

Clifton McNeill, Jr., Chair  
Cumberland County

Charles C. Morris, Vice-Chair  
Town of Linden  
David Averette,  
Cumberland County  
Frank Underwood,  
Town of Stedman



## COUNTY *of* CUMBERLAND

### *Planning and Inspections*

Nancy Roy, AICP,  
Planning & Inspections  
Director

Joe W. Mullinax,  
Town of Spring Lake  
Jerry Olsen,  
Wade, Falcon & Godwin  
Dr. Marion Gillis-Olson,  
Cumberland County

June 26, 2003

MEMO TO: PLANNING BOARD MEMBERS

FROM: NANCY ROY, DIRECTOR

SUBJECT: TENTATIVE AGENDA

The next scheduled meeting of the Cumberland County Joint Planning Board will be Tuesday, July 1, 2003 at 7:00 p.m. in Public Hearing Room #3 of the Historic County Courthouse at 130 Gillespie Street. The Tentative Agenda is as follows:

- I. INVOCATION AND PLEDGE OF ALLEGIANCE
- II. APPROVAL OF AGENDA/ADDITIONAL ITEMS
- III. CONSENT ITEMS
  - A. APPROVAL OF THE MINUTES OF JUNE 17, 2003
- IV. PLATS AND PLANS
  - A. CASE: 03-1115: CONSIDERATION OF THE LLOYD GROOMS SUBDIVISION REVIEW ON THE NORTH SIDE OF TISSHUVAH LANE, EAST OF PARKTON ROAD FOR A VARIANCE FROM SECTION 3.2, "LOT STANDARDS," CUMBERLAND COUNTY SUBDIVISION ORDINANCE.
- V. DISCUSSION
  - A. WADE AREA PLAN—WILL DENNING
  - B. STATE LAWS REGARDING GROUP HOMES—GRAINGER BARRETT
- VI. FOR YOUR INFORMATION
  - A. DIRECTOR'S UPDATE
- VII. ADJOURNMENT



**John M. Gillis, Jr., Chair**  
Cumberland County

Clifton McNeill, Jr., Vice-Chair  
Cumberland County  
David Averette,  
Cumberland County  
Dallas Byrd, Town of Stedman  
Charles C. Morris,  
Town of Linden

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Dr. Marion Gillis-Olion,  
Cumberland County

## COUNTY *of* CUMBERLAND

### *Planning and Inspection Department*

MINUTES  
June 17, 2003  
7:00 p.m.

#### **Members Present**

John M. Gillis, Jr., Chair  
Clifton McNeill, Vice-Chair  
David Averette  
Dallas Byrd  
Charles Morris  
Joe W. Mullinax  
Marion Gillis-Olion

#### **Members Absent**

Jerry Olsen

#### **Others Present**

Nancy Roy, Director  
Thomas J. Lloyd  
Donna McFayden  
Barbara Swilley  
Grainger Barrett,  
County Attorney

#### I. INVOCATION AND PLEDGE OF ALLEGIANCE

Mr. Byrd delivered the invocation, and Chair Gillis led those present in the Pledge of Allegiance.

#### II. APPROVAL OF AGENDA/ADDITIONAL ITEMS

Chair Gillis asked that a presentation be added to the Agenda. Items P03-52 and P03-53 were moved from the Consent to Public Hearing items. A motion was made by Vice-Chair McNeill and seconded by Mr. Byrd to approve the Agenda with the changes. The motion passed unanimously. Dr. Olion was not present for the vote.

#### III. PUBLIC HEARING DEFERRALS

There were no public hearing deferrals.

#### IV. ABSTENTIONS BY BOARD MEMBERS

There were no abstentions by Board members.

#### V. POLICY STATEMENT REGARDING PUBLIC HEARING TIME LIMITS

Mr. Lloyd read the Board's policy regarding public hearing time limits

#### VI. PRESENTATION TO DALLAS BYRD

This was Mr. Byrd's last meeting as a Board member. Chair Gillis presented Mr. Byrd with a plaque thanking him for his years of service to the County while serving on the Board. The Board also expressed their appreciation and told Mr. Byrd that he would be missed.

After the presentation, Mr. Gillis announced that Mr. Olsen would also be resigning from the Board due to medical problems. He said that Mr. Olsen spent 10 days in the hospital with double pneumonia and emphysema, and the doctor told him to give up his outside activities and stay at home to recuperate. Mr. Olsen will also be missed.

VII. CONSENT ITEMS

A. APPROVAL OF THE MINUTES OF JUNE 3, 2003

Two changes were made to the Minutes. A motion was made by Mr. Morris and seconded by Mr. Mullinax to approve the Minutes of June 3, 2003 with the changes. The motion passed unanimously. Dr. Olion was not present for the vote.

REZONING CASES

A. P03-30: REZONING OF 33.46 ACRES FROM A1 TO R40A, OR A MORE RESTRICTIVE ZONING DISTRICT, AT 676 FLYERS DRIVE, OWNED BY DAVID C. AND SUE B. RAYNOR.

