

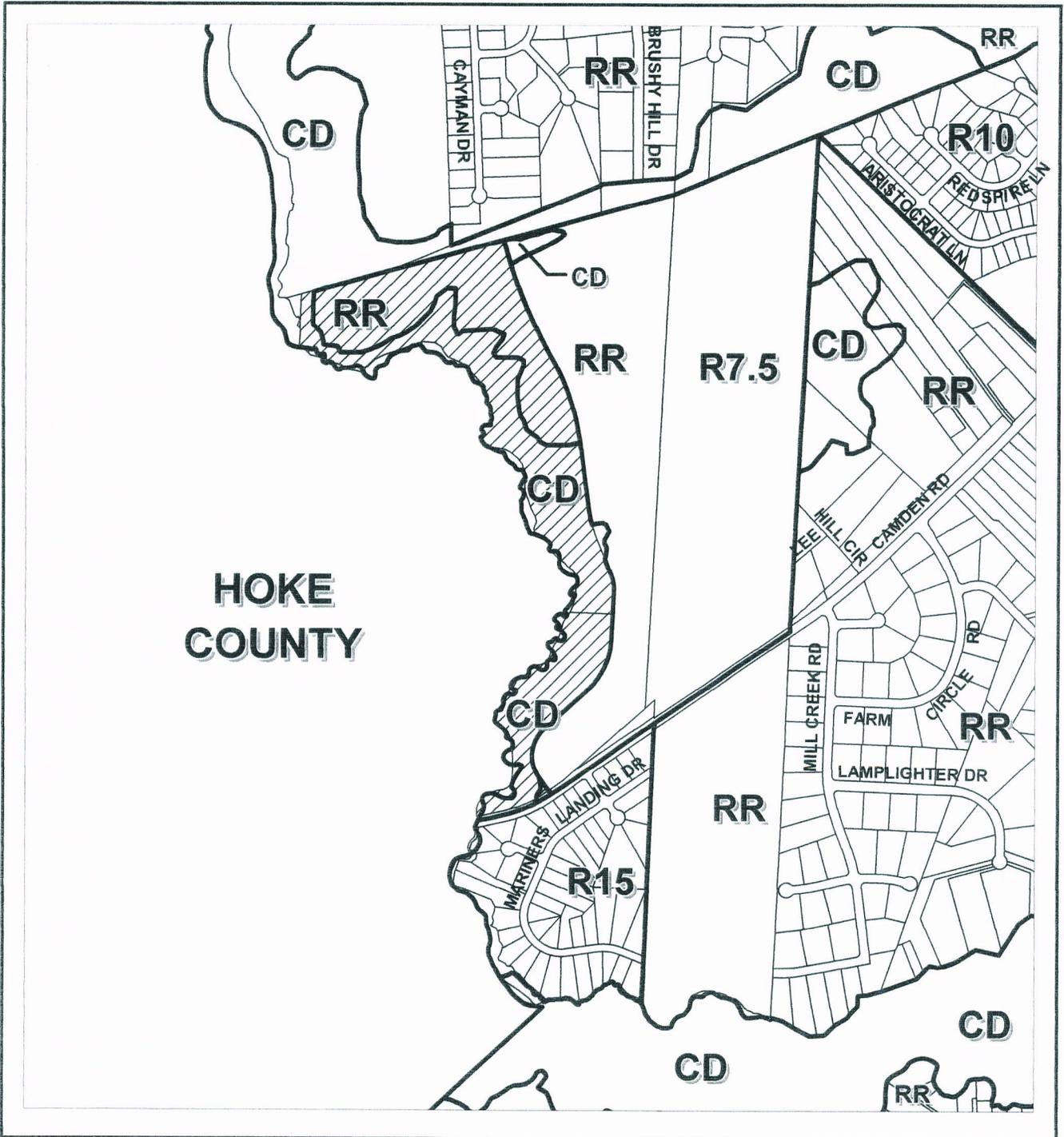
**Patricia Brooks**

---

**From:** billydees@nc.rr.com  
**Sent:** Tuesday, October 28, 2008 8:04 PM  
**To:** Patricia Brooks  
**Subject:** case #P08-51

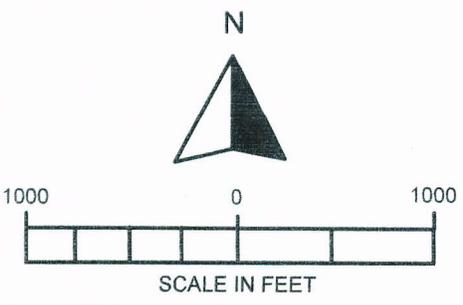
**Please defer action on the rezoning for the subject case until the February 09 meeting of the Planning Board. The Camden Glen Group with whom we have been working have had to change Engineering Firms due to Harvey Allen's health, and we will need more time to decide on how we wish to proceed. Many thanks for all of your help.**

**Billy Dees. PE**



**HOKE  
COUNTY**

**REQUESTED REZONING  
RR & CD TO R7.5**



<b>ACREAGE: 47.7 AC.+/-</b>		<b>HEARING NO: P08-51</b>	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

PIN: 9484-90-3689  
PIN: 9484-83-4294

AF  
9/23/08  
10/31/08

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*

November 10, 2008

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

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

Benny Pearce,  
Town of Eastover

### MEMORANDUM

**TO:** Cumberland County Joint Planning Board

**FROM:** Planning & Inspections Staff

**SUBJECT:** Staff Recommendation for November 18, 2008 Board Meeting

**CASE P08-56:** REZONING OF 1.11+/- ACRES FROM CD CONSERVANCY DISTRICT & R10 RESIDENTIAL TO RR RURAL RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE NORTH SIDE OF SR 1122 (WOODINGTON ROAD), WEST OF SR 1123 (MONTICELLO AVENUE), SUBMITTED AND OWNED BY GLENN AND SANDRA DEW.

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

1. Although the request is inconsistent with the 2010 Land Use Plan which calls for open space at this location, the requested district is consistent with the zoning and approved uses in the immediate area; and
2. The request is reasonable and in character with the adjacent properties.

For this request, the R40A Residential zoning district could also be found suitable at this location.

Attachments:

- 1- Site Profile
- 2- Sketch Map

**P08-56**  
**SITE PROFILE**

**CASE P08-56:** REZONING OF 1.11+/- ACRES FROM CD CONSERVANCY DISTRICT & R10 RESIDENTIAL TO RR RURAL RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE NORTH SIDE OF SR 1122 (WOODINGTON ROAD), WEST OF SR 1123 (MONTICELLO AVENUE), SUBMITTED AND OWNED BY GLENN AND SANDRA DEW.

