

Roy Turner,  
Chair  
Cumberland County

Walter Clark,  
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*

August 9, 2011

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

Lori Epler,  
Sara E. Piland,  
Cumberland County

Benny Pearce,  
Town of Eastover

Donovan McLaurin,  
Wade, Falcon & Godwin

### MEMORANDUM

**TO:** Cumberland County Joint Planning Board  
**FROM:** Planning & Inspections Staff  
**SUBJECT:** Staff Recommendation for August 16, 2011 Board Meeting

**P11-22:** REZONING OF 23.78+/- ACRES FROM A1 AGRICULTURAL TO R20 RESIDENTIAL/CZ CONDITIONAL ZONING DISTRICT FOR 33 LOT SUBDIVISION OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE NORTHWEST SIDE OF RAMSEY STREET NORTHEAST W REEVES BRIDGE ROAD; SUBMITTED BY W. STAN TAYLOR (TRUSTEE) ON BEHALF OF KM TAYLOR FAMILY TRUST (OWNER).

On July 19, 2011 a straight rezoning application for R20 was considered by the Joint Planning Board for the subject property; the board denied the request for R20, but recommended approval of R40. The applicant withdrew the original request and submitted a revised application for conditional zoning. The Planning & Inspections Staff recommends approval of the requested rezoning to R20 Residential/ Conditional Zoning district [R20/CZ] for a 33 lot residential subdivision at this location based on the following:

1. The request is consistent with the location criteria for suburban density as listed in the Land Use Policies of the 2030 Growth Vision Plan, specifically because this development has direct access to a public street, public water is to be provided, and septic systems are allowed dependent upon soil types where public sewer is not available; the request is also consistent with the proposed North Central Cumberland Plan which calls for suburban density at this location;
2. The property owner has voluntarily placed restrictions upon this development – see attached site profile – that should allay the concerns of the surrounding owners of properties that were raised at the initial meeting; and
3. Consideration of the R20/CZ district for the subject property is reasonable because the request is comparable to development and rezonings approved within the general area in the recent past.

The property owner has agreed to all Ordinance Related Conditions. There are no other suitable zoning districts to be considered for this site.

#### Attachments:

- 1 – Site Profile
- 2 – Rezoning Sketch Map
- 3 – Site Plan
- 4 – Draft Ordinance Related Conditions (only use if considered for approval)
- 5 – Application

**P11-22**  
**SITE PROFILE**

**P11-22:** REZONING OF 23.78+/- ACRES FROM A1 AGRICULTURAL TO R20 RESIDENTIAL/CZ CONDITIONAL ZONING DISTRICT FOR 33 LOT SUBDIVISION OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE NORTHWEST SIDE OF RAMSEY STREET NORTHEAST W REEVES BRIDGE ROAD; SUBMITTED BY W. STAN TAYLOR (TRUSTEE) ON BEHALF OF KM TAYLOR FAMILY TRUST (OWNER).

**Site Information:**

**Frontage & Location:** 580.00'+/- on US 401 (Ramsey Street)

**Depth:** 1980.00'+/-

**Jurisdiction:** Cumberland County

**Adjacent Property:** Yes, northwest of subject property (1/5 interest)

**Current Use:** Woodlands

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

**Nonconformities:** None

**Zoning Violation(s):** None

**Surrounding Zoning:** North: A1; South: A1, R40 & R20; East: A1 & R20 West: A1 & R40

**Surrounding Land Use:** Residential (including manufactured dwellings) & woodlands

**2030 Growth Strategy Map:** Rural

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

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

**Soil Limitations:** None (“Bad Soils” shown on site plan related to septic suitability)

**School Capacity/Enrolled:** Raleigh Road Elementary (K-1): 220/244; Long Hill Elementary (2-5): 530/485; Pine Forest Middle: 820/953; Pine Forest High: 1,750/1,525

**Subdivision/Site Plan:** If approved, “Ordinance Related Conditions” apply

**Average Daily Traffic Count (2008):** 5,700 on US 401 (Ramsey Street)

**Highway Plan:** Ramsey Street is identified in the highway plan as a major thoroughfare. The current right-of-way is 100 feet and the proposal calls for a multi-lane facility (R-2609) with a ROW of 150 feet. Road improvements are included in the 2009-2015 MTIP. This proposal would require a 25 foot reservation for future acquisition by the NCDOT

