

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 8, 2008

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

Clifton McNeill, Jr.,  
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 15, 2008 Board Meeting

**P08-15:** REZONING OF 1.77+/- ACRES FROM A1 AGRICULTURAL TO C2(P) PLANNED SERVICE AND RETAIL DISTRICT OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE WEST SIDE OF NC HWY 87 SOUTH, NORTH OF PUMMILL ROAD, SUBMITTED BY HENRIETTE S. PUMMILL, OWNED BY PUMMILL FAMILY TRUST.

The Planning & Inspections Staff recommends approval of the request for C2(P) Planned Service and Retail district based on the following:

1. Even though the request is not consistent with the 2010 Land Use Plan, since the time the Plan was adopted, the right-of-way for NC HWY South has been widened and public utilities have been made available in this area;
2. The request is reasonable due to the immediate area transitioning to primarily non-residential uses and is consistent with the uses within the surrounding area; and
3. Upon development, connection to public utilities will be required.

The O&I(P) Planned Office and Institutional and the C1(P) Local Business zoning districts could also be found suitable at this location.

By consensus, the staff agreed that it would be appropriate to limit any future consideration of requests for non-residential zoning districts in this general area to the properties south of SR 2237 (Smith Road).

Attachments:

- 1 - Site Profile
- 2 - Rezoning Sketch Map

**P08-15**  
**SITE PROFILE**

**P08-15:** REZONING OF 1.77+/- ACRES FROM A1 AGRICULTURAL TO C2(P) PLANNED SERVICE AND RETAIL DISTRICT OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE WEST SIDE OF NC HWY 87 SOUTH, NORTH OF PUMMILL ROAD, SUBMITTED BY HENRIETTE S. PUMMILL, OWNED BY PUMMILL FAMILY TRUST.

**Site Information:**

**Frontage & Location:** 70' +/- on NC HWY 87 South

**Depth:** 210.59'+/-

**Jurisdiction:** Cumberland County

**Adjacent Property:** No

**Current Use:** Vacant land

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

**Zoning Violation(s):** None

**Surrounding Zoning:** North: A1 & RR; East: A1, R6A, A1/CU (used motor vehicle sales), R40A, & RR; South: A1 & C(P); West: R6A, RR, C(P)/CUD (mini-warehousing self-storage and retail), & A1

**Surrounding Land Use:** Manufactured home parks (2); fire station; motor vehicle service station; religious worship facility

**2010 Land Use Plan:** Low density residential

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

**Urban Services Area:** Yes

**Water/Sewer Availability:** PWC/PWC on NC HWY 87 S; connection required

**NCDOT:** Limited driveway access will be permitted to NC HWY 87 S, most likely joint access

**Soil Limitations:** None

**School Capacity/Enrolled:** Gray's Creek Elementary: 750/787; Gray's Creek Middle: 495/589; Gray's Creek High: 1270/1143