**Site Information:**

**Frontage & Location:** 147.00'+/- on SR 1122 (Woodington Road)

**Depth:** 235.00'+/-

**Jurisdiction:** Cumberland County

**Adjacent Property:** Yes, parent tract

**Current Use:** Vacant

**Initial Zoning:** R10 & CD February 3, 1977 (Area 7)

**Nonconformities:** None

**Zoning Violation(s):** None

**Surrounding Zoning:** North: CD, RR, R10, R6A & C(P); East: R6A & C3; South: RR; West: RR, R10 & C(P)

**Surrounding Land Use:** Residential (including manufactured homes), vacant commercial, open storage of junk and woodlands

**2010 Land Use Plan:** Open space

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

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

**Soil Limitations:** Yes, hydric: JT Johnston loam

**Subdivision/Site Plan:** Group development will be required prior to addition of any new structure

**Municipal Influence Area:** Hope Mills

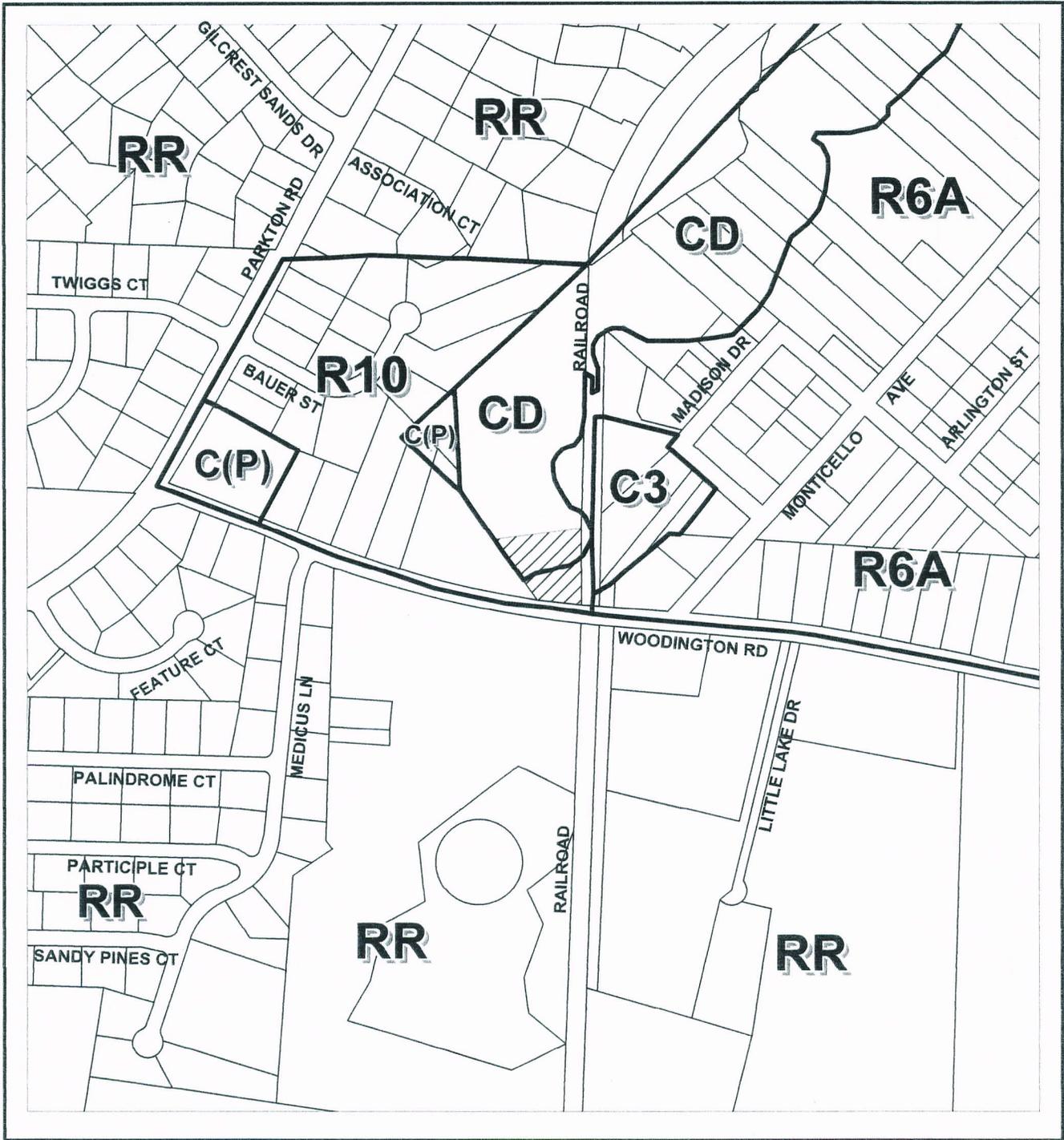
**Average Daily Traffic Count (2006):** 1,400 on SR 1122 (Woodington Road); 6,200 on SR 1118 (Parkton Road)

**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

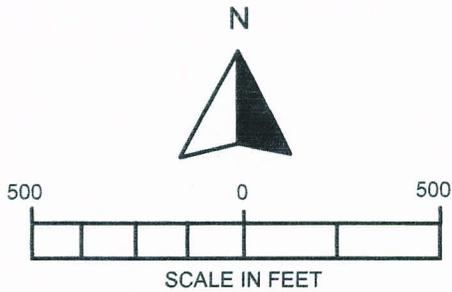
**Note:** **Density:**  
RR – 2 lots/units

*First Class Mailed Notice Certification*

*A certified copy of the tax record owner(s) and their tax record mailing address is contained within the case file and is incorporated by reference as if delivered herewith.*



## REQUESTED REZONING CD & R10 TO RR



PORT. OF PIN: 0413-54-4783

<b>ACREAGE: 1.11 AC.+/-</b>		<b>HEARING NO: P08-56</b>	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

Donovan McLaurin,  
Chair  
Wade, Falcon & Godwin

Lori Epler,  
Vice-Chair  
Cumberland County

Garland C. Hostetter,  
Town of Spring Lake  
Harvey Cain, Jr.,  
Town of Stedman  
Patricia Hall,  
Town of Hope Mills  
Charles C. Morris,  
Town of Linden



## COUNTY of CUMBERLAND

### *Planning & Inspections Department*

November 10, 2008

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

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

Benny Pearce,  
Town of Eastover

### **MEMORANDUM**

**TO:** Cumberland County Joint Planning Board

**FROM:** Planning & Inspections Staff

**SUBJECT:** Staff Recommendation for November 18, 2008 Board Meeting

**CASE P08-57:** INITIAL ZONING OF 29.85+/- ACRES TO R5A OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE NORTH AND SOUTH SIDES OF SPRING AVENUE (SR 1602) AND THE WEST SIDE OF SOUTH PINE TREE LANE, OWNED BY MCCORMICK FARMS LP PROPERTY. (SPRING LAKE)

The Planning & Inspections Staff recommends approval of the initial zoning request for R5A Residential district based on the following:

1. Although the request is not consistent with the Spring Lake Land Use Plan which calls for low density residential at this location, the request is consistent with the zoning and land uses in the general area; and
2. This request was initiated by the Town of Spring Lake.

