

Lori Epler,  
Chair  
Cumberland County

Roy Turner,  
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*

May 10, 2011

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

Walter Clark,  
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 May 17, 2011 Board Meeting

**P11-18:** REZONING OF 3.06+/- ACRES FROM A1A AGRICULTURAL TO C(P) PLANNED COMMERCIAL/CZ CONDITIONAL ZONING DISTRICT FOR A "FOR PROFIT" RECREATION/AMUSEMENT FACILITY, INDOOR AND OUTDOOR OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 8640 BURNETT ROAD; SUBMITTED BY RONALD W. AND JENNIFER WOOD LEWIS (OWNERS).

The Planning & Inspections Staff recommends conditional approval of the requested rezoning to a C(P) Planned Commercial/Conditional Zoning District [C(P)/CZ] for the "for profit" indoor and outdoor recreation/amusement facility, specifically used as a museum and for weddings, reunions and school tours, based on the following:

1. Although the request is not consistent with the Northeast Cumberland Area Plan, which calls for "farmland" in this area, with the voluntary restriction of uses typically allowed within the C(P) district to the stated uses in the application, the site plan as proposed and the conditions placed on the permit, the request affords protection to the character of the community;
2. The request for the subject property is also not consistent with the location criteria of the Land Use Policies of the 2030 Growth Vision Plan in that public water and sewer is not available and the property is not located within an activity node; however, the request is reasonable since the uses proposed could be a valuable asset as a historical and educational resource for the County; and
3. The property owners' request to reserve area for a future sidewalk rather than construct a sidewalk is also reasonable and will ensure that this development retains the character of the surrounding area, satisfies the public purposes of the ordinance and will aid in ensuring that this development conforms to and is compatible with the development of the surrounding land uses.

There are no other suitable zoning districts to be considered for this request and the property owner has voluntarily agreed to this staff recommendation and all attached "Ordinance Related Conditions."

#### Attachments:

- 1 – Site Profile
- 2 – Rezoning Sketch Map
- 3 – Site Plan
- 4 – Ordinance Related Conditions
- 5 - Application

**P11-18**  
**SITE PROFILE**

**P11-18:** REZONING OF 3.06+/- ACRES FROM A1A AGRICULTURAL TO C(P) PLANNED COMMERCIAL/CZ CONDITIONAL ZONING DISTRICT FOR A “FOR PROFIT” RECREATION/AMUSEMENT FACILITY, INDOOR AND OUTDOOR OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 8640 BURNETT ROAD; SUBMITTED BY RONALD W. AND JENNIFER WOOD LEWIS (OWNERS).

**Site Information:**

**Frontage & Location:** 663.80’+/- on SR 1812 (Burnett Road)

**Depth:** 221.91’+/-

**Jurisdiction:** Cumberland County

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

**Current Use:** 1 dwelling

**Initial Zoning:** A1 - November 24, 1980 (Area 14); rezoned to A1A July 16, 2001

**Nonconformities:** None

**Zoning Violation(s):** None

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

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

**Northeast Cumberland Plan:** Farmland

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

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

**Soil Limitations:** None

**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, “Ordinance Related Conditions” apply

**Average Daily Traffic Count (2006):** 260 on SR 1812 (Burnett Road)

**Highway Plan:** Burnett Road is identified in the Highway Plan as a major thoroughfare. Current right-of-way is adequate at 60 feet. There are no recommended improvements

**Notes:**

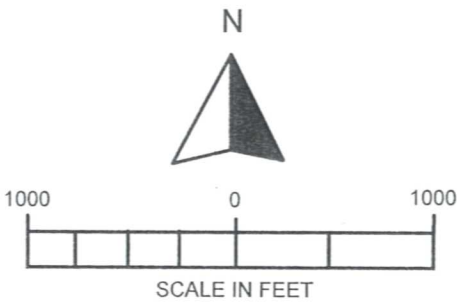
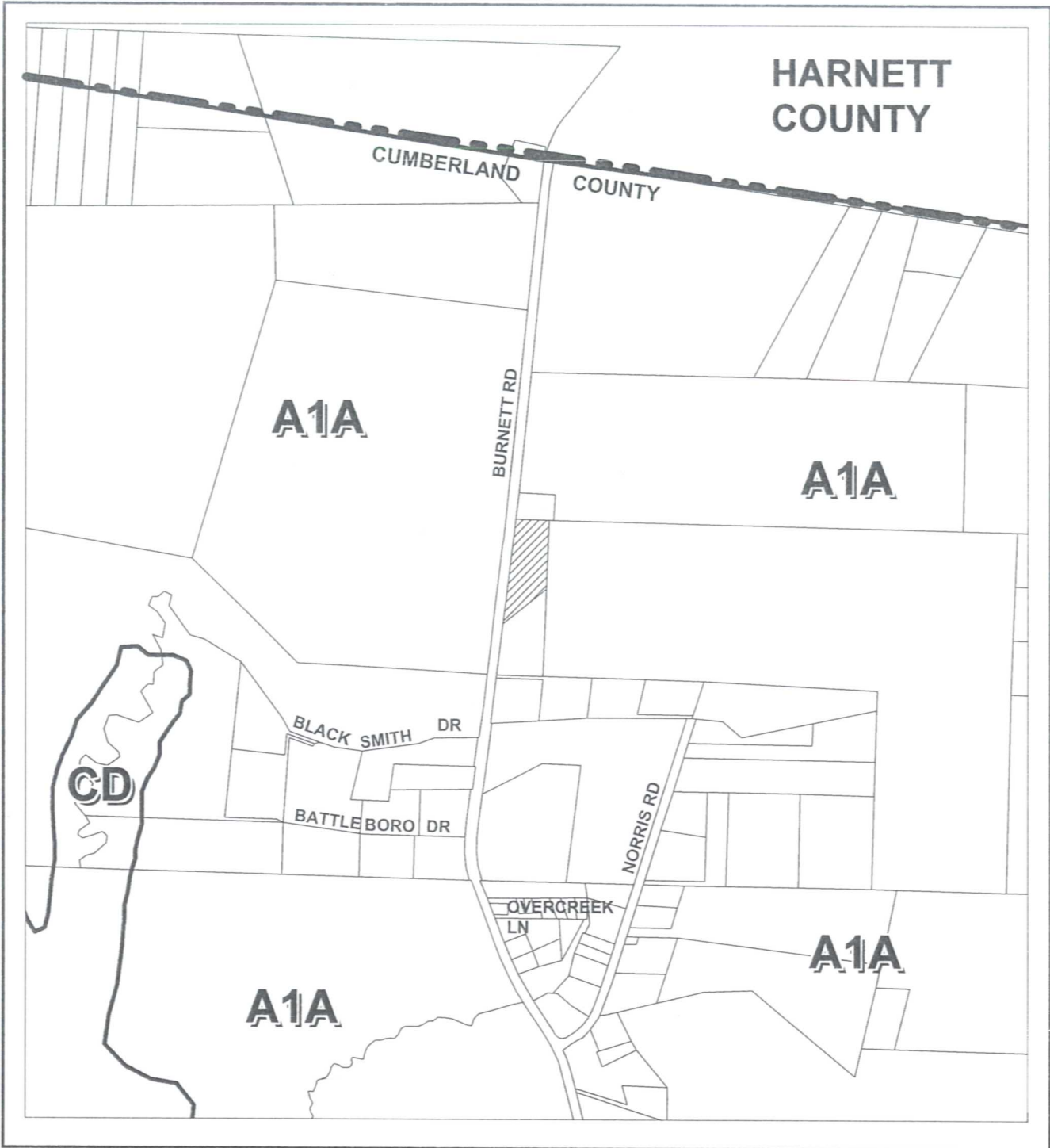
1. Density:  
A1A – 3 lots/units
  
