

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



**CUMBERLAND**  
★ **COUNTY** ★  
NORTH CAROLINA

*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**

June 20, 2017

7:00 P.M.

- I. INVOCATION AND PLEDGE OF ALLEGIANCE
- II. APPROVAL OF/ADJUSTMENTS TO AGENDA
- III. PUBLIC HEARING DEFERRALS / WITHDRAWALS
- IV. ABSTENTIONS BY BOARD MEMBERS
- V. POLICY STATEMENT REGARDING PUBLIC HEARING TIME LIMITS
- VI. APPROVAL OF THE MINUTES OF MAY 16, 2017
- VII. PUBLIC HEARING CONSENT ITEMS

TEXT AMENDMENTS

- A. **P17-17.** REVISION AND AMENDMENT TO THE CUMBERLAND COUNTY ZONING ORDINANCE, ARTICLE XVI, BOARD OF ADJUSTMENT; AND REQUESTING PERMISSION TO REPRINT THE ZONING ORDINANCE INSERTING ALL TEXT AMENDMENTS APPROVED SINCE JUNE 20, 2005 AS LISTED.

REZONING CASE

- B. **P17-22.** REZONING OF 2.00+/- ACRES FROM A1 AGRICULTURAL TO R40A RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 3101 CEDAR CREEK ROAD, SUBMITTED BY KAREN E. OSBORN (OWNER).

VIII. PUBLIC HEARING CONTESTED ITEMS

REZONING CASE

- C. **P17-18.** REZONING OF .29+/- ACRES FROM R10 RESIDENTIAL TO C2(P) PLANNED SERVICE AND RETAIL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 3216 NORTH MAIN STREET, SUBMITTED BY CHARLOTTE MCKENZIE (OWNER) AND D. ERIC NOBLES (AGENT). (HOPE MILLS)

CONDITIONAL ZONING CASE

- D. **P17-23.** REZONING OF 2.04+/- ACRES FROM R6A RESIDENTIAL & CD CONSERVANCY TO C2(P) PLANNED SERVICE AND RETAIL/CZ CONDITIONAL ZONING FOR CONVENIENCE RETAIL WITH GASOLINE SALES OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE WEST SIDE OF SR 1118 (PARKTON ROAD), NORTH OF SR 1119 (MUSCAT ROAD); SUBMITTED BY DAVID MCMILLAN (OWNER) AND J. THOMAS NEVILLE (ATTORNEY).
  
- E. **P17-24.** REZONING OF .55+/- ACRES FROM R6 RESIDENTIAL TO C1(P) PLANNED LOCAL BUSINESS/CZ CONDITIONAL ZONING FOR HAIR SALON AND OFFICE SPACE OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 3957 SOUTH MAIN STREET, SUBMITTED BY NELL B. JACKSON (OWNER) AND JOHN WHITE (AGENT). (HOPE MILLS)

IX. DISCUSSION

DIRECTOR'S UPDATE

X. ADJOURNMENT

Charles Morris,  
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Cumberland County

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*Planning & Inspections Department*

June 13, 2017

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Patricia Hall,  
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**MEMORANDUM**

**TO:** Cumberland County Joint Planning Board  
**FROM:** Planning & Inspections Staff  
**SUBJECT:** Recommendation for the June 20, 2017 Board Meeting

**P17-17. REVISION AND AMENDMENT TO THE CUMBERLAND COUNTY ZONING ORDINANCE, ARTICLE XVI, BOARD OF ADJUSTMENT; AND REQUESTING PERMISSION TO REPRINT THE ZONING ORDINANCE INSERTING ALL TEXT AMENDMENTS APPROVED SINCE JUNE 20, 2005 AS LISTED.**

At your May 16, 2017 board meeting, the board members present voted to defer action on this County Zoning Ordinance text amendment directing staff to prepare the amendment without the edits, remove the duplicative paragraph and also to prepare a digital copy of the complete zoning ordinance as proposed to be published with all amendments to date. The text amendment with the edits removed is attached to this memorandum and you have been provided a link to the digital version of the complete zoning ordinance. The original Land Use Codes Committee's recommendation is as follows:

**1<sup>st</sup> MOTION**

The Codes Committee recommends the board find that the attached text amendment is consistent with the 2030 Growth Vision Plan and all other applicable detailed area plans throughout the County since this amendment, if approved, will ensure the County Zoning Ordinance provisions related to Board of Adjustment matters are consistent with the 2013 State Legislature amendments to the statutes regulating local Boards of Adjustment.

The committee recommends the board further find that approval of the text amendment is reasonable and in the public interest which has been established by the General Assembly's ratification of the amended regulations coupled with the fact that certain standards within the statute have been relaxed particularly those related to variances.

**2<sup>nd</sup> MOTION**

In addition to the above information, the Codes Committee recommends approval of the text amendment and that the Commissioners direct the staff to re-publish the County Zoning Ordinance as a technical ordinance in its entirety with all amendments consolidated within the text based on the following:

1. The proposed amendment will afford property owners a lower threshold to meet when a variance is necessary for justifiable use of their property; and
2. Reprinting with merging previously approved amendments into the County Zoning Ordinance will ensure ease of use for citizens, development professionals, and County staff.

Attachment: P17-17 Text Amendment w/ Edits Removed

**P17-17**  
**Proposed County Zoning Ordinance Text Amendment**  
(Article XVI, Board of Adjustment)  
**PROPOSED AMENDMENT**

**P17-17. Revision and Amendment to the Cumberland County Zoning Ordinance, Article XVI, Board of Adjustment; and requesting permission to Reprint the Zoning Ordinance inserting all text amendments approved since June 20, 2005 as listed.**

**AMEND Article XVI, Board of Adjustment as indicated below:**

**ARTICLE XVI**  
**BOARD OF ADJUSTMENT**

**SECTION 1601. ESTABLISHMENT.**

The Board of Commissioners, pursuant to N.C. GEN. STAT. §153A-340, does establish a Board of Adjustment. Such board shall consist of at least five members appointed by the Commissioners, with membership providing for a means of proportional representation of the County's territorial jurisdiction. The appointments shall be for staggered terms. Subsequent or new reappointments shall be for three-year terms; all appointments to fill vacancies shall be for the unexpired term. The Commissioners shall also appoint five alternate members at large to serve in the absence or temporary disqualification of any regular member or to fill a vacancy pending appointment of a member. Alternate members shall be appointed in the same manner as regular members and at the regular times for appointment. Each alternate member, while attending any regular or special meeting of the board and serving in the absence of any regular member, shall have and exercise all the powers and duties of any regular member absent from the meeting.

**SECTION 1602. PROCEEDINGS.**

The Board shall elect a Chairperson and Vice-Chairperson from among its members. The Director shall assign a staff member to fill the Secretary and Clerk positions. Meetings of the board shall be held at the call of the Chairperson and at such other times as the board may determine. The Chairperson or any member acting as chair and the Secretary to the Board are authorized to administer oaths. The Chairperson may compel the attendance of witnesses in any matter coming before the Board. Any person who, while under oath during a proceeding before the Board of Adjustment, willfully swears falsely is guilty of a Class 1 misdemeanor. The Vice-Chairperson or any member of the board while temporarily acting as Chairperson has and can exercise like authority. All meetings of the board shall be open to the public. The board shall keep

minutes of its proceedings, showing the vote of each member upon every motion or question, or if absent or failing to vote, indicating such fact. The board shall also keep records of its examinations and official action.

*(Amd. 04-18-11)*

### **SECTION 1603. POWERS AND DUTIES.**

The Board of Adjustment shall hear and decide all matters upon which it is required to pass under any statute or ordinance that regulates land use or development:

A. Hear and decide special use permits, requests for variances, and appeals of decisions relating to the administrative review of any order, requirement, decision or determination made by the Director or other administrative official regarding enforcement of this ordinance or other ordinance that regulates land use or development. (see Section 1604 below)

*(Amd. 01-19-10)*

B. Vary or modify any of the regulations or provisions of this ordinance related to the construction or alteration of buildings or structures, dimensional requirements and minimum standards of individual uses except for specific location criteria for individual uses, in accordance with Section 1605, where there are unnecessary hardships in carrying out the strict letter of this ordinance, so that the spirit, purpose and intent of the ordinance shall be observed, public safety is secured and substantial justice achieved;

*(Amd. 01-19-10)*

C. May hear and decide special use permit applications in accordance with standards and procedures specified in Section 1606;

*(Amd. 01-19-10)*

D. *Repealed.*

E. Rule on matters concerning nonconforming uses as to their continuance or discontinuance, expansion, reconstruction and, in general, compliance with Sections 1003 and 1004;

F. Rule on matters related to the County's Water Supply Watershed Management and Protection Ordinance regarding High Density developments, appeal of the Watershed Review Officer's decision, and hear request for variance from the County Water Supply Watershed Management and Protection Ordinance;

*(Amd. 01-19-10)*

G. Hear and rule on appeals and variance requests from the County's Flood Damage Prevention Ordinance.

H. *Repealed.*

*(Amd. 01-19-10)*

## **SECTION 1604. APPEALS.**

The Board of Adjustment shall hear and decide from decisions of administrative officials charged with enforcement of the zoning ordinance and may hear appeals arising out of any other ordinance that regulates land use or development pursuant to all of the following:

A. Any person who has standing under G.S. 160A-393(d) or the County may appeal a decision to the Board of Adjustment. The notice of appeal shall state the grounds for the appeal.

B. The official who made the decision shall give written notice to the owner of the property that is the subject of the decision and to the party who sought the decision, if different from the subject property owner. The written notice shall be delivered by personal delivery, electronic mail, or by first-class mail;

C. The owner or other party shall have 30 days from receipt of the written notice within which to file an appeal. Any other person with standing to appeal shall have 30 days from receipt from any source of actual or constructive notice of the decision within which to file an appeal.

D. An appeal of a notice of violation or other enforcement order stays enforcement of the action appealed from unless the official who made the decision certifies to the Board of Adjustment after notice of appeal has been filed that because of the facts stated in an affidavit, a stay would cause imminent peril to life or property or because the violation is transitory in nature, a stay would seriously interfere with enforcement of the ordinance. In that case, enforcement proceedings shall not be stayed except by a restraining order, which may be granted by a court. If enforcement proceedings are not stayed, the appellant may file with the official a request for an expedited hearing of the appeal, and the Board of Adjustment shall meet to hear the appeal within 15 days after such a request is filed. Notwithstanding the foregoing, appeals of decisions granting a permit or otherwise affirming that a proposed use of property is consistent with the ordinance shall not stay the further review of an application for permits or permissions to use such property; in these situations the appellant may request and the board may grant a stay of a final decision of permit applications or building permits affected by the issue being appealed.

E. Subject to the provisions of subdivision (D) of this sub-section, the board of adjustment shall hear and decide the appeal within a reasonable time.

F. The official who made the decision shall be present at the hearing as a witness. The appellant shall not be limited at the hearing to matters stated in the notice of appeal. If any party or the County would be unduly prejudiced by the presentation of matters not presented in the notice of appeal, the board shall continue the hearing. The Board of Adjustment may reverse or affirm, wholly or partly, or may modify the decision

appealed from and shall make any order, requirement, decision, or determination that ought to be made. The board shall have all the powers of the official who made the decision.

*(Amd. 01-19-10)*

### **SECTION 1605. VARIANCE.**

When unnecessary hardships would result from carrying out the strict letter of this ordinance, or other land use regulation or ordinance, the Board of Adjustment shall vary any of the provisions of the ordinance upon a showing of all of the following:

A. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

B. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.

C. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

D. The requested variance is consistent with the spirit, purpose and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance. Any variance granted becomes null and void if not exercised within the time specified in such approvals, or if no date is specified, within one calendar year from the date of such approval. The Board of Adjustment is not authorized to grant variances to any use approved in a Conditional Zoning district or to the specific conditions or other performance criteria imposed upon such use. If the board denies a variance request, the board shall enter the reason for its action in the minutes of the meeting at which the action is taken. In the event of a denial, the Board of Adjustment shall not consider resubmission of the application for the same variance request on the same property without a substantial material change concerning the property and the application.

*(Amd. 02-19-08; Amd. 04-18-11)*

### **SECTION 1606. SPECIAL USE PERMITS.**

The Board of Adjustment shall hear and decide applications for special use permits. The various Special Uses set forth in the Use Matrix in Article IV, because of special site or design requirements, operating characteristics or potential adverse effects on

surrounding property and neighborhoods, shall be permitted only upon approval by the Board of Adjustment in accordance with the standards and procedures specified in the ordinance. Reasonable and appropriate conditions may be imposed upon these permits.

A. Purpose. Permitting Special Uses adds flexibility to this ordinance. Subject to high standards of planning and design, certain property uses are allowed in the several districts where these uses would not otherwise be acceptable. By means of controls exercised through the Special Use Permit procedures, property uses that would otherwise be undesirable in certain districts can be developed to minimize any negative effects they might have on surrounding properties.

B. Procedure. Special Use Permits shall be granted by the Board of Adjustment as permitted for only those uses enumerated in Section 403, Use Matrix, as Special Uses. Uses specified as a Special Use in Section 403 shall be permitted only upon the issuance of a Special Use Permit by the Board of Adjustment.

The owner or owners of all property included in the petition for a Special Use Permit shall submit a complete application and a detailed site plan (drawn in accordance with the specifications listed in Section 1402) to the Planning and Inspections Staff. The Staff will schedule the application to be heard by the Board of Adjustment in accordance with the adopted time schedule.

Developers are encouraged to discuss their Special Use plans with the Planning and Inspections Staff before submission. The staff shall assist the developer upon request by reviewing Special Use plans to ensure that the technical requirements of this ordinance are met before submission to the Board of Adjustment.

All applications and site plans shall provide information indicating compliance with the development standards for individual uses as listed in Article IX of this ordinance, as applicable, and the height and area regulations for the zoning district in which they are located, unless the provisions for the Special Use provide to the contrary.

C. Consideration of Application. The Board of Adjustment shall consider the application, site plan and any other evidence presented in accordance with this article and may grant or deny the Special Use Permit requested. In granting a Special Use Permit, the Board shall find that:

1. The use will not materially endanger the public health or safety if located according to the plan submitted and proposed;
2. The use meets all required conditions and specifications;
3. The use will maintain or enhance the value of adjoining or abutting properties, or that the use is a public necessity; and



4. 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 is in general conformity with Cumberland County's most recent Land Use Plan, either comprehensive or a detailed area plan.  
(Amd. 02-19-08)

D. Final Disposition. In granting approval of a Special Use Permit, the Board of Adjustment shall impose such reasonable terms and conditions as it may deem necessary for the protection of the public health, general welfare and public interest. In granting a Special Use Permit, the Board of Adjustment may give due consideration to one or all of the following:

1. The compatibility of the proposal, in terms of both use and appearance, with the surrounding neighborhood;

2. The comparative size, floor area and mass of the proposed structure in relationship to adjacent structures and buildings in the surrounding area and neighborhood;

3. The frequency and duration of various indoor and outdoor activities and special events, and the impact of these activities on the surrounding area;

4. The capacity of adjacent streets to handle increased traffic in terms of traffic volume, including hourly and daily levels and weight-bearing limitations;

5. The added noise level created by activities associated with the proposed use;

6. The requirements for public services where the demands of the proposed use are in excess of the individual demands of the adjacent land uses, in terms of police and fire protection, and the presence of any potential or real fire hazards created by the proposed use;

7. Whether the general appearance of the neighborhood will be adversely affected by the location of the proposed use on the parcel;

8. The impact of night lighting in terms of intensity, duration and frequency of use, as it impacts adjacent properties and in terms of presence in the neighborhood;

9. The impact of the landscaping of the proposed use, in terms of maintained landscaped areas, versus areas to remain in a natural state, as well as the openness of landscaped areas, versus the use of buffers and screens;

10. The impact of a significant amount of hard-surfaced areas for buildings, sidewalks, drives, parking areas and service areas, in terms of noise transfer, water runoff and heat generation;

11. The availability of public facilities and utilities;

12. The harmony in scale, bulk, coverage, function and density of the proposed development and compliance with the development standards of the individual uses; and

13. The reasonableness of the request as compared to the purpose and intent of the most recent Land Use Plan, this ordinance, and adopted policies, for the physical development of the district, and protection of the environment.

*(Amd. 02-19-08)*

All such additional conditions imposed on the permit by the Board of Adjustment shall be entered in the minutes of the meeting at which the Special Use Permit is granted, on the Special Use Permit itself, and on the approved plans submitted therewith. The specific conditions shall run with the land and shall be binding on the original applicants for the Special Use Permit, their heirs, successors and assigns. The applicant for the Special Use Permit is responsible for the recordation of the "Notice of Special Use Permit" with the Cumberland County Register of Deeds prior to application for any zoning permit.

If the Board denies the Special Use Permit, it shall enter the reason for its action in the minutes of the meeting at which the action is taken. In the event of a denial, the Board of Adjustment shall not consider resubmission of the application for the same Special Use Permit on the same property without a substantial material change concerning the property and the application.

E. Expiration of Permits. Any Special Use granted becomes null and void if not exercised within the time specified in such approval, or if no date is specified, within one calendar year from the date of such approval if the permit has not been recorded with the County Register of Deeds. Furthermore, once the Certificate of Occupancy has been issued for a Special Use and then the Special Use ceases to exist for a time period of one calendar year or more, a re-submittal of the Special Use application for the same use may be required if there has been a material change in the ordinance standards *(Amd. 08-18-08)*

F. Modifications to Plans. The Board of Adjustment shall review any change, enlargement or alteration in site plans submitted as a part of a Special Use application, and new conditions may be imposed where findings require. The Planning and Inspections Staff may approve minor modifications of the approved plans in the same manner as authorized in Section 506 for Conditional Zoning districts, provided that the changes do not materially alter the original plan as approved, and the intent and objectives of the original approval are not deviated from.

*(Amd. 02-19-08; Amd. 04-18-11)*

G. Noncompliance. If for any reason any condition imposed pursuant to this section is found to be illegal or invalid, the Special Use Permit shall be null and void and of no effect, and the Planning and Inspections Staff shall institute proceedings for the case to be reheard by the Board of Adjustment.

Compliance with all the conditions of a Special Use Permit is an essential element of the Special Use Permit's continued validity and effectiveness. If the Coordinator shall determine that a permittee has failed to comply with a condition of an approved Special Use Permit, he shall so notify the permittee or the permittee's successor in interest and shall place the matter on the Board of Adjustment's agenda for the Board's decision whether or not to revoke the Special Use Permit. Such hearing shall be on reasonable written notice to the permittee or the permittee's successor in interest and shall be a quasi-judicial proceeding according to quasi-judicial procedures. The decision of the Board of Adjustment shall be a final decision, and a decision to revoke the Special Use Permit may be appealed to the Superior Court of Cumberland County within 30 days after the permittee or the permittee's successor in interest has been served with written notice of the Board of Adjustment's decision. Service by personal delivery, electronic mail or certified mail, return receipt requested, of a certified copy of the Board of Adjustment's approved minutes for its meeting at which such decision is made, may constitute written notice and service of the Board of Adjustment's decision hereunder.  
(Amd. 04-18-11)

H. Appeals of Special Use Permit Decisions. No appeal may be taken from the action of the Board of Adjustment in granting or denying a Special Use Permit except through the Cumberland County Superior Court in the same manner as set forth in this article for appeal of any Board of Adjustment decision.

## **SECTION 1607. HEARINGS**

A. The Board of Adjustment shall determine contested facts and make its decision within a reasonable time. Every quasi-judicial decision shall be based upon competent, material, and substantial evidence in the record. Each quasi-judicial decision shall be reduced to writing and reflect the board's determination of contested facts and their application to the applicable standards. The written decision shall be signed by the Chair or other duly authorized member of the board. A quasi-judicial is effective upon filing the written decision with the Clerk to the board. The decision of the board shall be delivered by personal delivery, electronic mail, or by first-class mail to the applicant, property owner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective. The Clerk to the board shall certify that proper notice has been made.  
(Amd. 08-18-08)

B. The Secretary to the Board of Adjustment shall ensure the Commanders of Fort Bragg, Pope Army Airfield, and Simmons Army Airfield are notified of any application affecting the use of property located within five miles or less of the perimeter boundary of said bases in accordance with N.C. GEN. STAT. § 153A-323.

## **SECTION 1608. REQUIRED VOTE.**

A. The concurring vote of four-fifths of the Board of Adjustment shall be necessary to grant a variance. A majority of the members shall be required to decide any other quasi-judicial matter or to determine an appeal made in the nature of certiorari. For the purposes of this sub-section, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter shall not be considered members of the board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.

*(Amd. 02-19-08; Amd. 04-18-11)*

B. A member of the board exercising quasi-judicial functions pursuant to this article shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected person's constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.

## **SECTION 1609. REVERSAL/REVOCAION OF DECISION.**

After a hearing has been held and approval granted, the Board of Adjustment may reverse or revoke any decision notice to the property owner and affected applicant if not the owner upon finding that:

- A. The approval was obtained by fraud;
- B. The use for which such approval was granted is not being executed;
- C. The use for which such approval was granted has ceased to exist or has been suspended for one calendar year or more;
- D. The permit granted is being, or recently has been, exercised contrary to the terms or conditions of such approval;
- E. The permit granted is in violation of an ordinance or statute; or
- F. The use for which the approval was granted was so exercised as to be detrimental to the public health or safety, or so as to constitute a nuisance.

**SECTION 1610. APPEAL OF FINAL DECISION.**

Every quasi-judicial decision shall be subject to review by the Superior Court by proceedings in the nature of certiorari pursuant to N.C. GEN. STAT. § 160A-393. A petition for review shall be filed with the Clerk of Superior court by the later of 30 days after the decision is effective or after a written copy thereof is given in accordance with subdivision A of this sub-section. When first-class mail is used to deliver notice, three days shall be added to the time to file the petition.

