Charles Morris, Chair Town of Linden

Diane Wheatley, Vice-Chair Cumberland County

Jami McLaughlin, Town of Spring Lake Harvey Cain, Jr., Town of Stedman

Donovan McLaurin Wade, Falcon & Godwin



Planning & Inspections Department

Thomas J. Lloyd, Director

Cecil P. Combs, Deputy Director

Vikki Andrews, Carl Manning, Lori Epler Cumberland County

Benny Pearce, Town of Eastover

Patricia Hall, Town of Hope Mills

TENTATIVE AGENDA

February 21, 2017 7:00 P.M.

- I. INVOCATION AND PLEDGE OF ALLEGIANCE
- II. APPROVAL OF/ADJUSTMENTS TO AGENDA
- III. PUBLIC HEARING DEFERRALS

P16-28. REZONING OF 4.89+/- ACRES FROM C3 HEAVY COMMERCIAL & R6A RESIDENTIAL TO C(P) PLANNED COMMERCIAL/CZ CONDITIONAL ZONING FOR MOTOR VEHICLE REPAIR AND BODY WORK OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 2541 BALLPARK ROAD, SUBMITTED BY MICHAEL ANDREW LONGHANY (OWNER). DEFERRED UNTIL APRIL 18, 2017

- IV. ABSTENTIONS BY BOARD MEMBERS
- V. POLICY STATEMENT REGARDING PUBLIC HEARING TIME LIMITS
- VI. APPROVAL OF THE MINUTES OF JANUARY 17, 2017
- VII. PUBLIC HEARING CONSENT ITEMS

TEXT AMENDMENT

A. P17-07. REVISION AND AMENDMENT TO THE CUMBERLAND COUNTY SUBDIVISION ORDINANCE AMENDING EXHIBIT 5 MUNICIPAL INFLUENCE AREA DEVELOPMENT STANDARDS, HOPE MILLS COLUMN, ROW ENTITLED SIDEWALKS (PAGE E5-E).

REZONING CASES

- B. P17-08. REZONING OF 2.74+/- ACRES FROM A1 AGRICULTURAL TO R40 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 4957 GRAYS CREEK CHURCH ROAD & 6829 JACAMP DRIVE, SUBMITTED BY TIM EVANS ON BEHALF OF ROCKFISH RUN, LLC AND HORACE & ELIZABETH DEW (OWNERS).
- C. P17-09. INITIAL ZONING OF 12.03+/- ACRES R7.5 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED WEST OF OAK HAVEN ROAD, NORTH OF RACKING HORSE ROAD; SUBMITTED BY VALLEY END II, LLC (OWNER).

CONDITIONAL ZONING DISTRICT

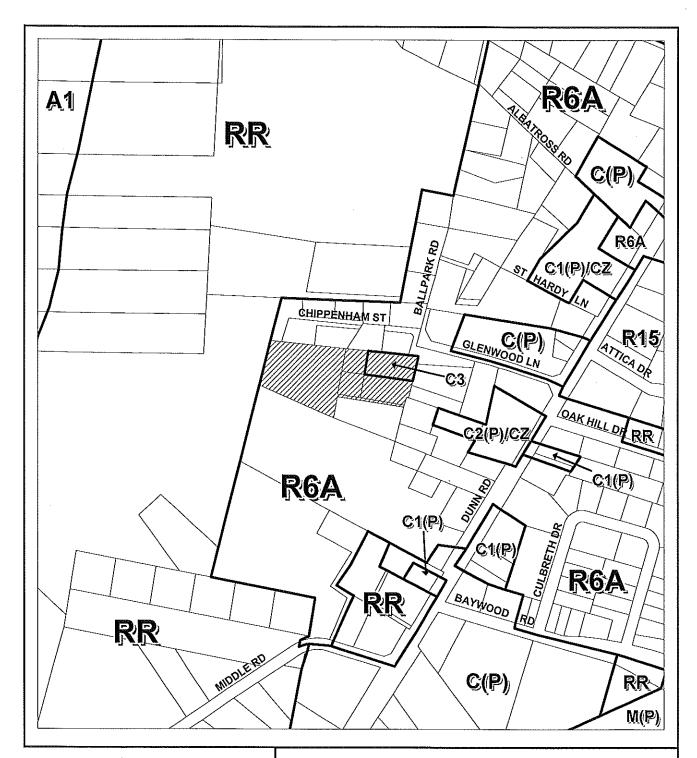
D. P17-02. REZONING OF 2.00+/- ACRES FROM RR RURAL RESIDENTIAL TO C(P) PLANNED COMMERCIAL/CZ CONDITIONAL ZONING FOR OUTSIDE STORAGE OF MOTOR VEHICLES, INCLUDING TRUCKS AND RECREATIONAL VEHICLES, AND POD CONTAINERS, OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE EAST SIDE OF APPLEGATE ROAD, SOUTH OF SR 1003 (CAMDEN ROAD); SUBMITTED BY MICHAEL WAGUESPACK ON BEHALF OF CAM ROCKS, LLC (OWNER).

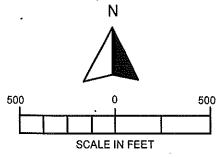
VIII. PUBLIC HEARING WAIVER CASE

- E. CASE NO. 16-102. CONSIDERATION OF THE KENNETH MCLAURIN PROPERTY; GROUP DEVELOPMENT REVIEW; REQUEST FOR A WAIVER FROM THE REQUIREMENT TO HAVE A MINIMUM OF TWENTY FEET OF STREET FRONTAGE AND STREET ACCESS OFF OF EITHER A PUBLIC STREET OR AN APPROVED PRIVATE STREET; COUNTY SUBDIVISION ORDINANCE, SECTIONS 2303.C, STREET FRONTAGE & 2401.D, STREET ACCESS; ZONED: RR; TOTAL ACREAGE: 0.96+/-; LOCATED AT 3437 & 3441 NEBULAR DRIVE; SUBMITTED BY HAROLD F LIFE ESTATE & DEHAROLD D MCLAURIN (OWNER) AND KENNETH MCLAURIN (DEVELOPER).
- IX. PUBLIC HEARING CONTESTED ITEMS
- X. DISCUSSION

DIRECTOR'S UPDATE

XI. ADJOURNMENT





PIN: 0469-41-2628, 4775, 4653, 6630, 6763

REQUESTED REZONING R6A & C3 TO C(P)/CZ

ACREAGE: 4.89 AC.+/-	HEARING NO	: P16-28
ORDINANCE: EASTOVER	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

Charles Morris, Chair Town of Linden

Diane Wheatley, Vice-Chair Cumberland County

Jami McLaughlin, Town of Spring Lake Harvey Cain, Jr., Town of Stedman

Donovan McLaurin Wade, Falcon & Godwin



Planning & Inspections Department

February 15, 2017

Thomas J. Lloyd, Director

Cecil P. Combs, Deputy Director

Vikki Andrews, Carl Manning, Lori Epler, Cumberland County

Benny Pearce, Town of Eastover

Patricia Hall, Town of Hope Mills

MEMORANDUM

TO:

Cumberland County Joint Planning Board

FROM:

Tom Lloyd, Director 7

SUBJECT:

Recommendation for the February 21, 2017 Board Meeting

P17-07. REVISION AND AMENDMENT TO THE CUMBERLAND COUNTY SUBDIVISION ORDINANCE AMENDING EXHIBIT 5 MUNICIPAL INFLUENCE AREA DEVELOPMENT STANDARDS, HOPE MILLS COLUMN, ROW ENTITLED *SIDEWALKS* (PAGE E5-E).

A Codes Committee meeting is scheduled for consideration of a recommendation on the above referenced case the same day as but prior to your upcoming board meeting. The recommendation for the above referenced case will be verbally presented to the Joint Planning Board at the board meeting.

If you have any questions related to this proposed text amendment prior to the meeting, please contact Patti Speicher at 910-678-7605, email: pspeicher@co.cumberland.nc.us or me at 910-678-7618, email: tlloyd@co.cumberland.nc.us.

Attachment:

- 1. Proposed Text Amendment
- 2. Hope Mills Request, dated December 9, 2016

Exhibit 1 - MIA Development Standards

DEVELOPMENT STANDARD	FAYETTEVILLE	HOPE MILLS	SPRING LAKE	EASTOVER	STEDMAN	WADE	LINDEN	FALCON	GODWIN
Sidewalks (complying w/ ADA standards) Sidewalks (complying w/ ADA standards), continued	One side of all streets w/in development; Along existing collector or arterial street adjacent to development [Sec. 25-61(5)] [Per interlocal agreement, in SSA on one side of collector streets (serves/intended to serve at least 100 dwelling units) and both sides of all thoroughfares]	Both Density equal to or greater than 2 units per acre, both sides of all proposed streets, internal drives for non-residential & multi-family – required only when curb & gutter type street cross section exists; and along Along-existing collector or arterial street(s) adjacent to development; sidewalks standards shall not apply in the Cumberland Industrial Center [Sec. 86A-405 86-122(g)]	One side of street, location determined by Town Building Inspector [§155.67(F)]	Pending – currently same as County	4' wide along all streets whether proposed (new) or existing, except cul-de-sac serving 8 or less lots/units When adjacent to parking area, 6' wide (Sec. 4.3.g)	4' paved sidewalks on one side of all new streets adjacent to curb and gutter (Sec.4.1.h)	Not applicable; however, sidewalks cannot be located over Town-owned water lines & Town will not accept existing system with sidewalks over lines		
Group Development Provisions	Same as County	Min. size of tract 40,000 sq ft; Setbacks comply with zoning of site 40' access point 1/35 acre per unit on site recreation	Min. size of tract 40,000 sq ft; Setbacks comply with zoning of site	Pending – currently same as County	Same as County (Sec. 3.21)	Same as County (Sec. 3.21)	Not applicable	Same as County (Sec. 3.21)	Same as County (Sec. 3.21)

MIA Table

E5 - e

Cumberland County Subdivision Ordinance, Sec. 2302.A P17-07 HM Request, Sidewalks February 16, 2017



December 9, 2016

Ms. Amy Cannon Cumberland County Manager County Courthouse 117 Dick Street Fayetteville, NC 28301

Via Hand Delivery and Courtesy Copies by Electronic Mail

Dear Ms. Cannon:

In 2015, the Hope Mills Board of Commissioners adopted a revision to our subdivision and zoning ordinance amending the requirements for sidewalks and walkways. Based on conversations with County Planning staff, it is my understanding that the Cumberland County Board of Commissioners needs to approve ordinance revisions for the Town of Hope Mills as part of the standards for Hope Mills' MIA so these requirements can be enforced in the MIA.

