

Rawls Howard
Director

David Moon
Deputy Director



Cumberland County Joint Planning Board

November 4th, 2025

MEMO TO: TOWN OF SPRING LAKE

FROM: CUMBERLAND COUNTY JOINT PLANNING BOARD

SUBJECT: **ZON-25-0022:** Rezoning from C-3 Heavy Commercial District and C(P) Planned Commercial District to R-5/CZ Residential District Conditional Zoning or to a more restrictive zoning district for two parcels containing a total of 9.02 +/- acres; located at 604 N. Main St and the abutting parcel located at the northeast corner of N. Main St and Rainbow Ct.; submitted by Alex Edwards (Applicant) on behalf of Gwendolyn McLean and Lorenzo McLean Jr., and BBC Enterprises (Owners).

ACTION: In Case ZON-25-0022, the Cumberland County Joint Planning Board recommends denial of the rezoning request from C-3 Heavy Commercial District and C(P) Planned Commercial District to R-5/CZ Residential District Conditional Zoning. The Board found that the request is not consistent with the Spring Lake Area Land Use Plan which calls for "Flex Area 2" at this location. The Board found that the request is not reasonable or in the public interest as the request is not consistent with the downtown Main St. Overlay District.

1. **Scheduled Town Hearing Date for Case ZON-25-0022: November 10th, 2025**
2. **Public Notification: Copy of Legal Ad, the Fayetteville Observer Legal Ad Confirmation, and a copy of the Mailed Notice Certification**

Cumberland County Joint Planning Board Draft Minutes of October 21st, 2025, Meeting:

In Case ZON-25-0022, Ms. McLaughlin made a motion, seconded by Mr. Baker, to recommend denial of the rezoning request from C(P) Planned Commercial District and C-3 Heavy Commercial District to R-5/CZ Residential District Conditional Zoning. The request is not consistent with the Spring Lake Area Land Use Plan which calls for "Flex Area 2" at this location. The request is not reasonable or in the public interest as the request is not consistent with the downtown Main St. Overlay District. Unanimous approval.

Attachments: ZON-25-0022 Staff Report
October 21, 2025, JPB Minutes
Copy of Legal Ad and Fayetteville Observer Legal Ad Confirmation
Mailed Notice Certification



CUMBERLAND COUNTY

NORTH CAROLINA
PLANNING & INSPECTIONS

PLANNING STAFF REPORT
REZONING CASE # ZON-25-0022
Planning Board Meeting: Oct. 21, 2025

Location: 604 N. Main St
Jurisdiction: Town of Spring Lake

REQUEST

Rezoning C(P) and C-3 to R-5/CZ

Applicant requests a rezoning from C(P) Planned Commercial District and C-3 Heavy Commercial District to R-5/CZ Residential District Conditional Zoning for two parcels containing a total of 9.02 +/- acres located at 604 N. Main St and the abutting parcel located at the northeast corner of N. Main St and Rainbow Ct, as illustrated in Exhibit "A". The intent of the request is for a proposed 204-unit multifamily apartment community as shown on the conditional zoning site plan, which appears in Exhibit "B" (attached) within the Conditions of Approval. Five buildings are proposed, three of which front N. Main St. with each having three stories at a maximum height of 36 ft. Interior buildings will consist of two, four-story apartment buildings with a maximum height of 54 ft.

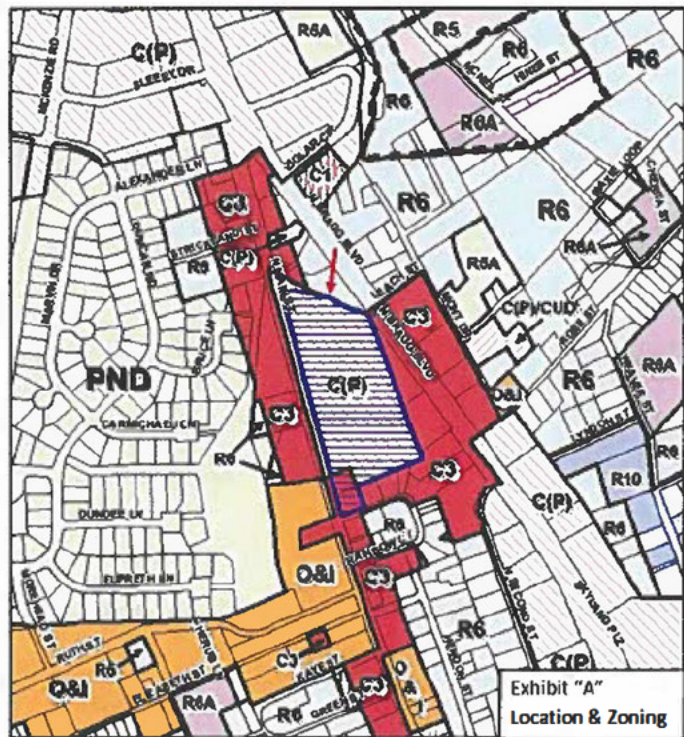
PROPERTY INFORMATION

OWNER/APPLICANT: Lorenzo McLean Jr. and Gwendolyn McLean and BBC Enterprises (Owners); Alex Edwards (Applicant/Agent).

