

Clifton McNeill, Jr.,
Chair
Cumberland County



Nancy Roy, AICP,
Director
Planning & Inspections

Charles C. Morris, Vice-Chair
Town of Linden
David Averette,
John M. Gillis, Jr.
Marion Gillis-Olison
Cumberland County

Joe W. Mullinax,
Town of Spring Lake
Jerry Olsen,
Wade, Falcon & Godwin
Frank Underwood,
Town of Stedman

COUNTY *of* CUMBERLAND

Planning and Inspections

July 10, 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 15, 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. PUBLIC HEARING DEFERRALS
- IV. ABSTENTIONS BY BOARD MEMBERS
- V. POLICY STATEMENT REGARDING PUBLIC HEARING TIME LIMITS
- VI. CONSENT ITEMS
 - A. APPROVAL OF THE MINUTES OF JULY 1, 2003

REZONING CASES

- A. P03-57: REZONING OF .73 ACRES FROM RR TO R10, OR A MORE RESTRICTIVE ZONING DISTRICT, AT 1466 FERNDILL DRIVE, OWNED BY WAYNE H. TREANOR.
- B. P03-58: REZONING OF A .50-ACRE PORTION OF A 1.29-ACRE TRACT FROM A1 TO C3, OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 6660 GOLDSBORO ROAD, OWNED BY FLOYD J. AND NETTIE CURRIE.
- C. P03-60: REZONING OF 2.24 ACRES FROM A1 TO R40A OR A MORE RESTRICTIVE ZONING DISTRICT AT 7615 RUFUS JOHNSON ROAD, OWNED BY SHERRY A. LEE.

- D. P03-61: REZONING OF .34 ACRES FROM R10 TO C1 OR A MORE RESTRICTIVE ZONING DISTRICT AT 3827 BOONE TRAIL, OWNED BY DORA HOLLAND HOWARD.

AMENDMENT

- A. P03-65: REVISION AND AMENDMENTS TO THE TOWN OF SPRING LAKE ZONING ORDINANCE, SECTION 156.101, "OFF-STREET PARKING REQUIREMENTS," AND SECTION 156.102(A), "OFF-STREET LOADING."

VII. PUBLIC HEARING ITEMS

- A. P03-47: REZONING OF 1.44 ACRES FROM M(P) TO RR, OR A MORE RESTRICTIVE ZONING DISTRICT, AT 1577 AND 1593 RIVER ROAD, OWNED BY AFFORDABLE PORTABLES OF FAYETTEVILLE, INC.
- B. P03-59: REZONING OF A 23.46-ACRE PORTION OF A 26.33-ACRE TRACT FROM A1 TO R10, OR A MORE RESTRICTIVE ZONING DISTRICT, ON THE NORTH SIDE OF TOM STARLING ROAD, EAST OF BACKBAY ROAD, OWNED BY JOSEPH STRICKLAND.
- C. P03-62: REZONING OF 173.73 ACRES FROM RR AND CD TO R10 OR A MORE RESTRICTIVE ZONING DISTRICT ON THE WEST SIDE OF HASKELL DRIVE, NORTH OF BLACK BRIDGE ROAD, OWNED BY NPS ASSOCIATES.
- D. P03-63: REZONING OF 18.13 ACRES FROM A1 TO RR, OR A MORE RESTRICTIVE ZONING DISTRICT, ON THE WEST SIDE OF CHICKEN FOOT ROAD, SOUTH OF CLIFTON MCNEILL ROAD, OWNED BY TROY L. IVERSON AND NORMAN R. NELSON III.

VIII. PLATS AND PLANS

- A. 03-123: CONSIDERATION OF JIMMY AND ANGELA PHIPPS SUB-DIVISION REVIEW AT THE SOUTH SIDE OF QUARTER HORSE RUN, SOUTHEAST OF BLACK BRIDGE ROAD, FOR A VARIANCE FROM SECTION 4.2.C.c, "PRIVATE STREETS," CUMBERLAND COUNTY SUBDIVISION ORDINANCE.

IX. DISCUSSION

- A. COMPREHENSIVE PLANNING COMMITTEE UPDATE—DAVE AVERETTE

X. FOR YOUR INFORMATION

- A. DIRECTOR'S UPDATE

XI. ADJOURNMENT

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Frank Underwood,
Town of Stedman

MINUTES
July 1, 2003
7:00 p.m.

Members Present

Clifton McNeill, Jr., Chair
David Averette
John M. Gillis, Jr.
Joe W. Mullinax
Marion Gillis-Olion
Frankie Underwood

Members Absent

Charles Morris, Vice-Chair
Representative from
Falcon, Godwin and Wade

Others Present

Nancy Roy, Director
Hope Barnhart
Edward Byrne
Will A. Denning
Thomas J. Lloyd
Barbara Swilley
Denise Sykes

I. INVOCATION AND PLEDGE OF ALLEGIANCE

Chair McNeill delivered the invocation and led those present in the Pledge of Allegiance.

II. APPROVAL OF AGENDA/ADDITIONAL ITEMS

A motion was made by Mr. Mullinax and seconded by Mr. Gillis to approve the Agenda as submitted. The motion passed unanimously. Dr. Olion was not present for the vote.

III. CONSENT ITEMS

A. APPROVAL OF THE MINUTES OF JUNE 17, 2003

Mr. Averette clarified a statement that he had made. A motion was made by Mr. Averette and seconded by Mr. Mullinax to approve the Minutes of June 17, 2003 with the clarification. The motion passed unanimously. Dr. Olion was not present for the vote.

IV. PLATS AND PLANS

A. 03-115: 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.

Mr. Lloyd explained that the property under consideration is landlocked, served by an easement, and the property owner wants to subdivide the tract. He said that this case falls under similar cases that he and Mr. Barrett wanted to clarify for the Board. Mr. Barrett gave the Court's criteria in judging neighborhood public roads: They must 1) be outside city or town limits; 2) serve as public use as opposed to a private drive; 3) serve as a means of ingress/egress for one or more families; and 4) have existed for at least 20 consecutive years from 1921 to 1941.

Mr. Barrett explained the history on using a public road and how the courts determined the criteria. He said that he is leery of subdividing property based on kinship. He said that an easier way is to treat the land as a minor subdivision, and this would be allowed through the Class C Private Street process.

Mr. Lloyd said that there is an easement in this case. Mr. Barrett said that prescriptive easement is adverse possession of an easement. He said that there must be open and fixed boundaries, maintained and go back 20 years.

Mr. Lloyd said that there are many landlocked lots like this one throughout the County, even in the Urban Services Area, where Class C Streets are not allowed. Mr. Barrett said that the Ordinance is specific about public roads. Mr. Lloyd said that the Ordinance doesn't allow a subdivision off of an easement, but a group development is allowed and would give the landowner an additional unit.

Mr. Lloyd Crooms appeared before the Board and said that he has access to the property from Parkton Road along Tisshuvah Lane. He said that the police and fire departments use the lane as well as the private landowners. He said that the easement has been used for many years—since the time his grandparents owned the land, but it was just recently named. Mr. Crooms said that most of the property was farmed in the early years, where tenant farmers lived there and used the lane. He said that it has always provided access for more than one family. He said it has been used as a community pathway and went through his land, but he closed it off.

Mr. Barrett asked if Mr. Crooms' understanding of the use of the property came from his grandparents and parents, and Mr. Crooms said that it did, and he was born in 1931.

A motion was made by Mr. Gillis and seconded by Mr. Mullinax to approve the request after the finding that the lane was outside of the city limits, existed between 1921 and 1941 and served a number of families as an ingress/egress off of Parkton and Muscat Roads for more than 20 years.

Mr. Averette said if it is determined that Tisshuvah Lane is a public road, then the staff has the right to approve the request without the Board. He asked if the road would be shown when the subdivision is platted. Mr. Barrett said that it would be shown and have to be labeled as a public road. He said it would also be useful to further provide reference to the CCJPB meeting minutes of July 1, once the road is indicated through the first lot to the back lot. Mr. Averette said that going through the first lot wouldn't be allowed. Mr. Byrne said that it could be used as a flag lot. Mr. Averette said that he didn't have a problem with it. Mr. Barrett said that they would just be extending the neighborhood public road.

Upon a vote on the motion, it passed unanimously.

Chair McNeill referred the issue to the Comprehensive Planning Committee to look at creating a section of the Ordinance to establish minor subdivisions.

V. DISCUSSION

A. WADE AREA PLAN—WILL DENNING

Mr. Denning gave a presentation on the Wade Area Detailed Land Use Plan. He said that the 2010 Land Use Plan outlined areas that needed detail planning, and the Wade area was the next in line. He said that Studies were already completed on Spring Lake, North Fayetteville, Eastover, Stedman and Vander.

Mr. Denning said that the Wade area boundaries were the Cape Fear River, Eastover Study area and the roads joining the two. He said that there are 1,500 people in the study area, which covers 24 square miles and 15, 580 acres. He said that there was a 50 percent growth in population between 1970 and 2000.

Mr. Denning reviewed slides with statistics on: population, labor force, housing characteristics, conditions and year built, water and sewer, transportation, existing zoning and land use, rezoning cases, utility providers, fire protection, soils, floodplain, septic tank suitability, farmland

characteristics, open space, historic and scenic sites, the Town's Master Plan for Open Space and the Town's Master Park Plan.

Mr. Denning reviewed the recommendations made by the Eastover Committee including continuance of the Urban Services concept, Municipal Influence Area, nodal commercial corridors, development of a water and sewer plan, transportation plan, promoting industrial use, using smart growth policies and establishment of a Wade Study Area Citizens' Planning Committee. He said that the main goals of the Committee were health and public safety, utilities, residential areas and parks and recreation.

Mr. Denning said that the action plan for the Town included:

- Developing a zoning ordinance
- Creating standards for entrance corridors
- Developing a landscape ordinance
- Creating methods for farmland protection
- Expanding the Municipal Influence Area
- Including road improvements in the Thoroughfare Plan;
- Pursuing a spur off of the CSX Railroad
- Connecting to a more reliable water source
- Developing incentives for development
- Developing a neighborhood improvement plan
- Preserving the historic and scenic sites

Chair McNeill asked how large the committee was that helped to form the Plan. Mr. Denning said that it started out with 25 or 30 and dwindled to six or seven.