*(Amd. 01-19-10; Amd. 04-18-11)*

**State Statute References: N.C. GEN. STAT. §153A-345.1 and §160A-388**

# Cumberland County Zoning Ordinance Book

ZONING CASE #	BRIEF DESCRIPTION OF AMENDMENT	BOC ADOPTION DATES	BOC MEETING MINUTES PAGE NUMBERS
P15-25	SOLAR FARMS	5/18/2015	pg. 12-13
P15-16	DISTILLERIES	4/20/2015	pg. 8-9
P14-38	VOCATIONAL SCHOOLS	8/18/2014	pg. 26-30
P14-17	CTOD AND BILLBOARDS	4/22/2014	pg. 12-14
P12-61	KENNEL OPERATIONS	10/15/2012	pg. 28
P12-41	MANUFACTURED HOME CLASSES	8/20/2012	pg. 12-13
P12-33	INTERNET CAFÉ/VIDEO GAMING	10/15/2012	pg. 9-12 (8/20/2012) pg. 17-28
P12-32	RIPARIAN BUFFER & SCREENING BUFFER	6/18/2012	pg. 27-29
P11-20	FIRING RANGE, OUTDOOR	6/17/2013	PG. 24-34
P11-10	ZONING ORDINANCE ANNUAL REVISION	4/18/2011	pg. 14-15
P09-56	ZONING ORDINANCE ANNUAL REVISION	1/19/2010	pg. 8-9
P09-20	RELIGIOUS WORSHIP ACTIVITY AND BUFFER REQUIREMENTS	6/15/2009	pg. 8
P09-05	CONVENIENCE CONTAINERS & RECYCLING FACILITY	3/16/2009	pg. 7
P08-44	KENNEL AMENDMENT	9/15/2008	pg. 7-8
P08-39	AIRPORT OVERLAY DISTRICT	9/15/2008	pg. 6-7
P08-26	SPECIAL USE PERMITS, EXPIRATIONS AND HEARINGS	8/18/2008	pg. 10
P08-05	ZONING ORDINANCE ANNUAL REVISION	2/19/2008	pg. 11
P06-80	ZONING ORDINANCE ANNUAL REVISION	11/20/2006	pg. 6
P06-33	MIXED-USE & MIXED USE BUILDING	8/21/2006	pg. 3
P06-06	R20 & R20A RESIDENTIAL DISTRICTS	2/21/2006	pg. 6-7

REQUEST  
A1 TO R40A

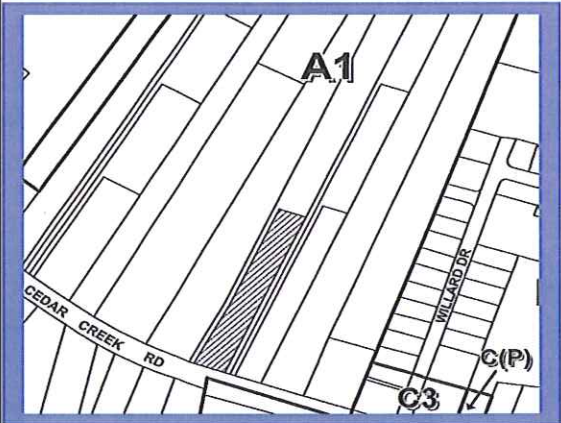
APPLICANT/PROPERTY OWNER  
KAREN E. OSBORN

PROPERTY ADDRESS/LOCATION  
3101 CEDAR CREEK ROAD

Jurisdiction: **County**

**PROPERTY INFORMATION**

**Frontage & Location:** 127.34'+/- on SR 53 (Cedar Creek Road)  
**Depth:** 774'+/-  
**Adjacent Property:** Yes  
**Current Use:** Residential  
**Initial Zoning:** A1 – September 14, 1979 (Area 9)  
**Nonconformities:** None  
**Zoning Violation(s):** None  
**School Capacity/Enrolled:** Comments requested, none received  
**Special Flood Hazard Area (SFHA):** No  
**Water/Sewer Availability:** PWC/Septic  
**Soil Limitations:** Yes, hydric – JT Johnston loam & Le Leon sand  
**Highway Plan:** Cedar Creek Road is identified as a thoroughfare needing improvement in the 2040 Metropolitan Transportation Plan. However, there are no constructions/improvements currently planned in that area. The subject property will have no impact on the Transportation Improvement Plan



**Notes:**

1. Density  
 A1 – 1 lot/unit  
 A1A – 2 lots/units  
 R40 & R40A – 2 lots/ units
2. Minimum Yard Setbacks:  

<u>A1&amp; A1A</u>	<u>R40 &amp; R40A</u>
Front yard: 50'	Front yard: 30'
Side yard: 20'	Side yard: 15'
Rear yard: 50'	Rear yard: 35'

**SURROUNDING LAND USE:** Residential (including multi-family & manufactured homes), club house (2), convenience store w/ gasoline & retail shopping center

**COMPREHENSIVE PLANS:** 2030 Growth Vision Plan: Urban Draft Vander Area Proposed Land Use Plan: Rural Residential

STAFF RECOMMENDATION

APPROVE

APPROVE WITH CONDITIONS

DENY

**FIRST MOTION**

The Planning and Inspections Staff recommends the board find that while approval of the request is not entirely consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for "urban" development at this location, the request is consistent with the *Draft Vander Area Proposed Land Use Plan*, which calls for "rural residential" development and R40A Residential will maintain the rural character of the area.

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 system allowed; could be located in any defined critical area as defined by the Fort Bragg Small Area Study; Desirable to be limited to one unit per acre in areas with hydric and severe septic tank limitations soils; Desirable to not be located in an area that is a prime industrial site; and may be outside the Sewer Service Area.*

**SECOND MOTION**

In addition to the above information, the Planning and Inspections Staff recommends the board approve Case No. P17-22 for R40A Residential based on the following:

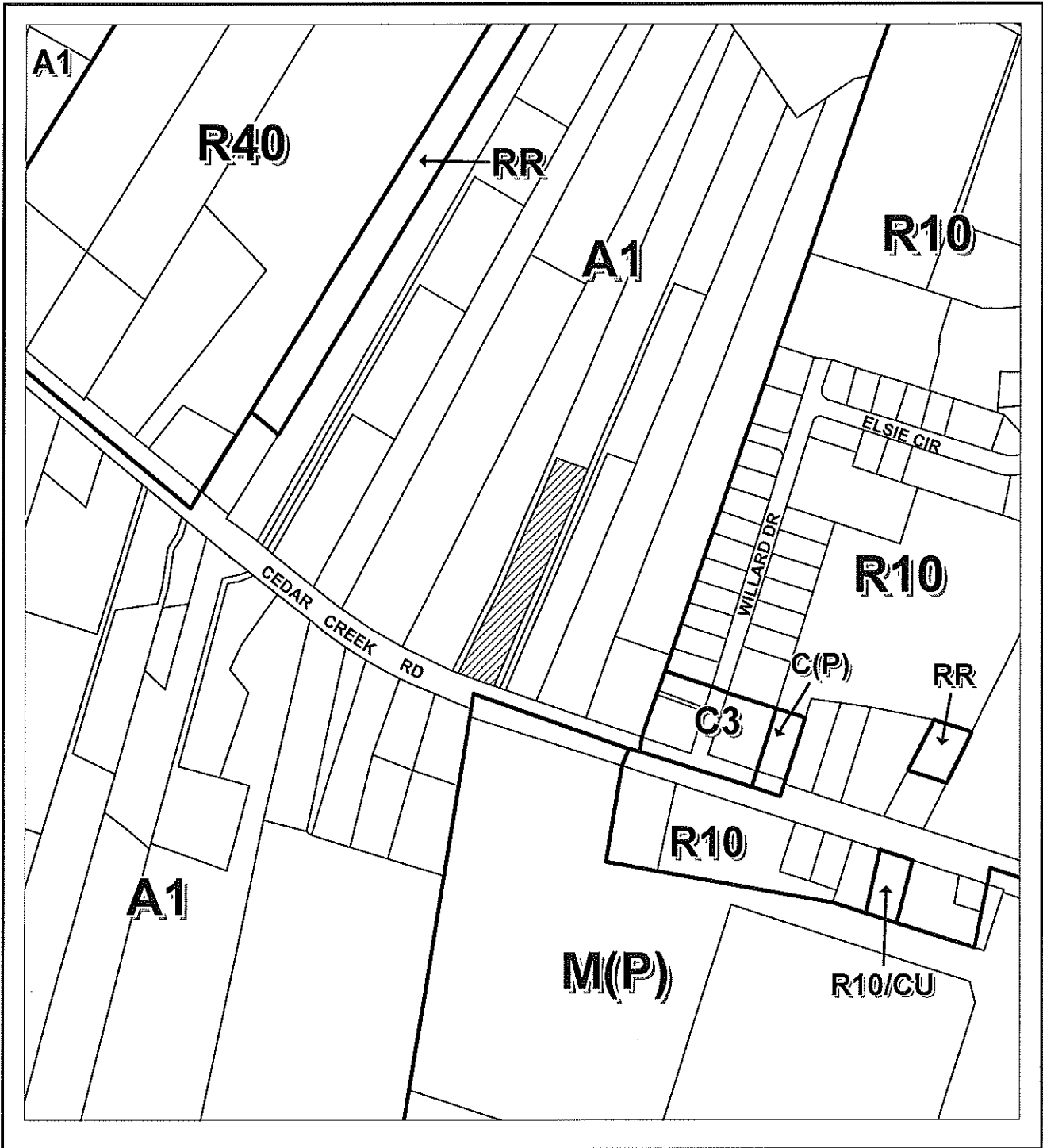
- The district requested will allow for land uses and lot sizes that exist in the general area.

**OTHER SUITABLE DISTRICTS:** A1A

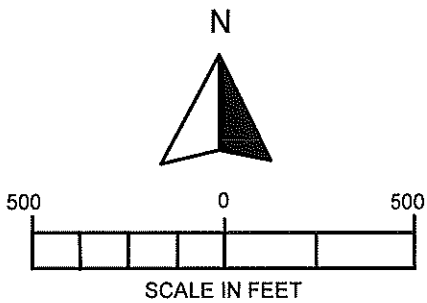
ATTACHMENTS: SKETCH MAP

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.



## REQUESTED REZONING A1 TO R40A



PIN: 0465-21-7442

ACREAGE: 2.00 AC.+/-		HEARING NO: P17-22	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

AM



CASE NUMBER: P17-18

PLANNING BOARD HEARING DATE:

06/20/2017

REQUEST

R10 TO C2(P)

APPLICANT/PROPERTY OWNER

CHARLOTTE MCKENZIE

PROPERTY ADDRESS/LOCATION

3216 N MAIN STREET

Jurisdiction:

HOPE MILLS

PROPERTY INFORMATION

Frontage & Location: 68'+/- on NC HWY 59

Depth: 185'+/-

Adjacent Property: No

Current Use: Residential

Initial Zoning: R10 (Town of Hope Mills)

Nonconformities: Yes – existing building does not meet side yard setback; nonconformity would increase if rezoning approved.

Zoning Violation(s): None

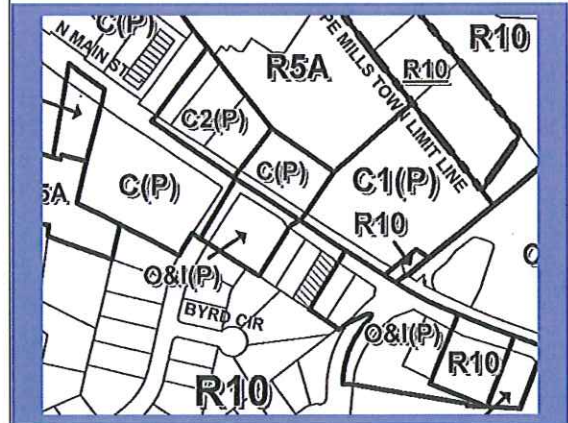
Town of Hope Mills Planning: Although the lot is residentially zoned, the request is in compliance with the 2030 Land Use Plan that calls for Urban Development and the Southwest Land Use Plan that calls for Heavy Commercial at this location.

Special Flood Hazard Area (SFHA): No

Water/Sewer Availability: PWC/PWC

Soil Limitations: None

Highway Plan: North Main Street is identified as a thoroughfare needing improvement in the 2040 Metropolitan Transportation Plan, however there are currently no constructions/improvements planned. The subject property will have no impact on the Highway Plan or the Transportation Improvement Plan



SURROUNDING LAND USE: Residential (including multi-family), motor vehicle parts store, bank, medical office, post office, utility substation, car wash, religious worship, funeral home, cemetery, shopping center & vacant commercial buildings

COMPREHENSIVE PLANS: 2030 Growth Vision Plan: Urban Southwest Cumberland Land Use Plan: Heavy Commercial

Notes:

1. R10 Residential District is now dormant and corresponds to R7.5 Residential District
2. Density  
R7.5 – 1 lot/ 2 units
3. Minimum Yard Setbacks:

<u>C2(P)</u>	<u>R7.5</u>
Front yard: 50'	Front yard: 30'
Side yard: 30'	Side yard: 10'
Rear yard: 30'	Rear yard: 35'

STAFF RECOMMENDATION

APPROVE

APPROVE WITH CONDITIONS

DENY

FIRST MOTION

The Planning and Inspections Staff recommends the board deny Case No. P17-18 for C2(P) Planned Service & Retail based on the following:

- The district requested will increase a nonconformity as the existing structure currently does not appear to meet a side yard setback.