ADDRESS/LOCATION: Refer to Exhibit "A", Location and Zoning Map. REID number(s): 0501684230000 and 0501674645000

SIZE: The parcels contain a total of approximately 9.02 acres. Road frontage along N. Main St approx. 1,152 feet, road frontage along Rainbow Ct is approx. 128 feet, and road frontage along N. Bragg Blvd is approximately 25 feet. The property is approximately 462 feet in length at its deepest point.

EXISTING ZONING: The subject property is currently zoned C(P) Planned Commercial District, C-3 Heavy Commercial District, and within the Main Street Overlay District, which requires all proposed uses and development plans to be consistent with the CB Central Business District. A description of each zoning district is provided in Exhibit "C" (attached).

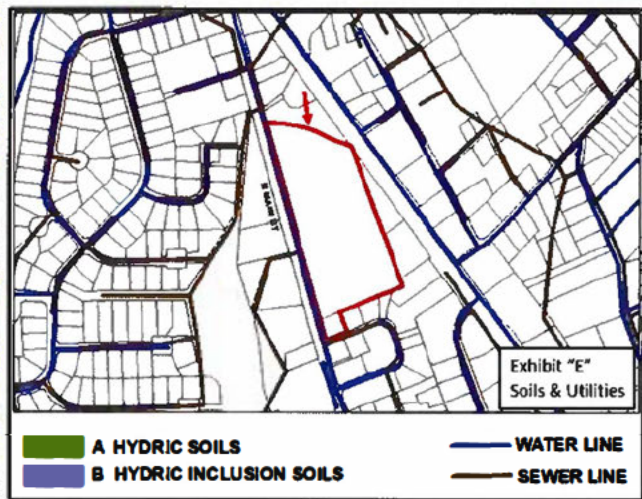


EXISTING LAND USE: The subject parcel is currently wooded lands with a single dwelling unit on the property. Exhibit "D" shows the existing use of the subject property.

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

- **North:** NC HWY 87 (Bragg Blvd), Commercial
- **East:** NC HWY 87 (Bragg Blvd), Commercial
- **West:** N Main St, Commercial, and Manchester Forest Residential Subdivision
- **South:** Rainbow Ct, Commercial, Single-family Residential

- **OTHER SITE CHARACTERISTICS:** The site is not located in a Watershed Protection Area or within a Flood Zone Hazard Area. The subject property, as delineated in Exhibit "E", illustrates no hydric or hydric inclusion soils.

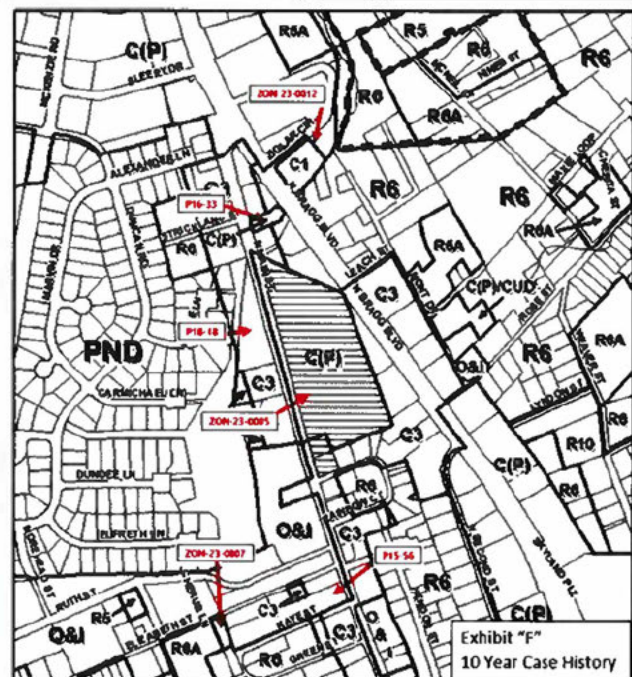


TEN YEAR ZONE CASE HISTORY:

Exhibit "F" denotes the location of the zoning 10-year case history described below.

- ZON-23-0012: R-6 to C-1; Approved.
- ZON-23-0007: O&I(P) to R-6; Approved.
- ZON-23-0005: C(P) & C-3 to R5A/CZ; Denied.
- P18-18: Remove MSOD, R6/C-3 to C-3; Approved.
- P16-33: Removal of MSOD, R6 & C-3 to C-3; Approved MSOD removal & rezoned to C(P).
- P15-56: Removal of MSOD; Approved.

DEVELOPMENT REVIEW: Should the request be approved, the applicant intends to submit a final site plan for an apartment community. Any site plan must be consistent with the Conditional Zoning Site Plan and the Town of Spring Lake's Code of Ordinances.