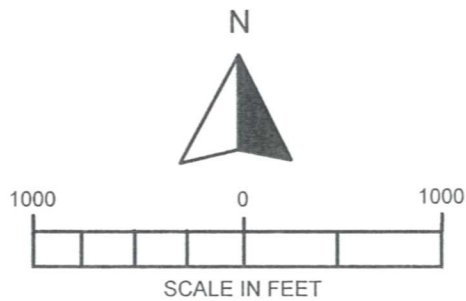
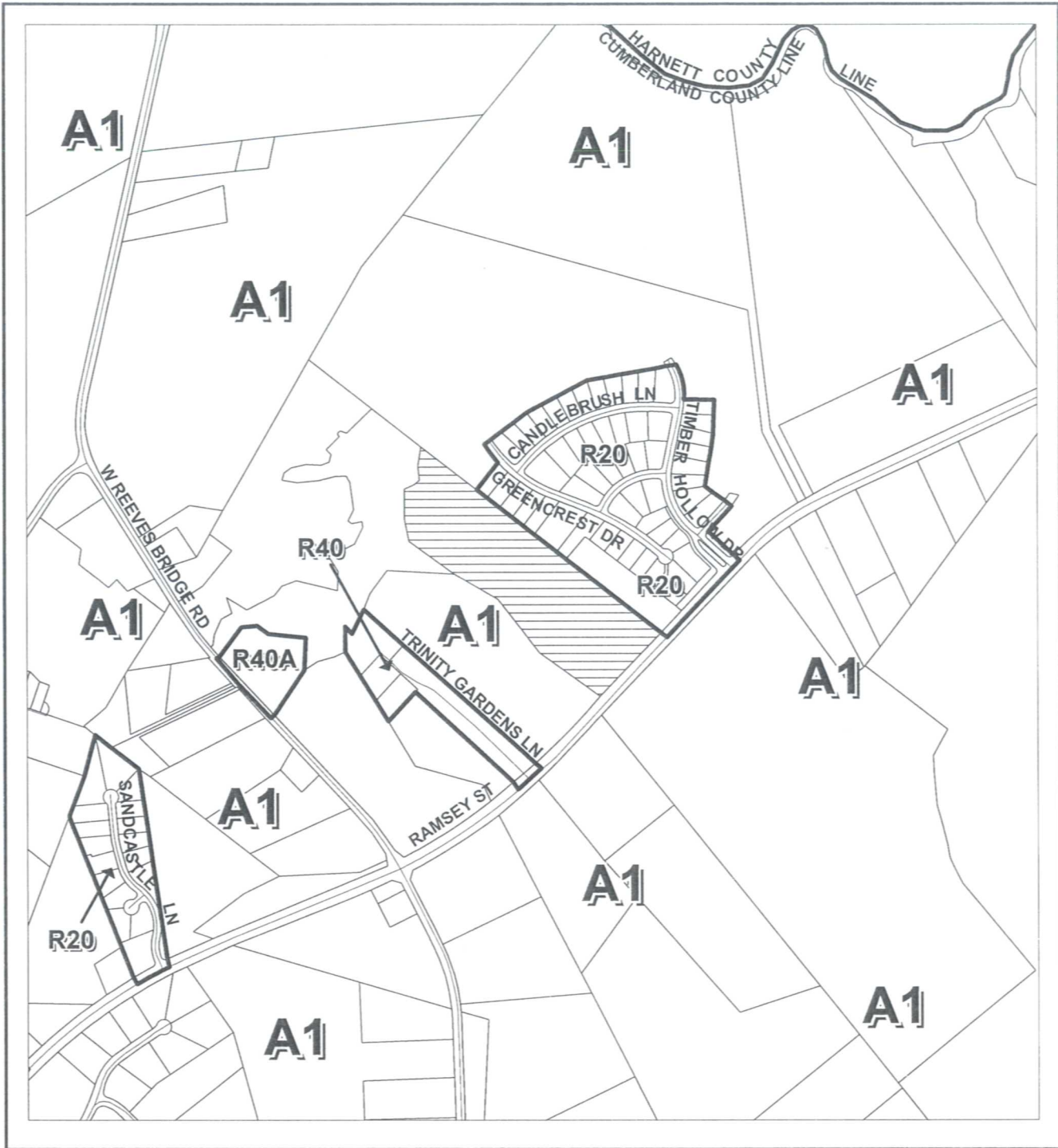
**Notes:**

1. Density minus 15% for R/W:  
A1 – 10 lots/units    R40 – 22 lots/units    R30 – 29 lots/units    R20 – 44 lots/units  
R15 – 59 lots/units
  
2. Minimum Yard Setback Regulations:

<u>A1</u>	<u>R40, R30 &amp; R20</u>	<u>R15</u>
Front yard: 50'	Front yard: 30'	Front yard: 30'
Side yard: 20'	Side yard: 15'	Side yard: 10'
Rear yard: 50'	Rear yard: 35'	Rear yard: 35'
  
3. Contents of Application and Site Plan:
  1. No lot smaller than 20,000 sq. ft
  2. Minimum 2,000 sq. ft homes (heated area) w/ two car garage
  3. HOA w/ covenants to enforce restrictions
  4. Landscaping & vinyl rail fence w/ brick wall entrance signs at front of development
  5. Maximum number of lots: 33 (1.39 dwelling units per acre)
  6. Street to be paved public street

**First Class and Record Owners' Mailed Notice Certification**

*A certified copy of the tax record owner(s) of the subject and adjacent properties and their tax record mailing address is contained within the case file and is incorporated by reference as if delivered herewith. The record owners' acknowledgement of notice is also included in the case file.*