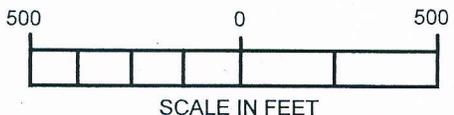
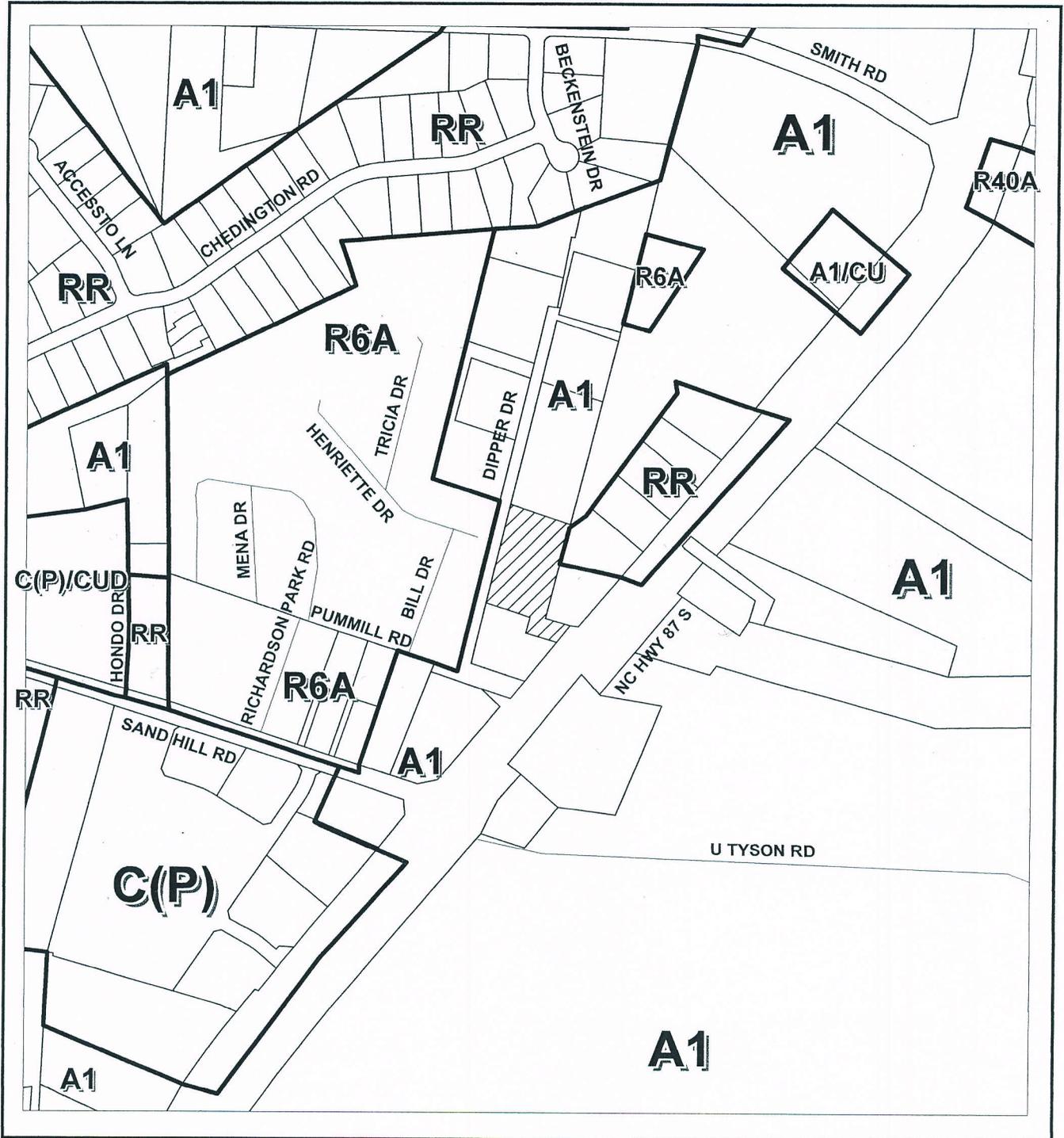
**Subdivision/Site Plan:** Subdivision/site plan approval required prior to permits

**Average Daily Traffic Count (2006):** 13,000 on NC HWY 87 South

**Highway Plan:** No impact on the current Highway Plan or Transportation Improvement Program

*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 C2(P)

<b>ACREAGE: 1.77 AC.+/-</b>		<b>HEARING NO: P08-15</b>	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

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April 8, 2008

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Deputy Director

Clifton McNeill, Jr.,  
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 15, 2008 Board Meeting

**P08-16:** REZONING OF 14.92+/- ACRES FROM A1 AGRICULTURAL TO R40 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE NORTH SIDE OF COUNTY LINE ROAD, EAST OF HENRY SMITH ROAD; SUBMITTED BY JAMES TREY MCLEAN, ATTORNEY; OWNED BY EDWARD & JACQUELINE RIDDLE.

The Planning & Inspections Staff recommends deferral of the request for R40 Residential district for a period of 30 days based on the following:

1. Even though the request is consistent with the 2010 Land Use Plan, there is ground water contamination in the general area; and
2. Rezonings causing an increase in density should not be favorably considered until such time as the ground water contamination issues are resolved and/or possible precautionary causes of action are taken to allow for assured safe development.

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

Attachments:

- 1 - Site Profile
- 2 - Rezoning Sketch Map

**P08-16**  
**SITE PROFILE**

**P08-16:** REZONING OF 14.92+/- ACRES FROM A1 AGRICULTURAL TO R40 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE NORTH SIDE OF COUNTY LINE ROAD, EAST OF HENRY SMITH ROAD; SUBMITTED BY JAMES TREY MCLEAN, ATTORNEY; OWNED BY EDWARD & JACQUELINE RIDDLE.

