

Clarence Grier
County Manager

Sally Shutt
Assistant County
Manager



Rawls Howard
Director

David Moon
Deputy Director

CUMBERLAND COUNTY JOINT PLANNING BOARD

AGENDA
March 19, 2024
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. FEBRUARY 20TH MEETING MINUTES

- VI. CHAIRMAN'S WELCOME AND RULES OF PROCEDURE
- VII. PUBLIC MEETING CONSENT ITEMS

REZONING CASES

- B. Case ZON-24-0004: Rezoning from C3 Heavy Commercial District and RR Rural Residential District to RR Rural Residential District or to a more restrictive zoning district for 2.03 +/- acres; located at 906 Middle Road, submitted by Larry Robert Steedly (Agent) on behalf of the Barry C Steedly Life Estate (Owner).**
- C. Case ZON-24-0005: Rezoning from M(P) Planned Industrial District and M1(P) Planned Light Industrial District to M1(P) Planned Light Industrial District or to a more restrictive zoning district for 1.33 +/- acres; located at 611 Whitehead Road, submitted by Tanari Smith (Owner).**
- D. Case ZON-24-0006: Conditional Rezoning from A1 Agricultural District to A1/CZ Agricultural Conditional Zoning District or to a more restrictive district for 97.07 +/- acres; located on Durant Nixon Road, approximately a quarter mile north of the intersection of Durant Nixon Road and Carlos Road, submitted by American Materials Company LLC (Agent) on behalf of the Glenard W. Bailey LTD Partnership (Owner).**
- E. Case ZON-24-0007: Conditional Rezoning from RR Rural Residential District and C(P)/CZ Planned Commercial Conditional Zoning District to C(P)/CZ Planned Commercial or to a more restrictive district for 8.15 +/- acres; located at 3401 Clinton Road, submitted by Dale Kid (Agent) on behalf of Stephen H.**

Ledwell, Trustee (Owner).

- F. Case ZON-24-0008: Conditional Rezoning from R10 Residential District, RR Rural Residential District, and R6A Residential District to M-2/CZ Heavy Industrial Conditional Zoning District or to a more restrictive district for 30.98 +/- acres; located 0.12 miles southwest of the intersection of N. Bragg Blvd and W. Manchester Rd., submitted by Ben Bradsher (Agent) on behalf of Elisabeth Rees, Owen Rees, Joan Cook, Alexander Cook, C Gerstenberg, Karma Myers & Pamela Lawrence (Owners). (SPRING LAKE)**

VIII. DISCUSSION

G. • CUMBERLAND COUNTY SUBDIVISION ORDINANCE UPDATE

IX. ADJOURNMENT

Historic Cumberland County Courthouse | 130 Gillespie Street | P.O. Box 1829 |
Fayetteville, North Carolina 28301 | Phone: 910-678-7600 | Fax: 910-678-7631
www.cumberlandcountync.gov



PLANNING AND INSPECTIONS DEPARTMENT

MEMORANDUM FOR JOINT PLANNING BOARD AGENDA OF MARCH 19, 2024

TO: JOINT PLANNING BOARD

FROM: PLANNING AND INSPECTIONS DEPARTMENT

DATE: 3/19/2024

SUBJECT: FEBRUARY 20TH MEETING MINUTES

ATTACHMENTS:

Description

MINUTES OF FEBRUARY 20, 2024

Type

Backup Material



Cumberland County Joint Planning Board

MINUTES

February 20, 2024

Members Present	Members Absent	Others Present
Mrs. Jami McLaughlin, Chair	Mrs. Susan Moody	Mr. David Moon, Deputy Director
Mr. Tom Lloyd, Vice-Chair	Mr. Gary Burton	Rick Moorefield, County Attorney
Mr. Stan Crumpler	Mrs. Kasandra Herbert	Mrs. Laverne Howard
Mr. William Walters	Mr. James Baker	Sally Shutt, Asst. County Mgr.
Mr. Todd Mobley		Mrs. Alyssa Garcia, Planner III
Mr. Mark Williams		Mr. Timothy Doersam Planner I
		Mr. Telly Shinas, Current Planning Manager

I. INVOCATION AND PLEDGE OF ALLEGIANCE

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

II. ADJUSTMENTS TO / APPROVAL OF AGENDA

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

III. PUBLIC MEETING WITHDRAWAL/DEFERRALS

There were none.

IV. ABSTENTIONS BY BOARD MEMBERS

There were none.

V. APPROVAL OF THE MINUTES OF DECEMBER19, 2023

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

VI. CHAIRMAN'S WELCOME AND RULES OF PROCEDURE

Chair McLaughlin read the welcome and rules of procedure.



Cumberland County Joint Planning Board

VII. PUBLIC MEETING CONSENT ITEMS

REZONING CASES

- A. **ZON-24-0001:** Rezoning from R40A Residential District to R30 Residential District or to a more restrictive zoning district for 1.53 +/- acres; located on the west side of the intersection of Chicken Foot Road and McCall Road, submitted by Harrell Builders of NC, LLC (owner).

In Case ZON-24-0001, Planning and Inspections staff recommends approval of the rezoning request from R40A Residential District to R30 Residential District and finds that:

1. 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.
2. The zoning request is consistent with recent area trends for zoning amendments and creates a density transition from more dense zoning to the east of Chicken Foot Road and less dense zoning to the west of the property.
3. There is an existing water line available to the site to support more intense development of the property than what is presently allowed under the current zoning district.

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-24-0001, Mr. Mobley made a motion, seconded by Mr. Lloyd to recommend approval of the rezoning request from R40A Residential District to R30 Residential District. The board finds that: 1. 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. 2. The zoning request is consistent with recent area trends for zoning amendments and creates a density transition from more dense zoning to the east of Chicken Foot Road and less dense zoning to the west of the property. 3. There is an existing water line available to the site to support more intense development of the property than what is presently allowed under the current zoning district. The board also finds that 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.



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- B. **ZON-24-0002:** Rezoning from M(P) Planned Industrial District, M(P)/CU Planned Industrial District Conditional Use, and C(P)/CU Planned Commercial District Conditional Use to C(P) Planned Commercial District or to a more restrictive zoning district for 36.74 +/- acres; located at 548 Wilkes Road, submitted by Dixon Soffe (agent) on behalf of Myrover-Reese Fellowship Homes, Inc (owner).

In Case ZON-24-0002, Planning and Inspections staff recommends approval of the rezoning request from M(P) Planned Industrial District, C(P)/CU Planned Commercial Conditional Use District, & M(P)/CU Planned Industrial Conditional Use District to C(P) Planned Commercial District. Staff finds that the request is consistent with the South-Central Land Use Plan which calls for "Coliseum Development Area" at this location. Staff finds that the request is reasonable and in the public interest as it is compatible to and in harmony with the surrounding land use activities and zoning.

In Case ZON-24-0002, Mr. Mobley made a motion, seconded by Mr. Lloyd to recommend approval of the rezoning request from M(P) Planned Industrial District, C(P)/CU Planned Commercial Conditional Use District, & M(P)/CU Planned Industrial Conditional Use District to C(P) Planned Commercial District. The board finds that the request is consistent with the South-Central Land Use Plan which calls for "Coliseum Development Area" at this location. The board 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.

Chair McLaughlin announced that these cases would appear before the BOCC at its March 18, 2024 meeting 6:45 pm at the County Administration Building.

VIII. PUBLIC MEETING CONTESTED ITEMS

REZONING CASES

- C. **ZON-23-0035:** Rezoning from A1 Agricultural District to RR Rural Residential District or to a more restrictive zoning district for 1.44 +/- acres; located at 6516 Lina Drive, submitted by Patricia Dix (owner).

Mrs. Alyssa Garcia presented the case information and photos.

In Case ZON-23-0035, Planning and Inspections staff recommends denial of the rezoning request from A1Agricultural District to RR Rural Residential District. Staff finds the request



Cumberland County Joint Planning Board

is not consistent with the Bethany Area Land Use Plan which calls for "Rural Density Residential" at this location. Staff also finds that the request is not reasonable or in the public interest as it is not compatible to or in harmony with the surrounding land use activities and zoning.

Mr. Mobley asked why there were two addresses for the subject property.

Mrs. Garcia stated there was a previous group development that had expired.

Mr. Moon stated that a mobile home was removed from the property sometime between 2018 and 2020.

Mr. Mobley had questions about the zoning and how it was made non-conforming when it was zoned and stated that it should have never been zoned A1. The County made that a non-conforming lot when there were already two dwellings on the property. Mr. Mobley pointed out that multiple properties in the area are group developments. Mr. Mobley asked why other nearby property was recently rezoned to RR.

Mr. Moon stated that the RR zoning was not recent, and the staff decision was based on the Bethany Land Use Plan and the proposed zoning was not consistent with the rural density residential. The property is also located on a Class C private street. There is limited access to get to the back for emergency vehicles.

Mr. Mobley's point was that he didn't understand why all the information about the zoning and rezoning of the subject property and the zoning of the adjacent properties was not being taken into consideration of this request.

There was some discussion about well and septic being available to the site and if it would be accepted by Environmental Health. There was some discussion about group development planning and compatible development in the area.

The public meeting opened. There were two people signed up to speak in favor of the request.

Mr. David Dix spoke in favor. Mr. Dix stated that there is septic on the property and it just needs to be updated. Mr. Dix stated that two firemen and a fire truck came out and said there was no problem with the turnaround. But they couldn't give them anything in writing because the Fire Chief was out of town.

Ms. Patricia Dix declined to speak.



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Public meeting closed.

Mr. Lloyd stated that he was inclined to agree with staff and vote to deny the request, but in light of what came out during the meeting there were some good points brought out.

In Case ZON-23-0035, Mr. Mobley made a motion, seconded by Mr. Crumpler to approve the request to rezone to RR, with the understanding that if the rezoning is accepted the applicant will need to submit an application for a group development to set the second home. Unanimous approval.

Note: Mr. Mobley left the meeting and did not return.

- D. **ZON-23-0037:** Rezoning from R10 Residential District to R6A Residential District or to a more restrictive zoning district for 0.51 +/- acres; located at 4206 Longview Avenue, submitted by Clinton Jackson Jr. (owner).

Mr. Timothy Doersam presented the case information and photos.

In Case ZON-23-0037, Planning and Inspections staff recommends denial of the rezoning request from R10 Residential District to R6A Residential District. Staff finds that the request to be inconsistent with the Southwest Cumberland Land Use Plan which calls for "Low Density Residential" at this location. Staff also finds that the request is not compatible to or in harmony with the surrounding land use activities and zoning.

Public meeting opened.

Mr. Clinton Jackson spoke in favor. Mr. Jackson stated that all he wanted to do was put a doublewide with a brick foundation to live in.

Mr. Lloyd asked if there were any homes near him and if they were on septic and well.

Mr. Jackson said yes.

There was discussion about the history of the zoning of the area and when the area was initially zoned.

Mr. Williams talked about how important it is for citizens to show up when land use plans are being done.

The board discussed different zoning options that would work for the applicant.



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Mr. Lloyd said that staff has to go with the land use plans, that's the reason for these meetings, to get more information. It's up to the board to look at each situation individually.

Mr. Crumpler asked Mr. Jackson if he was okay with R20A or RR.

Mr. Jackson said he would accept that as long as he could put his mobile home on the property.

In Case ZON-23-0037, Mr. Crumpler made a motion, seconded by Mr. Walters to recommend denial of the rezoning request to R6A Residential District and made an alternate recommendation to R20A Residential District. The board also finds that the request is in harmony with the surrounding land use activities and zoning due to the lack of infrastructure to support the land use plan. Unanimous approval.

Chair McLaughlin announced that these cases would appear before the BOCC at its March 18, 2024 meeting 6:45 pm at the County Administration Building.

IX. DISCUSSION

There was none.

X. ADJOURNMENT

There being no further business, the meeting adjourned at 6:50 pm



PLANNING AND INSPECTIONS DEPARTMENT

MEMORANDUM FOR JOINT PLANNING BOARD AGENDA OF MARCH 19, 2024

TO: JOINT PLANNING BOARD

FROM: PLANNING AND INSPECTIONS DEPARTMENT

DATE: 3/19/2024

SUBJECT: CASE ZON-24-0004: REZONING FROM C3 HEAVY COMMERCIAL DISTRICT AND RR RURAL RESIDENTIAL DISTRICT TO RR RURAL RESIDENTIAL DISTRICT OR TO A MORE RESTRICTIVE ZONING DISTRICT FOR 2.03 +/- ACRES; LOCATED AT 906 MIDDLE ROAD, SUBMITTED BY LARRY ROBERT STEEDLY (AGENT) ON BEHALF OF THE BARRY C STEEDLY LIFE ESTATE (OWNER).

ATTACHMENTS:

Description

ZON-24-0004

Type

Backup Material

REQUEST

Rezoning RR & C3 to RR

Applicant requests a rezoning from C3 Heavy Commercial and RR Rural Residential to RR Rural Residential for approximately 2.03 acres located at 906 Middle Road, as shown in Exhibit "A". This parcel currently contains one single-family residential structure and accessory structure. The intent of the property owner is to rezone to allow the parcel to have a single residential zoning category of RR Rural Residential.

PROPERTY INFORMATION

OWNER/APPLICANT: Barry C Steedly, Life Estate (Owner)/ Larry Robert Steedly (Applicant).

ADDRESS/LOCATION: Located at 906 Middle Road. Refer to Exhibit "A", Location and Zoning Map. REID number: 0447798382000.

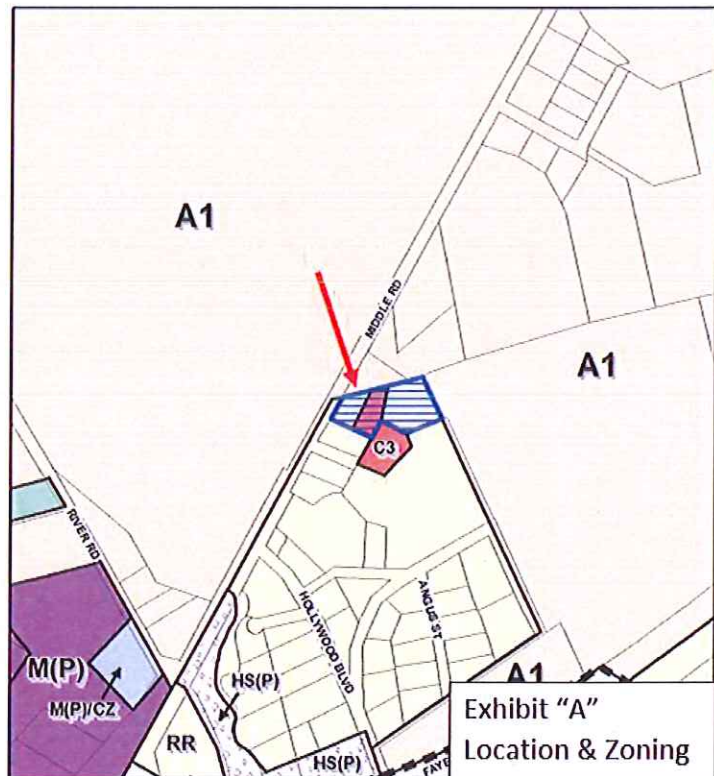
SIZE: The parcel contains approximately 2.03 acres. Road frontage along Middle Road is 100+/- feet. The property is approximately 508 +/- feet in length at its deepest point.

EXISTING ZONING: The subject property is currently zoned RR Rural Residential and C3 Heavy Commercial. Rural Residential is a district primary for traditional rural residential uses with lots of 20,000 square feet or above. The district is intended to ensure that residential development dependent upon septic tanks for sewage disposal will occur at a sufficiently low density to provide for a healthful environment. C3 Heavy Commercial is a dormant district that corresponds to C(P) Planned Commercial District which is designed to assure the group of buildings on a parcel of land so as to constitute a harmonious, efficient and convenient retail shopping area.

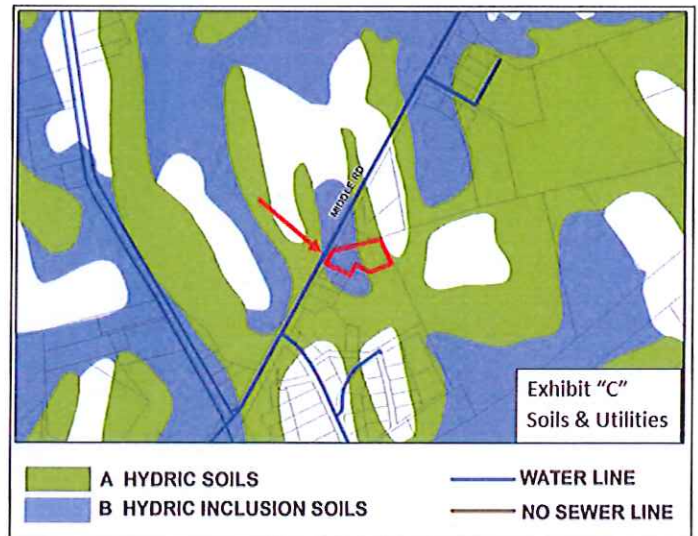
EXISTING LAND USE: The subject parcel currently holds a single-family residential structure and accessory structure. Exhibit "B" shows the existing use of the subject property.

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

- **North:** Single-family homes, and farmland
- **East:** Wooded lands
- **West:** Farmland
- **South:** Wooded lands, and 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 the presence of both hydric and hydric inclusion soils at the property.



TEN YEAR ZONE CASE HISTORY:

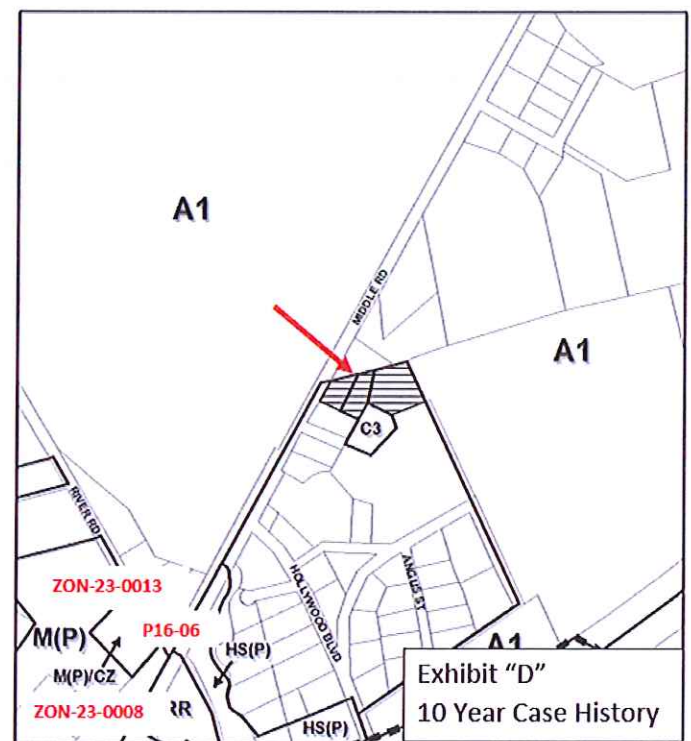
Exhibit "D" denotes the location of the zoning case history described below.

- P16-06: A1 to M(P); APPROVED
- P18-14: R5A to C(P); APPROVED
- ZON-23-0008: A1 to M(P); APPROVED
- ZON-23-0014: C1(P) & M(P) to M(P)/CZ Approved

DEVELOPMENT REVIEW:

Prior to issuance of building permits, the property must be re-platted as a recombination of parcels was completed via deed and does not have an updated plat recorded with the Register of Deeds.

DIMENSIONAL PROVISIONS FOR REQUESTED DISTRICT:



Minimum Standard	RR (Existing Zoning)	C3 (Existing)	RR (Proposed)
Front Yard Setback	30 feet	50 feet	30 feet
Side Yard Setback	15 feet	30 feet	15 feet
Rear Yard Setback	35 feet	30 feet	35 feet
Lot Area	20,000 Sq. feet	n/a	20,000 Sq. feet
Lot Width	100'	n/a	100'

Development Potential:

Existing Zoning (RR & C3)	Proposed Zoning (RR)
1 dwelling unit	4 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.

