

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



Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

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

Benny Pearce,  
Town of Eastover

## COUNTY of CUMBERLAND

### *Planning & Inspections Department*

April 14, 2009

#### MEMORANDUM

**TO:** Cumberland County Joint Planning Board  
**FROM:** Planning & Inspections Staff  
**SUBJECT:** Staff Recommendation for April 21, 2009 Board Meeting

**P09-01:** REZONING OF 1.50+/- ACRES FROM A1 AGRICULTURAL TO RR RURAL RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT LOCATED AT 3662 GABE SMITH ROAD, SUBMITTED AND OWNED BY THADIUS AND ANNIE L. BOATWRIGHT.

The Planning & Inspections Staff recommends denial of RR Rural Residential because the entire subject property consists of hydric and hydric inclusion soils; however, Staff recommends approval of R40A Residential district based on the following:

1. The request is consistent with the Eastover Land Use Plan, which calls for farmland at this location;
2. The request is consistent with the land uses currently allowed within the general area; and
3. Public utilities are available to the site.

The A1A, R30A and RR districts could also be considered suitable for this location.

The applicant has given verbal agreement to the staff recommendation of rezoning case to R40A Residential.

This case was deferred from January 20, 2009 to the April 21, 2009 Planning Board Meeting.

Attachments:  
1 - Site Profile  
2 - Sketch Map

**P09-01**  
**SITE PROFILE**

**P09-01:** REZONING OF 1.50+/- ACRES FROM A1 AGRICULTURAL TO RR RURAL RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT LOCATED AT 3662 GABE SMITH ROAD, SUBMITTED AND OWNED BY THADIUS AND ANNIE L. BOATWRIGHT

**Site Information:**

**Frontage & Location:** 377.00'+/- on Gabe Smith Road (SR 1719)

**Depth:** 220.00'+/-

**Jurisdiction:** Cumberland County

**Adjacent Property:** No

**Current Use:** Residential (manufactured home)

**Initial Zoning:** A1 – October 24, 1994 (Area 18)

**Nonconformities:** Yes, lot existed prior to adoption of initial zoning and does not meet the A1 minimum lot size requirements; existing structure does not meet A1 front yard setback

**Zoning Violation(s):** None

**Surrounding Zoning:** North: A1 & A1/CU (quarry); East & West: A1; South: A1 & RR

**Surrounding Land Use:** Residential (including manufactured homes and 1- abandoned manufactured home) quarry, substation, farmland and woodlands

**Eastover Land Use Plan:** Farmland

**Special Flood Hazard Area (SFHA):** None

**Water/Sewer Availability:** ESD/Septic

**Soil Limitations:** Yes, hydric: Ro Roanoke and Wahee loams; hydric inclusion: WmB Wickham fine sandy loam

**School Capacity/Enrolled:** Eastover Central Elementary: 540/447; Mac Williams Middle: 1270/1200; Cape Fear High: 1425/1490

**Subdivision/Site Plan:** Review required prior to additional development

**RLUAC:** No objection to this case

**Accident Potential Zone (APZ):** Subject property is not located within (APZ) or critical noise area

**Sewer Service Area:** Yes

**Average Daily Traffic Count (2006):** 330 on Gabe Smith Road (SR 1719)

**Highway Plan:** There are no road improvements/constructions specified for this area. This case has no impact on the current Highway Plan or Transportation Improvement Program

**Notes:**

**Density:**

A1 – 0 lot/1 unit

A1A – 1 lot/2 units

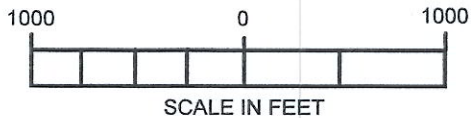
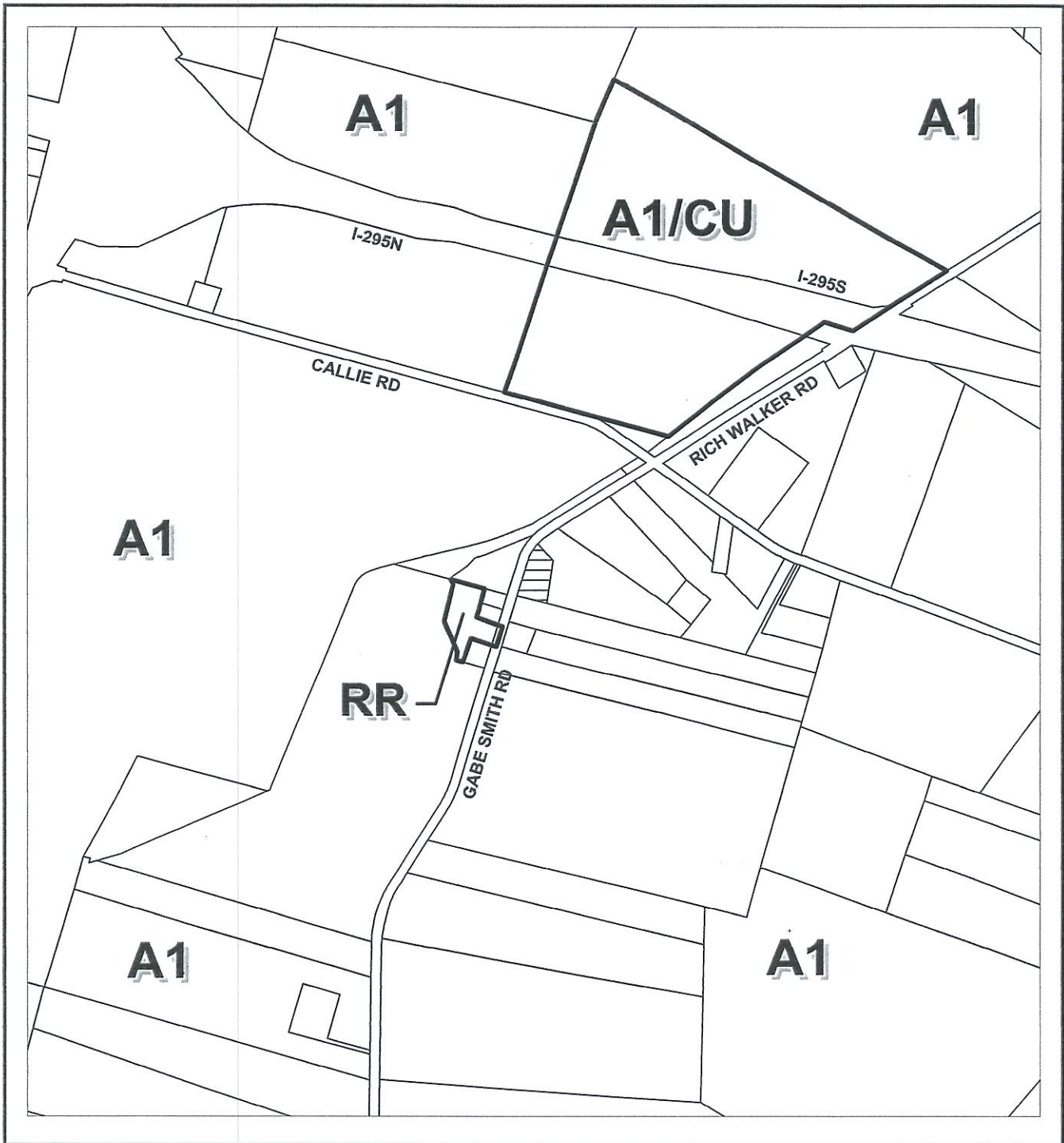
R40A – 1 lot/ 2 units

R30A – 2 lots/units

RR – 3 lots/units

**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.*



PIN: 0550-45-9785

## REQUESTED REZONING A1 TO RR

<b>ACREAGE: 1.5 AC.+/-</b>		<b>HEARING NO: P09-01</b>	
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*

April 14, 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 April 21, 2009 Board Meeting

**P09-02:** REZONING OF 2.00+/- ACRES FROM A1 AGRICULTURAL TO A1A AGRICULTURAL OR TO A MORE RESTRICTIVE ZONING DISTRICT LOCATED AT 11519 DUNN ROAD, SUBMITTED AND OWNED BY HELEN AND LUIS LINARES.

The Planning and Inspections Staff recommends approval of A1A Agricultural district based on the following:

1. The request is consistent with the 2010 Land Use Plan, which calls for farmland at this location; and
2. The request is consistent with the land uses currently existing in the general area.

There are no other suitable districts to be considered suitable for this request.

This case was deferred from March 17, 2009 to the April 21, 2009 Planning Board Meeting.

Attachments:  
1 - Site Profile  
2 - Sketch Map

**P09-02**  
**SITE PROFILE**

**P09-02:** REZONING OF 2.00+/- ACRES FROM A1 AGRICULTURAL TO A1A AGRICULTURAL OR TO A MORE RESTRICTIVE ZONING DISTRICT LOCATED AT 11519 DUNN ROAD, SUBMITTED AND OWNED BY HELEN AND LUIS LINARES.

**Site Information:**

**Frontage & Location:** 150.00'+/- on Dunn Road (US HWY 301)

**Depth:** 580.80'+/-

**Jurisdiction:** Cumberland County

**Adjacent Property:** No

**Current Use:** Residential (Class A manufactured home)

**Initial Zoning:** A1 – November 25, 1980 (Area 14)

**Nonconformities:** No

**Zoning Violation(s):** None

**Surrounding Zoning:** North: A1 & A1A; East & West: A1; South: A1, A1A & C3

**Surrounding Land Use:** Cotton gin, cabinet making, residential (including manufactured homes and abandoned manufactured home), state park, farmland and woodlands

**2010 Land Use Plan:** Farmland

**Special Flood Hazard Area (SFHA):** None

**Water/Sewer Availability:** Falcon/Septic

**Soil Limitations:** Yes, hydric: Ro Roanoke & Wahee loams (small portion located at the rear of subject property)

**School Capacity/Enrolled:** District 7 Elementary: 300/260; Mac Williams Middle: 1270/1200; Cape Fear High: 1425/1490

**Subdivision/Site Plan:** A subdivision or group development review is required prior to application for permits

**Average Daily Traffic Count (2006):** 1,800 on Dunn Rd (HWY 301)

**Highway Plan:** Dunn Road is identified in the Highway Plan as a major thoroughfare. The plan calls for widening to a multi-lane facility. No road improvements are included in the 2009-2015 MTIP. This is a Priority #3 in the Highway Portion of the LRTP

**Notes:**

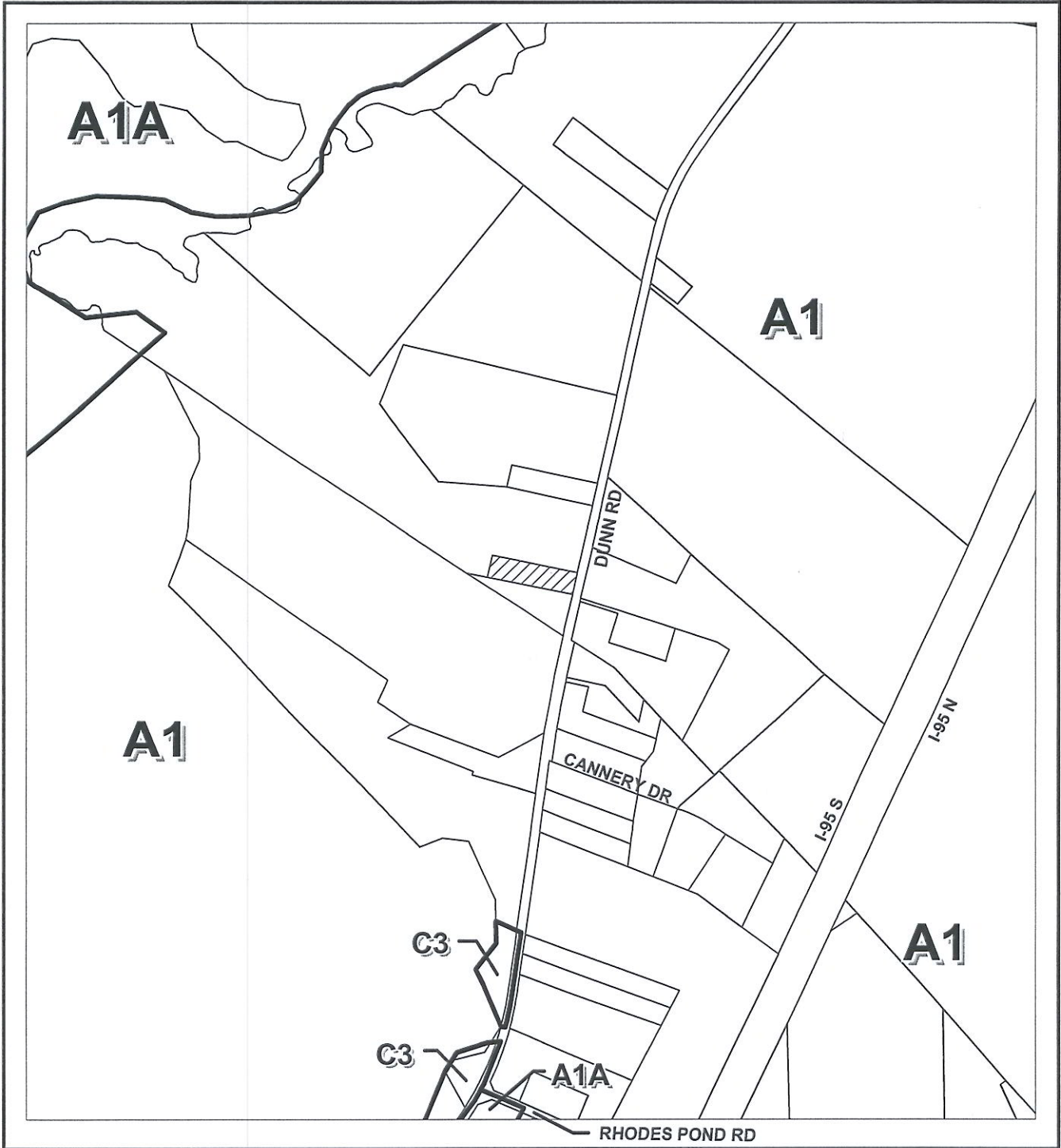
**Density:**

A1- 1 lot/unit

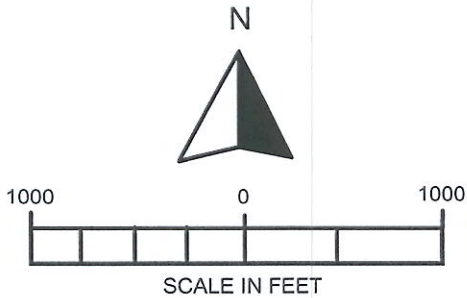
A1A – 2 lots/units

*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.*



## REQUESTED REZONING A1 TO A1A



<b>ACREAGE: 2.00 AC.+/-</b>		<b>HEARING NO: P09-02</b>	
ORDINANCE: COUNTY		HEARING DATE	ACTION
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

PIN: 1504-51-8765

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



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Sara E. Piland,  
Cumberland County

Benny Pearce,  
Town of Eastover

## COUNTY of CUMBERLAND

### *Planning & Inspections Department*

April 14, 2009

#### MEMORANDUM

**TO:** Cumberland County Joint Planning Board

**FROM:** Planning & Inspections Staff

**SUBJECT:** Staff Recommendation for April 21, 2009 Board Meeting

**CASE P09-08:** REZONING OF 1.69+/- ACRES FROM A1 AGRICULTURAL TO RR RURAL RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 1701 HALLINA DRIVE, SUBMITTED AND OWNED BY AMY LYNN PARKS AND LARRY E. PARKS, SR.

The Planning & Inspections Staff recommends denial of RR Rural Residential because the subject property is not connected to public water and sewer as required by the Proposed Land Use Policies Plan\*; however, Staff recommends approval of R40A Residential district based on the following:

1. The recommendation is consistent with the 2010 Land Use Plan, which calls for farmland at this location; and
2. The recommendation is consistent with the land uses currently allowed within the general area.

The A1A, R40A and R30A districts could also be considered suitable for this location.

The applicant has given verbal agreement to the staff recommendation of rezoning the subject property to R40A Residential.

Attachments:  
1 - Site Profile  
2 - Sketch Map

\*Note: The Proposed Land Use Policies Plan is pending Board of Commissioners approval at their April 20, 2009 meeting.

**P09-08**  
**SITE PROFILE**

**P09-08:** REZONING OF 1.69+/- ACRES FROM A1 AGRICULTURAL TO RR RURAL RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 1701 HALLINA DRIVE, SUBMITTED AND OWNED BY AMY LYNN PARKS AND LARRY E. PARKS, SR.