The revised ordinance is on the County Planning website and your planning staff is very familiar with it. They have indicated they will provide the ordinance information once the process has started. I have included the portion of our minutes indicating that the ordinance revision was approved. Accordingly, please begin the process on behalf of the Town to have these requirements included in our MIA standards. Please let me know what other actions we need to take.

As always, thank you and other County staff for all that you do for the Town of Hope Mills.

Sincerely,

John W. Ellis, III

Town Manager

Cc: Hope Mills Mayor and Board of Commissioners

Melissa P. Adams - Town Clerk

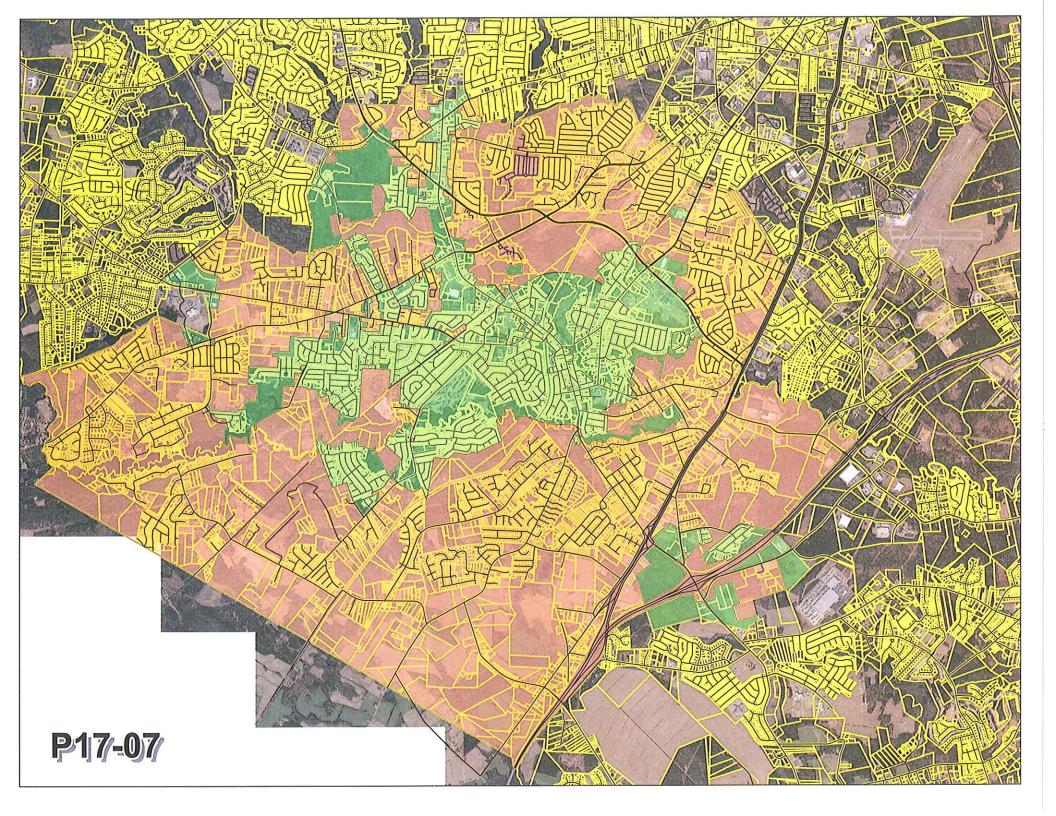
Chancer McLaughlin - Planning and Development Director

Dan Hartzog, Jr. - Town Attorney

Cumberland County Planning Staff via Patricia Speicher

Office of the Town Manager Office (910) 426 - 4116 Electronic Mail – jwellis@townofhopemills.com

Received 12-9-16



Charles Morris, Chair Town of Linden

Diane Wheatley, Vice-Chair Cumberland County

Jami McLaughlin, Town of Spring Lake Harvey Cain, Jr., Town of Stedman

Donovan McLaurin Wade, Falcon & Godwin



Thomas J. Lloyd, Director

Cecil P. Combs, Deputy Director

Vikki Andrews, Carl Manning, Lori Epler, Cumberland County

Benny Pearce, Town of Eastover

Patricia Hall, Town of Hope Mills

February 14, 2017

MEMORANDUM

TO:

Cumberland County Joint Planning Board

FROM:

Planning and Inspections Staff

SUBJECT:

Staff Recommendation for the February 21, 2017 Board Meeting

P17-08. REZONING OF 2.74+/- ACRES FROM A1 AGRICULTURAL TO R40 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 4957 GRAYS CREEK CHURCH ROAD & 6829 JACAMP DRIVE, SUBMITTED BY TIM EVANS ON BEHALF OF ROCKFISH RUN, LLC AND HORACE & ELIZABETH DEW (OWNERS).

1st MOTION

The Planning and Inspections Staff recommends the board find that approval of the request is consistent with the adopted comprehensive plan designated as the 2030 Growth Vision Plan, which calls for "rural" development at this location, because the district requested will allow for single family dwelling units on relatively large lots in a rural area. Although the request is not entirely consistent with the South Central Land Use Plan which calls for "farmland," the requested district would restrict development to approximately one acre lots where soil conditions are suitable for septic systems.

The staff recommends the board further find that approval of this rezoning is reasonable and in the public interest because the district requested for the subject property meets or exceeds the location criteria of the adopted Land Use Policies Plan, in that: individual well and septic systems are allowed; could be located in any defined critical area as defined by the <u>Fort Bragg Small Study Area</u>; desirable to be limited to one unit per acre in areas with hydric soils and severe septic tank limitations; desirable to not be located in an area that is a prime industrial site and may be outside the Sewer Service Area.

2nd MOTION

In addition to the above information, the Planning and Inspections Staff recommends the board approve Case No. P17-08 for R40 Residential based on the following:

• The district requested will allow for land uses and lot sizes that exist in the general area.

The A1A Agricultural district could also be considered suitable at this location.

Attachments:

1 - Site Profile

2 - Sketch Map

P17-08 SITE PROFILE

P17-08. REZONING OF 2.74+/- ACRES FROM A1 AGRICULTURAL TO R40 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 4957 GRAYS CREEK CHURCH ROAD & 6829 JACAMP DRIVE, SUBMITTED BY TIM EVANS ON BEHALF OF ROCKFISH RUN, LLC AND HORACE & ELIZABETH DEW (OWNERS).

Site Information:

Frontage & Location: 370'+/- on Jacamp Dr & 664' +/- on SR 2235 (Grays Creek Church Rd)

Depth: 788'+/Jurisdiction: County
Adjacent Property: Yes
Current Use: Residential

Initial Zoning: A1 – March 1, 1994 (Area 17)

Nonconformities: None **Zoning Violation(s)**: None

Surrounding Zoning: North: A1, R30 & RR; South: A1, R40A & RR; East: A1; West: A1

& R40A

Surrounding Land Use: Residential (including manufactured homes), woodland & farmland

2030 Growth Vision Plan: Rural

South Central Land Use Plan: Farmland

School Capacity/Enrolled: Alderman Road Elementary: 750/667; Gray's Creek Middle: 1100/1066;

Gray's Creek High: 1470/1448

Special Flood Hazard Area (SFHA): No Water/Sewer Availability: Well/Septic

Soil Limitations: None

Subdivision/Site Plan: If approved, subdivision or group development review may be required.

Average Daily Traffic Count (2014): 310 on SR 2235 (Grays Creek Church Road)

Highway Plan: Grays Creek Church Road and Jacamp Drive are local roads with no construction/improvements planned for this area. The subject property will have no impact on

the Highway Plan or the Transportation Improvement Plan

Notes:

1. Density

A1 – 1 lot/unit

A1A - 2 lots/units

R40 & R40A - 2 lots/3 units

2. Minimum Yard Setbacks:

 A1& A1A
 R40 & R40A

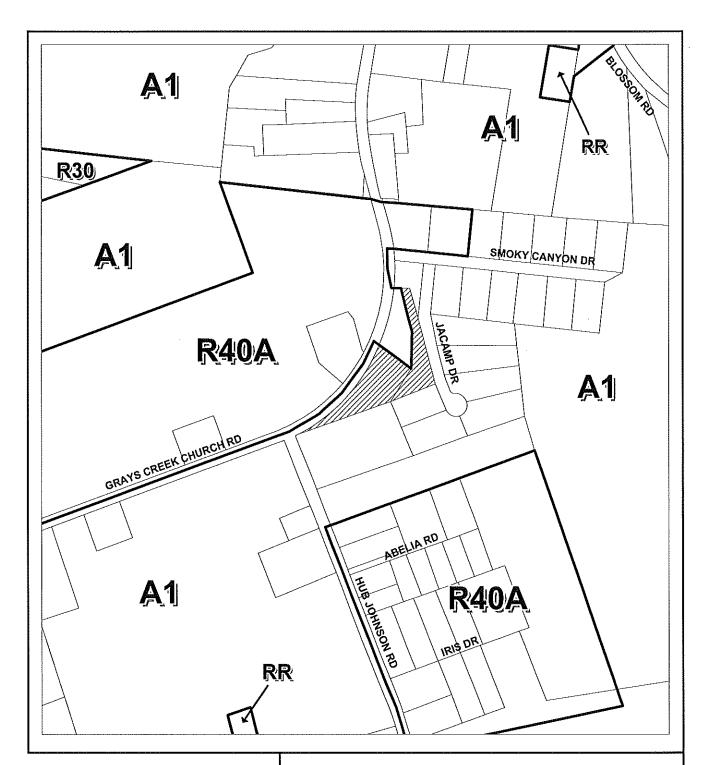
 Front yard: 50'
 Front yard: 30'

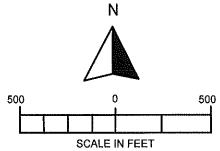
 Side yard: 20'
 Side yard: 15'

 Rear yard: 50'
 Rear yard: 35'

First Class and Record Owners' Mailed Notice Certification

A certified copy of the listing with the tax record owner(s) of the subject and adjacent properties, along with their tax record mailing addresses, is contained within the case file and incorporated by reference as if delivered herewith.





