

PIN: 0550-45-9785

REQUESTED REZONING A1 TO RR

ACREAGE: 1.5 AC.+/-

HEARING NO: P09-01

ORDINANCE: COUNTY

HEARING DATE

ACTION

STAFF RECOMMENDATION

PLANNING BOARD

GOVERNING BOARD

Donovan McLaurin,
Chair
Wade, Falcon & Godwin

Lori Epler,
Vice-Chair
Cumberland County

Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman
Patricia Hall,
Town of Hope Mills
Charles C. Morris,
Town of Linden



COUNTY of CUMBERLAND

Planning & Inspections Department

January 13, 2009

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Walter Clark,
Roy Turner,
Sara E. Piland,
Cumberland County

Benny Pearce,
Town of Eastover

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for January 20, 2009 Board Meeting

P09-03: REZONING OF 16.00+/- ACRES FROM PND PLANNED NEIGHBORHOOD DEVELOPMENT TO O&I(P) PLANNED OFFICE & INSTITUTIONAL OR TO A MORE RESTRICTIVE ZONING DISTRICT LOCATED ON THE SOUTH SIDE OF SR 1611(ANDREWS ROAD) AND WEST OF SR 1612 (FARMERS ROAD), SUBMITTED BY ATTORNEY & GENERAL MANAGER ALFRED E. CLEVELAND, OWNED BY ANDREWS ROAD COMPANY, LLC.

The Planning & Inspections Staff recommends denial of O&I(P) Planned Office & Institutional based on the following:

1. The request is inconsistent with the North Fayetteville Area Detailed Land Use Plan, which calls for open space at this location;
2. Introduction of a non-residential zoning district in this residentially-zoned area would cause a negative impact on the immediate neighbors and surrounding community, especially because the uses allowed on the subject property and in the surrounding area are vastly different than the uses allowed in the requested district; and
3. Rezoning to the O&I(P) district at this location would promote strip commercial development along SR 1611 (Andrews Road).

The Staff does agree that submission of an application for a Conditional Use District and Permit, either Planned Neighborhood Development or Mixed Use Development for the entire tract could possibly warrant an affirmative recommendation.

Attachments:

- 1 - Site Profile
- 2 - Sketch Map

P09-03
SITE PROFILE

P09-03: REZONING OF 16.00+/- ACRES FROM PND PLANNED NEIGHBORHOOD DEVELOPMENT TO O&I(P) PLANNED OFFICE & INSTITUTIONAL OR TO A MORE RESTRICTIVE ZONING DISTRICT LOCATED ON THE SOUTH SIDE OF SR 1611(ANDREWS ROAD) AND WEST OF SR 1612 (FARMERS ROAD), SUBMITTED BY ATTORNEY & GENERAL MANAGER ALFRED E. CLEVELAND, OWNED BY ANDREWS ROAD COMPANY, LLC.

Site Information:

Frontage & Location: 640.00'+/- on SR 1611 (Andrews Road)

Depth: 1179.24'+/-

Tract Size: 164.20 acres

Jurisdiction: Cumberland County

Adjacent Property: Yes, west and south of subject property

Current Use: Vacant woodlands

Initial Zoning: PND – August 21, 1972 (Area 1)

Nonconformities: None

Zoning Violation(s): None

Surrounding Zoning: North, East & West: PND (County & Fayetteville); South: PND, RR, R6 (County & Fayetteville) & R10

Surrounding Land Use: Institutional (including 2- public schools); residential and woodlands

North Fayetteville Area Detailed Land Use Plan: Open Space

Special Flood Hazard Area (SFHA): None

Water/Sewer Availability: PWC/PWC

Watershed: Yes

Soil Limitations: None

School Capacity/Enrolled: Howard Hall Elementary: 550/587; Pine Forest Middle: 820/838; Pine Forest High: 1750/1603

Subdivision/Site Plan: Review required prior to development

RLUAC: No objection to this case

Accident Potential Zone (APZ): No objection to this case. Subject property is not located within (APZ) or critical noise area.

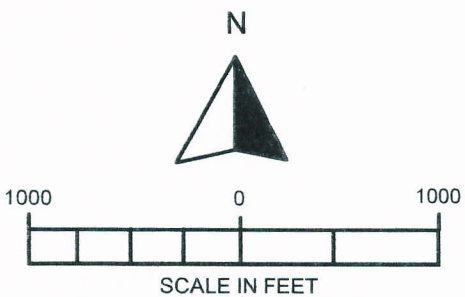
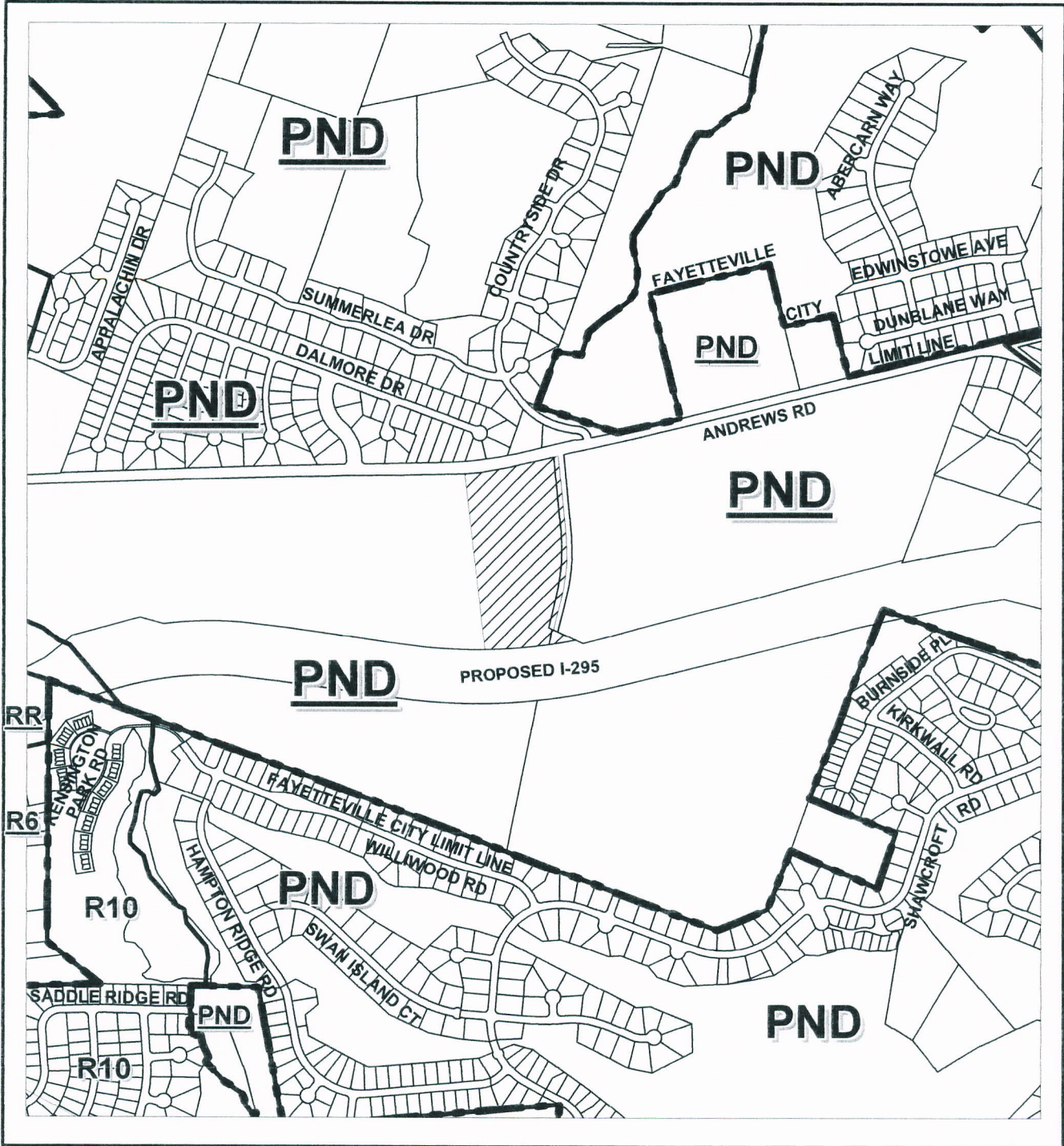
Municipal Influence Area: City of Fayetteville