The Planning staff recommended approval of the R40A Residential District based on the following;

1. The Planning Board asked that a compromise be reached with the applicant, and the staff feels that this is the best solution to accomplish the goal of staff and applicant reaching a solution palatable to both.

The Planning staff found that the subject property is also suitable for the R40 Residential District.

No one appeared in favor of or in opposition to the request.

Mr. Averette expressed concern that the staff was to use zero lot line to accomplish the goals of the applicant. He said that he would like to see the property remain A1. Mr. Lloyd said that the Board asked staff to work this case out with the applicant. He said that he met with the applicant several times, and the request went from R20 to R40A with a total reduction in acreage from 95 to 33 acres. Mr. Averette said since the area was cut down in size, he had no problem with the request.

Vice-Chair McNeill commended the staff for protecting the farmland.

**A motion was made by Vice-Chair McNeill and seconded by Mr. Averette to follow the staff recommendations and approve the R40A Residential District. The motion passed unanimously. Dr. Olion was not present for the vote.**

B. P03-54: REZONING OF 2.0 ACRES FROM R10 TO R5A, OR A MORE RESTRICTIVE ZONING DISTRICT, AT 3970 GILLESPIE STREET, OWNED BY JANET SNEAD DEES.

The Planning staff recommended approval of the R5A Residential District based on the following:

2. The rezoning will place all land under one ownership under the same zoning classification.

The Planning staff found that there are no intervening districts to consider for suitability.

Note: A zoning permit will not be granted until the lots are recombined.

No one appeared in favor of or in opposition to the request.

**A motion was made by Vice-Chair McNeill and seconded by Mr. Averette to follow the staff recommendations and approve the R5A Residential District. The motion passed unanimously. Dr. Olion was not present for the vote.**

- C. P03-55: REZONING OF 65.0 ACRES FROM M(P) TO R10, OR A MORE RESTRICTIVE ZONING DISTRICT, ON THE NORTH SIDE OF CAMDEN ROAD, NORTHEAST OF CRYSTAL SPRINGS ROAD, OWNED BY JOE B. RAYNOR, JR.

Maps and slides were displayed indicating the zoning and land use in the area. Mr. Lloyd reported that the Planning staff recommended approval of the R10 Residential District based on the following:

1. The 2010 Land Use Plan calls for low-density residential use at this location; and
2. Public water and sewer are available to the site.

No one appeared in favor of or in opposition to the request.

**A motion was made by Vice-Chair McNeill and seconded by Mr. Averette to follow the staff recommendations and approve the R10 Residential District. The motion passed unanimously. Dr. Olion was not present for the vote.**

#### VIII. PUBLIC HEARING ITEMS

- A. P03-50: REZONING OF 15.93 ACRES FROM C3 AND R5A TO R5A AND C3 OR A MORE RESTRICTIVE ZONING DISTRICT, ON THE NORTH SIDE OF CLIFFDALE ROAD, WEST OF SOUTH REILLY ROAD, OWNED BY SHARLENE R. WILLIAMS.

Maps and slides were displayed indicating the zoning and land use in the area. Mr. Lloyd said that Tract 1 contains 8-1/3 acres and the request is to rezone from R5A to C3. Tract 2 contains 7-1/2 acres and the request is to rezone from C3 to R5A.

Mr. Lloyd reported that the Planning staff recommended denial of the C3 Heavy Commercial District and approval of the C(P) Planned Commercial District based on the following:

1. Site plan review is preferable at this location.

The Planning staff recommended approval of the R5A Residential District based on the following:

1. The uses allowed in the R5A District are consistent with the development in the area.

Mr. Watson Caveness appeared before the Board to clarify the objective. He said that they intend to put mini-storage in the C3 and condominiums in the R5A. He said that the mini-storage is much more suitable along the railroad, with the nicer land to be used for condos. He asked if the uses allowed in the C3 and C(P) are the same. Mr. Lloyd told him that they were except for billboards and adult entertainment. He said that he had no objections to the C(P) if the uses are the same.

Mr. Averette asked about access to the railroad parcel. Mr. Caveness said that the access is from the front of the shopping center through the Burger King. Mr. Averette said that there are differences in the setbacks in the C3 and C(P) Districts and asked if they would be okay. Mr. Caveness said that he wasn't sure because his engineer wasn't present. Mr. Lloyd said that there would be an additional five feet required along the railroad tracks. He said that the frontage in the front shouldn't make a difference. Vice-Chair McNeill said that the applicant

has the option of requesting a variance. Mr. Lloyd agreed and said that it would go before the Planning Board as a site plan review. Vice-Chair McNeill said that variances are based on the shapes of properties.

Mr. Morris asked if the rezoning was for two different parcels. Chair Gillis said that it was.

Mr. Ralph Huff appeared before the Board and said that he was one of the developers and had concerns about the setbacks. He said that there is plenty of depth on the western side, but not on the eastern. He said that the office should be visible, and the five feet could hurt the project. He apologized that his engineer was present to address the setbacks.