Mr. Barrett said that in order to preserve the very sensitive area of the river, it may be necessary to look at the area designated for industrial use. Mr. Gillis said if the river was navigable by large barges, there would be a large bearing on the industrial use. Mr. Barrett said that it would be a serious problem in maintaining the bluffs.

Mr. Averette asked if the committee had access to the paper written on Municipal Influence Areas. Mr. Denning said that they did not. Mr. Averette said that the residents need to know that they're taking on a lot of responsibility with an MIA. Mr. Denning said that if the Town keeps the same standards as the County, it shouldn't be a problem. Mr. Averette said that he was referring to water and sewer.

Chair McNeill referred the Plan to the Comprehensive Planning Committee

B. STATE LAWS REGARDING GROUP HOMES—GRAINGER BARRETT

Mr. Barrett said that Federal law requires accommodations for handicapped and advocates for disabled and handicapped populations have been very aggressive across the country using provisions of the Fair Housing Act to attack zoning laws that don't allow group homes. He said that they usually win, and they win large settlements. He said that the County could not discriminate against group homes in residential settings just because they're group homes.

Mr. Barrett said when neighborhoods express apprehension, they're basing their apprehension solely on it being a group home. He said when the Planning Board and County Commissioners agree on this basis, it is grounds for a lawsuit. He said that the Fair Housing Act makes group homes tricky and could be a dangerous issue. He said that group homes are: large (more than six persons; up to six persons; and therapeutic foster homes (no more than two foster children with one live-in foster parent).

Chair McNeill asked if all are required to have supervision 24 hours per day, seven days a week. Mr. Barrett said that they are.

Mr. Barrett said that the state licenses and regulates the physical facilities and training. He said that group homes must be a permitted use in all residential districts. He said that handicapped (physically, mentally and emotionally—whether temporarily or permanently) persons are allowed in the group homes unless they are dangerous to others. This involves serious bodily harm to another and extreme destruction of property.

Mr. Barrett said that the Commissioners adopted a ½-mile distance requirement between group homes last year. He said that there may be a need to assess annually whether anyone is in a group home who is considered dangerous. He said that the staff also needs to review the logistics of the permitting process. He said that the County school system is very good with educating “handicapped” persons, so this draws children from outside the County who need places to live, and thus the need for so many group homes.

VI. FOR YOUR INFORMATION

A. DIRECTOR’S UPDATE

Ms. Roy reported that the Committee on MIA met once and scheduled a second meeting for July 23. She said that the intention is to bring something back to the Joint City and County Planning meeting.

Ms. Roy said that four staff persons and Messrs. Averette and Gillis attended a seminar on preserving rural areas held in Wilmington by Randall Aerndt. She said that the seminar was very beneficial, and she has tentatively reserved Mr. Aerndt for a similar seminar for Cumberland County on October 28. She said that it would be advantageous to the County for as many people as possible to attend. Mr. Gillis said that he would notify the Homebuilders’ Association, and Mr. Averette said that he would contact the surveyors and engineers. It was also suggested that farmers, elected officials, developers and anyone interested in growth in the County be contacted.

Dr. Olion said that there are several large theater-type areas at Fayetteville State that could possibly accommodate the seminar. Ms. Roy said that she would look into where the best place to hold the seminar would be.

A motion was made by Mr. Averette and seconded by Dr. Olion to support Randall Aerndt’s visit on October 28, and to encourage others in the community to attend. The motion passed unanimously.

Ms. Roy reported that the entire staff attended a workshop with Glen Harbeck on customer service. She said that Mr. Harbeck covered information on one-on-one customer relations as well as how to deal with difficult customers at public meetings. She said that the workshop was very beneficial.

VII. ADJOURNMENT

There being no further business, the meeting adjourned at 9:45 p.m.

Clifton McNeill, Jr., Chair
Cumberland County

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Wade, Falcon, & Godwin
Dr. Marion Gillis-Olion,
Cumberland County

July 10, 2003

MEMO TO: PLANNING BOARD
FROM: PLANNING STAFF
SUBJECT: STAFF RECOMMENDATIONS
FOR JULY 25, 2003 MEETING

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.

The Planning staff recommends approval of the R5A Residential and C3 Heavy Commercial Districts based on the following:

1. The C3 zoning of Tract 1 is consistent with the C3 zoning in the area;
2. The uses allowed in the R5A District are consistent with the development in the area;
and
3. Site plan review will be performed due to mini-warehousing being permitted only as a Specified Conditional Use in the C3 District.

SITE PROFILE
P03-50

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

Site Information:

Applicant/Owner: LARRY KING & ASSOCIATES, RLS, PA / SHARLENE R. WILLIMAS

Area: 15.93 acres

Frontage & Location: 174 feet on Cliffdale Road

Depth: 1,450 feet

Jurisdiction: County

Adjacent Property: No

Current Use: Vacant

Initial Zoning: May 1, 1975 (Area 2D)

Previous Zoning Action(s): No

Surrounding Zoning: North and East-Fayetteville City Limit, South-RR, R10/CUO, C(P) and C3, West-RR

Surrounding Land Use: Shopping center (2), tire sales and service, sewing shop (2), florist, vacant commercial, hair salon, fast food restaurant and mini storage

2010 Land Use Plan: Activity Node

Designated 100-Year Floodplain or Floodway: No Flood

Watershed Area: No

Municipal Influence Area: None

Within Area Considered for Annexation: No

Street Designation: None

Proposed Interchange or Activity Node: Yes

Urban Services Area: Yes

Water/Sewer Availability: PWC / PWC

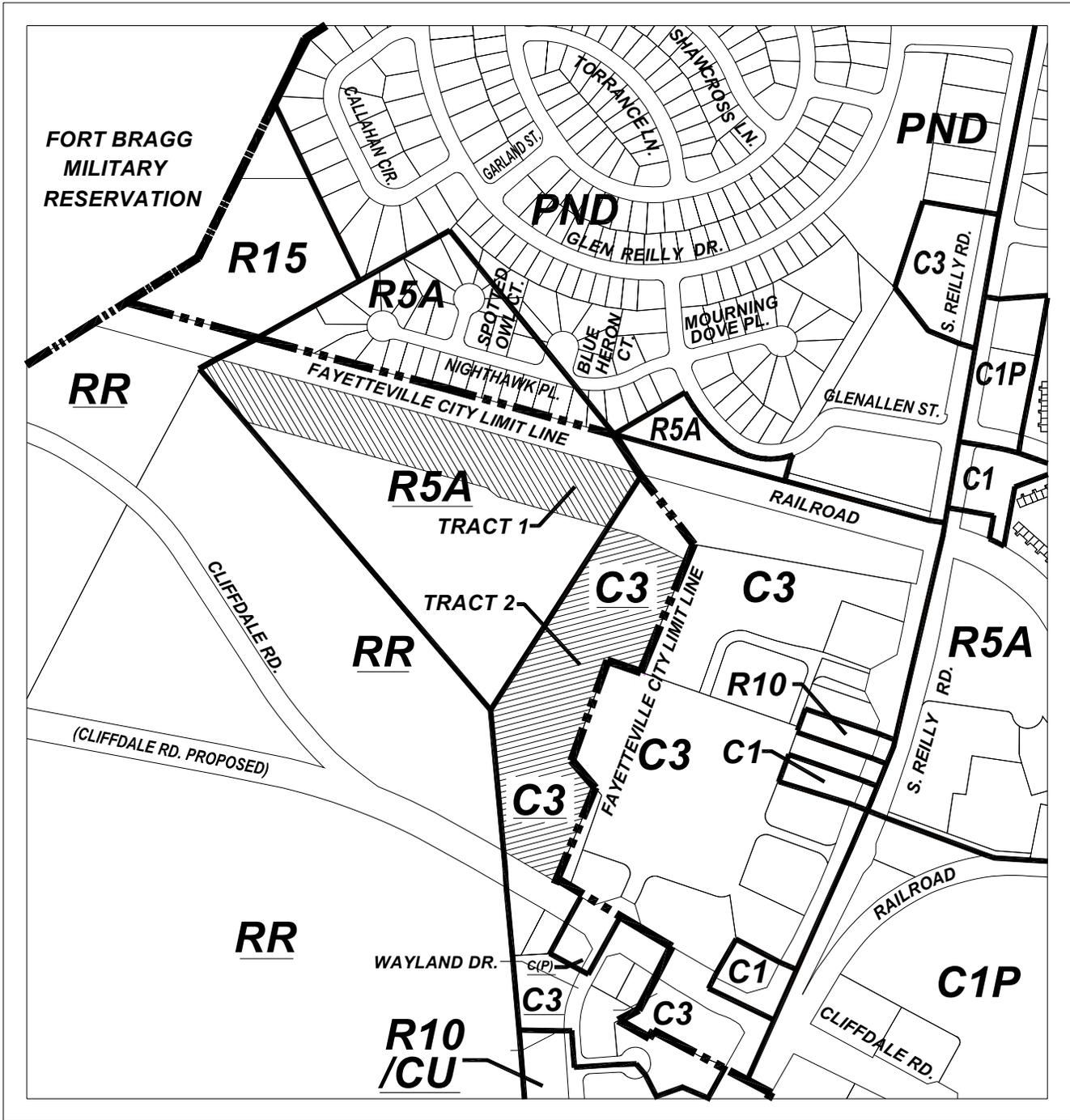
Schools: Cliffdale Elementary, Westover Middle and High

Thoroughfare Plan: Cliffdale Road is a Major Thoroughfare. It is a funded project (U-2520) with a current 110 foot right-of-way and a multi-lane cross section. Road improvements are included in the 02-08 MTIP. ROW Acquisition-complete, Construction-in progress.