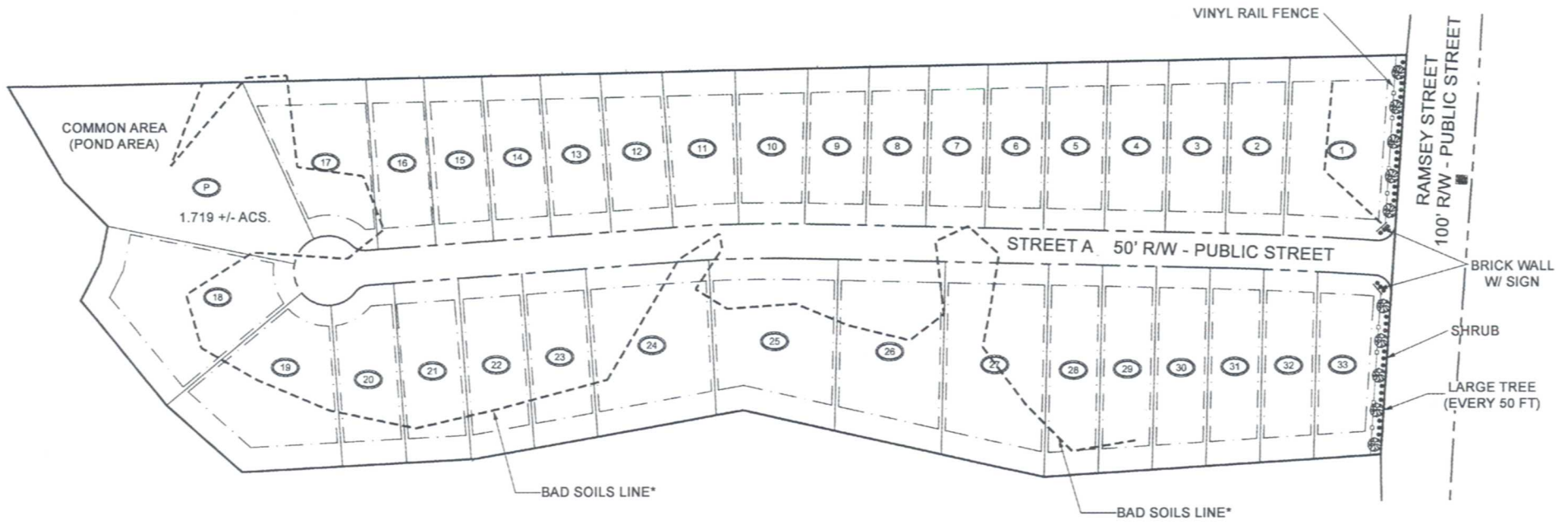


PIN: 0554-55-1475

## REQUESTED REZONING A1 TO R20/CZ

<b>ACREAGE: 23.78 AC.+/-</b>	<b>HEARING NO: P11-22</b>	
<b>ORDINANCE: COUNTY</b>	<b>HEARING DATE</b>	<b>ACTION</b>
<b>STAFF RECOMMENDATION</b>		
<b>PLANNING BOARD</b>		
<b>GOVERNING BOARD</b>		





**CONDITIONAL ZONING**  
**REQUEST: RESIDENTIAL CONDITIONAL ZONING**  
**DISTRICT FOR 33 LOT SUBDIVISION**  
**CASE: P11-22 ACREAGE: 23.78+/-**  
**ZONED: A1 SCALE: NTS**

SCALED DETAILED SITE PLAN IN FILE FOR REVIEW UPON REQUEST

\*GENERALLY NOT SUITABLE FOR SEPTIC TANKS

08/09/11



## **Conditional Zoning**

DRAFT

### Ordinance Related Conditions for the Permit

#### **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 water is required, the Town of Linden must approve water plans prior to application for any permits. A copy of the Town's approval must be provided to Code Enforcement at the time of application for building/zoning permits. (Note: The developer is strongly encouraged to contact the Town of Linden prior to drafting design plans and commencement of any development on this site, especially regarding the location of sidewalks in relation to the existing and/or proposed Town water lines.) (Section 2306 A.1, Public Water and Sewer Systems, County Subdivision Ordinance)
4. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
5. New development where the developer will disturb or intends to disturb more than one acre of land is subject to the Post-Construction Stormwater Management Permitting Program (Phase II Stormwater Management Requirements) administered by the Division of Water Quality, North Carolina Department of 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.
6. For any new development where the developer disturbs or intends to disturb more than one acre of land, the developer must provide the Code Enforcement Section with an approved NC Department of 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.
7. 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.
8. The developer must formally notify the NC Department of Transportation once construction of the public streets is complete and initiate the process of transferring the responsibility of road maintenance to the NCDOT. If application to the NCDOT District Engineer has not been formally submitted by the time building permits have been issued for 75% of the lots shown on the platted portion of the development, no additional building permits can be issued until the NCDOT District Engineer notifies this department of the receipt of the application.