Vice-Chair McNeill asked if Mr. Huff had serious enough concerns to defer action on the case. Mr. Huff said that he would prefer that if it could be resolved in July since the Commissioners weren't meeting again until August.

Chair Gillis asked what would happen though if Tract 1 was sold. Mr. Lloyd said that the tract is landlocked and access would determine the yards and setbacks. He said that the staff's concern is the need for site plan review. Chair Gillis said that adult entertainment or billboards wouldn't be suitable for the site.

Vice-Chair McNeill said how the current C3 properties would be handled if the zoning district is going to be eliminated when the Ordinances are revamped. Mr. Lloyd said that setbacks may be eased.

No one appeared in opposition to the case.

The public hearing was closed.

Mr. Averette said that all of the commercial tracts are C3 in the area, and he didn't see why C(P) would be required on the lot in the rear. He suggested that the Board could rezone the property to C3 at that time. Mr. Lloyd said that the Board has to consider all of the allowed uses in the C3 when deciding on the rezoning.

A motion was made by Mr. Averette to approve the R5A and C3 Districts as requested by the applicant. The motion died for lack of a second.

Mr. Morris said that he agreed with Mr. Averette, but the C(P) would be preferable if the applicant has the time to see if the setbacks will work.

**A motion was made by Mr. Morris and seconded by Vice-Chair McNeill to defer action on the case until July 15, 2003 so that the applicant and staff could meet. The motion passed 6 to 1 with Mr. Averette voting in opposition.**

B. P03-52: REZONING OF 1.40 ACRES FROM A1 TO R40, OR A MORE RESTRICTIVE ZONING DISTRICT, AT 4337 BUTLER NURSERY ROAD, OWNED BY FREDDIE J. MCLEAN.

Maps and slides were displayed indicating the zoning and land use in the area. Mr. Lloyd reported that the Planning staff recommends approval of the R40 Residential District based on the following:

1. The uses allowed in the R40 Residential District are consistent with the current uses in the area; and
2. The recommendation falls within the Board's farmland protection policy.

The Planning staff finds that the subject property is also suitable for the R40A Residential District.

Mr. Michael Henley appeared before the Board on behalf of Mr. Freddie McLean, applicant. He said that he is a tenant leasing from Mr. McLean and wants to have a treatment home for kids with behavioral problems. He said that there would be no more than four children on the property, and it would be a level two home for children of broken homes or children of dysfunctional families. He said that he also wants to farm some of the land with the kids.

Mr. Brian Harris appeared before the Board in opposition and said that he lives in the area as do many members of his family. He said that the R10 allows uses except for large lot, single-family residences, which is what surrounds the property. He said that there is a lot of wet land on the property.

Ms. Peggy Kelly appeared before the Board in opposition and said that she owns property in the area and has safety concerns. She said that the intersection is very dangerous with a sharp curve, is not cleared of trees, and is very congested. She said that she built in the area because it was rural. Ms. Kelly also expressed concern for the widow ladies that live nearby.

Mr. Wayne Sherrill appeared before the Board and said that he lives two miles from the property, and his mother owns two houses across from the property. He said that he is concerned that the stream in the rear of the property could create a hazard to the children. He said that there are many older ladies in the area, and he is also concerned about the residents of a group home.

Vice-Chair McNeill asked if McFayden Road is paved and whether there is right-of-way. Mr. Sherrill said that there is a very small right-of-way, and this is also a safety hazard.

Mr. Henley appeared before the Board in rebuttal. He said that Mr. Peabody, County Zoning Inspector, said that he could have 15 kids on the property if the house was back 10 more feet from the road. He said that it is about 49 feet from the road, but more is needed, so he wants to rezone the property. He said that the kids are smaller and won't be harmful. He said that the creek is about 300 feet back from the house, and the house will be fenced.

Vice-Chair McNeill asked how many dwellings would be allowed if the property is rezoned to R40. Mr. Lloyd said that two would be allowed if a group development is used.

Ms. Marilyn Henley said that the children are young and will have 24-hour a day supervision.

Vice-Chair McNeill asked if the Henleys live on the property. Mr. Henley said that he will be a home manager, but this will not be his residence.

Mr. Lloyd was asked if the use would require a Specified Conditional Use Permit. He said that it would not because it is a permitted use in the zoning district.

Mr. Lloyd reminded the Board that Mr. Barrett spoke with the staff, and the staff is looking into what is required at the permitting stage. He said that he would be looking into types of residents. He reminded the Board that they are not to base their decision on the use.

Vice-Chair McNeill asked if there was any Conservancy District zoning on the property because of the wetland. Mr. Lloyd said that there was not, and it was probably missed during the initial zoning.

Vice-Chair McNeill said that he was familiar with the curve, and there isn't normal right-of-way on McFayden Road, so there was no sight distance at the intersection. He said that this constitutes a dangerous intersection. He said that the applicant hadn't mentioned a second dwelling unit. He noted that the property shouldn't have been zoned A1 initially. Mr. Lloyd said that the staff didn't look at every parcel during initial zoning. Vice-Chair McNeill said that he believed A1 was proper zoning for the area.