**Site Information:**

**Frontage & Location:** 136.09'+/- on Hallina Drive

**Depth:** 463.99'+/-

**Jurisdiction:** Cumberland County

**Adjacent Property:** No

**Current Use:** Residential (manufactured home)

**Initial Zoning:** A1 – September 3, 1996 (Area 20)

**Nonconformities:** Yes, lot was created prior to adoption of initial zoning and does not meet the A1 zoning district minimum lot size requirements

**Zoning Violation(s):** None

**Surrounding Zoning:** North: A1, R40A & RR; East & South: A1 & RR; West: A1, R40A, RR & R6A

**Surrounding Land Use:** Residential (including manufactured homes), farmland and woodlands

**2010 Land Use Plan:** Farmland

**Special Flood Hazard Area (SFHA):** None

**Water/Sewer Availability:** Well/Septic

**Soil Limitations:** Yes, hydric: Le Leon Sand (small portion in the southeast corner)

**School Capacity/Enrolled:** Stedman Primary: 200/182; Stedman Elementary: 300/303; Mac Williams Middle: 1270/1199; Cape Fear High: 1425/1482

**Subdivision/Site Plan:** Rreview required prior to application for permits

**Sewer Service Area:** No

**Average Daily Traffic Count (2006):** 490 on Faircloth Bridge Road (SR 1848)

**Highway Plan:** There are no road improvements/constructions specified for this area. This case has no impact on the current Highway Plan or Transportation Improvement Program

**Notes:**

**Density:**

A1 – 1 lot/unit

A1A – 1 lot/2 units

R40A – 1 lot/2 units

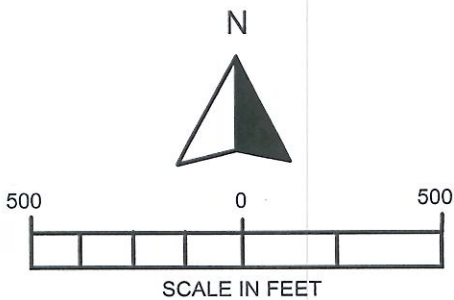
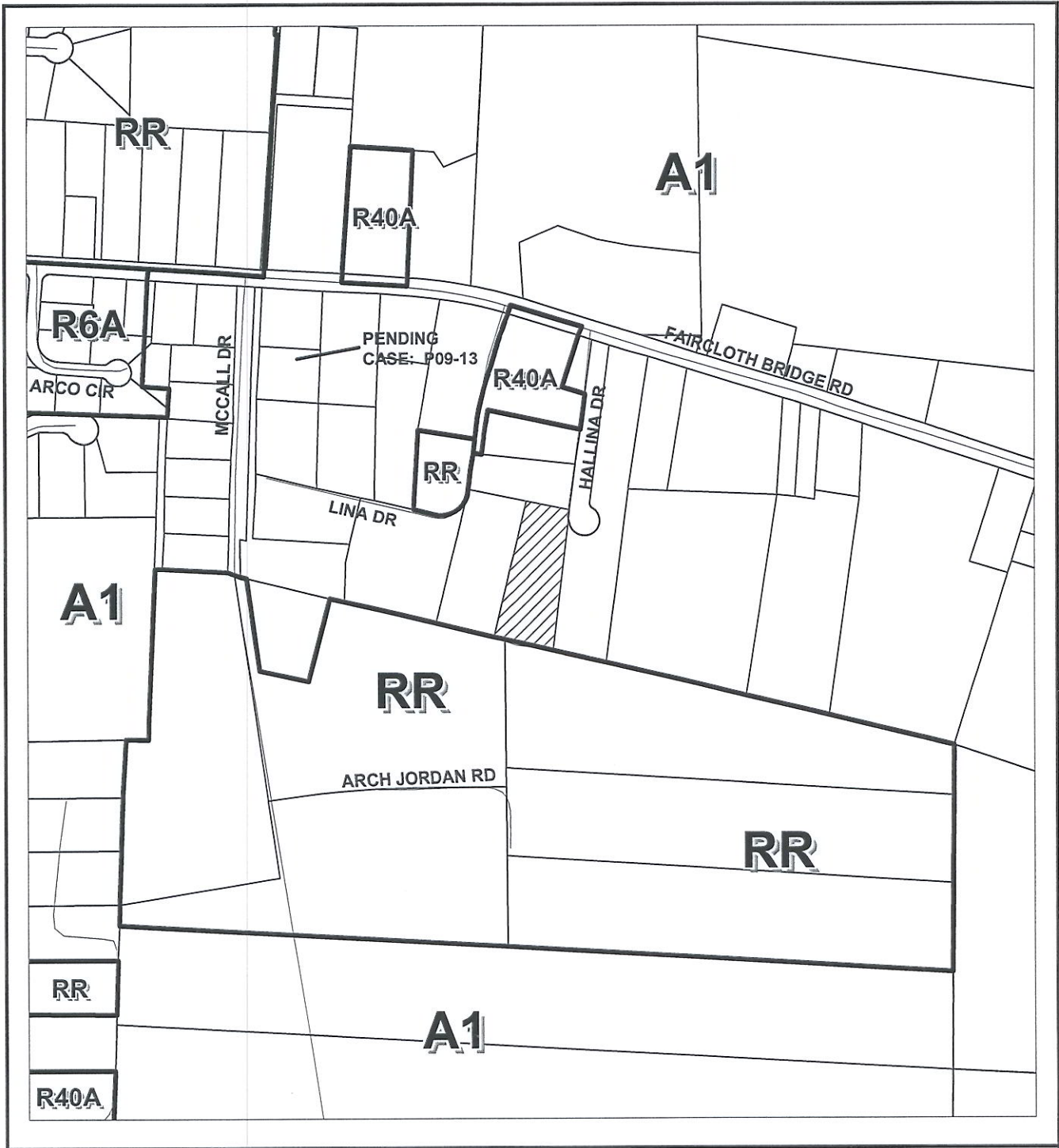
R30A – 2 lots/units

RR – 3 lots/4 units

*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.*





PIN: 0497-55-5084

## REQUESTED REZONING A1 TO RR

**ACREAGE: 1.69 AC.+/-**

**HEARING NO: P09-08**

**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*

April 14, 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 April 21, 2009 Board Meeting

**P09-09:** REZONING OF 4.50+/- ACRES FROM A1 AGRICULTURAL TO RR RURAL RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 10595, 10603 & 10619 COLLIERS CHAPEL CHURCH ROAD, OWNED AND SUBMITTED BY CONNIE MCBRYDE, TYNISHA L. AND ANTOINETTE L. MCNEILL.

The Planning and Inspections Staff recommends approval of RR Rural Residential district based on the following:

1. The request is inconsistent with the 2010 Land Use Plan, which calls for farmland at this location, it is consistent with the land uses and lot sizes currently existing within the general area; and
2. Public water is available to the subject properties.

The A1A, R40A and R30A districts could also be considered suitable for this request.

Attachments:

- 1 - Site Profile
- 2 - Sketch Map

**P09-09**  
**SITE PROFILE**

**P09-09:** REZONING OF 4.50+/- ACRES FROM A1 AGRICULTURAL TO RR RURAL RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 10595, 10603 & 10619 COLLIERS CHAPEL CHURCH ROAD, OWNED AND SUBMITTED BY CONNIE MCBRYDE, TYNISHA L. AND ANTOINETTE L. MCNEILL.

**Site Information:**

**Frontage & Location:** 850.00' +/- on Colliers Chapel Church Road (SR 1609)

**Depth:** 350.00' +/-

**Jurisdiction:** Cumberland County

**Adjacent Property:** Yes, south of subject properties

**Current Use:** Residential (2- manufactured homes), religious worship facility, & vacant lot

**Initial Zoning:** A1 – December 17, 2001 (Area 16)

**Nonconformities:** Yes, 2- 1 acre lots created prior to adoption of initial zoning and are less than the required minimum lot size for the A1 zoning district; there are existing structures located on the properties that do not meet setback requirements for A1 zoning district

**Zoning Violation(s):** None

**Surrounding Zoning:** North: A1 & R40A; East & West: A1; South: A1, RR & R6A

**Surrounding Land Use:** Residential (including manufactured homes)

**2010 Land Use Plan:** Farmland

**Special Flood Hazard Area (SFHA):** None

**Water/Sewer Availability:** Linden/Septic

**Soil Limitations:** Yes, hydric: Le Leon Sand on the southeast portion of subject parcels

**School Capacity/Enrolled:** Raleigh Road Elementary: 220/237; Long Hill Elementary: 460/514; Pine Forest Middle: 820/838; Pine Forest High: 1750/1591

**Subdivision/Site Plan:** Review required prior to application for permits

**Average Daily Traffic Count (2006):** 390 on Colliers Chapel Church Road (SR 1609)

**Highway Plan:** There are no road improvements/constructions specified for this area.

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

**Notes:**

**Density:**

A1 – 2 lots/units

A1A – 4 lots/5 units

R40A – 4 lots/5 units

R30/R30A – 6 lots/7 units

RR – 9 lots/ 10 units

**Density (minus 15% for r/w)**

A1 – 1 lot/2 units

A1A – 3 lots/4 units

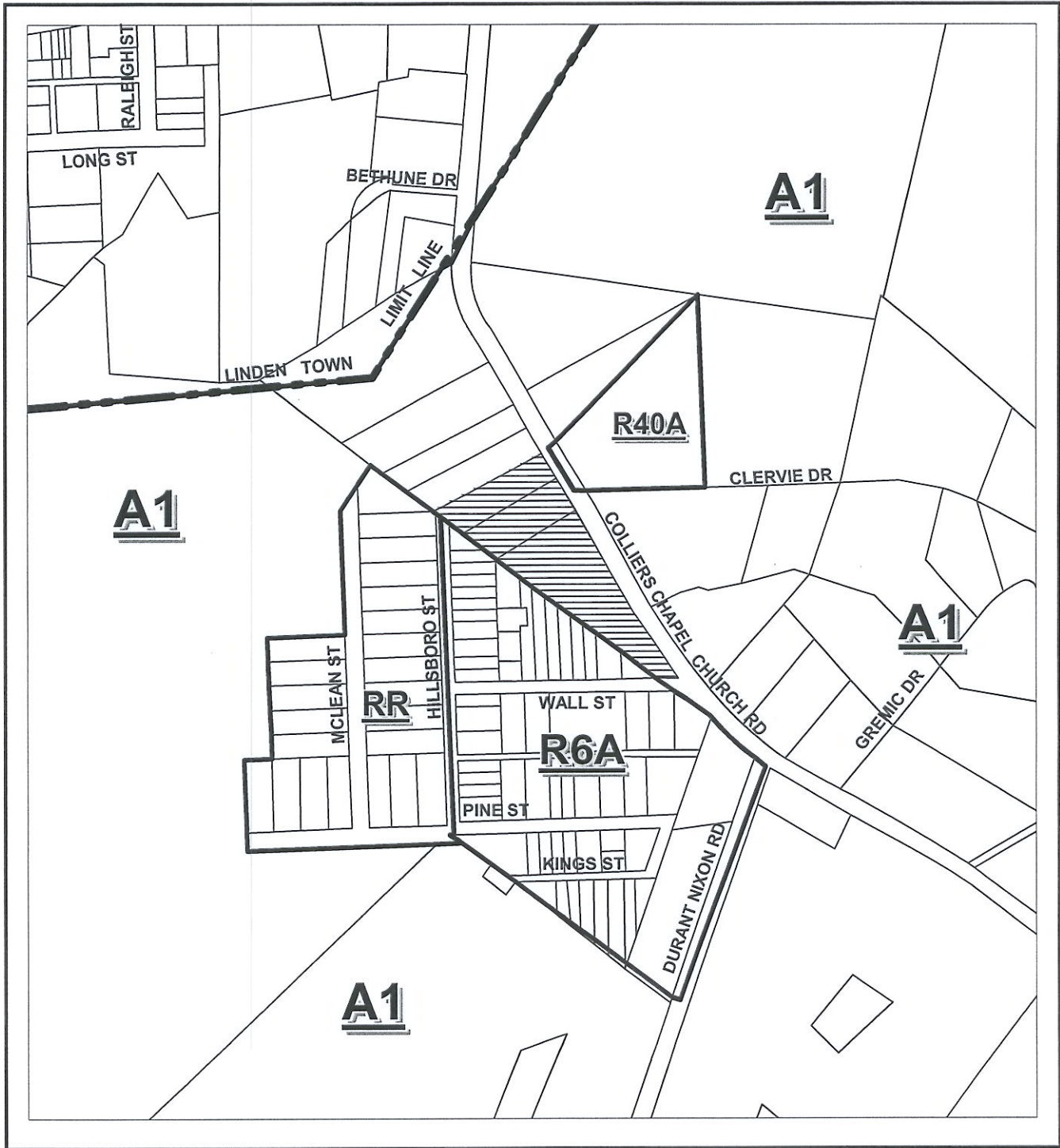
R40A – 4 lots/units

R30/R30A – 5 lots/6 units

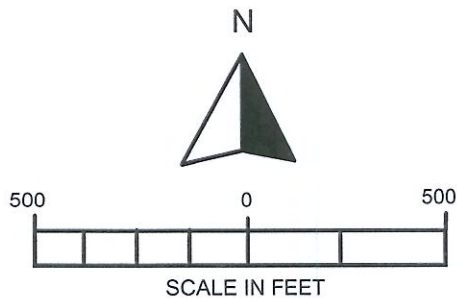
RR – 8 lots/units

*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.*



## REQUESTED REZONING A1 TO RR



<b>ACREAGE: 4.50 AC.+/-</b>	<b>HEARING NO: P09-09</b>	
<b>ORDINANCE: COUNTY</b>	<b>HEARING DATE</b>	<b>ACTION</b>
<b>STAFF RECOMMENDATION</b>		
<b>PLANNING BOARD</b>		
<b>GOVERNING BOARD</b>		

PIN: 0574-76-0360  
 PIN: 0574-76-1241  
 PIN: 0574-75-3958

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*

April 14, 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 April 21, 2009 Board Meeting

**P09-12:** REZONING OF 1.59+/- ACRES FROM A1 AGRICULTURAL TO RR RURAL RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 7735 SIM CANADY ROAD, SUBMITTED AND OWNED BY EARL R. SLAPPE, III.

The Planning & Inspections Staff recommends denial of RR Rural Residential because the subject properties do not have public sewer available, which is recommended by the proposed Land Use Policies\*; however, Staff recommends approval of R40A Residential district based on the following:

1. The request is consistent with the 2010 Land Use Plan, which calls for farmland at this location; and
2. The request is consistent with the land uses and lot sizes currently existing in the general area.

The A1A, R40, R40A, R30 and R30A districts could also be considered suitable for this location.

The applicant has given verbal agreement to the staff recommendation to R40A Residential.

**Attachments:**

- 1 - Site Profile
- 2 - Sketch Map

\*Note: The proposed Land Use Policies are pending Board of Commissioners approval at their April 20, 2009 meeting.

**P09-12**  
**SITE PROFILE**

**P09-12:** REZONING OF 1.59+/- ACRES FROM A1 AGRICULTURAL TO RR RURAL RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 7735 SIM CANADY ROAD, SUBMITTED AND OWNED BY EARL R. SLAPPE, III.