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

Attachments:

- 1 - Site Profile
- 2 - Sketch Map

**P08-57**  
**SITE PROFILE**

**CASE P08-57:** INITIAL ZONING OF 29.85+/- ACRES TO R5A OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE NORTH AND SOUTH SIDES OF SPRING AVENUE (SR 1602) AND THE WEST SIDE OF SOUTH PINE TREE LANE, OWNED BY MCCORMICK FARMS LP PROPERTY. (SPRING LAKE)

**Site Information:**

**Total Tract Acreage:** 73.95+/-; rezoning request for (Tract#1: 18.24+/-) and (Tract#2: 11.61+/-)

**Frontage & Location:** (Tract #1) 449.00'+/- South of Spring Avenue; (Tract #2) 1,160.00'+/- on west side of South Pine Tree Lane & 440.00'+/- North of Spring Avenue

**Depth:** (Tract #1) 1,227.00'+/- and (Tract #2) 1,060.00'+/-

**Jurisdiction:** Cumberland County (pending annexation into the Town of Spring Lake effective November 25, 2008)

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

**Current Use:** Vacant woodlands

**Initial Zoning:** R10 – January 7, 1977 (Area 11); Tract #1 rezoned to R5A April 21, 2008

**Nonconformities:** None

**Zoning Violation(s):** None

**Surrounding Zoning:** North: R10, R6A, R5A, C3 & C(P) (Spring Lake/County); East: R10, R10/CU (manufactured home) & R6A; South: R10, R6 & R6A (Spring Lake/County); West: R10, R6 & R5A (Spring Lake)

**Surrounding Land Use:** 2-schools, shopping center, open storage of junk, tower, residential (including 6-manufactured home parks, 2-multifamily dwellings, manufactured homes, and abandoned dwelling), and woodlands

**Spring Lake Area Detailed Land Use Plan:** Low density residential

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

**Water/Sewer Availability:** Spring Lake/Spring Lake; connection required

**Soil Limitations:** None

**School Capacity/Enrolled:** Manchester Elementary: 349/369; Spring Lake Middle: 706/480; Pine Forest High: 1,750/1,637

**Subdivision/Site Plan:** Prior to development, review and approval required

**Average Daily Traffic Count (2006):** 2,900 on SR 1602 (Spring Avenue); 1,300 on Pine Tree Lane

**US Fish & Wildlife:** Recommends that a cavity tree survey be completed for this parcel prior to the start of any land clearing activities

**RLUAC:** No objection to rezoning request; however, recommend that any future development plan for the subject property include a legally binding conservation design element which identify and permanently preserve the undeveloped portions of the tract in a forested condition

**Accident Potential Zone (APZ):** The property is not located within an Accident Potential Zone (APZ) or critical noise area. For construction of significant height associated with this case, applicant is advised to file FAA Form 7460-1 with the Federal Aviation Administration to determine any potential impact to Pope AFB/Fort Bragg flying operations

**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:**

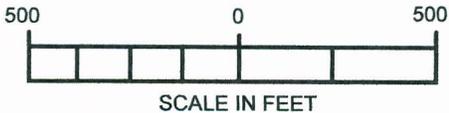
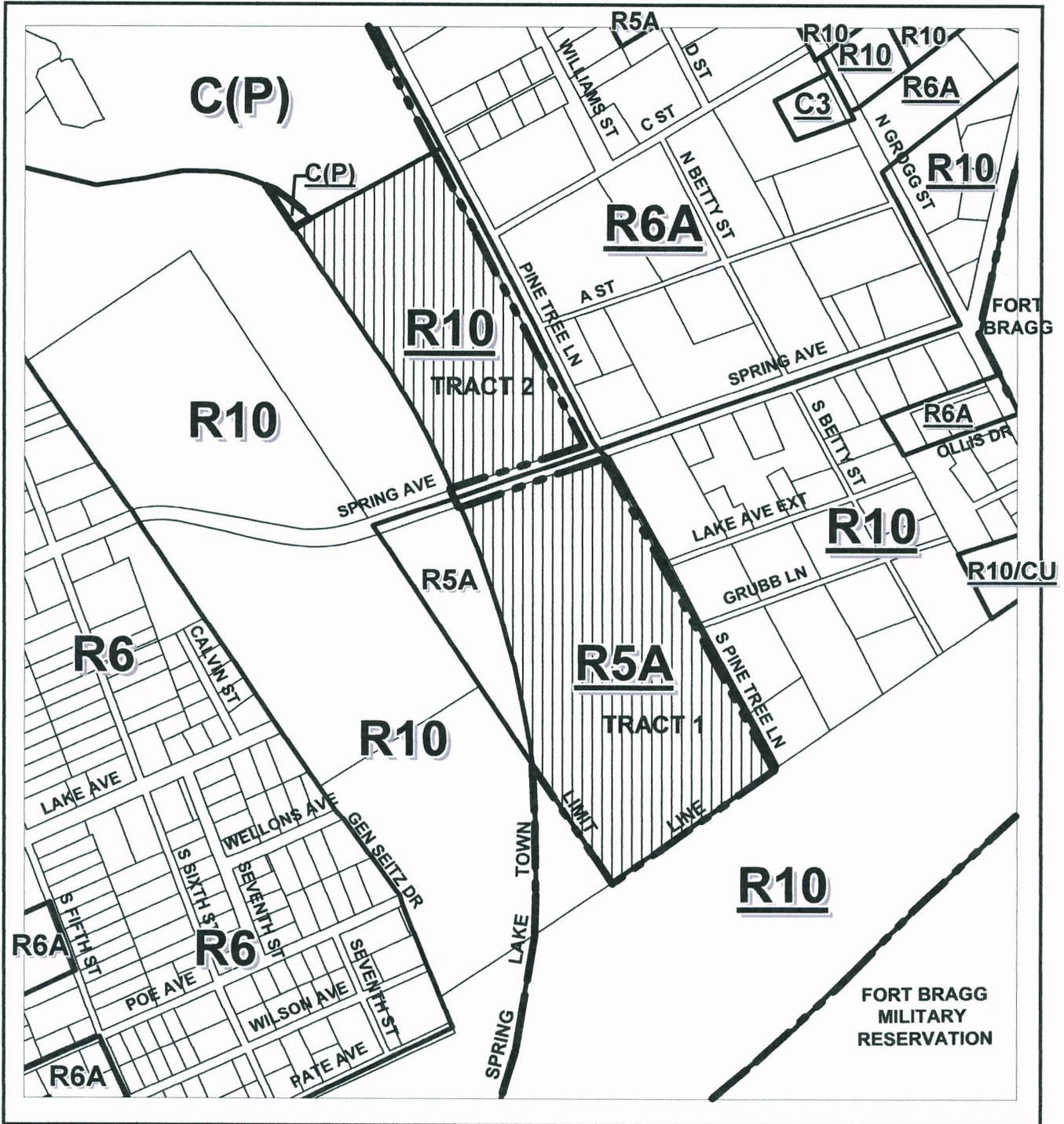
R5A – 432 lots/units

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

R5A - 367 lots/units

*First Class Mailed Notice Certification*

*A certified copy of the tax record owner(s) and their tax record mailing address is contained within the case file and is incorporated by reference as if delivered herewith.*



## INITIAL ZONING TO R5A

PENDING ANNEXATION EFFECTIVE NOV. 25, '08

<b>ACREAGE: 29.85 AC.+/-</b>	<b>HEARING NO: P08-57</b>	
<b>ORDINANCE: SPRING LAKE</b>	<b>HEARING DATE</b>	<b>ACTION</b>
<b>STAFF RECOMMENDATION</b>		
<b>PLANNING BOARD</b>		
<b>GOVERNING BOARD</b>		

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*

November 10, 2008

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

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

Benny Pearce,  
Town of Eastover

### **MEMORANDUM**

**TO:** Cumberland County Joint Planning Board

**FROM:** Planning & Inspections Staff

**SUBJECT:** Staff Recommendation for November 18, 2008 Board Meeting

**P08-58:** REZONING OF 2.06+/- ACRES FROM R6A RESIDENTIAL TO C1(P) PLANNED LOCAL BUSINESS OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 2944 & 2960 CUMBERLAND ROAD, SUBMITTED AND OWNED BY SHIRLEY DEES & J.L. TROGDON.