**Site Information:**

**Frontage & Location:** 130.28+/- on County Line Road

**Depth:** 1560'+/-

**Adjacent Property:** No

**Current Use:** Vacant land

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

**Zoning Violation(s):** None

**Surrounding Zoning:** North & East: A1 & R40; South: R40 & R40A; West: A1 & A1/CU (home-based catering business)

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

**2010 Land Use Plan:** Farmland

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

**Urban Services Area:** No

**Water/Sewer Availability:** Well/Septic (ground water contamination within general vicinity)

**Soil Limitations:** None

**School Capacity/Enrolled:** Gray's Creek Elementary: 750/787; Gray's Creek Middle: 495/589; Gray's Creek High: 1270/1143

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

**Average Daily Traffic Count (2006):** 730 on County Line Road, 610 on Rufus Johnson Road

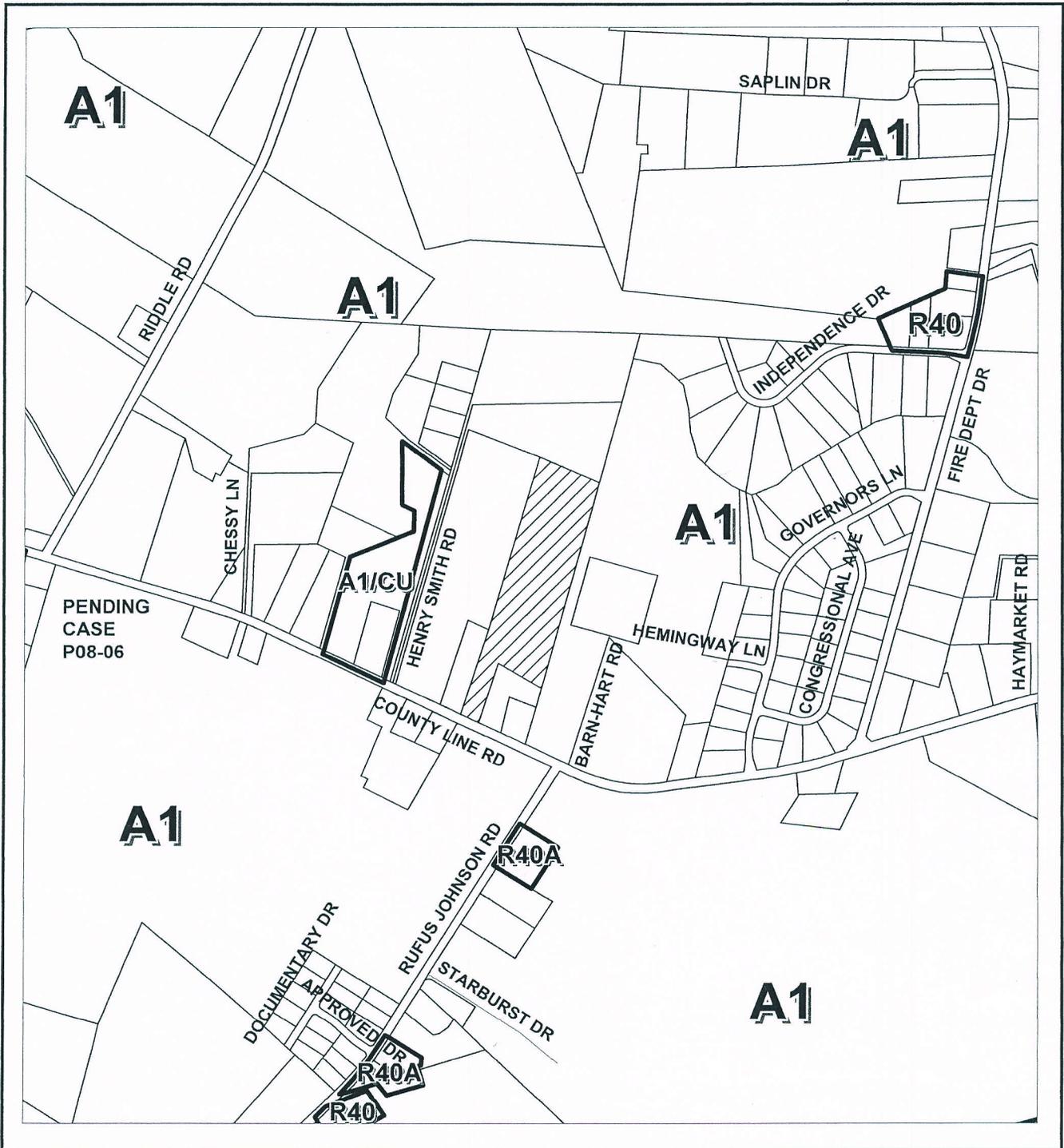
**Highway Plan:** There are no road improvements/constructions specified for this area. This case has no impact on the current Highway Plan or Transportation Improvement Program.