2. Minimum Yard Setbacks Regulations:

<u>A1A</u>	<u>C(P)</u>
Front yard: 50’	Front yard: 50’
Side yard: 20’	Side yard: 30’
Rear yard: 50’	Rear yard: 30’

Note: Aversboro Viewshed front yard setback is 70’ regardless of the zoning district
  
3. Uses requested:
  - Museum
  - Weddings
  - Reunions
  - School Tours

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

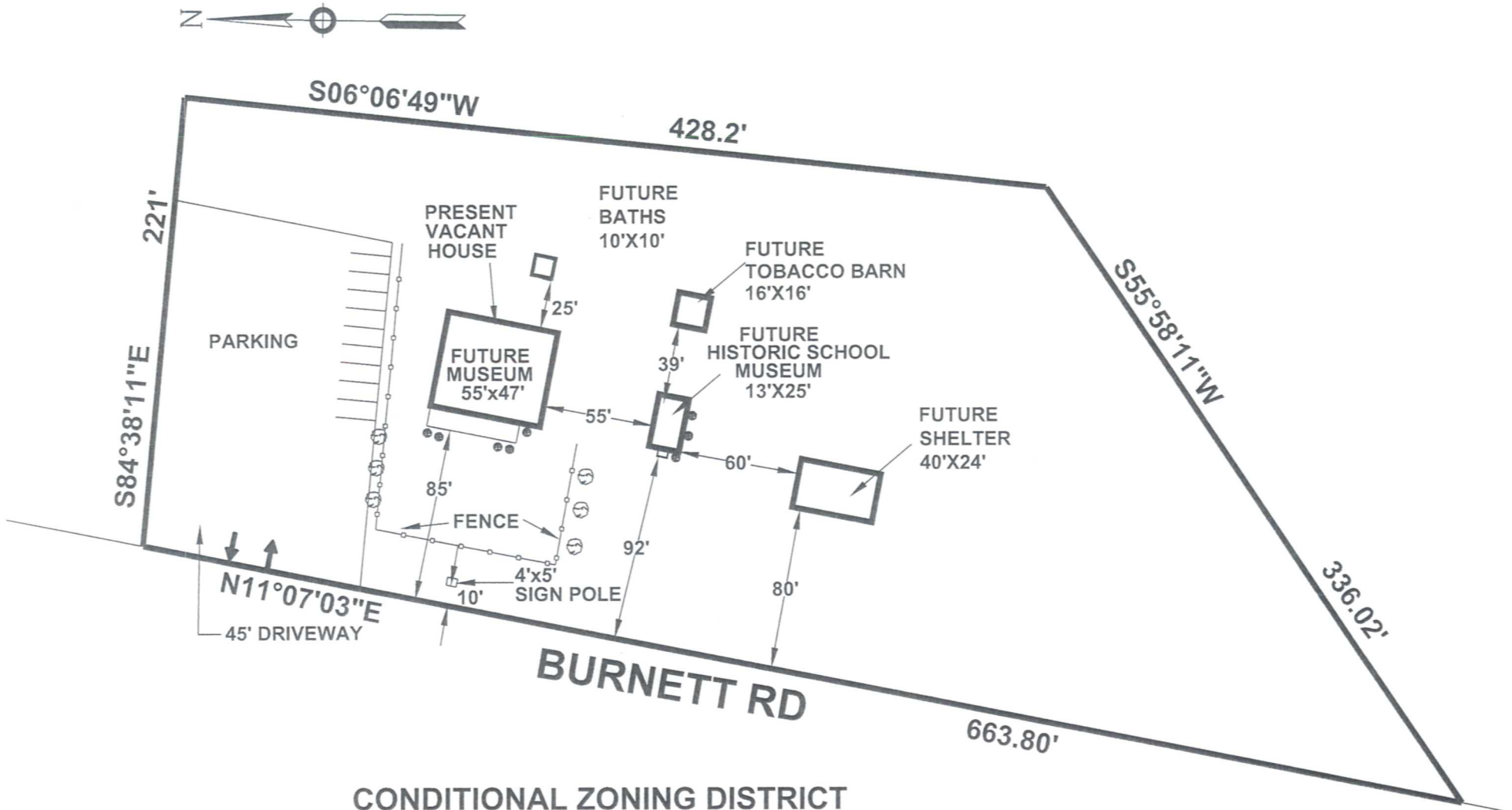
*A certified copy of the tax record owner(s) of the subject and adjacent properties and their tax record mailing address is contained within the case file and is incorporated by reference as if delivered herewith. The record owners’ certified receipt of notice is also included.*