The Planning & Inspections Staff recommends approval of the request for C1(P) Planned Local Business district based on the following:

1. Although the request is inconsistent with the 2010 Land Use Plan, which calls for heavy commercial at this location, the requested district is in character with the current zoning and uses of the adjacent properties;
2. The request is also consistent with previous rezonings in the area; and
3. The subject property is located on a major thoroughfare.

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

Attachments:  
1 - Site Profile  
2 - Sketch Map

**P08-58**  
**SITE PROFILE**

**CASE P08-58:** REZONING OF 2.06+/- ACRES FROM R6A RESIDENTIAL TO C1(P) PLANNED LOCAL BUSINESS OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 2944 & 2960 CUMBERLAND ROAD, SUBMITTED AND OWNED BY SHIRLEY DEES & J.L. TROGDON.

**Site Information:**

**Frontage & Location:** 183.00'+/- on Cumberland Road

**Depth:** 489.00'+/-

**Jurisdiction:** Cumberland County

**Adjacent Property:** No

**Current Use:** Residential & vacant lot

**Initial Zoning:** R6A – August 1, 1975 (Area 3)

**Nonconformities:** Yes, structure is currently nonconforming and will continue to be if request approved; use will become nonconforming if request is approved

**Zoning Violation(s):** None

**Surrounding Zoning:** North: R10, R6, R5A, C3,C1P, M2 & M1(Fayetteville); East: R6, P2, C3, C1, C1(P) & M1 (Fayetteville/County); South: R10, R6, R6/CU(upholstery shop and residence); , R6A, O&I(P), C3, C1(P), M1(P) & M(P) (Fayetteville/County); West: R6, R6A, C3, C1(P), C(P) & M1(P) (Fayetteville/County)

**Surrounding Land Use:** Industrial to include utility substation; 2- day care facilities; Commercial to include (2- Upholstering or furniture refinishing shops, cabinet making and other woodworking, motor vehicle parts and accessories, convenience retail with gasoline sales & vacant lot) and residential (including manufactured homes, abandoned manufactured home and abandoned dwelling)

**2010 Land Use Plan:** Heavy commercial

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

**Water/Sewer Availability:** PWC/ Septic (current); PWC water & sewer is available and connection required for any new development

**Soil Limitations:** None

**Subdivision/Site Plan:** Lots need to be recombined and a site plan review will be required prior to application for permits

**Municipal Influence Area:** City of Fayetteville

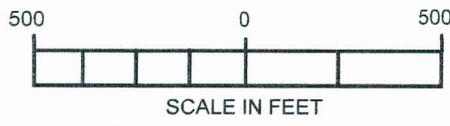
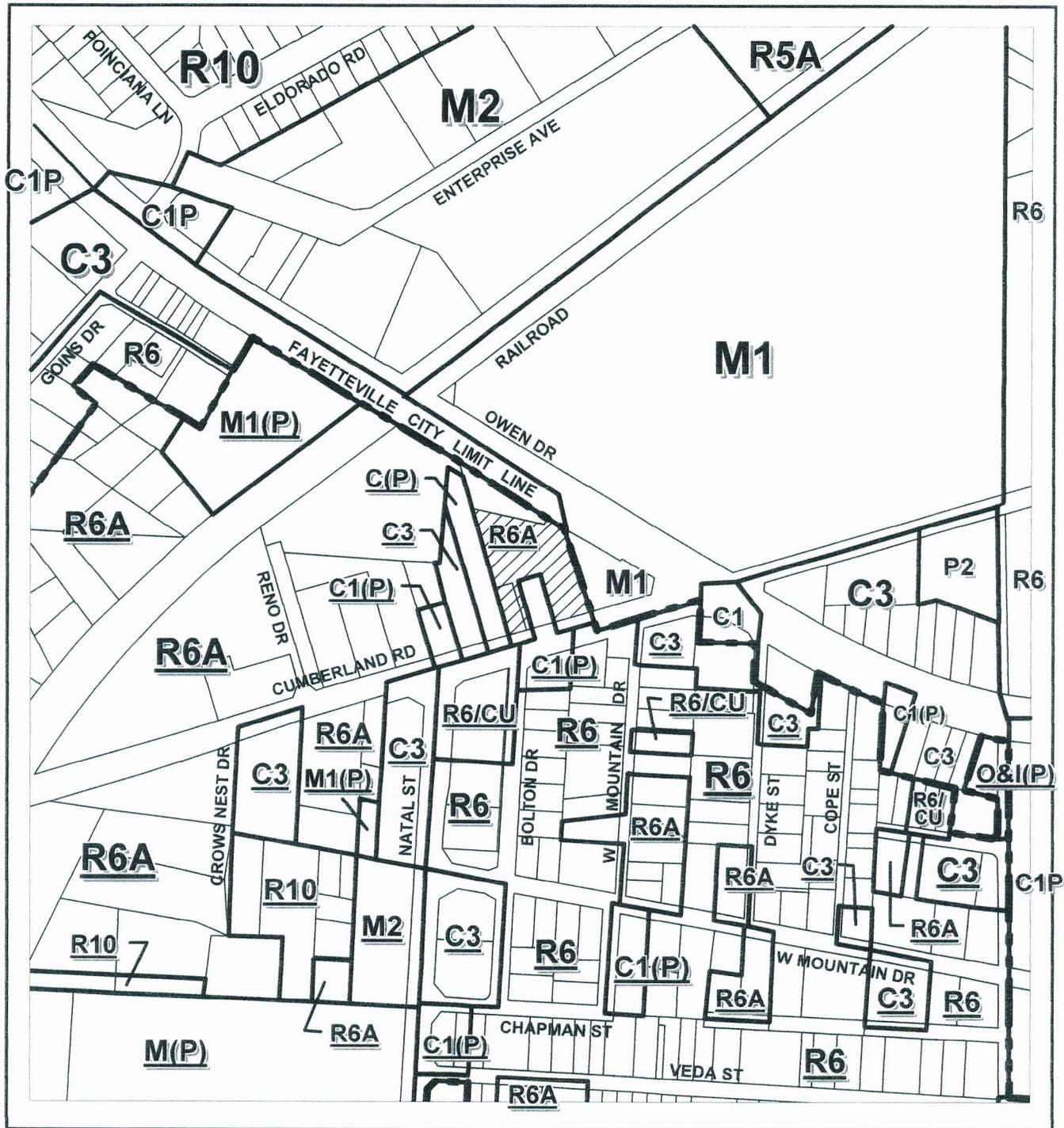
**Average Daily Traffic Count (2006):** 79,000 on SR 1007 (Owen Drive); 28,300 on SR 1141 (Cumberland Road)