Average Daily Traffic Count (2006): 17,500 on SR 1611 (Andrews Road)

Highway Plan: Fayetteville Outer Loop is identified in the Highway Plan as a major thoroughfare. This proposal calls for a multi-lane facility (U-2519) with a right-of-way of 250 feet. Andrew Road is identified in the Highway Plan as a major thoroughfare. This proposal calls for widening to a multi-lane facility (4 lane divided). Road improvements are included in the 2007-2013 MTIP. This is a Priority One Project under the LRTP. This property is located adjacent to the Fayetteville Outer Loop and Andrew Road.

First Class Mailed Notice Certification

A certified copy of the tax record owner(s) and their tax record mailing address is contained within the case file and is incorporated by reference as if delivered herewith.



PORT. OF PIN: 0531-00-6612

REQUESTED REZONING PND TO O&I(P)		
ACREAGE: 16.00 AC.+/-		HEARING NO: P09-03
ORDINANCE: COUNTY	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

Donovan McLaurin,
Chair
Wade, Falcon & Godwin

Lori Epler,
Vice-Chair
Cumberland County

Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman
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Town of Hope Mills
Charles C. Morris,
Town of Linden



COUNTY of CUMBERLAND

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January 13, 2009

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Walter Clark,
Roy Turner,
Sara E. Piland,
Cumberland County

Benny Pearce,
Town of Eastover

MEMORANDUM

TO: Joint Planning Board

FROM: Edward M. Byrne, Land Use Codes

SUBJECT: CASE NO. 07-203. CONSIDERATION OF THE ABC SUPPLY CO., INC. PROPERTY, M2 AND M1(P) SITE PLAN REVIEW (ADDITION); REQUEST FOR ALTERNATE FRONT YARD (50' WHERE 100' REQUIRED) AND SIDE YARD (30' WHERE 50' REQUIRED) SETBACKS; SECTION 1404.A, COUNTY ZONING ORDINANCE; ZONING: M2 & M1(P); ACREAGE: 4.16 +/-; LOCATED NORTH SIDE OF SR 2341 (DOC BENNETT ROAD), NORTH OF SR 2308 (HARVARD DRIVE).

The developer is requesting approval of an alternate 50 foot front yard and a 30 foot side yard setback. The M2 zoning district requires the front yard setback to be 100 feet and the side yard setback to be 50 feet. The lot has 416.90 feet road frontage along SR 2212 (Doc Bennett Road). The site is a 4.16 acre tract which is adjacent to the Fayetteville Regional Airport. The existing main office and storage building is legal nonconforming structure is located 32.32 feet from the side property line. The one proposed storage building located along the side yard would be 2.32 feet closer than the existing main building.

The Airport Director and the NC Department of Transportation were both given copies of the proposed request for review, since the location of the two storage buildings would affect their properties. Neither agency found any reason to oppose the location of the structures. The existing power lines and 30 foot utility easement, which crosses over one of the proposed storage building location, is to be relocated along the front and side yard as shown on the site plan.

In accordance with Section 1404, Planning Board Consideration, of the County Zoning Ordinance, the Planning Board may approve alternate yard requirements of Article XI if such approval will provide a more logically planned development.

The Planning & Inspections Staff recommends approval of the requested alternate front and side yard setbacks and is of the position that the plan, if developed as proposed, will provide for a logically planned development, based on the following:

1. The location of the proposed storage building along the side property line is adjacent to a vacant strip of land that is part of the Airport property, which will not adversely effect the operations of the airport;

2. The strip of land adjacent to the common property line with the airport has an approximate width of 90 feet; this shape and size is not conducive to development;
3. The proposed building along the front yard will not affect any known current or future NCDOT projects; and
4. The developer is proposing to plant a vegetative buffer along SR 2212 (Doc Bennett Road) which will shield the proposed storage buildings from view from the street right-of-way.

Attached you will find the alternate yard setback request; draft conditions of approval; M2 & M1(P) site plan sketch; aerial photo and vicinity map. If you have any questions, please contact me at 910-678-7609, email: ebyrne@co.cumberland.nc.us or Patti Speicher at 910-678-7605, email: pspeicher@co.cumberland.nc.us.

cc: Hendricks Commercial, Developer
DP Engineering, Inc; Engineer
Grainger Barrett, County Attorney
Patti Speicher, Land Use Codes

request for alternate yard requirements

Summary Of and Reasons For Request

This parcel is located on the east side of Doc Bennett Road. The site is fenced with a continuous landscape buffer along Doc Bennett Road. The property is currently used as storage for roofing and siding materials; the majority of materials are stored outdoors exposed to the elements.

Materials are delivered to and leave from the site using an AASHTO type WB-67 truck. Pallets of materials are removed from and loaded onto the trucks via forklifts.

The owner wishes to more fully develop the property by constructing two open-faced storage sheds. These sheds shall be 25.5 feet tall, 110 feet long and 30 feet wide; there shall be an overhanging awning extending 8 feet from the face of each shed. The proposed sheds will provide additional covered storage for the materials.

There is not adequate room on this site to construct the proposed sheds outside the required setbacks while providing the necessary room to maneuver the trucks. The alternate yard requirements would allow for trucks to make a Y-turn maneuver between the southern buildings (utilizing the southern drive) to reverse their direction.

Existing overhead power and fiber optic lines cross through the western portion of the site. The utilities had formerly been located in the right-of-way of Doc Bennett road, prior to its relocation. As part of this development, the overhead utilities will be relocated. Even with such a utility relocation, there will not be adequate room on the site to construct the proposed sheds outside the required setbacks.

This parcel has split zoning. The front/western portion of the site is zoned M(P) and the rear/eastern portion of the site is zoned M1(P).

The alternate yard requirements being sought would be in accordance with those required for the adjacent M1(P) zoning. The request for alternate yard requirements, rather than a rezoning of the front portion of the parcel from M(P) to M1(P), is being pursued as the M1(P) zoning does not allow for open storage or warehouse storage.