DIMENSIONAL PROVISIONS FOR REQUESTED DISTRICT:

Minimum Standard	C(P) (Existing)	C-3 (Existing)	CB (Existing)	R-5/CZ (Proposed)
Front Yard Setback	50 feet	45 feet	20 feet	25 feet
Side Yard Setback	30 feet	15 feet	0 feet	10 feet (1 & 2-story) /4+ feet per story after 2
Rear Yard Setback	30 feet	20 feet	20 feet	30
Lot Area	2 acres	N/A	N/A	6,000 Sq. Ft. (1 st DU)/ 3,000 Sq. Ft. (2 nd & 3 rd DUs)/ 2,500 Sq. Ft. (4 or more DUs)/ 1,500 Sq. Ft. (Min. Sq ft per each DU above ground floor)
Lot Width	N/A	N/A	N/A	60 feet

DEVELOPMENT POTENTIAL:

Existing Zoning C(P) and C-3	Proposed Zoning R-5/CZ
0 dwelling units	204 dwelling units

- Lot count may be rounded-up when a fraction occurs. When any requirement of this ordinance results in a fraction of a unit, a fraction of one-half or more shall be considered a whole unit, and a fraction of less than one-half shall be disregarded

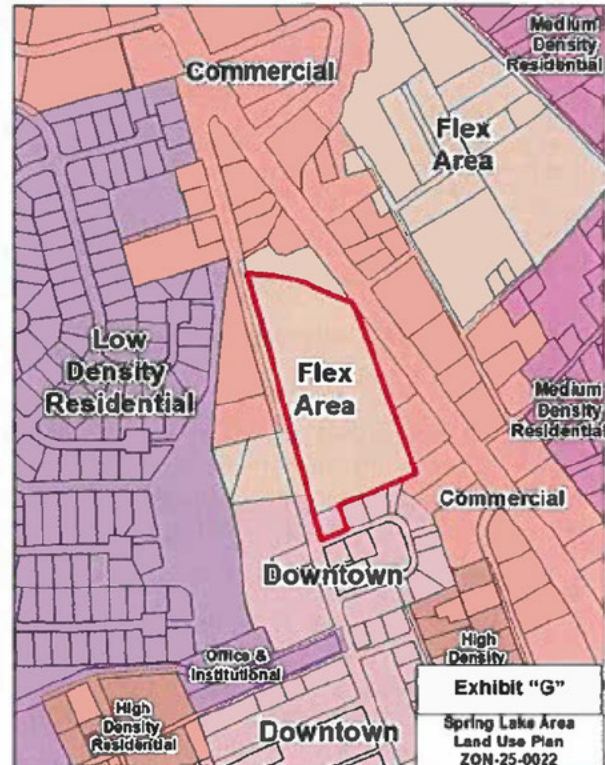
COMPREHENSIVE PLANS:

This property is located within the Spring Lake Area Land Use Plan (2022). The future land use classification of the property is "Flex Area 2" with a small (0.30 +/- acre) portion classified as "Downtown", as shown is Exhibit "G". The associated zoning districts are MXD/CD, CB, C-1, R-5, and R-5A.

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

Flex Area 2 Development Goals:

- Flex Area 2 includes larger parcels which would benefit from intentional development that brings the highest density and best use to that land and to the Town (Spring Lake Area Land Use Plan 2022, p. 37).
- On larger parcels, these sites are suitable for apartment complex development. This usually due to proximity to existing apartments or to commercial areas. In this way, vertical development can act as a buffer between commercial areas and less dense residential areas (Spring Lake Area Land Use Plan 2022, p. 50).
- Also suitable in Flex Area 2 is the Central Business Zoning District, light commercial uses, and multi-family housing. If strategically developed, this area can create a transition between the locally important Main Street corridor and the regionally important Bragg Boulevard corridor, drawing in local and regional travelers (Spring Lake Area Land Use Plan 2022, p. 37)
- Encourage the use of both new and redeveloped housing (Spring Lake Land Use Plan 2022, p. 15)



IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES

UTILITIES: Town of Spring Lake Water and Sewer lines are available fronting the property along N. Main St and Rainbow Ct. It is the applicant's responsibility to determine if this utility provider will serve their development. Utilities for water and sewer are shown on Exhibit "E".

TRANSPORTATION: Pursuant to NC Department of Transportation District 6 Office, N. Main St will be improved to a 4-lane road in the future. Additionally, according to the Fayetteville Area Metropolitan Planning Organization (FAMPO), there are no additional improvement projects planned.

SCHOOLS CAPACITY/ENROLLMENT:

School	Enrollment	Capacity
William T. Brown Elementary	535	666
Spring Lake Middle	499	664
Pine Forest High	1553	712

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

EMERGENCY SERVICES: At the site of the final site plan, the developer must comply with at State Fire Code driveway and building access standards, which shall be review and determined by the Town of Spring Lake's Fire Chief. Prior to submittal of a final site plan to the Town, the developer shall coordinate with the Town Fire Chief.