**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

<b>Note:</b>	<b>District</b>	<b>Minimum Yard Setback</b>
	R6A -	25 feet (front yard) 10 feet (side yard) 15 feet (rear yard)
	C1(P) -	45 feet (front yard) 15 feet (side yard) 20 feet (rear yard)

*First Class Mailed Notice Certification*

*A certified copy of the tax record owner(s) and their tax record mailing address is contained within the case file and is incorporated by reference as if delivered herewith.*



## REQUESTED REZONING R6A TO C1(P)

<b>ACREAGE: 2.06 AC.+/-</b>	<b>HEARING NO: P08-58</b>	
ORDINANCE: COUNTY	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

PIN: 0426-41-7906  
PIN: 0426-41-6729

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*

November 12, 2008

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

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

Benny Pearce,  
Town of Eastover

### MEMORANDUM

**TO:** Joint Planning Board

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

**SUBJECT:** CASE NO. 08-158. CONSIDERATION OF BELINDA YOWELL PROPERTY, GROUP DEVELOPMENT REVIEW, REQUEST FOR A WAIVER FROM SECTION 2306.A,1, COUNTY SUBDIVISION ORDINANCE, REGARDING CONNECTION TO PUBLIC WATER; ZONING: R6A; TOTAL ACREAGE: 0.67 +/-; LOCATED ON THE SOUTH SIDE OF SR 1003 (CAMDEN ROAD), ACROSS FROM INTERSECTION WITH FAME LANE.

A group development was approved on the subject property on October 10, 2008 with Condition No. 3 – see attached Condition Sheet - requiring connection to public water; the developer is requesting approval of a waiver from this requirement. Public water exists in SR 1003 (Camden Road).

The subject property has an existing well that serves the existing house and previously served a manufactured home, which was removed more than a year ago. The applicant is requesting to be able to connect the proposed manufactured home to the same existing well. A copy of the developer's waiver application and their justification for this request is attached.

In accordance with Section 2601, Waivers, Cumberland County Subdivision Ordinance, the Planning Board may waive the requirements of this Ordinance, where it finds by resolution that:

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

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

- a. Because connection to the public water line will require extension of the line across SR 1003 (Camden Road), past the existing home served by an existing functional private well and approximately 250 feet into the subject property coupled with the fact that the proposed manufactured home is essentially a replacement structure, strict compliance with the provisions of the ordinance would cause a special and unnecessary hardship and be inequitable
- b. The purposes of the Subdivision and Zoning Ordinances are being served to an equal or greater degree, in that there are no known issues with the ground water in this immediate area; and
- c. The property owner is not being afforded a special privilege denied to others since ordinarily, except for the lapse of time, the developer would have been able to replace the structure without first obtaining any formal approval and utilizing the existing private well and septic system.

The subject property is located within the Hope Mills *Municipal Influence Area*, but both the County and the Town has the same standard for public water/sewer connection; the Town's Plan Review Committee has no objections to this request.

Attached you will find the application for the waiver, Hope Mills Plan Review Committee recommendation, conditions of approval, group development sketch plan, aerial photo and vicinity map. If you have any questions, please contact Ed Byrne at 910-678-7609, email: [ebyrne@co.cumberland.nc.us](mailto:ebyrne@co.cumberland.nc.us) or me at 910-678-7605, email: [pspeicher@co.cumberland.nc.us](mailto:pspeicher@co.cumberland.nc.us).

cc: Carlo Billingsley, Developer  
Grainger Barrett, County Attorney  
Matt Rooney, Ground Water Issues



Date Request Submitted: 10-27-08  
Planning Board Meeting Date: 11-18-08  
Received by: PSS

## Cumberland County Subdivision Ordinance

# Request for Waiver

Case No.: 08-158 Case Name: BELINDA YOWELL

Related Ordinance Section Number(s): 2306 A.1

Summary of Request: Request for use of existing well at 6209 Camden rd. pin: 0404-56-2942

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:

The fact that the water main is on the other side of SR1003 with a sixty foot right-of-way and the lot is 315' in depth, it would be a major undertaking to connect to the public source. In addition it would be requiring the applicant to conform to a rule that has not been forced upon the two next door neighbors.

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:

Maintain the grounds to neighborhood standards and continue to occupy the property with no significant variation from the use of the land over the past few years.

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

The neighboring properties at 6217 and 6227, being west of subject and adjacent to it, on the same side of SR1003 are occupied, but have not been required to connect to public water.

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.

Carla Billingsley  
Printed Name of Applicant/Agent  
910-488-6163  
910-425-0470  
Daytime Phone Number

Carla Billingsley  
Signature of Applicant/Agent  
10-26-08  
Date Signed



# TOWN OF HOPE MILLS

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

## PLAN REVIEW COMMITTEE

Mike Bailey, Director of Inspections  
Brian Marley, Hope Mills Fire Marshal  
Bruce McLaurin, Public Works Director

Melanie J. Clerkley, Stormwater Director  
Ira Peterson, Street Department Director

October 30, 2008

Ed Byrne, Planner II

Mr. Byrne,

The Plan Review Committee of Hope Mills has reviewed the Request for Waiver for Case No. 08-158. This is a request to allow the owner to use the existing well at 6209 Camden Rd. No one on the committee had any objections to this waiver.

If I can be of further assistance, please contact me at (910) 425-4555.

Mike Bailey,  
Director of Inspections

Donovan McLaurin,  
Chair  
Wade, Falcon & Godwin

Lori Epler,  
Vice-Chair  
Cumberland County

Garland C. Hostetter,  
Town of Spring Lake  
Harvey Cain, Jr.,  
Town of Stedman  
Patricia Hall,  
Town of Hope Mills  
Charles C. Morris,  
Town of Linden



# COUNTY of CUMBERLAND

## Planning and Inspections Department

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

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

Benny Pearce,  
Town of Eastover

STAFF REVIEW: 10-10-08 PLANNING BOARD DECISION: N/A

CASE NO: 08-158 NAME OF DEVELOPMENT: YOWELL PLACE PROPERTY

MIA: HOPE MILLS GROUP DEVELOPMENT REVIEW

LOCATION: ON THE SOUTH SIDE OF SR 1003 (CAMDEN ROAD), ZONING: R6A

NORTH OF SR 1112 (ROCKFISH ROAD) PIN: 0404-56-2942-

OWNERS / DEVELOPER: BELINDA YOWELL & CARLA BILLINGSLEY ENGINEER OR DESIGNER: N/A

### PLANNING DEPARTMENT ACTION

- PRELIMINARY
- EXTENSION       REVISION
- APPROVED CONDITIONALLY
- DENIED

### PLANNING BOARD DECISION

- PRELIMINARY
- EXTENSION       REVISION
- APPROVED CONDITIONALLY
- DENIED

The development plat/plan you submitted to this office is conditionally approved. Your approval is subject to the following conditions:

### Permit-Related:

1. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the County Zoning Ordinance and permits required to place any structure within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. For additional information, the developer should contact a Code Enforcement Officer.
2. The County Health Department must approve sewer plans prior to application for any permits. Site and soil evaluations must be conducted on the property by the County Environmental Health Department prior to application for permits. A copy of the Health Department approval must be provided to Code Enforcement at the time of application for any building/zoning permits. (Note: All Health Department requirements must be met prior to issuance of final permits.) (Section 2306 A, Water and Sewer, County Subdivision Ordinance)
3. Connection to public water is required, the Public Works Commission (PWC) must approve water plans prior to application for any permits. A copy of the PWC approval must be provided to Code Enforcement at the time of application for building/zoning permits. (Section 2306 A.1, Public Water and Sewer Systems County Subdivision Ordinance)
4. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.