DOC BENNETT RD

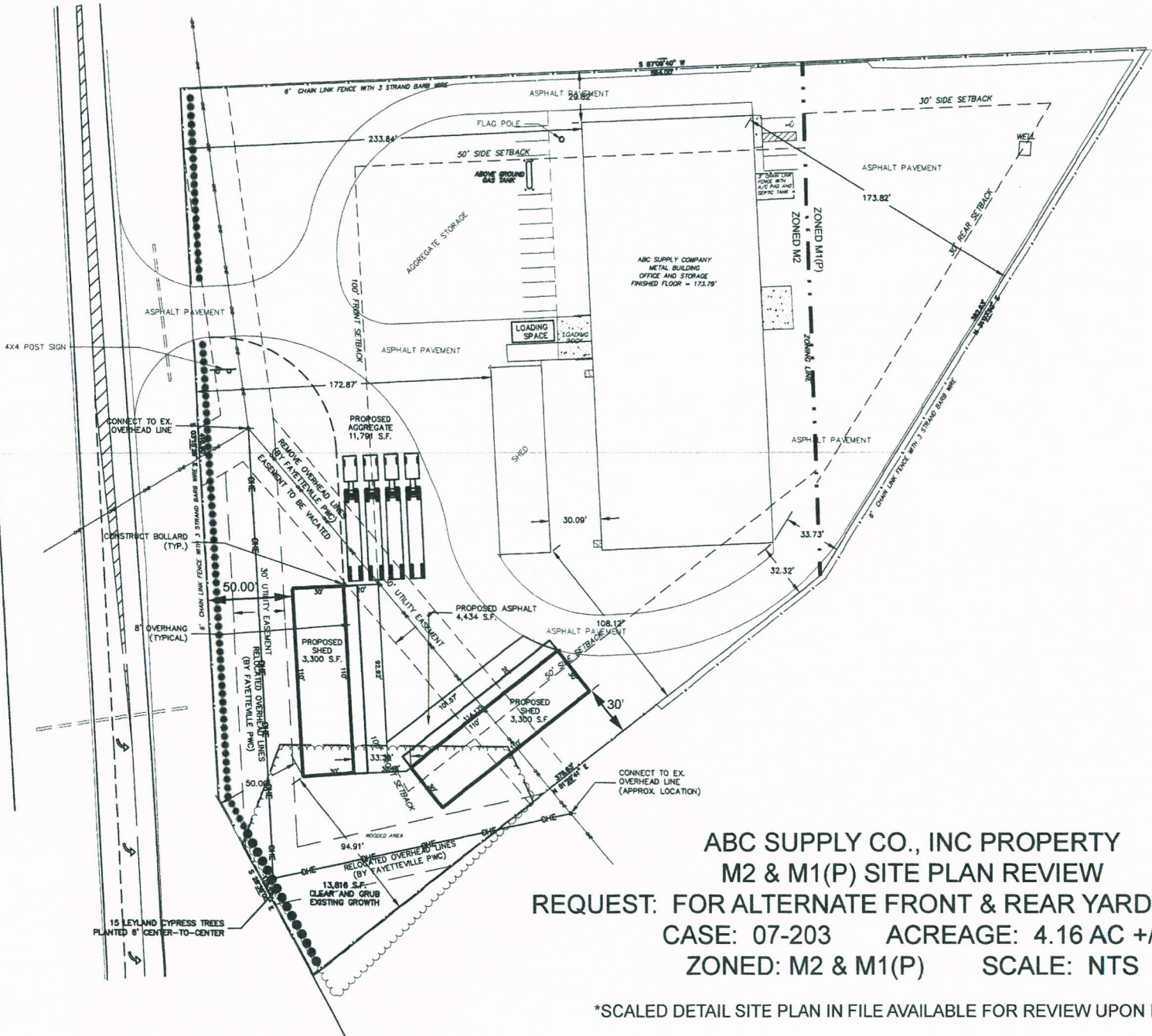
PN DR

DOC BENNETT RD



AERIAL PHOTO
CASE: 07-203

SR 2212 DOC BENNETT ROAD 120' R/W PAVED



ABC SUPPLY CO., INC PROPERTY
M2 & M1(P) SITE PLAN REVIEW
REQUEST: FOR ALTERNATE FRONT & REAR YARD SETBACKS
CASE: 07-203 ACREAGE: 4.16 AC +/-
ZONED: M2 & M1(P) SCALE: NTS

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



**ABC SUPPLY CO., INC. PROPERTY
M2 & MI(P) SITE PLAN REVIEW
CASE NO. 07 - 203**



PIN(S): 0434-39-1803-
Prepared by EMB - CCJPB
JANUARY 14, 2009

Map not to scale



Donovan McLaurin,
Chair
Wade, Falcon & Godwin

Lori Epler,
Vice-Chair
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Sara E. Piland,
Cumberland County

Benny Pearce,
Town of Eastover

MEMORANDUM

TO: Joint Planning Board

FROM: Edward M. Byrne, Land Use Codes

SUBJECT: CASE NO. 08-194. CONSIDERATION OF MASTON & ANNETT HOWZE III PROPERTY, GROUP DEVELOPMENT REVIEW, REQUEST FOR A WAIVER FROM SECTION 2303.C, COUNTY SUBDIVISION ORDINANCE, REGARDING 20 FEET OF ROAD FRONTAGE ALONG A PUBLIC OR PRIVATE STREET; ZONING: A1; TOTAL ACREAGE: 12.38+/-; LOCATED SOUTHEAST OF SR 2018 (CARL FREEMAN ROAD), NORTHEAST OF NC HWY 210 S.

The developer is requesting a waiver from the requirement for actual road frontage for a second dwelling unit on an existing 12.38 acre tract, which uses a 60 foot ingress/egress easement for access. The 60 foot easement is recorded on a plat (Bk. 81, Pg. 130) and is known as Griswold Drive. The proposed dwelling is a double-wide manufactured home. The existing platted lot is an exempt lot from the definition of Subdivision and is not subject to the requirement for road frontage under the terms of Subdivision Ordinance; however, the second dwelling unit proposed qualifies the request as a group development and the standards for actual road frontage for the lot is required to be met.

In accordance with Section 2601, Waivers, Cumberland County Subdivision Ordinance, the Planning Board may waive the requirements of this Ordinance, where it finds by resolution that:

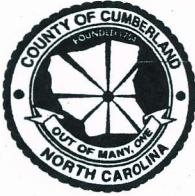
- a. Because of the size of the tract to be subdivided, its topography, the condition or nature of the adjoining areas, or the existence of other unusual physical conditions, strict compliance with the provisions of this Ordinance would cause a special hardship to the property owner and be inequitable, and**
- b. The public purposes of the Subdivision Ordinance and the Zoning Ordinance would be served to an equal or greater degree, and**
- c. The property owner would not be afforded a special privilege denied to others.**

The Planning and Inspections Staff recommends approval of the waiver request based on the following:

- a. Because of the size of the existing lot of record, 12.38 +/- acres, it would be inequitable not to allow a second unit on such a large tract, and strict compliance with the provisions of the ordinances would cause a special and unnecessary hardship if the developer were required to upgrade the ingress/egress easement to "street" status given that the majority of the land area in which the easement crosses is not under the current property owners' control;
- b. The purposes of the County's Subdivision and Zoning Ordinances are being served to an equal or greater degree, in that there is an existing, platted 60 foot ingress/egress easement, assigned a street name for emergency services purposes, that assures access to this lot and adjacent lots within the area;
- c. The property owner is not being afforded a special privilege denied to others since the Planning Board has approved similar requests when there has been comparable facts and circumstances.

Attached you will find the waiver application, recommended conditions of approval, group development sketch plan, aerial photo and vicinity map. If you have any questions, please contact me at 910-678-7609, email: ebyrne@co.cumberland.nc.us or Patti Speicher at 910-678-7605, email: pspeicher@co.cumberland.nc.us.

cc: Maston & Annett Howze III, Developer
Grainger Barrett, County Attorney
Patti Speicher, Land Use Codes



Date Request Submitted: 12-10-08

Planning Board Meeting Date: 1-20-09

Received by: ERP

Cumberland County Subdivision Ordinance

Request for Waiver

Case No.: 08-194 Case Name: Maston & Annett Howze III

Related Ordinance Section Number(s): 2303 (c)

Summary of Request: Right for second dwelling using an easement.