PIN: 0594-54-3768

## REQUESTED REZONING A1A TO C(P)/CZ

<b>ACREAGE: 3.06 AC.+/-</b>	<b>HEARING NO: P11-18</b>	
ORDINANCE: COUNTY	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		



**CONDITIONAL ZONING DISTRICT**  
**REQUEST: A "FOR PROFIT" RECREATION/AMUSEMENT FACILITY,**  
**INDOOR AND OUTDOOR**  
**CASE: P11-18    ACREAGE: 3.06 AC ±**  
**ZONED: A1A    SCALE: NTS**  
**PARKING: 11 SPACES**

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

## **Conditional Zoning**

DRAFT

### Ordinance Related Conditions for the Permit

#### **Pre- Permit Related:**

1. Prior to development/building permits being issued the developer must submit three copies of a revised site plan to the Land Use Codes Section addressing the following:
  - a. All required off-street parking spaces are required to be a minimum of 9' x 20'. A minimum of eight off-street parking spaces is required for the museum, plus one space for each four persons in design capacity of the other buildings/shelters to be used for weddings, reunions and tours. If the museum is to be operated at the same time as weddings and reunions, the required parking for the museum cannot be counted for the required parking for the wedding and reunion uses. (Note: Information regarding design capacity must be provided in addition to operating hours for the museum.)
  - b. Landscaping must be provided in accordance with Section 1102 N, Landscaping, County Zoning Ordinance. The following are the minimum standards for the required landscaping of this site:
    - a. Thirteen large shade trees or 26 small ornamental trees within the front yard setback area;
    - b. Two large shade trees and 22 shrubs are required in the building yard area; and
    - c. Depending on the number of off-street parking spaces required, additional landscaping may be necessary.

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.

#### **Permit-Related:**

2. 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.
3. All required building and zoning permits for every structure, existing and proposed, must be obtained prior to any building final inspection and/or commencement of the non-residential use of the subject property.
4. The County Health Department must approve water and 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)
5. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
6. 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.

7. 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.
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 C(P)/CZ zoning district for the proposed museum, weddings, reunions, and school tours uses and the conditions placed upon the permit must be complied with, as applicable. Note: No uses other than those specifically stated are permitted on this site.
10. 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.)
11. An area along NC HWY 82 (SR 1812 Burnett Road) must be reserved for future sidewalk construction.
12. 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)
13. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision Ordinance)
14. 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.
15. Turn lanes may be required by the NC Department of Transportation (NCDOT).
16. 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.
17. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.
18. 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.

**Other Conditions:**

19. The applicant is advised to consult an expert on wetlands before proceeding with any development.
20. 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.

**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 Inspection:	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
Ground Water Issues:	Matt Rooney	678-7625
County Public Utilities/NORCRESS:		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
Tax Parcel Numbers:		678-7549
NCDOT (driveways/curb-cuts):	Gary Burton	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: Ronald Wayne Lewis + Wife Jennifer
- 2. ADDRESS: 3674 River Rd Wade NC ZIP CODE: 28395
- 3. TELEPHONE: (Home) 910-323-1903 (Work) 910-489-2907
- 4. Location of Property: 8640 Burnette Rd Dunn N.C.  
28334
- 5. Parcel Identification Number (PIN #) of subject property: 0594-54-3768  
(also known as Tax ID Number or Property Tax ID)
- 6. Acreage: 3.06 Frontage: 6663.80 Depth: 366.02
- 7. Water Provider: Well
- 8. Septage Provider: Tank
- 9. Deed Book 7220, Page(s) 091, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
- 10. Existing use of property: Vacant House
- 11. Proposed use(s) of the property: Museum, Weddings,  
reunions, School Tours

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

12. It is requested that the foregoing property be rezoned FROM: A1A

- TO: (select one)
- Conditional Use District, with an underlying zoning district of C(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 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.)

Civil War Museum, Weddings, Reunions  
School Tours, House Built in 1793, used as a  
Hospital during civil war, still has cannon ball holes  
from civil war,

- 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.

NA

2. DIMENSIONAL REQUIREMENTS:

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

See site Plan

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

See site Plan

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.

See site Plan  
4x5

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.

↓ Ronald + Jennifer Lewis

NAME OF OWNERS (PRINT OR TYPE)

3674 River Rd Wade N.C. 28395


ADDRESS OF OWNER(S)

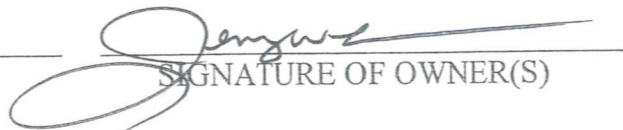
910-323-1903

HOME TELEPHONE #

910 489-2907

WORK TELEPHONE #

  
SIGNATURE OF OWNER(S)

  
SIGNATURE OF OWNER(S)

✓ Ronald W. + Jennifer W Lewis  
 NAME OF AGENT, ATTORNEY, APPLICANT (by assign) (PRINT OR TYPE)

3674 River Rd. Wade NC 28395  
 ADDRESS OF AGENT, ATTORNEY, APPLICANT

910-323-1903 HOME TELEPHONE #      Cell 910-489-2907 WORK TELEPHONE #

Ronald W. Lewis  
 SIGNATURE OF AGENT, ATTORNEY OR APPLICANT

- \* **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 May 17, 2011 Board Meeting

**P11-22:** REZONING OF 23.78+/- ACRES FROM A1 AGRICULTURAL TO R15 RESIDENTIAL 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).

The Planning & Inspections Staff recommends denial of the request for the R15 Residential district but approval of the R20 Residential district for this request based on the following:

1. The request for R15 Residential for the subject property is not consistent with the location criteria for "rural density residential" as listed in the Land Use Policies Plan of the 2030 Growth Vision Plan as public water and sewer are required but not available; the recommendation of R20 Residential does meet the location criteria for the Policies Plan;
2. The R20 Residential district is in character and consistent with the surrounding land use.

The R30 and R40 Residential districts could also be considered suitable for this request.

The applicant has verbally agreed to the Staff recommendation of the R20 Residential district.

