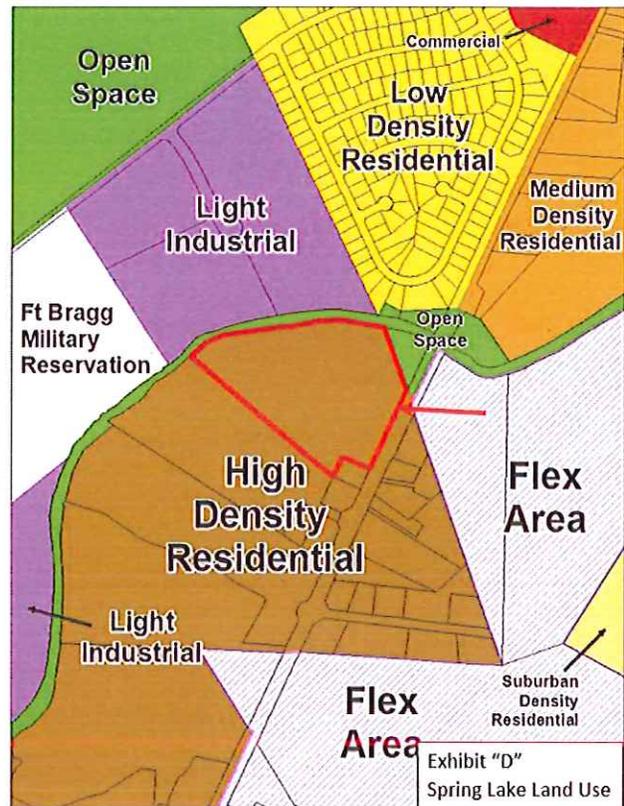
Existing Zoning (R10)	Existing Zoning (CD)	Proposed Zoning (R5)
49 dwelling units	0	580 dwelling units

- 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 Spring Lake Land Use Plan (2022) as shown in Exhibit "D". The future land use designation of this property is "High Density Residential". **The proposed rezoning request is consistent with the adopted land use plan.**

APPLICABLE PLAN GOALS/POLICIES:

- On larger parcels, these sites are suitable for apartment complex development. This usually is due to proximity to existing apartments or to commercial areas. In this way, vertical development can act as a buffer between commercial areas and less dense residential areas.



IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES

UTILITIES: Spring Lake 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: According to the Fayetteville Area Metropolitan Planning Organization (FAMPO), The subject parcel is identified as a principal 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, there is a 2021 AADT for Lillington HWY of 19,000 as well, there is a road capacity of 33,300. Due to lack of data and the small scale, the new zoning request does not demand a trip generation. The new zoning should not generate enough traffic to significantly impact this project between Cottageville Dr and Lillington HWY.

SCHOOLS CAPACITY/ENROLLMENT:

School	Capacity	Enrollment
WT Brown Elementary	667	550
Spring Lake Middle	664	600
Pine Forest High	1712	1713

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 any development at this site must comply with all fire department access requirements in accordance with section 503 of the 2018 NC fire code and that all fire protection water supply requirements are met in accordance with Section 507 of the 2018 NC Fire Code.

SPECIAL DISTRICTS: The property is located less than 200 lineal feet from Fort Bragg Military Base property to the west. Objections from Regional Land Use Advisory Commission (RLUAC) are documented in an attached letter, indicating concerns about: (1) "the loss or disruption of [wildlife] corridors would have the effect of isolating populations by precluding their access to critical habitat. . . ." and (2) "This . . . could have the effect of increasing Fort Bragg's environmental mandate and limiting the availability of critical training lands that are necessary to maintain military readiness."

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

STAFF RECOMMENDATION

In Case ZON-23-0003, Planning and Inspections staff **recommends denial** of the rezoning request from R10 Residential and CD Conversancy Districts to R5 Residential District. Staff finds the request is consistent with the Spring Lake Land Use Plan which calls for "High Density Residential" at this location. However, the request would increase density within the flood plain and environmentally sensitive areas and potentially impact Ft. Bragg Military Base and regional natural resources. Staff also finds that the request is not reasonable or in the public interest as it is not compatible to and in harmony with the surrounding land use activities and zoning.

Note: Staff would support a conditional zoning application that could provide protection of areas within the 100-year flood zone and associated natural resources by clustering density to less sensitive areas of the property.