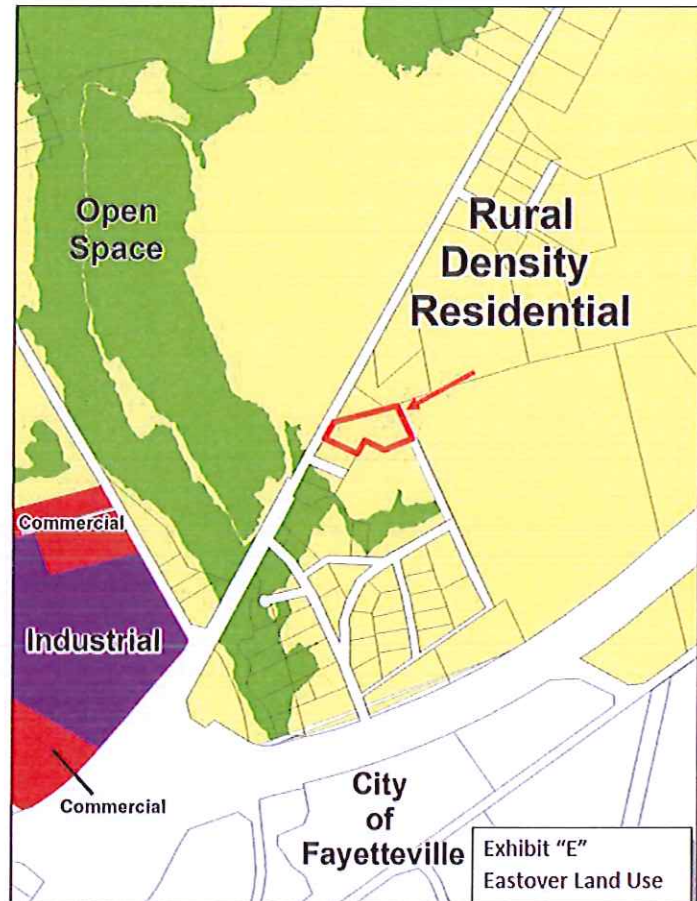
COMPREHENSIVE PLANS:

This property is located within the Eastover Area Land Use Plan (2018). The future land use classification of the property is "Rural Density Residential". Associated zoning districts for this classification are R20, R20A, RR, R30, R30A, R40 and R40A.

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

FUTURE LAND USE CLASSIFICATION Development Goal:

- Provide for a full range of housing types with adequate infrastructure throughout that is in harmony with the surrounding areas and accommodate the future needs of the residents while maintaining the character of the area (Eastover Area Land Use Plan 2018, pg. 49).
- Use development techniques that preserve the rural character of the area. (Eastover Area Land Use Plan 2018, pg. 49)
- Encourage more than one means of ingress/egress in new residential subdivisions and connectivity to existing subdivision. (Eastover Area Land Use Plan 2018, pg. 49).



IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES

UTILITIES: Sewer lines are not available near the subject property. Utilities for water and sewer are shown on Exhibit "C". The single-family residence is currently served by an existing septic system on-site. Any future development must receive appropriate Environmental Health permits, and the lot size must meet the minimum area necessary to accommodate the required system.

TRAFFIC: According to the Fayetteville Area Metropolitan Planning Organization (FAMPO), the subject property sits on Middle Road and is identified as a major collector in the Metropolitan Transportation Plan. There are no roadway construction improvement projects planned and the subject property will have no significant impact on the Transportation Improvement Program. In addition, Middle Road has a 2021 AADT of 1,600 and a road capacity of 15,300. Due to lack of data and the small scale, the new zoning request does not demand a trip generation. The new development should not generate enough traffic to significantly impact Middle Road.

SCHOOLS CAPACITY/ENROLLMENT:

School	Capacity	Enrollment
Armstrong Elementary	441	454
Mac Williams Middle	1164	1174
Cape Fear High	1476	1598

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

EMERGENCY SERVICES: Cumberland County Fire Marshal's office has reviewed the request and has no comments regarding the proposal.

SPECIAL DISTRICTS/ OVERLAY DISTRICTS:

Special Districts			
Fayetteville Regional Airport Overlay:	n/a	Averasboro Battlefield Corridor:	n/a
Five Mile Distance of Fort Liberty:	n/a	Eastover Commercial Core Overlay District:	n/a
Voluntary Agricultural District (VAD):	n/a	Spring Lake Main Street Overlay District:	n/a
VAD Half Mile Buffer:	n/a	Coliseum Tourism Overlay District:	n/a

n/a -- not applicable

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

STAFF RECOMMENDATION

In Case ZON-24-0004, Planning and Inspections staff **recommends approval** of the rezoning request from RR Rural Residential District and C3 Heavy Commercial District to RR Rural 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.

Attachments:

Notification Mailing List

Application

ATTACHMENT – MAILING LIST

CRUMPLER, JAMES A;CRUMPLER, JO ANN
4111 JEFFERY LANE PT
HIGH POINT, NC 27265

CRUMPLER, JAMES A
4111 JEFFERY LANE PT
HIGH POINT, NC 27265

CRUMPLER, JAMES A;CRUMPLER, JO ANN
4111 JEFFERY LANE PT
HIGH POINT, NC 27265

RIVERSIDE CHRISTIAN ACADEMY INC
2010 MIDDLE RIVER LOOP
FAYETTEVILLE, NC 28302

COTTON, WINNIE W TRUSTEE;BRENDA, W
JOHNSON
871 MIDDLE RD
FAYETTEVILLE, NC 28312

DUDLEY, DAVID WAYNE
3319 SYMPHONY CT
FAYETTEVILLE, NC 28312

STEEDLY, BARRY C LIFE ESTATE
906 MIDDLE ROAD
FAYETTEVILLE, NC 28312

GIBSON, MARTYN
912 MIDDLE RD
FAYETTEVILLE, NC 28312

SIMMONS, LISA LYNN
970 ANGUS ST
FAYETTEVILLE, NC 28312

BEARD, THOMAS WAYNE
892 MIDDLE RD
FAYETTEVILLE, NC 28312

WESOLOWSKI, PETER
908 MIDDLE RD
FAYETTEVILLE, NC 28312

RICE, ROGER MICHAEL;RICE, TAMMIE
WARD
916 MIDDLE RD
FAYETTEVILLE, NC 28312

DUDLEY, DAVID WAYNE;DUDLEY, K
3319 SYMPHONY CT
FAYETTEVILLE, NC 28312

BEARD, DESTINEE DANIELLE;BEARD, T
888 MIDDLE ROAD
FAYETTEVILLE, NC 28312

COTTON, WINNIE W TRUSTEE;BRENDA, W
871 MIDDLE RD
FAYETTEVILLE, NC 28312

MCDOWELL ENTERPRISE LLC
8903 ARABIA RD
PARKTON, NC 28371

WILLIAMS, ROBERT HARRIS;WILLIAMS,
MEGAN;NOBLES, DAVID ERIC;NOBLES, R
155 CEDAR LN
POINT, NC 28584

WILLIAMS, ROBERT HARRIS;WILLIAMS,
MEGAN;NOBLES, DAVID ERIC;NOBLES, R
155 CEDAR LN
POINT, NC 28584

ATTACHMENT: APPLICATION



CASE #: _____

PLANNING BOARD
MEETING DATE: _____

DATE APPLICATION
SUBMITTED: _____

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 County 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)678-7627 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*.

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.

Larry Robert Steedly, Barry C. Steedly, Terry Steedly Hall
NAME OF OWNER(S) (PRINT OR TYPE)

906 Middle Rd, Fayetteville, NC 28312

6239 Azel's Dr. Steadman, NC 28391, 10101 Gip Rd. Antietam, NC 28318
ADDRESS OF OWNER(S)

910-964-5407
HOME TELEPHONE #

—
WORK TELEPHONE #

Larry Robert Steedly
NAME OF AGENT, ATTORNEY, APPLICANT (PRINT OR TYPE)

6239 Azel's Dr. Steadman, NC 28391
ADDRESS OF AGENT, ATTORNEY, APPLICANT

LRSRPHOD at yahoo.com
E-MAIL

910-964-5407
HOME TELEPHONE #

—
WORK TELEPHONE #

Larry R. Steedly
SIGNATURE OF OWNER(S)

[Signature]
SIGNATURE OF AGENT, ATTORNEY OR APPLICANT

Barry C. Steedly
SIGNATURE OF OWNER(S)

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

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

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

1. Requested Rezoning from C3 & RR (5) to RR
2. Address of Property to be Rezoned: 906 Middle Rd, Fayetteville, NC 28312
3. Location of Property: _____
4. Parcel Identification Number (PIN #) of subject property: 0447-79-8382
(also known as Tax ID Number or Property Tax ID)
5. Acreage: 2.03 Frontage: 100ft Depth: 240 (5) 400ft
6. Water Provider: Well: _____ PWC: ☒ Other (name): _____
7. Septage Provider: Septic Tank ☒ PWC: _____
8. Deed Book 11281, Page(s) 269, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
9. Existing use of property: Residential
10. Proposed use(s) of the property: 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.



PLANNING AND INSPECTIONS DEPARTMENT

MEMORANDUM FOR JOINT PLANNING BOARD AGENDA OF MARCH 19, 2024

TO: JOINT PLANNING BOARD

FROM: PLANNING AND INSPECTIONS DEPARTMENT

DATE: 3/19/2024

SUBJECT: CASE ZON-24-0005: REZONING FROM M(P) PLANNED INDUSTRIAL DISTRICT AND M1(P) PLANNED LIGHT INDUSTRIAL DISTRICT TO M1(P) PLANNED LIGHT INDUSTRIAL DISTRICT OR TO A MORE RESTRICTIVE ZONING DISTRICT FOR 1.33 +/- ACRES; LOCATED AT 611 WHITEHEAD ROAD, SUBMITTED BY TANARI SMITH (OWNER).

ATTACHMENTS:

Description

ZON-24-0005

Type

Backup Material



PLANNING STAFF REPORT
REZONING CASE # ZON-24-0005
Planning Board Meeting: March 19, 2024

Location: 611 Whitehead Road
Jurisdiction: County-Unincorporated

REQUEST

Rezoning M1(P) & M(P) to M1(P)

Applicant requests a rezoning from M(P) Planned Industrial District and M1(P) Planned Light Industrial District to M1(P) Planned Light Industrial District for 1.33 +/- acres located at 611 Whitehead Road, as shown in Exhibit "A". This parcel is currently vacant. The intent of the request is for the owner to operate a motor vehicle service business, which is a permitted use in the M1(P) District, but not the M(P) Planned Industrial District.

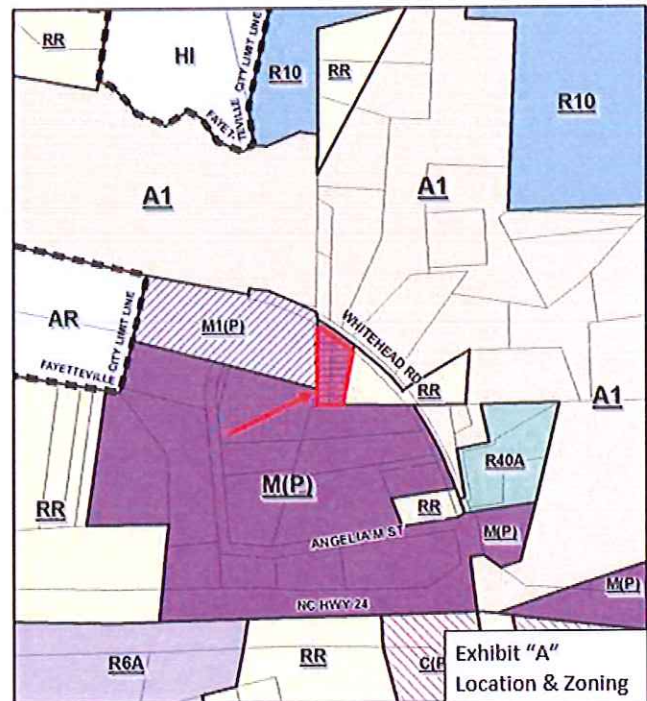
PROPERTY INFORMATION

OWNER/APPLICANT: Tanari Smith (Owner/Applicant)

ADDRESS/LOCATION: Located at 611 Whitehead Rd. Refer to Exhibit "A", Location and Zoning Map. REID number: 0447934772000 & 0447934716000.

SIZE: The parcel contains approximately 1.33 +/- acres. Road frontage along Middle Road is 224 +/- feet. The property is approximately 429 +/- feet in length at its deepest point.

EXISTING ZONING: A small portion of the subject property is currently zoned M1(P) Planned Light Industrial District designed for a wide variety of light industrial operations involving manufacturing, processing and fabrication of materials, operations involving wholesaling and bulk storage, other non-retail uses and certain public assembly and recreational uses. The general intent of the district is to prohibit residential retail and heavy industrial, which covers a substantial portion of the subject property, uses of the land.



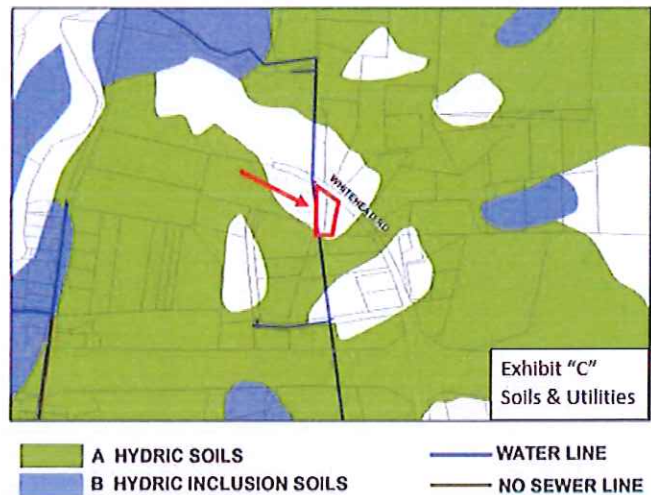
The M(P) Planned Industrial District is designed primarily for basic manufacturing and processing industries, all of which normally create a high degree of nuisance and are not generally compatible with surrounding or abutting residential or commercial areas. The general intent of this district is to permit uses confined to service, wholesaling, manufacturing, fabrication, and processing activities that can be carried on in an unobtrusive manner characterized by low concentration and limited external effects with suitable open spaces, landscaping, parking, and service areas. This district is customarily located on larger tracts of land with good highway and rail access buffered from residential districts by other compatible uses. Commercial activities are not permitted except those having only limited contact with the general public and those not involving the sale of merchandise.

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

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

- **North:** Wooded lands,
- **East:** Single-family homes and wooded lands
- **West:** Light industrial operations
- **South:** Heavy industrial operations

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 the presence of neither hydric nor hydric inclusion soils at the property.

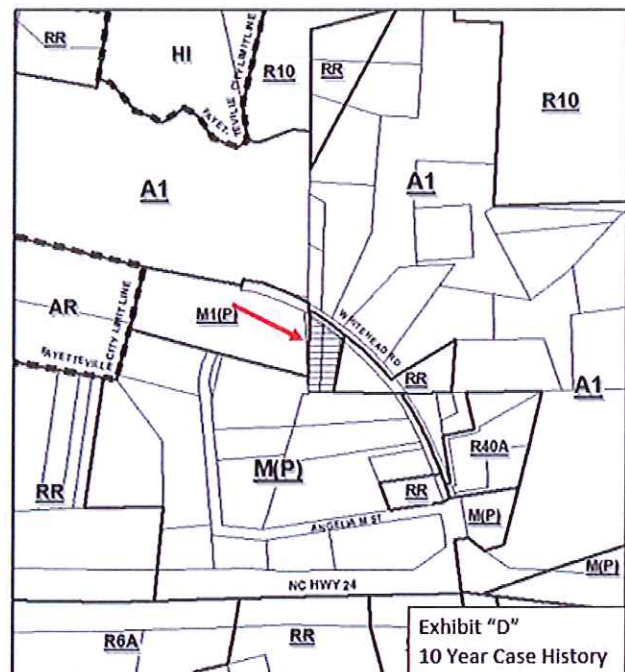


TEN YEAR ZONE CASE HISTORY:

No zoning cases appear in the area over the last ten-year period, as demonstrated in "Exhibit D".

DEVELOPMENT REVIEW:

Should the request to rezone be approved, a non-residential site plan application and plan will be required prior to development of the site. The site plan will be reviewed and approved by the Current Planning Division for conformance with all applicable Zoning and Subdivision regulations prior to issuance of any permits.



DIMENSIONAL PROVISIONS FOR REQUESTED DISTRICT:

Minimum Standard	M1(P)(Existing)	M(P) (Existing)	M1(P) (Proposed)
Front Yard Setback	50 feet	100 feet	50 feet
Side Yard Setback	30 feet	50 feet	30 feet
Rear Yard Setback	30 feet	50 feet	30 feet
Lot Area	n/a	n/a	n/a
Lot Width	n/a	n/a	n/a

Development Potential:

Existing Zoning (M1(P))	Existing Zoning (M(P))	Proposed Zoning (M1(P))
0 dwelling units	0 dwelling units	0 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.

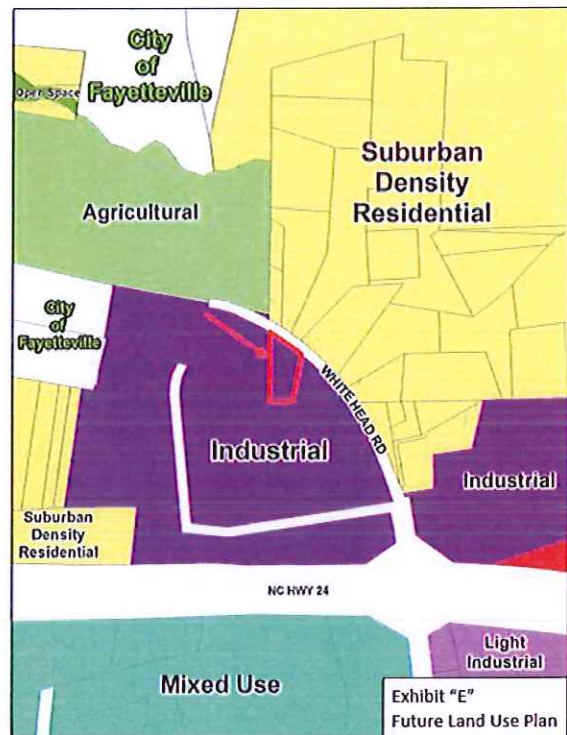
COMPREHENSIVE PLANS:

This property is located within the Eastover Area Land Use Plan (2018). The future land use classification of the property is "Industrial". Associated zoning districts for this classification are M1(P) and M(P).

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

FUTURE LAND USE CLASSIFICATION Development Goal:

- Provide areas for clean industries where infrastructure is adequate and is in harmony with surrounding development. (Eastover Area Land Use Plan, pg. 52).
- Support efforts to recruit environmentally safe and clean industries. (Eastover Area Land Use Plan 2018, pg. 52).
- Require an extensive natural or landscape buffer along roadways to screen industrial operations. (Eastover Area Land Use Plan 2018, pg. 52).



IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES

UTILITIES: Water lines are available adjacent to the subject property, but sewer lines are not, as illustrated on Exhibit "C". Any future development must receive appropriate Environmental Health permits, and the lot size must meet the minimum area necessary to accommodate the required system.

TRAFFIC: The subject property sits on Whitehead Road and 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, Whitehead Road has no 2021 AADT or road capacity data available. Due to lack of data and the small scale, the new zoning request does not demand a trip generation. The new development should not generate enough traffic to significantly impact Whitehead Road.

SCHOOLS CAPACITY/ENROLLMENT:

School	Capacity	Enrollment
Armstrong Elementary	441	454
Mac Williams Middle	1164	1174
Cape Fear High	1476	1598

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

EMERGENCY SERVICES: Cumberland County Fire Marshal's office has reviewed the request provides the following comments:

1. Ensure all fire department access requirements are met in accordance with section 503 of the 2018 NC fire code.
2. Ensure fire protection water supply requirements are met in accordance with section 507 of the 2018 NC Fire Code.
3. Submit to-scale building plans for new construction and/or building renovation.

