

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

Stan Crumpler,
Town of Eastover

Patricia Hall,
Town of Hope Mills

TENTATIVE AGENDA

September 19, 2017

7:00 P.M.

- I. INVOCATION AND PLEDGE OF ALLEGIANCE - MRS. EPLER
- 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 AUGUST 15, 2017
- VII. PUBLIC HEARING CONSENT ITEMS

REZONING CASE

- A. **P17-38.** INITIAL ZONING OF 6.87+/- ACRES RR RURAL RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 7051 ROCKFISH ROAD, SUBMITTED BY BARBARA M. JOHNSON (OWNER). (HOPE MILLS)
- B. **P17-39.** REZONING OF .93+/- ACRES FROM RR RURAL RESIDENTIAL TO C1(P) PLANNED LOCAL BUSINESS OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE EAST SIDE OF MARRACCO DRIVE, SOUTH OF TOM STARLING ROAD; SUBMITTED BY JERRY & CYLINDA HAIR (OWNERS) & THERESA MOREHEAD (AGENT).

CONDITIONAL ZONING DISTRICT

- C. **P17-30.** REZONING OF 4.86+/- ACRES FROM R10 RESIDENTIAL TO C1(P) PLANNED LOCAL BUSINESS OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 5221 DOC BENNETT ROAD, SUBMITTED BY LEONARD & SUK-HUI WOLF (OWNERS) AND P. SINGH SANDHU (AGENT).

- IX. PUBLIC HEARING CONTESTED ITEMS
- X. DISCUSSION

DIRECTOR'S UPDATE

- OCTOBER 3, 2017 WORKSESSION – SUBDIVISION PROCESS

- XI. ADJOURNMENT

REQUEST
INITIAL ZONING TO RR

ACREAGE: 6.87+/-

APPLICANT/PROPERTY OWNER
BARBARA M. JOHNSON (OWNER)

PROPERTY ADDRESS/LOCATION
7051 ROCKFISH ROAD

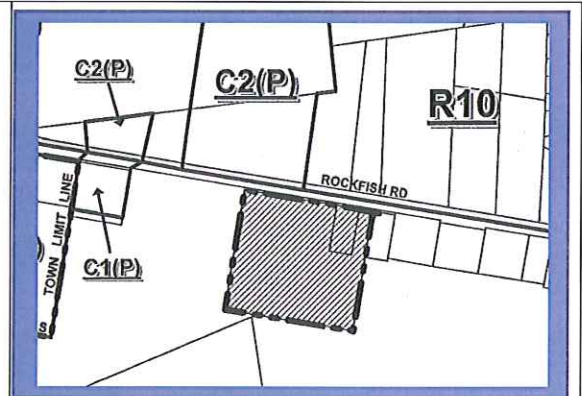
Jurisdiction: **HOPE MILLS**

PROPERTY INFORMATION

Frontage & Location: 580'+/- on SR 1112 (Rockfish Rd)
 Depth: 540'+/-
 Adjacent Property: Yes
 Current Use: Assisted living facility (under construction)
 Initial Zoning: RR – February 6, 1979 (Area 5)
 Nonconformities: None
 Zoning Violation(s): None
 School Capacity/Enrolled: Comments requested, none received
 Sewer Service Area: No
 Special Flood Hazard Area (SFHA): No
 Water/Sewer Availability: PWC/PWC
 Soil Limitations: None
 Subdivision/Site Plan: Approved Special Use Permit, see case P17-01-C
 Highway Plan: Rockfish Road is identified as a thoroughfare needing improvement in the 2040 Metropolitan Transportation Plan. Rockfish Road is planned in the State Transportation Improvement Plan as U-5857, a widening project from Lindsay Road to Camden Road with Right-of-Way acquisition starting in 2020.
 Average Daily Traffic County (2014): 13,000 on SR 1112 (Rockfish Road)
 Town of Hope Mills: Comments requested, none received

Notes:

1. Density (minus 15% for RW)
RR– 12 lots/13 units
2. Minimum Yard Setbacks:
RR
Front yard: 30'
Side yard: 15'
Rear yard: 35'



SURROUNDING LAND USE: Residential (including manufactured homes), religious worship & woodland

COMPREHENSIVE PLANS: 2030 Growth Vision Plan: Urban; Southwest Cumberland Land Use Plan: Medium & Low Density residential

STAFF RECOMMENDATION

APPROVE

APPROVE WITH CONDITIONS

DENY

FIRST MOTION

The Planning and Inspections Staff recommends the board approved the RR Rural Residential district for Case No. P17-38 for the initial zoning of the subject property based on the following:

1. The RR district will allow for residential land uses, including assisted living facilities, which are consistent with those uses currently existing in the surrounding area; and
2. The request was initiated by the Town of Hope Mills.

SECOND MOTION

The Planning and Inspections Staff recommends the board find that approval of the RR Rural Residential district is consistent with the adopted comprehensive plan designated as the 2030 Growth Vision Plan, which calls for "urban" at this location. Although the request is not entirely consistent with the Southwest Cumberland Land Use Plan, which calls for "medium & low density residential", the subject property was zoned RR while in the County's jurisdiction.