**Notes:**

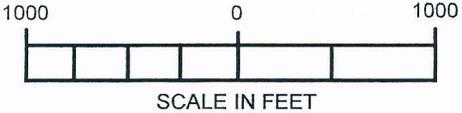
Density (minus 15% for r/w):	A1 - 6 lots/units
	A1A - 12 lots/13units
	R40 - 13 lots/14 units

*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.*



PENDING  
CASE  
P08-06



## REQUESTED REZONING: A1 TO R40

<b>ACREAGE: 14.92 AC.+/-</b>	<b>HEARING NO: P08-16</b>	
<b>ORDINANCE: COUNTY</b>	<b>HEARING DATE</b>	<b>ACTION</b>
<b>STAFF RECOMMENDATION</b>		
<b>PLANNING BOARD</b>		
<b>GOVERNING BOARD</b>		

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## **COUNTY of CUMBERLAND**

### *Planning & Inspections Department*

April 9, 2008

**Thomas J. Lloyd,**  
**Director**

**Cecil P. Combs,**  
**Deputy Director**

Clifton McNeill, Jr.,  
Roy Turner,  
Sara E. Piland,  
Cumberland County

Benny Pearce,  
Town of Eastover

### **MEMORANDUM**

**TO:** County Joint Planning Board

**FROM:** Edward M. Byrne, Planner II, Land Use Codes

**SUBJECT:** CASE NO. 08-070. CONSIDERATION OF A WAIVER FOR THE WILLIE RILES PROPERTY; GROUP DEVELOPMENT REVIEW; SECTION 3.20.D, LOT STANDARDS, COUNTY SUBDIVISION ORDINANCE; REQUEST FOR AN ACCESS WAIVER; ZONING: R6A; TOTAL ACREAGE: 2.18 +/-; LOCATED ON THE NORTH SIDE OF PALM SPRINGS DRIVE, NORTH OF SR 1613 (HONEYCUTT ROAD), WEST OF SR 1600 (MCARTHUR ROAD).

The developer is requesting approval for a second dwelling unit on property that cannot comply with the minimum 20-foot lot frontage standard of the ordinances. The subject property's access is protected by a recorded ingress/egress easement. The recorded access to the subject property is through the existing manufactured home park which surrounds the site along the northern and eastern property lines. The request is supported by the fact that the subject property was an existing legal lot prior to the enforcement of the County Subdivision Ordinance.

In accordance with Section 6.1, Waivers, Cumberland County Subdivision Ordinance, the Planning Board may waive the requirements of this Ordinance, where it finds by resolution that:

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

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

1. Because of the nature of the subject property – existing today the same as it existed prior to the enforcement of the County Subdivision Ordinance – compliance with the group development provisions of the ordinance would cause a special and unnecessary hardship to the property owner and be inequitable;
2. The purposes of the Subdivision and Zoning Ordinances are being served to an equal or greater degree, in that the access to the subject property is protected by means of a 20-foot recorded ingress/egress easement; and
3. The property owner is not being afforded a special privilege denied to others since the Board's past practice has been to grant such waivers in cases with a similar set of facts and circumstances.

Attached you will find the waiver request, draft conditions of approval, site plan sketch, area parcel map and vicinity map. If you have any questions regarding this memorandum, please contact me at 678-7609 or email: [ebyrne@co.cumberland.nc.us](mailto:ebyrne@co.cumberland.nc.us)

cc: Willie Riles, Owner  
Averette Engineering Co., Surveyor/Engineer  
Grainger Barrett, County Attorney  
Cecil B. Combs, Planning & Inspections Deputy Director  
Patti Speicher, Planner III – Land Use Codes



Date Request Submitted: 3-31-08

Planning Board Meeting Date: 4-15-08

Received by: PSS

## Cumberland County Subdivision Ordinance

### *Request for Waiver*

Case No.: 08-070 Case Name: Willie Riles Property

Related Ordinance Section Number(s): 3.20

Summary of Request: ACCESS WAIVER

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:

Lot Existed Prior To 1984

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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:

The drive has a street name and has served this lot since prior to 1984 - we can be found in an emergency

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

The planning board has approved the same type of request in the past.