PIN: 0441-79-2674 PIN: 0441-79-5811

REQUESTED REZONING A1 TO R40

ACREAGE: 2.74 AC.+/-	HEARING NO	O: P17-08
ORDINANCE: COUNTY	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		•

Charles Morris, Chair Town of Linden

Diane Wheatley, Vice-Chair Cumberland County

Jami McLaughlin, Town of Spring Lake Harvey Cain, Jr., Town of Stedman

Donovan McLaurin Wade, Falcon & Godwin



Planning & Inspections Department

Thomas J. Lloyd, Director

Cecil P. Combs, Deputy Director

Vikki Andrews, Carl Manning, Lori Epler, Cumberland County

Benny Pearce, Town of Eastover

Patricia Hall, Town of Hope Mills

February 14, 2017

MEMORANDUM

TO:

Cumberland County Joint Planning Board

FROM:

Planning and Inspections Staff

SUBJECT:

Staff Recommendation for the February 21, 2017 Board Meeting

P17-09. INITIAL ZONING OF 12.03+/- ACRES R7.5 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED WEST OF OAK HAVEN ROAD, NORTH OF RACKING HORSE ROAD; SUBMITTED BY VALLEY END II, LLC (OWNER). (HOPE MILLS)

1st MOTION

The County Planning Staff recommends the board approve the R7.5 Residential district for Case No. P17-09 for the initial zoning of the subject property based on the following:

• The R7.5 district will allow for residential land uses which are consistent with those uses currently existing in the surrounding area.

There are no other suitable districts that should be considered at this location.

2nd MOTION

The County Planning Staff recommends the board find that approval of the R7.5 district is consistent with the adopted comprehensive plan designated as the 2030 Growth Vision Plan, which calls for "urban" development at this location, because the district requested will allow for single family dwelling units on relatively small lots. In addition, the request is consistent with the Southwest Cumberland Land Use Plan which calls for "low density residential."

The staff recommends the board further find that approval of the initial zoning to R7.5 Residential is reasonable and in the public interest because the district requested for the subject property generally meets or exceeds the location criteria of the adopted Land Use Policies Plan, in that: public or community water and public sewer is required, PWC is available; desirable to be within three miles of a public recreation area, the subject property is approximately 2 miles from Hope Mills Municipal Park; must not be located in any defined critical area as defined by the Fort Bragg Small Area Study, the subject property is not located within the military area; desirable to be located in vertical mixed use development, because this is an initial zoning, the specific development standards do not apply; must not be an area with hydric soils unless sewer is available, PWC sewer is available.

Attachments:

1 - Site Profile

2 - Sketch Map

P17-09 SITE PROFILE

P17-09. INITIAL ZONING OF 12.03+/- ACRES R7.5 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED WEST OF OAK HAVEN ROAD, NORTH OF RACKING HORSE ROAD; SUBMITTED BY VALLEY END II, LLC (OWNER). (HOPE MILLS)

Site Information:

Frontage & Location: 50'+/- on Bretton Woods Dr & 50' +/- on Shire St

Depth: 1100'+/-

Jurisdiction: Hope Mills Adjacent Property: No

Current Use: Streets & utilities for approved subdivision Initial Zoning: RR & R6A – February 3, 1977 (Area 7)

Nonconformities: None Zoning Violation(s): None

Surrounding Zoning: North: RR; South: R20 (Hope Mills), RR, R10 & R6A; East: R10

(Hope Mills) & R7.5 (Hope Mills); West: RR & R6A

Surrounding Land Use: Residential (including manufactured homes), woodland & farmland

2030 Growth Vision Plan: Urban area

Southwest Cumberland Land Use Plan: Low density residential

School Capacity/Enrolled: C. Wayne Collier Elementary: 600/536; Hope Mills Middle: 740/571;

South View High: 1800/1775

Town of Hope Mills: The request is in line with the approval from the Town of Hope Mills Board of

Commissioners

Special Flood Hazard Area (SFHA): None Water/Sewer Availability: PWC/PWC

Soil Limitations: None

Subdivision/Site Plan: Zero Lot Line Subdivision approved for 39 lots; see Case no. 15-092

Average Daily Traffic Count (2014): 8800 on SR 1003 (Camden Road)

Highway Plan: Oak Haven Drive and Racking Horse Road are local roads with no

construction/improvements planned for this area. The subject property will have no impact on

the Highway Plan or the Transportation Improvement Plan

Notes:

1. Density (minus 15% for R/W)

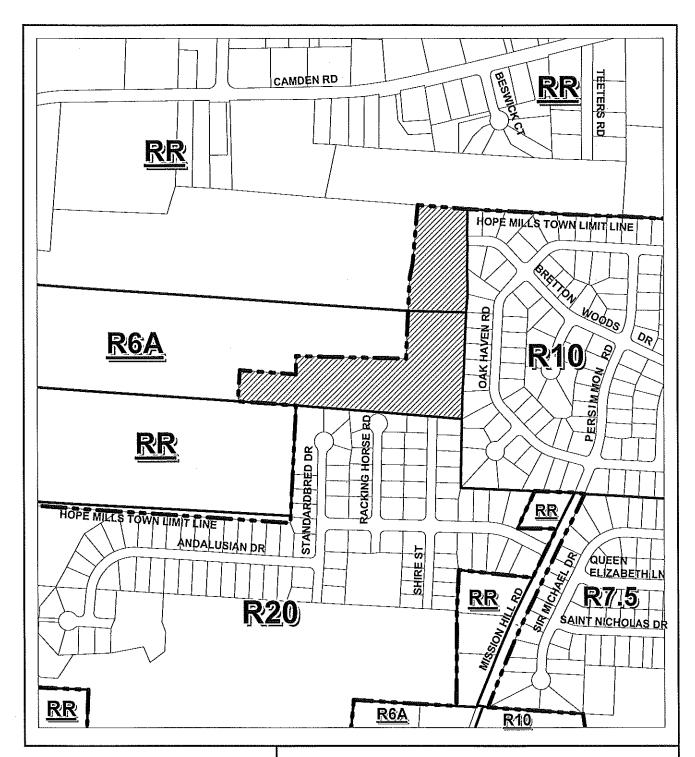
RR – 22 lots/units R6A – 106 lots/units (Proposed) R7.5 – 59 lots/units

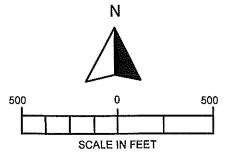
2. Minimum Yard Setbacks:

RR	R6 & R6A	(Proposed) R7.5
Front yard: 30'	Front yard: 25'	Front yard: 30'
Side yard: 15'	Side yard: 10'	Side yard: 10'
Rear yard: 35'	Rear yard: 30'	Rear yard: 35'

First Class and Record Owners' Mailed Notice Certification

A certified copy of the listing with the tax record owner(s) of the subject and adjacent properties, along with their tax record mailing addresses, is contained within the case file and incorporated by reference as if delivered herewith.





PIN: 0404-14-4467

INITIAL ZONING TO R7.5

ACREAGE: 12.03 AC.+/-	HEARING NO: P17-09		
ORDINANCE: HOPE MILLS	HEARING DATE	ACTION	
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

Charles Morris, Chair Town of Linden

Diane Wheatley, Vice-Chair Cumberland County

Jami McLaughlin, Town of Spring Lake Harvey Cain, Jr., Town of Stedman

Donovan McLaurin Wade, Falcon & Godwin



Planning & Inspections Department

Thomas J. Lloyd, Director

Cecil P. Combs, Deputy Director

Vikki Andrews, Carl Manning, Lori Epler, Cumberland County

Benny Pearce, Town of Eastover

Patricia Hall, Town of Hope Mills

February 14, 2017

MEMORANDUM

TO:

Cumberland County Joint Planning Board

FROM:

Planning and Inspections Staff

SUBJECT:

Staff Recommendation for the February 21, 2017 Board Meeting

P17-02. REZONING OF 2.00+/- ACRES FROM RR RURAL RESIDENTIAL TO C(P) PLANNED COMMERCIAL/CZ CONDITIONAL ZONING FOR OUTSIDE STORAGE OF MOTOR VEHICLES, INCLUDING TRUCKS AND RECREATIONAL VEHICLES, AND POD CONTAINERS, OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE EAST SIDE OF APPLEGATE ROAD, SOUTH OF SR 1003 (CAMDEN ROAD); SUBMITTED BY MICHAEL WAGUESPACK ON BEHALF OF CAM ROCKS, LLC (OWNER).

1st MOTION

The Planning and Inspections Staff recommends the board find that approval of the request is consistent with the adopted comprehensive plan designated as the 2030 Growth Vision Plan, which calls for "urban development" at this location. While the request is not consistent with the Southwest Cumberland Land Use Plan, which calls for "low density residential," approval would allow the property owner to expand a commercial operation that has existed on the adjacent property for quite some time.

The staff recommends the board further find that approval of this request is reasonable and in the public interest because the district requested for the subject property generally meets most of the location criteria of the adopted Land Use Policies Plan, in that: public water and sewer is required, the site has access to PWC water & sewer; should have minimum direct access to a collector street, Camden Road is a minor collector street; must be located on a sufficient site that provides adequate area for buffering, screening and landscaping, the subject property contains 2.00+/- acres.

2nd MOTION

In addition to the above information, the Planning and Inspections Staff recommends the board approve Case No. P17-02 for the C(P) Planned Commercial/CZ Conditional Zoning district for Outside Storage of Motor Vehicles including Trucks and Recreational Vehicles, and POD Containers based on the following:

- 1. The location and character of the requested district will be in harmony with the general area as it is contained within a 2.00+/- acre tract; and
- 2. No additional access to the site would be allowed from Applegate Drive but would come from the existing commercial site.