Section 6.1 of the County Subdivision Ordinance governs the Planning Board's authority to waiver provisions of the Subdivision Ordinance. This section reads as follows:

Section 6.1. Waivers

The Planning Board may waive the requirements of this Ordinance where it finds by resolution that:

- a. Because of the size of the tract to be subdivided, its topography, the condition or nature of adjoining areas, problems of access, or the existence of other unusual physical conditions, strict compliance with the provisions of this ordinance would cause a special hardship to the property owner and be inequitable, and*
- b. The public purposes of the Subdivision Ordinance and the Zoning Ordinance would be served to an equal or greater degree, and*
- c. The property owner would not be afforded a special privilege denied to others.*

In granting waivers, the Planning Board may require such conditions as will secure, in so far as practicable, the objectives of the requirements waived. Any waiver, thus granted, is required to be entered in writing in the minutes of the Planning Board and the reasoning upon which departure was justified set forth.

The applicant is strongly encouraged to read the above provisions and relate the written waiver request as closely as possible to the criteria contained within. All supporting documentation for the request shall be submitted along with this request for waiver. For example, if the request is based on topography or soils, the applicant is the responsible

party to submit as evidence 'topo' and/or soils maps or if the request is based on the "condition or nature of adjoining property", the applicant will be required to submit evidence supporting this as basis for the request.

My request should receive favorable consideration by the Planning Board based on the following summary of the basis for this request:

1. Because of the size of the tract to be subdivided, its topography, the condition or nature of adjoining areas, problems of access, or the existence of other unusual physical conditions (at least one of the preceding basis must be addressed in this request), strict compliance with the provisions of this Ordinance would cause a special hardship to the property owner and be inequitable, due to:

The tract is greater than 10 acres.

2. The public purposes of the County Subdivision and County Zoning Ordinances would be served to an equal or greater degree and the applicant agrees to:

I have @ least 60ft easement.

3. The property owner would not be afforded a special privilege denied to others, because:

Others have been granted this privilege
in similar situations.

By signing this request, the applicant is signifying that all statements contained within this request are accurate and true to the best of their knowledge.

Annett Hauze

Printed Name of Applicant/Agent

910-308-3591

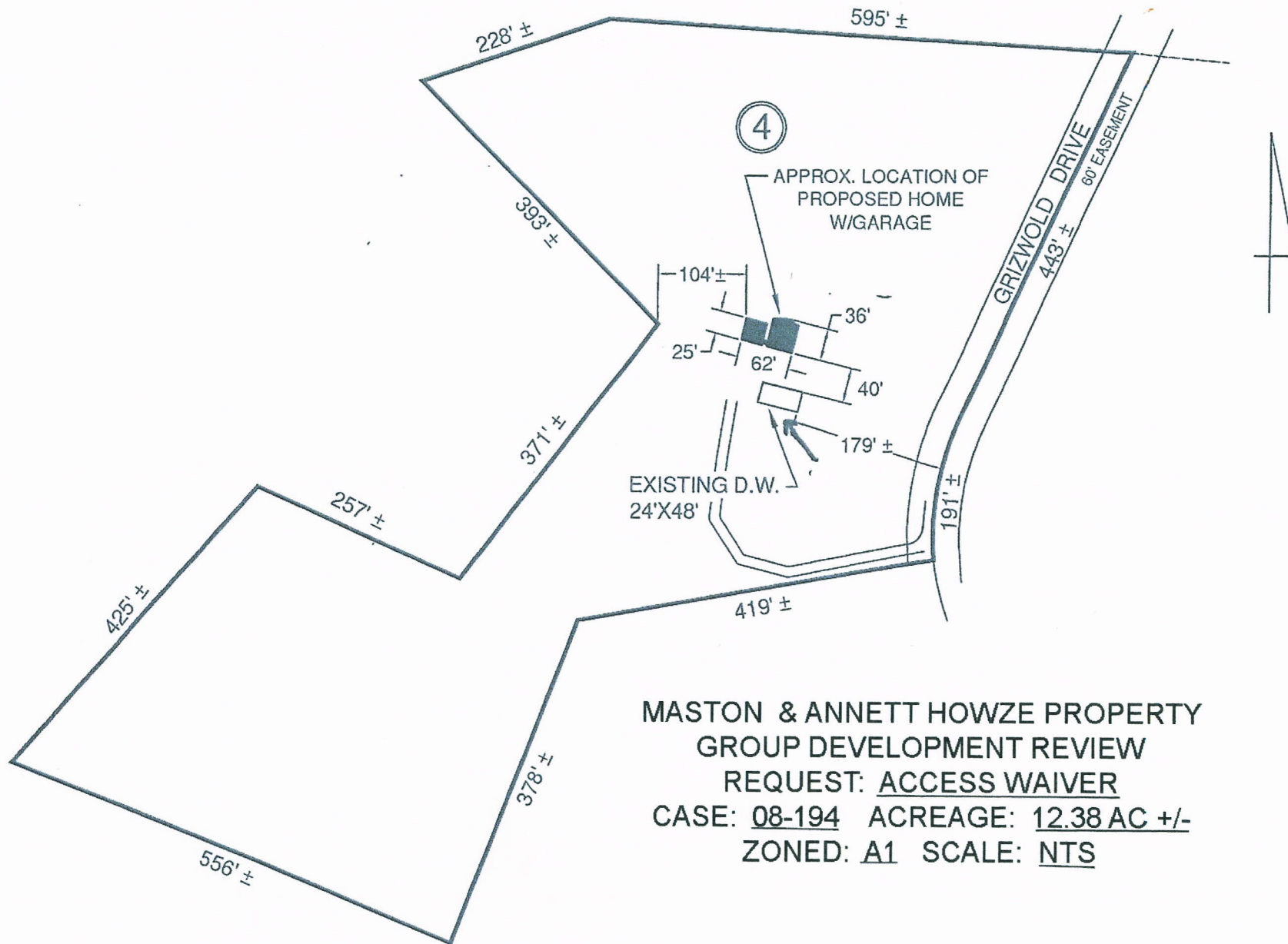
Daytime Phone Number

[Handwritten Signature]