SPECIAL DISTRICTS/ OVERLAY DISTRICTS:

Special Districts			
Fayetteville Regional Airport Overlay:	n/a	Averasboro Battlefield Corridor:	n/a
Five Mile Distance of Fort Liberty:	n/a	Eastover Commercial Core Overlay District:	n/a
Voluntary Agricultural District (VAD):	n/a	Spring Lake Main Street Overlay District:	n/a
VAD Half Mile Buffer:	n/a	Coliseum Tourism Overlay District:	n/a

n/a – not applicable

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

STAFF RECOMMENDATION

In Case ZON-24-0005, Planning and Inspections staff **recommends approval** of the rezoning request from M1(P) Planned Light Industrial District & M(P) Planned Industrial District to M1(P) Planned Light Industrial District. Staff finds that the request is consistent with the Eastover Land Use Plan which calls for "Industrial" 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

TIGNEY, GEORGE J HEIRS
116 MULLINS AVE
FAYETTEVILLE, NC 28301

FISHER, MARY;CARTER, KATHY
FISHER;FISHER, JOHNNY LEWIS;SIMON, M
429 N PLYMOUTH ST
FAYETTEVILLE, NC 28301

PRICE, CYNTHIA O.;PRICE, ROMAN A.
1751 GOLA DR
FAYETTEVILLE, NC 28301

JOHNSON, ZARKO
7080 RAEFORD RD
FAYETTEVILLE, NC 28304

WANG, DONG;ZHOU, WEI
2222 ROLLING HILL RD
FAYETTEVILLE, NC 28304

BROADWELL, DOHN B JR
PO BOX 53587
FAYETTEVILLE, NC 28305

ADKINS INVESTMENTS LLC
6552 WINDY CREEK WAY
FAYETTEVILLE, NC 28306

LAWRENCE, JOSEPH A
630 WHITEHEAD RD
FAYETTEVILLE, NC 28312

POWELL, SANDRA GEORGE
565 WHITEHEAD RD
FAYETTEVILLE, NC 28312

SINGWELL LLC
2103 ANGELIA M ST
FAYETTEVILLE, NC 28312

SMITH, TANARI A
4532 WOODSWALLOW DR
FAYETTEVILLE, NC 28312

SINGWELL LLC
2103 ANGELIA M ST
FAYETTEVILLE, NC 28312

SMITH, TANARI A
4532 WOODSWALLOW DR
FAYETTEVILLE, NC 28312

LAWRENCE, JOSEPH A
630 WHITEHEAD RD
FAYETTEVILLE, NC 28312

SINGWELL LLC
2103 ANGELIA M ST
FAYETTEVILLE, NC 28312

LAWRENCE, JOSEPH A
630 WHITEHEAD RD
FAYETTEVILLE, NC 28312

TAYLOR, ROBERT;TAYLOR, SONJA M
509 WHITEHEAD RD
FAYETTEVILLE, NC 28312

WHITEHEAD, JERRI D
2223 BANDORE CIRCLE
FAYETTEVILLE, NC 28312

TAYLOR, ROBERT L;TAYLOR, SONJA M
509 WHITEHEAD RD
FAYETTEVILLE, NC 28312

GRAY, LOIS GUIONS I
2230 BANDORE CIR
FAYETTEVILLE, NC 28312

WHITTED, GREGORY
2216 BANDORE CIR
FAYETTEVILLE, NC 28312

SINGWELL LLC
2103 ANGELIA M ST
FAYETTEVILLE, NC 28312

TAYLOR, ROBERT L;TAYLOR, SONJA M
509 WHITEHEAD RD
FAYETTEVILLE, NC 28312

OVERTON, ROBERT;OVERTON, DANA
450 N BENNETT ST
SOUTHERN PINES, NC 28387

ATTACHMENT: APPLICATION



CASE #: 24-24-0003

PLANNING BOARD
MEETING DATE: _____

DATE APPLICATION
SUBMITTED: _____

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 County 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)678-7627 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 M(P) + M1(P) to M1(P)
2. Address of Property to be Rezoned: 611 Whitehead Rd
3. Location of Property: _____
4. Parcel Identification Number (PIN #) of subject property: 0447-93-47729 ~~044793477~~ (also known as Tax ID Number or Property Tax ID)
5. Acreage: 1.33 Frontage: 224 ft Depth: 429 ft
6. Water Provider: Well: ✓ PWC: _____ Other (name): _____
7. Septage Provider: Septic Tank ✓ PWC _____
8. Deed Book 11891-0405, Page(s) 0405, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
9. Existing use of property: Vehicle Repair
10. Proposed use(s) of the property: Vehicle Service
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.

Tanan Smith / Twinstate property group
NAME OF OWNER(S) (PRINT OR TYPE)

311 Dunn Rd Fay, NC 28312
ADDRESS OF OWNER(S)

757-971-9116
HOME TELEPHONE #

910-748-8960
WORK TELEPHONE #

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

311 Dunn Rd Fay, NC 28312
ADDRESS OF AGENT, ATTORNEY, APPLICANT

TwinstateTrucking@gmail.com
E-MAIL

757-971-9116
HOME TELEPHONE #

910-748-8960
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 19, 2024

TO: JOINT PLANNING BOARD

FROM: PLANNING AND INSPECTIONS DEPARTMENT

DATE: 3/19/2024

SUBJECT: CASE ZON-24-0006: CONDITIONAL REZONING FROM A1 AGRICULTURAL DISTRICT TO A1/CZ AGRICULTURAL CONDITIONAL ZONING DISTRICT OR TO A MORE RESTRICTIVE DISTRICT FOR 97.07 +/- ACRES; LOCATED ON DURANT NIXON ROAD, APPROXIMATELY A QUARTER MILE NORTH OF THE INTERSECTION OF DURANT NIXON ROAD AND CARLOS ROAD, SUBMITTED BY AMERICAN MATERIALS COMPANY LLC (AGENT) ON BEHALF OF THE GLENARD W. BAILEY LTD PARTNERSHIP (OWNER).

ATTACHMENTS:

Description

ZON-24-0006

Type

Backup Material

REQUEST

Rezoning A1 to A1/CZ

Applicant requests a rezoning from A1 Agricultural District to A1/CZ Agricultural Conditional Zoning District or to a more restrictive zoning district for 97.07 +/- acres; located on Durant Nixon Road, approximately a quarter mile north of the intersection of Durant Nixon Road and Carlos Road; submitted by American Materials Company (applicant) on behalf of the Glenard W. Bailey LTD Partnership (owner). The intent of the property owner is to have a sand and gravel quarry. (Site plan is provided as Exhibit "A" to the CZ Conditions of Approval, which is found in Exhibit "F" (attached)). Per Section 403, Use Matrix, of the County Zoning Ordinance, a quarry use must be approved as a conditional zoning and must meet the requirements set forth in Section 919, Quarry standards, both of which are provided in the Appendix.

PROPERTY INFORMATION

OWNER/APPLICANT: American Materials Company (Applicant) on behalf of the Glenard W. Bailey LTD Partnership (Owner).

ADDRESS/LOCATION: Located on Durant Nixon Road, approximately a quarter mile north of the intersection of Durant Nixon Road and Carlos Road. Refer to Exhibit "A", Location and Zoning Map. REID number: 0573310470000.

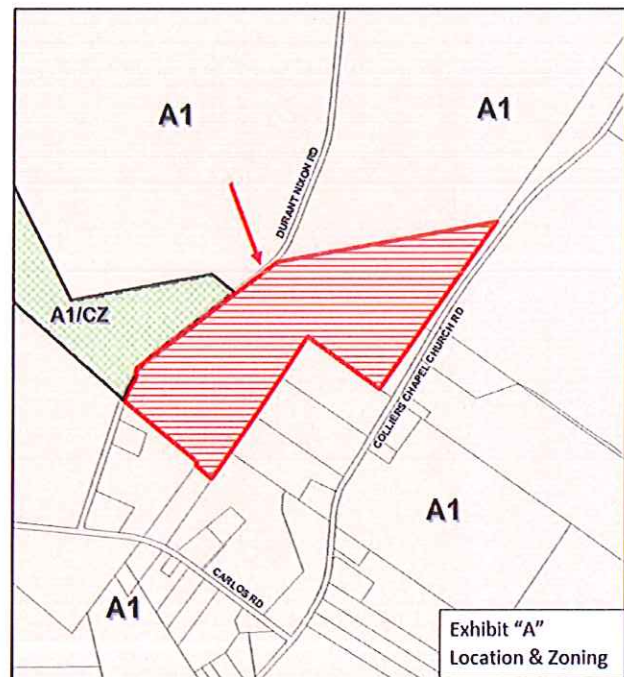
SIZE: The parcel contains approximately 97.07 +/- acres. Road frontage along Durant Nixon Road is 2,238 +/- feet. The property is approximately 1,700 +/- feet in length at its deepest point.

EXISTING ZONING: The subject property is currently zoned A1 Agricultural. This district is designed 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.

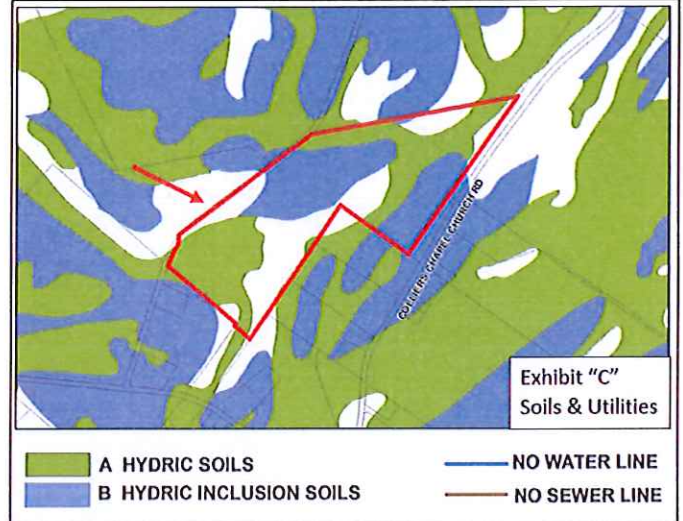
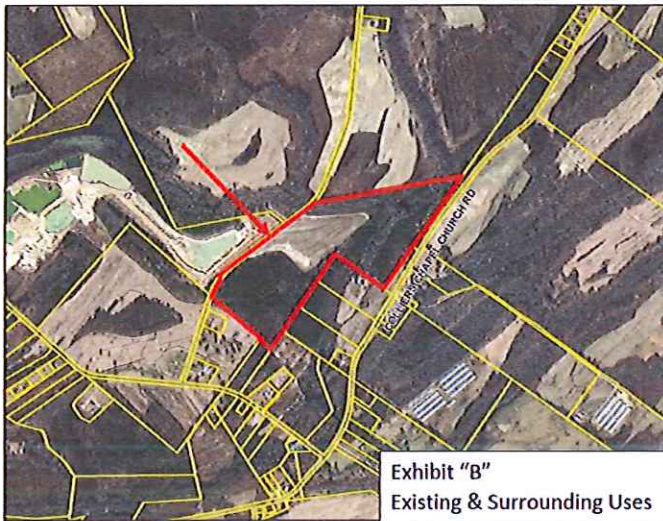
EXISTING LAND USE: The subject parcel is currently vacant. Exhibit "B" shows the existing use of the subject property.

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

- **North:** Farmland
- **East:** Wooded lands, single-family homes, and farmland
- **West:** Existing quarry operations and single-family homes
- **South:** Wooded lands, farmland, and 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 the presence of both hydric and hydric inclusion soils at the property.

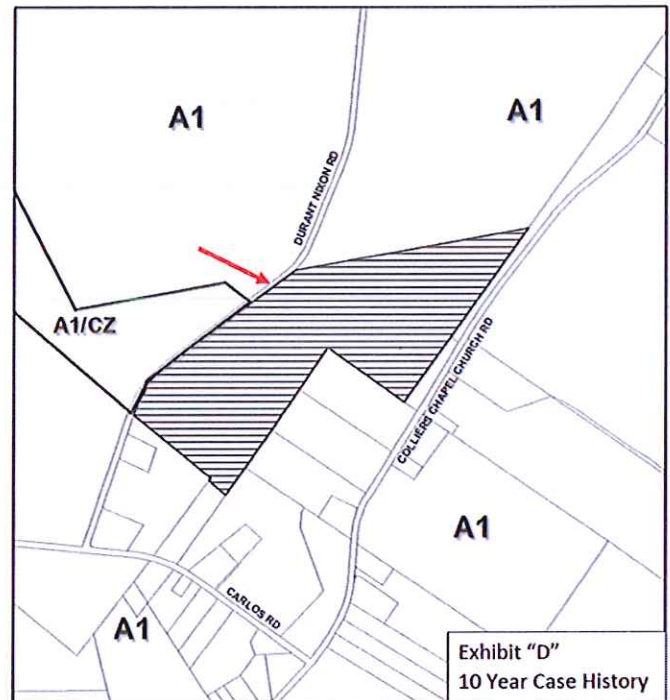


TEN YEAR ZONE CASE HISTORY:

Exhibit "D" denotes that there has been no rezoning case history within the most recent 10-year period.

DEVELOPMENT REVIEW:

A site plan review and approval will be required via the Current Planning Division prior to commencement of operations on site.



DIMENSIONAL PROVISIONS FOR REQUESTED DISTRICT:

Minimum Standard	A1 (Existing)	A1/CZ (Proposed)
Front Yard Setback	50 feet	50 feet
Side Yard Setback	20 feet	20 feet
Rear Yard Setback	50 feet	50 feet
Lot Area	2 Acres	2 Acres
Lot Width	100'	100'

Development Potential:

Existing Zoning (A1)	Proposed Zoning (A1/CZ)
49 dwelling units	0 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.

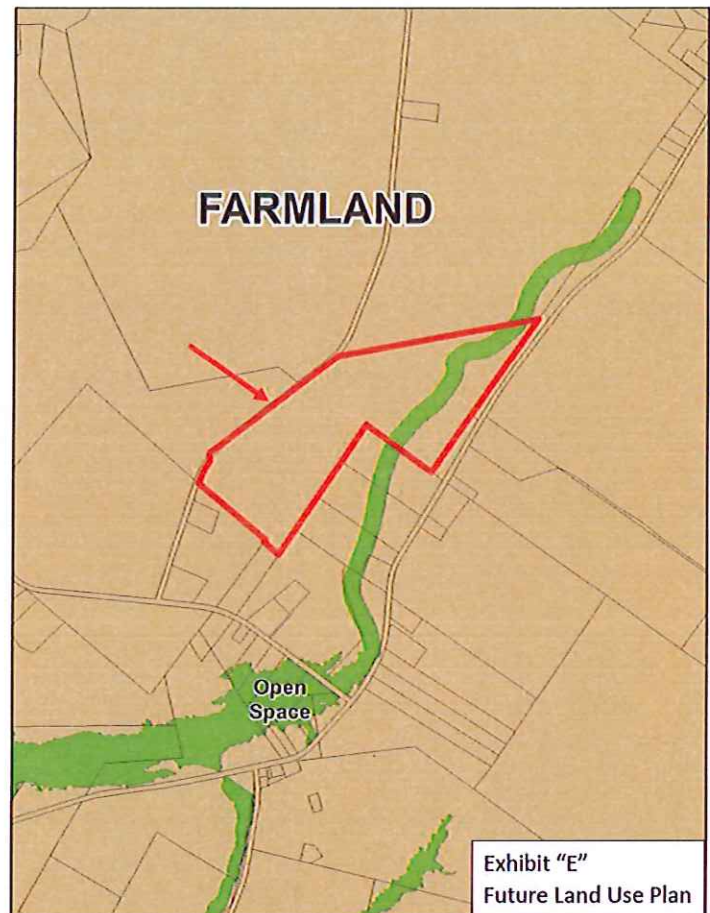
COMPREHENSIVE PLANS:

This property is located in the North Central Land Use Plan (2011). The future land use classifications of the property are "Farmland" and "Open Space". Associated Zoning districts for these classifications are A1, A1A, R40, R40A and CD.

The proposed rezoning request is consistent with the adopted Land Use Plan.

FUTURE LAND USE CLASSIFICATION Development Goal:

- Protect and preserve Prime farmland, the farming and agri-business industry, and sensitive natural areas. This protection will provide critical mass for farming operations, which inherently creates a sustainable environment for agricultural operations (North Central Land Use Plan 2011, pg. 65).
- Promote efforts that provide long term sustainability of farming and farmland that ensures a viable economic industry; a partnership enhancing air quality; a provider of green space and buffers for waterway protection; a source for locally produced food products; and habitat areas for local species and fauna (North Central Land Use Plan 2011, pg. 65).
- Protect the surrounding environmentally sensitive and natural areas to provide a critical mass of natural area and open space that enhances farming operations (North Central Land Use Plan 2011, pg.65).



IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES

UTILITIES: Water and sewer lines are not available near the subject property. Utilities for water and sewer are shown on Exhibit "C".

TRAFFIC: According to the Fayetteville Area Metropolitan Planning Organization (FAMPO), the subject property on Durant Nixon Road, Linden, NC is located outside of FAMPO boundaries.

SCHOOLS CAPACITY/ENROLLMENT:

School	Capacity	Enrollment
Long Hill Elementary	516	436
Raleigh Road Elementary	179	218
Pine Forest Middle	804	685
Pine Forest High	1712	1762

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

EMERGENCY SERVICES: Cumberland County Fire Marshal's office has reviewed the request and has no comments regarding the proposal.

SPECIAL DISTRICTS/ OVERLAY DISTRICTS:

Special Districts			
Fayetteville Regional Airport Overlay:	n/a	Averasboro Battlefield Corridor:	n/a
Five Mile Distance of Fort Liberty:	n/a	Eastover Commercial Core Overlay District:	n/a
Voluntary Agricultural District (VAD):	n/a	Spring Lake Main Street Overlay District:	n/a
VAD Half Mile Buffer:	Yes	Coliseum Tourism Overlay District:	n/a

n/a – not applicable

CONDITIONS OF APPROVAL: The proposed conditions of approval and conditional zoning site plan are attached to this report, which is found in Exhibit "F".

STAFF RECOMMENDATION

In Case ZON-24-0006, Planning and Inspections staff **recommends approval** of the rezoning request from A1 Agricultural to A1/CZ Agricultural Conditional Zoning. Staff finds that the request is consistent with the North Central Land Use Plan which calls for "Farmland" and "Open Space" at this location. Staff 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:

Conditions of Approval and Site Plan

Notification Mailing List

Application

Exhibit "F" Conditions of Approval

General Address: Durant Nixon Road Site	Acres: 97.07 +/-
REID: 0573310470000	Approval Date: TBD
Effective Date: TBD	Issued to: American Materials Company, LLC

A1 Agricultural / CZ Conditional Zoning District Case ZON-24-0006 Ordinance Related Conditions for Quarry Use of Property

Applicability: Applicant requests a rezoning from A1 Agricultural District to A1/CZ Agricultural Conditional Zoning District for 97.07 +/- acres; located on Durant Nixon Road, approximately a quarter mile north of the intersection of Durant Nixon Road and Carlos Road; submitted by American Materials Company (applicant) on behalf of the Glenard W. Bailey LTD Partnership (owner). The intent of the property owner is to have a sand and gravel quarry. (Site plan is provided as Exhibit "A" to the CZ Conditions of Approval, which is found in Exhibit "F" (attached)). Per Section 403, Use Matrix, of the County Zoning Ordinance, a quarry use must be approved as a conditional zoning and must meet the requirements set forth in Section 919, Quarry standards, both of which are provided in the Appendix.

A. Permitted and Prohibited Uses.

Use and development of the quarry shall occur consistent with the Conditional Zoning Site Plan within Exhibit "A" of the Conditions of Approval, the Conditions set forth herein, and the County Zoning and Subdivision Ordinances. Where any conflicts occur between the Conditions of Approval herein, including the Site Plan, with the County Zoning and Subdivision Ordinances, the Conditions of Approval and Site Plan shall supersede.

B. Development Standards.

1. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the County Zoning Ordinance and permits required to place any should be within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. For additional information, the developer should contact a Code Enforcement Officer. In addition, applicant is responsible to obtain all other federal, state, and local permits required for quarry operations.
 - a. Note: This conditional approval is not approval of the permitting of any structures for this site; re- submittal of the site plan for staff review and approval is required prior to application for permits for any structure to be located on this site.
2. The applicant must keep an updated copy of the state permit and conditions on record with the County Planning & Inspections Department.
3. Prior to issuance of a zoning permit, the applicant must provide to Code Enforcement an acknowledged copy- to include the County Manager - of the *Affidavit of*

Notification which is required as part of the state application for a mining permit and a copy of the state mining permit application.