There are no other districts considered suitable for this request at this location. The applicant has agreed to all Ordinance Related Conditions.

Attachments: 1 - Site Profile 2 - Sketch Map 3 - Site Plan 4 - Ordinance Related Conditions 5 - Application

P17-02 SITE PROFILE

P17-02. REZONING OF 2.00+/- ACRES FROM RR RURAL RESIDENTIAL TO C(P) PLANNED COMMERCIAL/CZ CONDITIONAL ZONING FOR OUTSIDE STORAGE OF MOTOR VEHICLES, INCLUDING TRUCKS AND RECREATIONAL VEHICLES, AND POD CONTAINERS, OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE EAST SIDE OF APPLEGATE ROAD, SOUTH OF SR 1003 (CAMDEN ROAD); SUBMITTED BY MICHAEL WAGUESPACK ON BEHALF OF CAM ROCKS, LLC (OWNER).

Site Information:

Frontage & Location: 263.72'+/- on Applegate Road

Depth: 409.53'+/Jurisdiction: County
Adjacent Property: Yes
Current Use: Vacant lot

Initial Zoning: RR – February 3, 1977 (Area 7)

Nonconformities: None Zoning Violation(s): None

Surrounding Zoning: North: C(P), C(P)/CUD (mini-warehousing, retail, office, car wash & second floor dwelling), C1(P) (HM), RR, RR/CU (firewood cutting, sales & storage), R10 & R6A;

South: RR, R10(HM) & R6(HM); East: R10, R6 & R6A; West: RR

Surrounding Land Use: Residential (including multi-family), mini-warehousing, cell tower,

shopping center, religious worship & daycare

2030 Growth Vision Plan: Urban

Southwest Cumberland Land Use Plan: Low density residential

School Capacity/Enrolled: C. Wayne Collier Elementary: 600/536; Hope Mills Middle: 740/571; South

View High School: 1800/1775

Special Flood Hazard Area (SFHA): None Water/Sewer Availability: PWC/PWC Municipal Influence Area: Hope Mills

Soil Limitations: None

Subdivision/Site Plan: If approved, see Ordinance Related Conditions.

Average Daily Traffic Count (2014): 8800 on SR 1003 (Camden Road)

Highway Plan: Applegate Road is a local thoroughfare with no improvements/construction planned.

This case has no impact on the current Highway Plan or Transportation Improvement Program.

Notes:

1. Density

RR -4 lots/units

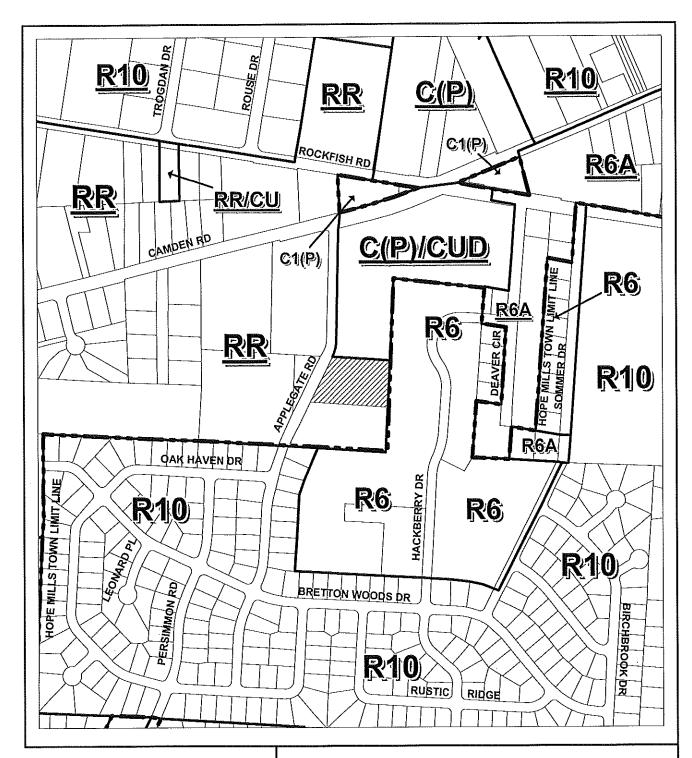
2. Minimum Yard Setbacks:

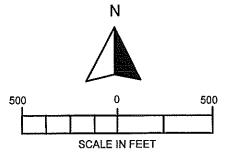
RR C(P)

Front yard: 30' Front yard: 50' Side yard: 15' Side yard: 30' Rear yard: 30' Rear yard: 30'

First Class and Record Owners' Mailed Notice Certification

A certified copy of the listing with the tax record owner(s) of the subject and adjacent properties, along with their tax record mailing addresses, is contained within the case file and incorporated by reference as if delivered herewith.



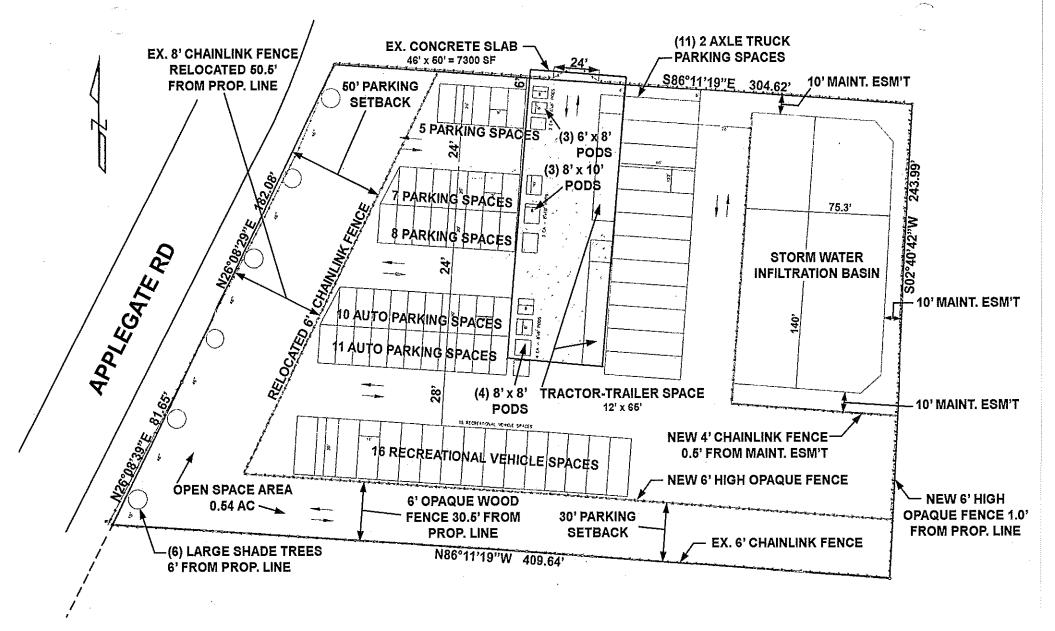


PIN: 0404-35-7624

REQUESTED REZONING RR TO C(P)/CZ

ACREAGE: 2.00 AC.+/-	HEARING NO	: P17-02
ORDINANCE: COUNTY	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

AM 12/1/2016



C(P) PLANNED COMMERCIAL/CZ CONDITIONAL ZONING

REQUEST: OUTSIDE STORAGE OF MOTOR VEHICLES INCLUDING TRUCKS AND RECREATIONAL VEHICLES, AND POD CONTAINERS

CASE: P17-02 ACREAGE: 2.00 AC± SCALE: NTS PARKING: 70 SPACES

*SCALED DETAILED SITE PLAN IN FILE AVAILABLE FOR REVIEW

Case: P17-02 February 14, 2017

C(P) PLANNED COMMERCIAL/CZ CONDITIONAL ZONING DISTRICT

DRAFT

Ordinance Related Conditions

for

Outside storage of motor vehicles, including trucks and recreational vehicles, and Pod containers

Pre- Permit Related:

 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.
- If any new construction requires connection to public water and sewer, the Public Works Commission (PWC) must approve water
 and sewer plans prior to application for any permits. A copy of the PWC approval must be provided to Code Enforcement at the
 time of application for building/zoning permits. (Section 2306 A.1, Public Water and Sewer Systems, County Subdivision and
 Development Ordinance)
 - Note: Due to an existing agreement between the PWC and the Town of Hope Mills, an annexation petition most likely will be required prior to the PWC's review of any utility plans.
- 4. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
- 5. 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.
- 6. 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.
- 7. Landscaping must be provided in accordance with Section 1102 N, Landscaping, County Zoning Ordinance and/as shown on the site plan. Three copies of a revised site plan depicting the landscaping must be submitted to Land Use Codes. The following are the minimum standards for the required landscaping of this site:
 - a. 5 large shade trees or 10 small ornamental trees within the front yard setback area along Applegate Road;
 - b. 3 large shade trees or 7 small ornamental trees are required within the parking area.

In addition:

 Required plant materials shall be maintained by the property owner, including replacing dead or unhealthy trees and shrubs; and

- All yard and planting areas shall be maintained in a neat, orderly, and presentable manner and kept free of weeds and debris.
- 8. Prior to the final inspection, a fire hydrant must be installed along Applegate Road; hydrants must be located no further than 1,000 feet apart and at a maximum of 500 feet from any lot. (Section 2306 B, Fire hydrants, County Subdivision and Development Ordinance)
- 9. Prior to the final inspection, a concrete sidewalk must be constructed along Applegate Road the entire length of the subject property. The sidewalk must comply with the Town of Hope Mills' sidewalk standards. Contact Hector Crus-Alicea for more information regarding this condition. (Section 2305, Sidewalks, County Subdivision and Development Ordinance)
- 10. The 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.
- 11. This site is not approved for any driveway access to Applegate Rd, must be served internally with the existing adjacent development under the same ownership.