Attachments:

Survey of 100-year Flood Boundary
Notification Mailing List
Technical (RLUAC) Comments
Application

ATTACHMENT – MAILING LIST

CHAVIS, JEFFERY LYNN;CHAVIS, WANDA WILT	1301 PINEKNOLL DR	SPRING LAKE, NC 28390
WELLONS, FLORENCE C ESTATE	511 HWY 210 N.	SPRING LAKE, NC 28390
BROWN, JOSIE	1174 COTTAGEVILLE DR	SPRING LAKE, NC 28390
ROJAS, ULYSES	104 BREMER ST	FAYETTEVILLE, NC 28303
CUMBERLAND COUNTY	PO BOX 449	FAYETTEVILLE, NC 28302
KOWALCZYK, REED C;KOWALCZYK, YVONN	1864 LILLINGTON HWY	SPRING LAKE, NC 28390
SHEARER, SANDRA L HEIRS	1836 LILLINGTON HIGHWAY	SPRING LAKE, NC 28390
HARRINGTON, KELLY B	2403 W BRINKLEY DR	SPRING LAKE, NC 28390
OREI HERITAGE AT FORT BRAGG PROPERTY OWNER LLC	888 BRICKELL AVE 3RD FLOOR	MIAMI, FL 33131
BROWNING, SHIRLEY W	2412 W BRINKLEY DR	SPRING LAKE, NC 28390
W S WELLONS CORP	PO BOX 766	SPRING LAKE, NC 28390
KLINK, KATHLEEN M.;WOODIN, JORDAN H.	1936 LILLINGTON HWY	SPRING LAKE, NC 28390
MCCORMICK FARMS LIMITED PARTNERSHIP	8195 MCCORMICK BRIDGE RD	SPRING LAKE, NC 28390
BAKER, VINCENT II;BAKER, JENNIFER M	2414 BRINKLEY DR	SPRING LAKE, NC 28390
HILL, JOSEPH A TRUSTEE;HILL, JOHN D TRUSTEE;HALL, CLIFTON W	6943 GLEN COVE LN	STONE MOUNTAIN, GA 30087
SAVING GRACE PROPERTY REHAB & HOME HEALTH AIDE SERVICES, LLC	34 EDENBROOK DR	HAMPTON, VA 23666
RLM DEVELOPMENT GROUP LLC	1027 E MANCHESTER RD	SPRING LAKE, NC 28390
OVERHILLS PARK WATER & SEWER DISTRICT C/O CUMB CO ENGR DEPT	117 DICK ST	FAYETTEVILLE, NC 28301
BROWNING, DAVID ERIC	3106 HUNTLEY ST	SPRING LAKE, NC 28390
PRINCIPIO, IVY J.;PRINCIPIO, MARCO A.	7618 BALL RD	BAHAMA, NC 27503
HALL, CLIFTON W;HALL, ARMELLE M	2506 BRINKLEY DR	SPRING LAKE, NC 28390
WALDROP, MARY;WALDROP, STEPHEN	2509 BRINKLEY DR	SPRING LAKE, NC 28390
WALKER, SHERONDA LYNNETTE	2512 E BRINKLEY DRIVE	SPRING LAKE, NC 28390
KISHUN, MOHAMED NAIM;KISHUN, DIAN CLARK	2404 BRINKLEY DR	SPRING LAKE, NC 28390
PRINCIPIO, MARCO A;PRINCIPIO, IVEY J	7618 BALL RD	BAHAMA, NC 27503
NICELY, CHRISTINE REAVES	2405 BRINKLEY DR	SPRING LAKE, NC 28390
SPRING LAKE PROPERTIES CO INC	8620 RIVER RD	WILMINGTON, NC 28412
WELLONS, FLORENCE C ESTATE	511 HWY 210 N.	SPRING LAKE, NC 28390
MILLER, ELSIE L;MILLER, SHERRY C	1911 LILLINGTON HWY	SPRING LAKE, NC 28390
PRINCIPIO, MARCO A;PRINCIPIO, IVY J	7618 BALL RD	BAHAMA, NC 27503
CROW, KEVIN EUGENE;CROW, MYONG H	2510 E BRINKLEY DR	SPRING LAKE, NC 28390
ALLEN OF FAYETTEVILLE IV LLC	130 BUILDERS BLV	FAYETTEVILLE, NC 28301
SHAW, MICHAEL NEAL;SHAW, AMBER DAVIS	PO BOX 259	SPRING LAKE, NC 28390
RANKINS, CHESTER A;RANKINS, CASENDIA V	2407 W BRINKLEY DR	SPRING LAKE, NC 28390
BRAZELL, BILLY ROY	1359 LILLINGTON HWY	SPRING LAKE, NC 28390
PRINCIPIO, MARCO A;PRINCIPIO, IVY O	7618 BALL RD	BAHAMA, NC 27503
HALL, CLIFTON W	2506 BRINKLEY DR	SPRING LAKE, NC 28390
RLM DEVELOPMENT GROUP LLC	1027 E MANCHESTER RD	SPRING LAKE, NC 28390
SMITH, JOHNNIE A	2026 SANDY POINT RD	HARKER HEIGHTS, TX 76548
PRINCIPIO, MARCO A;PRINCIPIO, IVY J	7618 BALL RD	BAHAMA, NC 27503
BARAHONA FIGUEROA, MARIA PAULA	2511 BRINKLEY DR	SPRING LAKE, NC 28390

ATTACHMENT: Technical Review Team Comments



Regional Land Use Advisory Commission

CUMBERLAND COUNTY COURTESY REVIEW

Case: ZON-23-0003

Location: West side of Lillington Highway (NC 210) north of Cottageville Drive

PIN#: 0512-38-1282

March 9, 2023

Following a review of the above referenced rezoning application by the Regional Land Use Advisory Commission, it has been determined that:

- The subject property is designated as Critical to Protect in the Fort Bragg Compatible Use Rating System due to its identification as a Wildlife Habitat Connector.
- The subject property is designated as Important to Protect in the Fort Bragg Compatible Use Rating System due to the presence of significant areas along the Little River that are identified as having high value for biological diversity and wildlife habitat.
- Due to these factors, as explained in more detail below, RLUAC does not support the proposed rezoning as presented.