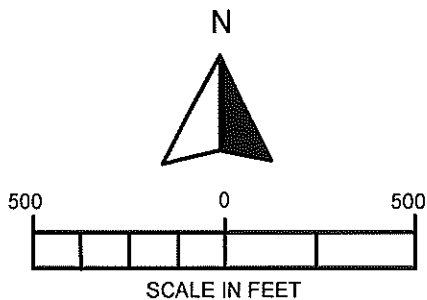
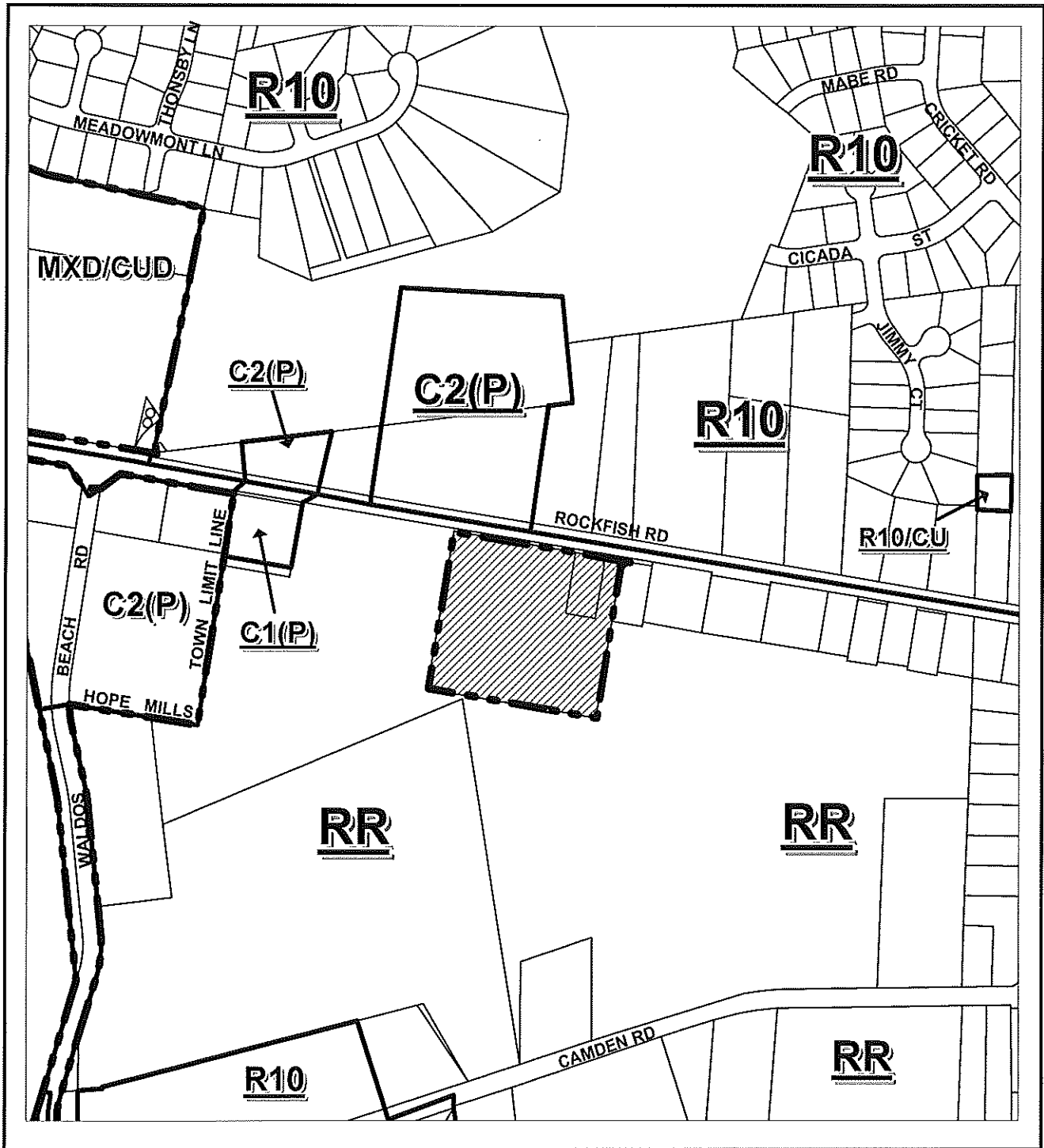
The staff recommends the board further find that approval of the initial zoning to RR Rural Residential is reasonable and in the public interest because the district requested for the subject property generally meets or exceeds the location criteria of the adopted Land Use Policies Plan, in that: *must have direct access to a public street*, the subject property will have access onto SR 1112 (Rockfish Road); *must not be located in any defined critical area as defined by the Fort Bragg Small Area Study*, the subject property is not located within the military area.

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.



INITIAL ZONING TO RR

ACREAGE: 6.87 AC.+/-	HEARING NO: P17-38	
ORDINANCE: HOPE MILLS	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

PIN: 9494-97-2383
 PIN: 9494-97-0179

AM
08/25/17

CASE NUMBER: P17-39

PLANNING BOARD HEARING DATE:

09/19/2017

REQUEST
RR to C1(P)

ACREAGE: 0.93+/-

APPLICANT/PROPERTY OWNER
JERRY & CYLINDA HAIR (OWNERS)
& THERESA MOREHEAD (AGENT)

PROPERTY ADDRESS/LOCATION

EAST SIDE OF MARRACCO DRIVE, SOUTH OF TOM STARLING ROAD

Jurisdiction:

County

PROPERTY INFORMATION

Frontage & Location: 100'+/- on SR 2274 (Marracco Dr)

Depth: 390'+/-

Municipal Influence Area: Hope Mills

Hope Mills: Comments requested, none received

Adjacent Property: No

Current Use: Vacant residential

Initial Zoning: RR – June 25, 1980 (Area 13)

Nonconformities: None

Zoning Violation(s): None

School Capacity/Enrolled: Comments requested, none received

Sewer Service Area: No

Special Flood Hazard Area (SFHA): No

Water/Sewer Availability: PWC/Septic

Soil Limitations: None

Subdivision/Site Plan: If approved, site plan review required

Highway Plan: Marracco Drive is identified as a local road in the 2040 Metropolitan Transportation Plan with no constructions/improvements planned. The subject property will have to impact to the Transportation Improvement Plan.