**Site Information:**

**Frontage & Location:** 150.00'+/- on Sim Canady Road (SR 2248)

**Depth:** 460.00'+/-

**Jurisdiction:** Cumberland County

**Adjacent Property:** No

**Current Use:** Residential

**Initial Zoning:** A1 – June 25, 1980 (Area 13)

**Nonconformities:** Yes, residential structure built in 1971 does not meet front yard setback for A1 zoning district

**Zoning Violation(s):** None

**Surrounding Zoning:** North: CD, A1, R40, R40A & RR; East: A1, R40A, R40 & RR; South: CD, A1, A1A & R40; West: CD & A1

**Surrounding Land Use:** Residential (including manufactured homes) and farmland

**2010 Land Use Plan:** Farmland

**Special Flood Hazard Area (SFHA):** None

**Water/Sewer Availability:** Well/Septic

**Soil Limitations:** None

**School Capacity/Enrolled:** Gray's Creek Elementary: 495/350; Gray's Creek Middle: 1000/865; Gray's Creek High: 1270/1157

**Subdivision/Site Plan:** Review is required prior to application for permits

**Average Daily Traffic Count (2006):** 320 on Sim Canady Road (SR 2248)

**Highway Plan:** There are no road improvements/constructions specified for this area. This case has no impact on the current Highway Plan or Transportation Improvement Program

**Notes:**

**Density:**

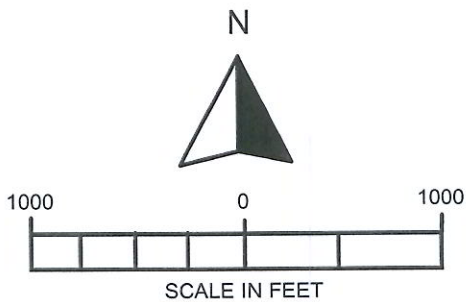
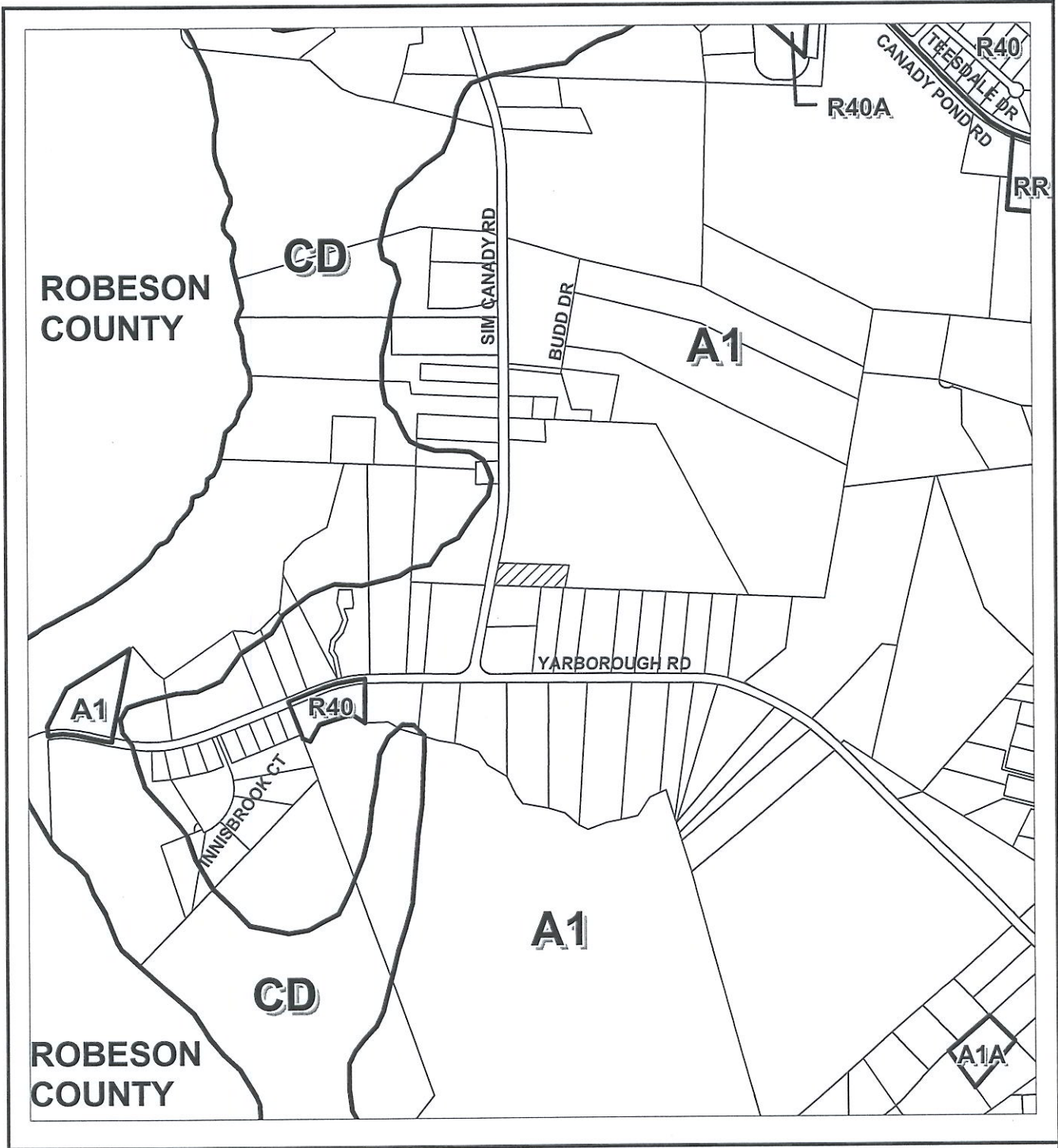
A1 – 1lot/unit

A1A – 1 lots/2 units

R40/R40A – 1 lots/2 units

R30/R30A – 2 lots/units

RR – 3 lots/units



## REQUESTED REZONING A1 TO RR

<b>ACREAGE: 1.59 AC.+/-</b>		<b>HEARING NO: P09-12</b>	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

PIN: 0420-56-3577

Donovan McLaurin,  
Chair  
Wade, Falcon & Godwin

Lori Epler,  
Vice-Chair  
Cumberland County

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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 April 21, 2009 Board Meeting

**P09-13:** REZONING OF 1.70+/- ACRES FROM A1 AGRICULTURAL TO RR RURAL RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 6614 & 6624 FAIRCLOTH BRIDGE ROAD, SUBMITTED AND OWNED BY SANFORD L. & SHARON A. ISHAM.

The Planning & Inspections Staff recommends denial of RR Rural Residential, but recommends approval of R40A Residential district based on the following:

1. The request is consistent with the 2010 Land Use Plan, which calls for farmland at this location; and
2. The recommendation is compatible with the uses, lot sizes and character of the surrounding area.

The A1A Agricultural, R40A and R30A Residential districts could also be considered suitable for this location.

The applicant has given verbal agreement to the staff recommendation of rezoning the subject property to R40A Residential.

**Attachments:**

- 1 - Site Profile
- 2 - Sketch Map



**P09-13**  
**SITE PROFILE**

**P09-13:** REZONING OF 1.70+/- ACRES FROM A1 AGRICULTURAL TO RR RURAL RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 6614 & 6624 FAIRCLOTH BRIDGE ROAD, SUBMITTED AND OWNED BY SANFORD L. & SHARON A. ISHAM.

**Site Information:**

**Frontage & Location:** 200.00' +/- on Faircloth Bridge Road (SR 1848)

**Depth:** 370.00' +/-

**Jurisdiction:** Cumberland County

**Adjacent Property:** Yes, west of subject property at 1825 McCall Drive

**Current Use:** Residential (Class A manufactured home and garage)

**Initial Zoning:** A1 – September 3, 1996 (Area 20)

**Nonconformities:** Yes, subject property does not meet the A1 zoning district minimum lot size; lots are nonconforming per Subdivision Ordinance, created January 30, 1985

**Zoning Violation(s):** None

**Surrounding Zoning:** North & East: A1, R40A & RR; South: A1 & RR; West: A1, RR & R6A

**Surrounding Land Use:** Residential (including manufactured homes) and kennel operation

**2010 Land Use Plan:** Farmland

**Special Flood Hazard Area (SFHA):** None

**Water/Sewer Availability:** Well/Septic

**Soil Limitations:** Yes, hydric inclusion: St Stalling loamy sand (small portion located at the east front side of subject property)

**School Capacity/Enrolled:** Stedman Primary: 200/182; Stedman Elementary: 300/303; Mac Williams: 1270/1199; Cape Fear: 1425/1482

**Subdivision/Site Plan:** Subdivision review and/or recombination plat required

**Sewer Service Area:** No

**Average Daily Traffic Count (2006):** 2,800 on Wade-Stedman Road (SR 1826)

**Highway Plan:** There are no road improvements/constructions specified for this area. This case has no impact on the current Highway Plan or Transportation Improvement Program

**Notes:**

**Density:**

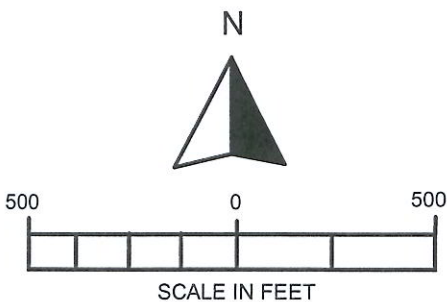
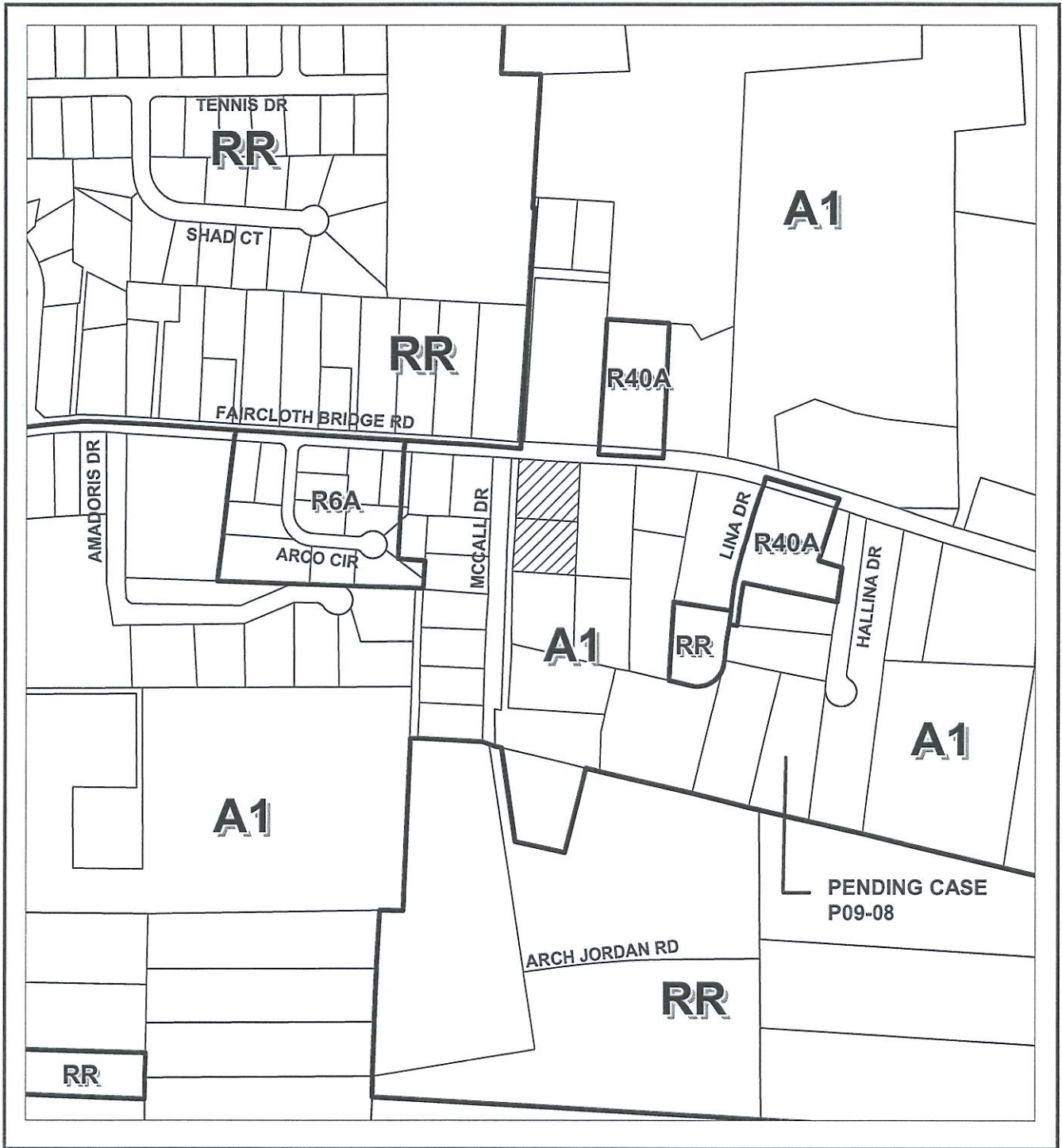
A1 – 1lot/unit

A1A – 1 lot/2 units

R40/R40A – 1 lots/2 units

R30/R30A – 2 lots/units

RR – 3 lots/4 units



## REQUESTED REZONING A1 TO RR

**ACREAGE: 1.7 AC.+/-**

**HEARING NO: P09-13**

**ORDINANCE: COUNTY**

**HEARING DATE**

**ACTION**

**STAFF RECOMMENDATION**

**PLANNING BOARD**

**GOVERNING BOARD**

PIN: 0497-45-7889  
PIN: 0497-45-7771

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



Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

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

Benny Pearce,  
Town of Eastover

## COUNTY of CUMBERLAND

### *Planning & Inspections Department*

April 16, 2009

#### MEMORANDUM

**TO:** Joint Planning Board

**FROM:** Patti Speicher, Land Use Codes

**SUBJECT:** CASE NO. 09-019. CONSIDERATION OF MARINERS POINTE, SECTION 2, ZERO LOT LINE SUBDIVISION REVIEW; REQUEST FOR WAIVER FROM SECTION 2302.A, MUNICIPAL INFLUENCE AREA, COUNTY SUBDIVISION ORDINANCE, REGARDING HOPE MILLS' DEVELOPMENT STANDARDS: TWO ACCESS STREETS AND FIRE HYDRANT INSTALLATION; ZONING: RR; ACREAGE: 42.94 +/-; LOCATED ON THE SOUTH SIDE OF SR 1003 (CAMDEN ROAD), EAST OF SR 3438 (MILL CREEK ROAD). (HOPE MILLS MIA)

The above referenced development is the second phase of a 111 lot subdivision, consisting of 61 lots. The developer initially requested waivers for this section related to the Town of Hope Mills' Municipal Influence Area (MIA) development standards, regarding two access streets serving this portion of the development and installation of fire hydrants. The Hope Mills Board of Commissioners heard this request at their regular meeting on April 6, 2009. At that meeting, the developer and the Town resolved the issue concerning the second street access.

Both the Hope Mills and County subdivision regulations require installation of fire hydrants when public or community water is available for use. This development is to be served public water by Aqua North Carolina. The Town Board voted to recommend approval of the fire hydrant waiver due to the community water system having hydropneumatic storage tanks and because of which, the NC Department of Environment and Natural Resources (NCDENR) will not allow installation of fire hydrants. This assertion is supported by the attached email from Lynne W. Johnson, Area Manager for Aqua, dated March 31, 2009.

The staff has tried to elicit a recommendation from Freddy Johnson, Chief of the Stoney Point Fire Department, whose service area includes this development; however, as of the date of this memorandum his recommendation has not been received.

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 the Planning Board follow the Town's recommendation and grant approval of the fire hydrant waiver, based on the following:

- a. Because of the type of public water system available at this location, installation of fire hydrants within the development would cause an unnecessary and special hardship to the property owner and would be inequitable specifically because the water provider has stated hydrants are not authorized;
- b. The public purposes of the Subdivision and Zoning Ordinances can still be served to an equal or greater degree with use of the lake water abutting the development as a water point for emergencies - though it should be noted this is not the preferred method of fire suppression; and
- c. The property owner would not be afforded a special privilege denied to others if this request is approved since NCDENR's regulations concerning installation of hydrants applies throughout the state to all community water systems.

Attached you will find the waiver request, Hope Mills Commissioners' recommendation, L. Johnson email referenced above, recommended conditions of approval, zero lot line subdivision sketch plan, aerial photo and vicinity map. If you have any questions, please contact me at 910-678-7605, email: [pspeicher@co.cumberland.nc.us](mailto:pspeicher@co.cumberland.nc.us) or Ed Byrne at 910-678-7609, email: [ebyrne@co.cumberland.nc.us](mailto:ebyrne@co.cumberland.nc.us).

cc: Landfall Partners LLC, Developer  
Moorman, Kizer & Reitzel, Inc., Surveyor  
Randy Beeman, Hope Mills Town Manager  
Grainger Barrett, County Attorney  
Patti Speicher, Land Use Codes

February 9, 2009

Cumberland County Planning Board

**Ref: Proposed Mariners Pointe Subdivision Section 2 Variance Request**

Dear Ladies and Gentlemen:

Section 86-128 of the Hope Mills Subdivision Ordinance requires the installation of fire hydrants on water mains within the urban services area. We are proposing to serve Mariners Point Section 2 via an extension of the Brookwood Water County Community System which is installed in the adjoining Mariners Pointe Section 1 and Mill Creek Farms Subdivision. This existing system has adequate wells and a hydropneumatic tank to control the water pressure, but the State of North Carolina does not allow the installation of fire hydrants on a system of this nature.

We propose to install 8" water mains as per the ordinance, but are respectfully requesting a variance to remove the requirements of fire hydrants in this development.

Section 86-81 of the Ordinance requires blocks lengths of a maximum of 1800 lf. We would respectfully request that we not be required to honor this maximum 1800 lf requirement in our block area of Lots 52-83. A large portion of the lots in this area back to the Lake or Camden Road and the one existing street that stubs toward our property is directed toward bad soils and wetlands.

Your favorable considerations of this request are greatly appreciated.

Thank you.

Respectfully,

  
James M. Kizer, P. E.



# TOWN OF HOPE MILLS

5770 ROCKFISH ROAD • HOPE MILLS, NORTH CAROLINA 28348-1848  
TELEPHONE (910) 424-4555 • FAX (910) 424-4902

April 14, 2009

Mr. Ed Byrne  
Cumberland County Planning Department  
P. O. Box 1829  
Fayetteville, NC 28302

SUBJECT: CASE NO. 09-019. Mariners Pointe, Section 2, Zero Lot Line Subdivision Review; Request for waiver, Municipal Influence Area, County Subdivision Ordinance, regarding Hope Mills Development Standards: Two access streets and fire hydrant installation; Located on the south side of SR 1003 (Camden Road), East of SR 3438 (Mill Creek Road).

Dear Mr. Byrne:

The Board of Commissioners at their April 6, 2009 Regular Meeting recommended the following for the above case:

Waiver Fire Hydrant Installation

Recommended waiver of the required fire hydrants.

Waiver for Two Access Streets

Recommended the developer obtain second road entrance and if it could not be obtained require a 20 foot emergency access road.