4. The lot shall be adequate to provide the yard space required for the M(P) Planned Industrial District and meet the standards of section 919 of the County Zoning Ordinance.
5. All equipment used for excavation, quarrying, and permitted processing shall be constructed, maintained, and operated in such a manner as to eliminate, as far as practicable, noise, vibration, or dust which would injure or annoy persons living or working in the vicinity.
6. The temporary erection and operation of plants and equipment necessary for crushing, polishing, dressing, or otherwise physically or chemically processing the material extracted on the site shall comply with the district dimensional requirements of the M(P) zoning district.
7. All excavations shall be made either to a depth of five feet below a water producing level, or graded or back-filled with non-noxious and non-inflammable solids to assure that the excavated area will not collect and retain stagnant water or that the graded or back-filled surface will create a gentle rolling topography to minimize erosion by wind or rain and substantially conform with the contour of the surrounding area.
8. Whenever the floor of a quarry is five feet or more below the grade of adjacent land, the property containing the quarry shall be completely enclosed by a barrier either consisting of a mound of earth not less than six feet high located at least 25 feet from any street right-of-way and planted with a double row of quick growing vegetative landscaping, or shall be enclosed with a chain link fence or its equivalent in strength and protective character to a height of six feet along the property line
9. An excavation shall be located 100 feet or more and back-filled to 150 feet from a street right-of-way line. Quarrying operations shall be located 50 feet or more from a street right-of-way line and to any property boundary line. With approval by the County Engineer, such excavation or quarrying may be permitted inside these limits in order to reduce the ground elevation to the established street grade.
10. A reclamation plan shall be submitted along with the site plan and the application. All such reclamation plans shall include the following:
 - a. A grading plan showing existing contours in the area to be extracted and proposed future contours showing the topography of the area after completion. Such plans shall include the surrounding area within 500 feet of the property boundary line, drawn to an appropriate scale with contour lines at intervals of five feet or less.
 - b. Existing and proposed drainage of the area
 - c. Details of re-grading and re-vegetation of the site during and at conclusion of the operation. The following are the minimum requirements to be met at the conclusion of the operation:
 - i. The banks of all extraction, when not back-filled, shall be sloped at a grade of not less than two feet horizontal to one foot vertical. This slope shall be maintained 20 feet beyond the water line if such exists.

- ii. Spoil banks shall be graded to a level suiting the existing terrain.
 - iii. All banks and extracted areas shall be surfaced with at least six inches of suitable soil, except exposed rock surfaces, and shall be planted or seeded with trees, shrubs, legumes or grasses and maintained until the soil is stabilized and approved by the County Engineer.
11. This conditional approval is not approval of any freestanding signs. If a freestanding sign is desired as stated in the written application, 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.)
12. The owner/developer is responsible and liable for maintenance and upkeep of this site, to include ensuring that the site is kept free of litter and debris, all grass areas mowed, all buffers/berms and shrubbery kept trim and maintained, so that the site remains in a constant state of being aesthetically and environmentally pleasing.
13. Noise levels shall not exceed 60 dB(A) between the hours of 10:00 pm and 7:00 am. In any event, the noise level, regardless of the time of day, shall become a nuisance to neighboring properties and strict compliance with the County's Noise Ordinance is required.
14. The developer must contact the County Engineer's office at the conclusion of operations to inspect the site for compliance with the provisions of Section 919, County Zoning Ordinance and that the site must be reclaimed in accordance with the reclamation plan included in the case file.

C. Infrastructure and Utilities:

1. All lighting is required to be directed internally within this development and comply with the provisions of Section 1102 M, Outdoor Lighting, County Zoning Ordinance:

The following standards are applicable to all properties:

- i. All lights shall be shielded in such a way as to direct all light toward the Earth's surface and away from reflective surfaces;
- ii. Light fixtures or lamps shall be shielded/shaded in such a manner as to direct incident rays away from all adjacent property and any light on a pole, stand, or mounted on a building must have a shield, and adjustable reflector and non-protruding diffuser;
- iii. Any facilities, which may require floodlighting, may not arrange the light in such a way that it will shine toward roadways, on adjacent residential property or residentially zoned property or into the night sky;
- iv. Any interior lighted signs may not be lit at night when any face of the sign is removed or damaged in such a way that the light may distract pedestrians or drivers or become a nuisance to homeowners;
- v. Any light fixture must be placed in such a manner that no light-emitting surface is visible from any residential area or public/private roadway, walkway, trail or other public way when viewed at the ground level.

2. For new development, all utilities, except for 25k or greater electrical lines, must be located underground.

D. Fire Marshal and Fire Inspections:

1. Developer must ensure fire protection water supply requirements are met in accordance with Section 507 of the 2018 NC Fire Code. Developer is required to provide advanced coordination and contact with the County Fire Marshal Office prior to final site plan submittal as well as during site construction. Submit plans for any permits required in Section 105 of the 2018 Fire Code. All fire department access requirements shall be met in accordance with Section 503 of the 2018 NC Fire Code and demonstrated at the time of final site plan and permit applications, as applicable. Construction plans may be required for review by the Fire Marshal, and the developer is responsible for contacting prior to any development activity, including clearing and grading.

E. Stormwater and Drainage:

1. For any new development where the developer disturbs or intends to disturb more than one acre of land, the developer must provide the Code Enforcement Section with an approved NC Department of Environmental Quality (NCDEQ) sedimentation and erosion control plan(S&E). If any retention/detention bases are required for state approval of this plan, a formal revision application must be filed with Current Planning for review and approval.
2. 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, a copy of the State's *Post-Construction Permit* must be provided to County Code Enforcement prior to the issuance of the Certificate of Occupancy.
3. 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 of free and debris (Section 2306, D., County Subdivision Ordinance).
4. In the event a stormwater utility structure is required by the NC Department of Environmental Quality (NCDEQ), the owner/developer must demonstrate on the revised plan the placement of a four-foot-high fence with a lockable gate for the security of the stormwater utility structure. The owner/developer is required to maintain the detention/retention basin, keeping it clear of debris and taking measures for the prevention of insect and rodent infestation.
5. The applicant is advised to consult an expert on wetlands before proceeding with any development.

F. Environmental:

1. The small stream standards set forth in Section 6.5-44, County Flood Damage Prevention Ordinance, shall be complied with during construction and upon completion of development within this subdivision as enforced by the County Engineer's Office. No encroachments, including fill, new construction, substantial improvements, or new development shall be permitted within a distance of twenty (20) feet each side from top of bank or five times the width of the stream, whichever is greater, unless certification with

supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

2. The developer must provide the Code Enforcement Section with an approved NC Department of Environmental Quality mining permit prior to any application for permits. A copy of the NCDEQ approval must be provided to Code Enforcement at the time of application for any zoning permits. Proper erosion and sediment control measures shall be installed and maintained in accordance with North Carolina State standards during mining/quarry operations.
3. A review of the data available to the Army Corp of Engineers indicates that jurisdictional waters are likely to be present on this property and therefore are likely to be impacted by the proposed project; however, without an official Jurisdictional Determination at the property, these findings cannot be confirmed.
4. When any extraction has been completed, such area shall either be left as a permanent spring-fed lake, or the floor thereof shall be leveled in such manner as to prevent the collection and stagnation of water and to provide proper drainage without excessive soil erosion.
5. When any extraction has been completed, such area shall either be left as a permanent spring-fed lake, or the floor thereof shall be leveled in such manner as to prevent the collection and stagnation of water and to provide proper drainage without excessive soil erosion.
6. The facility must be permitted by the North Carolina Department of Environmental Quality and/or other applicable Federal, State, and local agencies.
7. No excavation shall be made closer than 200 feet from the bank of any river, stream, creek, or waterway except by submission of documentation, verified by the County Engineer, that such excavation or quarrying shall not impair the lateral support needed for permanent stream levees.

G. Landscaping:

1. The final site plan shall include a detailed landscaping plan addressing the regulatory requirements set forth in section 1102 of the County Zoning Code.
2. No excavation shall be made closer than 200 feet from the bank of any river, stream, creek, or waterway except by submission of documentation, verified by the County Engineer, that such excavation or quarrying shall not impair the lateral support needed for permanent stream levees.
3. The proposed perimeter berm to be constructed around the excavated areas shall be a minimum of six feet in height and planted with a double row of quick growing vegetative landscaping in accordance with the provisions of Section 919.G, County Zoning Ordinance.

H. Roads/Access/Parking:

1. The developer must obtain a driveway permit from the NC Department of Transportation (NCDOT). A copy of the approved driveway permit must be provided to Code Enforcement at the time of application for building/zoning permits.

2. All NCDOT permits must be obtained and submitted to the Code Enforcement Division prior to any issuance of a building permit or commencement of any development activity or change in property usage. Per NCDOT comments for this rezoning, failure to secure required permits prior to construction or change in property usage may result in the removal of the driveway or street connections at the property owner's expense.
3. Turn lanes may be required by the NC Department of Transportation (NCDOT) during review of the driveway permit or construction plans. Any NCDOT required improvements shall be completed prior to issuance of a certificate of occupancy unless otherwise indicated by NCDOT.
4. Access ways or drives within the premises shall be maintained in a dust-free condition through surfacing or such other treatment as may be necessary.
5. All proposed traffic generated by the quarry operations shall be limited to State owned roadways. The applicant is responsible for coordination with NCDOT pertaining to roadway maintenance and impact.

I. Development Review Process:

1. A final site plan, to include a detailed lighting plan and landscaping plan, shall be provided to Planning staff with a written transmittal with a brief narrative of the plans provided.
2. In the event the requirements or conditions from a State or Federal Agency or utility provider creates an inconsistency with the conditional zoning site plan in any manner, a revised conditional site plan must be submitted to the Current Planning Division for review. Any change determined by the County to represent a substantial change to the conditional zoning site plan, Board of County Commission approval may be required, as shall be determined by the Planning Director.
3. Developer must coordinate with the Current Planning Division prior to making any changes to the conditional zoning site plan. Any changes to the conditional zoning site plan must be reviewed by the Current Planning Division to determine if any change is considered an insubstantial or substantial modification.

J. Other Conditions:

1. This conditional approval is not to be construed as all-encompassing of the applicable rules, regulations, etc., which must be complied with for any development. Other regulations, such as building, environmental health, and so forth, may govern the specific development. The developer is the responsible party to ensure full compliance with all applicable Federal, State, and local regulations.
2. Any substantial modification made to this approved conditional zoning site plan or conditions of approval, other than those set forth in the above conditions, must be approved by the Board of Commissioners as set forth by Section 506 of the Zoning Ordinance.
3. No clearing or grading shall occur until authorized by the Code Enforcement Manager.
4. Pursuant to Section 507, County Zoning Ordinance, two years after the date of the Board of County Commissions approves the Conditional Zoning, the Planning Board may examine progress made to determine if active efforts are proceeding. If the Planning Board determines that active efforts to develop are not proceeding, it may institute proceedings to rezone the property to its previous zoning classification.

5. All applications and plan submittals shall be submitted via the County online permitting self-service portal at the following website address:
https://selfservice.co.cumberland.nc.us/EnerGod_Prod/SelfService#/home

K. Time Limitation

1. At the end of two years from the date of approval of this Conditional Zoning by the Board of County Commissioners, the Planning Board may examine progress made to determine if active efforts are proceeding. If the Planning Board determines that active efforts to develop are not proceeding, it may institute proceedings to rezone the property to its previous zoning classification.

Property Owner/Agent Acceptance of Conditions

(Print Name)

(Signature)

Date

Issued by:

David B. Moon, AICP, NC-CZO

Date

[illegible]

Alyssa Garcia

From: Tony Harris <Tony.Harris@americanmaterialsco.com>
Sent: Wednesday, March 13, 2024 8:53 AM
To: Alyssa Garcia; James Izzell
Subject: Fwd: ZON-24-0006 Conditions of Approval
Attachments: ZON-24-0006 Staff Report AGDMRH.docx

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.

AMC agrees with the condition proposed in attached document regarding the Linden mine.

Thanks,
Tony Harris

Get [Outlook for iOS](#)

From: James Izzell <ncgeology@yahoo.com>
Sent: Tuesday, March 12, 2024 11:23 AM
To: Tony Harris <Tony.Harris@americanmaterialsco.com>
Subject: Fwd: ZON-24-0006 Conditions of Approval

This message originated from outside your organization

Review this carefully

Sent from my iPhone

Begin forwarded message:

From: Alyssa Garcia <agarcia@cumberlandcountync.gov>
Date: March 12, 2024 at 10:45:09 AM EDT
To: James Izzell <ncgeology@yahoo.com>
Subject: ZON-24-0006 Conditions of Approval

Good morning,

Attached is the staff report and the proposed conditions of approval for review. North Carolina General Statute 160D requires that the applicant must agree to the conditions for a conditional zoning in writing. For the purpose of the Joint Planning Board meeting, an email confirming the acceptance will be sufficient; however, following the Joint Planning Board, the agent or applicant will be asked to sign the conditional zoning agreement for the Board of County Commissioners hearing.

Please respond confirming acceptance of the proposed conditions by end of business today, March 12, 2024.

If you have any questions or concerns, please reach out to me or to David Moon, Deputy Director at 910-678-7606.

ATTACHMENT – MAILING LIST

CONYERS, HAROLD EDWARD;CONYERS,
JAMES LYNN;PROPE, LILLIE FRANCES
1206 CHIMNEY HILL DR
APEX, NC 27502

SIMON, AMELIA
4616 RAMBLEWOOD DR
FAYETTEVILLE, NC 28304

MCDONALD, JERRY F;MCDONALD,
MARSHA S
857 ELLIOT FARM RD
FAYETTEVILLE, NC 28311

MCDONALD, JERRY F;MCDONALD,
MARSHA S
857 ELLIOT FARM RD
FAYETTEVILLE, NC 28311

BEAR PARK LLC
PO BOX 1108
CLINTON, NC 28329

S & D INVESTMENTS PROPERTIES LLC
PO BOX 70
LINDEN, NC 28356

S & D INVESTMENTS PROPERTIES
LLC;RAYNOR, DAVID BRIAN
PO BOX 70
LINDEN, NC 28356

MORGAN, ARTHUR C JR;MORGAN, LINDA
8363 COLLIERS CHAPEL CH RD
LINDEN, NC 28356

COX, DAVID E.
7664 CARLOS RD
LINDEN, NC 28356

MORGAN, LOUIS T;MORGAN, DEBRA H
8483 COLLIERS CHAPEL CH RD
LINDEN, NC 28356

AMMONS, KENNETH E JR
7766 CARLOS RD
LINDEN, NC 28356

STARLING, PAMELA;STARLING, WESLEY
THOMAS
7656 CARLOS RD
LINDEN, NC 28356

MORGAN, ARTHUR C JR;MORGAN, LINDA
8363 COLLIERS CHAPEL CH RD
LINDEN, NC 28356

SMOAK, GARY A;SMOAK, CHRISTINE J
7677 CARLOS RD
LINDEN, NC 28356

CONYERS, HAROLD E;CONYERS, KARLA L
8560 COLLIERS CHAPEL CHURCH RD
LINDEN, NC 28356

B & K INVESTMENT PROPERTIES LLC
8294 HAWKINS RD
LINDEN, NC 28356

S & D INVESTMENTS PROPERTIES
LLC;RAYNOR, DAVID BRIAN
PO BOX 70
LINDEN, NC 28356

BAUCOM, R BRYANT
7717 CARLOS RD
LINDEN, NC 28356

MORGAN, LEE E
4827 PENDER ST
LINDEN, NC 28356

MORGAN, LOUIS T;MORGAN, DEBRA H
8483 COLLIERS CHAPEL CH RD
LINDEN, NC 28356

CRUSEN, KENNETH M
6956 CAROWIND DR
LINDEN, NC 28356

SMOAK, GARY A;SMOAK, CHRISTINE J
7677 CARLOS RD
LINDEN, NC 28356

ANTIOCH FREE WILL BAPTIST CHURCH
PO BOX 5
LINDEN, NC 28356

AMMONS, BENJAMIN J;KENNETH, E
7766 CARLOS RD
LINDEN, NC 28356

LILLY, JERMAINE F.
4051 GLENN RD
PARKTON, NC 28371

GLENARD W. BAILEY LIMITED
PARTNERSHIP
3681 ROCK BRIDGE DR
CONOVER, NC 28613

LEE FARMS TRUST, LLC
2765 W. TENNESSEE ST
TALLAHASSEE, FL 32304

ATTACHMENT: APPLICATION



County of Cumberland
Planning & Inspections Department

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

CASE #: _____

PLANNING BOARD
MEETING DATE: _____

DATE APPLICATION
SUBMITTED: _____

RECEIPT #: _____

RECEIVED BY: _____

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

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

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

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

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

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

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

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

1. Applicant/Agent AMERICAN MATERIALS COMPANY, LLC
2. Address: 1319 MILITARY CUTOFF RD
SURGE CC, PAB 216, WILMINGTON NC Zip Code 28405
3. Telephone: (Home) _____ (Work) 910 799 1411
4. Location of Property: NORTH of INTERSECTION of CARLOS AND DURANT NIXON Rds
5. Parcel Identification Number (PIN #) of subject property: 0573-31-0470
(also known as Tax ID Number or Property Tax ID)
6. Acreage: 97.07 Frontage: _____ Depth: _____
7. Water Provider: _____ Septage Provider: _____
8. Deed Book 010856, Page(s) 00539, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
9. Existing use of property: AGRICULTURE
10. Proposed use(s) of the property: QUARRYING - SAND AND GRAVEL MINE

NOTE: Be specific and list all intended uses.

11. Do you own any property adjacent to, including across the street from, the property being submitted for rezoning? Yes ☒ No _____
12. Has a violation been issued on this property? Yes _____ No ☒
13. It is requested that the foregoing property be rezoned FROM: A-1

TO: (Select one)

- ☒ Conditional Zoning District, with an underlying zoning district of A-1
(Article V)
- _____ Mixed Use District/Conditional Zoning District (Article VI)
- _____ Planned Neighborhood District/Conditional Zoning District (Article VII)
- _____ Density Development/Conditional Zoning District, at the _____ Density
(Article VIII)

APPLICATION FOR
CONDITIONAL ZONING

1. PROPOSED USE(S):

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

QUARRYING - SAND + GRAVEL MINE

- 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.

31 ACRES TO BE USED FOR MINING

- APPROXIMATELY $\frac{2}{3}$ OF TOTAL AREA TO BE
LEFT AS BUFFER / SETBACK

2. DIMENSIONAL REQUIREMENTS:

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

50 FOOT SETBACK (BUFFER) FROM PROPERTY LINES
100 FOOT SETBACK (BUFFER) FROM ROAD

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

N/A

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.

N/A - NO SIGN

4. LANDSCAPE AND BUFFER REQUIREMENTS:

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

AS REQUIRED IN ARTICLE IX, SECTION 919, PART G

- A 6 FOOT HIGH BARRIER BERM WILL ENCLOSE THE MINE
- A "DOUBLE ROW OF QUICK GROWING LANDSCAPING" WILL BE PLANTED ALONG BARRIER BERM
- TREES SPACED AT 25 FEET, OR AS RECOMMENDED BY SPECIES

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

MIN. 50 FOOT BUFFER - UNDISTURBED - PARALLEL TO PROPERTY LINE
100 FOOT BUFFER (50' UNDISTURBED, 50' UNEXCAVATED) PARALLEL TO DURANT NIXON ROAD

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.