SECOND MOTION

The Planning and Inspections Staff recommends the board find that approval of the request is consistent with the adopted 2030 Growth Vision Plan map, which calls for "urban" development, as well as the Southwest Cumberland Land Use Plan, which calls for "heavy commercial" development at this location, the site is not big enough to meet district dimensional requirements let alone required parking, buffering and landscaping. It is recommended that if the board is inclined to approve the rezoning, the developer amend their request to include a conditional zoning so that County and Town staff could ensure that all ordinance related standards can be met.

The staff recommends the board further find that approval of this rezoning is not reasonable or in the public interest because the site is not sufficient to accommodate a commercial business at this time because the area is extremely congested and in need of road improvements.

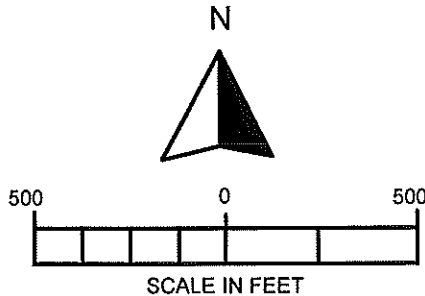
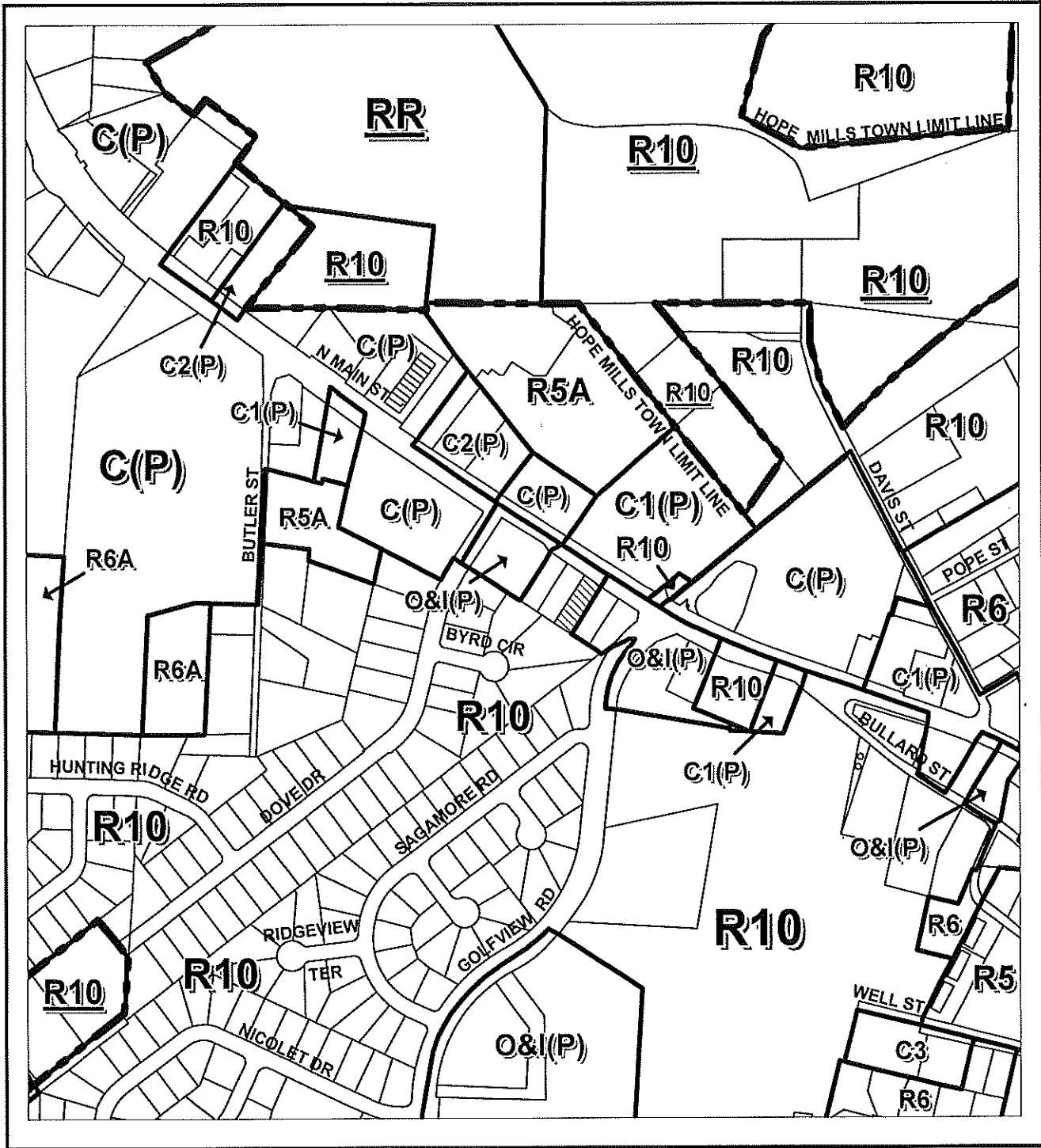
OTHER SUITABLE DISTRICTS: None

ATTACHMENTS:

SKETCH MAP

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.



## REQUESTED REZONING R10 TO C2(P)

<b>ACREAGE: 0.29 AC.+/-</b>		<b>HEARING NO: P17-18</b>	
ORDINANCE: HOPE MILLS		HEARING DATE	ACTION
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

06/20/2017

REQUEST

R6A & CD TO C2(P)/CZ FOR CONVENIENCE RETAIL W/ GASOLINE SALES

APPLICANT/PROPERTY OWNER

DAVID MCMILLAN (OWNER)/ J. THOMAS NEVILLE (AGENT)

PROPERTY ADDRESS/LOCATION

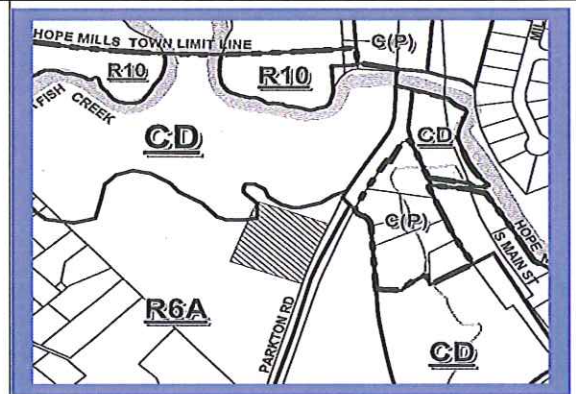
WEST SIDE OF SR 1118 (PARKTON ROAD), NORTH OF SR 1119 (MUSCAT ROAD)

Jurisdiction:

County

PROPERTY INFORMATION

Frontage & Location: 300'+/- on SR 1118 (Parkton Rd)
Depth: 300'+/-
Adjacent Property: Yes
Current Use: Vacant
Initial Zoning: R6A & CD - February 3, 1977 (Area 7)
Nonconformities: None
Zoning Violation(s): None
School Capacity/Enrolled: Gallberry Farm Elementary: 900/972; Gray's Creek Middle: 1100/1066; Gray's Creek High: 1470/1448
Special Flood Hazard Area (SFHA): No
Water/Sewer Availability: PWC/PWC
Municipal Influence Area: Hope Mills
Soil Limitations: None
Highway Plan: Parkton Road is identified as a thoroughfare needing improvement in the 2040 Metropolitan Transportation Plan, however there are currently no constructions/improvements planned. The subject property will have no impact on the Highway Plan or the Transportation Improvement Plan



Notes:

- 1. Density
R6A - 17 lots/ 18 units
MHP - 14 units
2. Minimum Yard Setbacks:
C2(P) R6A
Front yard: 50' Front yard: 25'
Side yard: 30' Side yard: 10'
Rear yard: 30' Rear yard: 15'

SURROUNDNG LAND USE: Residential (including manufactured homes), convenience store w/ gasoline, dentist office, substation & manufactured home park

COMPREHENSIVE PLANS: 2030 Growth Vision Plan: Urban fringe Southwest Cumberland Land Use Plan: Suburban residential

STAFF RECOMMENDATION

APPROVE

APPROVE WITH CONDITIONS

DENY

FIRST MOTION

The Planning and Inspections Staff recommends the board find that approval of the request for rezoning in Case No. P17-23 is could be found to be consistent with the adopted comprehensive plan designated as the 2030 Growth Vision Plan, which calls for "urban fringe" at this location, it is in the public interest to deny this request due to the safety issues the proposed location presents. The subject property is located in a curve and on a hill, which could result in motor vehicle accidents. In addition, the request is not consistent with the Southwest Cumberland Land Use Plan which calls for "suburban residential".

This request also does not conform with the nodal policy for commercial development, which calls for concentrated development to be located in nodes at major intersections. The proposed development would be surrounded by vacant land, away from a major intersection and with no other commercial development planned immediately adjacent to it.

SECOND MOTION

In addition to the above information, the Planning and Inspections Staff recommends the board deny Case No. P17-23 for C2(P)/CZ Conditional Zoning for convenience retail with gasoline sales based on the following:

- While the developer has listed PWC as the water and septic provider, he has shown a proposed well and septic tank on the site plan. The C2(P) district requires public utilities and they are present in the area, the developer will have to extend the lines across South Main Street, Rockfish Creek and Parkton Road.

Applicant has not agreed to the Ordinance Related Conditions.

OTHER SUITABLE DISTRICTS: Mixed Use Development Plan of the entire 95.68+/- acre parent tract.

ATTACHMENTS:

SKETCH MAP

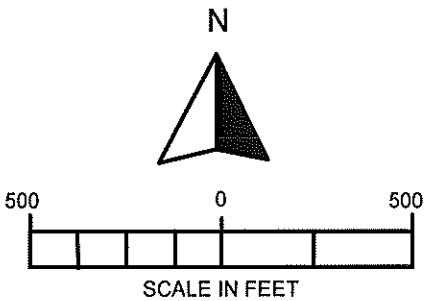
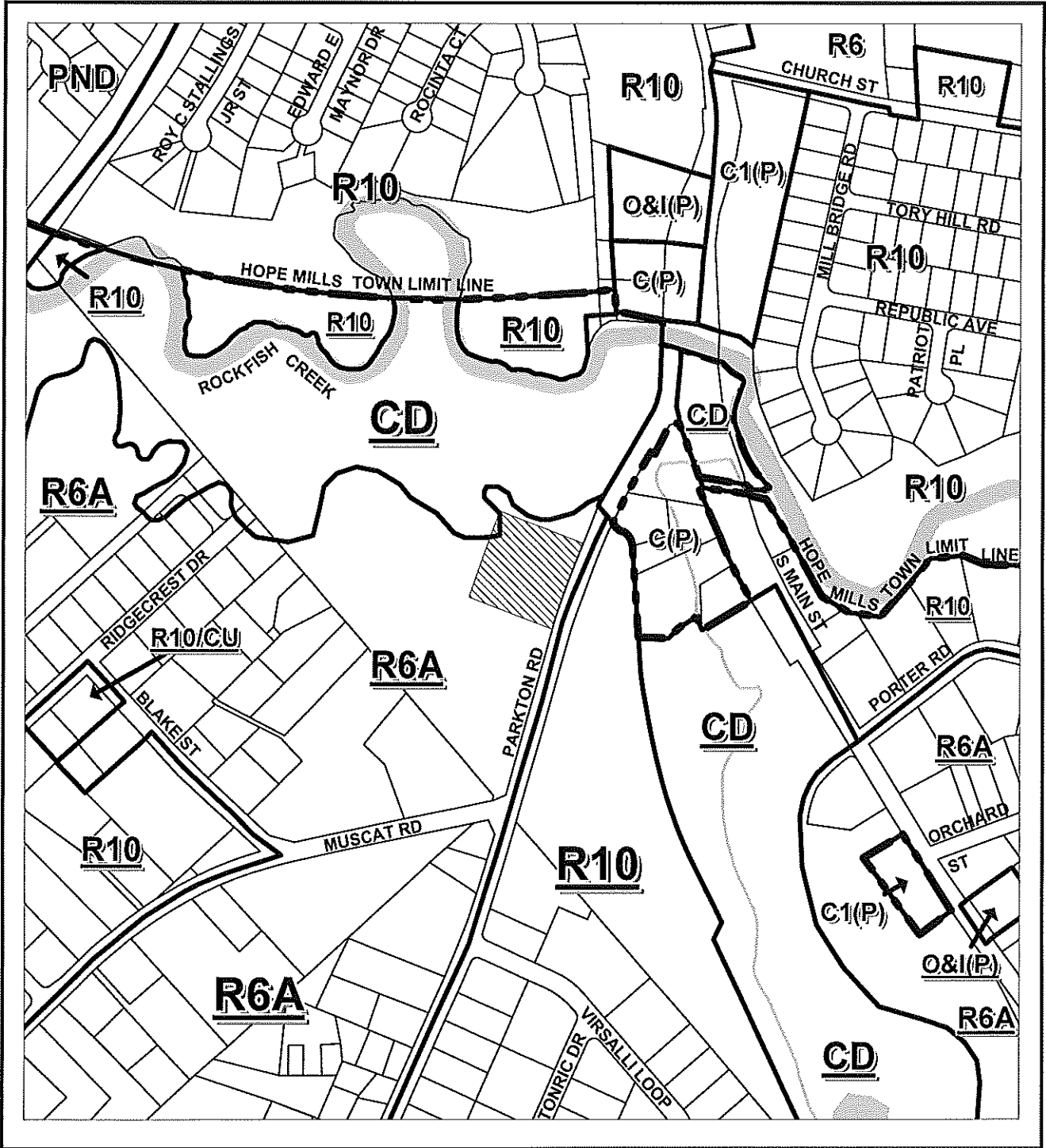
SITE PLAN

APPLICATION

ORDINANCE RELATED CONDITIONS

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.

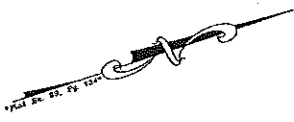


PORTION OF PIN: 0414-50-9242

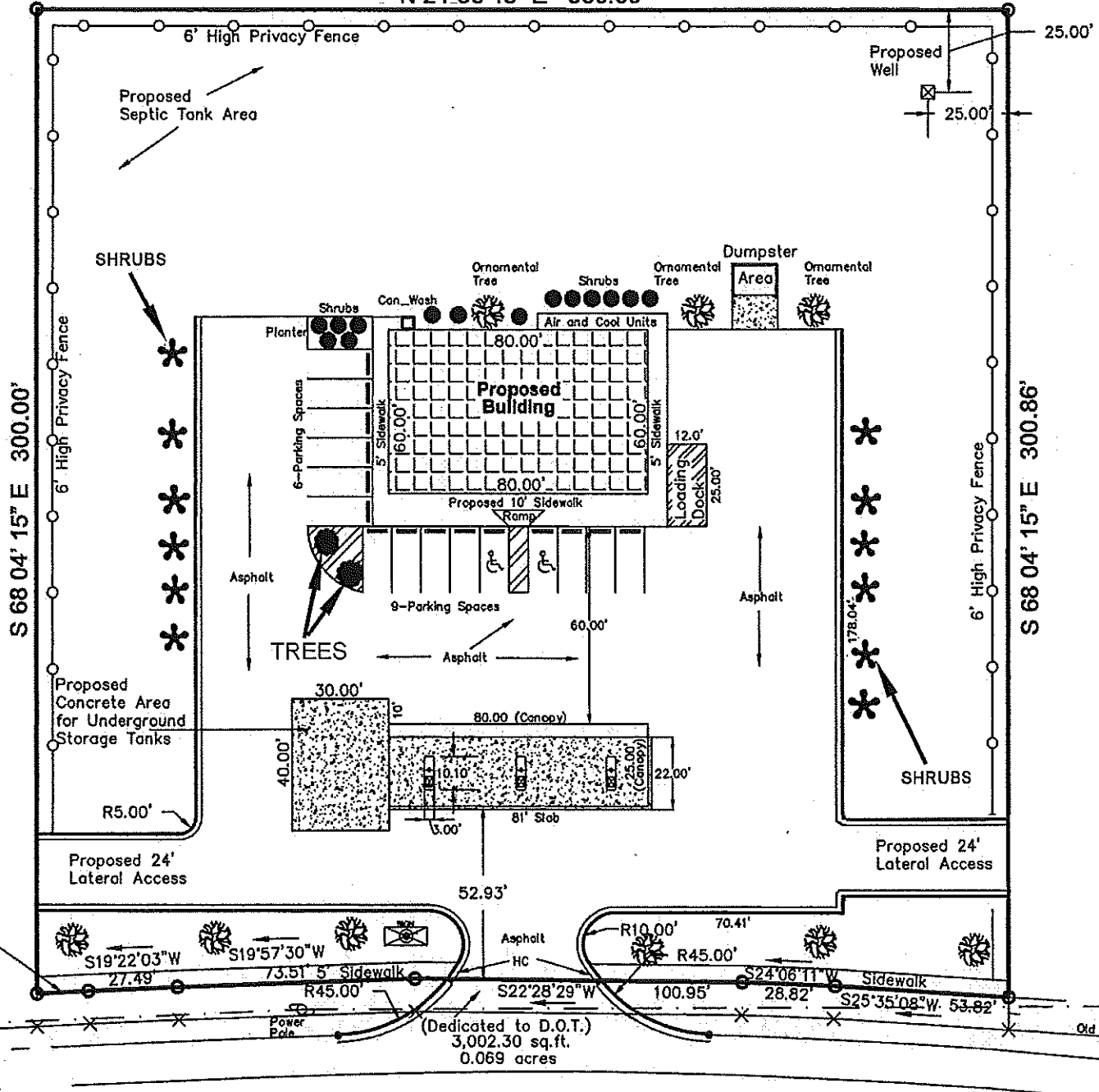
## REQUESTED REZONING R6A & CD TO C2(P)/CZ

ACREAGE: 2.04 AC.+/-	HEARING NO: P17-23	
ORDINANCE: COUNTY	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

MB  
5/22/17  
5/24/17



N 21.55'45" E 300.00'



**Parkton Road - S.R. 1118**  
(R/W Varies-Public)

### C2(P) PLANNED SERVICE AND RETAIL/CZ CONDITIONAL ZONING

REQUEST: CONVENIENCE RETAIL WITH GASOLINE SALES

CASE: P17-23 ACREAGE: 2.04 AC+/-

ZONED: R6A & CD SCALE: NTS PARKING: 21 SPACES

\*SCALED DETAILED SITE PLAN AVAILABLE FOR REVIEW UPON REQUEST

MB  
5/22/17

**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 J. Thoms Neville
2. Address: P.O. Box 705, Fayetteville, NC Zip Code 28302
3. Telephone: (Home) \_\_\_\_\_ (Work) 910-433-4433
4. Location of Property: South of intersection between Parkton Road/Hwy 59 (See attached survey)
5. Parcel Identification Number (PIN #) of subject property: 0414-50-9242  
(also known as Tax ID Number or Property Tax ID)
6. Acreage: 2.04 Frontage: 300 Depth: 300'
7. Water Provider: PWC (Conditional) Septage Provider: PWC(Conditional)
8. Deed Book 5740, Page(s) 877, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
9. Existing use of property: Vacant
10. Proposed use(s) of the property: Convenience store

**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 X No \_\_\_\_\_
12. Has a violation been issued on this property? Yes \_\_\_\_\_ No X
13. It is requested that the foregoing property be rezoned FROM: RA

TO: (Select one)

- X Conditional Zoning District, with an underlying zoning district of CP2  
(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.)

Proposed use of property is a convenience store. Please see attached plan.

- 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.  
2.046 acre lot (2/115 acre lot w/.10' Roadway strip) to be utilized for commercial use upon which one building will be used as a convenience store and a 80 x 25' canopy, covering gasoline pumps and a 30 x 40' proposed underground storage tank area.

2. DIMENSIONAL REQUIREMENTS:

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

Request set backs to be approved as per site plan.

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

Request off-street parking and loading be approved as per site plan. Site plan includes 15 parking spaces including 2 handicapped spaces which are located on asphalt surface. Site plan further provides for lateral access.

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.

As provided for pursuant to applicable codes.

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.**

Request that landscaping to include ornamental trees and shrubs be approved 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.**

Please see site plan. Site plan includes 6' high privacy fence on rear and sides of property and vegetation buffer in front of property.

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.

It is anticipated that the hours of operation will be 7 days a week from 6 a.m. to 11:00 p.m.  
The anticipated number of employees is 5.

As to exterior lighting, noise, odor and smoke, emission controls, etc., applicant will comply with all applicable codes.

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 consulted with the petitioner or assigns, and the application as submitted is accurate and correct.

✓ David McMillan  
NAME OF OWNER(S) (PRINT OR TYPE)  
✓ 4414 Wavetree Fay N.C 28306  
ADDRESS OF OWNER(S)

E-MAIL  
HOME TELEPHONE \_\_\_\_\_ WORK TELEPHONE 910-237-0998  
SIGNATURE OF OWNER(S) *David McMillan* SIGNATURE OF OWNER(S)

✓ J. Thomas Neville  
✓ NAME OF AGENT, ATTORNEY, APPLICANT (by assign) (PRINT OR TYPE)  
115 E. Russell Street, Fayetteville, NC 28301  
ADDRESS OF AGENT, ATTORNEY, APPLICANT

HOME TELEPHONE \_\_\_\_\_ WORK TELEPHONE 910-433-4433  
E-MAIL ADDRESS jtneville@ywnlaw.com FAX NUMBER 910-433-2233  
SIGNATURE OF AGENT, ATTORNEY, OR APPLICANT *J. Thomas Neville*

**C2(P) PLANNED SERVICE & RETAIL/CZ CONDITIONAL ZONING DISTRICT**

DRAFT

Ordinance Related Conditions  
for  
Convenience Retail w/ Gasoline Sales

**Pre-Permit/Pre-Plat Related:**

1. Prior to application for any permits and prior to submission for approval of the subdivision final plat, three copies of a revised plan must be submitted for staff review and approval. The revision must show that the proposed driveway has been shifted so that the current proposed lot and all future lots to be divided out of the portion of the parent tract located on the northwest side of SR 1118 (Parkton Road) will be served by one internal street system. No individual lots can be approved for driveway access to the existing State road.

Note: This same condition will also be placed upon any future division/submissions for approval on that portion of the parent tract on the southeast side of SR 1118 (Parkton Road).

**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. Connection to public water and sewer is required, the Public Works Commission (PWC) must approve water and sewer plans prior to application for any permits. A copy of the PWC approval must be provided to 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 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. 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. Six large shade trees or 12 small ornamental trees within the front yard setback area along SR 1118 (Parkton Road); and
  - b. Two ornamental trees and 26 shrubs are required in the building yard area.

In addition:

- a. Required plant materials shall be maintained by the property owner, including replacing dead or unhealthy trees and shrubs; and
  - b. All yard and planting areas shall be maintained in a neat, orderly, and presentable manner and kept free of weeds and debris.
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.
  9. **Driveway Permit required.** Proposed development requires concurrent interdepartmental review.