#### **Site-Related:**

9. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Zoning Ordinances for the R20/CZ 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 the permit for the development entrance signs. 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. 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)
15. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision Ordinance)
16. The owner/developer must secure the pond proposed for the "pond lot" with a four foot high fence with a lockable gate, and is required to maintain the detention/retention basin, keeping it clear of debris and taking measures for the prevention of insect and rodent infestation.
17. This review does not constitute a "subdivision" approval by NC Department of Transportation (NCDOT). A separate submittal to NCDOT will be required prior to consideration for addition to the system of any street within this development.
18. 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.
19. 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.
20. Turn lanes may be required by the NC Department of Transportation (NCDOT).
21. All lots within this development are required to be served by an internal street system.

**Plat-Related:**

22. The final plat must be label as a "Zero Lot Line" development.
23. The "pond lot" must be labeled as "common area" on the final plat.
24. The developer is required to submit to Land Use Codes:
  - a. Three copies of proposed covenants, by-laws and articles of incorporation for the proposed development designating responsibility for the upkeep and maintenance of the stormwater pond/open space/common areas by the owners' association for the development;
  - b. One copy of the deeds proposed for recordation conveying all common area to the proposed owners association;
  - c. One copy of any proposed supplemental covenants if the proposed development is to be submitted for final approval in phases; and
  - d. Two copies of each proposed final plat prior to the submission for final approval – can be a phase of the approved development or the complete development as approved.

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.



25. The developer must contact the Location Services Section of the Planning and Inspections Department for approval of a street name for the proposed street. The approved street name must be reflected on the final plat.
26. The street name signs, in compliance with the County Street Sign Specifications, must be installed prior to final plat approval. The developer should contact Location Services 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 Location Services Section for sign installation or of satisfactory inspection prior to the approval of the final plat.
27. "Ramsey Street" must be labeled as "US HWY 401 (Ramsey Street)" on the final plat.
28. Reservation of 25 feet of right-of way along US HWY 401 (Ramsey Street) is required and the metes and bounds for the 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)
29. 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.
30. 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.
31. All lots within this development must be served by the internal street system and a "no access" easement must be reflected on the final plat along US HWY 401 (Ramsey Street) on Lots 1 & 33.
32. A 10' x 70' sight distance easement is required at the intersection of US HWY 401 (Ramsey Street) with the proposed street and must be reflected on the final plat.
33. 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)
34. 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.
35. 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)
36. 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.)
37. 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.
38. All notes and calculations as shown on the site plan and contained within the application are to be considered as a part of this conditional approval.

**Plat-Required Statements:**

39. 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 Disclosure, 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."

40. Since this development is located within the *Farmland Protection Area* as defined on the current Land Use Plan map, the following disclosure statement is required to be provided on the final plat (Section 2504 B, Farmland Protection Area Disclosure, County Subdivision Ordinance):

“This property or neighboring property may be subject to inconvenience, discomfort, and the possibility of injury to property and health arising from normal and accepted farming and agricultural practices and operations, including but not limited to noise, odors, dust, the operation of any kind of machinery the storage and disposal of manure, and the application of fertilizers, soil amendments, herbicides, and pesticides.”

41. 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.”

42. Because the streets in this development have been approved as “public” streets and the streets do not yet qualify for acceptance by the NC Department of Transportation to the State system for maintenance purposes, the following statement is required to be included on the final plat:

“The streets shown on this plat though labeled as “public” – unless otherwise noted – have not been accepted by the NC Department of Transportation as of the date of this recording. Until such time that the streets are accepted and formally added to the State system, maintenance and liability of the streets are the responsibility of the developer and any future lot owner(s).”

**Other Relevant Conditions:**

43. The applicant is advised to consult an expert on wetlands before proceeding with any development.
44. 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.
45. The developer(s) and any future lot owners are responsible for the maintenance and upkeep of the streets until such time the streets are added to the State system by the NC Department of Transportation (NCDOT) for maintenance purposes. The developer is advised to give notice of the street status to any future lot owners in the event the lots are conveyed prior to the NCDOT’s acceptance.
46. 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.”

47. Inherent within the application, a request for waiver allowing a cul-de-sac length 1,550 feet is requested. Section 2304.g, *Street Ending*, of the County Subdivision Ordinance, allows a maximum of 1,400 feet for a cul-de-sac. This conditional approval is to be considered as approval of this request.

**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 Health Department:	Daniel Ortiz	433-3680
Town of Linden:	Ruby Hendges (Town Clerk)	980-0119
Harnett Co Public Utilities:	Tim Payseur	893-7575 ext. 3275



County Public Utilities:		678-7682
Corp of Engineers (wetlands):	Crystal C. Amschler	(910) 251-4170
NCDENR (E&S):	Sally Castle	433-3300
Location Services:		
Site-Specific Address:	Ron Gonzales	678-7616
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

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: James Taylor and Wife, Jessie A Taylor
2. ADDRESS: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_
3. TELEPHONE: (Home) \_\_\_\_\_ (Work) \_\_\_\_\_
4. Location of Property: Along Ramsey Street, near its intersection with Timber Hollow Drive
5. Parcel Identification Number (PIN #) of subject property: 0554-55-1475  
(also known as Tax ID Number or Property Tax ID)
6. Acreage: 23.8 Frontage: 590' Depth: 1900'
7. Water Provider: Town of Linden
8. Septage Provider: N/A
9. Deed Book 2791, Page(s) 386, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
10. Existing use of property: Unimproved
11. Proposed use(s) of the property: Single Family Residential Development

**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 R20  
(Article V)  
 Mixed Use/Conditional Use District (Article VI)  
 Planned Neighborhood District/Conditional Use District (Article VII)  
 Density Development/Conditional Use District, at the R20 Density  
(Article VIII)

APPLICATION FOR  
CONDITIONAL USE PERMIT

1. PROPOSED USE(S):

A. List the use(s) proposed for the Conditional Use Permit. (Use of the underlying district will be restricted only to the use(s) specified in this application.)  
Use of an R20 density in the development of the project.