**Attachments:**

- 1 – Site Profile
- 2 – Sketch Map

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

**P11-22:** REZONING OF 23.78+/- ACRES FROM A1 AGRICULTURAL TO R15 RESIDENTIAL 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), farmland & woodlands

**2030 Growth Strategy Map:** Rural

**Proposed North Central Area Plan:** Suburban

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

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

**Soil Limitations:** None

**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, review and approval required prior to development

**Sewer Service Area:** n/a

**Average Daily Traffic Count (2006):** 5,700 on US 401 (Ramsey Street)

**Highway Plan:** Ramsey Street is identified in the highway plan as a major thoroughfare. This proposal calls for a multi-lane facility (R-2609) with a ROW of 300 feet. Road improvements are included in the 2009-2015 MTIP

**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 Setbacks Regulations:

**A1**

Front yard: 50'

Side yard: 20'

Rear yard: 50'

**R40, R30 & R20**

Front yard: 30'

Side yard: 15'

Rear yard: 35'

**R15**

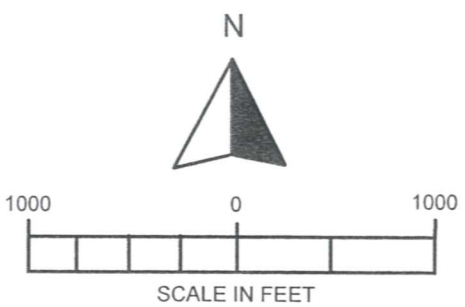
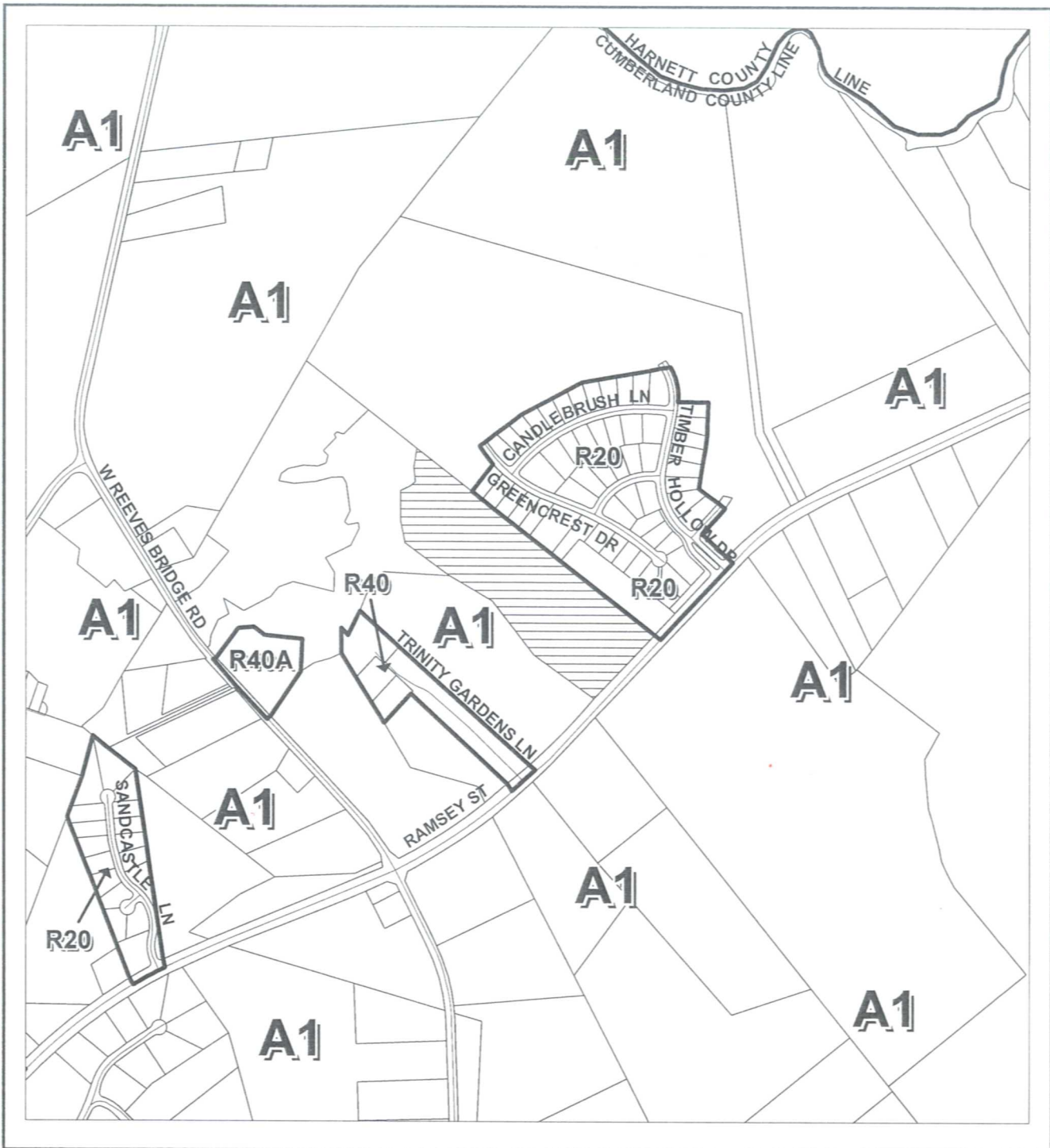
Front yard: 30'

Side yard: 10'

Rear yard: 35'

**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 A1 TO R15

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

PIN: 0554-55-1475

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### **MEMORANDUM**

**TO:** Cumberland County Joint Planning Board

**FROM:** Planning & Inspections Staff

**SUBJECT:** Staff Recommendation for May 17, 2011 Board Meeting

**P11-24:** REZONING OF 11.57+/- ACRES FROM A1 AGRICULTURAL TO R20 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT THE SOUTHWEST QUADRANT OF H BULLARD ROAD AND CYPRESS LAKES ROAD, SUBMITTED BY CHARLES H. AND CHARLES T. GARDNER (OWNERS).

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

1. The district requested is consistent with the 2030 Growth Vision Plan, which calls for "urban area" at this location, as well as meeting the location criteria for suburban density residential development as listed in the Land Use Policies Plan; and
2. The request is consistent with surrounding zoning and land uses.