Construction of any new connection or alteration of any existing connection may require an approved Driveway Permit. For additional information contact the Division 6 / District 2 office.

Change of use of subject properties shall require an approved Driveway Permit. Permits **MUST** be secured prior to the change or alteration of existing or proposed property use. Failure to secure required permits prior to construction or change in property usage may result in the removal of the driveway or street connections at the property owner's expense. For additional information contact the Division 6 / District 2 office.

**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:**

10. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Development Ordinance and Zoning Ordinances for the C2(P)/CZ zoning district for a convenience store with gasoline sales, to include the contents of the application and site plan, must be complied with, as applicable.
11. All corner lots and lots fronting more than one street must provide front yard setbacks from each street. Note: Condition added due to potential internal street – *see Condition No. 1.*
12. This conditional approval is not approval of the permit for the 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.)
13. 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)
14. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision and Development Ordinance)
15. In the event a stormwater utility structure is required by the NC Department of Environmental Quality (NCDEQ), the owner/developer must secure the structure with a four foot high fence with a lockable gate, and is required to maintain the detention/retention basin, keeping it clear of debris and taking measures for the prevention of insect and rodent infestation.
16. This review does not constitute a “subdivision” approval by NC Department of Transportation (NCDOT). A separate submittal to NCDOT will be required prior to consideration for addition to the system of any street within this development.
17. Turn lanes may be required by the NC Department of Transportation (NCDOT).

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

18. An internal street system is required to serve all future divisions of the parent tract.

19. 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.
20. A solid buffer must be provided and maintained along the side and rear property lines where this tract/site abuts residential 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.)
21. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.
22. All required off-street parking spaces are required to be a minimum of 9' x 20'; a minimum of ten off-street parking spaces is required for this development.
23. A minimum of one off-street loading spaces(s) measuring 12' x 25' with 14' overhead clearance must be provided for the convenience retail area.
24. 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:**

25. Prior to submission for final plat approval, a concrete, or other approved surface material, sidewalk is required to be constructed along SR 1118 (Parkton Road). *Contact Hector A. Cruz-Alicea, Town of Hope Mills, for sidewalk specifications and standards.* Call Jeff Barnhill once constructed for a verification inspection.
26. Prior to submission for final plat approval, fire hydrants must be installed along SR 1118 (Parkton Road); hydrants must be located no further than 300 feet apart and a maximum of 300 feet from the proposed lot. Call Jeff Barnhill once installed for a verification inspection.
27. Any/All easements must be reflected on the final plat and labeled as to type of easement, reference number for document creating the easement, and the name of the agency, individual, etc. who holds the easement.
28. All lots within this development must be served by an internal street system and a "no access" easement must be reflected on the final plat along SR1118 (Parkton Road).
29. A 10' x 70' sight distance easement is required at the intersection of the internal street/drive with SR 1118 (Parkton Road) and must be reflected on the final plat.
30. A 25' right-of-way radius is required at all intersections and must be reflected on the final plat. (Section 2304.10.c, Street Design, County Subdivision and Development Ordinance)

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

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

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

32. The notarized signature(s) of all current tax record owner(s) and notary certifications appear on the final plat when submitted for final approval. (Section 2503 D, Certificate of Ownership and Dedication, County Subdivision and Development Ordinance)
33. The developer is reminded that the improvements must be in place or that final plat approval will only be granted in accordance with Section 2502 B, C, or D, Final Plat – Guarantees of Improvements, County Subdivision and Development Ordinance. (Note:

Once the improvements are in place, the developer is responsible for contacting Jeff Barnhill to schedule an inspection of the improvements.)

34. The final 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:**

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

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

**Other Relevant Conditions:**

36. The applicant is advised to consult an expert on wetlands before proceeding with any development.
37. The subject property is located within the Town of Hope Mills Municipal Influence Area (MIA). The following comments were submitted by the town staff:
- a. *Town of Hope Mills Storm Water Department:* Site is above 1 acre and will need to comply with NCDENR regulations
  - b. *Town of Hope Mills Planning Department:* The 2030 Growth and Vision Land Use plan designates this property as Urban with the Southwest Cumberland Land Use Plan designating as Medium Density Mixed Housing. Staff does not object to this request and is willing to maintain sidewalks required along Parkton road
  - c. *Town of Hope Mills Public Works Department:* No Comment
  - d. *Town of Hope Mills Fire Department:* Not enough utility plan information was provided to be able to comment on fire hydrant location compliance.
38. 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 possibly on this site.
39. Parkton Road is identified as a thoroughfare needing improvement in the 2040 Metropolitan Transportation Plan. However, there are no constructions/improvements currently planned in that area. The subject property will have no impact on the Transportation Improvement Plan.
40. 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.
41. The US Postal Service most likely will require this development and any future divisions of the subject property 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.
42. 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.

*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):

Improvements Inspections:	Jeff Barnhill	678-7765	<a href="mailto:jbarnhill@co.cumberland.nc.us">jbarnhill@co.cumberland.nc.us</a>
Subdivision/Site Plan/Plat	Ed Byrne	678-7609	<a href="mailto:ebyrne@co.cumberland.nc.us">ebyrne@co.cumberland.nc.us</a>
Code Enforcement (Permits):	Scott Walters	321-6654	<a href="mailto:swalters@co.cumberland.nc.us">swalters@co.cumberland.nc.us</a>
County Building Inspections:	Gary Faulkner	321-6648	<a href="mailto:gfaulkner@co.cumberland.nc.us">gfaulkner@co.cumberland.nc.us</a>
Fire Marshal – Emergency Services	Rodney Ward	321-6625	<a href="mailto:rward@co.cumberland.nc.us">rward@co.cumberland.nc.us</a>
County Engineer’s Office:	Wayne Dudley	678-7636	<a href="mailto:wdudley@co.cumberland.nc.us">wdudley@co.cumberland.nc.us</a>
County Health Department:	Daniel Ortiz	433-3680	<a href="mailto:dortiz@co.cumberland.nc.us">dortiz@co.cumberland.nc.us</a>
PWC:	Joe Glass	223-4740	<a href="mailto:joe.glass@faypwc.com">joe.glass@faypwc.com</a>
Town of Hope Mills:		424-4555*	
Town Clerk:	Melissa P. Adams		<a href="mailto:mpadams@townofhopemills.com">mpadams@townofhopemills.com</a>
Planner – Zoning Permits	Chancer McLaughlin		<a href="mailto:cmclaughlin@townofhopemills.com">cmclaughlin@townofhopemills.com</a>
Public Works – Streets/sidewalks	Hector A. Cruz-Alicea		<a href="mailto:hacruz@townofhopemills.com">hacruz@townofhopemills.com</a>
County Public Utilities:	Amy Hall	678-7637	<a href="mailto:ahall@co.cumberland.nc.us">ahall@co.cumberland.nc.us</a>
US Postal Service	Jonathan R. Wallace	(704) 393-4412	<a href="mailto:jonathan.r.wallace@usps.gov">jonathan.r.wallace@usps.gov</a>
Corp of Engineers (wetlands):	Liz Hair	(910) 251-4049	<a href="mailto:hair@usacr.army.mil">hair@usacr.army.mil</a>
NCDEQ (E&S):	Leland Cottrell	(910) 433-3393	<a href="mailto:leland.cottrell@ncdenr.gov">leland.cottrell@ncdenr.gov</a>
US Fish & Wildlife Services	Susan Ladd Miller	(910) 695-3323	<a href="mailto:susan_miller@fws.gov">susan_miller@fws.gov</a>
Location Services:			
Site-Specific Address:	Ron Gonzales	678-7616	<a href="mailto:rgonzalez@co.cumberland.nc.us">rgonzalez@co.cumberland.nc.us</a>
Street Naming/Signs:	Diane Shelton	678-7665	<a href="mailto:nameit2@co.cumberland.nc.us">nameit2@co.cumberland.nc.us</a>
Tax Parcel Numbers:		678-7549	
NCDOT (driveways/curb-cuts):	Troy Baker	364-0601	<a href="mailto:tlbaker@ncdot.gov">tlbaker@ncdot.gov</a>
NCDOT (subdivision roads):	Earl C. Locklear	364-0601	<a href="mailto:elocklear@ncdot.gov">elocklear@ncdot.gov</a>
Transportation Planning:	Greg Shermeto	678-7615	<a href="mailto:gshermeto@co.cumberland.nc.us">gshermeto@co.cumberland.nc.us</a>
N.C. Division of Water Quality:	Mike Randall	(919) 807-6374	<a href="mailto:mike.randall@ncdenr.gov">mike.randall@ncdenr.gov</a>

\*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

CASE NUMBER: P17-24

PLANNING BOARD HEARING DATE:

06/20/2017

REQUEST

R6 TO C1(P)/CZ FOR HAIR SALON & GENERAL OFFICE SPACE

APPLICANT/PROPERTY OWNER

NELL B. JACKSON (OWNER) / JOHN WHITE (AGENT)

PROPERTY ADDRESS/LOCATION

3957 S MAIN ST

Jurisdiction:

HOPE MILLS

PROPERTY INFORMATION

Frontage & Location: 157'+/- on NC HWY 59 (S Main St)

Depth: 149'+/-

Adjacent Property: No

Current Use: Residential

Initial Zoning: R6 (Town of Hope Mills)

Nonconformities: Yes – existing building does not meet front yard setback

Zoning Violation(s): None

School Capacity/Enrolled: Baldwin Elementary: 790/716; Hope Mills Middle:

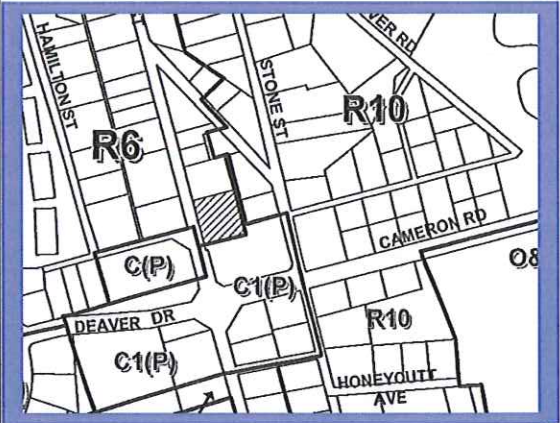
740/571; South View High: 1800/1775

Special Flood Hazard Area (SFHA): No

Water/Sewer Availability: PWC/PWC

Soil Limitations: None

Highway Plan: South Main Street is considered a thoroughfare needing improvement in the 2040 Metropolitan Transportation Plan. Currently, there are no constructions/improvements planned in the area of South Main Street. The subject property will have no impact on the Transportation Improvement Plan



SURROUNDNG LAND USE: Residential (including multi-family), retail sales, convenience store w/ gasoline (2), daycare & produce stand

COMPREHENSIVE PLANS: 2030 Growth Vision Plan: Urban Southwest Cumberland Land Use Plan: Mixed use development

Notes:

- 1. Density (minus 15% for R/W) R6 – 3 lots/ 4 units
2. Minimum Yard Setbacks: C1(P) R6 Front yard: 45' Side yard: 15' Rear yard: 20' Front yard: 25' Side yard: 10' Rear yard: 30'

STAFF RECOMMENDATION

APPROVE

APPROVE WITH CONDITIONS

DENY

FIRST MOTION

The Planning and Inspections Staff recommends the board deny Case No. P17-24 for C1(P) Planned Local Business/CZ Conditional Zoning for hair salon and office space based on the following:

- The district requested will increase a nonconformity as the existing structure currently does not meet the front yard setback.

SECOND MOTION

The Planning and Inspections Staff recommends the board further find that approval of the request is consistent with the adopted 2030 Growth Vision Plan map, which calls for "urban" development, as well as generally consistent with the Southwest Cumberland Land Use Plan, which calls for "mixed use" development at this location, however, it is not reasonable as it could potentially start a domino effect of strip commercial development in a well established residential neighborhood.