SPECIAL DISTRICTS/ OVERLAY DISTRICTS: The subject property is located approximately 2,291 feet east of Fort Bragg Military Reservation and is located within the Spring Lake Main Street Overlay District. RLUAC has reviewed the request and had no objection the proposed rezoning.

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

CONDITIONS OF APPROVAL: The proposed conditions of approval and conditional zoning site plan are provided in Exhibit "B".

DEVIATIONS: Pursuant to NC General Statutes, conditional zoning can include site-specific development standards that differ from the adopted Zoning Ordinance but should meet the intent of the codes. Exhibit "H" (attached) lists deviations from the Zoning Ordinance that are addressed through other standards recognized in the Conditions of Approval or the Conditional Zoning Site Plan.

KEY CONDITIONS:

1. The owner shall pay a "fee in lieu of on-site open space" in accordance with the Spring Lake Municipal Code §36-71(8) to satisfy the recreation/open space requirement in the total amount of \$40,000. This shall be paid prior to issuance of the first building permit.
2. An architectural rendering of the proposed development, demonstrating conformance with the intent of Main Street Overlay District "Façade Guide" (Section 42-174, Spring Lake Code of Ord.) shall be submitted with the Final Site Plan.
3. At the time of Final Site Plan submittal, a Landscape Plan shall meet the requirements of the Spring Lake Landscaping Ordinance for tree plantings. If unable to comply with the tree planting requirements of the Landscape Ordinance, the Town manager can approve a fee-in-lieu of tree planting based on a rate of \$300.00 per tree. Any such fees collected by the Town shall be used to beautify and landscape Parks and Recreation spaces or other Town properties located within the Town of Spring Lake. This shall be paid prior to issuance of the first building permit for any building.

STAFF RECOMMENDATION

In Case ZON-25-0022, Planning and Inspections staff **recommends approval** of the rezoning request from C(P) Planned Commercial District and C-3 Heavy Commercial District to R-5/CZ Residential District Conditional Zoning. Staff finds that the request is consistent with the Spring Lake Area Land Use Plan which calls for "Flex Area 2" at this location. Staff also finds that the request is reasonable and in the public interest as it is compatible to and in harmony with the surrounding land use activities and zoning.

Attachments:

Exhibit "B" – Conditions of Approval and Conditional Zoning Site Plan
 General Project Summary
 Zoning District Descriptions
 Deviations
 Notification Mailing List
 Application

EXHIBIT "B"
Conditional Zoning No. ZON-25-0022
Conditions of Approval

General Address: 604 N. Main St	Acres: 9.02 +/-
REID: 0501-68-4230 & 0501-67-4645	Approval Date: TBD
Effective Date: TBD	Issued to: Lorenzo and Gwendolyn McLean Jr., BBC Enterprises (Owners); Alex Edwards (Agent and Applicant)

R-5 Residential/CZ Conditional Zoning District
Ordinance Related Conditions for Residential Use of Property

A. Applicability:

This Conditional Zoning only applies to the property appearing in the Conditional Zoning Site Plan titled "Eleve at Main". This property is rezoned from C(P) Planned Commercial District and C-3 Heavy Commercial District to R-5/CZ Residential Conditional Zoning District for 9.02 +/- acres; located at the Northeast corner of N. Main St and Rainbow Ct.

B. Permitted and Prohibited Uses.

The use of the subject property is limited to the residential multi-family apartment group development as well as the terms and conditions of this Conditions of Approval and the Conditional Zoning Site Plan for ZON-25-0022, as set forth in Exhibit "A" herein.

C. Development Standards.

1. This Conditional Zoning Site Plan is not the Final Site Plan. A final site plan must be submitted to and approved by the Town of Spring Lake, in accordance with the Conditions of Approval and the Town of Spring Lake's Code of Ordinances, prior to any development activity. The Final Site Plan shall be consistent with the intent of the Conditional Zoning Site Plan and the intent of the Town of Spring Lake's Code of Ordinances.
2. Where any conflicts occur between the Conditions of Approval and Conditional Zoning Site Plan herein, with the Town of Spring Lake's Code of Ordinances, the Conditional Zoning Conditions of Approval and Conditional Zoning Site Plan shall supersede.
3. All uses, dimensions, setbacks and other related provisions of the Town of Spring Lake Zoning and Subdivision Ordinances for the R-5/CZ Conditional Zoning must be complied with, as applicable, and as appearing with the conditional zoning site plan appearing in Exhibit "A". Any conditions set forth herein this ordinance, including Exhibit "A", shall supersede the Zoning Code. If not specifically addressed within this Ordinance, all requirements of the Zoning and Subdivision Codes shall be met.
4. The applicant/owner/developer shall pay a "fee in lieu of on-site open space" in accordance with Spring Lake Municipal Code §36-71(8) to satisfy the recreation/open space requirement in the total amount of \$40,000. This shall be paid to the Town of Spring Lake prior to issuance of the first building permit.
5. An architectural rendering (in color) of the proposed development demonstrating conformance with the Main Street Overlay District "Façade Guide" shall be submitted with the Final Site Plan in conformance with Section 42-174 and must be approved by the Town Manager.