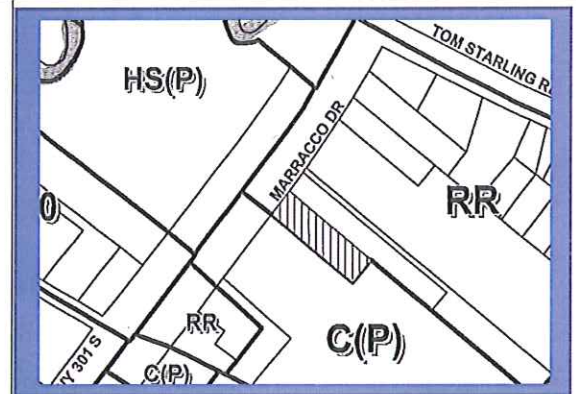
Average Daily Traffic County (2014): 15,000 on US Hwy 301 S

Fayetteville Regional Airport Director: This does not present an issue for the Airport. Location will have aircraft overhead.

Notes:

- Density
RR – 2 lots/ units
- Minimum Yard Setbacks:

<u>C1(P)</u>	<u>RR</u>
Front yard: 45'	Front yard: 30'
Side yard: 15'	Side yard: 15'
Rear yard: 20'	Rear yard: 35'



SURROUNDNG LAND USE: Residential, RV Park, truck/trailer sales & vacant nursing home

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

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. P17-39 is consistent with the adopted comprehensive plan designated as the 2030 Growth Vision Plan, which calls for "urban" at this location. The request is also consistent with the Southwest Cumberland Land Use Plan which calls for "mixed use development", as light commercial uses are allowed in mixed use development.

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 generally meets or exceeds the location criteria of the adopted Land Use Policies Plan, in that: *public water and sewer required*, PWC water available; *must have direct access to a collector street*, Marracco Drive is a collector street; *should serve as a transition between heavy commercial, office & institutional or residential development*, property is located in an area that is in transition; and *should provide convenient goods and services to the immediate surrounding neighborhood*.

SECOND MOTION

In addition to the above information, the Planning and Inspections Staff recommends the board approve Case No. P17-39 for C1(P) Planned Local Business district based on the following:

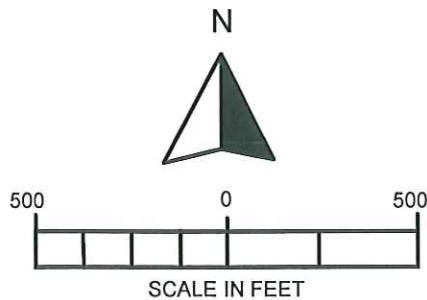
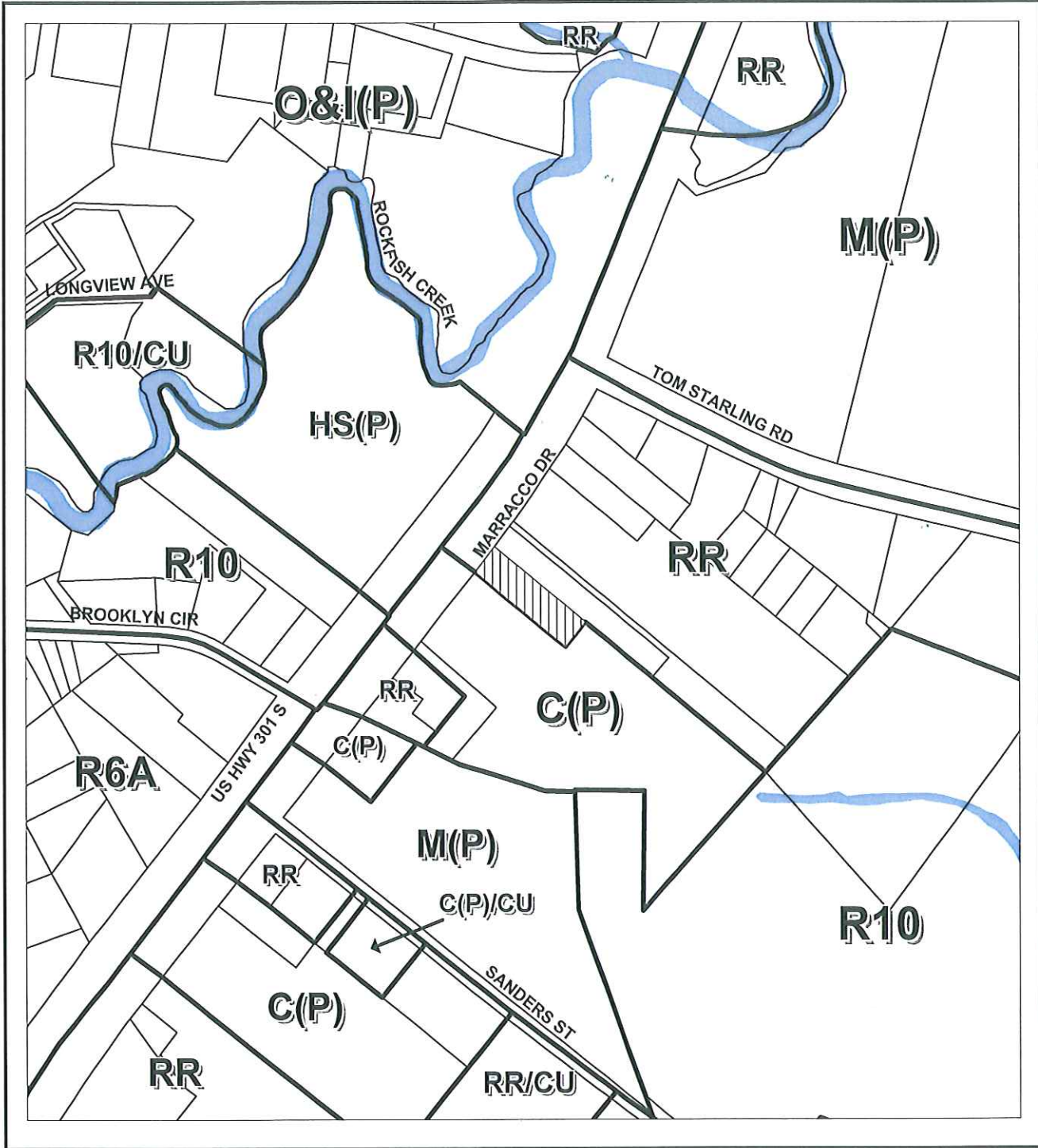
- The district requested will allow for land uses that exist in the general area; and
- Subject property is located in an area transitioning to non-residential uses due to the proximity to US Highway 301 South.