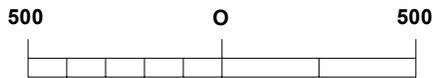
Average Daily Traffic Count (2000): 23,000 on Cliffdale Road

Notes:

Density w/20% for roads, using ZLL: R5A – 87 units



NORTH



SCALE IN FEET

REQUESTED REZONING:

TRACT 1 R5A TO C3

TRACT 2 C3 TO R5A

TRACT 1 AC: 8.398±	HEARING NO: P03-50	
TRACT 2 AC: 7.533±		
ORDINANCE: COUNTY	HEARING DATE	ACTION
PLANNING BOARD		
GOVERNING BOARD		

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MEMO TO: PLANNING BOARD
FROM: PLANNING STAFF
SUBJECT: STAFF RECOMMENDATIONS
FOR JULY 25, 2003 MEETING

P03-57: REZONING OF .73 ACRES FROM RR TO R10, OR A MORE RESTRICTIVE ZONING DISTRICT, AT 1466 FERNDLELL DRIVE, OWNED BY WAYNE H. TREATOR.

The Planning staff recommends approval of the R10 Residential District based on the following:

1. The uses allowed in the R10 District are consistent with the recommendations of the 2010 Land Use Plan;
2. The subject property has access to public water and sewer; and
3. The R10 zoning is consistent with the development of the area.

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

SITE PROFILE
P03-57

REZONING OF .73 ACRES FROM RR TO R10 OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 1466 FERNDELL DRIVE, OWNED BY WAYNE H. TREANOR.

Site Information:

Applicant/Owner: JOHN GILLIS / WAYNE H. TREANOR

Area: .73 acres

Frontage & Location: 242 feet on Ferndell Drive

Depth: 150 feet

Jurisdiction: County

Adjacent Property: No

Current Use: Residential

Initial Zoning: May 1, 1975 (Area 2D)

Previous Zoning Action(s): None

Surrounding Zoning: North-RR, R15, R10 and R10/CUO, East-RR, R10, R10/CUO and C(P), South-RR, R10, R10/CUO, C(P) and C(P)/CUO, West-RR, R10, C(P), C(P)/CUO

Surrounding Land Use: Single family residential

2010 Land Use Plan: Low Density Residential

Designated 100-Year Floodplain or Floodway: No Flood

Watershed Area: No

Municipal Influence Area: None

Within Area Considered for Annexation: No

Street Designation: None

Proposed Interchange or Activity Node: No

Urban Services Area: Yes

Water/Sewer Availability: PWC / PWC

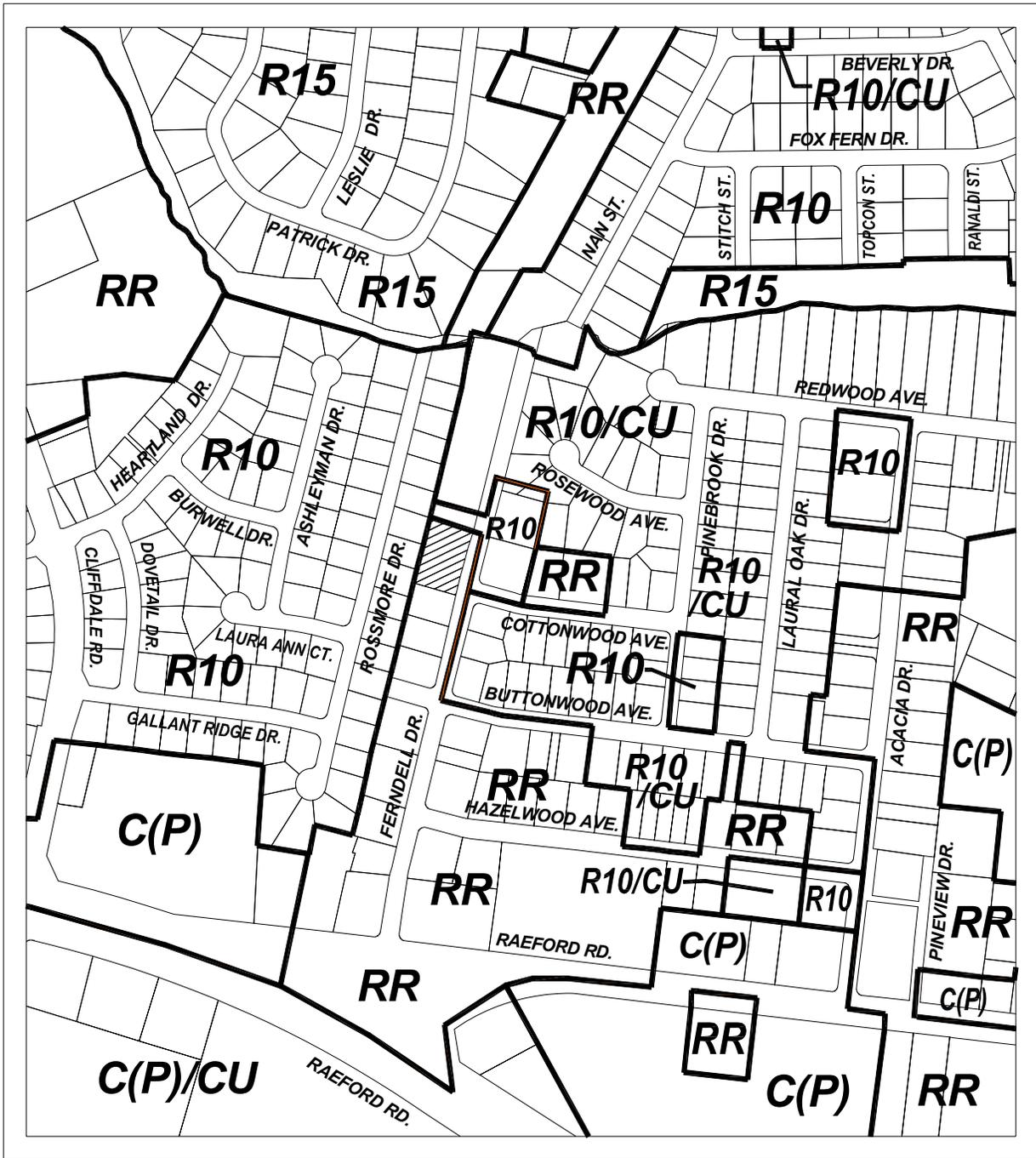
Schools: E. E. Miller, Anne Chesnutt Middle, 71st High

Thoroughfare Plan: No road improvements or new constructions specified for this area.

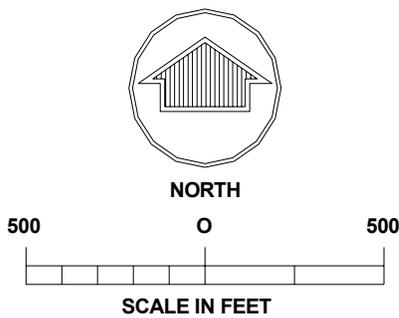
Average Daily Traffic Count (2000): 80 on Ferndell Drive.

Notes:

Density w/o 20% for roads: RR – 2 units
R15 – 2 units
R10 – 3 units



REQUESTED REZONING: RR TO R10



ACREAGE: .73 AC±	HEARING NO: P03-57	
ORDINANCE: COUNTY	HEARING DATE	ACTION
PLANNING BOARD		
GOVERNING BOARD		

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MEMO TO: PLANNING BOARD
FROM: PLANNING STAFF
SUBJECT: STAFF RECOMMENDATIONS
FOR JULY 25, 2003 MEETING

P03-58: REZONING OF A .50-ACRE PORTION OF A 1.29-ACRE TRACT FROM A1 TO C3, OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 6660 GOLDSBORO ROAD, OWNED BY FLOYD J. AND NETTIE CURRIE.

The Planning staff recommends approval of the C3 Heavy Commercial District based on the following:

1. The rezoning will bring all property under one ownership under the same zoning classification; and
2. The C3 zoning accommodates the existing use of the property.

The Planning staff finds that the subject property is not suitable for the intervening districts.

SITE PROFILE
P03-58

REZONING OF A .50 ACRE PORTION OF A 1.29 ACRE TRACT FROM A1 TO C3 OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 6660 GOLDSBORO ROAD, OWNED BY FLOYD J. AND NETTIE CURRIE.

Site Information:

Applicant/Owner: FLOYD J. AND NETTIE CURRIE

Area: .50 acres

Frontage & Location: 210 feet

Depth: 217 feet

Jurisdiction: County

Adjacent Property: No

Current Use: Junk yard

Initial Zoning: August 23, 1994 (Area 19)

Previous Zoning Action(s): Violation – Expanded out of C3 and onto neighbors property.