6. At the time of Final Site Plan submittal, a Landscape Plan shall demonstrate compliance with the Spring Lake Landscaping Ordinance for tree plantings. If unable to comply with the tree planting requirements of the Landscape Ordinance, the Town manager can approve a fee-in-lieu of tree planting based on a rate of \$300.00 per tree. Any such fees collected by the Town shall be used to beautify and landscape Parks and Recreation spaces or other Town properties located within the Town of Spring Lake. This shall be paid prior to issuance of the first building permit for any building.
7. This conditional approval is not approval of any freestanding signs. Attached signage for this development must be in accordance with the applicable sign regulations as set forth in the Town of Spring Lakes 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.)

D. Infrastructure and Utilities:

1. **Water and Sewer:** Connection to Town of Spring Lake Public Utility Water and Sewer is required. The Developer/Applicant shall coordinate with Town of Spring Lake to provide public water and sewer service connection.
2. **Fire Chief and Fire Inspections:** At the site of the final site plan the developer must comply with State Fire Code driveway and building access standards, which shall be reviewed and determined by the Town of Spring Lake's Fire Chief. Prior to submittal of a final site plan to the Town, the developer shall coordinate with the Town Fire Chief.
3. **Stormwater and Drainage:**
 - a. For any new development where the developer disturbs or intends to disturb more than one acre of land, the developer must provide the Code Enforcement Section with an approved NC Department of Environmental Quality (NCDEQ) sedimentation and erosion control plan(S&E). If any retention/detention basins are required for state approval of this plan, a formal revision application must be filed with Current Planning for review and approval.
 - b. New development where the developer will disturb or intends to disturb more than one acre of land is subject to the Post- Construction Stormwater Management Permitting Program (Phase II Stormwater Management Requirements) administered by the Division of Water Quality, North Carolina Department of Environmental Quality. If one acre or more of land is to be disturbed, a copy of the State's *Post-Construction Permit* must be provided to County Code Enforcement prior to the issuance of the Certificate of Occupancy.
 - c. For any new development, an adequate drainage system must be installed by the developer in accordance with the NC Department of Environmental Quality (NCDEQ) *Manual on Best Management Practices* and all drainage ways must be kept clean of free and debris. (Spring Lake Stormwater Utility Ord. Sec. 40-407)
 - d. In the event a stormwater utility structure is required by the NC Department of Environmental Quality (NCDEQ), the owner/developer must demonstrate on the revised plan the placement of a four-foot-high fence with a lockable gate for the security of the stormwater utility structure. The owner/developer is required to maintain the detention/retention basin, keeping it clear of debris and taking measures for the prevention of insect and rodent infestation.
 - e. For new development, all utilities, except for 25k or greater electrical lines, must be located underground.

4. Outdoor Lighting:

- a. An outdoor lighting plan shall be submitted with the Final Site Plan and shall illustrate outdoor lighting for all parking areas and pedestrian pathways.
- b. All pedestrian areas, including off-street parking areas are to be lighted with shielded, controlled lighting, and shall complement the proposed development in color and style while being consistent with existing lighting of adjacent or nearby developed nonresidential properties.

5. Roads, Access, and Parking:

a. NCDOT, Connections to SR 1449 (Main St):

- i. Right and left turn lanes with a continuous three lane section between the two(2) connections shall be required.
- ii. Applicable right-of-way dedication will be required for the install of the roadway improvements. The installation of a closed drainage system with curb and gutter may negate any right-of-way dedication requirement (design dependent).
- iii. Right-of-way dedication requires a recorded plat and a North Carolina General Warranty deed with complete metes and bounds description referencing aforesaid plat.
- iv. Typical 100' driveway stem requires at both entrances as measured from the nearest edge of right-of-way.

b. NCDOT, Connection to NC HWY 24/87 (Bragg Boulevard):

- i. If permitted, the driveway would be required to be constructed with concentric radii thereby removing any possibility of right turn movements into the site from the roadway.
 - ii. Any connection NC HWY 24/87 will require roadway improvements if ingress were requested.
 - iii. Egress only movements would be allowed a maximum of 24' width with a 25-30' radii (egress) for this type of development.
- c. Driveway Approval Required.** Construction of any new connection or alteration of any existing street connection may require an approved Driveway Permit or approval from the Town of Spring Lake.
- d.** Any street improvements or plans are required to be constructed to the Town of Spring Lake and NCDOT standards for secondary roads, as applicable. (Spring Lake Chapter 34 Ord. and NCGS §136-18(5) & §136-93]
- e.** The developer must obtain driveway permits from the NC Department of Transportation (NCDOT). A copy of the approved driveway permit(s) must be provided to the Town of Spring Lake at the time of application for building/zoning permit.
- f.** At the time of final site plan, the proposed gate located at the emergency access abutting NC HWY 24 shall be moved to demonstrate emergency vehicles and fire apparatus have sufficient area to turn and maneuver so as not to impede the flow of traffic along NC HWY 24 and the point emergency access.
- g.** If any NCDOT permits are required, these permits must be obtained and submitted to the Town of Spring Lake prior to any issuance of a building permit or commence of any development activity.