The staff also recommends that the Town of Hope Mills consider adding this property, along with others in the area, to its Historic Preservation District to continue the work of preserving the town's historical architecture. This would aid the town in its tree preservation efforts and retaining the unique and quaint character of this portion of Main Street.

The applicant has not agreed to the Ordinance Related Conditions.

OTHER SUITABLE DISTRICTS: None

ATTACHMENTS:

SKETCH MAP

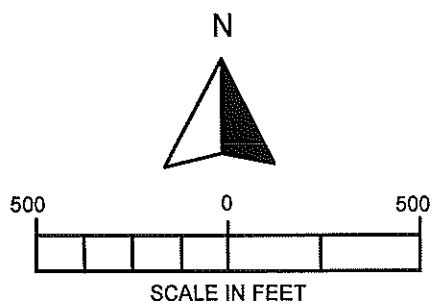
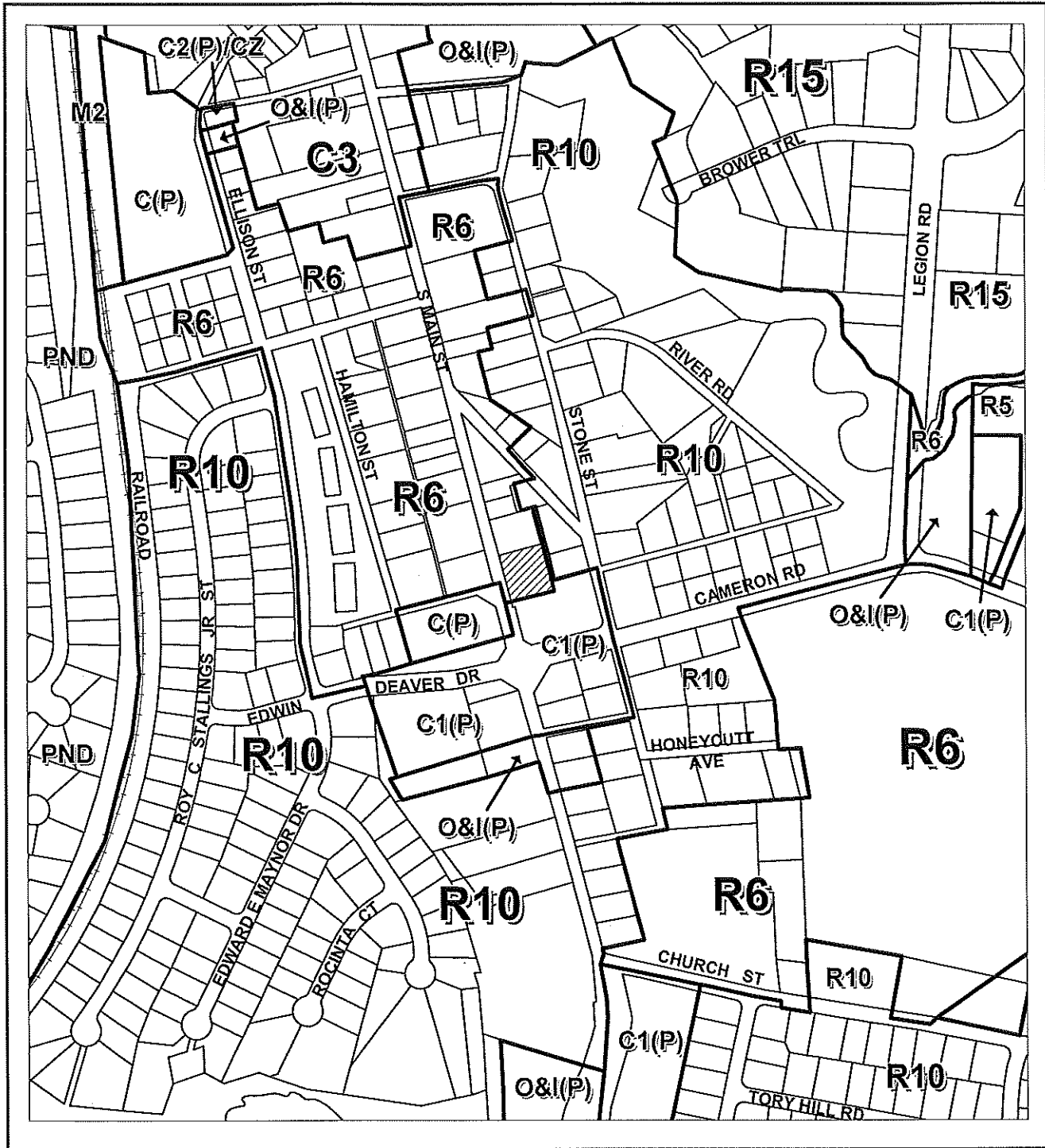
SITE PLAN

APPLICATION

ORDINANCE RELATED CONDITIONS

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.



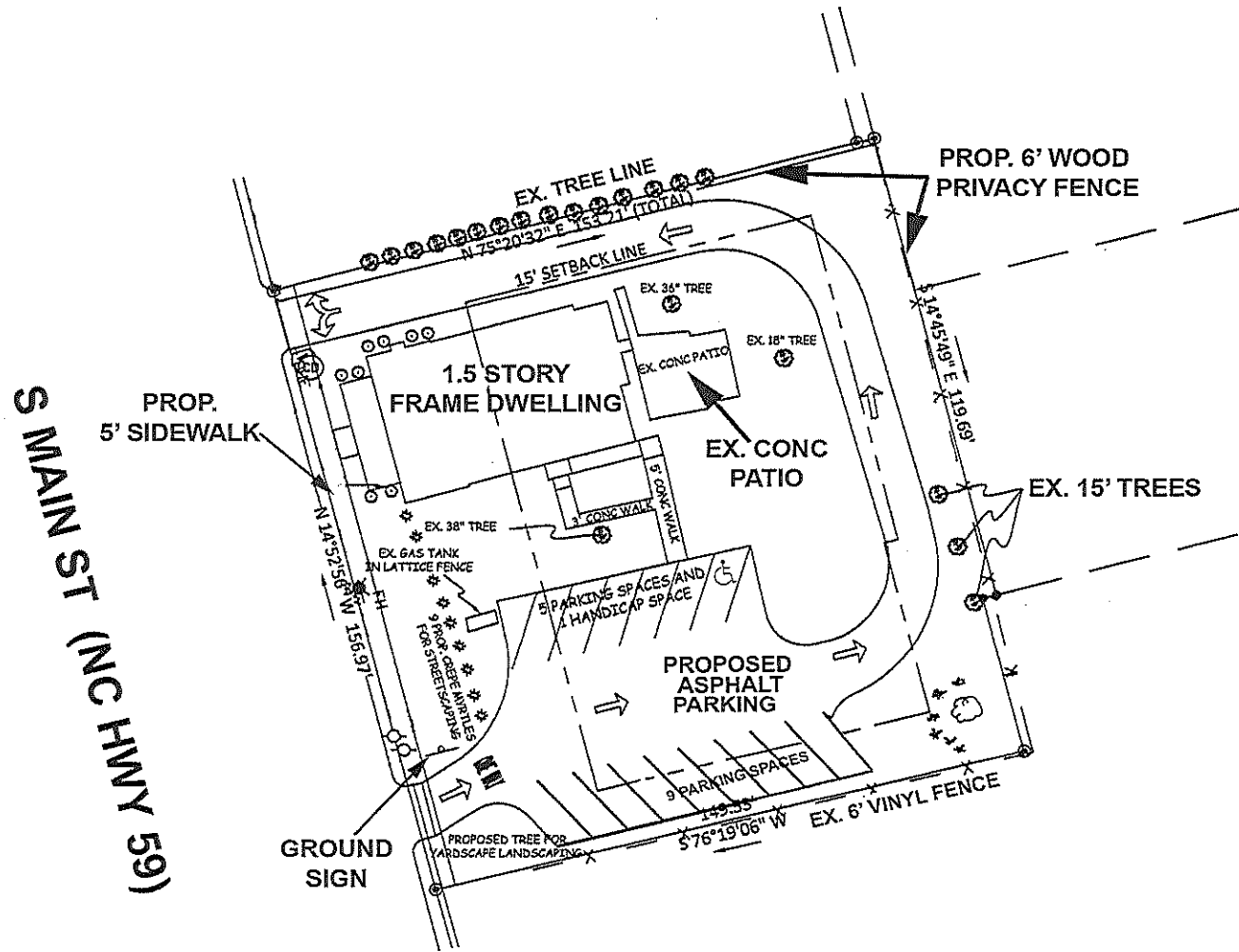
## REQUESTED REZONING R6 TO C1(P)/CZ

ACREAGE: 0.55 AC.+/-	HEARING NO: P17-24	
ORDINANCE: HOPE MILLS	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

PIN: 0414-62-7798

AM  
5-25-17





**C1(P) PLANNED LOCAL BUSINESS/CZ CONDITIONAL ZONING**

**REQUEST: HAIR SALON AND OFFICE SPACE**

**CASE: P17-24 ACREAGE: 0.55 AC +/-**

**SCALE: NTS PARKING: 15 SPACES**

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

5-22-2017

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

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

1. Applicant/Agent John "JJ" White
2. Address: 4068 Ardenwoods Dr Zip Code 28306
3. Telephone: (Home) 910-423-6649 (Work) 910-818-4303
4. Location of Property: 3957 S Main St, Hope Mills NC 28348
5. Parcel Identification Number (PIN #) of subject property: 0414-62-7798  
(also known as Tax ID Number or Property Tax ID)
6. Acreage: .55 Frontage: 156.97 Depth: 153.21
7. Water Provider: PWC Septage Provider: PWC
8. Deed Book 08410, Page(s) 152, 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: Hair Salon  
Office space and or storage on second floor

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

11. Do you own any property adjacent to, including across the street from, the property being submitted for rezoning? Yes \_\_\_\_\_ No X
12. Has a violation been issued on this property? Yes \_\_\_\_\_ No X
13. It is requested that the foregoing property be rezoned FROM: R6  
TO: (Select one)  
X Conditional Zoning District, with an underlying zoning district of C1(P)  
(Article V)  
\_\_\_\_\_ Mixed Use District/Conditional Zoning District (Article VI)  
\_\_\_\_\_ Planned Neighborhood District/Conditional Zoning District (Article VII)  
\_\_\_\_\_ Density Development/Conditional Zoning District, at the \_\_\_\_\_ Density  
(Article VIII)

APPLICATION FOR  
CONDITIONAL ZONING

1. PROPOSED USE(S):

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

Hair Salon, Office Space, and Incidental Storage

- 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.

See Site Plan

2. DIMENSIONAL REQUIREMENTS:

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

See Site Plan

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

See Site Plan

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.

See Site Plan

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 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.**

See 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.

Days and Hours: 7 days a week, 14 hours per day

Employees: 14 employees for salon

Exterior Lighting: Outdoor motion detection lights

Noise: NA

Odor/Smoke: NA

Emission Controls: NA



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 County Planning Department a valid request within a complete application.