The R30 and R40 Residential districts could also be considered suitable for this request.

Attachments:

- 1 – Site Profile
- 2 – Sketch Map

**P11-24**  
**SITE PROFILE**

**P11-24:** REZONING OF 11.57+/- ACRES FROM A1 AGRICULTURAL TO R20 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT THE SOUTHWEST QUADRANT OF H BULLARD ROAD AND CYPRESS LAKES ROAD, SUBMITTED BY CHARLES H. AND CHARLES T. GARDNER (OWNERS).

**Site Information:**

**Frontage & Location:** 1,000.00'+/- on SR 2240 (H Bullard Road) & 200.00'+/- on SR 2239 (Cypress Lakes Road)

**Depth:** 660.00'+/-

**Jurisdiction:** Cumberland County

**Adjacent Property:** No

**Current Use:** 3 residential structures & woodlands

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

**Nonconformities:** If approved, existing manufactured dwellings will become nonconforming

**Zoning Violation(s):** None

**Surrounding Zoning:** North: A1 & R15; South and East: A1 & RR; West: A1

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

**2030 Growth Strategy Map:** Urban

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

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

**Fayetteville Sewer Service Area:** Yes

**Soil Limitations:** None

**School Capacity/Enrolled:** Alderman Road Elementary: 750/715; Gray's Creek Middle: 1,000/911; Gray's Creek High: 1,270/1,236

**Subdivision/Site Plan:** If approved, plan review and approval required prior to development

**Sewer Service Area:** n/a

**Average Daily Traffic Count (2008):** 630 on SR 2240 (H Bullard Road) & 1,200 on SR 2239 (Cypress Lakes Road)

**Highway Plan:** Cypress Lakes Road is identified in the Highway Plan as a major thoroughfare. The plan calls for widening to a multi-lane facility (4 lanes) with a ROW of 110 feet

**Notes:**

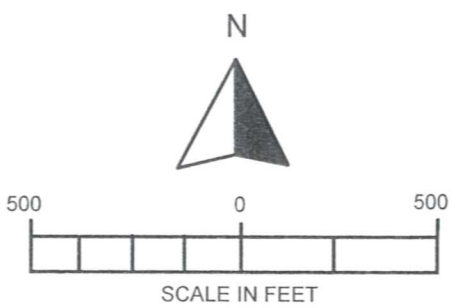
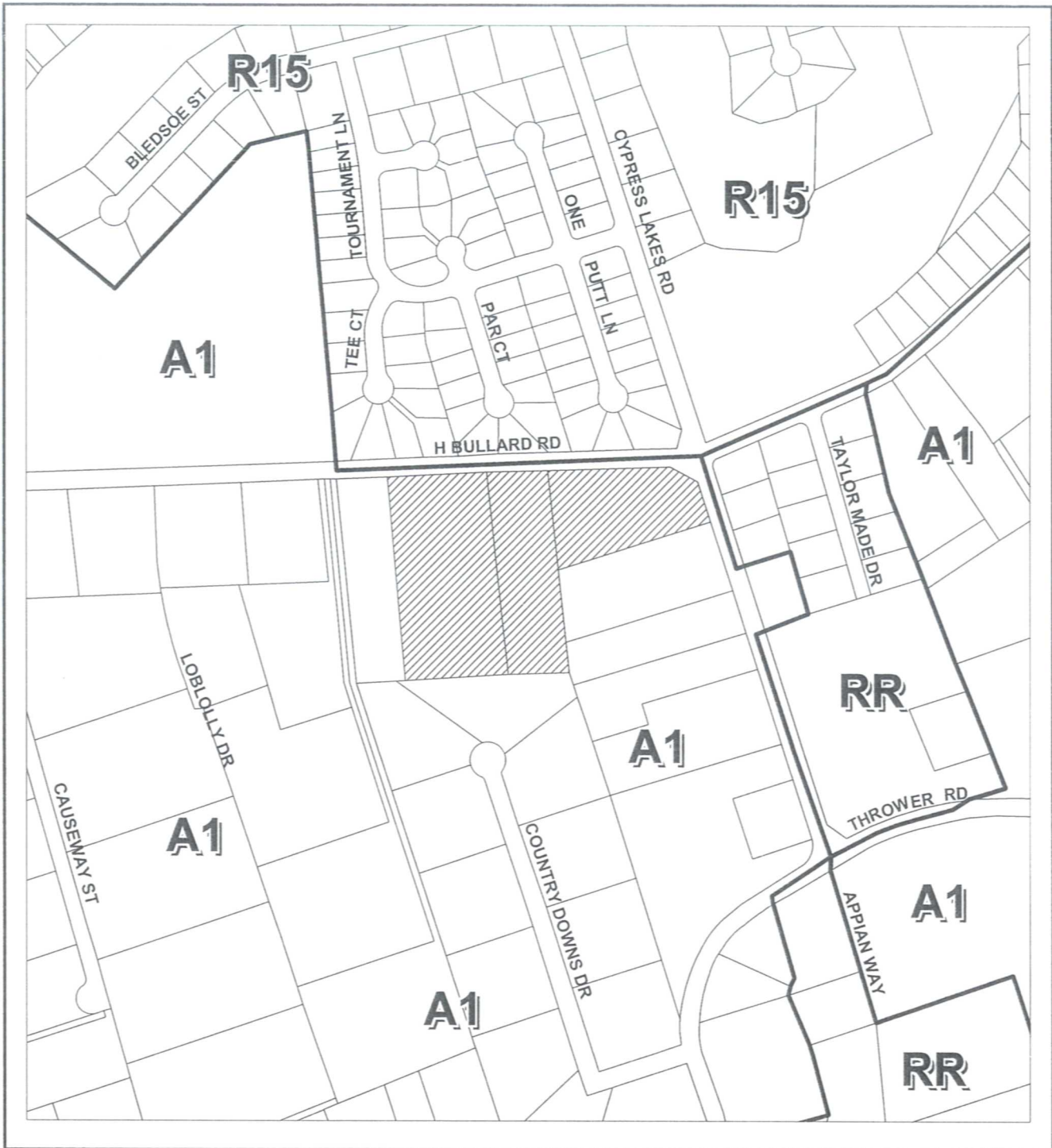
1. Density minus 15% for R/W:  
A1 – 5 lots/units  
R40 – 11 lots/units  
R30 – 14 lots/units  
R20 – 21 lots/units
  