Site-Related:

- 12. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Development Ordinance and Zoning Ordinances for the C(P) zoning district, to include the contents of the application and site plan, must be complied with, as applicable.
- 13. Storage of junked vehicles on this site is not permitted.
- 14. This conditional approval is <u>not</u> approval of any freestanding signs. Attached signage for this development must be in accordance with the applicable sign regulations as set forth in Article XIII of the County Zoning Ordinance and that the proper permit(s) must be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is **not** approval of the size, shape, or location of any signs.)
- 15. 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 and Development Ordinance)
- 16. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision and Development Ordinance)
- 17. 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.
- 18. 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.
- 19. A solid buffer must be provided and maintained along the side and rear property lines where this tract/site abuts residential, and buffer all open storage areas from view from the street right-of-way in accordance with the provisions of Section 1102 G, Buffer Requirements, County Zoning Ordinance. (Note: Chain link fencing cannot be used to satisfy the buffer requirement.)
- 20. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.
- 21. The owner/developer is responsible and liable for maintenance and upkeep of this site, all structures, and appurtenances, to include ensuring that the site is kept free of litter and debris, all grass areas mowed, all buffers and shrubbery kept trim and maintained, so that the site remains in a constant state of being aesthetically and environmentally pleasing.

Plat-Related:

22. Any/All easements must be reflected on the recombination plat and labeled as to type of easement, reference number for document creating the easement, and the name of the agency, individual, etc. who holds the easement.

- 23. The notarized signature(s) of all current tax record owner(s) and notary certifications appear on the recombination plat when submitted for approval for recording. (Section 2503 D, Certificate of Ownership and Dedication, County Subdivision and Development Ordinance)
- 24. The recombination plat 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.

Plat-Required Statements:

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

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

Other Relevant Conditions:

- 26. The applicant is advised to consult an expert on wetlands before proceeding with any development.
- 27. The subject property is located within the Town of Hope Mills Municipal Influence Area (MIA) and the town has tree preservation standards in their ordinances. The developer is encouraged to retain as many of the existing trees as possible on this site.
- 28. The owner/developer is responsible for ensuring easements which may exist on the subject property are accounted for, not encumbered and that no part of this development is violating the rights of the easement holder.
- 29. The US Postal Service most likely will require this development to have centralized cluster boxes for postal service to each lot or unit. The developer is advised contact the US Postal Growth Coordinator for the Mid-Carolinas District to determine the appropriate location for the cluster boxes. If the cluster box location requires changes to the subdivision or site plan, a revised preliminary/plan must be submitted to the Planning & Inspections Department for review and approval.
- 30. 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.
- 31. The Town of Hope Mills noted that the development appears to be an extension of an existing storage facility to the immediate north that is also not located within the Town of Hope Mills limits. Town staff does not have any direct issues with the proposed development but will be open to meet with proposed developers in the event that annexation is explored.

Thank you for choosing Cumberland County and the Hope Mills area for your business location!

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):

Land Use Codes Manager:	Patti Speicher	678-7605	pspeicher@co.cumberland.nc.us
Subdivision/Site Plan/Plat	Ed Byrne	678-7609	ebyrne@co.cumberland.nc.us
Code Enforcement (Permits):	Scott Walters	321-6654	swalters@co.cumberland.nc.us
PWC:	Joe Glass	223-4740	joe.glass@faypwc.com
Town of Hope Mills:		424-4555*	
Town Clerk/Interim Manager:	Melissa P. Adams		mpadams@townofhopemills.com
Planner – Zoning Permits	Chancer McLaughlin		cmclaughlin@townofhopemills.com
Public Works – Streets/sidewalks	Hector Crus-Alicea		hacrus@townofhopemills.com
County Public Utilities:	Amy Hall	678-7637	ahall@co.cumberland.nc.us

US Postal Service	Jonathan R. Wallace	(704) 393-4412	jonathan.r.wallace@usps.gov
Corp of Engineers (wetlands):	Liz Hair	(910) 251-4049	hair@usacr.army.mil
NCDEQ (E&S):	Leland Cottrell	(910) 433-3393	leland.cottrell@ncdenr.gov
US Fish & Wildlife Services	Susan Ladd Miller	(910) 695-3323	susan miller@fws.gov
Location Services:			
Site-Specific Address:	Ron Gonzales	678-7616	rgonzalez@co.cumberland.nc.us
Tax Parcel Numbers:		678-7549	-
NCDOT (driveways/curb-cuts):	Troy Baker	486-1496	tlbaker@ncdot.gov
N.C. Division of Water Quality:	Mike Randall	(919) 807-6374	mike.randall@ncdenr.gov

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

cc: Chancer McLaughlin, Town of Hope Mills

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:

Applicant/Agent MIKe Wagues Pack And Cam Rocks, LL
Address: 3116 Deaver CIECLE Zip Code NG 28348
Telephone: (Home)(Work)
Location of Property:
Location of Property: Parcel Identification Number (PIN #) of subject property: (also known as Tax ID Number or Property Tax ID)
Acreage: 2.0 Frontage: 230 Depth: 238.45
Water Provider: PW Septage Provider: PWC
Deed Book <u>2856</u> , Page(s) <u>539</u> , Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
Existing use of property: Vacant
Proposed use(s) of the property: <u>Outside</u> of <u>Nehicles</u>
NOTE: Be specific and list all intended uses.
Do you own any property adjacent to, including across the street from, the property being
submitted for rezoning? Yes No
Has a violation been issued on this property? Yes No
It is requested that the foregoing property be rezoned FROM:
TO: (Select one)
Conditional Zoning District, with an underlying zoning district of (Article V) Mixed Use District/Conditional Zoning District (Article VI)
Planned Neighborhood District/Conditional Zoning District (Article VII)
Density Development/Conditional Zoning District, at theDensity (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.)

Open Storage for Auto's, trucks, Recreational Vehicles and Portable Storage Units

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

The Site 152 ac total, 0.54 of an ac. will be open space, 1,46 ac will be commercial use.

2. DIMENSIONAL REQUIREMENTS:

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

Setbacks for Open Storage will comform to C(P) Zening requirements

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

The exact numbers of each type of vehicle of storage unituill vary; however for planning purposes the numbers of each are shown on The site Plan. The surface will be gravel except for an Access Congrete pad 50x146' SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.

Nosign 15 Proposed

3.

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. See Site Dian
- 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.

Seesite 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.

9:00 AM to 5:00 PM Monday thru Saturday Lighting will be directed in wordly and Conform to the county ordinance

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.

Revised: 03-27₇14 Page **4** of **6**

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.

XIAME OF OWNER(S) (PRINT OR	TYPE) CAM ROCKS, LLC
V3316 Degver CII ADDRESS OF OWNER(S)	-cle, Hope Mills, NC 28348
E-MAIL	L.Com
V910-824-0738 HOME TELEPHONE	V910423-6464 WORK TELEPHONE Edistran Waznafach
SIGNATURE OF OWNER(S)	SIGNATURE OF OWNER(S)
NAME OF AGENT, ATTORNEY, A	APPLICANT (by assign) (PRINT OR TYPE)
ADDRESS OF AGENT, ATTORNE	Y, APPLICANT
HOME TELEPHONE	WORK TELEPHONE
E-MAIL ADDRESS	FAX NUMBER
SIGNATURE OF AGENT, ATTORN	NEY, OR APPLICANT

Revised: 03-27-14

16-102 SITE PROFILE

CASE NO. 16-102. CONSIDERATION OF THE KENNETH MCLAURIN PROPERTY; GROUP DEVELOPMENT REVIEW; REQUEST FOR A WAIVER FROM THE REQUIREMENT TO HAVE A MINIMUM OF TWENTY FEET OF STREET FRONTAGE AND STREET ACCESS OFF OF EITHER A PUBLIC STREET OR AN APPROVED PRIVATE STREET; COUNTY SUBDIVISION ORDINANCE, SECTIONS 2303.C, STREET FRONTAGE & 2401.D, STREET ACCESS; ZONED: RR; TOTAL ACREAGE: 1.00 +/-; LOCATED AT 3437 & 3441 NEBULAR DRIVE; SUBMITTED BY HAROLD F LIFE ESTATE & DEHAROLD D MCLAURIN (OWNER) AND KENNETH MCLAURIN (DEVELOPER). (COUNTY JURISDICTION)

Summary of Request

The developer has submitted a request for waivers from the requirements to have a minimum of twenty feet of street frontage and to have direct access to either a public street or an approved private street. The developer wants to be allowed to place a second dwelling unit on the property using a twenty foot wide access easement. The property is a legal but nonconforming parcel created by Deed Bk. 2870, Pg. 53 on May 14, 1982.

Site Information:

Frontage & Location: 0.00' +/- - access off of SR 1885 (Hummingbird Place)

Depth: 210.00' +/-

Jurisdiction: Cumberland County

Municipal Influence Area (MIA): N/A

Sewer Services Area (SSA): Yes

Adjacent Property: No

Nonconformities: Yes – access to property is by recorded easements Deed Bk. 9935, Pg. 853 & Deed Bk. 1000,

Pg. 326; Nebular Drive was named for E911 purposes in July 1999.

Water & Sewer: Well/Septic

Special Flood Hazard Area (SFHA): No

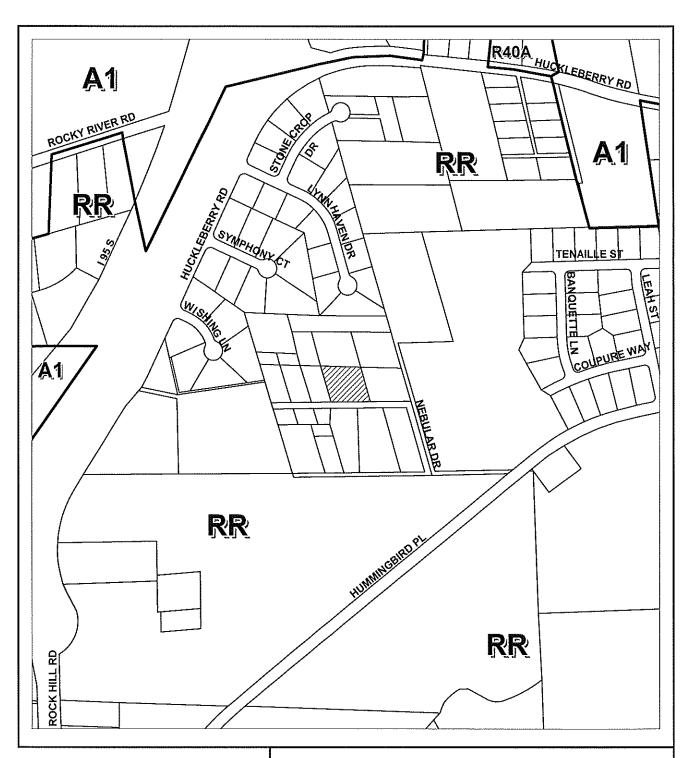
Applicable County Subdivision Ordinance Provisions

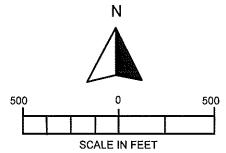
SECTION 2303 MINIMUM LOT STANDARDS, C. Street frontage. Except as otherwise provided for in Section 2401, every lot shall abut a public street or private street approved under the terms of this ordinance for at least 20 feet; such frontage (abutting) to be continuous from the property line to building setback line.