Growing in a compatible manner with Fort Bragg includes ensuring that the installation is able to meet both its military training and operational missions as well as its environmental mission. The installation's environmental mission helps to facilitate its military mission by ensuring that training lands are available and unencumbered by restrictions on their use due to external environmental conditions. Conservation mandates and restrictions on the use of training land on Fort Bragg due to red cockaded woodpecker (RCW) habitat loss in the region around the installation is a notable example of how external environmental factors have affected military readiness in the past.

The rezoning of this property to permit higher density development than allowed under the current zoning designation has the potential to negatively impact the significant wildlife habitat resources present on the site, as well as the water quality of the Little River. According to our partners with The Nature Conservancy, which works with Fort Bragg to support its environmental mission, the parcel in question is situated between previously acquired Army Compatible Use Buffer program property along the Little River (Mutzburg tract) and the McCormick Farms property, which is in the RCW safe harbor program and connects to important wildlife habitats located in Carvers Creek State Park and Fort Bragg.

These important wildlife habitat corridors help to ensure the overall health of protected species by helping to promote their safe movement and migration between sub-populations in the region. The loss or disruption of these corridors would have the effect of isolating populations by precluding their access to critical habitat, while also limiting opportunities for improving the genetic diversity of sub-populations in the region. This, in turn, could have the effect of increasing Fort Bragg's environmental mandate and limiting the availability of critical training lands that are necessary to maintain military readiness. Therefore, due to the potential negative impact to Fort Bragg's environmental mission that permitting higher density development on this property could bring, RLUAC does not support the proposed rezoning as presented.

While RLUAC's findings and recommendations are non-binding on Cumberland County, their consideration and incorporation into your review of this case will help to improve compatibility outcomes for our region as a whole by protecting Fort Bragg's military training and operational missions by promoting stewardship of the natural environment.

Thank you for allowing RLUAC to review this case.

Jeff Sanborn, Chairman
Vagn K. Hansen II, AICP, Executive Director

ATTACHMENT: APPLICATION



County of Cumberland
Planning & Inspections Department

CASE #:	<u>ZON-23-0003</u>
PLANNING BOARD MEETING DATE:	_____
DATE APPLICATION SUBMITTED:	<u>2/2/23</u>
RECEIPT #:	_____
RECEIVED BY:	<u>CP</u>

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 \$ 430.00.
(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 R10/CD to R5 (13.54 acres only)
2. Address of Property to be Rezoned: LILLINGTON HWY
3. Location of Property: From the Hwy 87N/Hwy 210N fork in Spring Lake, take the Hwy 210 N/Lillington Hwy fork approx. 2.55 miles, property is on left
4. Parcel Identification Number (PIN #) of subject property: 0512-38-1282
(also known as Tax ID Number or Property Tax ID)
5. Acreage: 20.14 Frontage: 580' Depth: 1000'
6. Water Provider: Well: Spring Lake PWC: _____ Other (name): _____
7. Septage Provider: Septic Tank Spring Lake PWC _____
8. Deed Book 5292, Page(s) 276-277, 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: Apartments
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.

Spring Lake Properties Co., Inc.

NAME OF OWNER(S) (PRINT OR TYPE)

8620 River Road, Wilmington, NC 28412

ADDRESS OF OWNER(S)

HOME TELEPHONE #

919-514-8353

WORK TELEPHONE #

Moorman, Kizer & Reitzel, Inc.

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

PO Box 53774, Fayetteville, NC 28305

ADDRESS OF AGENT, ATTORNEY, APPLICANT

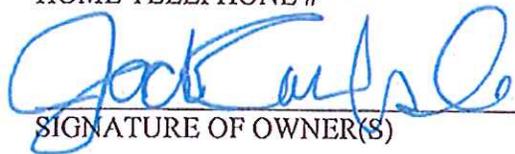
jkizerjr@mkrinc.com; csmith@mkrinc.com

E-MAIL

HOME TELEPHONE #

910-484-5191

WORK TELEPHONE #



SIGNATURE OF OWNER(S)



SIGNATURE OF AGENT, ATTORNEY OR APPLICANT

SIGNATURE OF OWNER(S)

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



PLANNING AND INSPECTIONS DEPARTMENT

MEMORANDUM FOR JOINT PLANNING BOARD AGENDA OF MARCH 21, 2023

TO: JOINT PLANNING BOARD

FROM:

DATE:

SUBJECT: SUBDIVISION ORDINANCE UPDATE