- 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:**

- 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.
- “Camden Road” must be labeled as “SR 1003 (Camden Road)” on all future plans.
- Reservation of 15 feet of right-of way along SR 1003 (Camden Road) is required and the metes and bounds for the reservation must be 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)
- 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)
- If driveways are changed or added, 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.

**Advisories:**

- The applicant is advised to consult an expert on wetlands before proceeding with any development.
- 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):**

Subdivision/Site Plan/Plat	Ed Byrne	678-7609
Code Enforcement (Permits):	Ken Sykes	321-6654
County Health Department:	Danny Soles	433-3685
PWC:	Heidi Maly	223-4773
Town of Hope Mills:		424-4555*
Corp of Engineers (wetlands):	Ronnie Smith	(910) 251-4829
NCDENR (E&S):	Sally McKinney	433-3300
E911 Site-Specific Address:	Ron Gonzales	678-7616
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

**OFFICIAL PRELIMINARY STAMP**  
CUMBERLAND COUNTY  
CASE NO: **08-158**

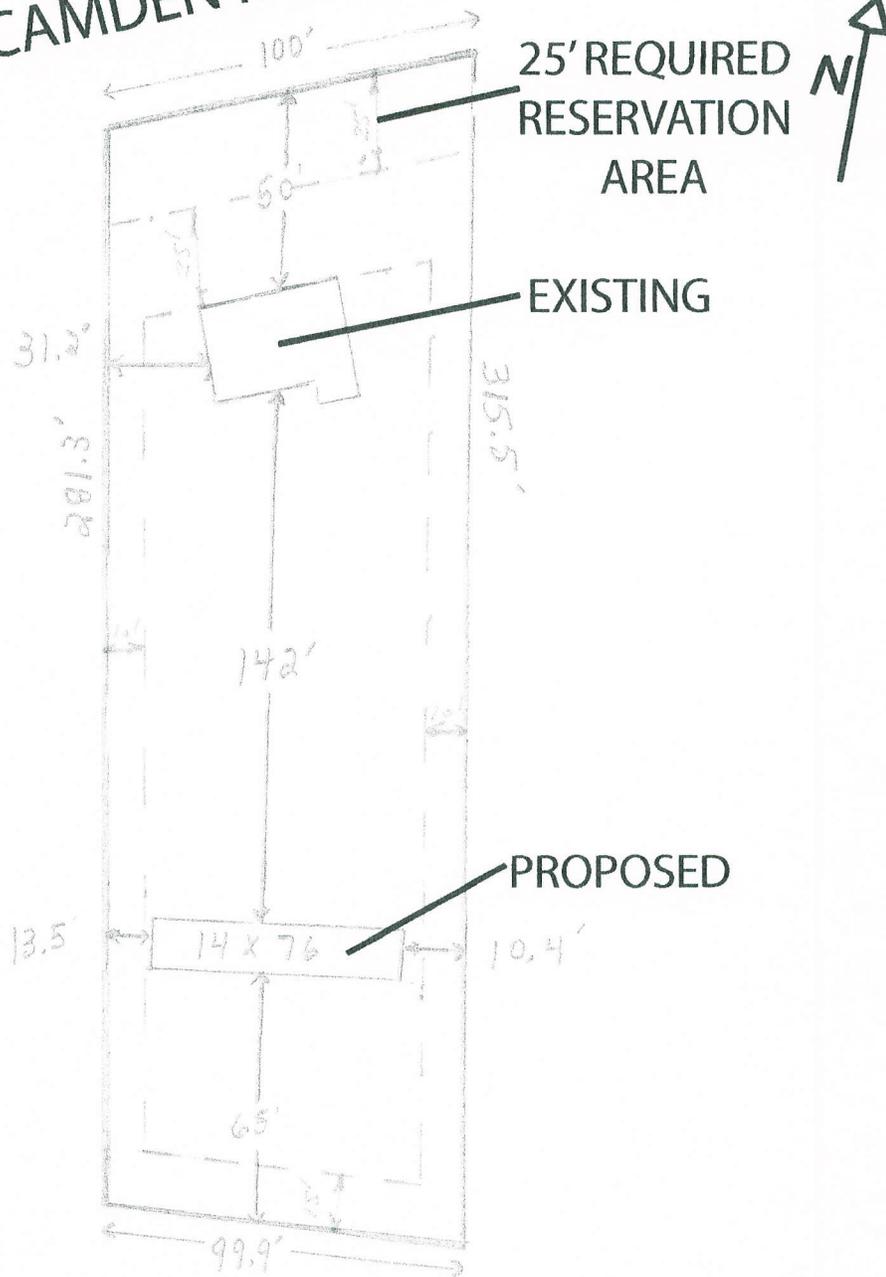
THIS PLAN APPROVED BY THE CUMBERLAND COUNTY PLANNING &  
INSPECTION DEPARTMENT ON: 10-10-08

COMMENTS: SUBJECT TO CONDITIONS

I CERTIFY THAT THIS PLAN HAS BEEN APPROVED BY THE CUMBERLAND  
COUNTY PLANNING & INSPECTIONS DEPARTMENT AS DRAWN HEREON  
AND MAY BE USED FOR ANY OFFICIAL PURPOSE AS PERMITTED BY LAW.  
THIS APPROVAL IS VALID UNTIL: 10-10-10

*Patricia S. Spicher* **GB**  
\_\_\_\_\_  
SUPERVISOR, LAND USE CODES

CAMDEN RD SR 1003



BELINDA YOWELL PROPERTY  
REQUEST: A WAIVER FROM SECTION 2306 A.1  
CASE: 08-158 ACREAGE: 0.67 AC +/-  
ZONED: R6A SCALE: NTS

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



AERIAL MAP CASE: 08-158



**BELINDA YOWELL PROPERTY  
GROUP DEVELOPMENT REVIEW  
CASE NO. 08-158**



PIN(S): 0404-56-2942-  
Prepared by GJB - CCJPB  
October 28, 2008

Map not to scale



Donovan McLaurin,  
Chair  
Wade, Falcon & Godwin

Lori Epler,  
Vice-Chair  
Cumberland County

Garland C. Hostetter,  
Town of Spring Lake  
Harvey Cain, Jr.,  
Town of Stedman  
Patricia Hall,  
Town of Hope Mills  
Charles C. Morris,  
Town of Linden



Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

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

Benny Pearce,  
Town of Eastover

## COUNTY of CUMBERLAND

### *Planning & Inspections Department*

November 12, 2008

#### MEMORANDUM

**TO:** Joint Planning Board

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

**SUBJECT:** CASE NO. 08-159. CONSIDERATION OF THE B3 PARTNERS, LLC PROPERTY, C(P) SITE PLAN REVIEW, REQUEST FOR ALTERNATE FRONT (46.8' WHERE 50' REQUIRED) AND REAR (10' WHERE 30' REQUIRED) YARD SETBACKS SECTION 1404.A, COUNTY ZONING ORDINANCE, ZONING: C(P); TOTAL ACREAGE: 0.92 +/-; LOCATION AT THE SOUTHWEST QUADRANT OF NC HWY 210 (MURCHISON ROAD) AND SR 1445 (BERNADINE ROAD), NORTHWEST OF SR 1444 (CHARMAIN STREET).