If additional information is needed, please let us know.

Sincerely,

Connie F. Spell  
Assistant Town Manager/ Town Clerk

cc: Town Manager Randy Beeman  
Chief Building Inspector Mike Bailey  
File

## Patricia Speicher

---

**From:** Johnson, Lynne W. [LWJohnson@aquaamerica.com]  
**Sent:** Tuesday, March 31, 2009 8:48 AM  
**To:** pspeicher@co.cumb.nc.us  
**Subject:** Mariners Pointe Sec. 2

To whom it may concern:

Mariners Pointe Sec. 2 will be connected to the existing public water system owned by Aqua North Carolina serving Mill Creek Farms, The Landing and Mariners Pointe Sec. 1. This groundwater system has hydropneumatic storage tanks and fire hydrants are not allowed by the NC Department of Environment & Natural Resources Plan Review Branch. The "Rules Governing Public Water Supplies", Sec .0405, (c ) state that, "pressure tanks shall have the capacity to maintain a minimum pressure of 30 pounds per square inch throughout periods of peak flow". During fire flows this pressure could not be maintained, therefore fire hydrants are prohibited.

Lynne Johnson  
Area manager, Aqua North Carolina  
910.867.1239

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 and Inspections Department*

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

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

Benny Pearce,  
Town of Eastover

STAFF REVIEW: 03-12-09

PLANNING BOARD DECISION: 04-21-09

CASE NO: 09-019 NAME OF DEVELOPMENT: MARINERS POINT, SECTION TWO

MIA: HOPE MILLS ZERO LOT LINE SUBDIVISION REVIEW

LOCATION: ON THE SOUTH SIDE OF SR 1003 (CAMDEN ROAD), ZONING: RR & R15  
EAST OF MILL CREEK ROAD. PIN: 9493-09-4791-

OWNERS / DEVELOPER: LANDFALL PARTNERS, LLC. ENGINEER OR DESIGNER: MOORMAN, KIZER & REITZEL, INC.

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. The County Health Department must approve sewer plans prior to application for any permits. Site and soil evaluations must be conducted on the property by the County Environmental Health Department prior to application for permits. A copy of the Health Department approval must be provided to Code Enforcement at the time of application for any building/zoning permits. (Note: All Health Department requirements must be met prior to issuance of final permits.) (Section 2306 A, Water and Sewer, County Subdivision Ordinance)
3. Connection to public (community) water is required, Aqua North Carolina must approve water plans prior to application for any permits. A copy of the Aqua 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)
4. New development where the developer will disturb or intends to disturb more than one acre of land is subject to the Post-Construction Stormwater Management Permitting Program (Phase II Stormwater Management Requirements) administered by the Division of Water Quality, North Carolina Department of Environment and Natural Resources. If one acre or more of land is



to be disturbed, prior to the issuance of any building/zoning permits for this site, a copy of the State's *Post-Construction Permit* must be provided to County Code Enforcement.

5. For any new development where the developer disturbs or intends to disturb more than one acre of land, the developer must provide the Code Enforcement Section with an approved NC Department of Environment and Natural Resources (NCDENR) sedimentation and erosion control plan (S&E) prior to any application for permits. (Note: If any retention/detention basins are required for state approval of this plan, then three copies of a revised plan must be submitted and approved by Planning & Inspections prior to application for any building/zoning permits.) A copy of the NCDENR approval must be provided to Code Enforcement at the time of application for any building/zoning permits.
6. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
7. The *Special Flood Hazard Area* (SFHA) exists on Los 77 - 83; any development within SFHA must have first flood elevations, including all mechanical and electrical equipment above base flood elevation (BFE) plus two feet of freeboard. Proper flood plain development permits are required, issued by the County Engineer, prior to any building/permit application. A copy of the approved flood plain permit must be provided to Code Enforcement at the time of building/zoning permit applications.
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 RR & R15 zoning district must be complied with, as applicable.
10. All corner lots and lots fronting more than one street must provide front yard setbacks from each street.
11. This conditional approval is not approval of any freestanding signs. If a freestanding sign is desired, re-submittal of the site plan is required prior to application for any freestanding sign permits. Attached signage for this development must be in accordance with the applicable sign regulations as set forth in Article 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.)
12. All applicable provisions of Section 2401, "Group Developments", County Subdivision Ordinance, must be complied with.
13. 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)
14. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision Ordinance)
15. 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.
16. 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.
17. The NC Department of Transportation (NCDOT) must approve the street plans and the street(s) are required to be constructed to the NCDOT standards for secondary roads.
18. Turn lanes may be required by the NC Department of Transportation (NCDOT).

**Plat-Related:**

19. Fire hydrants must be installed along all proposed streets and drives; hydrants must be located no further than 1,000 feet apart and at a maximum of 500 feet from any lot. (Section 2306 B, Fire hydrants, County Subdivision Ordinance) [See Condition No. 41 below.]
20. Prior to any final plat approval for Section Two, the developer must apply to the NC Department of Transportation (and at a minimum actively working the punch list) for the streets within Section One to be accepted for maintenance to the NCDOT system.
21. The residual land from Section One identified by PIN: 9484-90-8443- must be plated and labeled as “common area/open space” on the plat and recorded prior to submission for final plat approval of any portion of Section Two.
22. Lots 77 – 83 of the proposed development is located in a Special Flood Hazard Area (SFHA). The final 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](http://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.
23. The developer is required to submit to Land Use Codes, three copies of the legal documents specifically designating responsibility for the maintenance and upkeep of the open space/recreational area through an owners’ association for this development. These documents must be approved by the County Attorney prior to the sale of or submission for final plat approval of any lot or unit within this development.
24. The street name signs, in compliance with the County Street Sign Specifications, must be installed prior to final plat approval. The developer should contact E911 Street Naming and Addressing for inquiries regarding the County’s policy for street sign installation or, if the sign is commissioned from a private source, to schedule an inspection of the street sign(s). Land Use Codes must receive notice of agreement with the Street Naming & Addressing Section for sign installation or of satisfactory inspection prior to the approval of the final plat.
25. Dedication of 10 feet of right-of-way and reservation of 15 feet of right-of way along SR 1003 (Camden Road) is required and the metes and bounds for both dedication and reservation is required to be shown on the final plat and/or reflected on any future site plans. The location of all improvements, required or otherwise, and all building setback lines are to be measured from the ultimate right-of-way line. (Section 2302 F, Planned Public Right-of-Way, County Subdivision Ordinance)
26. The builder/developer must provide the buildable envelopes on the final plat: providing a five-foot maintenance easement along each side of all common internal lines with all other applicable setbacks being provided for; or at the time of permit application, the individual plot plans must be approved by Land Use Codes prior to issuance of any permits.
27. Any/All easements must be reflected on the final plat and labeled as to type of easement, reference number for document creating the easement, and the name of the agency, individual, etc. who holds the easement.
28. All lots within this development must be served by an internal street system to include the well lot and a “no access” easement must be reflected on the final plat along SR 1003 (Camden Road) on Lots 1, 52-55, 58, 59 & the well lot.
29. A 25’ right-of-way radius is required at all intersections and must be reflected on the final plat. (Section 2304.10.c, Street Design, County Subdivision Ordinance)
30. The road stub named Lake Farm Road must either be properly ended with a cul-de-sac or T-type turn around.
31. The NC Department of Transportation (NCDOT) stamp must be affixed to the final plat prior to submission for final plat approval by Land Use Codes.
32. The notarized signature(s) of all current tax record owner(s) and notary certifications appear on the final plat when submitted for final approval. (Section 2503 D, Certificate of Ownership and Dedication, County Subdivision Ordinance)

33. The developer is reminded that the improvements must be in place or that final plat approval will only be granted in accordance with Section 2502 B, C, or D, Final Plat – Guarantees of Improvements, Subdivision Ordinance. (Note: Once the improvements are in place, the developer is responsible for contacting Jeff Barnhill to schedule an inspection of the improvements.)
34. The final plat must be submitted to Land Use Codes for review and approval for recording with the County Register of Deeds, and the plat must be recorded prior to any permit application for any structure and/or prior to the sale of any lot or unit within this development.

**Plat-Required Statements:**

35. Since this development does not have public sewer, the following disclosure statement is required to be provided on the final plat (Section 2504 C, On-Site Water and/or Sewer Discloser, County Subdivision Ordinance):

“The individual lots in this development do not have public sewer services available, and no lots have been approved by the Health Department for on-site sewer services at the date of this recording.”

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

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

**Other Relevant Conditions:**

37. The applicant is advised to consult an expert on wetlands before proceeding with any development.
38. 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.
39. This development is located next to the Fayetteville Outer Loop project and may need a variance from NCDOT. The developer should contact the Transportation Section of the Planning & Inspection Department for more information on this matter.
40. The owner/developer be aware that every deed created for a lot being served by an on-site sewer system must contain the following disclosure when filed with the County Register of Deeds:

“Public sewer services are not available as of the date of the recording of this deed. On-site sewer disposal systems must be approved by the County Health Department.”

41. The developer has request waivers from the requirements for block length, fire hydrants, connection or extension of an existing road stub and two street access points (Hope Mills MIA).

County Planning & Inspections Director: Approved the block length on March 12, 2009 based on the required provision for a second access and the lake bordering the southern and western boundary of the development.

Hope Mills Board of Commissioners’ Recommendation: At the April 6, 2009 Hope Mills Board of Commissioners’ regular meeting, the board voted unanimously to recommend approval of the waiver for the fire hydrants and the request regarding the second access was resolved.

**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.**

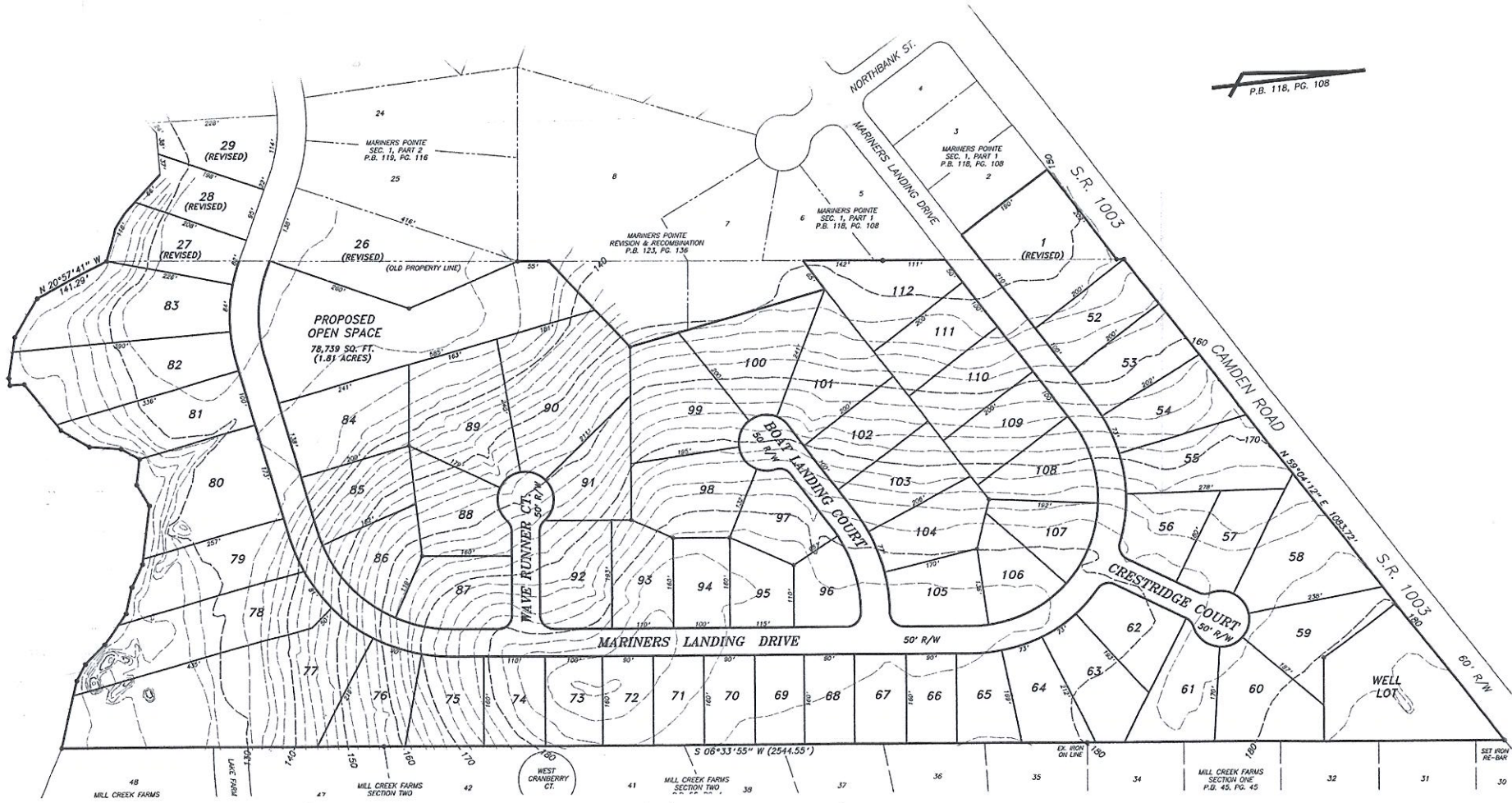
**Contact Information (Area Code is 910 unless otherwise stated):**

Improvements Inspections:	Jeff Barnhill	678-7765
Subdivision/Site Plan/Plat	Ed Byrne	678-7609
Code Enforcement (Permits):	Ken Sykes	321-6654
County Engineer’s Office:	Wayne Dudley	678-7636
County Health Department:	Daniel Ortiz	433-3680

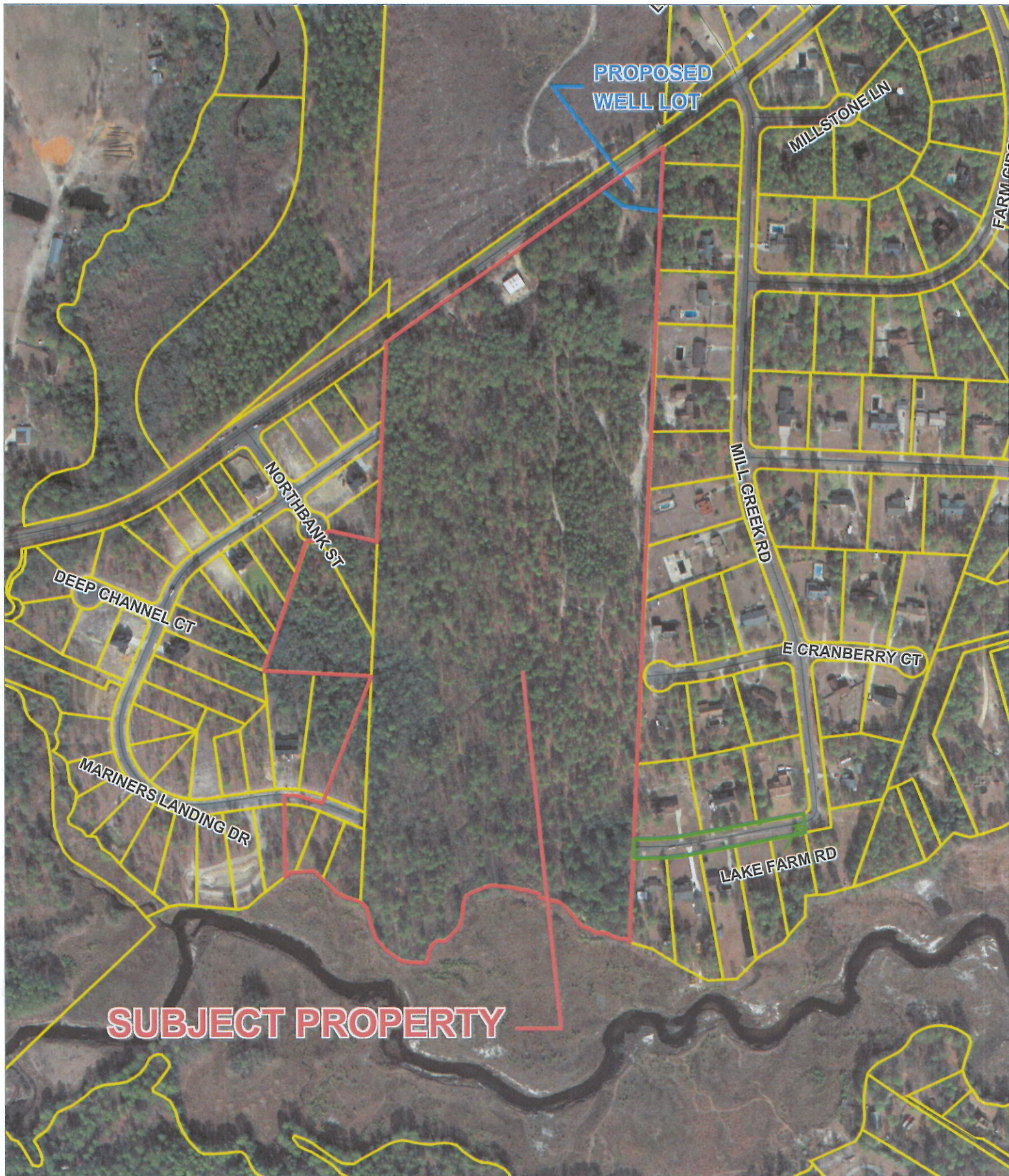
Aqua North Carolina, Area Manager:	Lynn Johnson	877-987-2782
Town of Hope Mills:		424-4555*
Corp of Engineers (wetlands):	Ronnie Smith	(910) 251-4829
NCDENR (E&S):	Sally McKinney	433-3300
E911 Site-Specific Address:	Ron Gonzales	678-7616
E911 Street Naming/Signs:	Diane Shelton	678-7665
Tax Parcel Numbers:		678-7549
NCDOT (driveways/curb-cuts):	Gary Burton	486-1496
NCDOT (subdivision roads):	David Plummer	486-1496
Transportation Planning:	Bobby McCormick	678 7632
N.C. Division of Water Quality:	Mike Randall	(919) 733-5083 ext. 545