- h. If any right-of-way dedication is required by the NCDOT or by the Town of Spring Lake, a recorded plat referenced above shall identify any such right-of-way dedication and sight distance easements.
- i. Turn lanes may be required by the NC Department of Transportation (NCDOT) or the Town of Spring Lake applicable.
- j. The final site plan must provide an internal access to any stormwater facility serving the site, to allow the Owner's Association to have the ability to access the stormwater facility.
- k. All designated parking areas shall only be used for operatable motor vehicles for the residents and guests and management staff of this residential community. All motor vehicles shall only park at designate parking stalls approved by the Town as appearing in the final site Plan. No parking is allowed in buffer or landscape areas.
- l. Parking spaces shall not be used for storage or parking of recreational vehicles, boats, watercraft, commercial tractor trailers or for the storage of shipping containers or other materials.
- m. All NCDOT permits must be obtained and submitted to the Town of Spring Lake Inspection Division prior to any issuance of a building permit or commencement of any development activity or change in property usage. 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.
- n. Where sidewalk construction is not feasible due to a change-in-use or redevelopment, the developer shall pay a fee in lieu of sidewalk construction in an amount consistent with the actual cost of installing the sidewalk. The Town Manager shall determine if the sidewalk construction is not feasible as well as the sidewalk installation cost. The monies generated from this section shall be used by the town for sidewalk construction and/or maintenance of sidewalks within the Central Business District. (Sec. 42-174 §2(c)[4] – *Pedestrian Pathways/Sidewalks and Amenities*)
- o. The final site plan shall address and show any/all required roadway improvements as required by the Town of Spring Lake's Code of Ordinances and NC Department of Transportation's comments issued and stated herein.

6. Landscaping:

- a. The final site plan shall include a detailed landscaping plan addressing all code requirements set forth in Article IX – Landscape Requirements and Sec. 42-174. Specifications for the CB Central Business District.
- b. All open space areas and ground cover shall be grass, seeded or sodded, except for areas underneath trees and shrub plantings.
- c. Flowering street trees shall be provided in an amount equivalent to at least one tree for every 20 feet of road frontage and shall be located within the amenity area required, including along any side street. In the event a nonflowering tree is proposed to be planted that would be conducive to the proposed development, an administrative modification from the administrative officer for the alternative tree specimens is mandatory.
- d. All street trees shall be a minimum of two-inch caliper at the time of planting and additional plantings in pots or boxes is strongly encouraged.

7. Development Review Process:

- a. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application with the Town of Spring Lake Inspection Department.
- b. A detailed phasing schedule shall be submitted with the final site plan showing the proposed phasing labeled and delineated on the final site plan.
- c. Prior to any clearing or grading activity, applicant shall be required to submit a final site plan with the Town of Spring Lake Code of Ordinances and in conformance with the approved Conditional Zoning Site Plan and the Conditional Zoning terms and conditions.
- d. In the event the requirements or conditions from a State or Federal Agency or utility provider creates an inconsistency with the conditional zoning site plan in any manner, a revised conditional zoning site plan must be submitted to the Current Planning Division for review in conformance with the Town of Spring Lake Code of Ordinances and conditions hereto.
- e. Developer must coordinate with the Current Planning Division prior to making any changes to the conditional zoning site plan. Any changes to the conditional zoning site plan must be reviewed by the Current Planning Division to determine if any change is considered an insubstantial or substantial modification.
- f. A final site plan must be submitted to and reviewed by the Cumberland County Current Planning Division, in accordance with the Conditions of Approval and the Town of Spring Lake's Code of Ordinances, prior to any development activity. The Final Site Plan must be approved by the Town and shall be consistent with the intent of the Conditional Zoning Site Plan and the intent of the Town of Spring Lake's Code of Ordinances.

8. Final Site Plan Standards:

- a. A note on the final site plan shall state that all use and development occur consistent with Conditions of Approval for ZON-25-0022.
- b. All buildable lot areas shall comply with the setbacks established in the Conditional Zoning Site Plan (Exhibit "A" attached).
- c. Any/all easements appearing on the Conditional Zoning Site Plan (Exhibit "A") must be reflected on the final site plan and labeled as to the type of easement, reference number for document that requires the easement, and the name of the agency, individual, entity, etc. who holds the easement.
- d. The NC Department of Transportation (NCDOT) driveway permit must be submitted to the Town prior to issuance of any building permit.
- e. The developer should be aware that any addition and/or revision to the final site plan may require an additional review and approval by the Town of Spring Lake Board of Commissioners prior to submission for final site plan approval of any portion of this development.