5-6 DAYS PER WEEK, DAWN TO DUSK

7 EMPLOYEES

DUST TO BE CONTROLLED BY WATER SPRAY AS NEEDED

6. SITE PLAN REQUIREMENTS:

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

7. STATEMENT OF ACKNOWLEDGMENT:

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

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

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

GLENARD W. BAILEY LTD PARTNERSHIP Lucinda Bailey, Teresa Gilchrist
NAME OF OWNER(S) (PRINT OR TYPE)

709 Compass Pointe North Myrtle Beach SC 29582
ADDRESS OF OWNER(S)

lulubailey@mc.com
E-MAIL

Cell 919-434-3288
HOME TELEPHONE

WORK TELEPHONE

Lucinda Bailey
SIGNATURE OF OWNER(S)

Teresa Gilchrist
SIGNATURE OF OWNER(S)

AMERICAN MATERIALS COMPANY LLC
NAME OF AGENT, ATTORNEY, APPLICANT (by assign) (PRINT OR TYPE)

6131 OLEANDER DR. WILMINGTON NC 28403
ADDRESS OF AGENT, ATTORNEY, APPLICANT

910-799-1411
HOME TELEPHONE WORK TELEPHONE

TONY. HARRIS @ AMERICANMATERIALSCO.COM
E-MAIL ADDRESS FAX NUMBER

Tony Harris
SIGNATURE OF AGENT, ATTORNEY, OR APPLICANT



PLANNING AND INSPECTIONS DEPARTMENT

MEMORANDUM FOR JOINT PLANNING BOARD AGENDA OF MARCH 19, 2024

TO: JOINT PLANNING BOARD

FROM: PLANNING AND INSPECTIONS DEPARTMENT

DATE: 3/19/2024

SUBJECT: CASE ZON-24-0007: CONDITIONAL REZONING FROM RR RURAL RESIDENTIAL DISTRICT AND C(P)/CZ PLANNED COMMERCIAL CONDITIONAL ZONING DISTRICT TO C(P)/CZ PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE DISTRICT FOR 8.15+/- ACRES; LOCATED AT 3401 CLINTON ROAD, SUBMITTED BY DALE KID (AGENT) ON BEHALF OF STEPHEN H. LEDWELL, TRUSTEE (OWNER).

ATTACHMENTS:

Description

ZON-24-0007

Type

Backup Material

REQUEST

Rezoning RR & C(P)/CZ to C(P)/CZ

Applicant requests a modification to an approved conditional zoning (Case P13-1) from RR Rural Residential District and C(P)/CZ Heavy Commercial District Conditional Zoning to C(P)/CZ Planned Commercial District Conditional Zoning for approximately 8.15 acres located at 3401 Clinton Road, as shown in Exhibit "A". A trucking retailer and storage facility and terminal activity occurs on the eastern portion of the property through a previously approved conditional zoning. The intent of the property owner is to expand the business onto the western parcels currently zoned RR Rural Residential.

PROPERTY INFORMATION

OWNER/APPLICANT: Stephen H Ledwell,
Trustee (owner)

ADDRESS/LOCATION: Located at 3401 Clinton Road. Refer to Exhibit "A", Location and Zoning Map. REID number: 0456978332000; 0456978575000; & 0466071446000.

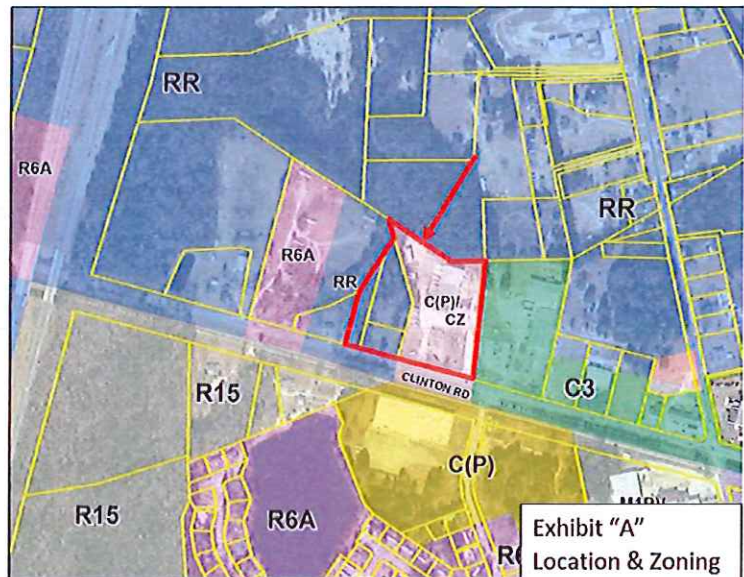
SIZE: The parcel contains approximately 8.15 acres. Road frontage along Clinton Road is 600+/- feet. The property is approximately 593 +/- feet in length at its deepest point.

EXISTING ZONING: The subject property is currently zoned RR Rural Residential and C(P)/CZ. The Rural Residential District is intended for traditional rural use with lots of 20,000 square feet or above. The principal use of the land is for suburban density residential, including manufactured housing units, and agricultural purposes. The C(P) Planned Commercial 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.

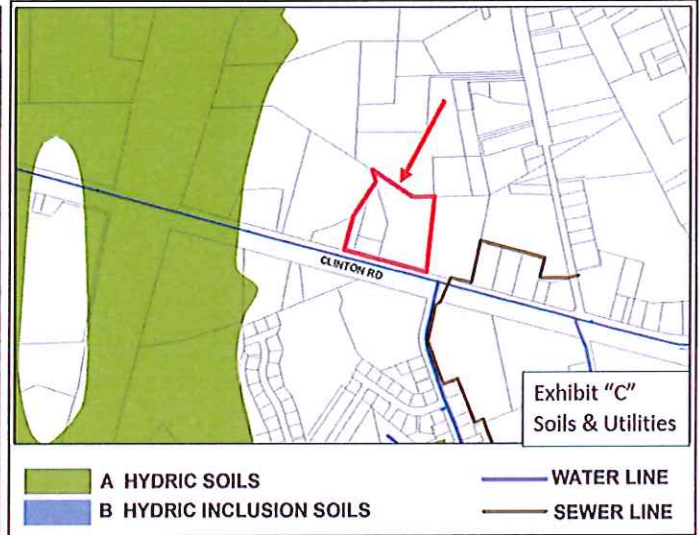
EXISTING LAND USE: The western parcels are currently vacant wooded lands, while the eastern parcel is operating under conditions of approval P13-11 for Ledwell & Son Enterprises. Exhibit "B" shows the existing use of the subject property.

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

- **North:** Wooded lands
- **East:** Non-residential operations, fire station, and convenience store with gasoline sales
- **West:** Single-family homes and wooded lands
- **South:** non-residential operations, wooded lands, manufactured 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 at the property.

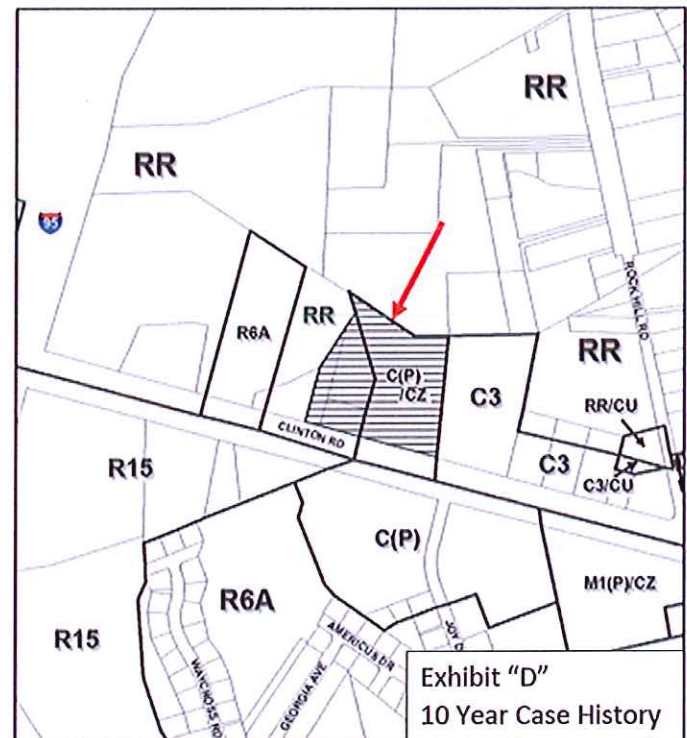


TEN YEAR ZONE CASE HISTORY:

Exhibit "D" denotes that there has been no rezoning case history within the most recent 10-year period.

DEVELOPMENT REVIEW:

A non-residential site plan review and approval will be required via the Current Planning Division prior to commencement of operations on site.



DIMENSIONAL PROVISIONS FOR REQUESTED DISTRICT:

Minimum Standard	RR (Existing Zoning)	C(P)/CZ (Existing)	C(P)/CZ (Proposed)
Front Yard Setback	30 feet	50feet	50 feet
Side Yard Setback	15 feet	30 feet	30 feet
Rear Yard Setback	35 feet	30 feet	30 feet
Lot Area	20,000 Sq. feet	n/a	n/a
Lot Width	100'	n/a	n/a

Development Potential:

Existing Zoning (RR)	Existing Zoning (C(P)/CZ)	Proposed Zoning (C(P)/CZ)
6 dwelling units	0 dwelling units	0 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.

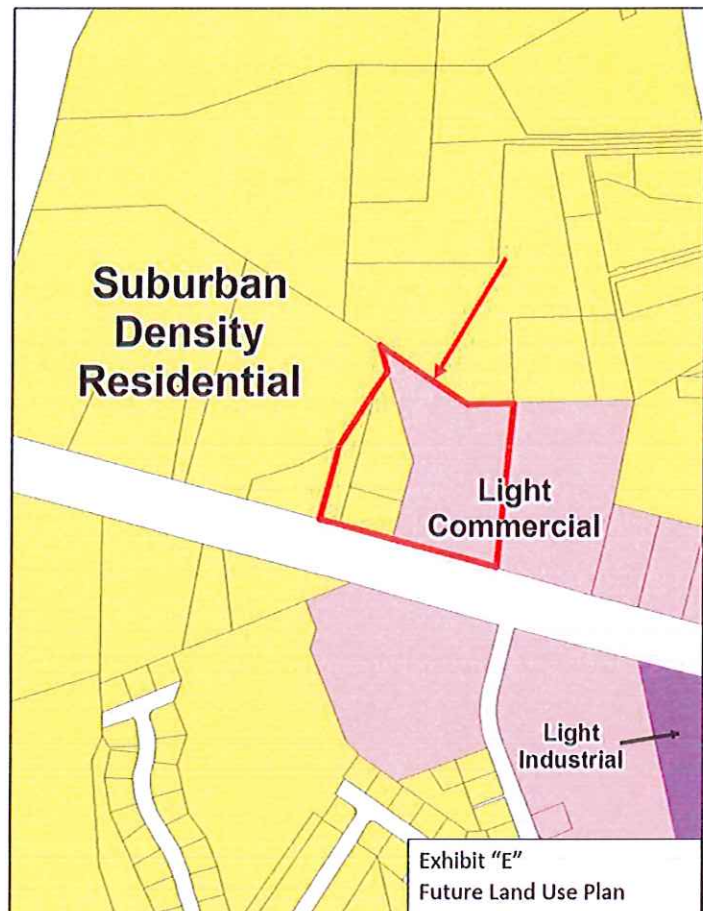
COMPREHENSIVE PLANS:

This property is located in the Vander Area Land Use Plan (2017). The future land use classifications of the property are "Suburban Density Residential" and "Light Commercial". Associated zoning districts for this Suburban Density Residential classification are R20, RR, R20A, R30, & R30A. For the Light Commercial designation, the associated zoning districts are C1(P) and C2(P).

The proposed rezoning request is not consistent with the adopted Land Use Plan

FUTURE LAND USE CLASSIFICATION Development Goal:

- Provide flexibility for Mixed Use and higher density developments close to existing or future commercial centers (Vander Area Land Use Plan 2017, pg.38).
- Provide and preserve natural vegetation buffer areas between single and multi-story residential and non-residential uses (Vander Area Land Use Plan 2017, pg.38).
- "Provide quality, attractive development that meets market demand, is harmonious with its surrounding area, has supporting infrastructure, preserves the natural environment, and is concentrated near major intersection and existing commercial development." (pg.39)
- "Light commercial caters to the ordinary needs of the immediate neighborhood with emphasis on convenient goods and services." (pg.39)
- "Protect established residential areas from the encroachment of non-residential developments" (pg.39)



IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES

UTILITIES: Public water is available to the site via PWC. Public sewer lines are located approximately 200 feet to the east. The County Zoning Code does not require connection in this situation. Requirements of Environmental Health for on-site septic systems will apply to the site at the time of a development permit if the property owner chooses not to connect to public sewer.

TRAFFIC: According to the Fayetteville Area Metropolitan Planning Organization (FAMPO), the subject property sits on Clinton Road and is identified as a minor arterial in the Metropolitan Transportation Plan. There are no roadway construction improvement projects planned and the subject property will have no significant impact on the Transportation Improvement Program. In addition, Clinton Road has a 2021 AADT of 5,100 and a road capacity of 15,100. Due to lack of data and the small scale, the new zoning request does not demand a trip generation. The new development should not generate enough traffic to significantly impact Clinton Road.

SCHOOLS CAPACITY/ENROLLMENT:

School	Capacity	Enrollment
Sunnyside Elementary School	303	426
Mac Williams Middle School	1164	1174
Cape Fear High School	1476	1598

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

EMERGENCY SERVICES: Cumberland County Fire Marshal's office has reviewed the request has provided the following comment regarding the proposed development:

1. The developer shall ensure all fire department access requirements are met in accordance with Section 503 of the 2018 NC Fire Code.
2. The developer shall ensure fire protection water supply requirements are met in accordance with Section 507 of the 2018 NC Fire Code.
3. The developer shall submit building plans to the Fire Marshal's Office to scale for new construction and building renovation.
4. The developer shall ensure emergency responder radio coverage is achieved.

SPECIAL DISTRICTS/ OVERLAY DISTRICTS:

Special Districts			
Fayetteville Regional Airport Overlay:	n/a	Averasboro Battlefield Corridor:	n/a
Five Mile Distance of Fort Liberty:	n/a	Eastover Commercial Core Overlay District:	n/a
Voluntary Agricultural District (VAD):	n/a	Spring Lake Main Street Overlay District:	n/a
VAD Half Mile Buffer:	n/a	Coliseum Tourism Overlay District:	n/a

n/a – not applicable

CONDITIONS OF APPROVAL: The current adopted Conditional Zoning Conditions of Approval appear in Exhibit "F". The proposed conditions of approval and conditional zoning site plan for the business expansion appear in Exhibit "G".

STAFF RECOMMENDATION

In Case ZON-24-0007, Planning and Inspections staff **recommends approval** of the zoning request from RR Rural Residential District and C(P)/CZ Planned Commercial District Conditional Zoning to C(P)/CZ Planned Commercial District Conditions Zoning and find that:

1. Approval is an amendment to the adopted, current Vander Area 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 is a modification to an approved conditional zoning and allows expansion of an existing business in an area.
3. A water line is available to the site to support expansion of the existing commercial development.

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:

Proposed Conditions of Approval and Site Plan

Notification Mailing List

Application

Existing Conditions of Approval

Exhibit "G"
PROPOSED CONDITIONS OF APPROVAL

General Address: 3401 Clinton Road	Acres: 8.15 +/-
REID: 0466071446000;0456978575000;0456978332000	Approval Date: TBD
Effective Date: TBD	Issued to: Stephen H Ledwell, Trustee

C(P) Planned Commercial / CZ Conditional Zoning District
Case ZON-24-0007

Ordinance Related Conditions for Truck retailer and Truck Storage facility and terminal activity

Applicability: Applicant requests a modification via expansion of the existing conditional zoning approval for Zoning Case P13-11 via conditional rezoning from RR Rural Residential District and C(P)/CZ Planned Commercial District to C(P)/CZ Planned Commercial District or to a more restrictive zoning district for 8.15 +/- acres; located at 3401 Clinton Road; submitted by American Materials Company (applicant) on behalf of the Glenard W. Bailey LTD Partnership (owner). The intent of the property owner is to expand their existing operations. (Site plan is provided as Exhibit "A" to the CZ Conditions of Approval, which is found in Exhibit "A".

Adoption of Case ZON-24-0007 rescinds and replaces rezoning P13-11 and its conditions of approval.

A. Permitted and Prohibited Uses.

Use and development of the subject property shall be limited to a Truck Retailer and Truck Storage Facility and Terminal Activity and shall occur consistent with: the Conditional Zoning Site Plan within Exhibit "A"; the Conditions set forth herein; and the County Zoning and Subdivision Ordinances. Where any conflicts occur between the Conditions of Approval herein, including the Conditional Zoning Site Plan, with the County Zoning and Subdivision Ordinances, the Conditions of Approval and Site Plan shall supersede.

B. Development Standards.

1. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the County Zoning Ordinance and permits required to place any should be within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. For additional information, the developer should contact a Code Enforcement Officer. In addition, applicant is responsible to obtain all other federal, state, and local permits required for quarry operations.
 - a. Note: This conditional approval is not approval of the permitting of any structures for this site; re- submittal of the site plan for staff review and approval is required prior to application for permits for any structure to be located on this site.
2. This conditional approval is not approval of any freestanding signs. If a freestanding sign is desired as stated in the written application, 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.)

3. The owner/developer is responsible and liable for maintenance and upkeep of this site, 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.
4. Noise levels shall not exceed 60 dB(A) between the hours of 10:00 pm and 7:00 am. In any event, the noise level, regardless of the time of day, shall become a nuisance to neighboring properties and strict compliance with the County's Noise Ordinance is required.
5. A solid buffer must be provided and maintained along the side and rear property lines where this tract/site abuts residentially zoned properties, and all open storage areas must be screened from view from the public street right-of-way in accordance with the provisions of Section 1102 G., Buffer Requirements, County Zoning Ordinance. Chain link fencing cannot be used to satisfy the buffer requirements.
6. Storage of junked vehicles on this site is not permitted; the temporary storage of motor vehicles awaiting repairs must be temporarily stored in such an area that the vehicles are screened from view and cannot be seen from a public street or the adjacent residential property.

C. Infrastructure and Utilities:

1. All lighting is required to be directed internally within this development and comply with the provisions of Section 1102 M, Outdoor Lighting, County Zoning Ordinance:

The following standards are applicable to all properties:

- i. All lights shall be shielded in such a way as to direct all light toward the Earth's surface and away from reflective surfaces;
 - ii. Light fixtures or lamps shall be shielded/shaded in such a manner as to direct incident rays away from all adjacent property and any light on a pole, stand, or mounted on a building must have a shield, and adjustable reflector and non-protruding diffuser;
 - iii. Any facilities, which may require floodlighting, may not arrange the light in such a way that it will shine toward roadways, on adjacent residential property or residentially zoned property or into the night sky;
 - iv. Any interior lighted signs may not be lit at night when any face of the sign is removed or damaged in such a way that the light may distract pedestrians or drivers or become a nuisance to homeowners;
 - v. Any light fixture must be placed in such a manner that no light-emitting surface is visible from any residential area or public/private roadway, walkway, trail or other public way when viewed at the ground level.
2. For new development, all utilities, except for 25k or greater electrical lines, must be located underground.
 3. Prior to application for the Certificate of Occupancy, connection to public water is required, and the Public Works Commission (PWC) must approve water plans. A copy of the PWC approval must be provided to Code Enforcement.
 4. The County Health Department must approve sewer plans prior to application for any permits. Site and soil evaluations must be conducted on the property by the County Environmental Health Department prior to application for permits. A copy of the Health Department approval must be

provided to Code Enforcement at the time of application for any building/zoning permits. All Health Department requirements must be met prior to issuance of final permits.

D. Fire Marshal and Fire Inspections:

1. Developer must ensure fire protection water supply requirements are met in accordance with Section 507 of the 2018 NC Fire Code. Developer is required to provide advanced coordination and contact with the County Fire Marshal Office prior to final site plan submittal as well as during site construction. Submit plans for any permits required in Section 105 of the 2018 Fire Code. All fire department access requirements shall be met in accordance with Section 503 of the 2018 NC Fire Code and demonstrated at the time of final site plan and permit applications, as applicable. Construction plans may be required for review by the Fire Marshal, and the developer is responsible for contacting prior to any development activity, including clearing and grading.

E. Stormwater and Drainage:

1. For any new development where the developer disturbs or intends to disturb more than one acre of land, the developer must provide the Code Enforcement Section with an approved NC Department of Environmental Quality (NCDEQ) sedimentation and erosion control plan(S&E). If any retention/detention basins are required for state approval of this plan, a formal revision application must be filed with Current Planning for review and approval.
2. 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, a copy of the State's *Post-Construction Permit* must be provided to County Code Enforcement prior to the issuance of the Certificate of Occupancy.
3. 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 of free and debris (Section 2306, D., County Subdivision Ordinance).
4. In the event a stormwater utility structure is required by the NC Department of Environmental Quality (NCDEQ), the owner/developer must demonstrate on the revised plan the placement of a four-foot-high fence with a lockable gate for the security of the stormwater utility structure. The owner/developer is required to maintain the detention/retention basin, keeping it clear of debris and taking measures for the prevention of insect and rodent infestation.