OTHER SUITABLE DISTRICTS: O&I(P)

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.



PIN: 0424-40-6634

REQUESTED REZONING RR TO C1(P)

ACREAGE: 0.93 AC.+/-	HEARING NO: P17-39	
ORDINANCE: COUNTY	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

08/21/2017
09/12/17
MB

REQUEST
R10 TO C1(P)

ACREAGE: 4.86+/-

APPLICANT/PROPERTY OWNER
LEONARD & SUK-HUI WOLF (OWNERS)
& P. SINGH SANDHU (AGENT)

PROPERTY ADDRESS/LOCATION
5221 DOC BENNETT ROAD

Jurisdiction: **County**

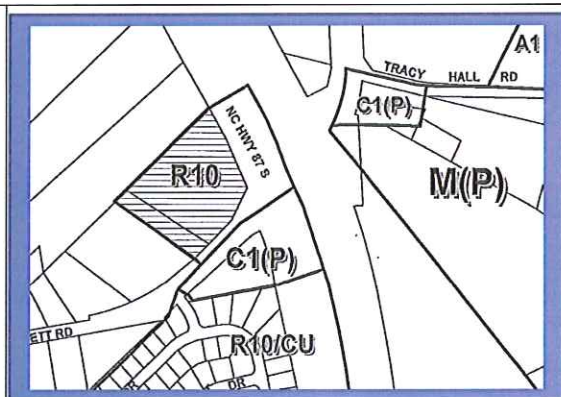
PROPERTY INFORMATION

Frontage & Location: 440'+/- on SR 2212 (Doc Bennett Rd)
Depth: 410'+/-
Adjacent Property: No
Current Use: Vacant
Initial Zoning: RR – March 15, 1979 (Area 6); rezoned June 26, 1989 to R10
Nonconformities: None
Zoning Violation(s): None
School Capacity/Enrolled: Comments requested, none received
Sewer Service Area: Yes
Special Flood Hazard Area (SFHA): No
Water/Sewer Availability: PWC/PWC
Soil Limitations: Yes, hydric – Ro Roanoke and Wahee loams
Subdivision/Site Plan: If approved, Ordinance Related Conditions apply
Average Daily Traffic Count (2014): 1,600 on SR 2212 (Doc Bennett Road)
Highway Plan: The subject property lies on the corner of Doc Bennett Road and NC Highway 87. Doc Bennett Road is identified as an existing thoroughfare in the 2040 Metropolitan Transportation Plan with no constructions/improvements planned. NC Highway 87 is identified as an existing freeway in the 2040 Metropolitan Transportation Plan with no constructions/improvements planned. The subject property will have no impact on the Transportation Improvement Plan.

Notes:

1. R10 is dormant and now follows the R7.5 Residential District
2. Density (minus 15% for R/W)
R7.5 – 23 lots/ 24 units
3. Minimum Yard Setbacks:

C1(P)	R7.5
Front yard: 45'	Front yard: 30'
Side yard: 15'	Side yard: 10'
Rear yard: 20'	Rear yard: 35'



SURROUNDNG LAND USE: Residential (including manufactured homes), utility substation & woodland

COMPREHENSIVE PLANS: 2030 Growth Vision Plan: Urban; South Central Land Use Plan: Low Density 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. P17-30 is consistent with the adopted comprehensive plan designated as the 2030 Growth Vision Plan, which calls for "urban" at this location. While the request is not entirely consistent with the South Central Land Use Plan map which calls for "low density residential", it is consistent with the text of the plan in that the commercial development will be concentrated near a major intersection (NC Highway 87 S) and is situated on a tract of land sufficient in size to accommodate vehicular and pedestrian circulation, landscaping, buffering, signs, and other required development standards.