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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.

Willie Riles  
Printed Name of Applicant/Agent

Willie Riles  
Signature of Applicant/Agent

\_\_\_\_\_  
Daytime Phone Number

03/31/08  
Date Signed

Donovan McLaurin,  
Chair  
Wade, Falcon & Godwin

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PLANNING STAFF	PLANNING BOARD
DECISION: <u>04-10-08</u>	DECISION: <u>4-15-08</u>
CASE NO: <u>08-070</u>	NAME OF DEVELOPMENT: <u>WILLIE RILES PROPERTY</u>
MIA: _____	GROUP DEVELOPMENT REVIEW
LOCATION: <u>NORTH SIDE OF PALM SPRINGS DRIVE, NORTH OF SR 1613</u>	ZONING: <u>R6A</u>
<u>(HONEYCUTT ROAD), WEST OF SR 1600 (MCARTHUR ROAD)</u>	PIN: <u>0521-40-7259-</u>
OWNER OR DEVELOPER: <u>WILLIE RILES</u>	ENGINEER OR DESIGNER: <u>AVERETTE ENGINEERING, PA</u>

PLANNING DEPARTMENT RECOMMENDATION

- PRELIMINARY
- EXTENSION       REVISION
- CONDITIONAL APPROVAL
- DENIED

PLANNING BOARD ACTION

- 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:

**Watershed-Related:**

1. An application for a Watershed "No Approval Required" (also known as: NAR) development must be submitted to the Watershed Review Officer (WRO) and plans must be approved by the WRO prior to final plat approval and/or prior to application for any building/zoning permits, site plan approval is required. A copy of the WRO's approval of this plat/plan must be submitted to Code Enforcement at the time of application for any permits.

Note: Three copies of a site plan must be submitted to the WRO showing the calculations of all existing and proposed impervious surface in order to satisfy the Watershed NAR requirements.

**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

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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.)

4. New development that will disturb one acre or more of land or is part of a larger plan that will disturb at least an acre of land is subject to the post-construction Stormwater Management Permitting Program (Phase II Stormwater Management Requirements) administered by the Division of Water Quality, North Carolina Department of Environment and Natural Resources.
5. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
6. 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. In the event, the structures located on the site do not conform to the site plan submitted, the developer must re-submit for approval of this preliminary plan.

**Site-Related:**

7. 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.
8. An adequate drainage system must be installed by the developer in accordance with the NC Department of Environment and Natural Resources' (NCDENR) *Best Management Practices* and all drainage ways must be kept clean and free of debris.
9. All utilities, except for 25kv or greater electrical lines, must be located underground.