A motion was made by Vice-Chair McNeil and seconded by Mr. Mullinax to deny the rezoning. The motion passed 5 to 1 with Mr. Averette voting in opposition. Dr. Olion was not present for the entire case and did not vote.

Mr. Morris asked that Mr. Barrett give the Board more specifics on laws regarding how to work with group homes.

C. P03-53: REZONING OF 37.95 ACRES FROM RR TO R10 OR A MORE RESTRICTIVE ZONING DISTRICT ON THE SOUTH SIDE OF CAMDEN ROAD, WEST OF MILL CREEK ROAD, OWNED BY ETTA CAMERON RUFF.

Maps and slides were displayed indicating the zoning and land use in the area. Mr. Lloyd said that the area was zoned RR initially in 1977 because it had no public utilities. He said that there have been recent rezonings in the general area to higher densities. He said that the petitioner submitted a letter for the record stating that preliminary extension of water and sewer has been approved by PWC at a cost to the developer of \$470,000.

Mr. Lloyd reported that the Planning staff recommended approval of the R10 Residential District based on the following:

1. The 2010 Plan calls for low-density residential development at this location; and
2. Public water and sewer are available to the site.

The Planning staff found that the subject property is also suitable for the R15 District.

Mr. Jim Kizer, engineer for the applicant said that the developers and owners were present to answer questions. He said that they have been working with PWC to see if it is economically feasible to extend water and sewer, and they determined that it would be if the property could be rezoned to R10. He said that sewer will consist of a lift station and force main, and there would be 6,500 linear feet of water main extended to the site. He added that both would be a plus for the County because the additional roadway will have water.

Mr. Averette asked if the sewer would be from Hoke County. Mr. Kizer said that both the water and sewer would be provided by PWC.

Ms. Arlene Mulrooney appeared before the Board in opposition. She said that she lives in Hoke County near the subject property, and there was significant opposition to the development at the Hoke County Commissioners' meeting. She said that the residents also have concerns about Lake Upchurch and Rockfish Creek. She said that the residents submitted a petition to the Hoke County Commissioners.

Mr. John Hendrickson appeared before the Board in opposition and said he is a resident of the area and has concerns about what type homes will be developed. He said that they should at least be comparable to the existing homes so those homes won't depreciate in value. He said that he also had some ecological concerns regarding the lake and creek. He said that the lots in the area are zoned RR—1/2-acre lots, and all the homes are actually on lots well over an acre. Chair Gillis pointed out that RR requires a minimum and does not specify a maximum. Mr. Lloyd said that the R40 District didn't exist at the time the lots in the area were initially zoned.

Mr. Al Averette appeared before the Board and said that the ecological study completed on the creek two years ago. He said that the homes in the area are on lots between one and four acres, and his concerns are environmental and the value of their properties.

Mr. Dave Averette asked about the present water system. Mr. Al Averette said that it was Brookwood and has two large wells in the area.

Mr. Kizer appeared before the Board in rebuttal. He said that the applicant is requesting low density and will be improving the area by bringing in water and sewer. He said by not using septic tanks, it will improve the ecological problems. He said that earlier development required larger lots because septic tanks were used.

The public hearing was closed.

Vice-Chair McNeill asked if the Mill Creek Subdivision is contained in the RR section Mr. Lloyd said that it is not.

Vice-Chair McNeill said that one of the speakers mentioned that the Mill Creek Subdivision would not be able to access water. Mr. Kizer said he didn't know why PWC wouldn't allow it. He added if Mill Creek could work it out with PWC, sewer could also be obtained with an additional lift station.

Mr. Averette asked where the lift station would be located, and Mr. Kizer showed him an area in the southeast corner of the property. He said that PWC was working with other communities who want sewer, so it isn't completely decided.

**A motion was made by Mr. Averette and seconded by Mr. Morris to follow the staff recommendations and approve the R10 District.**

Mr. Averette said that he agreed that bringing water and sewer to the area would be a great benefit to the County.

**The motion passed unanimously.**

IX. DISCUSSION

A. REPORT ON COUNTY COMMISSIONERS' MEETING—DAVE AVERETTE

Mr. Averette reported that the Commissioners approved all cases as recommended by the Board. He said that the public hearing on the Fort Bragg Land Use Study generated a significant amount of interest. The Commissioners tabled the Study pending the results of a Legislative Study Commission.

B. REPORT FROM COMPREHENSIVE PLANNING COMMITTEE—JOE MULLINAX

Mr. Mullinax reported that the Committee met on the previous Tuesday with members from the farming community. He said that the Minutes were in the packets. He said that there is lots of work ahead. He said that he reviewed the 2010 Land Use Plan and the same problems existed in 1992 as do now. He said that it didn't appear that many of the recommendations in the 2010 Plan were followed. He said that the Committee will meet again on June 24.