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 generally meets or exceeds the location criteria of the adopted Land Use Policies Plan, in that: *public water and sewer required*, PWC water and sewer exist in the area: *must have direct access to a collector street*, NC Highway 87 South is a principal arterial street; *should have other light commercial uses in the area*, although there are none, light commercial zoning exists; *should provide convenient goods and services to the immediate surrounding neighborhood*; *may be located along a street that is in transition from residential to non-residential through redevelopment and physical improvements*; and *may be located in a rural area at the intersection of two collector streets*.

SECOND MOTION

In addition to the above information, the Planning and Inspections Staff recommends the board approve Case No. P17-30 for C1(P) Planned Local Business district based on the following:

1. Approval of the request will allow a small, concentrated commercial node at this intersection to serve the needs of surrounding residents; and
2. Subject property is located to the south of the primary runway for the Fayetteville Regional Airport, typically not conducive to residential development.

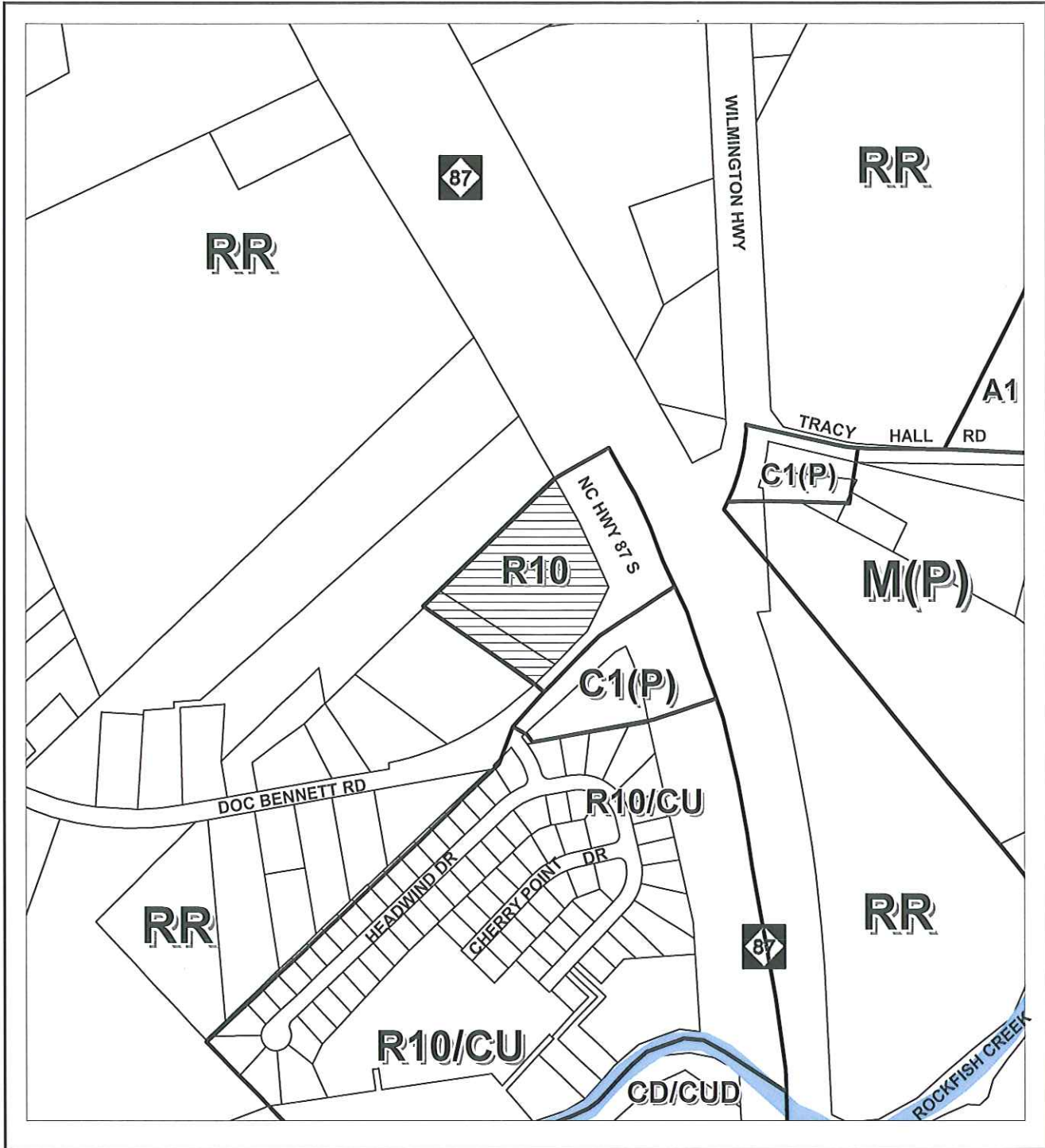
The applicant has agreed to all ordinance related conditions.