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

cc: Mike Bailey, Town of Hope Mills



MARINERS POINTE SECTION 2  
ZERO LOT LINE SUBDIVISION REVIEW  
REQUEST: WAIVER FROM REQUIREMENT FOR TWO ACCESS  
STREETS AND FIRE HYDRANT INSTALLATION  
CASE: 09-019 ACREAGE: 42.94 AC +/-  
ZONED: RR SCALE: NTS



**SUBJECT PROPERTY**

**PROPOSED WELL LOT**

MILLSTONE LN

NORTHBANK ST

DEEP CHANNEL CT

MARINERS LANDING DR

MILL GREEK RD

E GRANBERRY CT

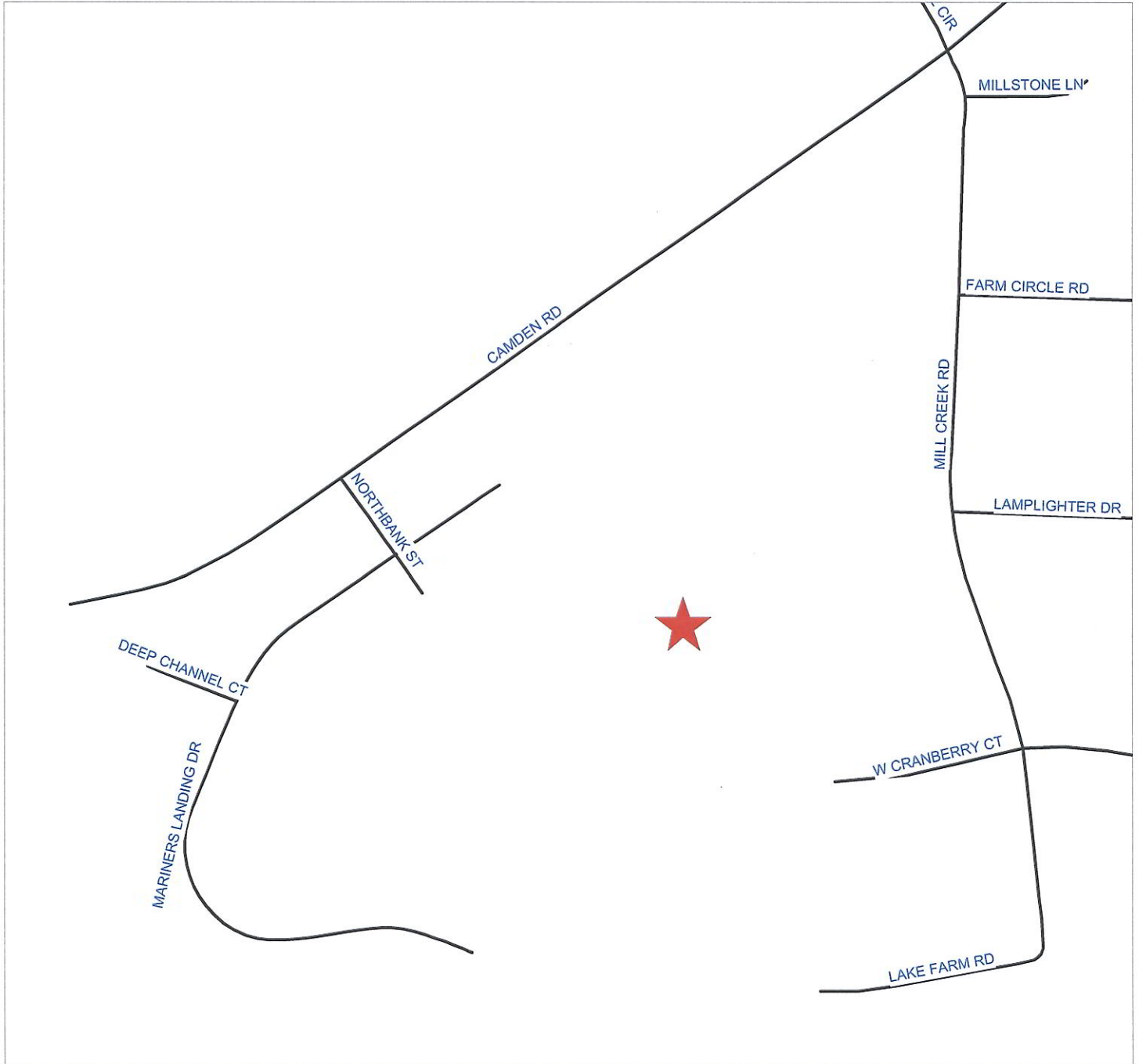
LAKE FARM RD

**AERIAL PHOTO**  
**CASE: 09-019**



**1"=400'**

**MARINERS POINTE, SECTION 2  
ZERO LOT LINE SUBDIVISION REVIEW  
CASE NO. 09 - 019**



PIN(S): 9493-09-4791-  
Prepared by EMB - CCJPB  
MARCH 17, 2009

Map not to scale



Donovan McLaurin,  
Chair  
Wade, Falcon & Godwin

Lori Epler,  
Vice-Chair  
Cumberland County

Garland C. Hostetter,  
Town of Spring Lake  
Harvey Cain, Jr.,  
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Thomas J. Lloyd,  
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Walter Clark,  
Roy Turner,  
Sara E. Piland,  
Cumberland County

Benny Pearce,  
Town of Eastover

## COUNTY of CUMBERLAND

### *Planning & Inspections Department*

April 16, 2009

#### MEMORANDUM

**TO:** Joint Planning Board

**FROM:** Edward M. Byrne, Land Use Codes *EMB*

**SUBJECT:** CASE NO. 09-034. CONSIDERATION OF THE MICHAEL L. WANAMAKER, GROUP DEVELOPMENT REVIEW; REQUEST FOR A WAIVER SECTION 2303.C, COUNTY SUBDIVISION ORDINANCE, REGARDING STREET FRONTAGE; ZONED: A1; ACREAGE: 11.85 +/-; LOCATED EAST SIDE OF COWBOY DRIVE, SOUTH OF SR 2224 (NASH ROAD).

The developer is requesting a waiver from the requirement to have 20 feet of road frontage off of either a public or approved private road for the placement of a second dwelling. The property is an 11.85 acre tract, which uses a 60 foot recorded ingress-egress easement for access. The easement is located along the path of the existing dirt trail named "Cowboy Drive" by the Streets & Addressing Section. The proposed second dwelling is a singlewide manufactured home.

The existing deeded lot is an exempt lot from the definition of subdivision and would not typically be 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.

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 from Section 2303.C based on the following:

- a. Because of the size of the existing lot of record, 11.85 +/- 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 deeded 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](mailto:ebyrne@co.cumberland.nc.us) or Patti Speicher at 910-678-7605, email: [pspeicher@co.cumberland.nc.us](mailto:pspeicher@co.cumberland.nc.us).

cc: Michael L. Wanamaker, Developer  
Grainger Barrett, County Attorney  
Cecil Combs, Deputy Director  
Patti Speicher, Land Use Codes



Date Request Submitted: 3-18-09

Planning Board Meeting Date: April 21, 2009

Received by: GJB

## Cumberland County Subdivision Ordinance

### *Request for Waiver*

Case No.: 09034 Case Name: Michael Wanamaker

Related Ordinance Section Number(s): 2303-C

Summary of Request: Request Use of Easment  
for second dwelling

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:

To request ~~an~~ 2nd dwelling without  
Road Frontage on a 12 acre Tract of Land

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:

Existing easement already serving the purpose

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

People with similar situation have been  
granted privilege for access

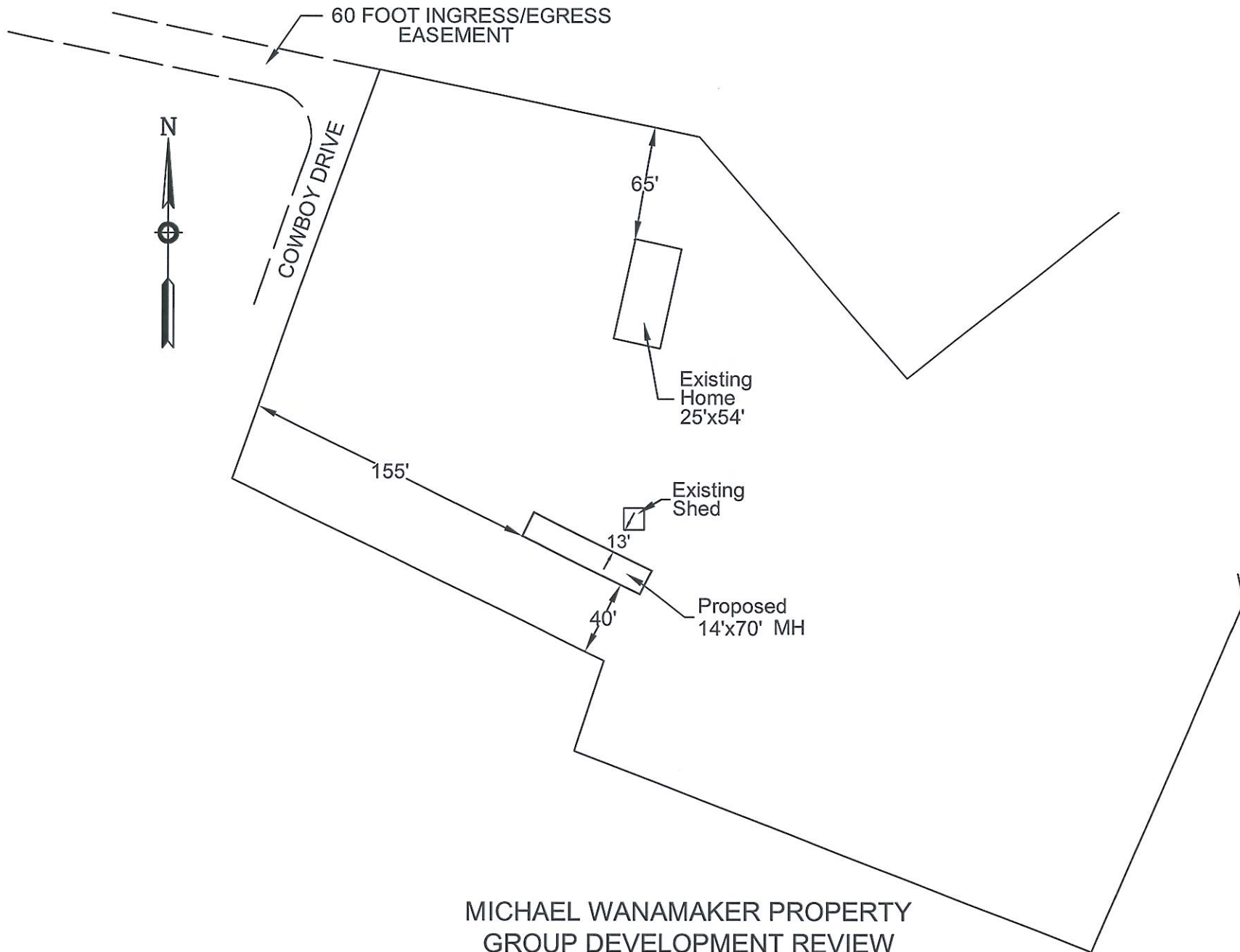
By signing this request, the applicant is signifying that all statements contained within this request are accurate and true to the best of their knowledge.

Michael Wanamaker  
Printed Name of Applicant/Agent

1910 484-1504  
Daytime Phone Number

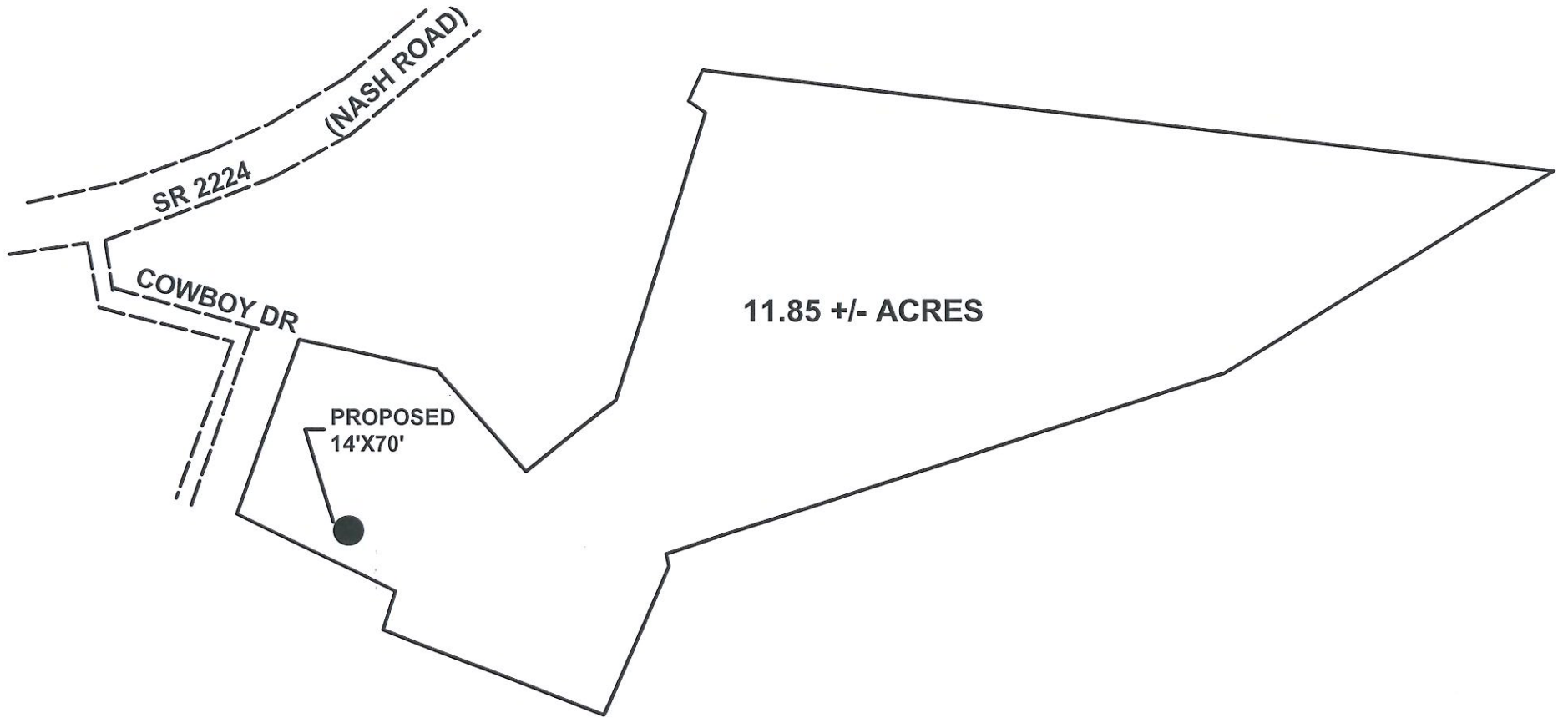
Michael Wanamaker  
Signature of Applicant/Agent