H. Roads/Access/Parking:

1. The developer must obtain a driveway permit from the NC Department of Transportation (NCDOT). A copy of the approved driveway permit must be provided to Code Enforcement at the time of application for building/zoning permits.
2. All NCDOT permits must be obtained and submitted to the Code Enforcement Division prior to any issuance of a building permit or commencement of any development activity or change in property usage. Per NCDOT comments for this rezoning, failure to secure required permits prior to construction or change in property usage may result in the removal of the driveway or street connections at the property owner's expense.
3. Turn lanes may be required by the NC Department of Transportation (NCDOT) during review of the driveway permit or construction plans. Any NCDOT required improvements

shall be completed prior to issuance of a certificate of occupancy unless otherwise indicated by NCDOT.

4. Access ways or drives within the premises shall be maintained in a dust-free condition through surfacing or such other treatment as may be necessary.
5. All proposed traffic generated by the quarry operations shall be limited to State owned roadways. The applicant is responsible for coordination with NCDOT pertaining to roadway maintenance and impact.

I. Development Review Process:

1. A final site plan, to include a detailed lighting plan and landscaping plan, shall be provided to Planning staff with a written transmittal with a brief narrative of the plans provided.
2. In the event the requirements or conditions from a State or Federal Agency or utility provider creates an inconsistency with the conditional zoning site plan in any manner, a revised conditional site plan must be submitted to the Current Planning Division for review. Any change determined by the County to represent a substantial change to the conditional zoning site plan, Board of County Commission approval may be required, as shall be determined by the Planning Director.
3. Developer must coordinate with the Current Planning Division prior to making any changes to the conditional zoning site plan. Any changes to the conditional zoning site plan must be reviewed by the Current Planning Division to determine if any change is considered an insubstantial or substantial modification.

J. Other Conditions:

1. This conditional approval is not to be construed as all-encompassing of the applicable rules, regulations, etc., which must be complied with for any development. Other regulations, such as building, environmental health, and so forth, may govern the specific development. The developer is the responsible party to ensure full compliance with all applicable Federal, State, and local regulations.
2. Any substantial modification made to this approved conditional zoning site plan or conditions of approval, other than those set forth in the above conditions, must be approved by the Board of Commissioners as set forth by Section 506 of the Zoning Ordinance.
3. No clearing or grading shall occur until authorized by the Code Enforcement Manager.
4. Pursuant to Section 507, County Zoning Ordinance, two years after the date of the Board of County Commissions approves the Conditional Zoning, the Planning Board may examine progress made to determine if active efforts are proceeding. If the Planning Board determines that active efforts to develop are not proceeding, it may institute proceedings to rezone the property to its previous zoning classification.
5. All applications and plan submittals shall be submitted via the County online permitting self-service portal at the following website address:
https://selfservice.co.cumberland.nc.us/EnerGod_Prod/SelfService#/home
6. The applicant is advised to consult an expert on wetlands before proceeding with any development.

K. Time Limitations

1. At the end of two years from the date of approval of this Conditional Zoning by the Board of County Commissioners, the Planning Board may examine progress made to determine if active efforts are proceeding. If the Planning Board determines that the active efforts to develop are not proceeding, it may institute proceedings to rezone the property to its previous zoning classification.

REZONING CASE # ZON-24-0007

CONDITIONS OF APPROVAL

Property Owner/Agent Acceptance of Conditions

(Print Name)

(Signature)

Date

Issued by:

David B. Moon, AICP, CZO

Date

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



ATTACHMENT – MAILING LIST

DICKERSON REALTY CORP
111 METROPOLITAN AVE STE 1090
CHARLOTTE, NC 28204

FOOD PROPERTIES LLC
716 WHITFIELD ST
FAYETTEVILLE, NC 28306

WEST, CARLAS RAY
3758 CLINTON RD
FAYETTEVILLE, NC 28312

BULLOCK, JEAN
3240 JEAN BULLOCK RD
FAYETTEVILLE, NC 28312

BYRD, DENNIS J;BYRD, JULIA
3607 CLINTON RD
FAYETTEVILLE, NC 28312

BULLOCK, JEAN HALL
3210 JEAN BULLOCK RD
FAYETTEVILLE, NC 28312

BYRD, DENNIS J;BYRD, JULIA
3607 CLINTON RD
FAYETTEVILLE, NC 28312

BYRD, DENNIS J;BYRD, JULIA F
3318 CLINTON RD
FAYETTEVILLE, NC 28312

BYRD, DENNIS J;BYRD, JULIA
3607 CLINTON RD
FAYETTEVILLE, NC 28312

R & S ENTERPRISES LLC
6725 AUTRYVILLE RD
AUTRYVILLE, NC 28318

R & S ENTERPRISES LLC
6725 AUTRYVILLE RD
AUTRYVILLE, NC 28318

LEDWELL, STEPHEN H TRUSTEE
3300 WACO ST
TEXARKANA, TX 75501

LEDWELL, STEPHEN H TRUSTEE
3300 WACO ST
TEXARKANA, TX 75501

LEDWELL, STEPHEN H TRUSTEE
3300 WACO ST
TEXARKANA, TX 75501

LEDWELL, STEPHEN H TRUSTEE
3300 WACO ST
TEXARKANA, TX 77504

ATTACHMENT: APPLICATION



County of Cumberland

Planning & Inspections Department

CASE #:	201 24 0007
PLANNING BOARD MEETING DATE:	3/19/24
DATE APPLICATION SUBMITTED:	
RECEIPT #:	
RECEIVED BY:	

APPLICATION FOR
CONDITIONAL ZONING DISTRICT
REZONING REQUEST
CUMBERLAND COUNTY ZONING ORDINANCE

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

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

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

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

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

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

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

- NOTE: Be specific and list all intended uses.**

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

APPLICATION FOR
CONDITIONAL ZONING

1. PROPOSED USE(S):

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

building truck parts

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

all property to be used for building truck parts

2. DIMENSIONAL REQUIREMENTS:

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

a new building to be built on this site.

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

20 parking spaces

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.

no new signs to be erected on this site.

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.**

as shown on site plan.

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

5. **MISCELLANEOUS:**

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

hours: 7:00 am till 5:00 pm, 19 employees

6. **SITE PLAN REQUIREMENTS:**

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

7. STATEMENT OF ACKNOWLEDGMENT:

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

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

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

Stephen H. Ledwell, Trustee

NAME OF OWNER(S) (PRINT OR TYPE)

3300 Waco St, Texarkana, TX 75501

ADDRESS OF OWNER(S)

glott@nc.rr.com

E-MAIL

1-903-838-6531

HOME TELEPHONE

WORK TELEPHONE

SIGNATURE OF OWNER(S)

SIGNATURE OF OWNER(S)

Dale Kidd

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

3427 Clinton Road, Fayetteville, N.C. 28312

ADDRESS OF AGENT, ATTORNEY, APPLICANT

1-903-838-6531

HOME TELEPHONE

WORK TELEPHONE

E-MAIL ADDRESS

FAX NUMBER

Dale Kidd

SIGNATURE OF AGENT, ATTORNEY, OR APPLICANT

EXHIBIT "F"
EXISTING CONDITIONS OF APPROVAL

Walter Clark,
Chair
Cumberland County

Patricia Hall,
Vice-Chair
Town of Hope Mills

Guland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman
Charles C. Morris,
Town of Linden



**CUMBERLAND
★ COUNTY ★
NORTH CAROLINA**

Planning & Inspections Department

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Lori Epler,
Sara E. Piland,
Vikki Andrews,
Cumberland County

Benny Pearce,
Town of Eastover

Donovan McLaurin,
Wade, Falson & Godwin

May 29, 2013

Stephen H. Ledwell, Trustee
P. O. Box 1106
Texarkana, TX 75504

SUBJECT: Case P13-11: Rezoning of 5.38 +/- acres from C3/CU Heavy Commercial/Conditional Use Overlay for outside storage, RR/CU Rural Residential/Conditional Use Overlay for outside storage and RR Rural Residential to C(P)/CZ Planned Commercial/Conditional Zoning district for motor vehicle repair and outside storage or to a more restrictive zoning district, located at 3427 Clinton Road, submitted by Stephen H. Ledwell Trustee (owner) and Andy Nichols.

Dear Mr. Ledwell,

The Cumberland County Board of Commissioners met on Monday, May 20, 2013 and approved the Rezoning of 5.38 +/- acres from C3/CU Heavy Commercial/Conditional Use Overlay for outside storage, RR/CU Rural Residential/Conditional Use Overlay for outside storage and RR Rural Residential to C(P)/CZ Planned Commercial/Conditional Zoning district for motor vehicle repair and outside storage or to a more restrictive zoning district that you submitted, subject to the contents of the application, the site plan and the following conditions:

Pre- Permit Related:

1. A recombination plat (also known as a "No Approval Required" or "NAR") must be submitted to Land Use Codes for review and approval for recording with the County Register of Deeds, and the plat must be recorded prior to any permit application for any structure and/or prior to the sale of any lot or unit within this development.

Permit-Related:

2. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the County Zoning Ordinance and permits required to place any structure within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. For additional information, the developer should contact a Code Enforcement Officer.
3. The County Health Department must approve sewer plans prior to application for any permits. Site and soil evaluations must be conducted on the property by the County Environmental Health Department prior to application for permits. A copy of the Health Department approval must be provided to Code Enforcement at the time of application for any building/zoning permits. (Note: All Health Department requirements must be met prior to issuance of final permits.) (Section 2306 A, Water and Sewer, County Subdivision Ordinance)

4. At the time of application for permits, the developer must provide to Code Enforcement approval from the entity that owns and/or regulates the type water and sewer serving the proposed development.
5. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
6. New development where the developer will disturb or intends to disturb more than one acre of land is subject to the Post-Construction Stormwater Management Permitting Program (Phase II Stormwater Management Requirements) administered by the Division of Water Quality, North Carolina Department of Environment and Natural Resources. If one acre or more of land is to be disturbed, prior to the issuance of any building/zoning permits for this site, a copy of the State's *Post-Construction Permit* must be provided to County Code Enforcement.
7. For any new development where the developer disturbs or intends to disturb more than one acre of land, the developer must provide the Code Enforcement Section with an approved NC Department of Environment and Natural Resources (NCDENR) sedimentation and erosion control plan (S&E) prior to any application for permits. (Note: If any retention/detention basins are required for state approval of this plan, then three copies of a revised plan must be submitted and approved by Planning & Inspections prior to application for any building/zoning permits.) A copy of the NCDENR approval must be provided to Code Enforcement at the time of application for any building/zoning permits.
8. The building final inspection cannot be accomplished until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans.

Site-Related:

9. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Zoning Ordinances, the contents of the application and site plan for the C(P)CZ zoning district must be complied with, as applicable.
10. Storage of junked vehicles on this site is not permitted; the temporary storage of motor vehicles awaiting repairs must be temporarily stored in such an area that the vehicles are screened from view and cannot be seen from a public street or the adjacent residential property.
11. This conditional approval is not approval of the permit for the freestanding sign. Attached signage for this development must be in accordance with the applicable sign regulations as set forth in Article 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.)
12. For any new development, an adequate drainage system must be installed by the developer in accordance with the NC Department of Environment and Natural Resources' (NCDENR) *Manual on Best Management Practices* and all drainage ways must be kept clean and free of debris. (Section 2306 D, County Subdivision Ordinance)
13. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision Ordinance)
14. In the event a stormwater utility structure is required by the NC Department of Environment and Natural Resources (NCDENR), the owner/developer must secure the structure with a four foot high fence with a lockable gate, and is required to maintain the detention/retention basin, keeping it clear of debris and taking measures for the prevention of insect and rodent infestation.

"The individual lots in this development do not have public sewer services available, and no lots have been approved by the Health Department for on-site sewer services at the date of this recording."

28. All structures shall be shown on the recombination plat or the recombination plat shall reflect the following statement (Section 2504 D, County Subdivision Ordinance):

"Nonconforming structures have not been created by this recombination plat."

Other Relevant Conditions:

29. The applicant is advised to consult an expert on wetlands before proceeding with any development.
30. The owner/developer is responsible for ensuring easements which may exist on the subject property are accounted for, not encumbered and that no part of this development is violating the rights of the easement holder.
31. The owner/developer be aware that every deed created for a lot being served by an on-site water and/or sewer system must contain the following disclosure when filed with the County Register of Deeds:

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

Thank you for choosing Cumberland County!

If you need clarification of any conditions, please contact Ed Byrne at 910-678-7609 or Patti Speicher at 910-678-7605 with the Land Use Codes Section; otherwise, contact the appropriate agency at the contact numbers below.

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

Subdivision/Site Plan/Plat	Ed Byrne	678-7609
Code Enforcement (Permits):	Ken Sykes	321-6654
County Health Department:	Daniel Ortiz	433-3680
PWC:	Heidi Maly	223-4737
Fayetteville Planning:	Marsha Bryant	433-1416
County Public Utilities:	Amy Hall	678-7637
Corp of Engineers (wetlands):	Crystal C. Amschler	(910) 251-4170
NCDENR (E&S):	Sally Castle	433-3300
Location Services:		
Site-Specific Address:	Ron Gonzales	678-7616
Tax Parcel Numbers:		678-7549
NCDOT (driveways/curb-cuts):	Gary Burton	486-1496
N.C. Division of Water Quality:	Mike Randall	(919) 733-5083 ext. 545

cc: Marsha Bryant, City of Fayetteville



PLANNING AND INSPECTIONS DEPARTMENT

MEMORANDUM FOR JOINT PLANNING BOARD AGENDA OF MARCH 19, 2024

TO: JOINT PLANNING BOARD

FROM: PLANNING AND INSPECTIONS DEPARTMENT

DATE: 3/19/2024

SUBJECT: CASE ZON-24-0008: CONDITIONAL REZONING FROM R10 RESIDENTIAL DISTRICT, RR RURAL RESIDENTIAL DISTRICT, AND R6A RESIDENTIAL DISTRICT TO M-2/CZ HEAVY INDUSTRIAL CONDITIONAL ZONING DISTRICT OR TO A MORE RESTRICTIVE DISTRICT FOR 30.98 +/- ACRES; LOCATED 0.12 MILES SOUTHWEST OF THE INTERSECTION OF N. BRAGG BLVD AND W. MANCHESTER RD., SUBMITTED BY BEN BRADSHER (AGENT) ON BEHALF OF ELISABETH REES, OWEN REES, JOAN COOK, ALEXANDER COOK, C GERSTENBERG, KARMA MYERS & PAMELA LAWARENCE (OWNERS). (SPRING LAKE)

ATTACHMENTS:

Description

ZON-24-0008

Type

Backup Material



PLANNING & INSPECTIONS

PLANNING STAFF REPORT
REZONING CASE # ZON-24-0008
Planning Board Meeting: Mar. 19, 2024

Location: W. Manchester Drive & N. Bragg Blvd.
Jurisdiction: Spring Lake

REQUEST

Rezoning RR, R10, & R6A to M-2/CZ

Applicant requests a conditional rezoning from R10 Residential District, RR Rural Residential District, and R6A Residential District to M-2/CZ Heavy Industrial Conditional Zoning District or to a more restrictive district for 30.98+/- acres; located Southwest of the intersection of N. Bragg Blvd. and W. Manchester Rd. The intent of the request is to operate a hot asphalt processing facility. Access to the proposed asphalt facility site occurs through a parcel abutting to the northwest, under the same ownership, that is zoned County M(P) Manufacturing. This County parcel is currently in the process of annexing into the Town of Spring Lake.

PROPERTY INFORMATION

OWNER/APPLICANT: Ben Bradsher (Agent) on behalf of Elisabeth Rees, Owen Rees, Joan Cook, Alexander Cook, C Gerstenberg, Karma Myers & Pamela Lawrence (Owners)

ADDRESS/LOCATION: Located at .12 miles southwest of the intersection N. Bragg Blvd and W. Manchester Rd. Refer to Exhibit "A", Location and Zoning Map. REID number: 0502332718000

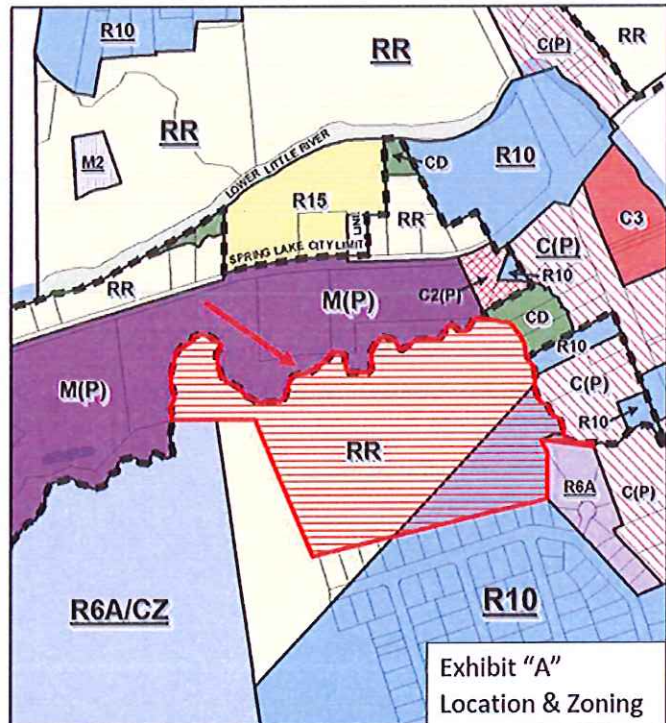
SIZE: The parcel contains approximately 30.98 acres. Road frontage along W. Manchester Road is 743 +/- feet. The property is approximately 1,433 +/- feet in length at its deepest point.

EXISTING ZONING: The subject property is currently zoned RR Rural Residential, R10 Residential District, and R-6A Residential District. These Residential Districts are intended for single family dwellings, with the R-6A zoning district permitting multi-family dwellings including mobile homes in mobile home parks only.

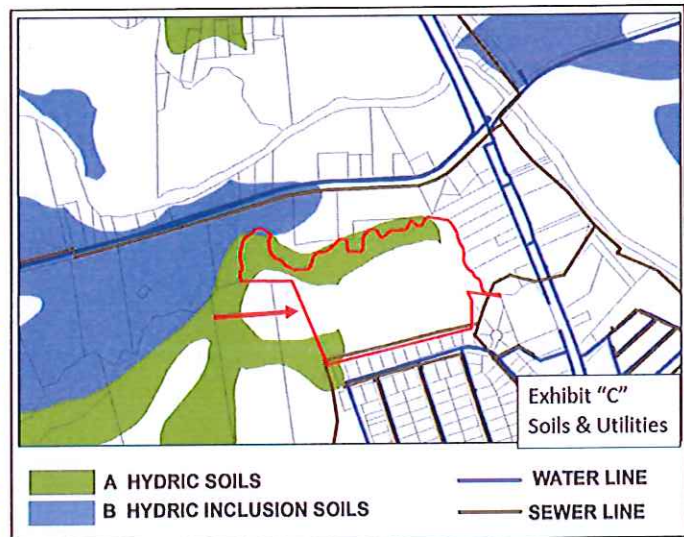
EXISTING LAND USE: The parcel is currently vacant wooded lands, Exhibit "B" shows the existing use of the subject property.

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

- **North:** Industrial operations, Concrete Service Company Plant
- **East:** Single family homes and assorted retail
- **West:** Wooded lands
- **South:** Holly Hills residential subdivision and wooded lands



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



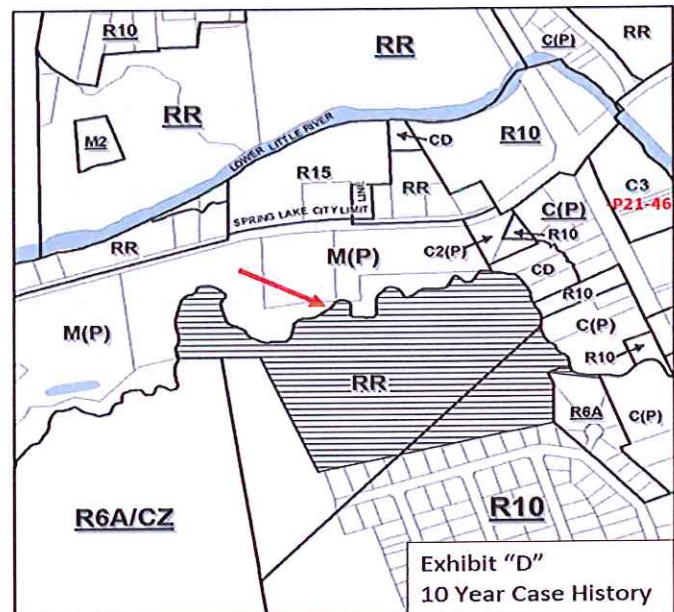
TEN YEAR ZONE CASE HISTORY:

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

- **P21-46:** R10 to C(P); Approved

DEVELOPMENT REVIEW:

Access for this proposed development is through a parcel under Cumberland County jurisdiction. An administrative, non-residential site plan application package will be required for Current Planning review and approval for the access drive as the parcel is currently zoned M(P) Heavy Industrial, and the proposed use is permitted by right per the County Zoning ordinance. Should the parcel be annexed into the Town of Spring Lake, an application for Conditional Zoning shall be submitted to coincide with the current request.