Surrounding Zoning: All A1

Surrounding Land Use: Single family residential and transmission shop

2010 Land Use Plan: Farmland

Designated 100-Year Floodplain or Floodway: No Flood

Watershed Area: No

Municipal Influence Area: None

Within Area Considered for Annexation: No

Street Designation: None

Proposed Interchange or Activity Node: No

Urban Services Area: No

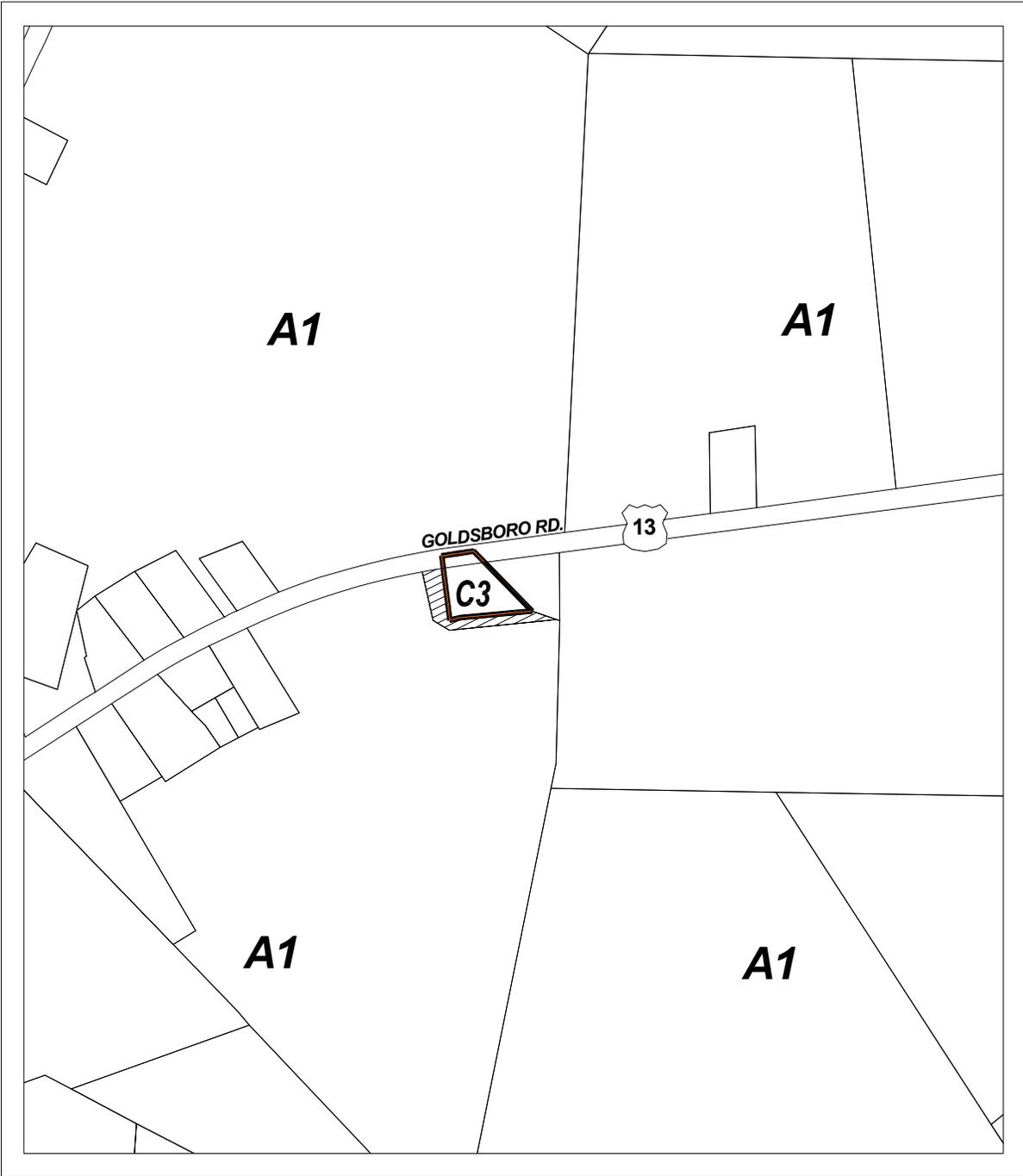
Water/Sewer Availability: Well / Septic Tank

Schools: District 7 Elementary, Mac Williams Middle, Cape Fear High

Thoroughfare Plan: No road improvements or new constructions specified for this area.

Average Daily Traffic Count (2000): 3,800 on Goldsboro Road

Notes:



NORTH

500 0 500



SCALE IN FEET

REQUESTED REZONING: A1 TO C3

ACREAGE: .50 AC.±	HEARING NO: P03-58	
ORDINANCE: COUNTY	HEARING DATE	ACTION
PLANNING BOARD		
GOVERNING BOARD		

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P03-60: REZONING OF 2.24 ACRES FROM A1 TO R40A OR A MORE RESTRICTIVE ZONING DISTRICT AT 7615 RUFUS JOHNSON ROAD, OWNED BY SHERRY A. LEE.

The Planning staff recommends approval of the R40A Residential District based on the following:

1. Lot sizes allowed in the R40A District are consistent with the farmland protection practiced in the area for small areas.

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

SITE PROFILE
P03-60

REZONING OF 2.24 ACRES FROM A1 TO R40A OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 7615 RUFUS JOHNSON ROAD, OWNED BY SHERRY A. LEE.

Site Information:

Applicant/Owner: SHERRY A. LEE

Area: 2.24 acres

Frontage & Location: 461 feet on Rufus Johnson Road

Depth: 254 feet

Jurisdiction: County

Adjacent Property: No

Current Use: Residential

Initial Zoning: June 25, 1980 (Area 13)

Previous Zoning Action(s): None

Surrounding Zoning: Primarily A1 with R40A to the South

Surrounding Land Use: Single family residential

2010 Land Use Plan: Farmland

Designated 100-Year Floodplain or Floodway: No Flood

Watershed Area: No

Municipal Influence Area: None

Within Area Considered for Annexation: No

Street Designation: None

Proposed Interchange or Activity Node: No

Urban Services Area: No

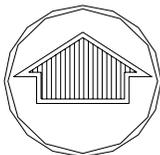
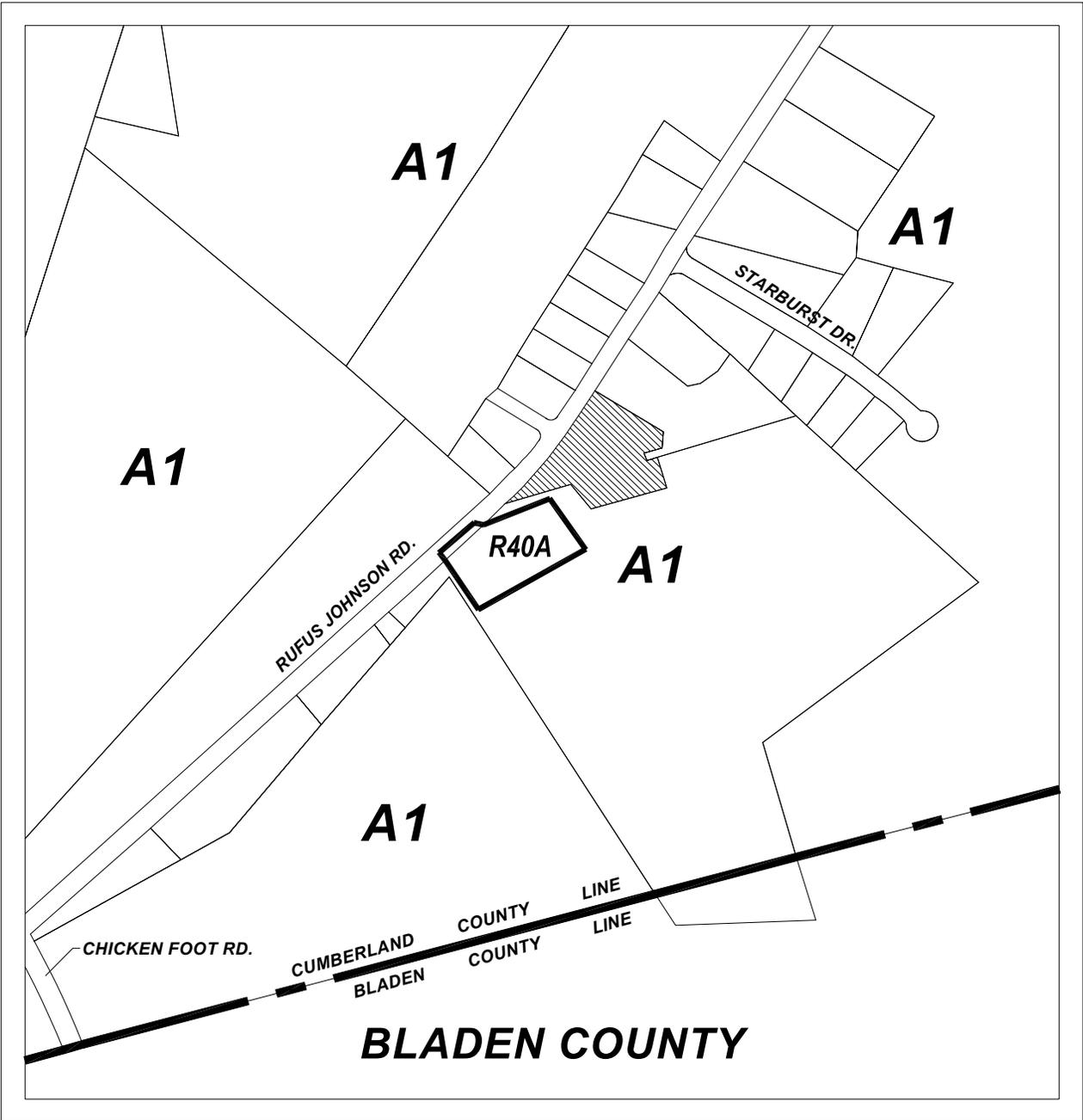
Water/Sewer Availability: Well / Septic

Schools: Gray's Creek Elementary, Middle and High

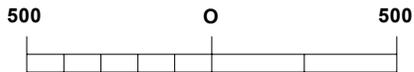
Thoroughfare Plan: No road improvements or new constructions specified for this area.

Notes:

Density w/o 20% for roads: A1 – 1 unit
 R40A – 2 units



NORTH



SCALE IN FEET

REQUESTED REZONING: A1 TO R40A

ACREAGE: 2.24 AC.±

HEARING NO: P03-60

ORDINANCE: COUNTY

HEARING DATE

ACTION

PLANNING BOARD

GOVERNING BOARD

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COUNTY of CUMBERLAND

Planning and Inspections Department

Nancy Roy, AICP
Planning & Inspection
Director

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

July 10, 2003

MEMO TO: PLANNING BOARD
FROM: PLANNING STAFF
SUBJECT: STAFF RECOMMENDATIONS
FOR JULY 25, 2003 MEETING

P03-61: REZONING OF .34 ACRES FROM R10 TO C1 OR A MORE RESTRICTIVE ZONING DISTRICT AT 3827 BOONE TRAIL, OWNED BY DORA HOLLAND HOWARD.

The Planning staff recommends approval of the C1 Local Business District based on the following:

1. The uses allowed in the C1 District are consistent with the general development of the area; and
2. The uses allowed in the C1 District are consistent with recent rezonings in the area.

SITE PROFILE
P03-61

REZONING OF .34 ACRES FROM R10 TO C1 OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 3827 BOONE TRAIL, OWNED BY DORA HOLLAND HOWARD.