3-18-09  
Date Signed



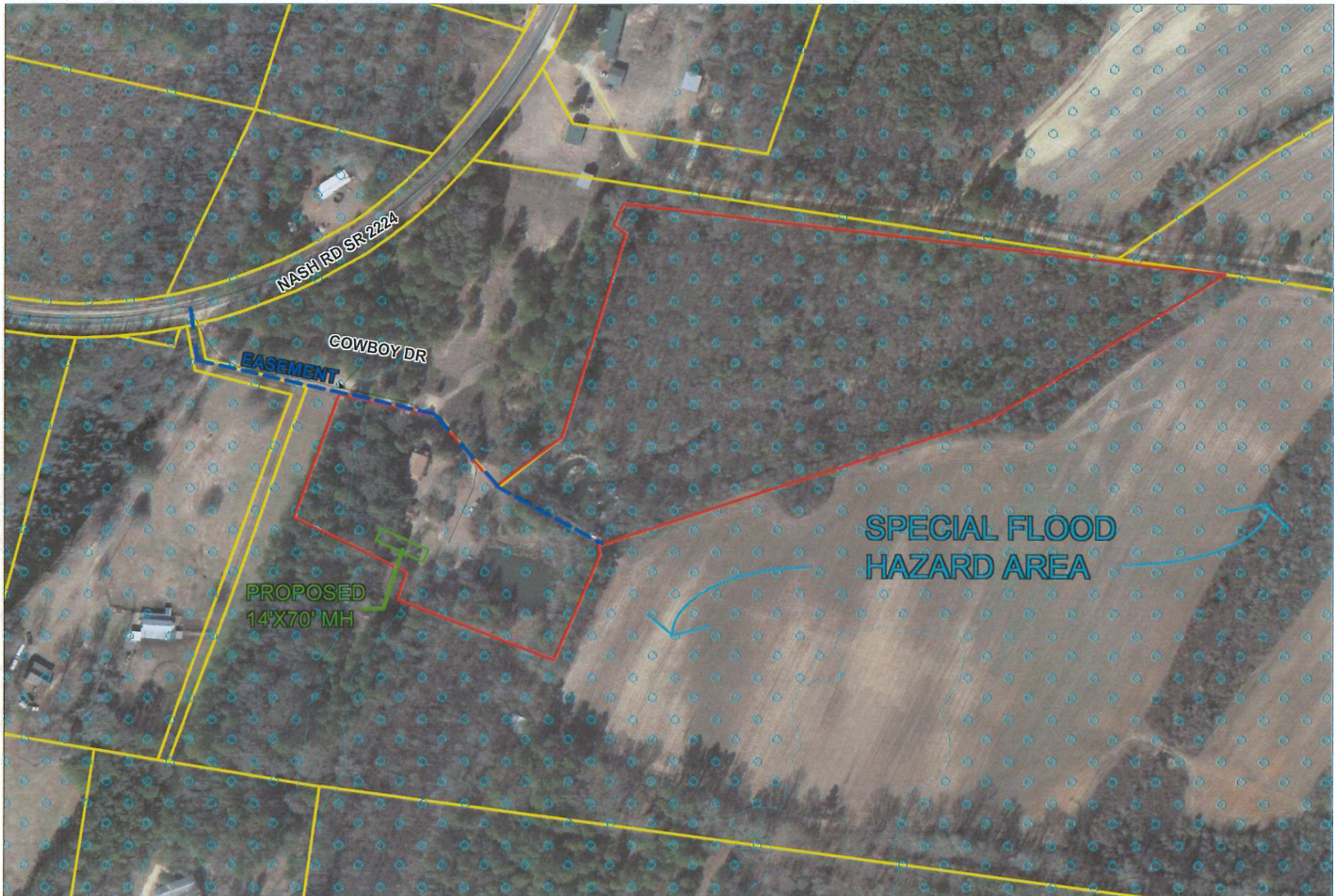
MICHAEL WANAMAKER PROPERTY  
GROUP DEVELOPMENT REVIEW  
REQUEST: ACCESS WAIVER  
CASE: 09-034 ACREAGE: 11.85 AC. ±  
ZONED: A1 SCALE: NTS

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



CASE: 09-034





**AERIAL PHOTO & FLOOD MAP**  
**CASE: 09-034**



**MICHAEL L. WANAMAKER PROPERTY  
GROUP DEVELOPMENT REVIEW  
CASE NO. 09 - 034**



PIN(S): 0453-80-8467-  
Prepared by GJB - CCJPB  
MARCH 12, 2009

Map not to scale



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*

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

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

Benny Pearce,  
Town of Eastover

April 14, 2009

### MEMORANDUM

**TO:** Cumberland County Joint Planning Board

**FROM:** Planning & Inspections Staff

**SUBJECT:** Staff Recommendation for April 21, 2009 Board Meeting

**P09-10:** REZONING OF .74+/- ACRES FROM A1 AGRICULTURAL TO C1(P) PLANNED LOCAL BUSINESS DISTRICT/CUD CONDITIONAL USE DISTRICT & PERMIT (FOR A VARIETY GIFT, CRAFT & COFFEE SHOP) OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 2982 COLEMAN ROAD, SUBMITTED AND OWNED BY ALEXANDER AND PATRESHA JOHNS. (EASTOVER)

The Planning & Inspections Staff recommends denial of the C1(P) Planned Local Business/Conditional Use District [C1(P)/CUD] for the variety gift, craft and coffee shop, based on the following:

1. The district requested is inconsistent with the Eastover Area Detailed Land Use Plan, which calls for farmland at this location;
2. Consideration of the C1(P) district for this area is arbitrary and would not serve a viable public interest; and
3. The degree of difference in uses allowed between the existing surrounding zoning and the proposed zoning and uses requested, qualify this request as being unreasonable.

The Planning & Inspections Staff also recommends denial of the Conditional Use Permit based on the following:

1. This development could endanger the public safety if located according to plan submitted since Coleman Road is not a major or minor thoroughfare and is not suitable nor intended to serve commercial operations;



2. It is highly probable the use would be a danger to the public safety due to the existing residential structure in close proximity to a right-of-way being converted to commercial use and cannot comply with sufficient setbacks from the right-of-way and without public sewer being available, the use and the plan proposed would be in contradiction to the proposed Land Use Policies Plan\* which recommends all commercial uses to be served by public sewer;
3. The use is not in harmony with the area in which it is located – with the exception of a pre-existing industrial use, the subject property is completely surrounded by agricultural and residentially-zoned properties; and
4. The degree of difference in this specific use and the site layout requested as related to the existing surrounding uses makes this request unreasonable.

There are no other suitable districts to be considered for this request.

Attachments:

- 1 – Site Profile
- 2 – Sketch Map
- 3 – Site Plan
- 4 – Draft Ordinance-Related Conditions (only used if Board considers approval)
- 5 – Application

\*The proposed Land Use Policies Plan is pending Board of Commissioners approval at their April 20, 2009 meeting.

**P09-10**  
**SITE PROFILE**

**CASE P09-10:** REZONING OF .74+/- ACRES FROM A1 AGRICULTURAL TO C1(P) PLANNED LOCAL BUSINESS DISTRICT/CUD CONDITIONAL USE DISTRICT & PERMIT (FOR A VARIETY GIFT, CRAFT, & COFFEE SHOP) OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 2982 COLEMAN ROAD, SUBMITTED AND OWNED BY ALEXANDER AND PATRESHA JOHNS. (EASTOVER)

**Site Information:**

**Frontage & Location:** 230.00'+/- on Coleman Road

**Depth:** 153.00'+/-

**Tract Size:** 8.46+/- acres

**Jurisdiction:** Eastover

**Adjacent Property:** Yes, parent tract consisting of 7.72+/- acres

**Current Use:** Residential, existing barn and vacant farmland

**Initial Zoning:** A1 – October 24, 1990 (Area 18); Eastover initially zoned on December 4, 2007

**Nonconformities:** Yes, existing residential structure built in 1910 does not meet A1 zoning district front yard setback requirement

**Zoning Violation(s):** None

**Surrounding Zoning:** North: A1, R40A & C3; East: A1 (Eastover & County); South: A1, R40A & M(P) (Eastover & County) A1 ; West: A1 & RR (Eastover & County)

**Surrounding Land Use:** Utility substation, residential (including manufactured home and 1 – abandoned single-family unit), woodlands and farmland

**Eastover Area Detailed Land Use Plan:** Farmland

**Special Flood Hazard Area (SFHA):** None

**Water/Sewer Availability:** ESD/Septic

**Soil Limitations:** Yes, hydric: Ro Roanoke and Wahee loams

**School Capacity/Enrolled:** Eastover Central Elementary: 540/446; Mac Williams Middle: 1270/1199; Cape Fear High: 1425/1482

**Subdivision/Site Plan:** See attached “Ordinance-Related Conditions”

**Average Daily Traffic Count (2006):** 380 on Coleman Road (SR 1721)

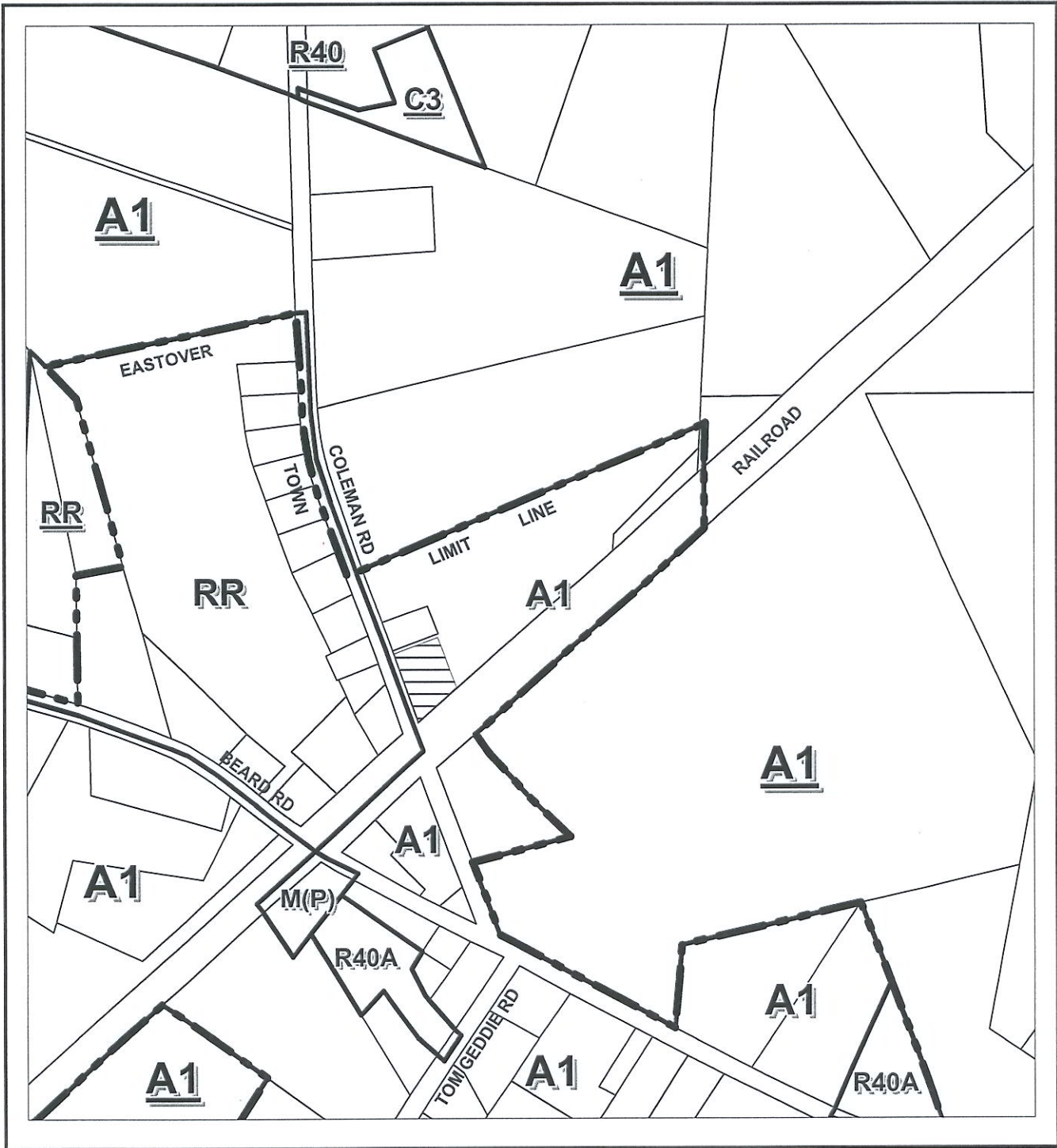
**Highway Plan:** There are no road improvements/constructions specified for this area. This case has no impact on the currently Highway Plan or Transportation Improvement Program

**Notes:**

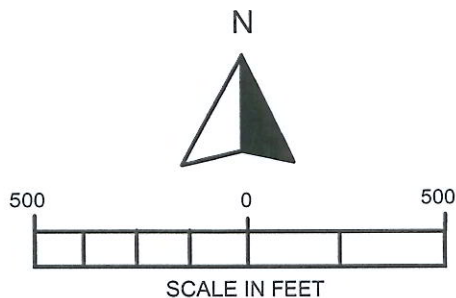
Applicant is requesting a 24 month grace period for the permanent surfacing material (asphalt or concrete) for the off-street parking area and driveway.

*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.*



## REQUESTED REZONING A1 TO C1(P)/CUD



PORT. OF PIN: 0469-07-5943

**ACREAGE: 0.74 AC.+/-**

**HEARING NO: P09-10**

JURISDICTION: EASTOVER

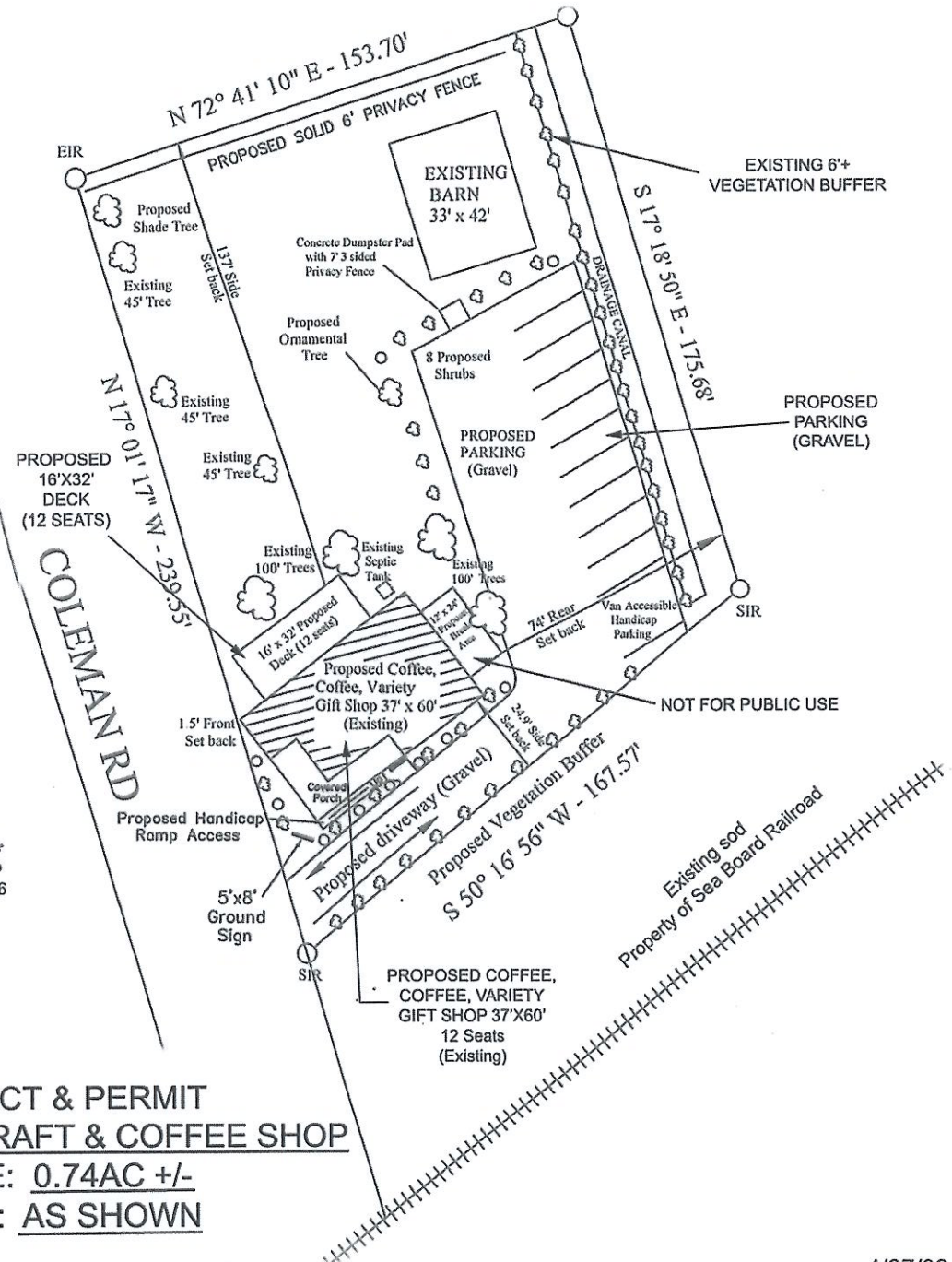
HEARING DATE

ACTION

STAFF RECOMMENDATION

PLANNING BOARD

GOVERNING BOARD



- Proposed Shrubs =
- Proposed Light Pole =
- Variety Gift Shop Net Sq footage = 796
- Seats for Coffee shop = 24
- Off-Street Parking Spaces = 11
- # Bathrooms = 3

**CONDITIONAL USE DISTRICT & PERMIT  
 REQUEST: FOR A VARIETY GIFT, CRAFT & COFFEE SHOP  
 CASE: P09-10 ACREAGE: 0.74AC +/-  
 SCALE: NTS PARKING: AS SHOWN**

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

## Conditional Use District & Permit

### Ordinance-Related 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, repair or renovate 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. The County Health Department must approve sewer plans prior to application for any permits. Site and soil evaluations must be conducted on the property by the County Environmental Health Department prior to application for permits. A copy of the Health Department approval must be provided to Code Enforcement at the time of application for any building/zoning permits. (Note: All Health Department requirements must be met prior to issuance of final permits.) (Section 2306 A, Water and Sewer, County Subdivision Ordinance)
3. Connection to public water is required, the Eastover Sanitary District must approve water plans prior to application for any permits. A copy of the Eastover Sanitary District's 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)
4. New development where the developer will disturb or intends to disturb more than one acre of land is subject to the Post-Construction Stormwater Management Permitting Program (Phase II Stormwater Management Requirements) administered by the Division of Water Quality, North Carolina Department of Environment and Natural Resources. If one acre or more of land is to be disturbed, prior to the issuance of any building/zoning permits for this site, a copy of the State's *Post-Construction Permit* must be provided to County Code Enforcement.
5. For any new development where the developer disturbs or intends to disturb more than one acre of land, the developer must provide the Code Enforcement Section with an approved NC Department of Environment and Natural Resources (NCDENR) sedimentation and erosion control plan (S&E) prior to any application for permits. (Note: If any retention/detention basins are required for state approval of this plan, then three copies of a revised plan must be submitted and approved by Planning & Inspections prior to application for any building/zoning permits.) A copy of the NCDENR approval must be provided to Code Enforcement at the time of application for any building/zoning permits.
6. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
7. Landscaping must be provided in accordance with Section 1102 N, Landscaping, County Zoning Ordinance and/as shown on the site plan. The following are the minimum standards for the required landscaping of this site:
  - a. Five large shade trees or 10 small ornamental trees within the front yard setback area along SR 1721 (Coleman Road);
  - b. One large shade trees and 12 shrubs are required in the building yard area;

#### In addition:

- a. Required plant materials shall be maintained by the property owner, including replacing dead or unhealthy trees and shrubs; and
  - b. All yard and planting areas shall be maintained in a neat, orderly, and presentable manner and kept free of weeds and debris.
8. The building final inspection cannot be accomplished until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans.