OTHER SUITABLE DISTRICTS: None

ATTACHMENTS: SKETCH MAP; SITE PLAN; ORDINANCE RELATED CONDITIONS; APPLICATION

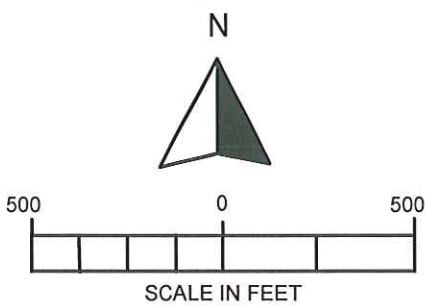
First Class and Record Owners' Mailed Notice Certification

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.

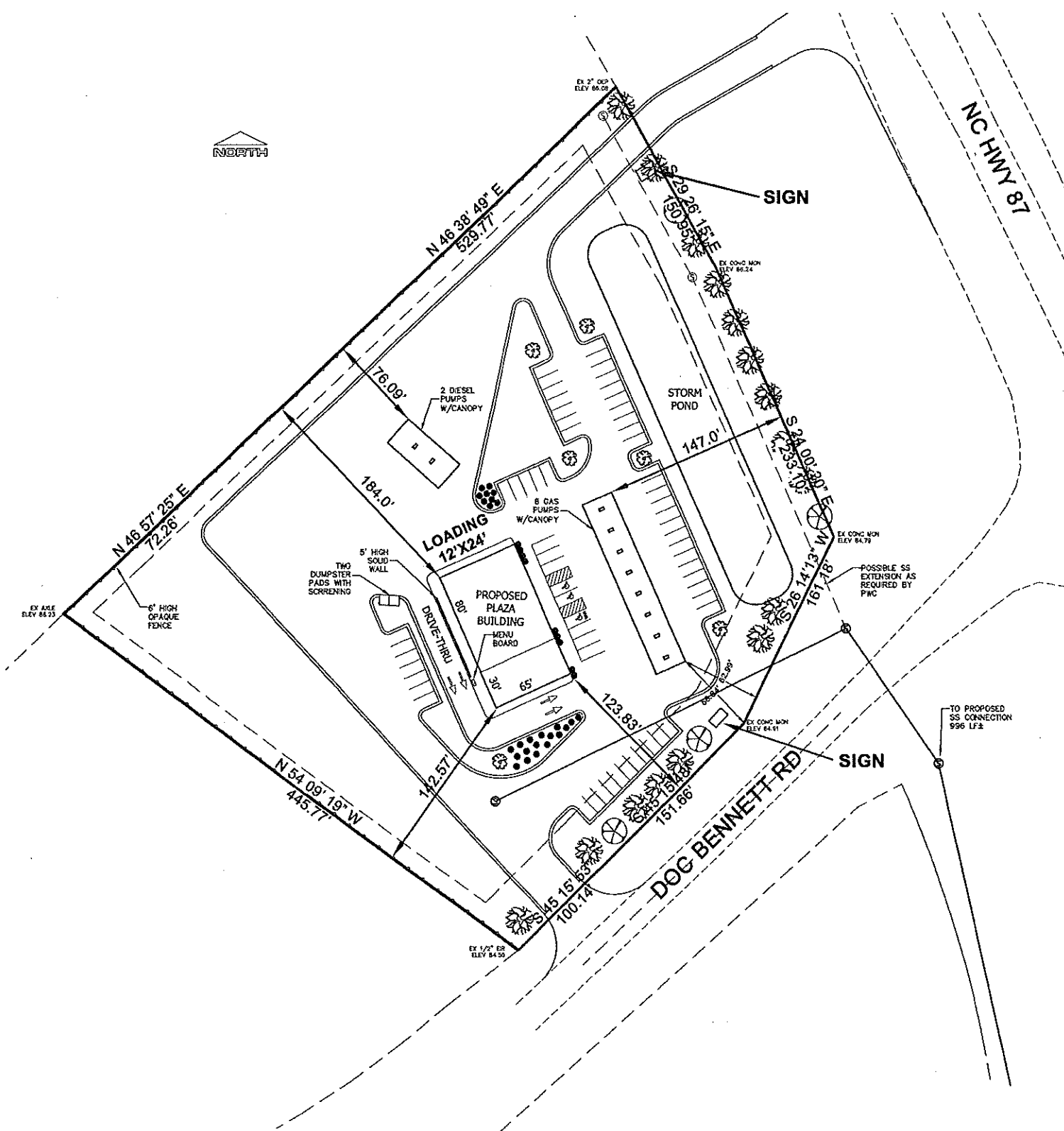


REQUESTED REZONING R10 TO C1(P)/CZ

ACREAGE: 4.86 AC.+/-	HEARING NO: P17-30	
ORDINANCE: COUNTY	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		



PIN: 0444-50-8716, 06567



C1(P) PLANNED LOCAL BUSINESS/CZ CONDITIONAL ZONING

**REQUEST: MEDICAL/DENTAL OFFICE,
CONVENIENCE STORE WITH GASOLINE, AND RESTAURANT**

CASE: P17-30 ACREAGE: 4.86 AC +/-

ZONED: R10 SCALE: NTS PARKING: 63 SPACES

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

08/25/17
09/08/17

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

DRAFT

Ordinance Related Conditions
for
Convenience Retail w Gasoline Sales, Restaurant & Medical Office

Pre- Permit Related:

1. A recombination plat (also known as a “No Approval Required” or “NAR”) must be submitted to Land Use Codes for review and approval for recording with the County Register of Deeds, and the plat must be recorded prior to any permit application for any structure and/or prior to the sale of any lot or unit within this development.
2. Three copies of a revised plan is required for staff review and must be approved prior to permit application. The revision must address the following:
 - a. 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:
 - (1) Sixteen large shade trees or 32 small ornamental trees within the front yard setback area along NC HWY 87 S & SR 2212 (Doc Bennett Rd);
 - (2) Six ornamental trees and 60 shrubs are required in the building yard area; and
 - (3) Four large shade trees or 8 small ornamental trees are required within the parking area.