Site Information:

Applicant/Owner: LUTHER PACKER / DORA HOLLAND HOWARD

Area: .34 acres

Frontage & Location: 100 feet on Boone Trail

Depth: 150 feet

Jurisdiction: County

Adjacent Property: No

Current Use: Residential

Initial Zoning: August 1, 1975 (Area 3)

Previous Zoning Action(s): None

Surrounding Zoning: North-R10, R6A, C1 and C1/CUO, East-R10, R6A, C1, C3 and city limit, South-RR, RR/CUO, R10, R6A, C1, C3 and M2, West-R10, R10/CUO, R6A, C1 and C3

Surrounding Land Use: Dog grooming business, duplex, heating and air conditioning sales/service, thrift mart/grocery store, three mobile home parks, barber shop, apartments, vacant commercial, power sub-station, bingo parlor, daycare, lawn mower sales and service, fire department, boys and girls club.

2010 Land Use Plan: Low Density Residential

Designated 100-Year Floodplain or Floodway: No Flood

Watershed Area: No

Municipal Influence Area: None

Within Area Considered for Annexation: No

Street Designation: None

Proposed Interchange or Activity Node: No

Urban Services Area: Yes

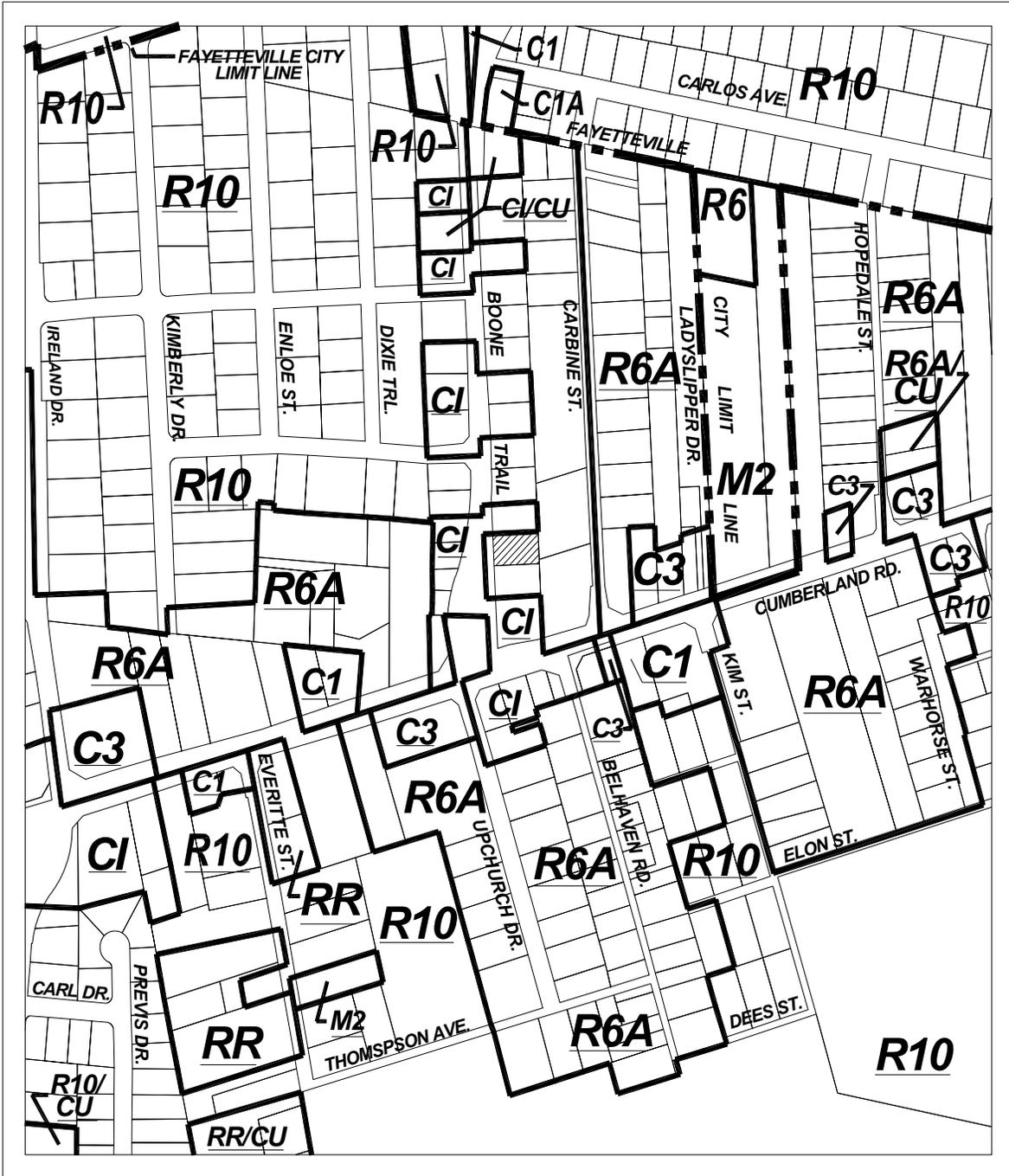
Water/Sewer Availability: PWC / Septic Tank

Schools: Mary McArthur Elementary, Ireland Drive Middle, Douglas Byrd Middle and High

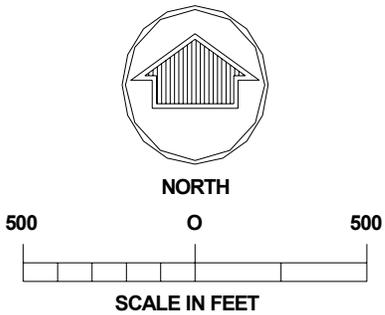
Thoroughfare Plan: Boone Trail is identified as a Major Thoroughfare. It has a current adequate 100 foot right-of-way. A Feasibility Study (FS-0301A) is included in the 04-10 MTIP.

Average Daily Traffic Count (2000): 8,700 on Boone Trail

Notes:



REQUESTED REZONING: R10 TO C1



ACREAGE: 0.34 AC.±

HEARING NO: P03-61

ORDINANCE: COUNTY

HEARING DATE

ACTION

PLANNING BOARD

GOVERNING BOARD

Clifton McNeill, Jr., Chair
Cumberland County

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



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Cumberland County

July 10, 2003

MEMO TO: PLANNING BOARD
FROM: PLANNING STAFF
SUBJECT: STAFF RECOMMENDATIONS
FOR JULY 25, 2003 MEETING

P03-65: REVISION AND AMENDMENTS TO THE TOWN OF SPRING LAKE ZONING ORDINANCE, SECTION 156.101, "OFF-STREET PARKING REQUIREMENTS," AND SECTION 156.102(A), "OFF-STREET LOADING."

The Planning staff recommends approval of the off-street parking amendment based on the following:

1. The amendment will require five spaces per thousand square feet in Planned Shopping Centers regardless of the size of the center.

Note: Currently, parking is required at a rate of 5.5 parking spaces per thousand square feet for centers under 400,000 square feet and 5 spaces per thousand square feet for centers greater than 400,000 square feet.

Clifton McNeill, Jr., Chair
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COUNTY of CUMBERLAND

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Cumberland County

July 10, 2003

MEMO TO: PLANNING BOARD
FROM: PLANNING STAFF
SUBJECT: STAFF RECOMMENDATIONS
FOR JULY 25, 2003 MEETING

P03-47: REZONING OF 1.44 ACRES FROM M(P) TO RR, OR A MORE RESTRICTIVE ZONING DISTRICT, AT 1577 AND 1593 RIVER ROAD, OWNED BY AFFORDABLE PORTABLES OF FAYETTEVILLE, INC.

The Planning staff recommends denial of the RR Rural Residential District based on the following:

1. The current zoning is consistent with the M(P) uses in the area;
2. The current M(P) District is an extension of the existing zoning adjacent to the site;
and
3. Nothing has changed in the staff considerations over the past year with respect to all uses permitted in the M(P) District.

SITE PROFILE
P03-47

REZONING OF 1.44 ACRES FROM M(P) TO RR OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 1577 AND 1593 RIVER ROAD, OWNED BY AFFORDABLE PORTABLES OF FAYETTEVILLE, INC.

Site Information:

Applicant/Owner: JOSEY MONROE WATSON / AFFORDABLE PORTABLES OF FAYETTEVILLE, INC.

Area: 1.44 acres

Frontage & Location: 155 feet on River Road

Depth: 165 feet

Jurisdiction: County

Adjacent Property: No

Current Use: Business

Initial Zoning: December 14, 1979 (Area 10)

Previous Zoning Action(s): None

Surrounding Zoning: North-A1 and M(P), East-A1, South-A1 and RR, West A1, RR & M(P)