# DRAFT

9. Prior to application for permits for any additional principal structures on this site, the developer must submit plans to Land Use Codes for review and approval.

## Site-Related:

10. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Zoning Ordinances for the C1(P)/CUD zoning district must be complied with, as applicable. (Note: Only those uses listed on the application – variety gift, craft, and coffee shop” – are allowed within this zoning district. Re-submittal and re-approval of the application is required prior to the change in or addition to the requested uses.)
11. This conditional approval is not approval of the permit for the freestanding sign. 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.)
12. “Coleman Road” must be labeled as “SR 1721 (Coleman Road)” on all future plans.
13. 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)
14. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision Ordinance)
15. 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.
16. Turn lanes may be required by the NC Department of Transportation (NCDOT).
17. 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.
18. A solid buffer must be provided and maintained along the side property lines and along the rear zoning line where this tract/site abuts the A1 zoning district 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.)
19. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.
20. All required off-street parking spaces shall be a minimum of 9’ x 20’ and shall be surfaced, with a permanent material such as asphalt or concrete, and striped prior to application for the building final inspection. A minimum of 10 off-street parking spaces are required – six for the coffee shop and four for the variety gift and craft shop area is required for this development.  
  
Note: The NC Building Code mandates that handicap parking, along with the walkway from the handicap parking to the entrance of the facility, be constructed with a solid, hard surface material.
21. A minimum of one off-street loading space is required to be provided for this development. (Note: Three copies of a revised site plan depicting the required loading space, measuring 12’ x 25’ (with 14’ overhead clearance) must be submitted to the Land Use Codes Section and must be approved prior to application for any building/zoning permits.)
22. All notes and calculations as shown on the application and site plan are to be considered as a part of this conditional approval.
23. Noise levels shall not exceed 60 dB(A) between the hours of 10:00 pm and 7:00 am. In any event, the noise level, regardless of the time of day, shall not become a nuisance to neighboring properties and strict compliance with the County’s Noise Ordinance is required.

# DRAFT

24. If the existing structure is destroyed more than 50%, any replacement structure will be required to comply with the C1(P) setbacks and the application for the modified Conditional Use Permit must be approved at public hearing by the Town Council after being presented to the Joint Planning Board for a recommendation.

## **Other Relevant Conditions:**

25. In the event the developer decides to subdivide the subject property from the parent tract, regardless of reason, the division must first be submitted to the Land Use Codes Section for review and approval prior to the recording of any deed or plat creating the division – additional conditions will apply.
26. An internal street system or joint driveways most likely will be required by the NC Department of Transportation (NCDOT) to serve any divisions of the subject property.
27. The applicant is advised to consult an expert on wetlands before proceeding with any development.
28. The owner/developer is responsible for ensuring easements which may exist on the subject property are accounted for, not encumbered and that no part of this development is violating the rights of the easement holder.
29. This conditional approval is not to be construed as all encompassing of the applicable rules, regulations, etc. which must be complied with for any development. Other regulations, such as building, environmental, health and so forth, may govern the specific development. The developer is the responsible party to ensure full compliance with all applicable Federal, State, and local regulations.
30. The owner/developer be aware that every deed created for a lot being served by an on-site sewer system must contain the following disclosure when filed with the County Register of Deeds:

“Public sewer services are not available as of the date of the recording of this deed. On-site sewer disposal systems must be approved by the County Health Department.”

**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 Health Department:	Danny Soles	433-3685
Eastover Sanitary District:	Morgan Johnson	323-3973
CCP&I Eastover Staff Representative:	Matt Rooney	678-7625
Eastover Town Clerk:	Jane Faircloth	323-0707
County Public Utilities/NORCRESS:	Tom Cooney	678-7682
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

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: Alexander and Patresha Johns
2. ADDRESS: 1616 Hickoryridge Ct ZIP CODE: 28304
3. TELEPHONE: (Home) 910-868--4971 (Work) 910 584-8995
4. Location of Property: 2982 Coleman Rd. Eastover NC, 28312
5. Parcel Identification Number (PIN #) of subject property: 0469-07-5943 (Portion of) (also known as Tax ID Number or Property Tax ID)
6. Acreage: .73 Frontage: 239.55' Depth: 153.7'
7. Water Provider: PWC
8. Septage Provider: Septic Tank
9. Deed Book 07928, Page(s) 0510-0513, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
10. Existing use of property: A1 (Residential/Farm)
11. Proposed use(s) of the property: Variety Gift, Craft, and Coffee Shop

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

12. It is requested that the foregoing property be rezoned FROM: A1  
TO: (select one)  
 Conditional Use District, with an underlying zoning district of C1 (P)  
(Article V)  
 Mixed Use/Conditional Use District (Article VI)  
 Planned Neighborhood District/Conditional Use District (Article VII)  
 Density Development/Conditional Use District, at the \_\_\_\_\_ Density  
(Article VIII)



APPLICATION FOR  
CONDITIONAL USE DISTRICT AND PERMIT

1. PROPOSED USE(S):

- A. List the use(s) proposed for the Conditional Use District and Permit. (Use of the underlying district will be restricted only to the use(s) specified in this application.) The existing building will be refurbished to facilitate a coffee shop, and Gift/Craft/Antique shop with a focus on God, Family, and Country
- 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. I would like rezone .735 acres C1(P) as described in the package. The remaining 7 acres +/- will remain A1. We plan to build our home on the remaining land in the near future (2 years)

2. DIMENSIONAL REQUIREMENTS:

- A. Reference either the dimensional requirements of the district, Sec. 1104 or list the proposed setbacks.  
The front yard set back as shown on site plan for existing building of 1.5' does not meet the dimensional requirement for sect 1104 C1(P) zoning order 2a(45')  
Front Setback (W) is 1.5', Side yard setback(S) is 25' from Railroad property line, Side yard setback(N) is 145' from property line (Proposed), Back Yard setback (E) is 84' from property line
- B. Off-street parking and loading, Sec. 1202: List the number of spaces, type of surfacing material and any other pertinent information.  
Coffee Shop seating capacity of 16  
Net Sq footage of retail shop is 796 sq ft  
Gravel parking lot  
Nine total parking spaces to include 1 van accessible handicapped parking space

3. SIGN REQUIREMENTS:

- Reference the district sign regulations proposed from Sec. 1306.  
1 x free standing ground sign 5' x 8' on South west corner of site (5' setback)

4. LANDSCAPE AND BUFFER REQUIREMENTS:

- A. For all new non-residential and mixed use development abutting a public street, indicate the number of large or small ornamental trees used in the streetscape, yard space, and/or parking areas, plus the number of shrubs (Sec. 1102N).

**NOTE: All required landscaping must be included on the site plan.**

Streetscape - 1 x existing 100' Pecan tree, 3 x existing large shade trees, 1 x proposed large shade tree. (see site plan) Yardscape - 1 x proposed ornamental tree NW corner of parking lot, 8 x proposed shrubs on East and North side of parking lot. Also 3 x existing 100' pecan trees in Yardscape. (see site plan)

- B. Indicate the type of buffering and approximate location.

Will plant vegetation buffer along Railroad property line. (south). We will build a solid 6' privacy fence along the property line on north side. Existing vegetation buffer (6'+ trees/shrubs) on western property line

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.

Hours of operation Tuesday - Saturday from 6am - 6pm. (Closed Sundays and Mondays) Number of employees 4. Exterior lighting will be around landscaping/sign/parking lot. Possible extended hours of operation for ~~assembly/community gatherings (Youth groups, Town meetings)~~ P

6. SITE PLAN REQUIREMENTS:

The application shall 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 shall be of sufficient detail to allow the Planning and Inspections Staff and the Planning Board to analyze the proposed uses and arrangement of uses on the site. It shall also include the footprints of all buildings (proposed and existing), the proposed number of stories, location and number of off-street parking and loading spaces, proposed points of access to existing streets and internal circulation patterns. In addition, the location of all proposed buffers and fences and landscaping shall be included on the site plan.

7. ACKNOWLEDGEMENT:

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 (change) rests 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, not incompatible with existing neighborhood zoning patterns.

The undersigned hereby acknowledge the Planning and Inspections Staff has conferred with the petitioner or assigns, and the application as submitted is accurate and correct.

ALEXANDER AND PATRESHA JOHNS  
NAME OF OWNERS (PRINT OR TYPE)

johns\_alex@hotmail.com

1616 HICKORYRIDGE CT FAYETTEVILLE, NC 28304  
ADDRESS OF OWNER(S)

910 868-4971  
HOME TELEPHONE #

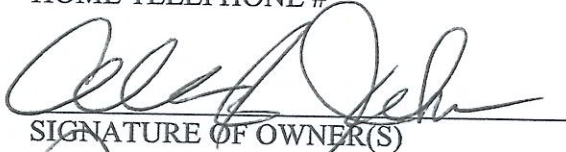
910 584-8995  
WORK TELEPHONE #

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

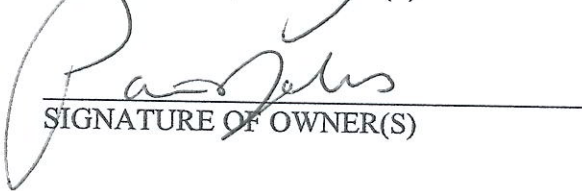
ADDRESS OF AGENT, ATTORNEY, APPLICANT

HOME TELEPHONE #

WORK TELEPHONE #

  
SIGNATURE OF OWNER(S)

SIGNATURE OF AGENT, ATTORNEY  
OR APPLICANT

  
SIGNATURE OF OWNER(S)

\* **ALL** record property owners must sign this petition.

\* The contents of this application, upon submission, becomes "public record."

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*

April 14, 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 April 21, 2009 Board Meeting

**P09-11:** REZONING OF 6.00+/- ACRES FROM R6A RESIDENTIAL TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE SOUTH SIDE OF CHARMAIN STREET, WEST OF MURCHISON ROAD, SUBMITTED BY ATTORNEY GARRIS NEIL YARBOROUGH AND OWNED BY CHARMAIN COMPANY, LLC.

The Planning & Inspections Staff recommends denial of C(P) Planned Commercial district based on the following:

- Although the request is consistent with the Shaw Heights Land Use Plan, which calls for commercial and office, flex office and mixed used at this location, the subject properties do not have public sewer available, which is recommended by the proposed Land Use Policies Plan\* for the C(P) Planned Commercial district.

The Planning & Inspections Staff recommends that the applicant submit for a C(P) Planned Commercial/CUD Conditional Use District and Permit for the subject properties, which would specify the current type of use(s), and that upon development, public sewer will be extended and connected with extension and connection to public sewer.

The C2(P) Planned Service and Retail district could also be considered suitable for this location provided that connection to public sewer is assured.

Attachments:

- 1 - Site Profile
- 2 - Sketch Map

\*Note: The proposed Land Use Policies Plan are pending Board of Commissioners approval at their April 20, 2009 meeting.

**P09-11**  
**SITE PROFILE**

**P09-11:** REZONING OF 6.00+/- ACRES FROM R6A RESIDENTIAL TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE SOUTH SIDE OF CHARMAIN STREET, WEST OF MURCHISON ROAD, SUBMITTED BY ATTORNEY GARRIS NEIL YARBOROUGH AND OWNED BY CHARMAIN COMPANY, LLC.

**Site Information:**

**Frontage & Location:** 600.00'+/- on Charmain Street

**Depth:** 430.00'+/-

**Number of Lots:** 3

**Jurisdiction:** Cumberland County

**Adjacent Property:** Yes, east of subject properties

**Current Use:** Vacant lots

**Initial Zoning:** R6A – September 17, 1973 (Area 2A)

**Nonconformities:** None

**Zoning Violation(s):** None

**Surrounding Zoning:** North: R6A, C3, C3/CU (open storage of supplies and materials), C(P), C(P)/CUD (permitted uses with exclusions), M1(P) & M(P); East: C3 & C(P) (County & Fayetteville) R6 & M1; South: R6A, R6 & C3 (County & Fayetteville) PND & M1; West: R6A, R6A/CU(automotive repairs, car storage for towing service & small used car lot) & C3

**Surrounding Land Use:** 2- Trade contractors, motor vehicle parts and accessories sales, 2- motor vehicle wrecking yards and junkyards, motor vehicle repair and/or body work, retail, and motor vehicle sales, religious worship facility, residential (including manufactured homes, 6 – manufactured home parks and 1- rental office)

**Shaw Heights Land Use Plan:** Commercial & Office/Flex Office/Mixed Use

**Special Flood Hazard Area (SFHA):** None

**Water/Sewer Availability:** PWC/Septic

**Watershed:** Yes

**Soil Limitations:** None

**School Capacity/Enrolled:** Warrenwood Elementary: 450/421; Spring Lake Middle: 700/477; Pine Forest High: 1750/1591

**Subdivision/Site Plan:** If approved, site plan review required prior to any future development

**RLUAC:** No objection to this case

**Accident Potential Zone (APZ):** Subject property is not located within (APZ) or critical noise area.

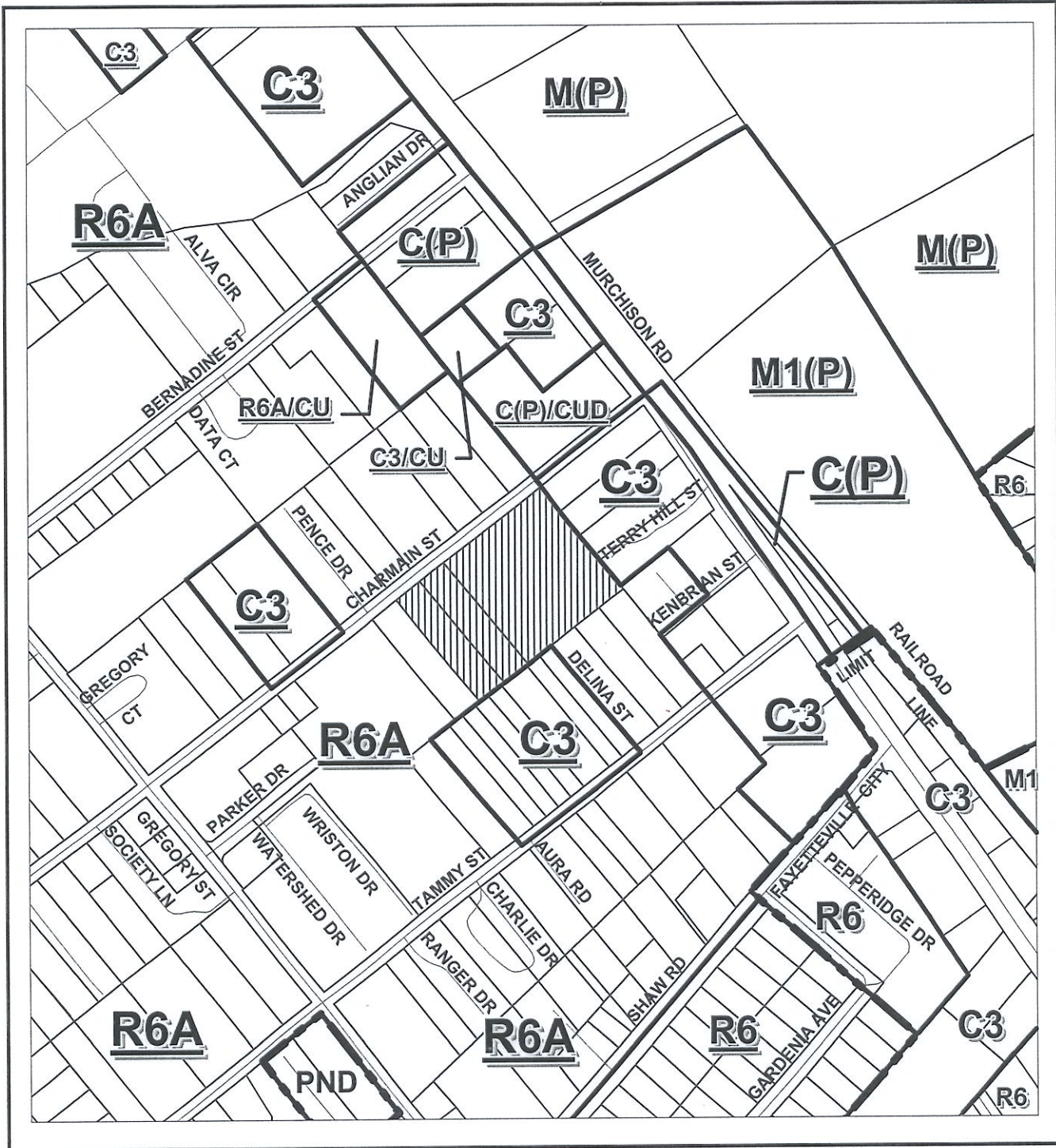
**Municipal Influence Area:** City of Fayetteville