The developer is requesting approval of alternate 46.8 foot front yard and 10 foot rear yard setbacks for the above referenced property. The C(P) zoning district requires the front yard setback to be 50 feet and a rear setback of 30 feet. The width of the subject property along NC HWY 210 (Murchison Road) is 96.8 feet and SR 1445 (Bernadine Road) has 412 feet of frontage. The subject property was rezoned to C(P) on August 21, 2006 (Rezoning Case No. P06-46).

This staff sent a first class letter explaining the request along with a copy of the proposed site plan to the owners (Mike J. and Angelina Sill) of the affected adjacent property in an effort to elicit a response from them concerning their opinion regarding this request; however, we have not heard from them. The adjacent tract is zoned R6A and is developed with eight residential apartment units.

The developer has listed several items purporting to justify this request and a copy of this justification is attached to this memorandum.

**In accordance with Section 1404, Planning Board Consideration, of the County Zoning Ordinance, the Planning Board may approve alternate yard requirements of Article XI if such approval will provide a more logically planned development.**

The Planning & Inspections Staff recommends approval of the request for the alternate front and rear yard setbacks based on the following.

- a. The width of the subject property severely limits the buildable area on the lot, which is a width of 16.8 feet;
- b. The proposed structure location accounts for the front yard setback from the major thoroughfare;
- c. There is sufficient room for light and air between the proposed structure and the structures located on the adjacent property with the nearest existing structure being located approximately 33 feet from the common property line; and
- d. The proposed site layout is logical.

This staff recommendation does not include a recommendation of approval of an alternate yard for the front yard setback off of NC HWY 210 (Murchison Road). The proposed structure location will have to be shifted a minimum of 20 feet to the west to allow for the 20 foot reservation required for the expansion of the right-of-way of NC HWY 210 (Murchison Road) – see Condition No. 13 on the attached draft conditions of approval.

Attached you will find the alternate yard setback request, draft conditions of approval, C(P) site plan sketch, aerial photo and vicinity map. If you have any questions, please contact Ed Byrne at 910-678-7609, email: [ebyrne@co.cumberland.nc.us](mailto:ebyrne@co.cumberland.nc.us) or me at 910-678-7605, email: [pspeicher@co.cumberland.nc.us](mailto:pspeicher@co.cumberland.nc.us).

cc: Bruce Bright, Developer  
Ned Garber, PE; Engineer  
Mike J. and Angelina Sill, Adjacent Property Owners  
Grainger Barrett, County Attorney  
Marsha Bryant, City of Fayetteville Planning

Donovan McLaurin,  
Chair  
Wade, Falcon & Godwin

Lori Epler,  
Vice-Chair  
Cumberland County

Garland C. Hostetter,  
Town of Spring Lake  
Harvey Cain, Jr.,  
Town of Stedman  
Patricia Hall,  
Town of Hope Mills  
Charles C. Morris,  
Town of Linden



# COUNTY of CUMBERLAND

## Planning and Inspections Department

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

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

Benny Pearce,  
Town of Eastover

**DRAFT**

STAFF REVIEW: 10-9-08 PLANNING BOARD DECISION: 10-21-08

CASE NO: 08-159 NAME OF DEVELOPMENT: B3 PARTNERS, LLC. PROPERTY

MIA: FAYETTEVILLE C(P) SITE PLAN REVIEW (AUTO GARAGE/TIRE SERVICE)

LOCATION: SOUTHWEST SIDE OF NC HWY 210 (MURCHISON ROAD), ZONING: C (P)

SOUTHEAST SIDE OF SR 1445 (BERNADINE STREET). PIN: 0419-98-2385-

OWNERS / DEVELOPER: BRUCE BRIGHT ENGINEER OR DESIGNER: NED GARBER

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:

**Watershed-Related:**

1. An application for a Watershed "No Approval Required" 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.

**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 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. Connection to public water is required, the Public Works Commission (PWC) must approve water plans prior to application for any permits. A copy of the PWC approval must be provided to Code Enforcement at the time of application for building/zoning permits. (Section 2306 A.1, Public Water and Sewer Systems County Subdivision Ordinance)
5. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
6. Landscaping must be provided in accordance with Section 1102 N, Landscaping, County Zoning Ordinance and/as shown on the site plan. The following are the minimum standards for the required landscaping of this site:
  - a. Two large shade trees or four small ornamental trees within the front yard setback area along NC HWY 210 (Murchison Road);
  - b. Eight large shade trees or 16 small ornamental trees within the front yard setback area along NC HWY 210 (Murchison Road);
  - c. One large shade trees and eight shrubs are required in the building yard area;
  - d. One large shade tree or two small ornamental trees are required within the parking area.

In addition:

- a. Required plant materials shall be maintained by the property owner, including replacing dead or unhealthy trees and shrubs; and
  - b. All yard and planting areas shall be maintained in a neat, orderly, and presentable manner and kept free of weeds and debris.
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 C(P) zoning district must be complied with, as applicable.
9. All corner lots and lots fronting more than one street must provide front yard setbacks from each street.
10. This conditional approval is not approval of any freestanding signs. If a freestanding sign is desired, re-submittal of the site plan is required prior to application for any freestanding sign permits. Attached signage for this development must be in accordance with the applicable sign regulations as set forth in Article XIII of the County Zoning Ordinance and that the proper permit(s) must be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is **not** approval of the size, shape, or location of any signs.)
11. “Murchison Road” must be labeled as “NC HWY 210 (Murchison Road)” on all future plans.
12. “Bernadine Street” must be labeled as “SR 1445 (Bernadine Street)” on all future plans.
13. Reservation of 20 feet of right-of way along NC HWY 210 (Murchison Road) is required and the metes and bounds for both reservation must be reflected on any future site plans/plats. The location of all improvements, required or otherwise, and all building setback lines are to be measured from the ultimate right-of-way line.

14. 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)
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 developer must obtain a driveway permit from the NC Department of Transportation (NCDOT). A copy of the approved driveway permit must be provided to Code Enforcement at the time of application for building/zoning permits.
17. Turn lanes may be required by the NC Department of Transportation (NCDOT).
18. 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.
19. A solid buffer must be provided and maintained along the side and rear property lines where this tract/site abuts residentially zoned property lines in accordance with the provisions of Section 1102 G, Buffer Requirements, County Zoning Ordinance. (Note: Chain link fencing cannot be used to satisfy the buffer requirement.)
20. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.
21. All required off-street parking spaces shall be a minimum of 9' x 20' and shall be surfaced, with a permanent material such as asphalt or concrete, and striped prior to application for the building final inspection. A minimum of one space for each 200 square feet of net floor and/or sale garage area off-street parking spaces are required for this development. (Note: The developer must contact the Code Enforcement Section to determine the parking requirements based on the building plans and use of the spaces within the proposed building.)
22. A minimum of one off-street loading space measuring 12' x 25' with 14 overhead clearance, is required be provided for this development. Three copies of a revised plan must be submitted prior to issuance of any permits.
23. Noise levels shall not exceed 60 dB(A) between the hours of 10:00 pm and 7:00 am. In any event, the noise level, regardless of the time of day, shall not become a nuisance to neighboring properties and strict compliance with the County's Noise Ordinance is required.