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

Entire acreage will be residential

MAXIMUM LOTS 33

SEE NOTES ON SITE PLAN

2. DIMENSIONAL REQUIREMENTS:

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

The proposed development will be zero lot line and the exterior setbacks will be that required by R20.

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

N/A

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.

DEVELOPMENT SIGN ON BRICK WALL



4. LANDSCAPE AND BUFFER REQUIREMENTS:

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

5. MISCELLANEOUS:

List any information not set forth above, such as the days and hours of the operation, number of employees, exterior lighting, noise, odor and smoke, emission controls, etc.

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.

In order for the Planning Board to offer a favorable recommendation, and for the Board of Commissioners to approve, any Conditional Use District and Permit they must find from the evidence presented at their respective public hearing that:

- A. The use will not materially endanger the public health or safety if located according to the plan submitted and recommended;
- B. The use meets all required conditions and specifications;
- C. The use will maintain or enhance the value of adjoining or abutting properties, or that the use is a public necessity; and
- D. The location and character of the use, if developed according to the plan as submitted and recommended, will be in harmony with the area in which it is to be located and in general conformity with Cumberland County's most recent Comprehensive Land Use Plan and adopted planning policies.

I further understand I must voluntarily agree to all conditions proposed for the Conditional Use Permit.

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

KM Taylor Family Trust  
 NAME OF OWNERS (PRINT OR TYPE)

2413 Millstone Harbor Drive; Raleigh, NC 27603  
 ADDRESS OF OWNER(S)

919 803 3018      919 350 8108  
 HOME TELEPHONE #      WORK TELEPHONE #

cell# 919 210 8673

William Stanley Taylor  
 SIGNATURE OF OWNER(S)

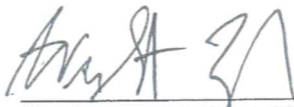
William Stanley Taylor  
 SIGNATURE OF OWNER(S)

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

2413 Millstone Harbor Drive Raleigh NC  
ADDRESS OF AGENT, ATTORNEY, APPLICANT

919 803 3018  
HOME TELEPHONE #

919 350 8108<sup>27603</sup>  
WORK TELEPHONE #

  
SIGNATURE OF AGENT, ATTORNEY  
OR APPLICANT

cell: 919 210 8673

- \* ALL record property owners must sign this petition.
- \* The contents of this application, upon submission, becomes "public record."

CUMBERLAND COUNTY ZONING ORDINANCE  
FEE SCHEDULE

REQUESTED ZONING DISTRICTS <sup>1</sup>	LESS THAN 5 ACRES	5 TO 50 ACRES	50 TO 100 ACRES	100+ ACRES
CONDITIONAL USE DISTRICTS <sup>2</sup> RESIDENTIAL DD/CUD	\$500	\$500	\$500	\$500
CONDITIONAL USE DISTRICTS <sup>2</sup> NONRESIDENTIAL PND/CUD MXD/CUD	\$700	\$800	\$800	\$800

- 1 If more than one zoning district is requested in the same application, the highest fee for the district requested will apply.
- 2 If a general rezoning is requested and based on recommendations of the Planning Board or County Commissioners, the applicant desires to submit a Conditional Use District and Permit application, the original application fee will be credited towards the Conditional Use District and Permit application fee.



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### MEMORANDUM

**TO:** Cumberland County Joint Planning Board

**FROM:** Planning & Inspections Staff

**SUBJECT:** Staff Recommendation for August 16, 2011 Board Meeting

**P11-37:** REZONING OF 3.00+/- ACRES FROM C1(P) PLANNED LOCAL BUSINESS TO A1 AGRICULTURAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 8745 MAIN STREET, SUBMITTED BY JASON C. AND ALISON J. DRAUGHON (OWNERS). (GODWIN)

The Planning & Inspections Staff recommends approval of the A1 Agricultural district for this request based on the following:

1. Although the request is not entirely consistent with the Northeast Cumberland Detailed Area Plan, which calls for commercial development at this location, or the 2030 Growth Vision Plan that calls for urban development, the request is reasonable because the subject property is located within a small rural town completely surrounded by agricultural uses; and
2. Approval of the request will cure the nonconformity of the existing use.

There are no other districts considered suitable for this request.