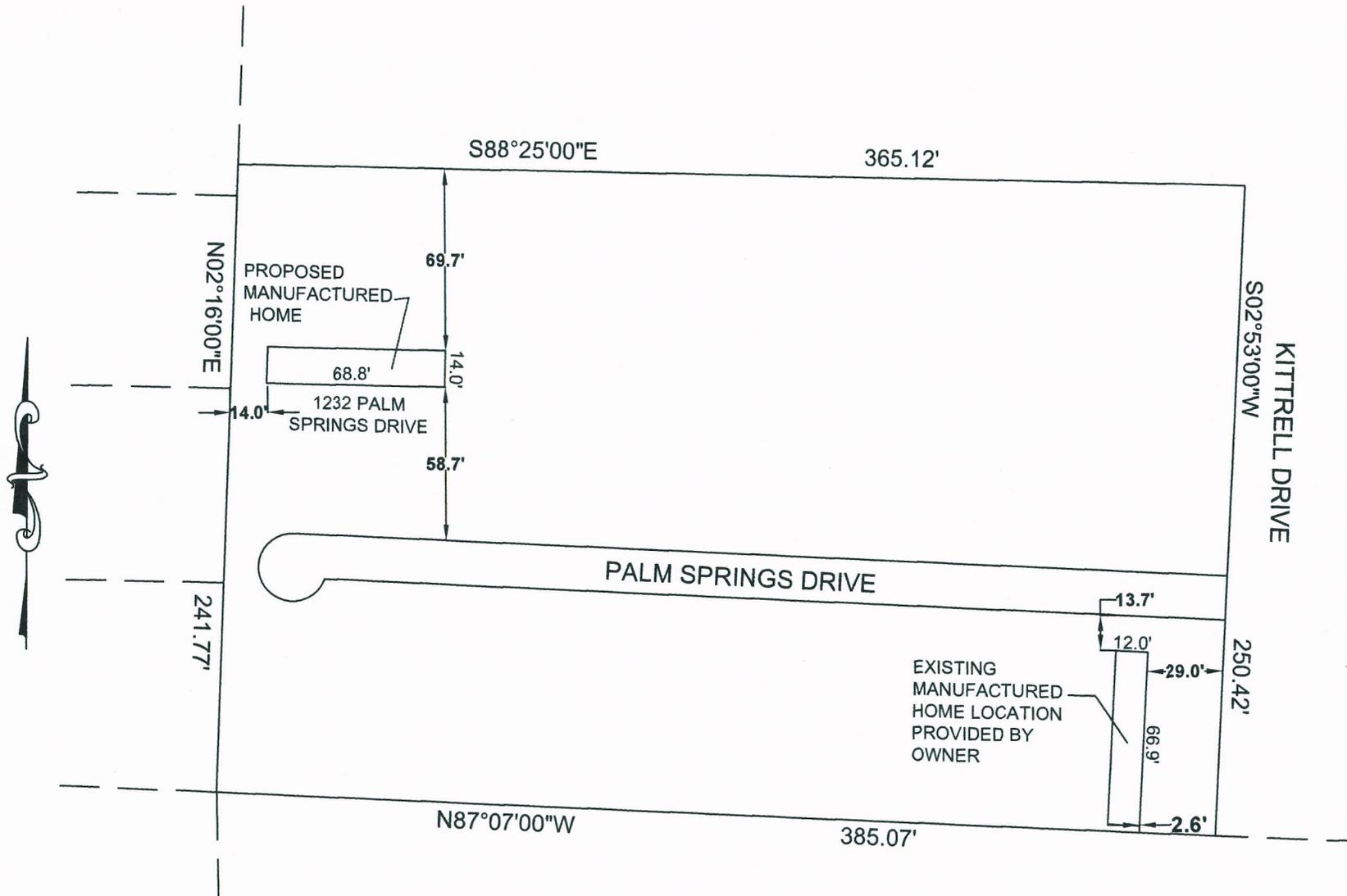
**Other Relevant Conditions:**

10. Under current standards, no more than two manufactured homes may be placed on this tract unless the developer submits for and receives approval of a manufactured home park plan.
11. Under current standards, the subject property cannot be subdivided without the upgrading of the easements to approved private street(s) or public street standards – the ingress/egress easement does not comply with the minimum access standards required for the creation of new lots.
12. The applicant is advised to consult an expert on wetlands before proceeding with any development.
13. 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.
14. The developer submitted a request for an access waiver; the Joint Planning Board will decide this case at their April 15, 2008 meeting – see attached memorandum regarding the reasoning of the staff recommendation for approval.