Surrounding Land Use: Cargill plant, sand and gravel company

Eastover Land Use Plan: One Acre Residential lots

Designated 100-Year Floodplain or Floodway: No Flood

Watershed Area: None

Municipal Influence Area: No

Within Area Considered for Annexation: None

Street Designation: No

Proposed Interchange or Activity Node: None

Urban Services Area: Yes

Water/Sewer Availability: PWC / Septic tank

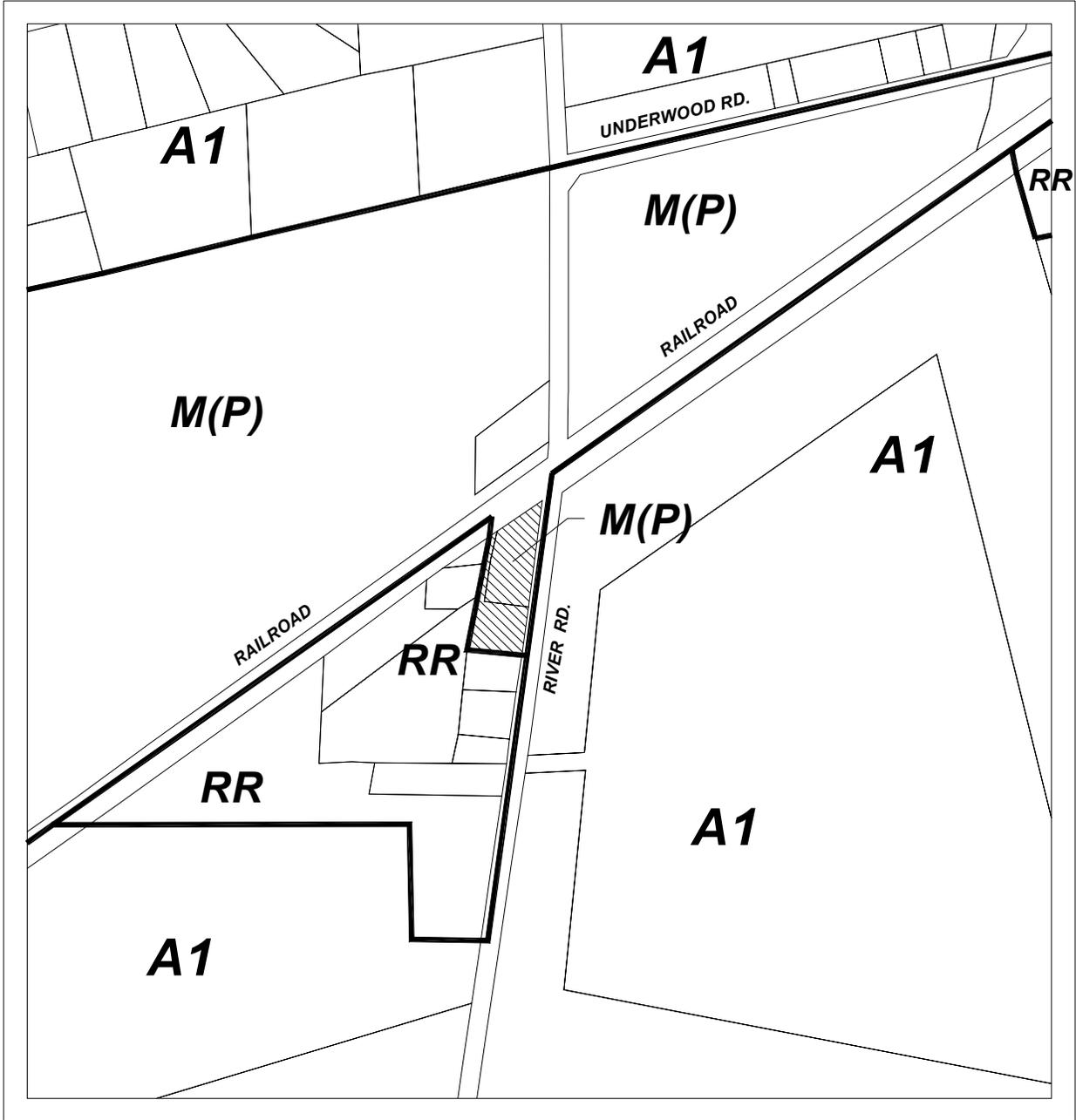
Schools: Armstrong Elementary, Mac Williams Middle, Cape Fear High

Thoroughfare Plan: River Road is identified as a Major Thoroughfare, with a current 60 foot right-of-way (100 foot proposed with a multi-lane cross section). No road improvements are included in the 02-08 MTIP.

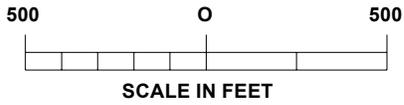
Average Daily Traffic Count (2000): 3,500 on River Road

Notes:

Density w/o 20% for roads: RR – 3 units



NORTH



REQUESTED REZONING: M(P) TO RR

ACREAGE: 1.44 AC.±

HEARING NO: P03-47

ORDINANCE: COUNTY

HEARING DATE

ACTION

PLANNING BOARD

GOVERNING BOARD

Clifton McNeill, Jr., Chair
Cumberland County

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



COUNTY of CUMBERLAND
—◆—
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Cumberland County

July 10, 2003

MEMO TO: PLANNING BOARD
FROM: PLANNING STAFF
SUBJECT: STAFF RECOMMENDATIONS
FOR JULY 25, 2003 MEETING

P03-59: REZONING OF A 23.46-ACRE PORTION OF A 26.33-ACRE TRACT FROM A1 TO R10, OR A MORE RESTRICTIVE ZONING DISTRICT, ON THE NORTH SIDE OF TOM STARLING ROAD, EAST OF BACKBAY ROAD, OWNED BY JOSEPH STRICKLAND.

The Planning staff recommends approval of the R10 Residential District of the portion not within the 100-year flood zone, and denial of that portion within the 100-year flood zone for consideration for the CD Conservancy District based on the following:

1. The 2010 Land Use Plan recommends low-density residential development at open space at this location;
2. The subject property has access to public water and sewer;
3. All of the area within the 100-year flood zone should be zoned CD; and
4. The CD portion of the tract can be used for density in the overall development.

SITE PROFILE
P03-59

REZONING OF A 23.46 ACRE PORTION OF A 26.33 ACRE TRACT FROM A1 TO R10 OR TO A MORE RESTRICTIVE ZONING DISTRICT, ON THE NORTH SIDE OF TOM STARLING ROAD, EAST OF BACKBAY ROAD, OWNED BY JOSEPH STRICKLAND.

Site Information:

Applicant/Owner: JOSEPH STRICKLAND, STRICKLAND HOMES / CHARLES D. AVERETTE, AVERETTE ENGINEERING CO., P.A.

Area: 23.46 acres

Frontage & Location: 567 feet on Tom Starling Road

Depth: 2,000 feet

Jurisdiction: County

Adjacent Property: No

Current Use: Agricultural / Woodlands

Initial Zoning: March 15, 1979 (Area 6)

Previous Zoning Action(s): None

Surrounding Zoning: North-RR, East-A1, South-A1, R6A and C1, West-R10, R6A, M2 and M2/CUO

Surrounding Land Use: No name mobile home park, convenience store and car repair

2010 Land Use Plan: Low Density Residential and Open Space

Designated 100-Year Floodplain or Floodway: At or above 79 feet MSL

Watershed Area: No

Municipal Influence Area: No

Within Area Considered for Annexation: No

Street Designation: None

Urban Services Area: Yes

Water/Sewer Availability: PWC / PWC

Schools: Gallberry Farms Elementary, South View Middle, Gray's Creek High

Thoroughfare Plan: Tom Starling Road is identified as a Major Thoroughfare, with a current 60-foot right-of-way (100 feet proposed with a multi-lane cross section). No road improvements are included in the 04-10 MTIP.

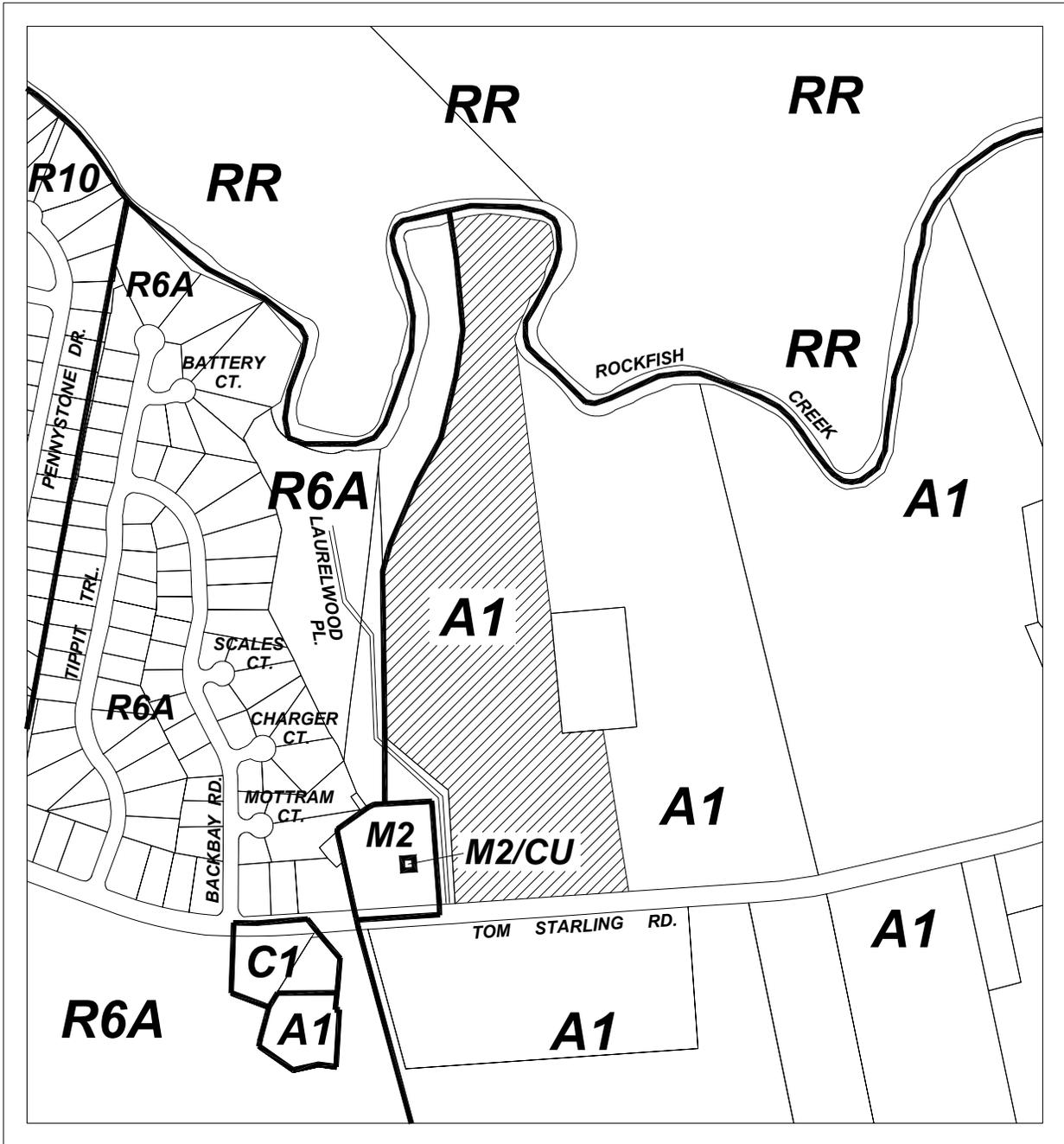
Average Daily Traffic Count (2000): 2,800 on Tom Starling Road

Airport Area Plan: Yes - no affect on the plan.