X. ELECTION OF OFFICERS

A motion was made by Mr. Mullinax and seconded by Dr. Olion to add election of officers to the Agenda. The motion passed unanimously.

Mr. Byrd reported that the Nominations Committee nominated Clifton McNeill for the position of Chair for the upcoming year and Charles Morris for the position of Vice-Chair.

Nominations were closed.

Upon a vote on the recommendation from the Nominations Committee, it passed unanimously.

XI. FOR YOUR INFORMATION

A. DIRECTOR'S UPDATE

Ms. Roy reported that two Planning Board members (John Gillis and Dave Averette) and four staff members would be attending a lecture by Mr. Randall Arendt in Wilmington the following day. She said that he is an excellent speaker and author of many books on planning.

B. JERRY OLSEN LEAVING THE BOARD

Mr. Morris asked about Mr. Olsen's departure from the Board. Chair Gillis explained that Mr. Olsen would submit a resignation letter to the towns he represents, and they would appoint someone to take his place. He added that a presentation for him would be worked out when he is feeling better.

C. DALLAS BYRD LEAVING THE BOARD

Vice-Chair McNeill expressed his regret that Mr. Byrd would be leaving the Board and said that would be missed. Other Board members agreed and said that they enjoyed his friendship.

D. C(P) PLANNED COMMERCIAL DISTRICT

Mr. Mullinax asked what would happen to the C3 properties if only C(P) is allowed in the future. Ms. Roy explained that they probably wouldn't be changed automatically, however, all future rezonings would be C(P) once the C3 is eliminated. She added that another option would be to establish a policy that all nonresidential development would require site plan review in the future.

Mr. Barrett entered the meeting at this time. He said that there were a couple of ways that the issue could be handled: 1) Make the properties nonconforming, which is unpalatable because it affects financing; or 2) grandfather the properties in and require that any reworking of the development on the properties by a cut-off date would require site plan approval. He said any development prior to the set date would not require site plan approval, and approval would not be required unless the development changed by a certain amount. He said if the regulations are specific, the parameters could be worked out.

Vice-Chair McNeill asked the purpose of eliminating the C3 and was told that it would be to require site plan approval on commercial properties. Mr. Averette asked why this was necessary because buffers, access and setbacks are considered in relation to the adjoining properties. Chair Gillis said without plan review, an activity can be in place before it is obvious that there is a problem, and this will be helpful in resolving issues related to planning.

XII. ADJOURNMENT

There being no further business, the meeting adjourned at 8:45 p.m.

June 23, 2003

MEMORANDUM

TO: Planning Board

FROM: Planning Staff

SUBJECT: Case No. 03-115  
Lloyd Crooms Property  
(Subdivision Review)

The developer submitted a request to use a neighborhood public road as access for the proposed subdivision. Section 3.20.d, "Lot Standards" of the Cumberland County Subdivision Ordinance requires that all lots shall be served by either an approved private street or public road. The developer proposed to divide the property into two lots using the same easement. This landlocked property contains 1.00 acres, but is a legal non-conforming lot.

The North Carolina Court of Appeals ruled on a neighborhood public road case dated January 5, 1993. The Court ruled that for roads outside city or town limits the following criteria need to be evident for them to be classified as neighborhood public roads and thus serve as legal access:

- (1) Outside a city or town limits;
- (2) Serves as **public** use as opposed to a private drive;
- (3) Serves as a means of ingress/egress for one or more families;
- (4) Has existed for at least 20 consecutive years from 1921 to 1941.

The Planning Staff recommends approve only if access to the parcels being created, Tisshuuah Lane, can qualify under these conditions. It is incumbent upon the developer to provide the planning staff with appropriate documentation.

Attachments

cc: James Hemingway, Developer  
Denver McCullough, Land Surveyor  
Grainger Barrett, County Attorney  
Thomas J. Lloyd, Supervisor, Land Use Codes

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PLANNING STAFF DECISION: 06-19-03 PLANNING BOARD DECISION: 07/01/03 COUNTY OR COUNCIL MEETING: N/A

CASE NO: 03-115 NAME OF DEVELOPMENT: LLOYD CROOMS PROPERTY  
(SUBDIVISION REVIEW)

LOCATION: ON THE NORTH SIDE OF TISSHUVAH LANE, EAST OF ZONING: R6A

SR 1118 (PARKTON ROAD) PIN: 0413-47-7557

OWNER OR DEVELOPER: LLOYD CROOMS ENGINEER OR DESIGNER: DENVER MCCULLOUGH

COUNTY ORDINANCE     GODWIN ORDINANCE     STEDMAN ORDINANCE     SPRING LAKE ORDINANCE     FALCON ORDINANCE

PLANNING DEPARTMENT ACTION	PLANNING BOARD ACTION	TOWN BOARD
<input checked="" type="checkbox"/> PRELIMINARY	<input checked="" type="checkbox"/> PRELIMINARY	<input type="checkbox"/> PRELIMINARY <input type="checkbox"/> FINAL
<input type="checkbox"/> EXTENSION <input type="checkbox"/> REVISION	<input type="checkbox"/> EXTENSION <input type="checkbox"/> REVISION	<input type="checkbox"/> EXTENSION <input type="checkbox"/> REVISION
<input type="checkbox"/> APPROVED CONDITIONALLY	<input type="checkbox"/> APPROVED CONDITIONALLY	<input type="checkbox"/> APPROVED CONDITIONALLY
<input type="checkbox"/> DENIED	<input type="checkbox"/> DENIED	<input type="checkbox"/> DENIED