SECTION 2401 GROUP DEVELOPMENTS, D. Street access. The property to be developed must have a boundary line or lines contiguous with and giving direct vehicular access to and from one or more public streets, or private streets with public access approved in accordance with Section 2304. Group developments in the form of apartment complexes or unit ownership developments with owners' associations legally obligated to maintain vehicular access and circulation drives shall not be subject to the private street standards specified in Section 2304.

Attachments

- 1 Sketch Map
- 2 Group Development Sketch Plan
- 3 Aerial Photo
- 4 Application for Waiver
- 5 Property Deed
- 6 Deeded Access Easements
- 7 Draft Conditions of Approval

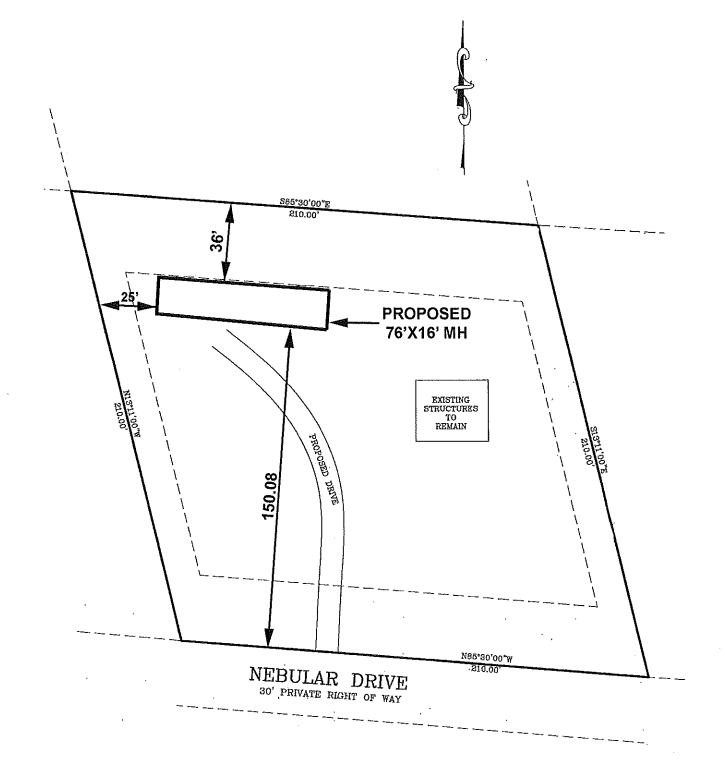




COUNTY SUBDIVISION ORDINANCE WAIVER

ACREAGE: 1.00 AC.+/-	HEARING N	O: 16-102
ORDINANCE: COUNTY	HEARING DATE	ACTION
GOVERNING BOARD		

PIN: 0467-15-9042



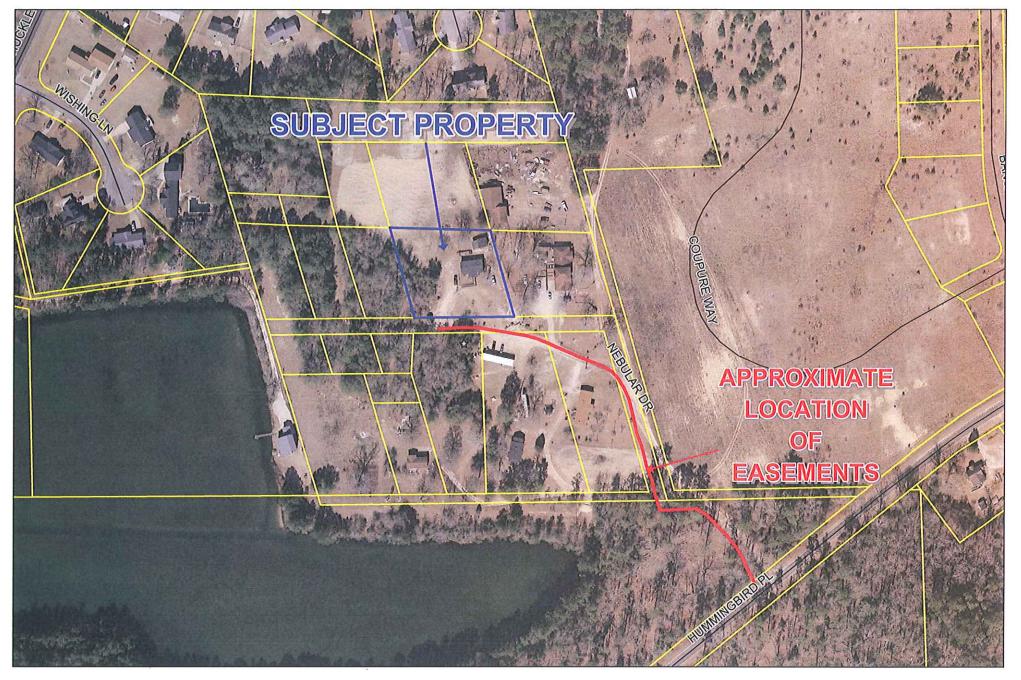
KENNETH MCLAURIN PROPERTY GROUP DEVELOPMENT REVIEW

REQUEST: A WAIVER FROM SECTIONS 2303.C STREET FRONT AND 2401.D STREET ACCESS

CASE: 16-102 ACREAGE: 1.00 AC +/-

ZONED: RR SCALE: NTS

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



AERIAL PHOTO CASE NO: 16-102



TO THE CUMBERLAND COUNTY JOINT PLANNING BOARD, FAYETTEVILLE, NORTH CAROLINA:

I (We), the undersigned, hereby submit this application, and petition the Cumberland

County Joint Planning Board to waive [vary] certain adopted provisions of the County's Subdivision Ordinance as specified below and provided for under the terms of the Subdivision Ordinance. In support of this petition, the following facts are submitted: TELEPHONE: HOME 910-916-57433 WORK _____ AGENT: ADDRESS: TELEPHONE: HOME ______ WORK ____ APPLICATION FOR A WAIVER [VARIANCE] As required by the Subdivision Ordinance A. Parcel Identification Number (PIN #) of subject property: 0467 -15 - 9042 (also known as Tax ID Number or Property Tax ID) B. Acreage: Depth: 210 C. Water Provider: Well D. Septage Provider: Saptage E. Deed Book 9127, Page(s) 842, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry). F. Existing and/or proposed use of property: Mad. Residential G. Section and provision of the Cumberland County Subdivision Ordinance from which a waiver [variance] is requested: H. Nature and extent of hardship involved in strict application of the County Subdivision Ordinance – attach additional sheet if necessary: WANTS SECOND DOUGHERY HAS NO ACCESS JUST

Page 3 of 5

Created: 02-05-10

STATEMENT OF ACKNOWLEDGEMENT

Regarding appearance before the Joint Planning Board, the undersigned owner(s), agents, or their assigns, by virtue of their signature(s) to this application, hereby acknowledge the following:

- That although appearance before the board is not required, it is strongly encouraged;
- The board will hear any and all arguments for and against this matter before them and such relevant facts will be given under sworn testimony;
- At the public hearing the board has the authority to issue a final approval or denial decision on this request, or defer the request for additional information to be provided;
- If the petitioner or the representative of this application does not appear personally before the board, whether there is opposition or not, the board has full authority to consider the case and defer, approve, or deny the case.
- If the board's action is to deny the matter before them, the course of appeal to the decision will be that of Cumberland County Superior Court. (Affected parties of the board's decision have 30 days from date of proper notification in which to serve notice of appeal).

Signed acknowledgement that the County Planning & Inspections Staff has explained the application process and procedures regarding this request and the public hearing procedure stated above and that the application is complete and accurate.

Harold metaurin	<u> </u>
Property owner(s)' signature(s)	
Harold Mchai	win
Property owner(s)' name (print or type)	
3441 Nebular Dr	-, 7ay.D.C.78312
Complete mailing address of property ow	vner(s)
678-664-2345	9/10-484-7737
Telephone number	Alternative telephone number
Email address	FAX number

STATEMENT OF ACKNOWLEDGEMENT

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- That although appearance before the board is not required, it is strongly encouraged;
- The board will hear any and all arguments for and against this matter before them and such relevant facts will be given under sworn testimony;
- At the public hearing the board has the authority to issue a final approval or denial decision on this request, or defer the request for additional information to be provided;
- If the petitioner or the representative of this application does not appear personally before the board, whether there is opposition or not, the board has full authority to consider the case and defer, approve, or deny the case.
- If the board's action is to deny the matter before them, the course of appeal to the decision will be that of Cumberland County Superior Court. (Affected parties of the board's decision have 30 days from date of proper notification in which to serve notice of appeal).

Signed acknowledgement that the County Planning & Inspections Staff has explained the application process and procedures regarding this request and the public hearing procedure stated above and that the application is complete and accurate.