Attachments:

- 1 – Site Profile
- 2 – Sketch Map

**P11-37**  
**SITE PROFILE**

**P11-37:** REZONING OF 3.00+/- ACRES FROM C1(P) PLANNED LOCAL BUSINESS TO A1 AGRICULTURAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 8745 MAIN STREET, SUBMITTED BY JASON C. AND ALISON J. DRAUGHON (OWNERS). (GODWIN)

**Site Information:**

**Frontage & Location:** 140.00'+/- on Main Street (HWY 82)

**Depth:** 800.00'+/-

**Jurisdiction:** Godwin

**Adjacent Property:** No

**Current Use:** Livestock operation & farm machinery sales

**Initial Zoning:** C1(P) – November 25, 1980 (Area 14)

**Nonconformities:** Yes, sale of farm machinery not permitted in current district

**Zoning Violation(s):** Yes, notice not issued due to this application being submitted

**Surrounding Zoning:** North: C3, O&I(P), RR, R6A & A1 (Godwin); South: RR & A1 (Godwin & County); East: R40A & A1 (Godwin); West: RR (Godwin)

**Surrounding Land Use:** Residential (including manufactured dwellings), religious worship, post office, second-hand store, farmland & woodlands

**2030 Growth Vision Plan:** Urban

**Northeast Cumberland Plan:** Commercial

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

**Water/Sewer Availability:** Town of Godwin/Town of Godwin

**Soil Limitations:** Yes, hydric – GR Grantham loam

**School Capacity/Enrolled:** District 7 Elementary: 300/269; Mac Williams Middle: 1,270/1,208; Cape Fear High: 1,425/1,555

**Subdivision/Site Plan:** If approved, any non-residential use will require review and approval

**Average Daily Traffic Count (2008):** 850 on SR 1810 (Godwin-Falcon Road)

**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

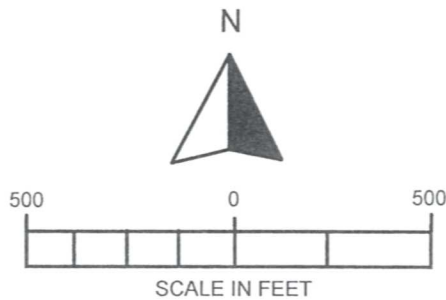
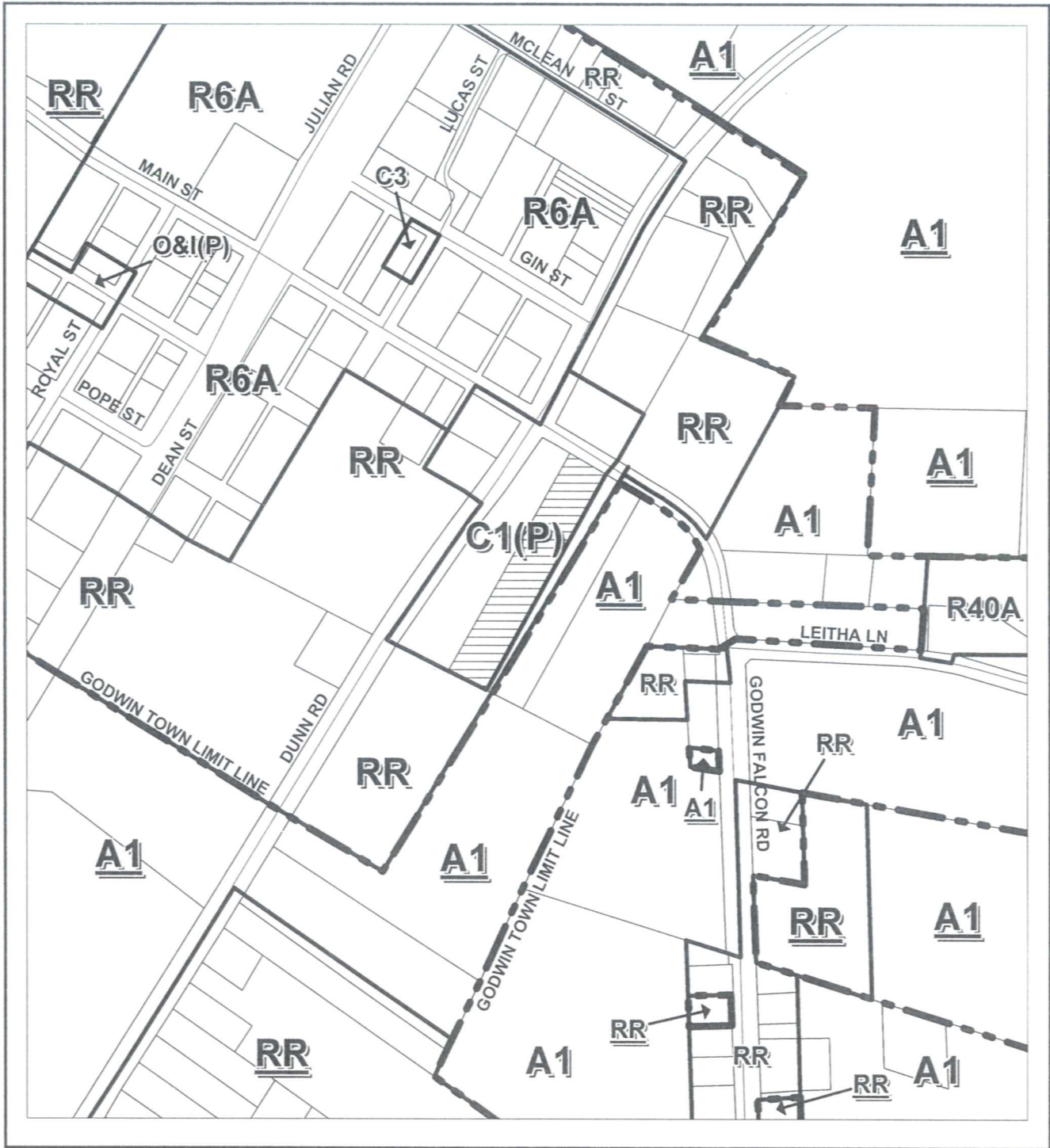
**Notes:**