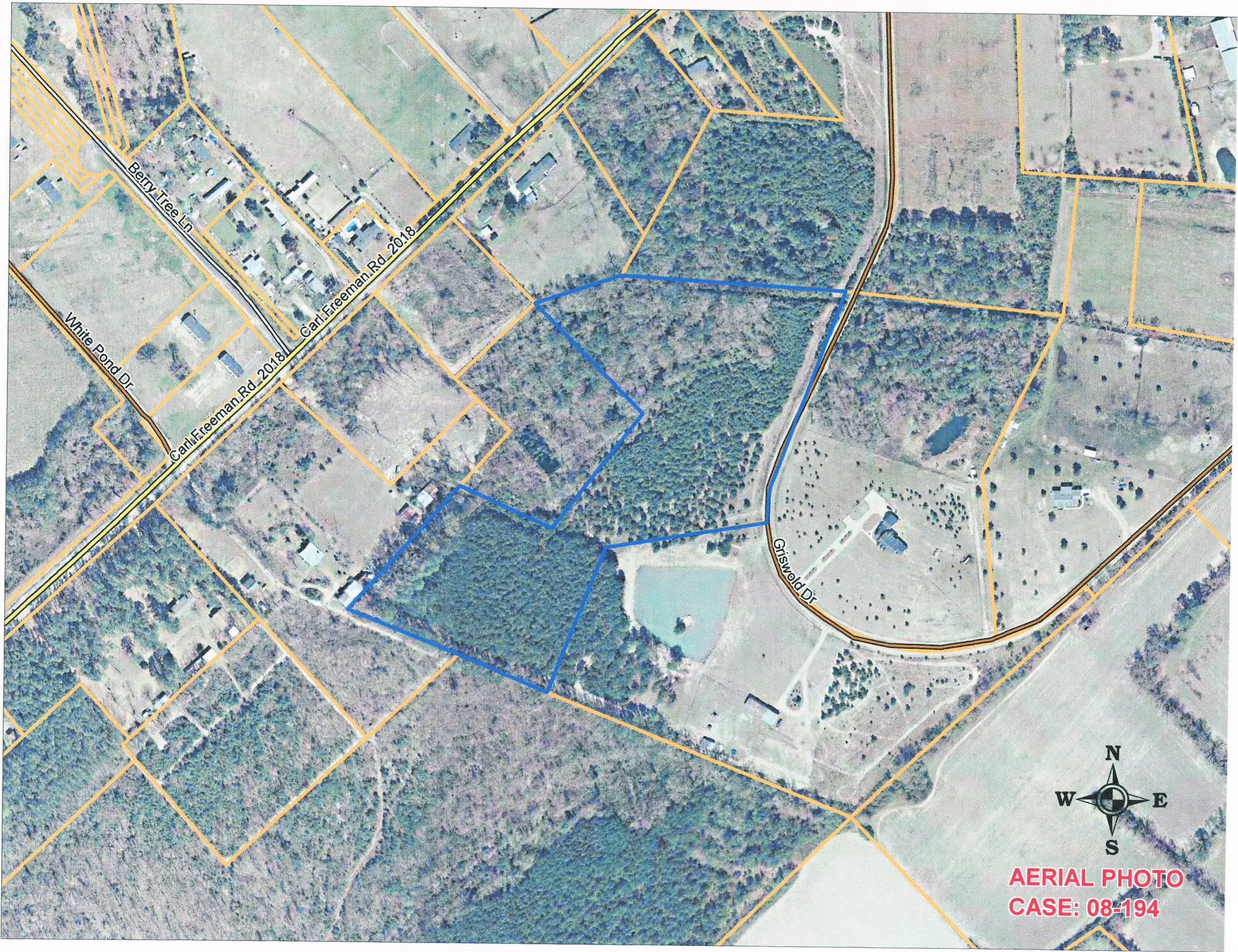
Signature of Applicant/Agent

12-10-2008

Date Signed

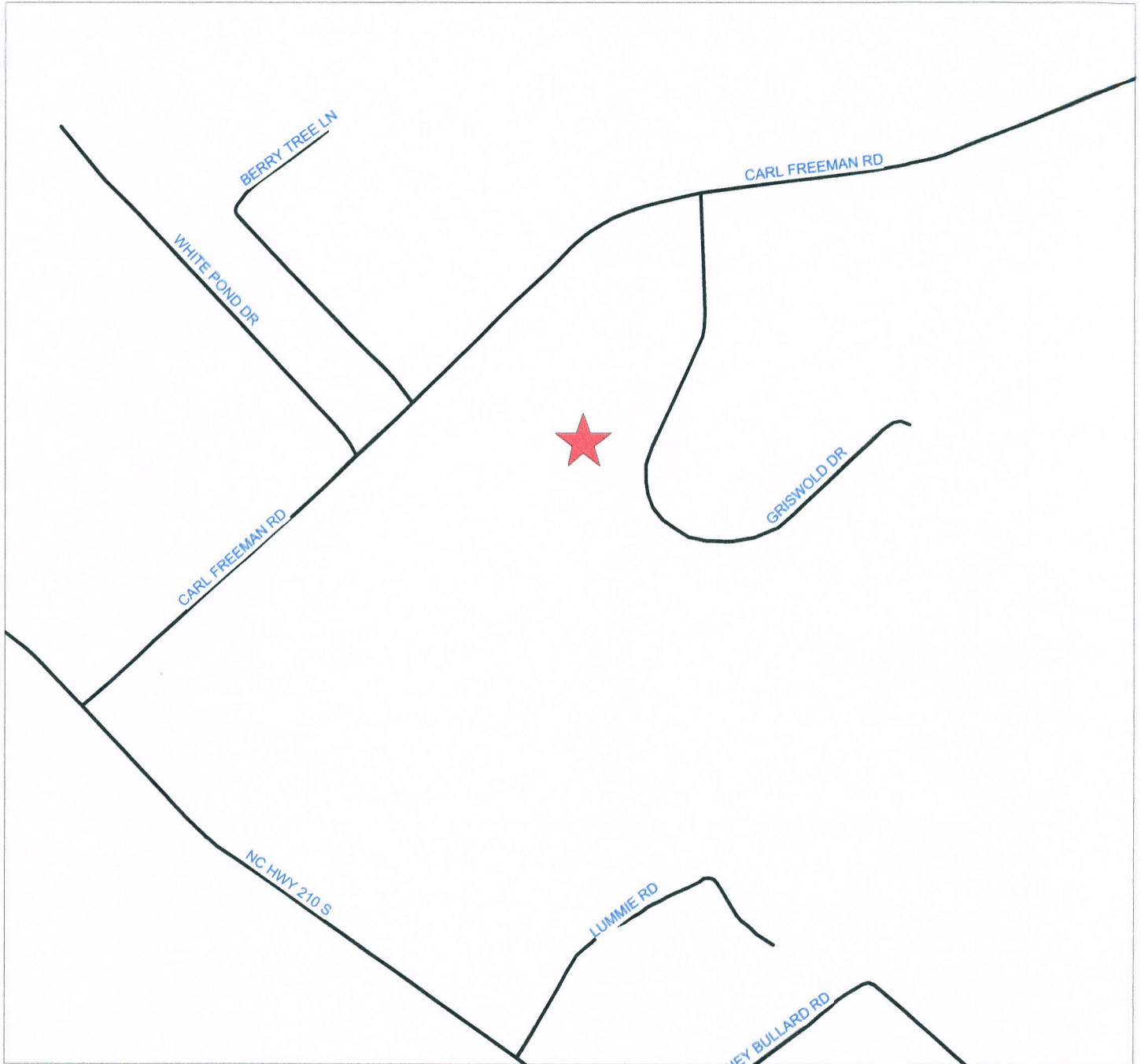


MASTON & ANNETT HOWZE PROPERTY
GROUP DEVELOPMENT REVIEW
REQUEST: ACCESS WAIVER
CASE: 08-194 ACREAGE: 12.38 AC +/-
ZONED: A1 SCALE: NTS



AERIAL PHOTO
CASE: 08-194

**MASTON & ANNETT HOWZE PROPERTY
GROUP DEVELOPMENT REVIEW
CASE NO. 08 - 194**



PIN(S): 0485-00-2873-
Prepared by GJB - CCJPB
DECEMBER 10, 2008

Map not to scale



Donovan McLaurin,
Chair
Wade, Falcon & Godwin

Lori Epler,
Vice-Chair
Cumberland County

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COUNTY of CUMBERLAND

Planning & Inspections Department

January 13, 2009

MEMORANDUM

TO: Joint Planning Board

FROM: Edward M. Byrne, Land Use Codes

SUBJECT: CASE NO. 09-005. CONSIDERATION OF LOT 1 OF THE FORMER MONSANTO PROPERTY, M(P) SITE PLAN REVIEW, REQUEST FOR ALTERNATE REAR YARD SETBACK OF 29.56 FEET WHERE 50 FEET IS REQUIRED; SECTION 1404.A, COUNTY ZONING ORDINANCE; ZONING: M(P); ACREAGE: 52.65 +/- (TOTAL TRACT ACREAGE: 171.82 +/-); LOCATED ON THE SOUTH SIDE OF NC HWY 53/210 (CEDAR CREEK ROAD), ACROSS FROM INTERSECTION WITH CEDAR FARM ROAD.