In addition:

- (1) Required plant materials shall be maintained by the property owner, including replacing dead or unhealthy trees and shrubs; and
 - (2) All yard and planting areas shall be maintained in a neat, orderly, and presentable manner and kept free of weeds and debris.
- b. Lateral access must be reserved for future interconnectivity with the parcel to the north and the parcel to the southwest, the access area must be included on the site plan. *(Also see related Condition No. 24.)*

Permit-Related:

3. 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.
4. Connection to public water and sewer is required, the Public Works Commission (PWC) must approve water and sewer plans prior to application for any permits. A copy of the PWC approval must be provided to 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: The property owner has voluntarily agreed to extend and connect to public sewer.

5. At the time of application for permits, the developer must provide to Code Enforcement approval from the entity that owns and/or regulates the type water and sewer serving the proposed development.
6. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.

7. 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.
8. 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.
9. 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.
10. **Driveway Permit is required.** The developer must obtain a driveway permit from the NC Department of Transportation (NCDOT). A copy of the approved driveway permit must be provided to Code Enforcement at the time of application for building/zoning permits. Permits **MUST** be secured prior to the change or alteration of existing or proposed property use. **Failure to secure required permits prior to construction or change in property usage may result in the removal of the driveway or street connections at the property owner's expense.** For additional information contact the Division 6 / District 2 office at the number listed on the bottom of this conditional approval.

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

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

Site-Related:

11. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Development Ordinance and Zoning Ordinances for the C1(P)/CZ zoning district for a convenience store with gasoline sales, restaurant and a medical office, to include the contents of the application and site plan, must be complied with, as applicable.
12. This conditional approval is not approval of the permit for any freestanding signs. Attached signage for this development must be in accordance with the applicable sign regulations as set forth in Article XIII of the County Zoning Ordinance and that the proper permit(s) must be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is not approval of the size, shape, or location of any signs.)
13. "NC HWY 87" must be labeled as "NC HWY 87 S" & "Doc Bennett Rd" must be labeled as "SR 2212 (Doc Bennett Rd)" on all future plans.
14. 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)
15. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision and Development Ordinance)
16. 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.
17. 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.

18. 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.

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 as shown on the site plan 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 55 off-street parking spaces is required for this development. Note: In the event more than one medical professional practices on the premises, off-street parking will have to be re-addressed, additional parking will be required to be provided.
23. A minimum of 1 off-street loading spaces(s) measuring 12' x 25' with 14' overhead clearance must be provided for the convenience retail and restaurant area.

Plat-Related:

24. A lateral access easement must be reflected on the recombination plat so that interconnectivity is provided to the adjacent property to the north and to the southwest side. (*Also see related Condition No. 2b*)
25. "NC HWY 87" must be labeled as "NC HWY 87S" on the recombination plat.
26. "Doc Bennett Rd" must be labeled as "SR 2212 (Doc Bennett Road)" on the recombination plat.
27. Any/All easements must be reflected on the recombination plat and labeled as to type of easement, reference number for document creating the easement, and the name of the agency, individual, etc. who holds the easement.
28. The NC Department of Transportation (NCDOT) stamp must be affixed to the recombination plat prior to submission for plat approval for recording 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.

29. The notarized signature(s) of all current tax record owner(s) and notary certifications appear on the recombination plat when submitted for approval for recording. (Section 2503 D, Certificate of Ownership and Dedication, County Subdivision and Development Ordinance)
30. The recombination plat must be submitted to Land Use Codes for review and approval for recording with the County Register of Deeds, and the plat must be recorded prior to any permit application for any structure and/or prior to the sale of any lot or unit within this development.

Plat-Required Statements:

31. Since this development is located within the *Airport Overlay District* as shown on the official zoning map, the following disclosure statement is required to be provided on the recombination plat (Section 8.101.E, Notice and Disclosure of Noise Impact Disclosure, County Zoning Ordinance):

“Property shown on this plan/plat is within the Cumberland County Airport Overlay District and all or a portion of the property described hereon is within an area that is subject to an average noise level near to or exceeding 65 dnl.”

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

“Nonconforming structures have not been created by recombination plat.”

Other Relevant Conditions:

33. The applicant is advised to consult an expert on wetlands before proceeding with any development.
34. The subject property lies on the corner of Doc Bennett Road and NC Highway 87. Doc Bennett Road is identified as an existing thoroughfare in the 2040 Metropolitan Transportation Plan with no constructions/improvements planned. NC Highway 87 is identified as an existing freeway in the 2040 Metropolitan Transportation Plan with no constructions/improvements planned. The subject property will have no impact on the Transportation Improvement Plan. For questions related to this comment, please contact Transportation Planning.
35. 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.
36. 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.
37. 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.
38. Because the subject property is located within the Airport Overlay District, the developer is strongly encouraged to discuss their development plans with Land Use Codes Section and/or the Fayetteville Regional Airport Director early in the planning stage to ensure that the proposed height of any proposed structure can be found to be no obstruction or hazard to air navigation.