1. Density:  
A1 – 2 lots/units (non-residential = 3 lots/units)
  
2. Minimum Yard Setback Regulations:

<b><u>C1(P)</u></b>	<b><u>A1</u></b>
Front yard: 45'	Front yard: 50'
Side yard: 15'	Side yard: 20'
Rear yard: 20'	Rear yard: 50'

**First Class and Record Owners' Mailed Notice Certification**

*A certified copy of the tax record owner(s) of the subject and adjacent properties and their tax record mailing address is contained within the case file and is incorporated by reference as if delivered herewith. The record owners' certified receipt of notice is also included.*



## REQUESTED REZONING C1(P) TO A1

<b>ACREAGE: 3.00 AC.+/-</b>		<b>HEARING NO: P11-37</b>	
ORDINANCE: GODWIN	HEARING DATE	ACTION	
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

PIN: 0593-63-2300

WL



Roy Turner,  
Chair  
Cumberland County

Walter Clark,  
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*

August 9, 2011

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

Lori Epler,  
Sara E. Piland,  
Cumberland County

Benny Pearce,  
Town of Eastover

Donovan McLaurin,  
Wade, Falcon & Godwin

### MEMORANDUM

**TO:** Cumberland County Joint Planning Board

**FROM:** Planning & Inspections Staff

**SUBJECT:** Staff Recommendation for August 16, 2011 Board Meeting

**P11-38:** REZONING OF .60+/- ACRES FROM C(P) PLANNED COMMERCIAL TO R20 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 1882 DUNN ROAD, SUBMITTED BY EUNICE CARROL BAIN (OWNER). (EASTOVER)

The Planning & Inspections Staff recommends approval of the R20 Residential district for this request based on the following:

1. Although the request is not entirely consistent with the Eastover Area Detailed Land Use Plan, which calls for one acre residential lots at this location, the request is consistent with the location criteria listed in the Land Use Policies of the 2030 Growth Vision Plan because the subject property has direct access to a public street, public water is provided, and septic systems are allowed dependent upon soil types where public sewer is not available; and
2. The request is reasonable since approval will cure the nonconformity of the existing use of the property.

There are no other districts considered suitable for this request.

Attachments:

- 1 – Site Profile
- 2 – Sketch Map

**P11-38**  
**SITE PROFILE**

**P11-38:** REZONING OF .60+/- ACRES FROM C(P) PLANNED COMMERCIAL TO R20 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 1882 DUNN ROAD, SUBMITTED BY EUNICE CARROL BAIN (OWNER). (EASTOVER)

**Site Information:**

**Frontage & Location:** 130.00'+/- on SR 1838 (Dunn Road)

**Depth:** 210.00'+/-

**Jurisdiction:** Eastover

**Adjacent Property:** Yes, south east of subject property

**Current Use:** Residential

**Initial Zoning:** C3 – August 26, 1979 (Area 8); initially zoned C(P) – December 4, 2007 (Town of Eastover incorporated October 1, 2007)

**Nonconformities:** Yes, current residential use is nonconforming

**Zoning Violation(s):** None

**Surrounding Zoning:** North: HS(P) (Eastover), C(P) (Eastover), RR, R6A (Eastover) & A1; South: RR, R15 & A1; East: RR; West: C1(P) (Eastover), R30A (Eastover), RR & A1

**Surrounding Land Use:** Residential, motor vehicle repair, farmland & woodlands

**2030 Growth Vision Plan:** Urban

**Eastover Area Detailed Land Use Plan:** One acre residential lots

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

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

**Soil Limitations:** Yes, hydric – RO Roanoke and Wahee loams

**School Capacity/Enrolled:** Armstrong Elementary: 450/432; Mac Williams Middle: 1,270/1,208; Cape Fear High: 1,425/1,555