Notes:

Density w/20% for roads: A1 – 21 units
 R40 – 45 units
 RR – 90 units
 R15 – 120 units
 R10 – 181 units

The subject property is located within the Rockfish Creek Corridor Plan. It is considered a high environmentally sensitive area.



NORTH

500 0 500



SCALE IN FEET

REQUESTED REZONING: A1 TO R10

ACREAGE: 23.46 AC.±

HEARING NO: P03-59

ORDINANCE: COUNTY

HEARING DATE

ACTION

PLANNING BOARD

GOVERNING BOARD

Clifton McNeill, Jr., Chair
Cumberland County

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Cumberland County

July 10, 2003

MEMO TO: PLANNING BOARD
FROM: PLANNING STAFF
SUBJECT: STAFF RECOMMENDATIONS
FOR JULY 25, 2003 MEETING

P03-62: REZONING OF 173.73 ACRES FROM RR AND CD TO R10 OR A MORE RESTRICTIVE ZONING DISTRICT ON THE WEST SIDE OF HASKELL DRIVE, NORTH OF BLACK BRIDGE ROAD, OWNED BY NPS ASSOCIATES.

The Planning staff recommends denial of the R10 Residential District in the CD portion of the property and approval in the RR portion of the property based on the following:

1. The 2010 Land Use Plan recommends low- and medium-density residential development and open space at this location; and
2. The subject property contains public water and sewer; and

Note: The CD portion of the property can be used for density toward the R10 development.

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

SITE PROFILE
P03-62

REZONING OF 173.73 ACRES FROM RR AND CD TO R10 OR TO A MORE RESTRICTIVE ZONING DISTRICT, ON THE WEST SIDE OF HASKELL DRIVE, NORTH OF BLACK BRIDGE ROAD, OWNED BY NPS ASSOCIATES.

Site Information:

Applicant/Owner: LARRY W. STROTHER / NPS ASSOCIATES

Area: 173.73 acres

Frontage & Location: 170 feet on Haskell Drive

Depth: 4,100 feet

Jurisdiction: County

Adjacent Property: No

Current Use: Woodlands

Initial Zoning: February 3, 1977 (Area 7)

Previous Zoning Action(s): None

Surrounding Zoning: North-CD and R10, East-CD, RR, R10 and R6, South-RR, West-CD and RR

Surrounding Land Use: Apartments and single family residential

2010 Land Use Plan: Open Space, Low & Medium Density Residential

Designated 100-Year Floodplain or Floodway: At or above 110 feet MSL

Watershed Area: No

Municipal Influence Area: None

Within Area Considered for Annexation: Yes

Street Designation:

Proposed Interchange or Activity Node: Yes

Urban Services Area: Yes

Water/Sewer Availability: PWC / PWC

Schools: Rockfish Elementary, Hope Mills Middle, South View High

Thoroughfare Plan: Black Bridge Road is identified as a Major Thoroughfare, with a current 60 foot right-of-way, 90 feet proposed. No road improvements are included in the 04-10 MTIP.

Average Daily Traffic Count (2000): 6,200 on Black Bridge Road

Notes:

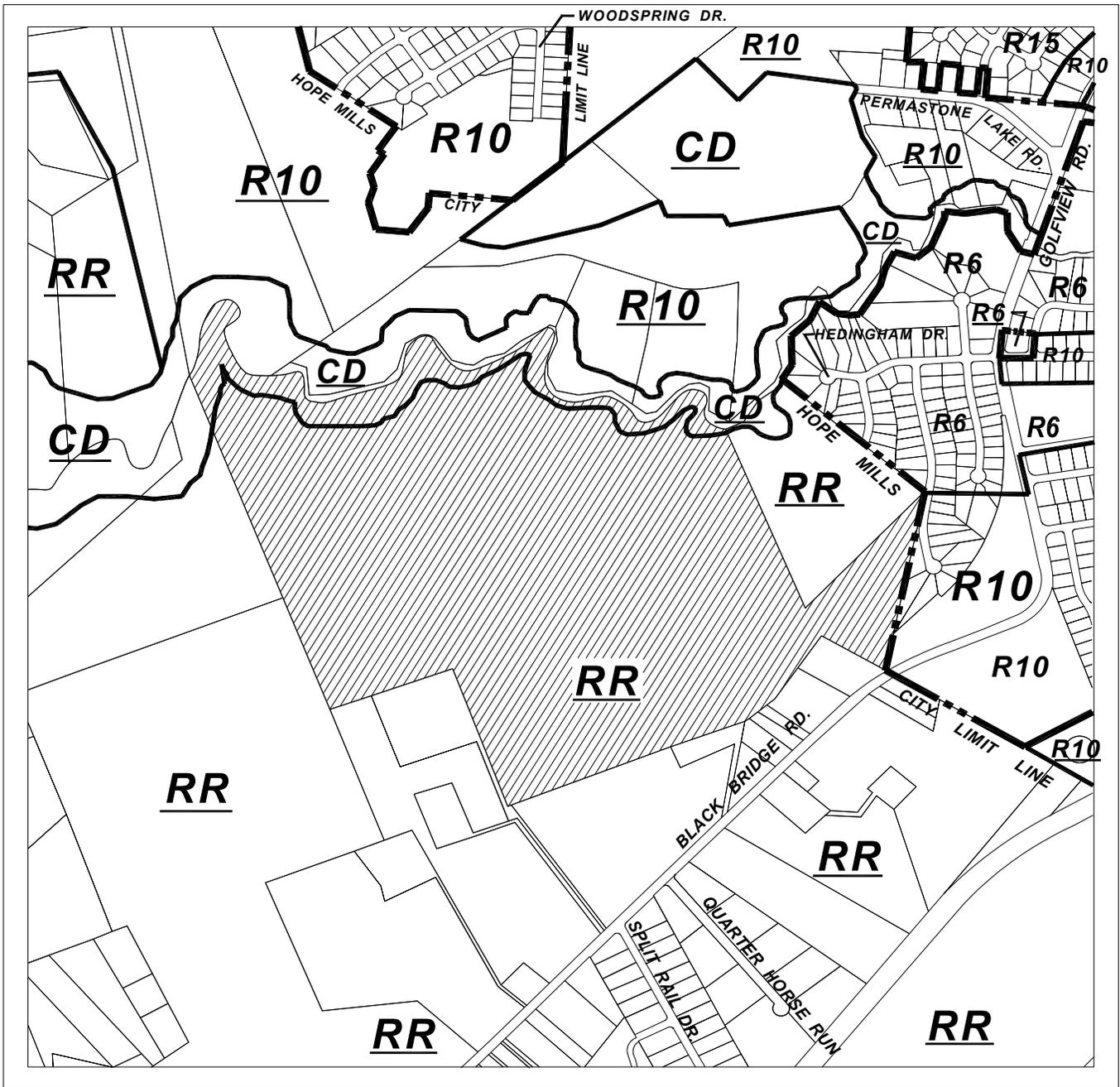
RR Portion w/20% for roads

A1 – 68 units
R40 – 147 units
RR – 294 units
R10 – 488 units

RR and CD Portion w/20% for roads

A1 – 69 units
R40 – 151 units
RR – 303 units
R10 – 605 units

The subject property is located within the Rockfish Creek Corridor Plan. It is considered a high environmentally sensitive area.



NORTH

1000 0 1000



SCALE IN FEET

REQUESTED REZONING: RR & CD TO R10

ACREAGE: 173.73 AC.±

HEARING NO: P03-62

ORDINANCE: COUNTY

HEARING DATE

ACTION

PLANNING BOARD

GOVERNING BOARD

Clifton McNeill, Jr., Chair
Cumberland County

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



COUNTY of CUMBERLAND

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Jerry Olsen,
Wade, Falcon, & Godwin
Dr. Marion Gillis-Olson,
Cumberland County

July 10, 2003

MEMO TO: PLANNING BOARD
FROM: PLANNING STAFF
SUBJECT: STAFF RECOMMENDATIONS
FOR JULY 25, 2003 MEETING

P03-63: REZONING OF 18.13 ACRES FROM A1 TO RR, OR A MORE RESTRICTIVE ZONING DISTRICT, ON THE WEST SIDE OF CHICKEN FOOT ROAD, SOUTH OF CLIFTON MCNEILL ROAD, OWNED BY TROY L. IVERSON AND NORMAN R. NELSON III.

The Planning staff recommends denial of the RR Rural Residential District and approval of a Conditional Use Overlay District and Permit/RR Rural Residential District based on the following:

1. Conditions may be placed on the property to require public water and sewer to comply with Section 4.3d(2) of the Subdivision Ordinance for developments containing more than 20 lots within the Urban Services Area.

SITE PROFILE
P03-63

REZONING OF 18.13 ACRES FROM A1 TO RR OR TO A MORE RESTRICTIVE ZONING DISTRICT, ON THE WEST SIDE OF CHICKEN FOOT ROAD, SOUTH OF CLIFTON MCNEIL ROAD, OWNED BY TROY L. IVERSON AND NORMAN R. NELSON III.