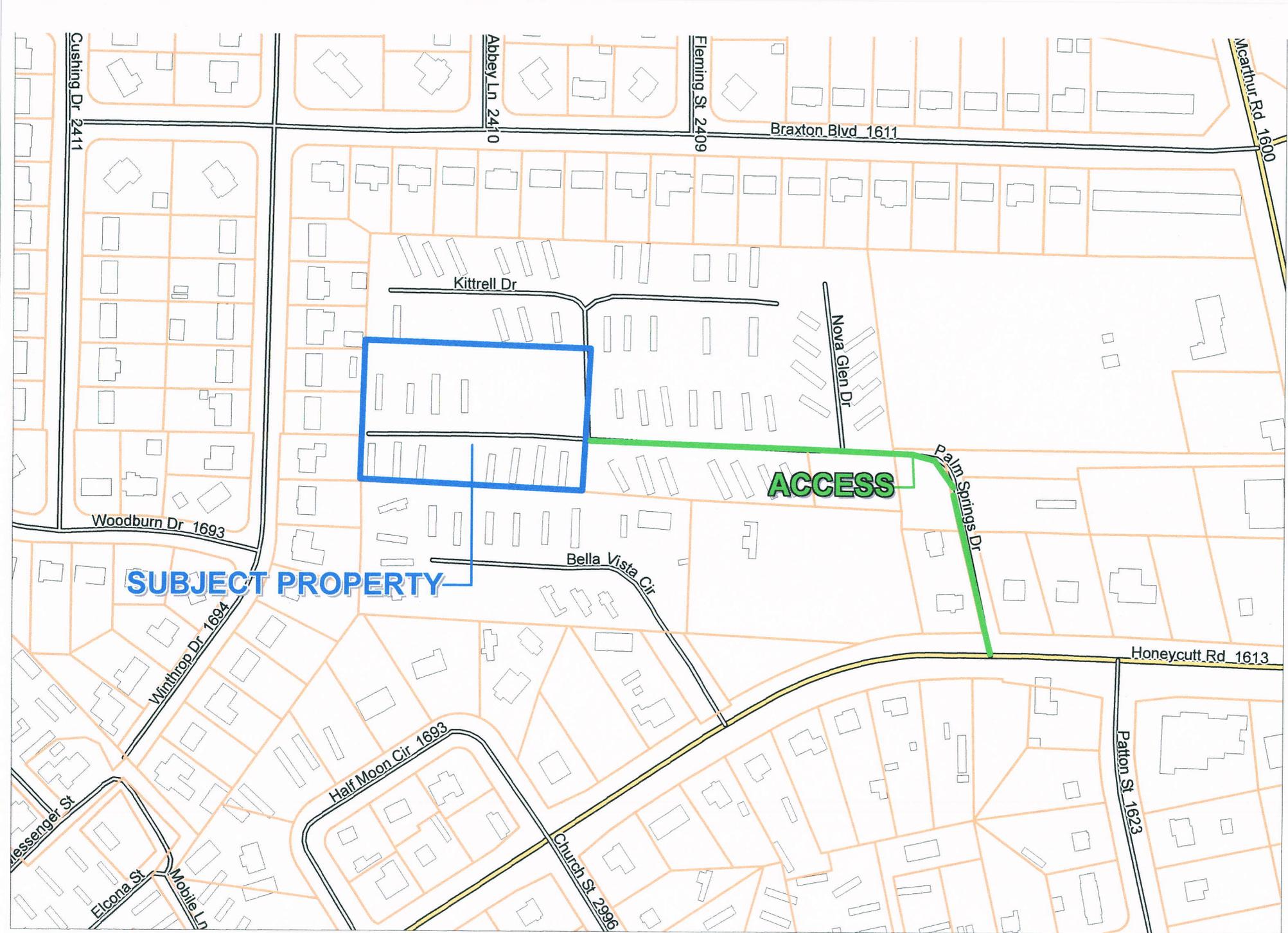
**If you need clarification of any conditions, please contact Ed Byrne at 910-678-7609 or Patti Speicher at 910-678-7605; otherwise, contact the appropriate agency at the contact numbers below.**

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

Watershed Officer:	Jeff Barnhill	678-7765
Subdivision/Site Plan/Plat	Ed Byrne	678-7609
Code Enforcement (Permits):	Ken Sykes	321-6654
County Health Department:	Danny Soles	433-3685
Corp of Engineers (wetlands):	Ronnie Smith	(910) 251-4829
NCDENR (E&S):	Jodi Pace	433-3300
E911 Site-Specific Address:	Ron Gonzales	678-7616
Tax Parcel Numbers:		678-7549
N.C. Division of Water Quality:	Mike Randall	(910) 733-5083 Ext.- 545



CONSIDERATION OF A WAIVER FOR THE WILLIE RILES  
 PROPERTY; GROUP DEVELOPMENT REVIEW; SECTION  
 3.20.D, LOT STANDARDS, COUNTY SUBDIVISION  
 ORDINANCE; REQUEST FOR AN ACCESS WAIVER  
 CASE: 08-070 ACREAGE: 2.18±  
 ZONED: R6A SCALE: NTS



**AREA PARCEL MAP**

**CASE: 08-070**

**ACREAGE: 2.18+-**

**ZONED: R6A**

**WILLIE RILES PROPERTY  
GROUP DEVELOPMENT REVIEW  
CASE NO. 08 - 070**



PIN(S): 0521-40-7259-  
Prepared by GJB - CCJPB  
APRIL 01, 2008

Map not to scale