A final site plan will be required for the Town of Spring Lake's review and approval prior to commencement of development activity at this location to demonstrate compliance with the proposed conditions of approval found in Exhibit "F".

DIMENSIONAL PROVISIONS FOR REQUESTED DISTRICT:

Minimum Standard	RR (Existing Zoning)	R10 (Existing)	R6A (Existing)	M-2/CZ (Proposed)
Front Yard Setback	30 feet	50 feet	25 feet	50 feet
Side Yard Setback	15 feet	10 feet	15 feet	30 feet
Rear Yard Setback	35 feet	35 feet	15 feet	20 feet
Lot Area	20,000 Sq. feet	10,000 Sq. feet	6,000 Sq. feet	n/a
Lot Frontage	100'	75'	60'	n/a

Development Potential:

Existing Zoning (RR)	Existing Zoning (R10)	Existing Zoning (R6A)	Proposed Zoning (M-2/CZ)
55 dwelling units	24 dwelling units	0 dwelling units	0 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.

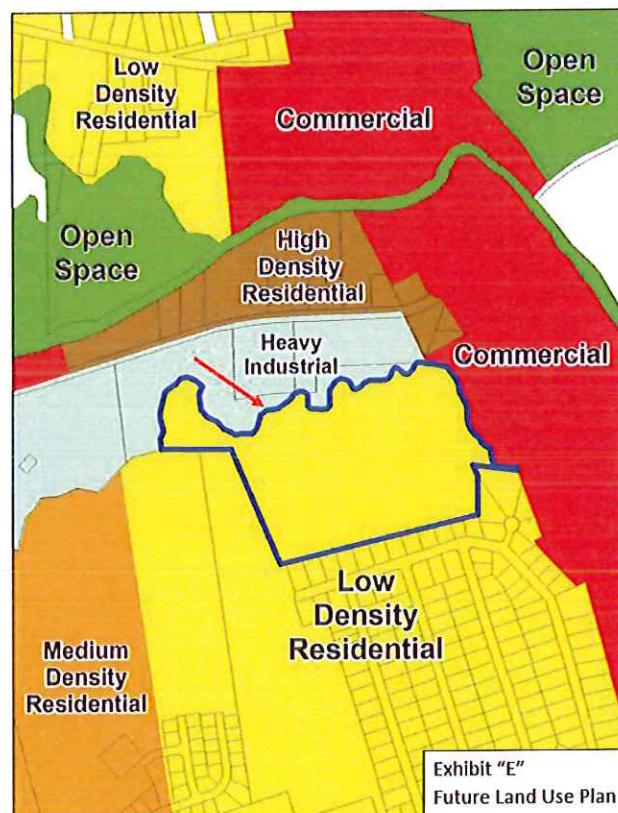
COMPREHENSIVE PLANS:

This property is located within the Spring Lake Area Land Use Plan (2022), as shown in Exhibit "E". The future land use classification is "Low Density Residential". Associated zoning districts for this classification are R15, R10, PND.

The proposed rezoning request is consistent with the adopted Land Use Plan goals below; however, it is not consistent with the adopted Land Use Map.

FUTURE LAND USE CLASSIFICATION Development Goal:

- Utilize available space in manufacturing district on W. Manchester Road (Spring Lake Area Land Use Plan, pg. 15).
- Large parcels near town can incorporate new industrial activity and use buffering to preserve compatibility with nearby residential use (Spring Lake Area Land Use Plan, pg. 58).
- Large parcels in other parts of the plan area so long as adequate utilities and buffering requirements are met (Spring Lake Area Land Use Plan, pg. 58).
- Capitalize on industrial district identity on W. Manchester Road. Work with Fayetteville Cumberland Economic Development Corporation and other partners to develop incentives that attract manufacturers, especially mid- and small-scale with military contracts (Spring Lake Area Land Use Plan, pg. 59).
- Promote efforts that encourage new industrial development. Prohibit residential development in prime industrial areas. Promote the highest concentration of industrial development in areas that have existing, programmed, or planned infrastructure (Land Use Policies Plan, pg. 24).



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 property sits on W. Manchester Road and is identified as a minor arterial in the Metropolitan Transportation Plan. W. Manchester is identified in the Transportation Improvement Program as U-5930, construct interchange. In addition, W. Manchester Road has a 2021 AADT of 10,500 and a road capacity of 11,400.

Due to lack of data and the small scale, the new zoning request does not demand a trip generation. The new development should not generate enough traffic to significantly impact W. Manchester Rd.

SCHOOLS CAPACITY/ENROLLMENT:

School	Capacity	Enrollment
Manchester Elementary	386	298
Spring Lake Middle School	664	604
Pine Forest High School	1712	1762

ECONOMIC DEVELOPMENT: Fayetteville Cumberland County Economic Development Corporation has reviewed the request and strongly supports the request.

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

SPECIAL DISTRICTS/ OVERLAY DISTRICTS:

Special Districts			
Fayetteville Regional Airport Overlay:	n/a	Averasboro Battlefield Corridor:	n/a
Five Mile Distance of Fort Liberty:	YES	Eastover Commercial Core Overlay District:	n/a
Voluntary Agricultural District (VAD):	n/a	Spring Lake Main Street Overlay District:	n/a
VAD Half Mile Buffer:	n/a	Coliseum Tourism Overlay District:	n/a

n/a – not applicable

Fort Liberty Regional Land Use Advisory Commission (RLUAC):

RLUAC comments are provided in a letter included in the attachments.

CONDITIONS OF APPROVAL: The proposed conditions of approval are attached to this report, which is found in Exhibit "F".

STAFF RECOMMENDATION

In Case ZON-24-0008, Planning and Inspections staff **recommends approval** of the rezoning from R10 Residential District, RR Rural Residential District, and R6A Residential District to M-2/CZ Heavy Industrial Conditional Zoning District and finds that:

1. Approval is an amendment to the adopted, current Spring Lake Area Land Use Plan and that the Board of Aldermen should not require any additional request or application for amendment to said map for this request.
2. The provided conditions of approval would require additional buffers and screening to nearby residential areas to reduce potential impacts.
3. Public water and sewer utilities are available to serve the proposed manufacturing use.

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:
 Conditions of Approval and Site Plan
 Notification Mailing List
 Application
 RLUAC Comments

Exhibit "F" Conditions of Approval

General Address: 0 W. Manchester Rd	Acres: 30.98+/-
REID: 0502332718000	Approval Date: TBD
Effective Date: TBD	Issued to: Ben Bradsher (Agent)

M-2 Heavy Industrial / CZ Conditional Zoning District

Case ZON-24-0008

Ordinance Related Conditions for Industrial Operations not Otherwise Prohibited

Applicability:

Applicant requests a conditional rezoning from R10 Residential District, RR Rural Residential District, and R6A Residential District to M-2/CZ Heavy Industrial Conditional Zoning District or to a more restrictive district for 30.98+/- acres; located .12 miles southwest of the intersection of N. Bragg Blvd. and W. Manchester Rd. The intent of the request is to operate a hot asphalt processing facility classified under Industrial Operations not Otherwise Prohibited in the Spring Lake Zoning Ordinance.

Permitted and Prohibited Uses.

Use and development of the hot asphalt processing plant shall occur consistent with the Conditional Zoning Site Plan within Exhibit "A" of the Conditions of Approval, the Conditions set forth herein, and the Town of Spring Lake Zoning and Subdivision Ordinances. Where any conflicts occur between the Conditions of Approval herein, including the Conditional Zoning Site Plan, with the Spring Lake Zoning and Subdivision Ordinances, the Conditions of Approval and Site Plan herein shall supersede. If any conflicts occur between the conditions herein and the site plan within Exhibit "A", the conditions shall supersede.

A. Development Standards.

1. 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.
2. Development of the site shall occur consistent with the conditional zoning site plan appearing in Exhibit "A". Any change considered to be a substantial deviation from Exhibit "A" by the Town Planner shall require approval by the Town Board of Aldermen.
3. Where a commercial off-street parking and loading space, utility regulating and pressure control stations, protective service buildings abut residential areas and where an office, commercial, along such side and rear property line a buffer. Also, a buffer shall be required to effectively screen from any residential district which abuts a side or rear yard or from any street, any outside storage of materials, equipment, and products.
4. The maximum height of any asphalt plant is ninety (90') feet.

B. Noise Abatement

1. Noise levels shall not exceed 60 dB(A) between the hours of 10:00 pm and 7:00 am at the property line abutting the Holly Hills residential neighborhood. In any event, the noise level, regardless of the time of day, shall not become a nuisance to neighboring properties and strict compliance with the Town of Spring Lake's Noise Ordinance is required.

C. 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. Connection to public water and sewer is required. The Spring Lake Public Utility Department must approve water and sewer plans prior to application for any permits. A copy of the Spring Lake Public Utility Department's approval must be provided to the Town's Inspector at the time of application for building/zoning permits. (Section 36-66 "Water and sewer systems", Spring Lake Subdivision Chapter)

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). Developer must coordinate with NCDOT prior to submittal of any preliminary subdivision plan regarding off-site road improvements.
- c. The developer may be required to obtain a driveway permit for construction of any new connection or alteration of any existing connection. If a driveway permit is required, a copy of the approved driveway permit must be provided to the Spring Lake Inspection Department at the time of application for building/zoning permits. Permits must be secured prior to the change or alteration of existing or proposed property use. Failure to secure required permits prior to construction or change in property usage may result in the removal of the driveway or street connections at the property owner's expense. For additional information contact the Division 6 / District 2 office at the number listed on the bottom of this conditional approval.

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

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

3. Stormwater and Drainage:

- a. New development that will disturb one acre or more of land or is part of a larger plan that will disturb at least an acre of land is subject to the Post-Construction Stormwater Management Permitting Program (Phase II Stormwater Management Requirements) administered by the Spring Lake Stormwater Department. If one acre or more of land is to be disturbed, prior to the issuance of any building/zoning permits for this site, a

copy of the State's *Post-Construction Permit* must be provided to Town's Inspections Department.

- b. For any new development, the developer must provide the Spring Lake Inspections Department with an approved NC Department of Environmental Quality (NCDEQ) sedimentation and erosion control plan (S&E) prior to any application for permits. (Note: If any retention/detention basins are required for state approval of this plan, then three copies of a revised plan must be submitted and approved by Planning & Inspections prior to application for any building/zoning permits.) A copy of the NCDEQ approval must be provided to Town's Inspections Department at the time of application for any building/zoning permits.
- c. In the event a stormwater utility structure is required by the NC Department of Environmental (NCDEQ), the owner/developer must secure the structure with a four-foot-high fence with a lockable gate, and is required to maintain the detention/retention basin, keeping it clear of debris and taking measures for the prevention of insect and rodent infestation.
- d. For any new development, an adequate drainage system must be installed by the developer in accordance with good engineering practices and all drainage ways must be kept clean and free of debris with the standards of Section 36-106(f) "Required drainage", Spring Lake Subdivision Chapter.

4. Special Flood Hazard Area and Wetlands

- a. The *Special Flood Hazard Area* (SFHA) exists on this tract; any development within SFHA must have first flood elevations, including all mechanical and electrical equipment above base flood elevation (BFE) plus two feet of freeboard. Proper flood plain development permits are required, issued by the Floodplain Administrator, prior to any building/permit application. A copy of the approved flood plain permit must be provided to Town Inspector at the time of building/zoning permit applications. (Spring Lake Flood Damage Prevention Ordinance)
- b. The small stream standards set forth in Spring Lake Flood Damage Prevention Chapter, shall be complied with during construction and upon completion of development within this subdivision as enforced by the Spring Lake Inspections Department.
- c. A review of the data available to the Army Corp of Engineers indicates that jurisdictional waters are likely to be present on this property and therefore are likely to be impacted by the proposed project. However, without an official Jurisdictional Determination at the property, these findings cannot be confirmed.

A permit will be required for this project if construction will involve the temporary and/or permanent placement of fill in waters of the United States including wetlands. If a permit is required, the applicant will be required to avoid and minimize impacts to wetland/waters of the United States and may need to provide compensatory mitigation for unavoidable impacts.

5. Screening and Buffers

- a. A solid buffer must be provided and maintained along the Southern, Western and Eastern property lines where this tract/site abuts all residentially zoned parcels in accordance with the provisions of Article IX, Landscape Requirements - Section 42-228, Buffers, Spring Lake Zoning Chapter 42 and as required below.

- b. 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. All buffer areas shall be complete and planted prior to any operation of the asphalt plant. Town staff must also inspect and approve the buffer prior to commencing operation of the asphalt plant.
- c. Buffers shall be required and properly maintained via the following:
 - i. The Tank Creek floodway shall remain as an undisturbed vegetative buffer with exception to a fifty-foot wide corridor to accommodate the paved driveway leading to W. Manchester Road.
 - ii. A 75-foot wide undisturbed vegetative buffer shall be provided within the area labeled "75' Undisturbed Vegetated Buffer" as illustrated on the Conditional Zoning Site Plan.
 - ii. Adjacent to the 75' undisturbed vegetative buffer and interior to the site, an earth berm shall be located in the area denoted as "Proposed Earthen Berm" within the Conditional Zoning Site Plan. The earth berm shall occur at a minimum height of 12 feet above grade. The earth berm shall be vegetated with grass and stabilized. Additionally, all berms shall be built using a slope ratio of 2:1 (two feet horizontal to one foot vertical).
 - iii. Outside of the buffer areas described in subsection Ci., C.ii, and C.iii above, the following buffer or screening along the perimeter shall be provided and installed prior to commencing operation of the asphalt plant:
 - (a) An opaque fence or wall with a minimum height of six feet. Additionally, the following plant materials shall be used in conjunction with an opaque fence or wall: two large shade trees or three small ornamental trees per 50 linear feet. Additionally, medium or large evergreen shrubs shall be planted along the entire length of the fence.
 - (b) A solid fence or wall having a minimum height of six feet. Additionally, the following plant materials shall be used in conjunction with a solid fence or wall: two small ornamental trees, or four medium or large evergreen shrubs or eight dwarf (evergreen or deciduous) shrubs per 50 linear feet.
 - iv. Security fencing consistent with the Spring Lake Zoning Code shall be allowed along the perimeter of the property as illustrated on the Conditional Zoning Site Plan.
- e. It is the responsibility of the developer to maintain and protect the natural vegetation existing in the utility easement and along the 75' perimeter buffer in perpetuity and should the vegetation need replacing, the developer shall fill any gaps.

6. 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.
- 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).
- d. 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.

D. Other Conditions:

- a. All lighting is required to be directed internally within this development and comply with the provisions of Article X, Off-Street Parking Requirements - Section 42-261, Spring Lake Zoning Chapter 42.
- b. The building final inspection cannot be accomplished until a Town Inspector inspects the site and certifies that the site is developed in accordance with the approved plans.
- c. A site-specific address and tax parcel number be provided at the time of building/zoning permit application.
- d. 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.
- e. This conditional approval is contingent upon continued compliance with the Town of Spring Lake Zoning and Subdivision Ordinances. The conditions set forth herein, including applicable NC State Statue 160-D requirements.
- f. 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).
- g. This conditional approval is not to be construed as all-encompassing of the applicable rules, regulations, etc., which must be complied with for any development. Other regulations, such as building, environmental health, and so forth, may govern the specific development. The developer is the responsible party to ensure full compliance with all applicable Federal, State, and local regulations.

E. Development Review Process.

- a. That the owner(s)/developer(s) of these lots obtain detailed instructions on permits required to place a structure within this development from the Town of Spring Lake Inspections Department. The Inspections Department will need a copy of the approved condition sheet and map for additional information.
- b. Prior to any clearing or grading of the subject property, a non-residential site plan must be approved by the County Current Planning Section for the site access on parcel 0502243268000. A construction phasing plan shall be provided with the site plan and shall identify construction staging areas.
- c. No occupancy permit shall be issued and no asphalt operations shall commence until the zoning administrator inspects the site and certifies that the site and landscape buffers are developed in accordance with the Conditional Zoning and final site plans.
- d. 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).
- e. This conditional approval is not to be construed as all-encompassing of the applicable rules, regulations, etc., which must be complied with for any development. Other regulations, such as building, environmental health, and so forth, may govern the specific development. The developer is the responsible party to ensure full compliance with all applicable Federal, State, and local regulations.

Property Owner/Agent Acceptance of Conditions

(Print Name)

(Signature)

Date

Issued by:

David B. Moon, AICP, CZO

Date

[illegible]

ATTACHMENT – MAILING LIST

EVANS, NAVIE
PO BOX 3105
NEWPORT NEWS, VA 23603

HINNANT, JAMES;HINNANT, PENNAPA
61 NASSAU LN
SANFORD, NC 27332

HINNANT, JAMES;HINNANT, PENNAPA
61 NASSAU LN
SANFORD, NC 27332

ZUBIATE, RAFAEL L;ZUBIATE, YONG
212 LAKE LAND PRT
SANFORD, NC 27332

SMITH, JERRY M;SMITH, JEAN M
PO BOX 722
ANGIER, NC 27501

CORGAN, MARGUERITE
1119 BOWLING MOUNTAIN DR
STEM, NC 27581

SKY REI LLC
9105 TRIANA MARKET WALK
RALEIGH, NC 27617

ROBINSON, LOUIS II;ROBINSON,
DOROTHEA;ROBINSON, CALVIN;ROBIN
104 NEW BERRY LN
DURHAM, NC 27703

FIVE PILLARS REAL ESTATE LLC
726 MARBLE ST
CHARLOTTE, NC 28208

MANCHESTER ROAD PROPERTIES LLC
PO DRAWER 1867
FAYETTEVILLE, NC 28302

CUMBERLAND COUNTY
PO BOX 449
FAYETTEVILLE, NC 28302

SIMMONS, RUTH DARDEN HEIRS
726 SHOPTON CT
FAYETTEVILLE, NC 28303

CAELIN FARMS LLC
2919 BREEZEWOOD AVE STE 100
FAYETTEVILLE, NC 28303

CABRERA, JOSE RAFAEL CO-
TRUSTEE;CABRERA, DEYANIRA MODESTA
7602 ALAMEDA DR
FAYETTEVILLE, NC 28304

POOLE, ROBERT E II TRUSTEE
2405 ROBESON ST
FAYETTEVILLE, NC 28305

RICO DANIELS FAMILY RECREATION AND
RESOURCE CENTER
2094 TOM STARLING RD
FAYETTEVILLE, NC 28306

DANIELS, CLARENCE
2094 TOM STARLING RD
FAYETTEVILLE, NC 28306

DANIELS, CLARENCE
2094 TOM STARLING RD
FAYETTEVILLE, NC 28306

DANIELS, CLARENCE
2094 TOM STARLING RD
FAYETTEVILLE, NC 28306

UNITED STATES OF AMERICA
IMSE BRG-PWB
FORT BRAGG, NC 28310

PRESBY, CH OF THE COVENANT
5546 LINKWOOD DRV
FAYETTEVILLE, NC 28311

GOINS, DANIEL LEE;CYNTHIA, A;ALICE G
POWERS
434 SWAN ISLAND CT
FAYETTEVILLE, NC 28311

GOINS, CYNTHIA TRUSTEE;WOODARD, PEGGY
R;COTE, GENEVA G;GOINS, DANIEL LEE;POWERS,
ALICE G;MEYER, STEPHEN C;MANGEL, CAROL E
434 SWAN ISLAND CT
FAYETTEVILLE, NC 28311