The developer is requesting approval of an alternate rear yard setback of 29.56 feet where 50 feet is required by ordinance. The site is proposed to be a 52.65 acre tract with approximately 1188.64 feet of frontage on NC HWY 53/210 (Cedar Creek Road).

The creation of the 52.65 acre tract is exempt from the provisions of the County Subdivision Ordinance; however, the plat cannot go on record with the new property lines causing existing conforming structures to be made nonconforming under the terms of the County Zoning Ordinance. The proposed property line in question is the southern most line as shown on the attached site plan, which is also just south of the two (connected) "existing warehouse" structures. The developer is requesting that the land area where the existing railroad tracks are located to remain with the parent tract.

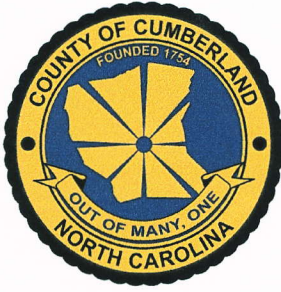
In accordance with Section 1404, Planning Board Consideration, of the County Zoning Ordinance, the Planning Board may approve alternate yard requirements of Article XI if such approval will provide a more logically planned development.

The Planning & Inspections Staff recommends approval of the requested alternate rear yard setback based on the following:

1. The proposed lot and the remaining parent tract are zoned M(P) Planned Industrial with industrial-type structures and uses located on each, the approval of the alternate setback will not negatively affect the safety of the current and future industrial uses at this location;
2. The existing railroad track spur has a width of 140 feet creating a natural boundary between the existing structures on either side of the tracks; and
3. This request, if approved, affects only the current owner and any future purchasers of the proposed lot who will be put on notice upon the recordation of the plat and will not affect any uninvolved adjacent property owners.

Attached you will find the alternate yard setback request, draft conditions of approval, M(P) site plan sketch, aerial photo and vicinity map. If you have any questions, please contact me at 910-678-7609, email: ebyrne@co.cumberland.nc.us or Patti Speicher at 910-678-7605, email: pspeicher@co.cumberland.nc.us.

cc: DAK Americas, LLC; Developer
McKim & Creed, Surveyor/Engineer
Grainger Barrett, County Attorney
Patti Speicher, Land Use Codes



CASE NUMBER: 09-005

DATE REQUEST
SUBMITTED: December 22, 2008

SCHEDULED PLANNING
BOARD MEETING: January 20, 2009

REQUEST FOR PLANNING BOARD CONSIDERATION CUMBERLAND COUNTY ZONING ORDINANCE

Section 1404, Planning Board Consideration, of the Cumberland County Zoning Ordinance:

The Planning Board may hear and approve or deny a site plan, upon the written request for a hearing from the developer, under the following circumstances:

A. The Planning Board may approve alternate yard requirements of Article XI if such approval will provide a more logically planned development. The Board shall give careful consideration to the relation and effect on the surrounding properties and the intent of this Ordinance prior to granting approval under this Section.

B. An aggrieved developer may appeal the action of the Planning and Inspections Staff to the Planning Board in accordance with the Board's policy and schedule for hearing appeals.

SUMMARY OF REQUEST:

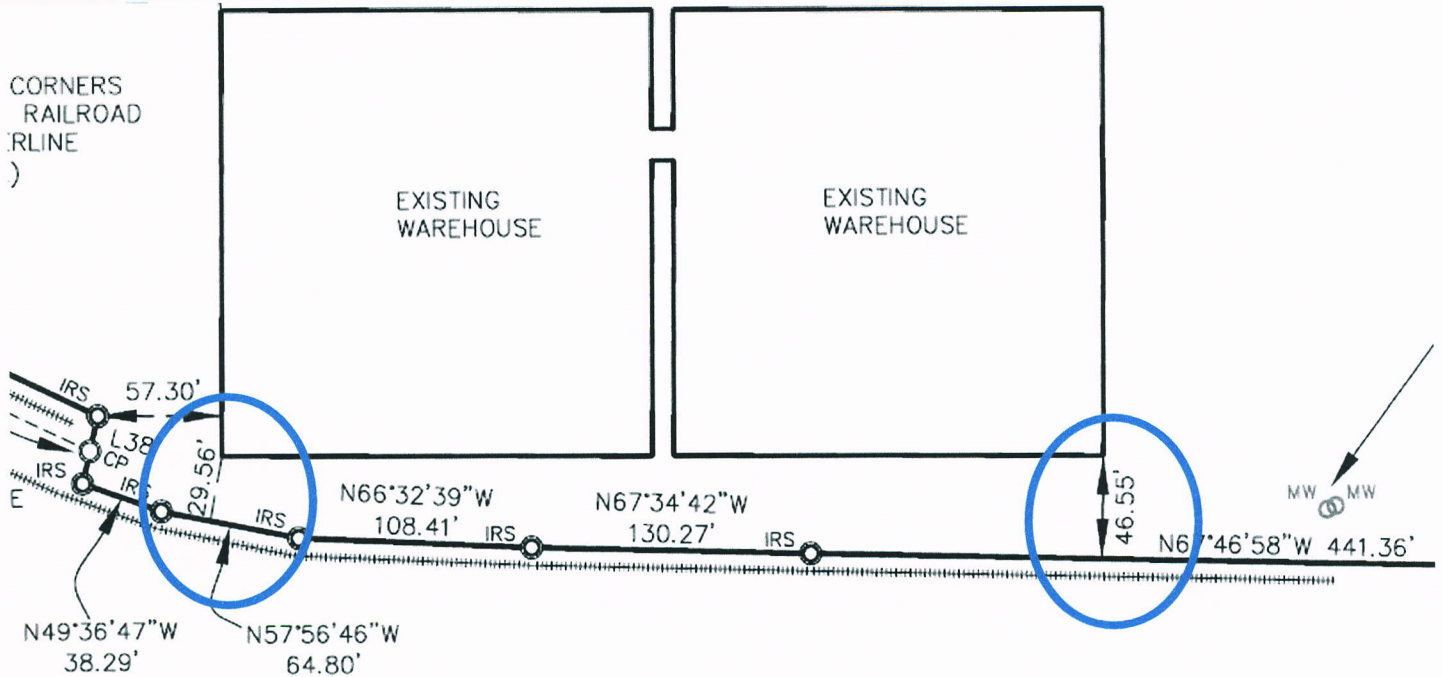
DAK Americas LLC, the current property owner of the property in question off of Cedar Creek Road in Cumberland County, NC is actively pursuing a proposal to develop this parcel of land as a separate and distinct, legally established joint venture with a second party. The currently proposed property line for the new JV property is drawn to be 8 feet off center of the current rail line which is immediately south of two existing warehouses which will remain and become an active part of the proposed new venture. This rail line is the current and active rail line that DAK Americas uses in its existing business operations on-site and therefore DAK has strong reasons to maintain ownership thereof.

In preliminary discussions with the Cumberland County Planning Department, the proposed property lines for this new joint venture were shared and it was identified that the current Zoning setback distance from these two warehouse buildings is closer than the required 50 ft. The southwest corner is at a distance of 29.56' and the southeast corner a distance of 46.55".

DAK Americas request that an Alternate Yard ruling be established to allow for this variance in minimum setback of Article XI.