9. Other Conditions:

- a. A recombination plat must be submitted, reviewed by the Current Planning Division to ensure conformance with the Town of Spring Lake's Code of Ordinances, approved by the Town of Spring Lake, and recorded at the Cumberland County Registrar of Deeds prior to approval of the final site plan for this development.

- b. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
- c. 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 responsible party to ensure full compliance with all applicable Federal, State, and local regulations.
- d. The owner is responsible for maintaining the site clear and free of trash and debris and shall maintaining all landscaping according to the approved landscape plan.
- e. All applications and plan submittals shall be submitted via the County online permitting self-service portal at the following website address: https://selfservice.co.cumberland.nc.us/EnerGov_Prod/SelfService#/home.
- f. Modification to the Conditional Zoning Site Plan. All substantial modifications, including changes in use and/or increase in density, to approved plans, other than those listed below, shall be reviewed in the same manner as a new project (Sec. 42-359 (d), Code of Ordinances). The Town manager shall decide if a change constitutes a substantial or minor modification.
- g. This conditional zoning applies to a multi-family apartment development intended for rental of residential units. If the ownership of the property changes to a condominium ownership, the condominium shall be formed consistent with Chapter 47C, NC General Statutes. A preliminary plan and final plat shall be required to create any residential lots and to establish common areas owned and maintained by an owner's association. Both the preliminary plan and final plat must be approved by the Town. The developer is required to submit to the Town the following documents through the County on-line customer service portal:
 - i. One copy of proposed covenants, by-laws and articles of incorporation for the proposed development designating responsibility for by the owners' association for the development;
 - ii. One copy of the deeds proposed for recordation conveying all common area to the proposed owner's association;
 - iii. One copy of any proposed supplemental covenants if the proposed development is to be submitted for final approval in phases; and
 - iv. One copy of the final site plan prior to the submission for final approval.

These documents must be approved by the Town of Spring Lake Attorney prior to the sale of or submission for final plat approval of any lot or unit within this development. (Spring Lake Subdivision Ord.)

- 10. Expiration. If no development activity occurs within five years from the date of the adoption of this ordinance, the Town may proceed to rezoning the property to another zoning district following the process set forth in NC General Statutes.
- 11. The property owner/applicant of rezoning case ZON-25-0022 agree to all terms and conditions set forth in this Conditional Zoning Conditions of Approval. All subsequent owners shall be subject to the terms and conditions set forth herein.

Property Owner/Agent Acceptance of Conditions

(Print Name) - Gwendolyn McLean

(Signature) - Gwendolyn McLean

Date

(Print Name) - Lorenzo McLean, Jr.

(Signature) - Lorenzo McLean, Jr.

Date

(Print Name) - BBC Enterprises' Authorized Agent

(Signature) - BBC Enterprises' Authorized Agent

Date

Issued by:

Jon Rorie
Spring Lake Town Manager

Date

LEGEND

- EXISTING: Solid black fill
- PROPOSED: Stippled fill
- EXISTING: Solid black fill
- PROPOSED: Stippled fill
- EXISTING: Solid black fill
- PROPOSED: Stippled fill

NOTES

- THE SITE IS LOCATED AT THE CORNER OF HIGHWAY 24 (N BRAGG BLVD) AND N MAIN STREET.
- THE PROPOSED DEVELOPMENT IS A MIXED-USE PROJECT INCLUDING OFFICE, RETAIL, AND RESIDENTIAL USES.
- THE PROPOSED DEVELOPMENT IS SUBJECT TO THE CITY OF EDGEWOOD'S ZONING ORDINANCES AND THE STATE OF OREGON'S LAND-USE LAWS.
- THE PROPOSED DEVELOPMENT IS SUBJECT TO THE CITY OF EDGEWOOD'S PLANNING COMMISSION REVIEW AND APPROVAL.
- THE PROPOSED DEVELOPMENT IS SUBJECT TO THE CITY OF EDGEWOOD'S PLANNING COMMISSION REVIEW AND APPROVAL.