2. Minimum Yard Setback Regulations:

<b><u>A1</u></b>	<b><u>R40, R30 &amp; R20</u></b>
Front yard: 50'	Front yard: 30'
Side yard: 20'	Side yard: 15'
Rear yard: 50'	Rear yard: 35'

**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.*





## REQUESTED REZONING A1 TO R20

<b>ACREAGE: 11.57 AC.+/-</b>		<b>HEARING NO: P11-24</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: 0432-72-4683  
 PIN: 0432-72-7654  
 PIN: 0432-82-0855

**11-042**  
**SITE PROFILE**

**CASE NO. 11-042.** CONSIDERATION OF THE FRANCINE KELLY PROPERTY, GROUP DEVELOPMENT REVIEW, REQUEST FOR A WAIVER FROM THE 20 FOOT MINIMUM ACCESS REQUIREMENT, COUNTY SUBDIVISION ORDINANCE, SECTION 2401 D STREET ACCESS; ZONED: R6A; TOTAL ACREAGE: 1.14+/-; LOCATED AT 643 HILLEY STREET; SUBMITTED BY FRANCINE KELLY (OWNER). (HOPE MILLS MIA/COUNTY JURISDICTION)

**Summary of Request**

The developer is requesting a waiver from the requirement to a minimum of 20 feet of direct vehicular access to either a public or approved private street. The existing named dirt trail is not an approved street, but was named for E911 purposes. The developer has requested to use a 20 foot wide easement to satisfy the access requirement. The developer intends to convert an existing storage building into a dwelling unit.

**Site Information:**

**Frontage & Location:** 0.00' +/- [off of SR 1118 (Parkton Road)]

**Depth:** 440.00' +/-

**Jurisdiction:** Cumberland County

**Municipal Influence Area (MIA):** Hope Mills

**Adjacent Property:** Yes, has road frontage along SR 1118 (Parkton Road)

**Nonconformities:** Yes, landlocked property

**Water & Sewer:** Well / Septic

**Special Flood Hazard Area (SFHA):** No

**Applicable County Subdivision Ordinance Provisions**

**Section 2302 AREA-SPECIFIC STANDARDS, A, *Municipal Influence Areas.*** The Board of Commissioners by interlocal agreement may approve and establish a Municipal Influence Area (MIA) for a municipality. All development located within a municipality's MIA shall be developed in accordance with the subdivision design standards officially adopted by the affected governing bodies. The development standards for each municipality are attached to this ordinance as "Exhibit 5" and entitled MIA Development Standards. The official MIA map – see Exhibit 4 – shall be maintained by the Planning and Inspections Department and kept on file with the office of the Clerk to the County Board of Commissioners.

**Section 2401 GROUP DEVELOPMENT, D. *Street access.*** The property to be developed must have a boundary line or lines contiguous with and giving direct vehicular access to and from on or more public streets, or private streets with public access approved in accordance with Section 2304. Group developments in the form of apartment complexes or unit ownership (i.e., condominium or townhouse) developments with owners' associations legally obligated to maintain vehicular access and circulation drives shall not be subject to the private street standards specified in Section 2304.