PRELIMINARY PLAT

NOT FOR RECORDATION, CONVEYANCE, OR SALES



JUSTIFICATION FOR REQUEST:

DAK Americas request the alternate yard ruling be granted as to meet the minimum property setback allowance of 50 feet in Article XI would move the proposed property line due south, resulting in the current active rail line being deeded to the property of a the proposed new venture. This is neither the desire of DAK Americas nor the proposed new venture. Given the cost of these assets, both the buildings and the rail line and the significant period of time in which they have been in place repositioning either is not practical, cost effective, or logical in the proposed planning of this new venture as well as the continuing operations of DAK America on-site.

[Handwritten Signature] 12/19/08
(Signature of Applicant/Agent) - (Date)

[Handwritten Signature: Kirby Lee, DAK Americas] 12/19/08
(Signature of Applicant/Agent) - (Date)

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Benny Pearce,
Town of Eastover

STAFF REVIEW: 01-05-09 PLANNING BOARD DECISION: 01-20-09

CASE NO: 09-005 NAME OF DEVELOPMENT: LOT 1, FORMER MONSANTO PROPERTY

MIA: N/A M(P) SITE PLAN REVIEW (EXISTING WAREHOUSE - DIVISION OF PROPERTY ONLY)

LOCATION: ON THE SOUTH SIDE OF NC HWY 53/210 (CEDAR CREEK ZONING: M(P)

ROAD), ACROSS FROM INTERSECTION WITH CEDAR FARM ROAD PIN: 0464-48-4635-

OWNERS / DEVELOPER: DAK AMERICAS, LLC ENGINEER OR DESIGNER: MCKIM & CREED

PLANNING & INSPECTIONS DEPARTMENT ACTION:

- PRELIMINARY
- EXTENSION REVISION
- APPROVED CONDITIONALLY
- DENIED

PLANNING BOARD DECISION:

- PRELIMINARY
- EXTENSION REVISION
- APPROVED CONDITIONALLY
- DENIED

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

Permit-Related:

1. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the County Zoning Ordinance and permits required to place any 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.
2. 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 Ordinance)
3. New development that will disturb one acre or more of land or is part of a larger plan that will disturb at least an acre of land is subject to the Post-Construction Stormwater Management Permitting Program (Phase II Stormwater Management Requirements) administered by the Division of Water Quality, North Carolina Department of Environment and Natural Resources. If one acre or more of land is to be disturbed, prior to the issuance of any building/zoning permits for this site, a copy of the State's *Post-Construction Permit* must be provided to County Code Enforcement.
4. For any new development, the developer may have to provide the Code Enforcement Section with an approved NC Department of Environment and Natural Resources (NCDENR) sedimentation and erosion control plan (S&E) prior to any application for permits. (Note: If any retention/detention basins are required for state approval of this plan, then three copies of a revised plan

must be submitted and approved by Planning & Inspections prior to application for any building/zoning permits.) A copy of the NCDENR approval must be provided to Code Enforcement at the time of application for any building/zoning permits.

5. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
6. For any future new construction, landscaping will be required to be provided in accordance with Section 1102 N, Landscaping, County Zoning Ordinance and/ must be shown on the site plan.
7. Prior to any new construction/permits, the developer must submit five copies of a detailed site plan for review and approval.
8. The building final inspection cannot be accomplished until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans.

Site-Related:

9. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Zoning Ordinances for the M(P) zoning district must be complied with, as applicable.
10. This conditional approval is not approval of any freestanding signs. If a new freestanding sign is desired, the proposed sign location must be reflected on the site plan – see Condition No. 7 above. 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.)
11. For any new development, an adequate drainage system must be installed by the developer in accordance with the NC Department of Environment and Natural Resources' (NCDENR) *Manual on Best Management Practices* and all drainage ways must be kept clean and free of debris. (Section 2306 D, County Subdivision Ordinance)
12. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision Ordinance)
13. If driveways are changed or added, the developer must obtain a driveway permit from the NC Department of Transportation (NCDOT). If required, a copy of the approved driveway permit must be provided to Code Enforcement at the time of application for building/zoning permits.
14. Upon submission for approval for any new construction, turn lanes may be required by the NC Department of Transportation (NCDOT).
15. 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.
16. A solid buffer will be required, and must be provided and maintained, to shield from view from the public right-of-way any outside open storage 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.) This site does not currently have approval for open storage and if it is the developer(s)' intent to place open storage upon this site, the open storage area and buffer type and location must be reflected on the site plan – see Condition No. 7 above.
17. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides – dumpster locations must be reflected on the site plan, see Condition No. 7 above.
18. All required off-street parking spaces are currently required to be a minimum of 9' x 20' and are required to be surfaced, with a permanent material such as asphalt or concrete, and striped prior to application for any building final inspection. A minimum of one space for each 900 square feet of gross floor area off-street parking spaces are required for this development. In the event new construction/permits are desired by the developer, all required off-street parking spaces must be individually shown on the site plan – see Condition No. 7 above.

19. A minimum of two off-street loading spaces(s) measuring 12' x 25' with 14' overhead clearance must be provided for the existing warehouse building area. In the event new construction/permits are desired by the developer, the required loading spaces must be individually shown on the site plan – see Condition No. 7 above.

Plat-Related:

- 20. The exempt plat should reflect identifiers (i.e., Tract A, Lot 1A, etc.) for the subject lot and the remaining parent for reference purposes.
- 21. Any/All easements should be reflected on the exempt 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.
- 22. The notarized signature(s) of all current tax record owner(s) and notary certifications should appear on the exempt plat when submitted for approval for recordation. (Section 2503 D, Certificate of Ownership and Dedication, County Subdivision Ordinance)

Other Relevant Conditions:

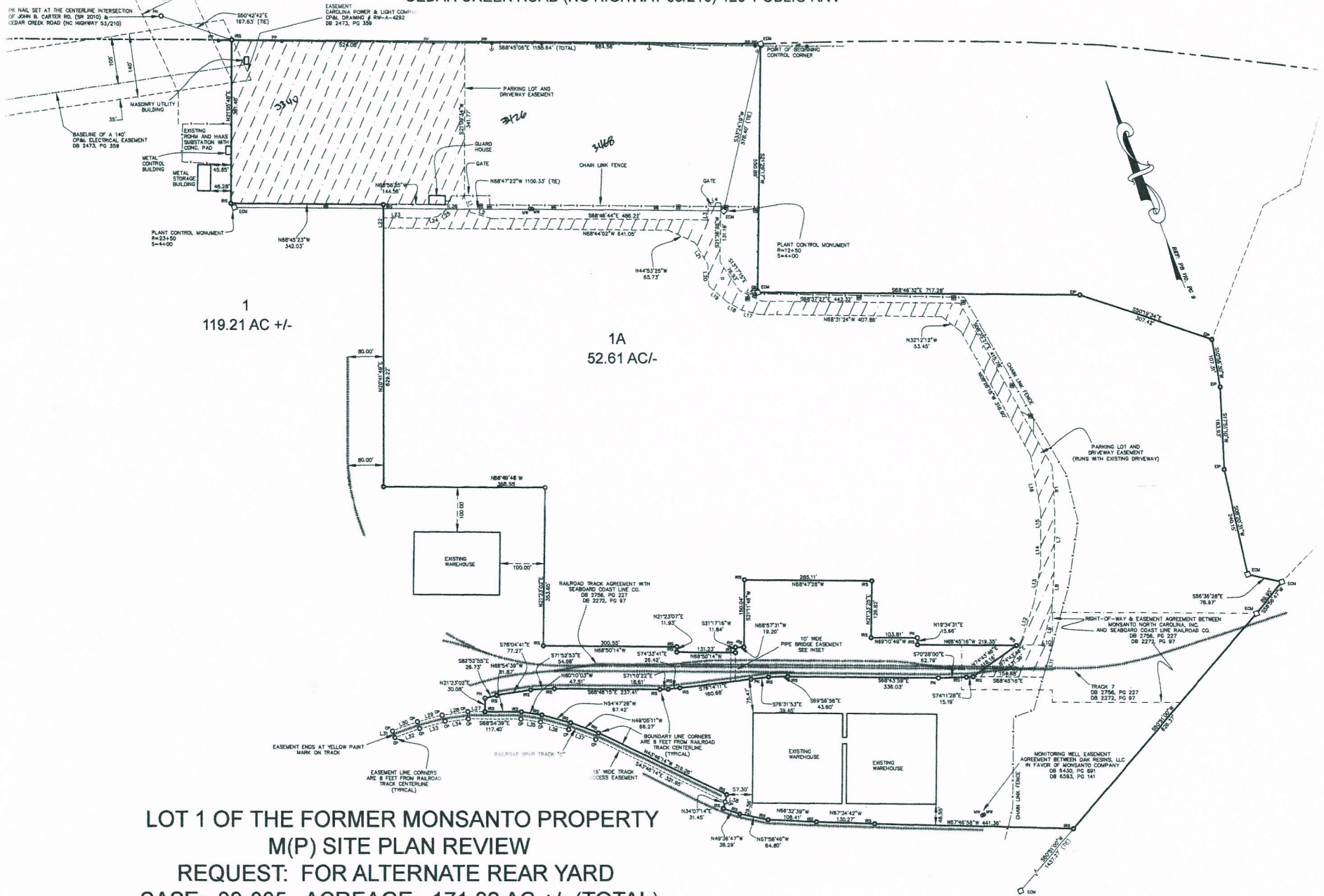
- 23. The applicant is advised to consult an expert on wetlands before proceeding with any development.
- 24. The owner/developer is responsible for ensuring easements which may exist on the subject property are accounted for, not encumbered and that no part of this development is violating the rights of the easement holder.
- 25. The parent tract is located in a Special Flood Hazard Area (SFHA). If in the future, the parent tract is to be reflected on any record plat, the plat must show the limits of the SFHA; information may be obtained from the County Engineer's office or the Federal Emergency Management Agency's (FEMA) website at www.ncfloodmaps.com. Any development within the SFHA is subject to the requirements of the County Flood Damage Prevention Ordinance administered by the County Engineering Department.
- 26. This conditional approval is contingent upon continued compliance with the County's Subdivision and Zoning Ordinances.

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
Code Enforcement (Permits):	Ken Sykes	321-6654
County Engineer's Office:	Wayne Dudley	678-7636
PWC:	Heidi Maly	223-4773
Corp of Engineers (wetlands):	Ronnie Smith	(910) 251-4829
NCDENR (E&S):	Sally McKinney	433-3300
E911 Site-Specific Address:	Ron Gonzales	678-7616
Tax Parcel Numbers:		678-7549
NCDOT (driveways/curb-cuts):	Gary Burton	486-1496
N.C. Division of Water Quality:	Mike Randall	(919) 733-5083 ext. 545

CEDAR CREEK ROAD (NC HIGHWAY 53/210) 120' PUBLIC RW



**LOT 1 OF THE FORMER MONSANTO PROPERTY
M(P) SITE PLAN REVIEW
REQUEST: FOR ALTERNATE REAR YARD
CASE: 09-005 ACREAGE: 171.82 AC +/- (TOTAL)
ZONED M(P) SCALE: NTS**

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



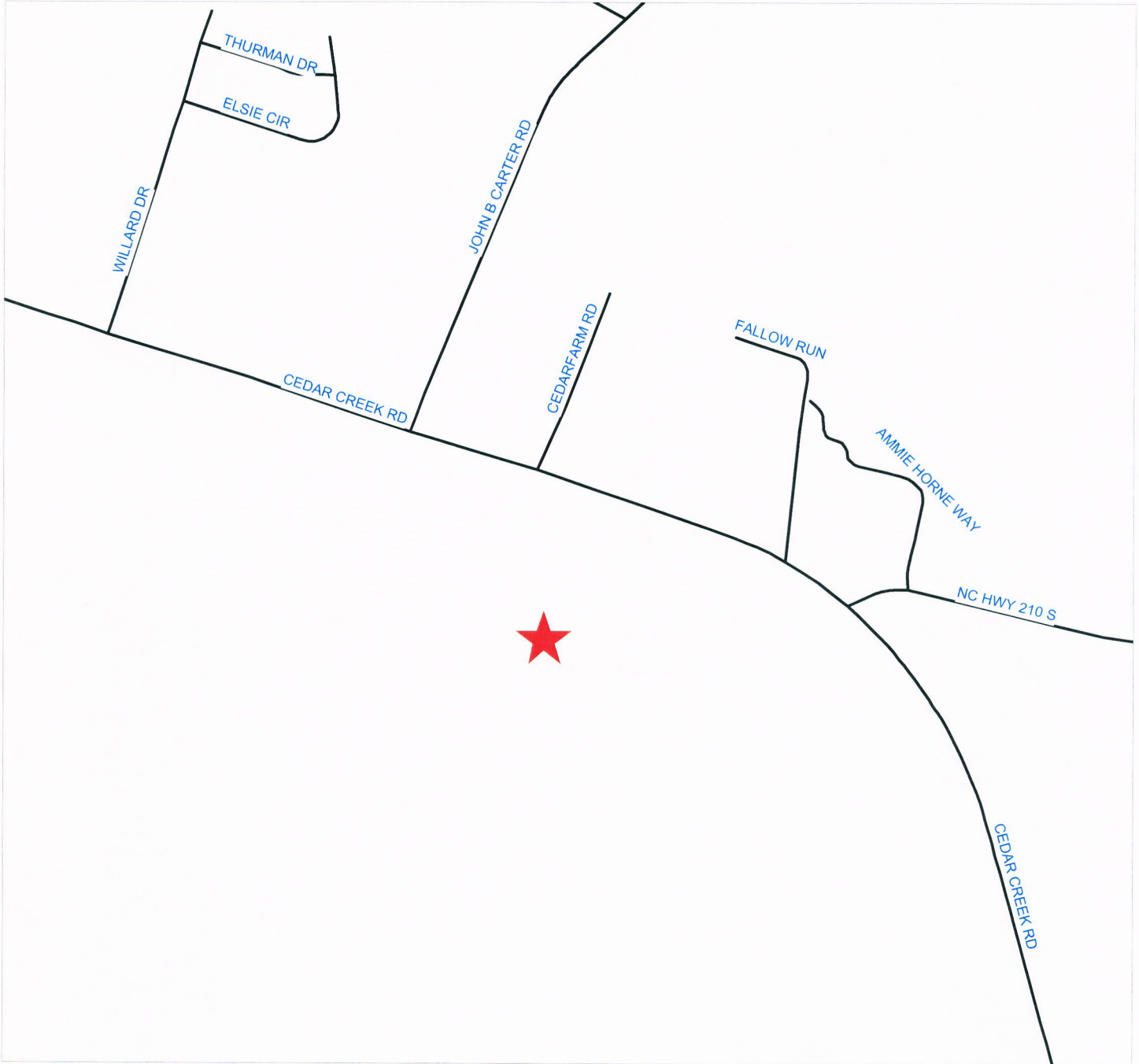
MIE HORNE WAY

NC HWY 210 S



AERIAL PHOTO
CASE: 09-005

**LOT 1 OF THE FORMER MONSANTO PROPERTY
M(P) SITE PLAN REVIEW
CASE NO. 09 - 005**



PIN(S): 0464-48-4635-
Prepared by EMB - CCJPB
JANUARY 6, 2009

Map not to scale