### CONDITIONS OF APPROVAL:

1. That the Public Works Commission approves water and sewer plans prior to application for any permits.
2. That if applicable, the N.C. Department of Transportation approve the proposed curbcut(s) and that the proper permit(s) be obtained prior to building permit application.
3. That the final plat must be submitted to the Planning Staff for review and approval for recording; and that the plat must be recorded prior to any permit application on any structure and/or prior to the sale of any lot or unit in this development.
4. That a site-specific address and tax parcel number be provided at the time of building/zoning permit application.
5. That applicant is advised that an expert on wetlands should be consulted before proceeding with any development.
6. That all applicable portions of Section 3.20 "Lot Standards" of the County Subdivision Ordinance be complied with.
7. That all uses and setbacks be compatible with those permitted in the R6A zoning classification.
8. That the owner(s)/developer(s) of these lots obtain detailed instructions on permits required to place a structure within this development from the Inspections Department at 130 Gillespie Street Room 106. The Inspections Department will need a copy of this Approved Condition Sheet and map for additional information or the developer should call a Zoning Officer at 321-6640.
9. This review does not constitute a "Subdivision" approval by NCDOT. A separate submittal will be required to NCDOT prior to any consideration for addition to the system.

CASE NO. 03-115 CONTINUED

10. That at a minimum a zoning permit is required prior to the placement of any structure on any portion of this development.
11. That all structures shall be shown on the final plat or that the final plat shall reflect the following statement: "Nonconforming structures have not been created by this subdivision."
12. That prior to final plat approval of any portion of this development, the developer shall submit a check or cash in the amount of \$ 228.30 payable to Cumberland County. This condition is in accordance with Section 3.13.1, Parks, Open Space, Recreation Provisions, Cumberland County Subdivision Ordinance, which requires every residential dwelling unit shall provide a portion of land, in certain instances, or pay a fee in lieu of dedication, for the purposes of providing park, recreation and open space areas. (Park District #3)
13. That since this development does not have public water and/or sewer, the following disclosure statement shall be provided on the final plat:

"The individual lots in this development do not have public sewer and/or water services available, and no lots have been approved by the Health Department for on-site sewer services or been deemed acceptable for private water wells as the date of this recording."
14. That the owner/developer be aware that every deed created for a lot to be served by an on-site water and/or sewer system, that all of these deeds shall be filed at the Register of Deeds with the following disclosure:

"Public water and/or 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 Health Department."
15. That site and soil evaluations be conducted on the property by the County Environmental Health Department. Note: All Health Department requirements shall be met prior to issuance of final permits.
16. That notarized owners' signature and certifications appear on the final plat prior to approval.
17. That any/all easements appear on the final plat.
18. That if driveways are changed, developer needs to obtain a driveway permit from the NC Department of Transportation.
19. If a manufactured home is placed on the lot, the developer will need to provide the year, make, V.I.N. and color at the time of permit application.
20. The Cumberland County Joint Planning Board on July 1, 2003 will review a request to use a Neighborhood Public Road for access to divide a property.

IF YOU NEED A CLARIFICATION AND/OR NEGOTIATION OF CONDITION(S) PLEASE CONTACT ED BYRNE AT 678-7609 OR TOM LLOYD 678-7618.

cc: County Inspections Department  
Owner/Developer  
Engineer/Designer



Variance Reasons: (check all that apply)

- 1. Size of Tract
- 2. Topography (including soil type)
- 3. Condition of Adjoining Areas
- 4. Nature of Adjoining Areas
- 5. Existence of Other Unusual Physical Conditions
- 6. Other: SUBDIVIDE LAND W/ DIRT RD. ACCESS

Summarize unusual and unnecessary hardship below:

CLIENT WANTS TO DIVIDE 1 AC TRACT IN HALF  
WITH NO PUBLIC R/W ACCESS (DIRT RD ACCESS  
EASEMENT ONLY)

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Michelle E. Lee  
(Signature of Applicant/Agent)

6 June 03  
(Date Signed)

NORTH CAROLINA  
COUNTY OF CUMBERLAND

AFFIDAVIT OF NEIGHBORHOOD PUBLIC ROAD

I, JANICE McFADGEN, after being sworn declare that I reside at  
5432 PARKION Rd Hope Mills NC 28348

I submit this affidavit in support of the applicant, LLOYD CROOMS.