**Attachments**

1 - Sketch Map

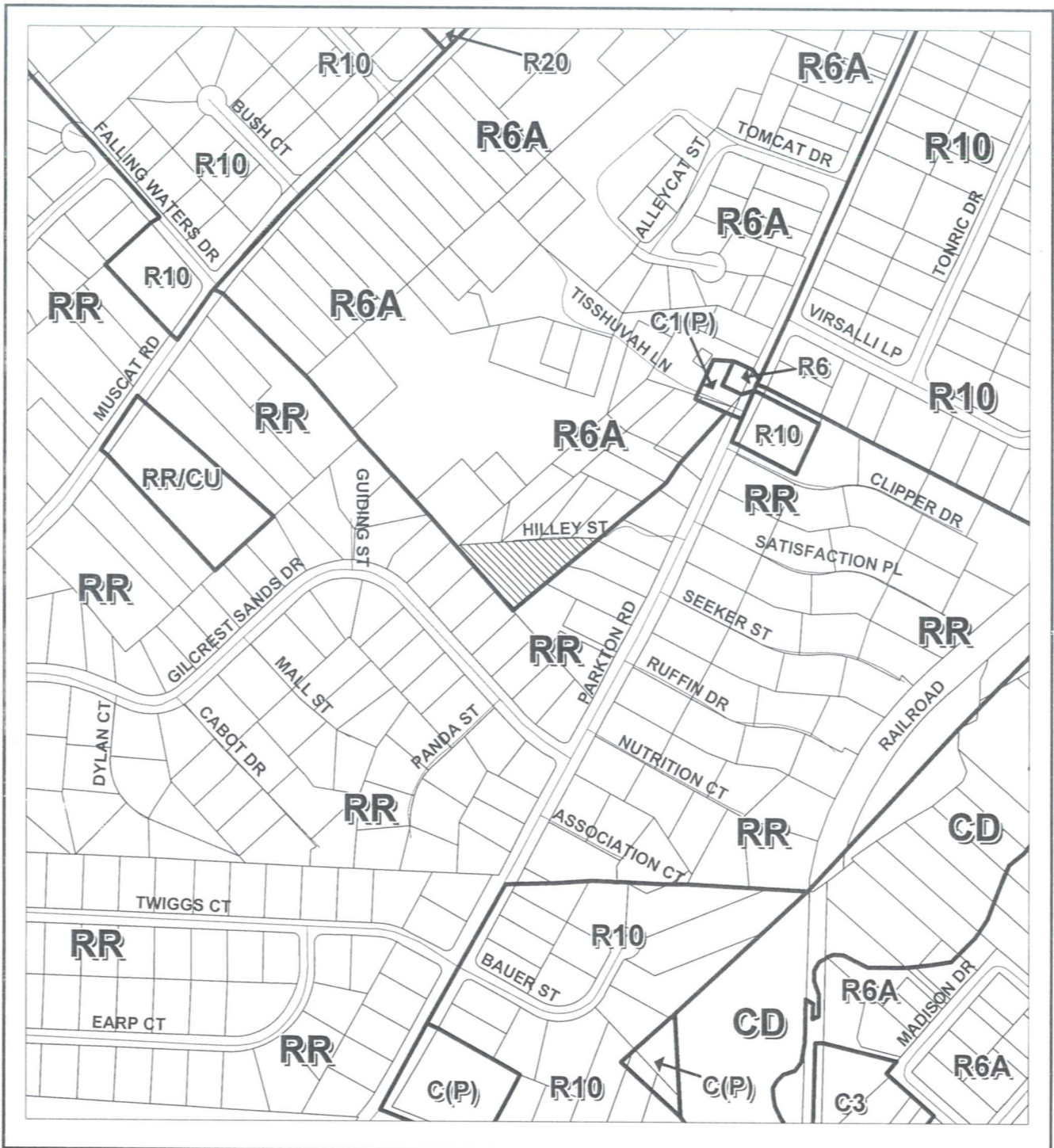
2 - Group Development Sketch

3 - Aerial Photo

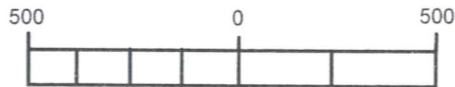
4 - Application for Waiver

5 - Conditions of Approval

6 - Town of Hope Mills Recommendation



N



SCALE IN FEET

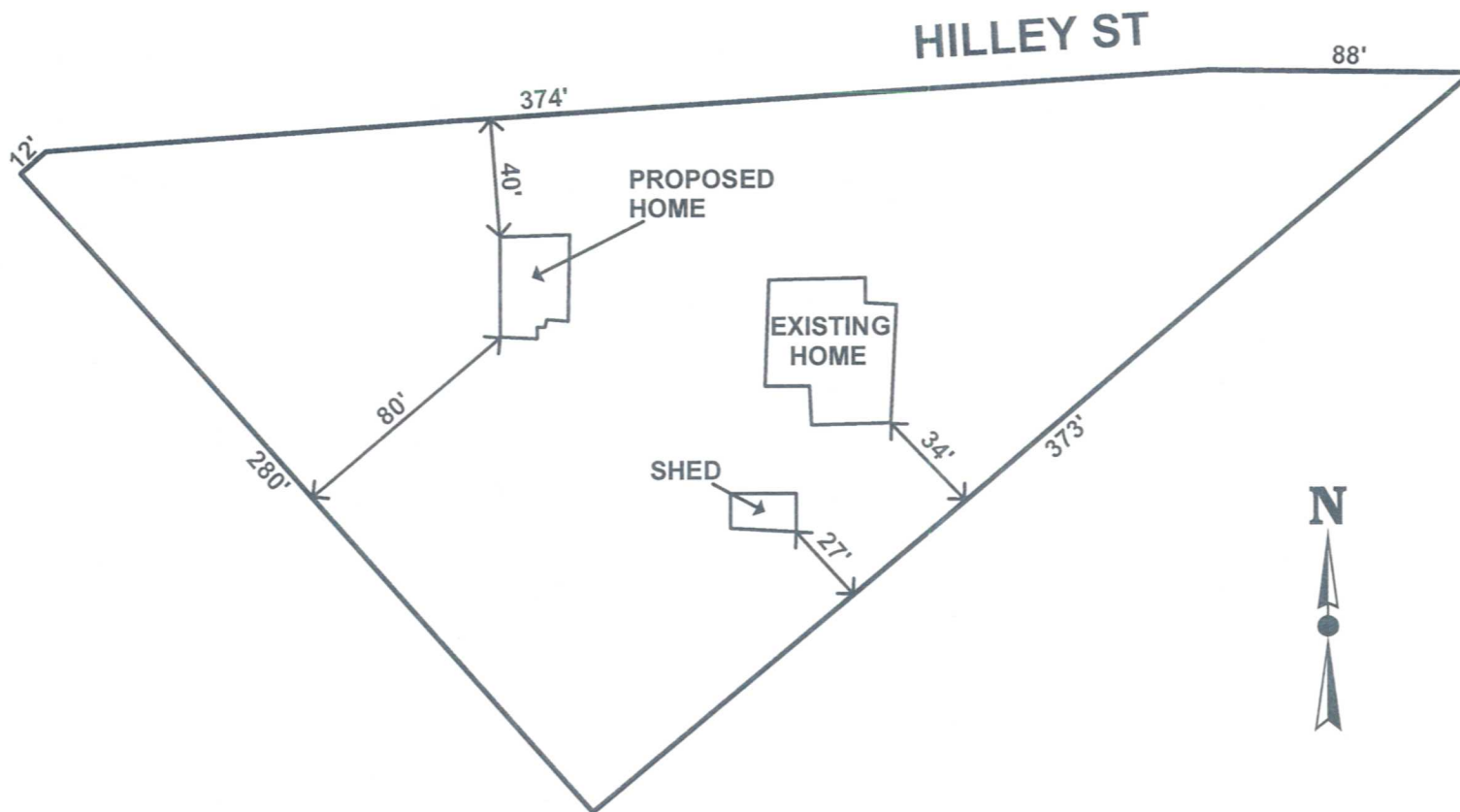
## COUNTY SUBDIVISION ORDINANCE WAIVER

ACREAGE: 1.14 AC.+/-	HEARING NO: 11-042	
ORDINANCE: COUNTY	HEARING DATE	ACTION
GOVERNING BOARD		

PIN: 0413-46-7318

WL

4-29-11



**CONSIDERATION OF THE FRANCINE KELLY PROPERTY  
REQUEST: FOR A WAIVER FROM MINIMUM ACCESS REQUIREMENT  
CASE: 11-042 ACREAGE: 1.14+/-  
ZONED: R6A SCALE: 1"=60'**



R10

R6A

R10

R6A

RR

RR

SUBJECT PROPERTY

R6A

C1(P)