**Subdivision/Site Plan:** If approved, new development may require review and approval

**Average Daily Traffic Count (2008):** 2,900 on SR 1838 (Dunn Road)

**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 2012-2018 STIP

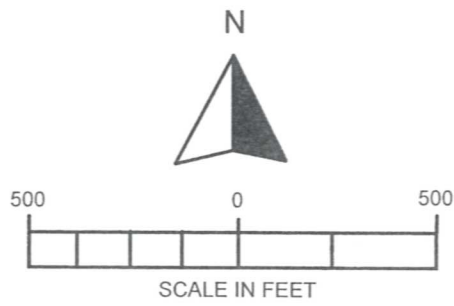
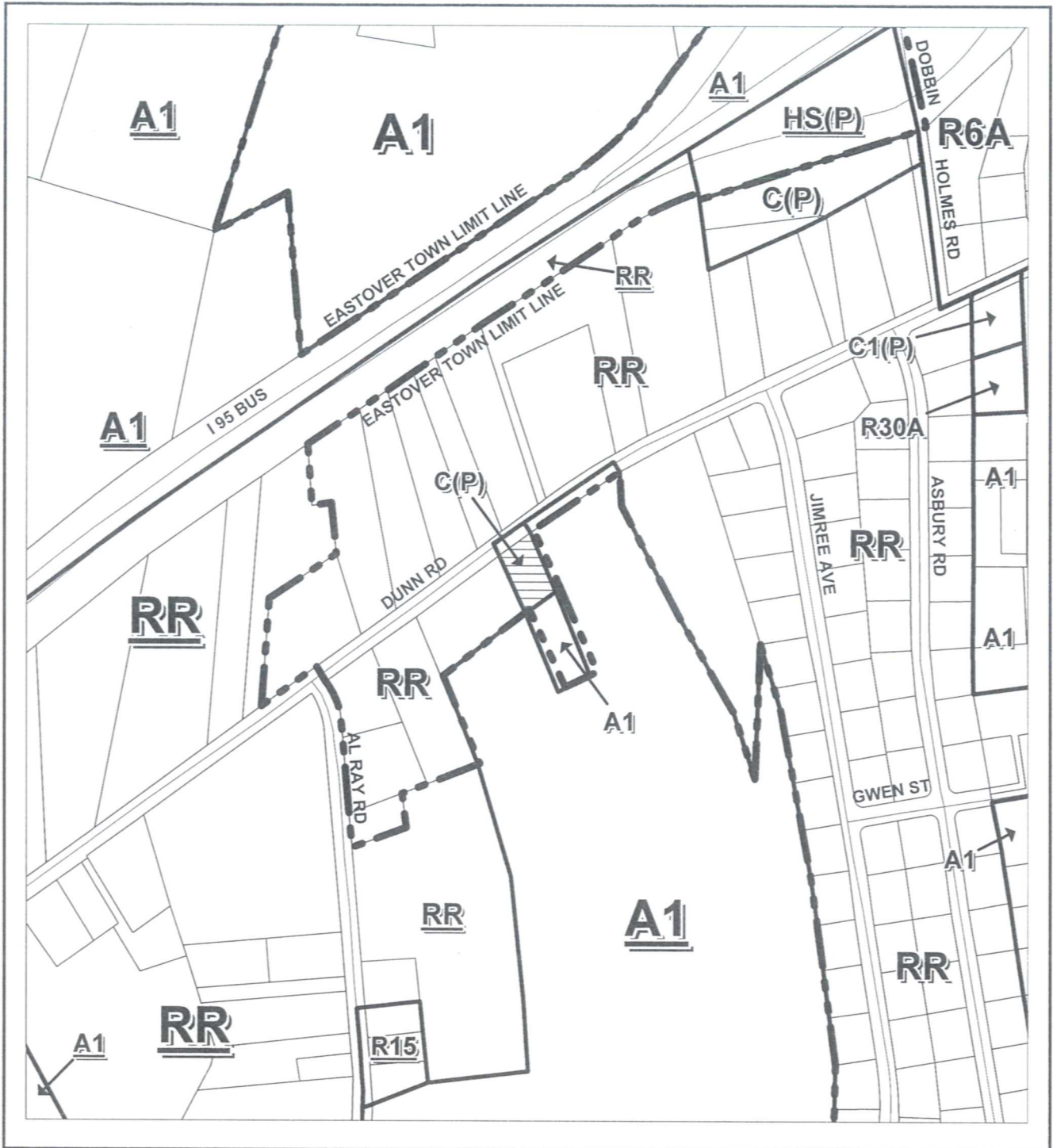
**Notes:**

1. Density:  
R20 – 1 lot/unit
  
2. Minimum Yard Setback Regulations:

<b><u>R20</u></b>	<b><u>C(P)</u></b>
Front yard: 30'	Front yard: 50'
Side yard: 15'	Side yard: 30'
Rear yard: 35'	Rear yard: 30'

**First Class and Record Owners' Mailed Notice Certification**

*A certified copy of the tax record owner(s) of the subject and adjacent properties and their tax record mailing address is contained within the case file and is incorporated by reference as if delivered herewith. The record owners' certified receipt of notice is also included.*



## REQUESTED REZONING C(P) TO R20

<b>ACREAGE: 0.60 AC.+/-</b>		<b>HEARING NO: P11-38</b>	
ORDINANCE: EASTOVER	HEARING DATE	ACTION	
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

PIN: 0458-41-2053

WL