I am not the applicant or a relative of the applicant. I have resided in the area of

TISSHUVAN LANE for 30 years. This road has been used by  
House of PRAYER Church and other resident

who have used the road to travel to church, grocery store, gas station, doctor and hospital.

The road has been used approximately 30 years by fire and ambulance service to  
persons living along the road.

This road was maintained by JANICE McFADGEN

More recently the road has been graded and otherwise maintained by Resident

This the 5 day of June, 2003.

Jannine McFadgen

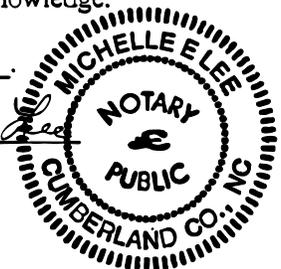
STATE OF NORTH CAROLINA  
COUNTY OF CUMBERLAND

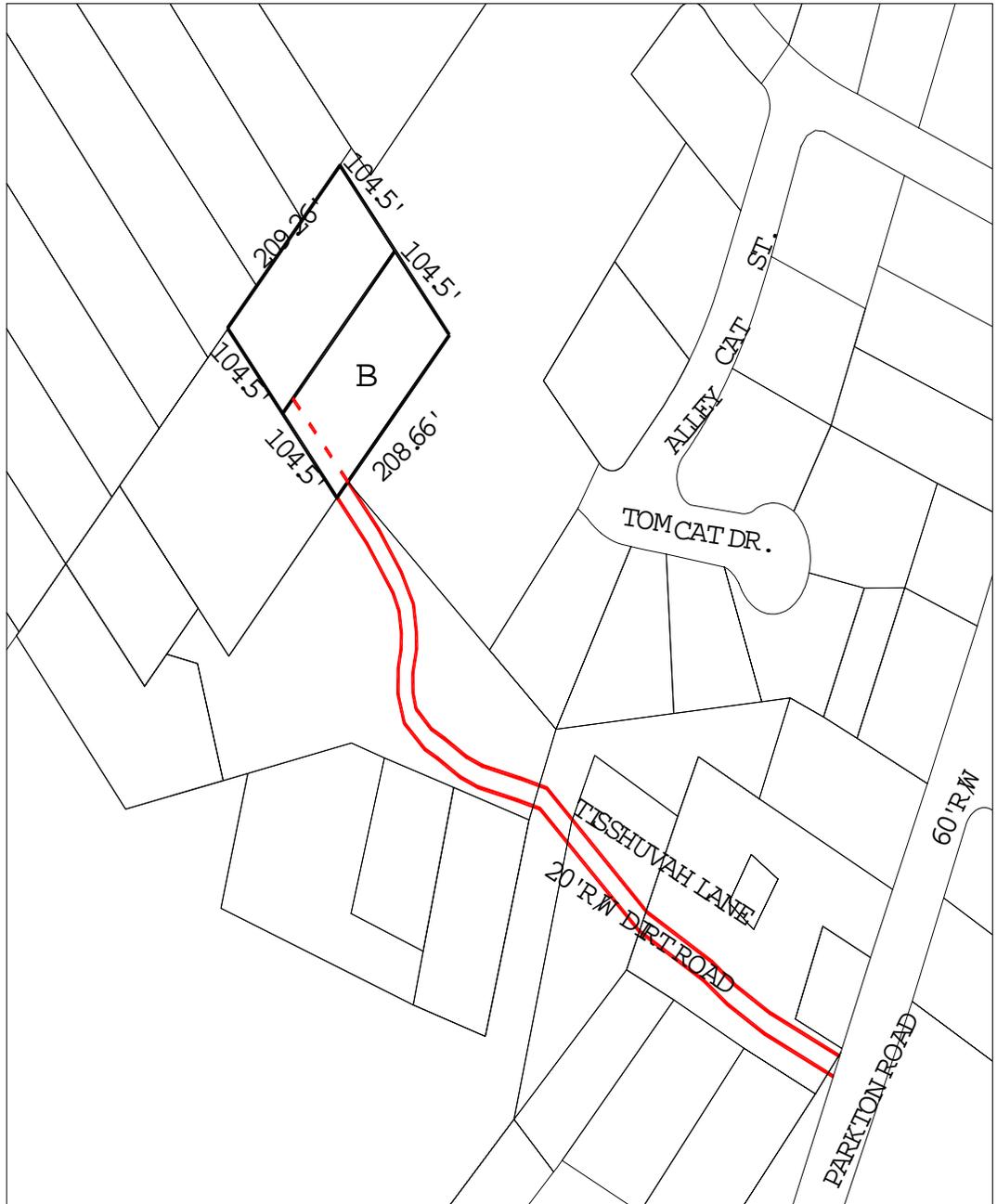
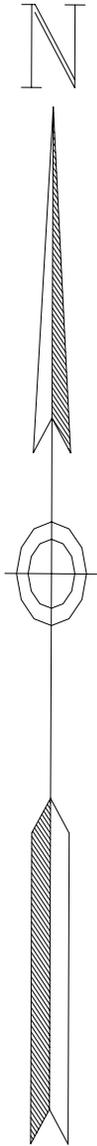
I, MICHELLE E. LEE, a Notary in and for the State of  
North Carolina, do hereby certify that JANICE McFADGEN,  
after being first duly sworn, stated and attested that the attached Affidavit, dated  
5 JUNE 2003, was true and correct to the best of his/her belief and knowledge.