Roundt A. M= Lau Property owner(s)' signature(s)	Men
Property owner(s) and melau Property owner(s)' name (print or type	u Y / V pe)
√ 3437 Nebular Dr. Complete mailing address of property	Faretteville N.C. 28312 ty owner(s)
910-916-5433	910-484-7737
Telephone number	Alternative telephone number
Email address	FAX number

/	,	
\checkmark	Dala II And	0
	Denjude /15	Inein
	Agent, attorney, or applicant's signature (o	ther than property owner)
	mohamald mel	" h
	1 4 1 4 1 1 1 2 1	- #1 M / 1 M
/	Agent, attorney, or applicant (other than pr	operty owner) (print or type)
\checkmark	3441 Webular	Dr. 7AV. N.C. 28312
	Complete mailing address of agent, attorned	ey, or applicant
	910.674-7354	•
	Telephone number	Alternative telephone number
	•	The state of the s
	Email address	FAX number

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

BK09727 PG0842

FILED **CUMBERLAND COUNTY NO** J. LEE WARREN, JR. REGISTER OF DEEDS FILED Sep 24, 2015 ΑT 11:05:58 am BOOK 09727 0842 START PAGE **END PAGE** 0843 **INSTRUMENT#** 28790 RECORDING \$26.00 **EXCISE TAX** (None)

NORTH CAROLINA QUITCLAIM DEED

Parcel ID Number: 0467-15-9042-

Revenue Stamps: \$0.00

Prepared By:

John G. Briggs III of Lewis, Deese, Nance & Briggs, L.L.P. (601)

& Return To:

Ct. House Box in Reg of Deeds

Brief Description for Index: 1 Acre Albert Culbreth land

This Deed made this the 24^{+} day of September. 2015, by and between:

GRANTORS.	GRANTEE	
KENNETH A. MCLAURIN, a Single Man	DEHAROLD D. MCLAURIN , a Single Man	
	Situs & Mailing Address:	
3441 Nebular Drive Fayetteville, NC 28312	3441 Nebular Drive Fayetteville, NC 28312	

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for valuable and good consideration of One Dollar paid by the Grantee, the receipt of which is hereby acknowledged, has remised and

BK09727 PB0843

released and by these presents do remise, release and forever quitclaim unto the Grantee and his or her heirs and assigns all right, title, claim and any life estate interest of said Grantor whatsoever in and to that certain lot or parcel of land situated in or near the City of Fayetteville, Cumberland County, State of North Carolina and more particularly described as follows:

BEING the one and the same One (1) acre tract of land described in that Special Warranty Deed dated September 11, 2015 and recorded on September 17, 2015 at 02:20:34 pm in Book 9724 at Page 266, Cumberland County Registry, NC.

Subject to all property taxes, encumbrances, liens of record, easements, permits, restrictions, rights of way, and other matters of record, if any, Cumberland County Registry, North Carolina. Not the primary residence of Grantor.

The purpose of this Deed is to release and transfer Grantor's Life Estate to Grantee.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee and his or her heirs and assigns free and discharged from any right, title, claim or interest of the said Grantor or anyone claiming by, through or under Grantor.

IN WITNESS WHEREOF, the Grantors have hereunto set their hands and seals, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officer by authority of its Board of Directors, effective the date first written above.

STATE OF NORTH CAROLINA COUNTY OF CUMBERLAND

I, BARBEL Dune ... a notary public of the aforesaid County and State, hereby certify that the following person(s) personally appeared before me this day and acknowledged to me that he or she voluntarily signed the foregoing document(s) for the purposes stated therein and in the capacity indicated:

Name of Principals: Kenneth A. McLaurin

Date: 9-24-2015 Sachelalure
Notary Public

My Comm. Expires: 9-14-2018

BARBEL DUNE
Typed Name of Notary Public

BARREL DUNE Notary Public North Carolina Cumberland County

(N.P.SEAL)

BX09935 PG0853

FILED CUMBERLAND COUNTY NO J. LEE WARREN, JR. REGISTER OF DEEDS Sep 01, 2016 FILED 10:49:06 am ΑT 09935 BOOK 0853 START PAGE 0856 **END PAGE** 27147 **INSTRUMENT #** \$26.00 RECORDING (None) **EXCISE TAX**

ACCESS EASEMENT

REV. \$0,00

Prepared By & Return To: John G. Briggs Ill, Attorney at Law of Lewis, Deese, Nance & Briggs, LLP
Post Office Drawer 1358, Fayetteville, North Carolina 28302

This EASEMENT, made this the 30 day of August, 2016, by and between) HELEN MCLAURIN SMITH and ELSIE MCARTHUR MCLAURIN (Hereinafter referred to as "Grantors"), and DEHAROLD D. MCLAURIN (hereinafter referred to as "Grantee");

WITNESSETH:

That Grantors are the owners of that certain tract of real property on which exists a certain a dirt road known as Nebular Drive, Fayetteville, Cumberland County, State of North Carolina and more particularly described as follows:

Tract One: BEING that 1.35 acre tract of land as described in that deed recorded in Book 2710 at Page 221, Cumb. Cnty. Reg., NC; having a PIN of 0467-24-0771- and known as 3450 Nebular Drive, Fayetteville, NC. Owned by Helen McLaurin Smith, Grantor.

Tract Two: Being that 1 acre tract of land as described in that deed recorded in Book 2768 at Page 745, Cumb. Cnty. Reg., NC; having a PIN of 0467-24-2722- and known as 3510 Nebular Drive, Fay., NC; Owned by Elsie Mcarthur Mclaurin, Grantor.

[The Easement Property-SERVIENT TRACTS]

That Grantees are the owners of that certain tract of real property located in the Town of Fayetteville, Cumberland County, State of North Carolina and more particularly described by as follows:

BEING that one and the same tract of land consisting of One (1) acre, more or less, of land as described in that deed recorded in Book 9724 at Page 266, Cumb. Cnty. Reg., NC, to which deed reference is hereby made for a more particular description of same.

[MASTER TRACT]

That Grantors desire to grant to Grantees and their heirs, successors and assigns, as the case may be, an appurtenant easement for ingress, regress and egress over and above the Easement Property- Servient Tract as described above as owned by Grantors; WITH SAID EASEMENT RIGHTS BEING ALONG AND WITH THE ROAD BED AS IT LAYS AND BEING KNOWN AS NEBULAR DRIVE. THIS EASEMENT AREA ONLY COVERS THE PORTION OF LAND ON WHICH NEBULAR DRIVE IS SITUATED. This easement shall run with the land in perpetuity until otherwise expressly released by a competent writing recorded with the County Register of Deeds. This appurtenant access easement shall be binding on all successors and assigns in perpetuity until a release is recorded, if any, as set forth below.

NOW, THEREFORE, for good and valuable consideration, receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

- 1) Grant of Easement Appurtenant: Grantors hereby grant unto Grantees an Easement Appurtenant subject to the terms of this Agreement for the purpose of accessing the driveway to their real property.
- 2) No Obstructions: Each party hereto agrees that either party shall not obstruct or allow to be obstructed, except temporarily for the purposes of maintenance and repair, any portion of the Easement Property. In the event that the Easement Property is obstructed by any means, the non-obstructing party shall be allowed to remove any obstruction, without prior notice, by any lawful means available, including, but not limited to, the towing of vehicles. In the event that the non-obstructing party removes any obstruction on the Easement Property, said party shall not be liable for any damages to or costs of the removed object or other property, and each party hereto hereby indemnifies and saves and holds harmless the other from and against any and all claims, demands and actions arising out of the removal of any and all obstruction(s) by the non-obstructing party, and from and against any and every suit, action, or proceeding to enforce any such demand, claim and action, and from any and all loss, costs, damages, and reasonable attorney fees and expenses which it may at anytime suffer or incur as a result thereof.
- 3) Notices: All notices, communications, requests, approvals, consents and demands herein required to be given or made shall be in writing and shall be deemed served when deposited in the United States mail, first class, postage pre-paid, and addressed as follows: all notices shall be sent to the respective addresses on file for each tract with the County Tax Collector's office as based on the PINs set forth above.
- 4) Successors and Assigns: This easement shall be binding on the successors and assigns of the

BK09935 PG0855

current owners, and this easement shall run with the land until terminated by a writing executed by the then current owners of said tracts and recorded of record.

- 5) No Waiver: The failure of any party to this Agreement in any one or more instances to insist upon compliance with any provision or covenant herein or to exercise any right or privilege herein shall not constitute or be construed as a waiver of such or any similar provision or covenant, including the right to cure a breach or default, but the same shall continue and remain in full force and affect, as if no such forbearance has occurred.
- 6) Remedies: It is hereby declared that irreparable harm will result to the parties by reason of any breach or any default of the provisions or covenants herein and, therefore, each party or other beneficiary shall be entitled to relief by way of injunction or specific performance.
- 7) Applicable Law: This Agreement shall be governed and construed pursuant to the laws of the State of North Carolina without regard to principles of conflict of laws.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals as of the ties hereto have set the McDuris McDur day and date first written above.

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STATE OF MOTO

I certify that the following person(s) personally appeared before me this day and acknowledged to me that he or she voluntarily signed the foregoing document(s) for the purposes stated therein and in the capacity indicated:

Name of Principals: Helen McLaurin Smith

Date: 8-30-16

My Comm. Expires: 11-4-2016

Bethe D, Med n the Printed Name of Notary Public

(N.P. SEAL)

STATE OF North Carolina COUNTY OF Cumber And

I certify that the following person(s) personally appeared before me this day and acknowledged to me that he or she voluntarily signed the foregoing document(s) for the purposes stated therein and in the capacity indicated:

Name of Principals: Elsie McArthur McLaurin

My Comm. Expires: <u>BettieD Mi Duffie</u>

11-4-20/6
Printed Name of Notary Public

CA PUBLIO S

(N.P. SEAL)

BK10000 PG0326

FILED CUMBERLAND COUNTY NO J. LEE WARREN, JR. REGISTER OF DEEDS **FILED** Dec 13, 2016 AΤ 12:21:21 pm BOOK 10000 START PAGE 0326 **END PAGE** 0328 **INSTRUMENT#** 38265 RECORDING \$26.00 (None) **EXCISE TAX**

0	, <i>t</i> f	ACCESS EASEMENT
nev	OR	Return to Kenneth uclaurin
Prepared By & R	eturn To : John G.	Briggs III, Attorney at Law of Lewis, Deese, Nance & Briggs, LLP
	Post Off	ce Drawer 1358, Fayetteville, North Carolina 28302

This EASEMENT, made this the 14 day of October, 2016, by and between CHARLES MCDONALD VANSANT, A Single Man, (Hereinafter referred to as "Grantor"), and DEHAROLD D. MCLAURIN (hereinafter referred to as "Grantee");

WITNESSETH:

That Grantors are the owners of that certain tract of real property on which exists a certain a dirt road known as Nebular Drive, Fayetteville, Cumberland County, State of North Carolina and more particularly described as follows:

BEING that 61.48 acre tract of real property described in Book 801 at Page 277, Cumb. Cnty. Reg., NC, to which deed reference is hereby made for a more particular description of same.