Thank you for choosing Cumberland County for your business location!

If you need clarification of any conditions, please contact Ed Byrne at 910-678-7609 Betty Lynd at 910-678-7603 with the Land Use Codes Section; otherwise, contact the appropriate agency at the contact numbers below.

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

Subdivision/Site Plan/Plat	Ed Byrne	678-7609	ebyrne@co.cumberland.nc.us
Code Enforcement (Permits):	Scott Walters	321-6654	swalters@co.cumberland.nc.us
County Building Inspections:	Gary Faulkner	321-6648	gfaulkner@co.cumberland.nc.us
Fire Marshal – Emergency Services	Rodney Ward	321-6625	rward@co.cumberland.nc.us
County Health Department:	Daniel Ortiz	433-3680	dortiz@co.cumberland.nc.us
Food & Lodging Env. Health:	Daniel Ortiz	433-3680	dortiz@co.cumberland.nc.us
PWC:	Joe Glass	223-4740	joe.glass@faypwc.com
Fayetteville Airport Director	Brad Whited	433-1160	bwhited@ci.fay.nc.us
Fayetteville Planning:	Marsha Bryant	433-1416	mbryant@ci.fay.nc.us
County Public Utilities:	Amy Hall	678-7637	ahall@co.cumberland.nc.us
US Postal Service	Jonathan R. Wallace	(704) 393-4412	jonathan.r.wallace@usps.gov
Corp of Engineers (wetlands):	Liz Hair	(910) 251-4049	hair@usacr.army.mil
NCDEQ (E&S):	Leland Cottrell	(910) 433-3393	leland.cottrell@ncdenr.gov
US Fish & Wildlife Services	Susan Ladd Miller	(910) 695-3323	susan_miller@fws.gov
Location Services:			

Site-Specific Address:	Ron Gonzales	678-7616	rgonzalez@co.cumberland.nc.us
Tax Parcel Numbers:		678-7549	
NCDOT (driveways/curb-cuts):	Troy Baker	486-1496	tlbaker@ncdot.gov
Transportation Planning:	Greg Shermeto	678 7615	gshermeto@co.cumberland.nc.us
N.C. Division of Water Quality:	Mike Randall	(919) 807-6374	mike.randall@ncdenr.gov

cc: Marsha Bryant, City of Fayetteville

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 SHIVA REAL ESTATE, LLC (APPLICANT)
AGENT - P. SINGH SAADILU
2. Address: 6584 WADE STEDMAN Zip Code _____
3. Telephone: (Home) 704-506-3715 (Work) 704-506-3715
4. Location of Property: 5221 DOC BENNETT ROAD HWY 87
5. Parcel Identification Number (PIN #) of subject property: 0444-50-8715
(also known as Tax ID Number or Property Tax ID) 0444-50-6567
6. Acreage: 4.83 Frontage: ± 412.85' Depth: ± 449'
7. Water Provider: PWC (PUBLIC) Septage Provider: APPLYING FOR (PWC)
8. Deed Book 2850, Page(s) 224, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
9. Existing use of property: RAW LAND (NOAE)
10. Proposed use(s) of the property: CIP - SEE ATTACHED LIST

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: R-10

TO: (Select one)

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

- ① MEDICAL OFFICE / DENTAL OFFICE
- ② C-STREET WITH GASOLINE
- ③ RESTAURANT

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

1 - DWELLING UNIT = 7,460 SQ. FT.

2. DIMENSIONAL REQUIREMENTS:

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

SITE DRAWINGS BY P.E. IS
ATTACHED HEREWITH

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

ON SITE PARKING

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.

4. LANDSCAPE AND BUFFER REQUIREMENTS:

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

SEE LANDSCAPING BY SITE
ENGINEER (ATTACHED)

- 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.**

CIVIL/SITE DRAWINGS (ATTACHED)

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.

7 - DAYS A WEEK (6 A.M TO 10 P.M)

20 - EMPLOYEES

EXT. OIL SITE PARKING LIGHTS WILL BE PROVIDED

NOISE - N/A.

SMOK - N/A OR HOOD PROVIDED

6. SITE PLAN REQUIREMENTS: EMISSION CONTROL - N/A.

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.

SITE DRAWINGS BY P.E. IS ATTACHED
HERE WITH.

7. STATEMENT OF ACKNOWLEDGMENT:

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

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

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

GANESH REAL ESTATE LLC
NAME OF OWNER(S) (PRINT OR TYPE)

6568 WADE STEEDMAN ROAD, WADE, NC
ADDRESS OF OWNER(S) (CUMBERLAND COUNTY) 28385

P Singh Sandhu 1@gmail.com
E-MAIL

704.506.3715
HOME TELEPHONE

704.506.3715
WORK TELEPHONE

SIGNATURE OF OWNER(S)

SIGNATURE OF OWNER(S)

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

202 FAIRWAY DRIVE, FAYETTEVILLE, NC 28305
ADDRESS OF AGENT, ATTORNEY, APPLICANT

704.483.8104
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910.483.8104
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rwiggins@mccgwiggins.com
E-MAIL ADDRESS

910.483.0094
FAX NUMBER


SIGNATURE OF AGENT, ATTORNEY, OR APPLICANT