**Average Daily Traffic Count (2006):** 32,000 on Murchison Road (Hwy 210)

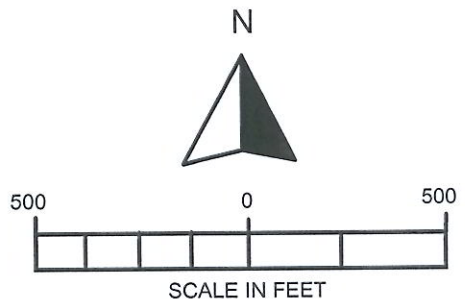
**Highway Plan:** Fayetteville Outer Loop is identified in the Highway Plan as a major thoroughfare. This proposal calls for a multi-lane facility (U2519) with a right-of-way of 250 feet. Road improvements are included in the 2007-2013 MTIP

*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.*



## REQUESTED REZONING R6A TO C(P)



PIN: 0419-97-6234,4048,3062

<b>ACREAGE: 6.00 AC.+/-</b>	<b>HEARING NO: P09-11</b>	
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

April 16, 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:** Edward M. Byrne, Land Use Codes *EMB*

**SUBJECT:** CASE NO. 08-177. CONSIDERATION OF THE GILBERT SMITH FAMILY, LLC, PROPERTY, SUBDIVISION REVIEW; REQUEST FOR WAIVER FROM SECTION 2302.A "MUNICIPAL INFLUENCE AREA, COUNTY SUBDIVISION ORDINANCE, REGARDING FAYETTEVILLE'S DEVELOPMENT STANDARDS, SPECIFICALLY SIDEWALK INSTALLATION; ZONING: A1; TOTAL ACREAGE: 19.50+/-; LOCATED ON THE NORTH SIDE OF SR 1724 (SWEETIE ROAD), EAST SIDE OF SR 1714 (RIVER ROAD). (FAYETTEVILLE MIA)

The developer is requesting a waiver from the City of Fayetteville's *Municipal Influence Area* (MIA) development standard that requires construction of a sidewalk along SR 1714 (River Road); the subject property is located within the City's MIA. According to City policy, the developer is not required to construct a sidewalk along SR 1724 (Sweetie Road) since this road is an unpaved but public, State-maintained road.

This request was presented to the Fayetteville City Council on March 23, 2009 and the Council voted to recommend denial of the request and that the sidewalk be constructed along SR 1714 (River Road) for that portion of the development that abuts SR 1714 (River Road).

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 the Planning Board follow the Fayetteville City Council's recommendation of denial for the waiver request, based on the following:

- a. Because there are no unusual conditions present that are directly related to the property and no evidence has been submitted indicating that the nature of the adjoining area would prevent strict compliance with the provisions of the ordinances and therefore, there is not a special and unnecessary hardship if the developer is required to construct the sidewalk;
- b. The purposes of the County's Subdivision and Zoning Ordinances will not be served to an equal or greater degree in that the Board of County Commissioners has by interlocal agreement and by ordinance, established that developments in this area will comply with the development standards of the City of Fayetteville and the Fayetteville City Council is recommending that sidewalk be constructed; and
- c. The property owner would be afforded a special privilege denied to others since the Fayetteville City Council has consistently required sidewalks for developments within their corporate boundaries and is expected to do the same within their MIA.

Attached you will find the wavier application, Fayetteville City Council recommendation, conditions of approval, subdivision sketch plan, and vicinity map. If you have any questions, please contact me at 910-678-7609, email: [ebyrne@co.cumberland.nc.us](mailto:ebyrne@co.cumberland.nc.us) or Patti Speicher at 910-678-7605, email: [pspeicher@co.cumberland.nc.us](mailto:pspeicher@co.cumberland.nc.us).

cc: Gilbert Smith Family, LLC, Developer  
Mike Tate, Surveyor  
Grainger Barrett, County Attorney  
Cecil Combs, Deputy Director  
Patti Speicher, Land Use Codes





Date Request Submitted: 2-25-09

Planning Board Meeting Date: \_\_\_\_\_

Received by: EMR

**Cumberland County Subdivision Ordinance**

***Request for Waiver***

Case No.: 08-177 Case Name: GILBERT SMITH FAMILY, LLC

Related Ordinance Section Number(s): FAYETTEVILLE MUNICIPAL INFLUENCE ARE

Summary of Request: ELIMINATE CONCRETE SIDEWALKS FROM SUB-DIVISIO

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:

SEE ATTACHMENT

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:

NOT INSTALL SIDEWALKS THAT THE STATE OR CITY WOULD HAVE TO REMOVE AND RE-INSTALL TO FIT FUTURE ROAD PROJECTS

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

WE WOULD HOPE THAT OTHERS WOULD NOT BE REQUIRED TO INSTALL SIDEWALKS UNDER SIMILAR CIRCUMSTANCES.

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.

MICHAEL TATE, PLS  
Printed Name of Applicant/Agent

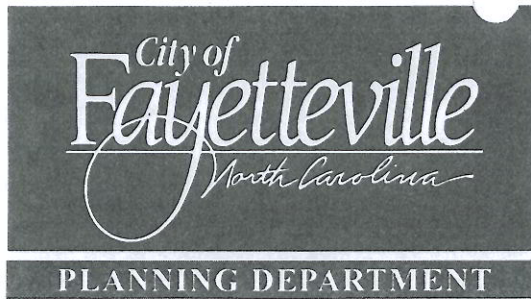
910-483-7387  
Daytime Phone Number

  
Signature of Applicant/Agent

2-18-09  
Date Signed

Item #1


- A- Sub-division consists of large lots, 2.00 acre minimum.
- B- River Road is on the county thoroughfare plan with all of the proposed right-of-way not acquired. Since there is no project design nor elevations available, what grades or elevations could be used on a sidewalk placement?
- C- Estimated cost of 5 inch by 5 foot wide sidewalk is \$24.75 per linear foot.  
545.98 LF of frontage @ \$24.75 = \$13,513.00 Cost to Family



March 25, 2009

**MEMORANDUM**

TO: Patricia Speicher, County Land Use Codes Supervisor

FROM: Jimmy Teal, City Planning Director 

SUBJECT: City Council Action on Gilbert Smith Sidewalk Waiver Request

The Fayetteville City Council at their meeting on March 23, 2009 voted to recommend denial of the sidewalk waiver requested by Gilbert Smith Family, LLC located at the corner of River Road and Sweetie Road.

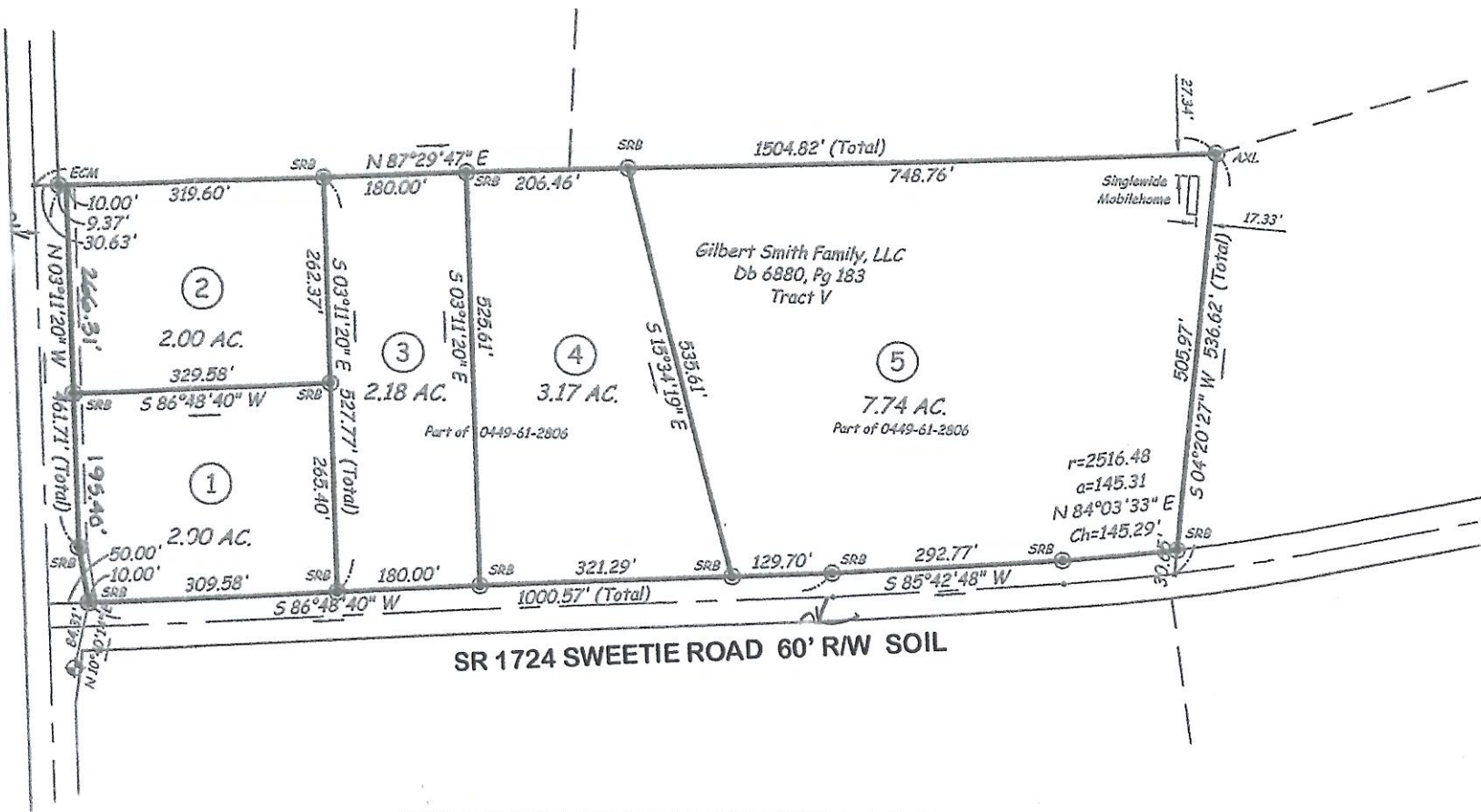
The property falls within the City of Fayetteville's Municipal Influence Area. The City's development standards require a sidewalk for any new subdivision abutting a paved public road. The subdivision proposed by the Gilbert Smith Family, LLC abuts River Road for approximately 546 linear feet. The property also abuts Sweetie Road, but it is a dirt road and a sidewalk is not required on Sweetie Road.

The Fayetteville City Council's recommendation is to deny the request and require the sidewalk to be constructed for that portion of the development abutting River Road.

If you have any questions, please e-mail me at [jteal@ci.fay.nc.us](mailto:jteal@ci.fay.nc.us) or call 433-1996.



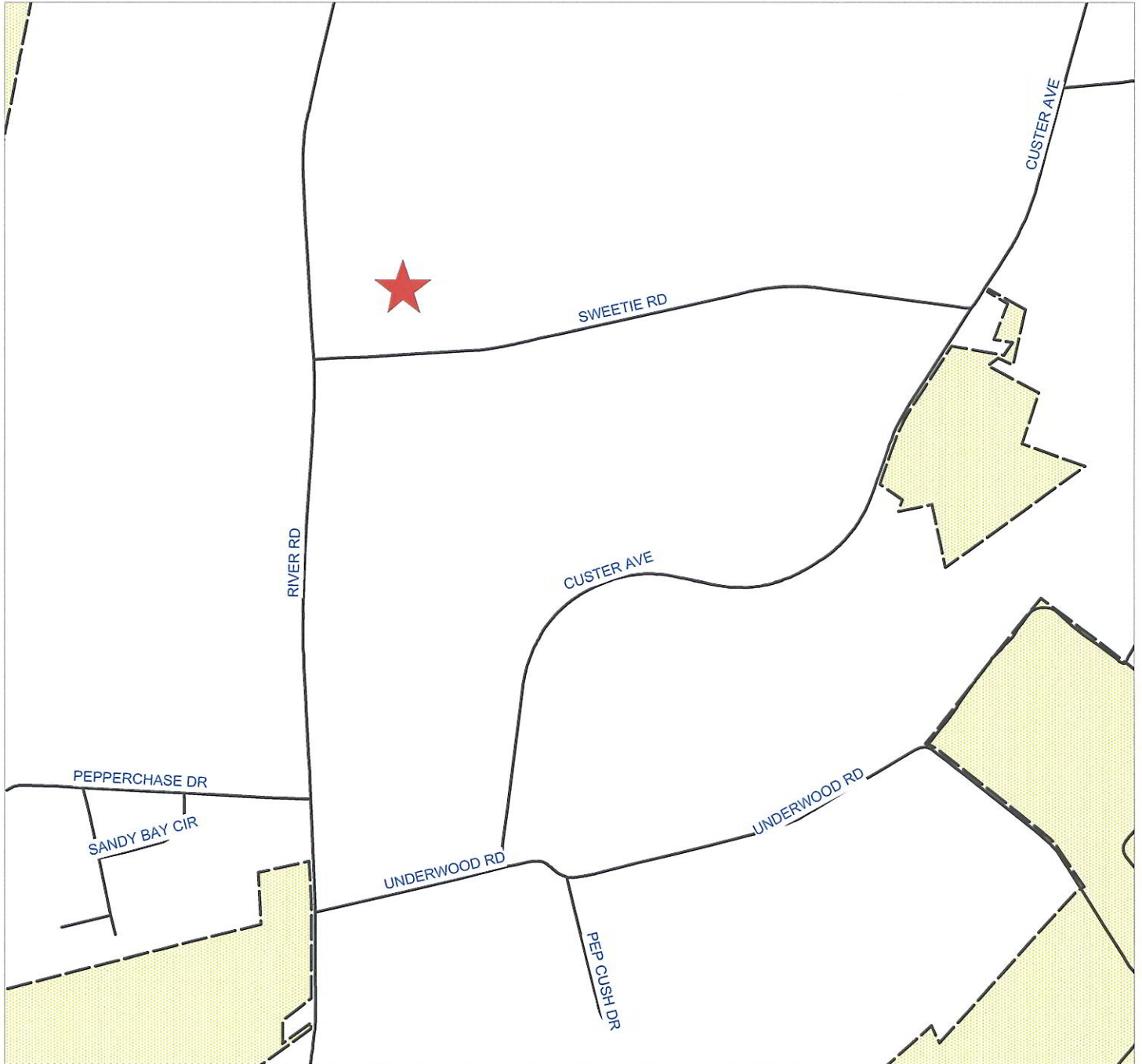
SR 1774 RIVER ROAD RW VARIES PAVED



**GILBERT SMITH FAMILY, LLC**  
**SUBDIVISION REVIEW**  
**REQUEST: SIDEWALK REQUIREMENT WAIVER**  
**CASE: 08-177 ACREAGE: 19.50 AC +/-**  
**ZONED: A1 SCALE: NTS**

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

**GILBERT SMITH FAMILY, LLC  
SUBDIVISION REVIEW  
CASE NO. 08 - 177**



PIN(S): 0449-61-2806-  
Prepared by ebm - CCJPB  
March 3, 2009

Map not to scale