WOODARD, PEGGY R TRUSTEE
434 SWAN ISLAND CT
FAYETTEVILLE, NC 28311

PRESBY, CH OF THE COVENANT
5546 LINKWOOD DR
FAYETTEVILLE, NC 28311

PRESBYTERIAN CHURCH OF THE
COVENANT
5546 LINKWOOD DR
FAYETTEVILLE, NC 28311

GOINS, CYNTHIA TRUSTEE;WOODARD, PEGGY
R;COTE, GENEVA G;GOINS, CYNTHIA A;POWERS,
ALICE G;MEYER, STEPHEN C;MANGEL, CAROL
E;MEYER, D
434 SWAN ISLAND CT
FAYETTEVILLE, ND 28311

MEYER, STEPHEN C;MANGEL, CAROL E;MEYER,
DONALD A;GOINS, CYNTHIA TRUSTEE;WOODARD,
PEGGY R;COTE, GENEVA G;GOINS, DANIEL
LEE;POWERS, A
434 SWAN ISLAND CT
FAYETTEVILLE, NC 28311

DARDEN, IRIS W
3983 FINAL APPROACH DR
EASTOVER, NC 28312

DARDEN, IRIS W
3983 FINAL APPROACH DR
EASTOVER, NC 28312

STETLER, PHYLIS M TRUSTEE;STETLER,
EDWARD L TRUSTEE;WOODARD, BERRY E
1795 LONGLEAF DR E
PINEHURST, NC 28374

FLOYD, JOE JUNIOR;MARY, F
217 FILLY LN
RAEFORD, NC 28376

CLARK, ETHEL T;CLARK, DAVID L
126 CAVALIER DR
RAEFORD, NC 28376

CLARK, DAVID L
126 CAVALIER DR
RAEFORD, NC 28376

KRAUTKRAMER, ROGER;KRAUTKRAMER,
REBECCA ANN
414 MANCHESTER RD W
SPRING LAKE, NC 28390

WILSON, BILLY E HEIRS
1617 MACK ST
SPRING LAKE, NC 28390

GARCIA, JUAN;GARCIA, YOUNG CHU
1427 ELMA ST
SPRING LAKE, NC 28390

HATLEY, CHRISTOPHER DAVID
1503 N BRAGG BLV
SPRING LAKE, NC 28390

GUARD, LIEN HA
1624 MACK ST
SPRING LAKE, NC 28390

LOWE, KATHLEEN MARIE
1515 MACK ST
SPRING LAKE, NC 28390

LOPEZ, ISABEL GARAY
1424 ELMA ST
SPRING LAKE, NC 28390

PONDER, HENRY
1452 MACK ST
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PARKER, JERRY LEE
1553 HAYES RD
SPRING LAKE, NC 28390

LOCKETT, CHESLEY N
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MCMILLAN, CAROLYN R
906 LEXIS WALK CIR
SPRING LAKE, NC 28390

TRUE TOUCH HOLDINGS LLC
1530 N BRAGG BLVD
SPRING LAKE, NC 28390

GARCIA, JUAN AGUILAR
1429 ELMA ST
SPRING LAKE, NC 28390

PERKINS, JACQUELINE K
907 LEXIS WALK CIR
SPRING LAKE, NC 28390

WILLIAMS, WILLIE E;WILLIAMS, HELEN B
1425 LOTTIE ST
SPRING LAKE, NC 28390

COX, JANEL
1504 MACK ST
SPRING LAKE, NC 28390

EDRINGTON, STEPHANIE;EDRINGTON,
JEREMY
300 W MANCHESTER RD
SPRING LAKE, NC 28390

WILLIAMS, ROSE A
1508 MACK ST
SPRING LAKE, NC 28390

JIVENS, HAROLD JR
911 LEXIS WALK CIR
SPRING LAKE, NC 28390

FERGUSON, CYNTHIA E;GREEN, ANTONIO
M;GREEN, JACQUELINE L;GREEN, ROBERT
L JR
1549 MACK ST
SPRING LAKE, NC 28390

HARLAN, LESTER JR;HARLAN, LORETTA
1426 MILTON ST
SPRING LAKE, NC 28390

JONES, R B;JONES, MILDRED R
1428 MILTON ST
SPRING LAKE, NC 28390

RIVERVIEW MEMORIAL GARDEN INC
2226 LILLINGTON HWY
SPRING LAKE, NC 28390

TOP HAT RENTALS & PROPERTIES LLC
1503 N BRAGG BLV
SPRING LAKE, NC 28390

LEROY, JAMES A
1430 LOTTIE ST
SPRING LAKE, NC 28390

WYANT, JANET
1426 ELMA ST
SPRING LAKE, NC 28390

MC FALL, FRANK; MC FALL, JUDY
1430 ELMA ST
SPRING LAKE, NC 28390

MCMILLAN, JACQUELINE D
1553 MACK ST
SPRING LAKE, NC 28390

GRAHAM, LEATRICE
1609 MACK STREET
SPRING LAKE, NC 28390

YUN, SOON K; YUN, YOUNG HUI
149 W MANCHESTER RD
SPRING LAKE, NC 28390

PARKER, JERRY LEE
1553 HAYES RD
SPRING LAKE, NC 28390

BRADLEY, JAMES KRISTIAN; BRADLEY,
AUBREY A
1428 LOTTIE STREET
SPRING LAKE, NC 28390

KING HOSPITALITY, LLC
129 N MAIN ST
SPRING LAKE, NC 28390

MCCOY, DOROTHY R
914 LEXIS WALK CIR
SPRING LAKE, NC 28390

MILLER, HENRY M; MILLER, WILLIE
1616 MACK ST
SPRING LAKE, NC 28390

FULLER, MABLE
1605 MACK ST
SPRING LAKE, NC 28390

YANKAH, CHRISTOPHER K; YANKAH, LINDA
378 W MANCHESTER RD
SPRING LAKE, NC 28390

POLLOCK, JEROME; POLLOCK, JACQUELYN
H S
1423 ELMA ST
SPRING LAKE, NC 28390

HORTON, SHEILA S
1500 MACK ST
SPRING LAKE, NC 28390

BUCHANAN ROOFING & GUTTERING INC
806 LILLINGTON HWY
SPRING LAKE, NC 28390

FRENCH, LASHONDA S
915 LEXIS WALK CIR
SPRING LAKE, NC 28390

SMITH, RICHELE
1608 MACK ST
SPRING LAKE, NC 28390

WALKER, MARIELA C
1557 MACK ST
SPRING LAKE, NC 28390

YANKAH, CHRISTOPHER K; YANKAH, LINDA
378 W MANCHESTER RD
SPRING LAKE, NC 28390

WARE, MARIA SALLY; WARE, MARCIA L
1425 ELMA ST
SPRING LAKE, NC 28390

BROGDON, MATTHEW; BROGDON,
DOMINIQUE
1426 LOTTIE ST
SPRING LAKE, NC 28390

BROWN, WILLIAM H III; BROWN,
BARBARA J
PO BOX 125
SPRING LAKE, NC 28390

PARKER, JERRY LEE
1553 HAYES RD
SPRING LAKE, NC 28390

LOCK, ROY J; LOCK, KAREN
1425 A MACK ST
SPRING LAKE, NC 28390

MCLEAN, MELVIN T; MCLEAN,
GWENDOLYN
1436 MACK ST
SPRING LAKE, NC 28390

SPRING LAKE D&H INC.
1554 N BRAGG BLVD
SPRING LAKE, NC 28390

MORGAN, CHRISTA M
1427 LOTTIE ST
SPRING LAKE, NC 28390

LUCAS, EVANDER HEIRS
333 VASS RD
SPRING LAKE, NC 28390

KU, YUN SOON; KU, YOUNG HUI YUN
149 MANCHESTER RD
SPRING LAKE, NC 28390

EAGLIN, MATOMBIA R; EAGLIN, GARY
RAYMONDA
910 LEXIS WALK CIR
SPRING LAKE, NC 28390

MC FALL, FRANCIS RUDOLPH; MC FALL,
JUDITH ANN
1625 MACK ST
SPRING LAKE, NC 28390

GRAHAM, MICHAEL
1505 MACK ST
SPRING LAKE, NC 28390

W & R LLC
1503 N BRAGG BLVD
SPRING LAKE, NC 28390

GRUSHIN, MIKHAIL S.
1513 MACK ST
SPRING LAKE, NC 28390

PALACIOS, GABRIELA MIA SOTO;KILBURN,
SERRINA IVELISSE
1612 MACK ST
SPRING LAKE, NC 28390

BETHEL A M E ZION CHURCH
255 VASS RD
SPRING LAKE, NC 28390

COOK, MARK OWEN;ELISABETH, COOK
RESS
617 TEABERRY HILLS RD
BOONE, NC 28607

POWERS, STEFAN DANIEL;POWERS, JAMES F
JR;POWERS, LARRY EDWARD;WRIGHT,
KATHRYN L
4537 N WYNSWEPT DR
MAIDEN, NC 28650

WRIGHT, KATHRYN L
4537 N WYNSWEPT DR
MAIDEN, NC 28650

REES, ELISABETH C;REES, MARK OWEN;COOK,
JOAN A;COOK, ALEXANDER E;CHAFFEE, FREDRIC H
JR;GERSTENBERG, FACHON C;MYERS, KARMA
P;LAWRENCE, PAMELA R
1094 TAXAHAW RD
PAGELAND, SC 29728

REES, ELISABETH C;REES, MARK OWEN;COOK,
JOAN A;COOK, ALEXANDER E;CHAFFEE, FREDRIC H
JR;GERSTENBERG, FACHON C;MYERS, KARMA
P;LAWRENCE,
1094 TAXAHAW RD
PAGELAND, SC 29728

HARKINS, MARTHA R
47 HUNTERS CHASE
DALLAS, GA 30157

DAVIS, MONZELL;DAVIS, PATRICIA
PO BOX 841
GRETNA, FL 32332

REED, ROBERT D;REED, BARBARA L
142 BEELER LN
LUTTRELL, TN 37779

ATKINS, MICHAEL TROY
5986 ALLERTON DR
ROCKFORD, IL 61114

ATKINS, DOROTHY M
5986 ALLERTON DR
ROCKFORD, IL 61114

MOMOSEA, DANIEL W;MOMOSEA, KATIE
943 W CARSON ST APT 102
TORRANCE, CA 90502

NALU LLC
2233 VINEYARD ST STE B
WAILUKU, HI 96790

STATE STORAGE NC, LLC
9450 SW GEMINI DR
BEAVERTON, OR 97008

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 \$ 800 . (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 Ben Bradsher, FSC II, LLC
2. Address: 701 Corporate Center Dr. Ste 101 Raleigh, NC Zip Code 27607
3. Telephone: (Home) _____ (Work) 919.971.7128
4. Location of Property: 0 W. Manchester Rd. Spring Lake, NC
5. Parcel Identification Number (PIN #) of subject property: 0502332718000
(also known as Tax ID Number or Property Tax ID)
6. Acreage: 30.98 AC Frontage: 743 +/- Feet Depth: Varies
7. Water Provider: Spring Lake
8. Septage Provider: Spring Lake
9. Deed Book 8973, Page(s) 344-345, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
10. Existing use of property: Vacant
11. Proposed use(s) of the property: Industrial Operations not otherwise prohibited

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: RR, R10, R6A
TO: (Select one)
☒ Conditional Zoning District, with an underlying zoning district of M-2
(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.)

Industrial Operations not otherwise prohibited

- 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.

N/A

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

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

	M-2 ZONING	SETBACKS FOR 90' MAXIMUM BUILDING HEIGHT
FRONT YARD FROM R/W LINE :	50 FT	105 FT
FRONT YARD FROM CENTERLINE :	80 FT	135 FT
SIDE YARD WIDTH :	30 FT	85 FT
REAR YARD DEPTH :	20 FT	75 FT

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.

8 parking spaces provided, with 2 of those being H/C van accessible. The parking will be paved.

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.

In compliance with the sign regulations. There will be one freestanding sign at the entrance at 4' x 6'.

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.

The streetscape buffer will be 6' wide landscape buffer in accordance with Sec. 42-226 for a designated entrance corridor.

No parking landscaping is required for less than 12 spaces.

- 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.

A 75' perimeter undisturbed buffer, with an additional 12' berm, will be provided along the southern boundary as shown on the plan sheet.

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.

- *There will be 5 employees on site. There will be 8 parking spaces.
- *The days and hours of operation will be in accordance with demand and contractual obligations.
- *Exterior lighting will be limited to the immediate plant operation area and office. The outdoor storage yard will not be lit.
- *Noise, odor and smoke, and emissions will be in compliance in with local, state, and federal regulations.

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.

Matt Gerstenberg

NAME OF OWNER(S) (PRINT OR TYPE)

905 Garden Gate Circle, Pensacola, FL 32504

ADDRESS OF OWNER(S)

bryanshrapnel@gmail.com

E-MAIL

8504778669

HOME TELEPHONE

WORK TELEPHONE

DocuSigned by:


SIGNATURE OF OWNER(S)

SIGNATURE OF OWNER(S)

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Elisabeth Cook Rees
NAME OF OWNER(S) (PRINT OR TYPE)

1094 Taxahaw Rd. Pageland, SC 29728
ADDRESS OF OWNER(S)

lreescpa@gmail.com
E-MAIL

828-719-0640
HOME TELEPHONE

WORK TELEPHONE

DocuSigned by:
Elisabeth C. Rees
SIGNATURE OF OWNER(S)

SIGNATURE OF OWNER(S)

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Joan Cook

NAME OF OWNER(S) (PRINT OR TYPE)

1124 Taxahaw Rd. Pagekand, SC 29728

ADDRESS OF OWNER(S)

lreescpa@gmail.com

E-MAIL

843-672-3005

HOME TELEPHONE

WORK TELEPHONE

DocuSigned by:
Joan A. Cook

SIGNATURE OF OWNER(S)

SIGNATURE OF OWNER(S)

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Suzanne Cook Stephens, Trustee

NAME OF OWNER(S) (PRINT OR TYPE)

4322 Benview Ave. Weeki wachee, fl 34607

ADDRESS OF OWNER(S)

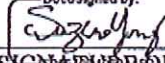
Gunnie65.55@gmail.com

E-MAIL

3523985715

HOME TELEPHONE

WORK TELEPHONE

DocuSigned by:


SIGNATURE OF OWNER(S)

SIGNATURE OF OWNER(S)

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Karma P. Myers

NAME OF OWNER(S) (PRINT OR TYPE)

318 N. Boundary St. Raleigh NC 27604

ADDRESS OF OWNER(S)

karmap@hotmail.com

E-MAIL

919-270-5777

HOME TELEPHONE

WORK TELEPHONE

DocuSigned by:

Karma P. Myers

SIGNATURE OF OWNER(S)

SIGNATURE OF OWNER(S)

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Pamela Lawrence

NAME OF OWNER(S) (PRINT OR TYPE)

400 S. Jefferson Ave. Goldsboro NC 27530-6120

ADDRESS OF OWNER(S)

ghsmela@aol.com

E-MAIL

9197661244

HOME TELEPHONE

WORK TELEPHONE

DocuSigned by:

Pamela Lawrence

SIGNATURE OF OWNER(S)

SIGNATURE OF OWNER(S)

Ben Bradsher

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

701 Corporate Center Drive, Suite 101, Raleigh, NC 27607

ADDRESS OF AGENT, ATTORNEY, APPLICANT

N/A

919-971-7128

HOME TELEPHONE

WORK TELEPHONE

benbradsher@gmail.com

N/A

E-MAIL ADDRESS

FAX NUMBER

Ben Bradsher

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.

ATTACHMENT: RLUAC COMMENTS (FORT LIBERTY)

RLUAC

Regional Land Use Advisory Commission

TOWN OF SPRING LAKE COURTESY REVIEW

Case: ZON-24-0008

Location: 0.12 Miles SW of the intersection of N Bragg Blvd and W Manchester Rd

PIN#: 0502-33-2718

March 8, 2024

Following a review of the above referenced zoning map amendment petition by the RLUAC Land Use Committee, it has been determined that:

- The site is identified as Critical to Protect in the Fort Liberty Compatible Use Rating System due to its location within Accident Potential Zone 1 associated with Runway 05/23 at Pope Field.
- The site is located within the 14 CFR Part 77 Department of Defense Airport Imaginary Surfaces associated with Runway 05/23 at Pope Field.
- The site is beneath the only precision instrument approach (RNAV/GPS RWY 23) available for aircraft landing at Pope Field.
- Any structure on the site with a height in excess of 100' above the current grade has the potential to increase the weather minimums associated the precision instrument approach for Runway 23.
- An increase in the weather minimums for the Runway 23 precision instrument approach could prevent aircraft from landing at Pope Field during inclement weather.

The proposed site plan and use were reviewed by RLUAC's Land Use Committee in coordination with Fort Liberty's Master Planning Division and Pope Field Airfield Operations staff, who conducted an obstruction analysis of the site based on the proposed development plan. In reviewing the site, it was determined that any structure on the site rising above an elevation of 100' above the current grade could cause an increase in the weather minimums for the only precision instrument approach route (RNAV/GPS RWY 23) available at Pope Field. An obstruction rising above 100' at this location would likely increase the weather minimums for the Runway 23 precision instrument approach, which, in turn, could prevent aircraft from landing at Pope Field during inclement weather conditions.

Maintaining the ability of aircraft to safely utilize Pope Field during all weather conditions is critical to sustaining the viability of Fort Liberty's training and operational missions, including Pope Field's role in supporting the Department of Defense's Immediate Response Force mission. RLUAC has been in communication with the applicant, their representatives, and Cumberland County Planning staff regarding this project over the past two months, and there has been a willingness to cooperate to ensure the protection of this vital national defense asset from all involved. In that spirit of cooperation, RLUAC offers the following recommendations for conditions to be included as part of the conditional M-2/CZ district, if the petition is ultimately approved by the Spring Lake Board of Aldermen.

1. No structure on the site will exceed 100' above the current pre-development grade of the property, as depicted on the site plan submitted with the petition for case ZON-24-008. This height limit is inclusive of antennae and other appurtenant features that may be attached to other structures.
2. The owner will submit FAA Forms 7460-1 and 7460-2 in a timely manner for review by the FAA's Obstruction Evaluation / Airport Airspace Analysis office. If any hazard or obstruction to safe aerial navigation, including an increase in the weather minimums for Pope Field precision approach RNAV/GPS RWY 23, is determined through this review, the project parameters shall be adjusted to remove the hazard prior to beginning vertical construction.
3. A post-construction as-built survey shall be prepared by the owner to verify compliance with the conditioned height limit. Such survey shall be submitted through RLUAC to Fort Liberty for review by Pope Field Airfield Operations staff to verify that the elevation of all structures on the site are in compliance with pre-development hazard and obstruction analysis. No final zoning or building code compliance certificates shall be issued until such verification is completed.
4. If obstruction markings or lighting are determined to be necessary, or are provided by the applicant at their own discretion, such marking and lighting features shall be installed and operated in accordance with FAA Advisory Circular 70/7460-1M.
5. All site lighting, including structure mounted lighting, shall be designed, installed, and operated in such a manner as to not interfere with pilot vision. If, post construction, such interference is identified by Fort Liberty, the owner shall mitigate the interference by removing, relocating, or shielding the fixture(s) upon notification by Fort Liberty.
6. A change in the use of the property from an asphalt production plant to any other use shall require an amendment to the approved conditional zoning district.

The inclusion of these proposed conditions will help to ensure that each of the parties with an interest in this petition have a clear understanding of the parameters that are necessary to adhere to

in order to protect Pope Field's airspace and help to sustain Fort Liberty's military mission. As the consideration of the petition proceeds through the hearing and decision process, RLUAC looks forward to the opportunity to provide assistance in coordinating further review and evaluation of the petition, along with any supplemental conditions or suggestions to modify proposed conditions in a manner that ensures equal or better protection for Pope Field and Fort Liberty.

While RLUAC's findings and recommendations are non-binding on the Town of Spring Lake, 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 Liberty's critical military training and operational missions.

Thank you for allowing RLUAC to review this case.

Jeff Sanborn, Chairman

Vagn K. Hansen II, AICP, Executive Director



PLANNING AND INSPECTIONS DEPARTMENT

MEMORANDUM FOR JOINT PLANNING BOARD AGENDA OF MARCH 19, 2024

TO: JOINT PLANNING BOARD

FROM: PLANNING AND INSPECTIONS DEPARTMENT

DATE: 3/19/2024

SUBJECT: • CUMBERLAND COUNTY SUBDIVISION ORDINANCE UPDATE