[The Easement Property- SERVIENT TRACT]

That Grantees are the owners of that certain tract of real property located in the Town of Fayetteville, Cumberland County, State of North Carolina and more particularly described by as follows:

BEING that one and the same tract of land consisting of One (1) acre, more or less, of land as described in that deed recorded in Book 9724 at Page 266, Cumb. Cnty. Reg., NC, to which deed reference is hereby made for a more particular description of same.

[MASTER TRACT]

BK10000 PG0327

That Grantor desires to grant to Grantees and their heirs, successors and assigns, as the case may be, an appurtenant easement for ingress, regress and egress over and above the Easement Property- Servient Tract as described above as owned by Grantor; WITH SAID EASEMENT RIGHTS BEING ALONG AND WITH THE DIRT ROAD BED AS IT LAYS AND BEING KNOWN AS NEBULAR DRIVE. THIS EASEMENT AREA ONLY COVERS THE PORTION OF LAND ON WHICH NEBULAR DRIVE IS SITUATED. This easement shall run with the land in perpetuity until otherwise expressly released by a competent writing recorded with the County Register of Deeds. This appurtenant access easement shall be binding on all successors and assigns in perpetuity until a release is recorded, if any, as set forth below.

NOW, THEREFORE, for good and valuable consideration, receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

- 1) Grant of Easement Appurtenant: Grantors hereby grant unto Grantees an Easement Appurtenant subject to the terms of this Agreement for the purpose of accessing the driveway to their real property.
- 2) No Obstructions: Each party hereto agrees that either party shall not obstruct or allow to be obstructed, except temporarily for the purposes of maintenance and repair, any portion of the Easement Property. In the event that the Easement Property is obstructed by any means, the non-obstructing party shall be allowed to remove any obstruction, without prior notice, by any lawful means available, including, but not limited to, the towing of vehicles. In the event that the non-obstructing party removes any obstruction on the Easement Property, said party shall not be liable for any damages to or costs of the removed object or other property, and each party hereto hereby indemnifies and saves and holds harmless the other from and against any and all claims, demands and actions arising out of the removal of any and all obstruction(s) by the non-obstructing party, and from and against any and every suit, action, or proceeding to enforce any such demand, claim and action, and from any and all loss, costs, damages, and reasonable attorney fees and expenses which it may at anytime suffer or incur as a result thereof.
- 3) Notices: All notices, communications, requests, approvals, consents and demands herein required to be given or made shall be in writing and shall be deemed served when deposited in the United States mail, first class, postage pre-paid, and addressed as follows: all notices shall be sent to the respective addresses on file for each tract with the County Tax Collector's office as based on the PINs set forth above.
- 4) Successors and Assigns: This easement shall be binding on the successors and assigns of the current owners, and this easement shall run with the land until terminated by a writing executed by the then current owners of said tracts and recorded of record.
- 5) No Waiver: The failure of any party to this Agreement in any one or more instances to insist upon compliance with any provision or covenant herein or to exercise any right or privilege herein shall not constitute or be construed as a waiver of such or any similar provision or

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covenant, including the right to cure a breach or default, but the same shall continue and remain in full force and affect, as if no such forbearance has occurred.

6) Remedies: It is hereby declared that irreparable harm will result to the parties by reason of any breach or any default of the provisions or covenants herein and, therefore, each party or other beneficiary shall be entitled to relief by way of injunction or specific performance.

7) Applicable Law: This Agreement shall be governed and construed pursuant to the laws of the State of North Carolina without regard to principles of conflict of laws.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals as of the day and date first written above.

Charles McDonald VanSant (SEAL)

STATE OF COUNTY OF WASTER

I certify that the following person(s) personally appeared before me this day and acknowledged to me that he or she voluntarily signed the foregoing document(s) for the purposes stated therein and in the capacity indicated:

Name of Principals: Charles McDonald VanSant

Date: 1/14/2006

Notary Public

My Comm. Expires:

Printed Name of Notary Public

Additional Signature and Notary Page to Follow:

(N.P.SEAL)

Charles Morris, Chair Town of Linden

Diane Wheatley, Vice-Chair Cumberland County

Jami McLaughlin, Town of Spring Lake Harvey Cain, Jr., Town of Stedman

Donovan McLaurin Wade, Falcon & Godwin



Planning & Inspections Department DRAFT

Thomas J. Lloyd, Director

Cecil P. Combs, Deputy Director

Vikki Andrews, Carl Manning, Lori Epler, Cumberland County

Benny Pearce, Town of Eastover

Patricia Hall, Town of Hope Mills

STAFF REVIEW: 09-1	5-16	PLANNING BOARD DECISION:	2-21-17	
CASE NO: 16-102	NAME OF DEVELOPMENT:	KENNETH MCLAURIN PROPERTY		
MIA: N/A (FAY SSA) GROUP DEVELOPMENT REVIEW				
LOCATION: 3437 NEBULAR DRIVE ZONING: RR				
		PIN: 0467-15-9042		
OWNERS / DEVELOPER: KENNETH MCLAURIN ENGINEER OR DESIGNER: N/A				
*				
PLANNING & INSPECTIONS DEPARTMENT ACTION:		PLANNING BOARD DECISION:		
☑ PRELIMINARY		□ PRELIMINARY		
☐ EXTENSION	☐ REVISION	☐ EXTENSION ☐ REVISION		
☐ CONDITIONAL APPROVAL		☐ APPROVED CONDITIONALLY		
☐ DENIED		DENIED		
		(45)		

The development plat/plan you submitted to this office is conditionally approved. Your approval is subject to the following conditions:

Pre- Permit Related:

1. The owner/developer(s) must provide a recorded copy of the ingress/egress access easement with a minimum width of 20 feet to Code Enforcement at the time of permit application.

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 water and 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 and Development Ordinance)
- 4. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.

- 5. New development where the developer will disturb or intends to disturb more than one acre of land is subject to the Post-Construction Stormwater Management Permitting Program (Phase II Stormwater Management Requirements) administered by the Division of Water Quality, North Carolina Department of Environmental Quality. If one acre or more of land is to be disturbed, prior to the issuance of any building/zoning permits for this site, a copy of the State's *Post-Construction Permit* must be provided to County Code Enforcement.
- 6. 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) 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 Code Enforcement at the time of application for any building/zoning permits.
- 7. 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.
- 8. If driveways are changed or added, the developer must obtain a driveway permit from the NC Department of Transportation (NCDOT). If required, a copy of the approved driveway permit must be provided to Code Enforcement at the time of application for building/zoning permits. 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.

Site-Related:

- 9. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Development Ordinance and Zoning Ordinances for the RR zoning district must be complied with, as applicable.
- 10. For any new development, an adequate drainage system must be installed by the developer in accordance with the NC Department of Environmental Quality (NCDEQ) *Manual on Best Management Practices* and all drainage ways must be kept clean and free of debris. (Section 2306 D, County Subdivision and Development Ordinance)
- 11. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision and Development Ordinance)

Other Relevant Conditions:

- 12. The applicant is advised to consult an expert on wetlands before proceeding with any development.
- 13. 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.
- 14. The US Postal Service most likely will require this development to have centralized cluster boxes for postal service to each lot or unit. The developer is advised contact the US Postal Growth Coordinator for the Mid-Carolinas District to determine the appropriate location for the cluster boxes. If the cluster box location requires changes to the subdivision or site plan, a revised preliminary/plan must be submitted to the Planning & Inspections Department for review and approval.
- 15. The developer has requested waivers from the requirements for street frontage and access Sections 2303.C & 2401.D. This case will be heard by the Cumberland land County Joint Planning Board on October 18, 2016. In the event the Planning Board approves the waiver request, the conditional approval pertains to the current request only and does not apply to any future development and/or division of the subject property.

Thank you for making Cumberland County your home!

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	ebyrne@co.cumberland.nc.us
Code Enforcement (Permits):	Scott Walters	321-6654	swalters@co.cumberland.nc.us
County Building Inspections:	Gary Faulkner	321-6648	gfaulkner@co.cumberland.nc.us
County Health Department:	Daniel Ortiz	433-3680	dortiz@co.cumberland.nc.us
Ground Water Issues:	Matt Rooney	678-7625	mrooney@co.cumberland.nc.us
County Public Utilities:	Amy Hall	678-7637	ahall@co.cumberland.nc.us
US Postal Service	Laricia McIver	(704) 393-4481	laricia.mciver@usps.gov
Corp of Engineers (wetlands):	Liz Hair	(910) 251-4049	hair@usacr.army.mil
NCDEQ (E&S):	Leland Cottrell	(910) 433-3393	leland.cottrell@ncdenr.gov
US Fish & Wildlife Services	Susan Ladd Miller	(910) 695-3323	susan miller@fws.gov
Location Services:		F.	
Site-Specific Address:	Ron Gonzales	678-7616	rgonzalez@co.cumberland.nc.us
Tax Parcel Numbers:		678-7549	
NCDOT (driveways/curb-cuts):	Troy Baker	486-1496	tlbaker@ncdot.gov
N.C. Division of Water Quality:	Mike Randall	(919) 807-6374	mike.randall@ncdenr.gov

cc: Marsha Bryant, City of Fayetteville (SSA purposes only)