R6

R10

R10

RR /CU

CLIPPER DR

RR

EASEMENT

HILLEY ST

SATISFACTION PL

SEEKER ST

CD

GILCREST SANDS DR

MALL ST

RUFFIN DR

R6A

CD

COPEL CT

RELIANT PL

DYLAN CT

CABOT DR

PANDA ST

NUTRITION CT

ASSOCIATION CT

TWIGGS CT

C(P)

R10

C3

RR

C(P)

R6A

BAUER ST

MADISON DR

**TO THE CUMBERLAND COUNTY JOINT PLANNING BOARD,  
FAYETTEVILLE, NORTH CAROLINA:**

I (We), the undersigned, hereby submit this application, and petition the Cumberland County Joint Planning Board to consider this request specified below and as provided for under the terms of the Zoning Ordinance. In support of this petition, the following facts are submitted:

LOCATION OF PROPERTY: 1043 Hilley Street  
OWNER: FRANCINE Kelly  
ADDRESS: P O Box 391 Hope Mills ZIP CODE: 28348  
TELEPHONE: HOME 868-1567 WORK \_\_\_\_\_  
AGENT: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
TELEPHONE: HOME \_\_\_\_\_ WORK \_\_\_\_\_

**APPLICATION FOR JOINT PLANNING BOARD CONSIDERATION  
As required by the Zoning Ordinance**

- A. Parcel Identification Number (PIN #) of subject property: 0413.01-46-7318  
(also known as Tax ID Number or Property Tax ID)
- B. Acreage: 1.5 Frontage: 330 Depth: 440
- C. Water Provider: WELL
- D. Septage Provider: ON LOCATION
- E. Deed Book 4252, Page(s) 0742, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
- F. Existing and/or proposed use of property: SINGLE Family Dwelling
- G. Section and provision of the Cumberland County Zoning Ordinance from which consideration is requested:  
SECTION 1101 - B
- H. Nature and extent of hardship involved in strict application of the County Zoning Ordinance – attach additional sheet if necessary:  
THE ROAD ESCOT SINCE 1941. I WANT TO CONVERT THE STORAGE BUILDING INTO A LIVING CONDITION.

Lori Epler,  
Chair  
Cumberland County

Roy Turner,  
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,  
Sara E. Piland,  
Cumberland County

Benny Pearce,  
Town of Eastover

Donovan McLaurin  
Wade, Falcon, & Godwin

DRAFT

STAFF REVIEW: 04-21-11 PLANNING BOARD DECISION: 05-17-11

CASE NO: 11-042 NAME OF DEVELOPMENT: FRANCINE KELLY PROPERTY

MIA: HOPE MILLS GROUP DEVELOPMENT REVIEW

LOCATION: 643 HILLEY STREET ZONING: R6A

PIN: 0413-46-7318-

OWNERS / DEVELOPER: FRANCINE KELLY ENGINEER OR DESIGNER: N/A

STAFF RECOMMENDATION:

- PRELIMINARY
- EXTENSION  REVISION
- CONDITIONAL APPROVAL
- 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:

**Pre- Permit Related:**

1. At the time of application for permits, developer must provide the Code Enforcement Section a copy of a recorded minimum 20-foot wide "ingress/egress easement" assuring the subject property access to SR 1118 (Parkton Road). **(Note: Properties which are legal lots of record but are landlocked must be able to provide proof of access prior to permits being granted.)**

**Permit-Related:**

2. 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.
3. The County Health Department must approve water and 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)
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.

**Site-Related:**

8. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Zoning Ordinances for the R6A zoning district must be complied with, as applicable.
9. 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)
10. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision Ordinance)
11. If driveways are changed or added to SR 1118 (Parkton Road), the developer must obtain a driveway permit from the NC Department of Transportation (NCDOT). If required, a copy of the approved driveway permit must be provided to Code Enforcement at the time of application for building/zoning permits.

**Other Relevant Conditions**

12. The applicant is advised to consult an expert on wetlands before proceeding with any development.
13. The existing storage proposed to be converted to a dwelling unit will be required to comply with the residential provisions of the NC Building Code. The developer must contact Building Inspections for information regarding the residential conversion process.
14. 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.
15. The developer has submitted a request for an access waiver (Section 2401 D, Street Access, County Subdivision Ordinance). The Cumberland County Joint Planning Board will hear this case on May 17, 2011. If approved, this conditional approval applies to the current group development submittal only. The access waiver does not apply to any future development or any subdivision of the subject or surrounding properties.

**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 Building Inspector:	Gary Faulkner	321-6648



County Engineer's Office:	Wayne Dudley	678-7636
County Health Department:	Daniel Ortiz	433-3680
Ground Water Issues:	Matt Rooney	678-7625
Town of Hope Mills:		424-4555*
Asst. Town Manager/Town Clerk:	Melissa P. Adams	
Chief Building Inspector:	Mike Bailey	
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
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

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



# TOWN OF HOPE MILLS

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

## MEMORANDUM

**TO:** Cumberland County Planning Board

**FROM:** Melissa P. Adams, MMC Town Clerk *MA*

**DATE:** May 3, 2011

**SUBJECT: CASE NO. 11-042**  
Hope Mills Municipal Influence Area  
Cumberland County Jurisdiction

**CASE NO. 11-042.** CONSIDERATION OF A RECOMMENDATION ON THE FRANCINE KELLY PROPERTY; REQUEST FOR A WAIVER FROM MINIMUM ACCESS REQUIREMENT, COUNTY SUBDIVISION ORDINANCE, SECTION 2401 D STREET ACCESS; ZONED: R6A; TOTAL ACREAGE: 1.14+/-; LOCATED AT 643 HILLEY STREET; SUBMITTED BY FRANCINE KELLY (OWNER). (HOPE MILLS MIA/COUNTY JURISDICTION).

The Hope Mills Board of Commissioners at their May 2, 2011 Regular Meeting voted unanimously to recommend approval of the request for a waiver from the minimum street access for the above referenced case.

If additional information is needed, please let me know.

cc: Randy Beeman, Town Manager  
Mike Bailey, Chief Building Inspector  
Ed Byrne, Cumberland County Planning & Inspections  
File