EDWARDS OCCUPATIONAL
604 North Main
Edgewood, Oregon 97122

2 OF 2

EXHIBIT "C"
GENERAL PROJECT SUMMARY

Total No. of Apartment Units	204-units
Total No. of 3-story Apartment Buildings, fronting N. Main St: 3 Buildings	Each structure will have 12-units per floor with a unit count per building of 36 units for a total 108 units. The building height will be approx. 36 ft.
Total No. of 4-story Apartment Buildings, interior: 2 Buildings	Each structure will have 12-units per floor with a unit count per building of 48 units for a total of 96 units. The building height will be approx. 54 ft.
Total proposed unit mix:	1 bed/1 bath = 84 units 2 bed/2 bath = 60 units 3 bed/3 bath = 60 units
Total acreage of Open Space:	3.37 Acres
Total acreage of Common Area/Recreation Space	4.04 Acres

EXHIBIT "D"

ZONING DISTRICT DESCRIPTIONS

The C(P) Planned Commercial District intent is to assure the grouping of buildings on a parcel of land so as to constitute a harmonious, efficient and convenient retail shopping area. To promote the essential design features within this district, plan approval is required. Any site plan shall assure traffic safety and the harmonious and beneficial relations between the commercial area and contiguous land.

The C-3 Heavy Commercial District is designed primarily for a wide variety of retail and wholesale business, commercial and contract services, commercial recreation and amusement, public assembly and office uses. Since this district has such a wide selection of uses, it will not be expanded without consideration as to its effect on surrounding lands and is limited to those areas of mixed commercial activity which lie adjacent to or at the intersection of major arterials and those areas which exhibit a highly mixed composition of commercial land uses.

The Main Street Overlay District (MSOD) is intended to protect and enhance the traditional downtown main street area by maintaining and stimulating a pedestrian-friendly, vibrant environment while encouraging economic growth that compliments and expands the unique character of the downtown area. Individual structures are encouraged to be multi-story with uses mixed vertically, street level commercial and upper-level office and/or residential. It is the purpose of these regulations to encourage vitality by excluding certain activities which have a negative effect on the public realm through motor vehicle dominated or non-pedestrian oriented design or uses. To facilitate the purpose and intent of this overlay district, proposed uses and all development plans shall be consistent with regulations as contained within this chapter for the CB Central Business District.

The CB Central Business District is intended to preserve and enhance the original downtown area as a compact, viable and convenient location for a wide variety of commercial and office uses. Residential uses are permitted only in conjunction with a mixed building or mixed-use development and shall be located to the rear or on the second floor of or above any structure. To preserve the compactness of the area and to lessen congestion the display, sales and storage of goods is conducted entirely within enclosed buildings. The yard requirements are based generally on the pattern of existing development so as to minimize dimensional disparities and to preserve the continued usefulness and essential character of the existing buildings located in the downtown area. In order to promote coordination and the compatible intermixture of residential and commercial development, this district is a planned district and site plan review is required for every development, re-development or change-in-use.

EXHIBIT "H" – DEVIATIONS

<u>Code Section</u>	<u>Deviation</u>
1. Sec. 42-174. Specifications for the CB Central Business District, §2(b)[2] – <i>"The maximum building height shall be 36 feet or a maximum of two stories, whichever is less; except where otherwise specifically approved by the Board of Commissioners through a Conditional District rezoning when it has been determined that a proposed building higher than two stories would not post an obstruction air traffic."</i>	Buildings #4 & #5 are both 4-stories and approx. 54 feet in height.
2. Sec. 42-174. Specifications for the CB Central Business District, §2(e)[1] – <i>"...Where on-street parking is provided immediately adjacent to the property to be developed, such parking immediately adjacent and in front of the lot where the proposed/existing structure is located may be counted toward the calculation of the minimum number of required off-street parking."</i>	On-street parking exists currently along N. Main St. NCDOT required street improvements will remove all existing on-street parking.
3. Sec. 42-35. Main Street Overlay District § 17 – <i>An overlay zoning district intended to protect and enhance the traditional downtown main street area by maintaining and stimulating a pedestrian-friendly, vibrant environment while encouraging economic growth that compliments and expands the unique character of the downtown area. Individual structures are encouraged to be multi-story with uses mixed vertically, street level commercial and upper-level office and/or residential. It is the purpose of these regulations to encourage vitality by excluding certain activities which have a negative effect on the public realm through motor vehicle dominated or non-pedestrian oriented design or uses. To facilitate the purpose and intent of this overlay district, proposed uses and all development plans shall be consistent with the regulations as contained within this chapter for the CB Central Business District.</i>	Proposed development is entirely 'Residential', not 'Mixed-use'.
4. Sec. 42-35. CB Central Business District § 7 – <i>"This conventional zoning district is intended to preserve and enhance the original downtown area as a compact, viable and convenient location for a wide variety of commercial and office uses. Residential uses are permitted only in conjunction with a mixed-use building or mixed development and shall be located to the rear or on the second floor of or above any structure. To preserve the compactness of the area and to</i>	Proposed development is entirely 'Residential', not 'Mixed-use'.

<i>lessen congestion the display, sales, and storage of goods is conducted entirely within enclosed buildings. The yard requirements are based generally on the pattern of existing development so as to minimize dimensional disparities and to preserve the continued usefulness and essential character of the existing buildings located in the downtown area. In order to promote coordination and the compatible intermixture of residential and commercial development, this district is a planned district and site plan review is required for every development, re-development, or change-in-use.</i>	
---	--