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

✓ **Nell B Jackson**

NAME OF OWNER(S) (PRINT OR TYPE)

✓ **3957 S Main Street, Hope Mills NC 28348**

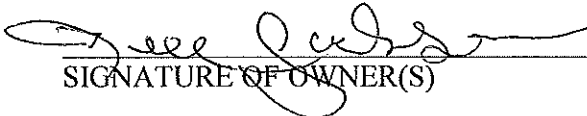
ADDRESS OF OWNER(S)

E-MAIL

910-476-3468

HOME TELEPHONE

WORK TELEPHONE



SIGNATURE OF OWNER(S)

SIGNATURE OF OWNER(S)

✓ **John "JJ" White**

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

✓ **4068 Ardenwoods Dr, Fayetteville NC 28306**

ADDRESS OF AGENT, ATTORNEY, APPLICANT

**910-423-6649**

**910-818-4303**

HOME TELEPHONE

WORK TELEPHONE

**jjwhite@cbi-tech.com**

E-MAIL ADDRESS

FAX NUMBER



SIGNATURE OF AGENT, ATTORNEY, OR APPLICANT

**CI(P) PLANNED LOCAL BUSINESS/CZ CONDITIONAL ZONING DISTRICT**

DRAFT

Ordinance Related Conditions  
for  
Hair salon & general office space

**Pre- Permit Related:**

1. The Town of Hope Mills has tree preservation provisions in their ordinance; the developer must contact Chancer McLaughlin, Hope Mills Town Planner concerning the removal of trees from this site prior to obtaining a tree removal permit.
2. Prior to application for any permits, the eight foot wide alley along the rear of the property must be formally closed. Contact the Town Clerk regarding street/alley closing requirements.

**Permit-Related:**

3. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the Hope Mills Zoning Ordinance and building/zoning permits required to place any structure within this development from the Hope Mills Inspection Department/Planning Department, in Town Hall at 5770 Rockfish Road. For additional information, the developer should contact a Town Planner.

**Note: The developer is strongly encouraged to discuss their plans with the Town Building Inspector prior to commencement of this project, particularly as related to any improvements required for conversion of the structure from residential to non-residential use.**

4. The Town's Plan Review Committee requirements must be complied with and in the event any significant changes to the site plan are necessary to satisfy the Plan Review Committee's requirements, re-submittal of the site plan may be required. The following comments were submitted by the town staff:
  - a. *Town of Hope Mills Storm Water Department:* Subject property is below 1 acre but all water must be captured on site.
  - b. *Town of Hope Mills Planning Department:* Although the 2030 Growth and Vision Land Use plan calls for Urban Development, the Southwest Cumberland Land Use Plan designates this property as Low Density Residential. As there is a residential structure on the site, staff does not support this request.
  - c. *Town of Hope Mills Public Works Department:* No Comment
  - d. *Town of Hope Mills Fire Department:* Fire code requires an all weatherized surface of 20 feet minimum around the entire facility. The current width does not meet this criteria so they will have to provide alternative means for fire protection.
5. Connection to public water and sewer is required, the Public Works Commission (PWC) must approve water and sewer plans prior to application for any permits. A copy of the PWC approval must be provided to the Hope Mills Inspections Department/ Planning Department at the time of application for building/zoning permits. (Section 86A-406 (1), Public Water and Sewer Systems Hope Mills Subdivision Ordinance)
6. New development that will disturb one acre or more of land or is part of a larger common plan of development that will disturb one acre or more of land is subject to the Post-Construction Stormwater Management Permitting Program administered by the Hope Mills Stormwater Department. If one acre or more of land is to be disturbed, prior to the issuance of any building/zoning permits for this site a copy of the Town's Stormwater Management Permit must be provided to the Hope Mills Inspections Department/Planning Department.
7. For any new development, the developer must/may have to provide the Hope Mills Inspections Department/Planning Department with an approved NC Department of Environmental Quality (NCDEQ) sedimentation and erosion control plan (S&E) prior to any application for permits. (Note: If any retention/detention basins are required for state approval of this plan, then three copies of a revised plan must be submitted and approved by Planning & Inspections prior to application for any building/zoning permits.) A copy of the NCDEQ approval must be provided to the Hope Mills Town Inspections Department/Planning Department at the time of application for any building/zoning permits.
8. The developer must provide a site-specific address and tax parcel number to the Hope Mills Inspections Department/Planning Department at the time of building/zoning permit application.
9. Landscaping must be provided in accordance with Section 102A-1202(n), Landscaping, Hope Mills Zoning Ordinance and/as shown on the site plan. The following are the minimum standards for the required landscaping of this site:
  - a. Three large shade trees or nine small ornamental trees within the front yard setback area;
  - b. One small ornamental trees and 4 shrubs are required in the building yard area; and
  - c. One tree and six shrubs are required within the parking area.

In addition:

- a. Required plant materials shall be maintained by the property owner, including replacing dead or unhealthy trees and shrubs; and
  - b. All yard and planting areas shall be maintained in a neat, orderly, and presentable manner and kept free of weeds and debris.
10. Prior to the final inspection, a concrete, or other approved surface material, sidewalks are required to be constructed along NC HWY 59 (S Main Street). Contact Hector A Cruz-Alicea for sidewalk specifications and standards.
  11. Prior to the final inspection, installation of a fire hydrant most likely will be required to be constructed along NC HWY 59 (South Main Street). Contact the town's Fire Marshal to determine if required and the preferred location of the hydrant.
  12. A *Certificate of Occupancy* will not be issued until the Hope Mills Stormwater Department inspects the site and certifies that it has been developed in accordance with the approved drainage plans.
  13. A *Certificate of Occupancy* will not be issued until the Town Planner inspects the site and certifies that the site is developed in accordance with the approved plans.
  14. **Driveway Permit required.** Proposed development requires concurrent interdepartmental review.

Construction of any new connection or alteration of any existing connection may require an approved Driveway Permit. For additional information contact the NC Department of Transportation (NCDOT) Division 6 / District 2 office.

Change of use of subject properties shall require an approved Driveway Permit. Permits **MUST** be secured prior to the change or alteration of existing or proposed property use. Failure to secure required permits prior to construction or change in property usage may result in the removal of the driveway or street connections at the property owner's expense. For additional information contact the Division 6 / District 2 office.

Note: The developer must also contact the town's street department to determine if a separate driveway permit to be issued by the town is required.

**Note: In the event both driveways are not approved by the NCDOT and/or the town staff as currently proposed, a revised site plan must be submitted for staff review and approval prior to application for any permits.**

**Site-Related:**

15. All uses, dimensions, setbacks and other related provisions of the Hope Mills Subdivision Ordinance and Zoning Ordinance for the C1(P)/CZ zoning district for a beauty salon and general office, to include the contents of the application and site plan, must be complied with, as applicable.

Note: If/once approved, no additional uses can be permitted on the subject property without first obtaining a new rezoning.

16. This conditional approval is not approval of any freestanding signs. If a freestanding sign is desired, re-submittal of the site plan for staff review and approval is required prior to application for any freestanding sign permits. Attached signage for this development must be in accordance with the applicable sign regulations as set forth in Article XIV of the Hope Mills Zoning Ordinance and that the proper permit(s) must be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is not approval of the size, shape, or location of any signs.)
17. "NC HWY 59 (S Main St) must be labeled on all future plans.
18. A drainage permit from the Town of Hope Mills Stormwater Department is required for any development or redevelopment that will construct, alter, repair, relocate, or demolish any storm sewer natural watercourse, or other drainage facility. The standards used for the design and construction of all stormwater drainage structures and/or stormwater BMP facilities shall be in accordance with the "Town of Hope Mills Stormwater Design Standards", the Design Manual, and shall be subject to the requirements of Chapter 67 Article III.
19. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 86A-406(c), Underground utilities required, Hope Mills Subdivision Ordinance)
20. Turn lanes may be required by the Hope Mills Street Department and/or the NC Department of Transportation (NCDOT).

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

21. All lighting is required to be directed internally within this development and comply with the provisions of Section 102A-1202(m), Outdoor Lighting, Hope Mills Zoning Ordinance.
22. A solid buffer must be provided and maintained along the rear and side property lines where this tract/site abuts residential in accordance with the provisions of Section 102A-1202(g), Buffer Requirements, Hope Mills Zoning Ordinance. (Note: Chain link fencing cannot be used to satisfy the buffer requirement.)
23. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.

24. All required off-street parking spaces shall be a minimum of 9' x 20' and shall be surfaced, with a permanent material such as asphalt or concrete, and striped prior to application for the building final inspection. A minimum of 15 off-street parking spaces is required for this development. (Section 102A-1302, Off-street parking, Hope Mills Zoning Ordinance.)
25. 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.

**Other Relevant Conditions:**

26. The applicant is advised to consult an expert on wetlands before proceeding with any development.
27. 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.
28. South Main Street is considered a thoroughfare needing improvement in the 2040 Metropolitan Transportation Plan. Currently, there are no constructions/improvements planned in that area of South Main Street. The subject property will have no impact on the Transportation Improvement Plan. For questions related to this comment, please contact Transportation Planning.
29. 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.
30. 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.

**If you need clarification of any conditions, please contact Ed Byrne at 910-678-7609 or Patti Speicher at 910-678-7605; 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	<a href="mailto:ebyrne@co.cumberland.nc.us">ebyrne@co.cumberland.nc.us</a>
County Health Department:	Daniel Ortiz	433-3680	<a href="mailto:dortiz@co.cumberland.nc.us">dortiz@co.cumberland.nc.us</a>
Food & Lodging Env. Health:	Daniel Ortiz	433-3680	<a href="mailto:dortiz@co.cumberland.nc.us">dortiz@co.cumberland.nc.us</a>
PWC:	Joe Glass	223-4740	<a href="mailto:joe.glass@faypwc.com">joe.glass@faypwc.com</a>
Town of Hope Mills:		424-4555*	
Interim Town Clerk:	Debra Holland		<a href="mailto:dholland@townofhopemills.com">dholland@townofhopemills.com</a>
Planner – Zoning Permits	Chancer McLaughlin		<a href="mailto:cmclaughlin@townofhopemills.com">cmclaughlin@townofhopemills.com</a>
Chief Building Inspector:	David Reeves		<a href="mailto:dreeves@townofhopemills.com">dreeves@townofhopemills.com</a>
Stormwater/Flood Administrator:	Beth Brown		<a href="mailto:eabrown@townofhopemills.com">eabrown@townofhopemills.com</a>
Zoning Inspector:	David (Ray) Reeves		<a href="mailto:dreeves@townofhopemills.com">dreeves@townofhopemills.com</a>
Fire Marshal	Brett A. Ham		<a href="mailto:baham@townofhopemills.com">baham@townofhopemills.com</a>
Public Works – Streets/sidewalks	Hector A Cruz-Alicea		<a href="mailto:hacruz@townofhopemills.com">hacruz@townofhopemills.com</a>
US Postal Service	Jonathan R. Wallace	(704) 393-4412	<a href="mailto:jonathan.r.wallace@usps.gov">jonathan.r.wallace@usps.gov</a>
Corp of Engineers (wetlands):	Liz Hair	(910) 251-4049	<a href="mailto:hair@usacr.army.mil">hair@usacr.army.mil</a>
NCDEQ (E&S):	Leland Cottrell	(910) 433-3393	<a href="mailto:leland.cottrell@ncdenr.gov">leland.cottrell@ncdenr.gov</a>
US Fish & Wildlife Services	Susan Ladd Miller	(910) 695-3323	<a href="mailto:susan_miller@fws.gov">susan_miller@fws.gov</a>
Location Services:			
Site-Specific Address:	Ron Gonzales	678-7616	<a href="mailto:rgonzalez@co.cumberland.nc.us">rgonzalez@co.cumberland.nc.us</a>
Tax Parcel Numbers:		678-7549	
NCDOT (driveways/curb-cuts):	Troy Baker	364-0601	<a href="mailto:tlbaker@ncdot.gov">tlbaker@ncdot.gov</a>
Transportation Planning:	Greg Shermeto	678-7615	<a href="mailto:gshermeto@co.cumberland.nc.us">gshermeto@co.cumberland.nc.us</a>
N.C. Division of Water Quality:	Mike Randall	(919) 807-6374	<a href="mailto:mike.randall@ncdenr.gov">mike.randall@ncdenr.gov</a>

\*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