**Other Relevant Conditions:**

24. The applicant is advised to consult an expert on wetlands before proceeding with any development.
25. 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.
26. The owner/developer be aware that every deed created for a lot being served by an on-site sewer system must contain the following disclosure when filed with the County Register of Deeds:

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

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

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

Watershed Review 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
PWC:	Heidi Maly	223-4773
Fayetteville Planning:	Marsha Bryant	433-1416
Corp of Engineers (wetlands):	Ronnie Smith	(910) 251-4829
NCDENR (E&S):	Sally McKinney	433-3300
E911 Site-Specific Address:	Ron Gonzales	678-7616
Tax Parcel Numbers:		678-7549
NCDOT (driveways/curb-cuts):	Gary Burton	486-1496
Transportation Planning:	Bobby McCormick	678 7632
N.C. Division of Water Quality:	Mike Randall	(919) 733-5083 ext. 545

cc: Marsha Bryant, Fayetteville Planning





ATTACHMENT FOR:

9/30/08

**REQUEST FOR ALTERNATE YARD REQUIREMENTS:**

OWNER: B3 PARTNERS, LLC

SITUS ADDRESS: 6055 MURCHISON ROAD

PIN #: 0419-98-2385

Summary of Request:

We would like to request an alternate side yard setback from 30' to 10' on the north property line. Following is the list of reasons for the request:

- Lot was platted in November on 1934, BK 8 PG 82 as 450' x 96.8', since then additional right of way was taken, new dimensions 412' x 96.8'
- Due to the width of the lot, 96.8' it is difficult to develop and maintain the required setbacks and meet the current zoning ordinances, including but not limited to setbacks, parking and landscaping.
- The adjacent property to the north is zoned R6A, the majority of the balance of the property fronting on Murchison Road is zoned commercial. The rental units on this property are separated from the subject property by a private street. In all likely hood this property in the future will be commercial.
- In **Section 1102 Yard Regulations** of the Cumberland Co. Zoning Ordinance, paragraph **J. Side Yard Exception**, allows the minimum side yard width requirement to apply only to one side, if the opposite side is zoned commercial and the lot is less than 150' in width.
- Due to the nature of the property along Murchison Road, the opposite side property will most likely be zoned commercial in the future. In addition, the subject property would be required to install a solid buffer along the adjoining property line separating the commercial and residential.



**SUBJECT PROPERTY**

ANGLIAN DR

MURCHISON RD

BERNADINE ST

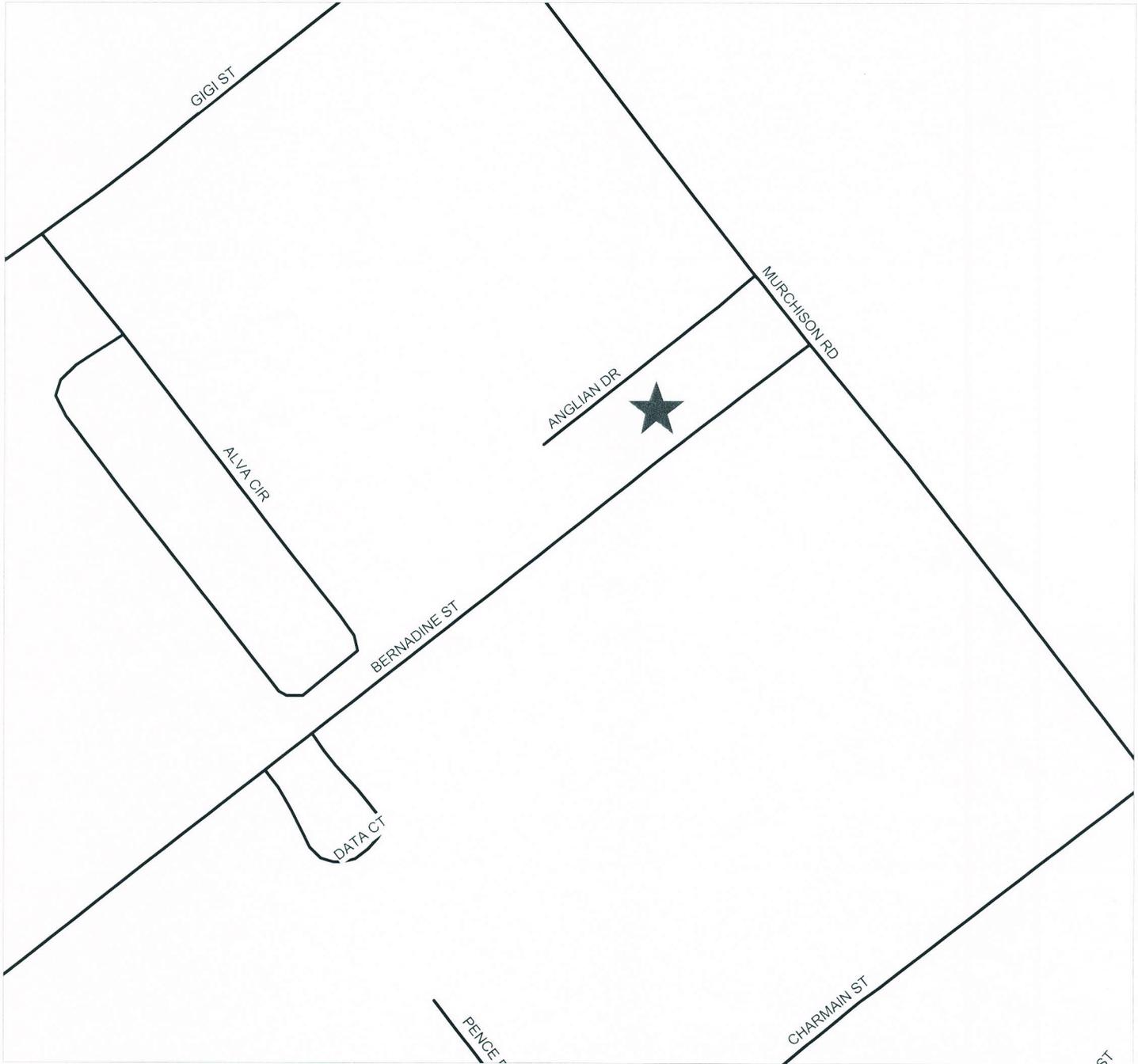
PWC WATER LINES

ALVA CIR

**AERIAL MAP CASE: 08-159**



**B3 PARTNERS, LLC. PROPERTY  
C(P) SITE PLAN REVIEW  
CASE NO. 08 - 159**



PIN(S): 0419-98-2385-  
Prepared by GJB - CCJPB  
SEPTEMBER 30, 2008

Map not to scale