This 5th day of JUNE, 2003.

My Commission expires AUGUST 4, 2007

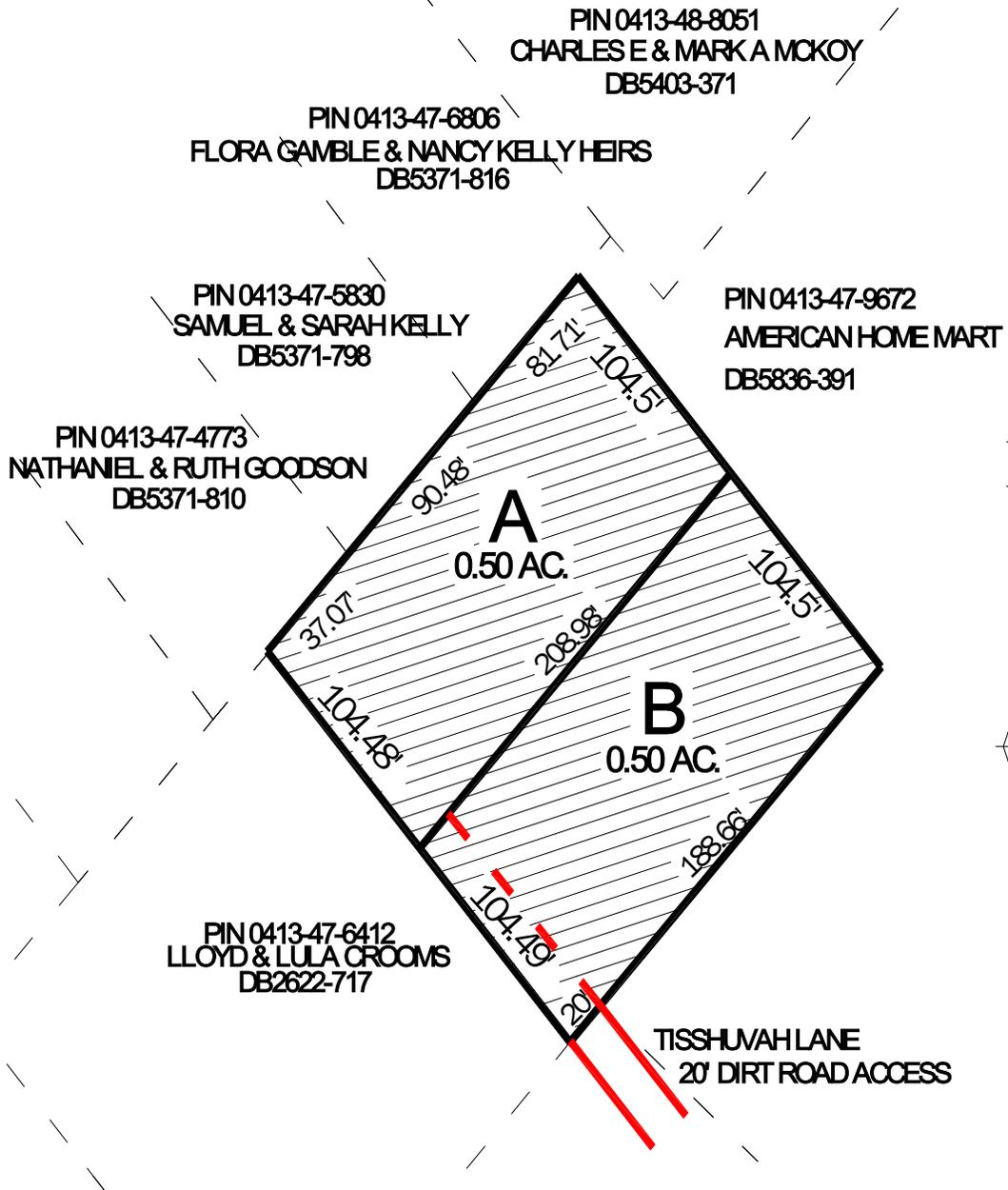
Michelle E. Lee  
Notary Public





LLOYD CROOMS PROPERTY  
SUBDIVISION REVIEW

REQUEST: TO USE A NEIGHBORHOOD PUBLIC ROAD FOR ACCESS  
CASE: 03-115 ACREAGE: 1.00± ZONED: R6A SCALE: NTS



LLOYD CROOMS PROPERTY  
SUBDIVISION REVIEW  
REQUEST: TO USE A NEIGHBORHOOD PUBLIC ROAD FOR ACCESS  
CASE: 03-115 ACREAGE: 1.00± ZONED: R6A SCALE: 1" = 60'