Site Information:

Applicant/Owner: TROY IVERSON / NORMAN R. NELSON III

Area: 18.13 acres

Frontage & Location: 1,060 on Chicken Foot Road

Depth: 950 feet

Jurisdiction: County

Adjacent Property: No

Current Use: Agricultural

Initial Zoning: June 25, 1980 (Area 13)

Previous Zoning Action(s): None

Surrounding Zoning: Primarily A1

Surrounding Land Use: Single family residential

2010 Land Use Plan: Low Density Residential

Designated 100-Year Floodplain or Floodway: No Flood

Watershed Area: No

Municipal Influence Area: None

Within Area Considered for Annexation: No

Street Designation: None

Proposed Interchange or Activity Node: No

Urban Services Area: Yes

Water/Sewer Availability: Well / Septic Tank

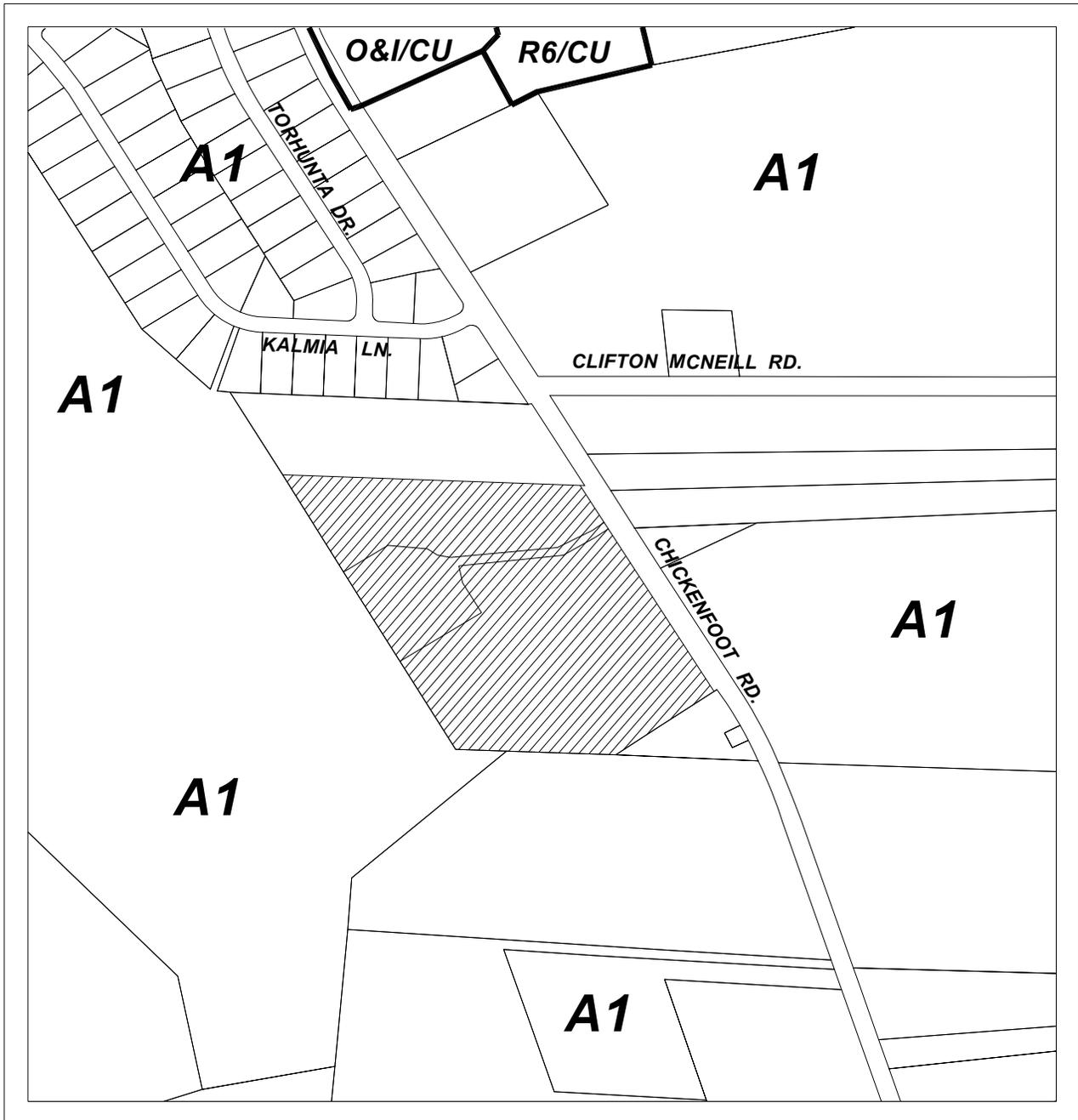
Schools: Gallberry Farms Elementary, Gray's Creek Middle and High

Thoroughfare Plan: Chicken Foot Road is identified as a Major Thoroughfare, with a 60 foot right-of-way (100 foot proposed with a multi-lane cross section). No road improvements are included in the 04-10 MTIP.

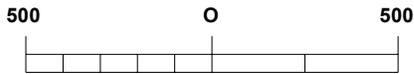
Average Daily Traffic Count (2000): 11,000 on Chicken Foot Road

Notes:

Density w/20% for roads: A1 – 7 units
 R40 – 16 units
 RR – 32 units



NORTH



SCALE IN FEET

REQUESTED REZONING: A1 TO RR

ACREAGE: 18.13 AC.±

HEARING NO: P03-63

ORDINANCE: COUNTY

HEARING DATE

ACTION

PLANNING BOARD

GOVERNING BOARD

Clifton McNeill, Jr.,
Chair
Cumberland County



Nancy Roy, AICP,
Director
Planning & Inspections

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Marion Gillis-Olson
Cumberland County

COUNTY of CUMBERLAND

Planning and Inspections Department

Joe W. Mullinax,
Town of Spring Lake
Jerry Olsen,
Wade, Falcon & Godwin
Frankie Underwood,
Town of Stedman

July 8, 2003

MEMORANDUM

TO: Planning Board

FROM: Planning Staff

SUBJECT: Case No. 03-123
Jimmy & Angela Phipps Property
(Subdivision Review)

The developer submitted a request for a variance from Section 4.2.C.c, "Private Street", Cumberland County Subdivision Ordinance, to allow the creation of an eighth lot on a Class "C" Private lot. Quarter Horse Run was created when the maximum number of lots, on Class "C" Private Streets was seven. The current regulations allows for only four lots on the same type of street. The subject property has two existing mobile homes on the property and contains 5.34 acres.

In accordance with Section 6.1, Variances, of the Cumberland County Subdivision Ordinance, the Planning Board may vary the requirements of this ordinance, where 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 an unusual and unnecessary hardship on the subdivider.

The Planning Staff suggest that if the Planning Board grants the variance, a condition be added that no further subdivision or group development be allowed until the road is upgraded to an approved paved street.

Attachments

cc: Angela Roberts-Phipps, Developer
Grainger Barrett, County Attorney
Thomas J. Lloyd, Supervisor, Land Use Codes

Clifton McNeill, Jr.,
Chair
Cumberland County

Charles C. Morris, Vice-Chair
Town of Linden
David Averette,
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Dr. Marion Gillis-Olson
Cumberland County



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Town of Stedman

PLANNING STAFF DECISION: 06-26-03 PLANNING BOARD DECISION: 07-15-03 COUNTY OR COUNCIL MEETING: N/A

CASE NO: 03-123 NAME OF DEVELOPMENT: JIMMY & ANGELA PHIPPS
PROPERTY (SUBDIVISION REVIEW)

LOCATION: ON THE SOUTH SIDE OF QUARTER HORSE RUN ZONING: RR

AND SOUTHEAST OF BLACK BRIDGE RAOD PIN: 0403-65-7257

OWNER OR DEVELOPER: ANGELA ROBERTS-PHIPPS ENGINEER OR DESIGNER: ADAMS & ASSOCIATES

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 County Health Department 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 RR 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. 03-123 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 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."
13. That the owner/developer be aware that every deed created for a lot served by a private street, that all of these deeds shall be filed at the Register of Deeds with the following disclosure:

"It is hereby acknowledged that a subdivision streets disclosure statement has been executed in accordance with G.S. 136-102.6."
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. That the developer submit three (3) copies of the legal documents, specifically designating responsibility for maintenance of the Class "A" private street through a Homeowners Association for this development, for review and approval by the County Attorney prior to the submission of a final plat for review and approval for recording or the sale of any developed lot or unit in this development. (Note: This applies only if the Class "C" Private Street is upgraded.)
21. Upon the completion of private streets and related facilities including drainage ways, the developer shall provide for an inspection of all such facilities by a Registered Engineer, who shall provide in writing a statement that all private streets and related facilities are constructed in accordance with the requirements of Minimum Design Specifications, Private Street, Cumberland County and that all such facilities are adequate to service the development. Such statement shall be affixed with the engineer's seal and submitted to the Planning Board and approved prior to the recording of the final plat or release of any construction guarantees as required under Section 2.6.7 of the Ordinance. (Note: This condition applies only if the street is upgraded.)
22. That the final plat clearly set out the following disclosure statement:

"All current and future owners of these tracts be aware that maintenance for all Class "C" private streets shown on this plat are the responsibility of the owners of the tracts along the Class "C" private street."

Note: This applies only if the variance is granted

CASE NO. 03-123 CONTINUED

23. That the final plat clearly set out the following disclosure statement:

“All current and future owners of these tracts be aware that further division of these properties shall not be permitted under current standards without the upgrading of the Class “C” private street.”

Note: This applies only if the variance is granted.

24. That the developer upgrade the Class “C” private street to a minimum of a Class “A” private street or to be granted a variance to allow additional lots.
25. That if the Planning Board approves the eighth lot then no further subdivision or group development shall be allowed on these lots until Quarter Horse Road is graded to an approved paved road.
26. The Cumberland County Joint Planning Board will review a variance request from Section 4.2.C.c “Private Street” to allow an eight lot on a Class “C” Private Street on July 15, 2003.

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

Date Variance Request Submitted: _____

Scheduled Planning Board Meeting Date: 7-15-03

Case Number: 03-123

REQUEST FOR VARIANCE
CUMBERLAND COUNTY SUBDIVISION ORDINANCE

Section 6.1, Variances, of the Cumberland County Subdivision Ordinance reads as follows:

"The Planning Board may vary the requirements of this ordinance where because of the size of the tract to be subdivided, its topography, the condition or nature of adjoining areas, or the existence of other unusual physical conditions, strict compliance with the provisions of this ordinance would cause an unusual and unnecessary hardship on the subdivider. In granting variances, the Planning Board may require such conditions as will secure, in so far as practicable, the objectives of the requirements varied. Any variance, 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."

Summary of variance(s) requested: Need eighth lot on
existing Class C street. Two dwelling
are already existant on the parcel to
be divided.

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: _____

Summarize unusual and unnecessary hardship below:

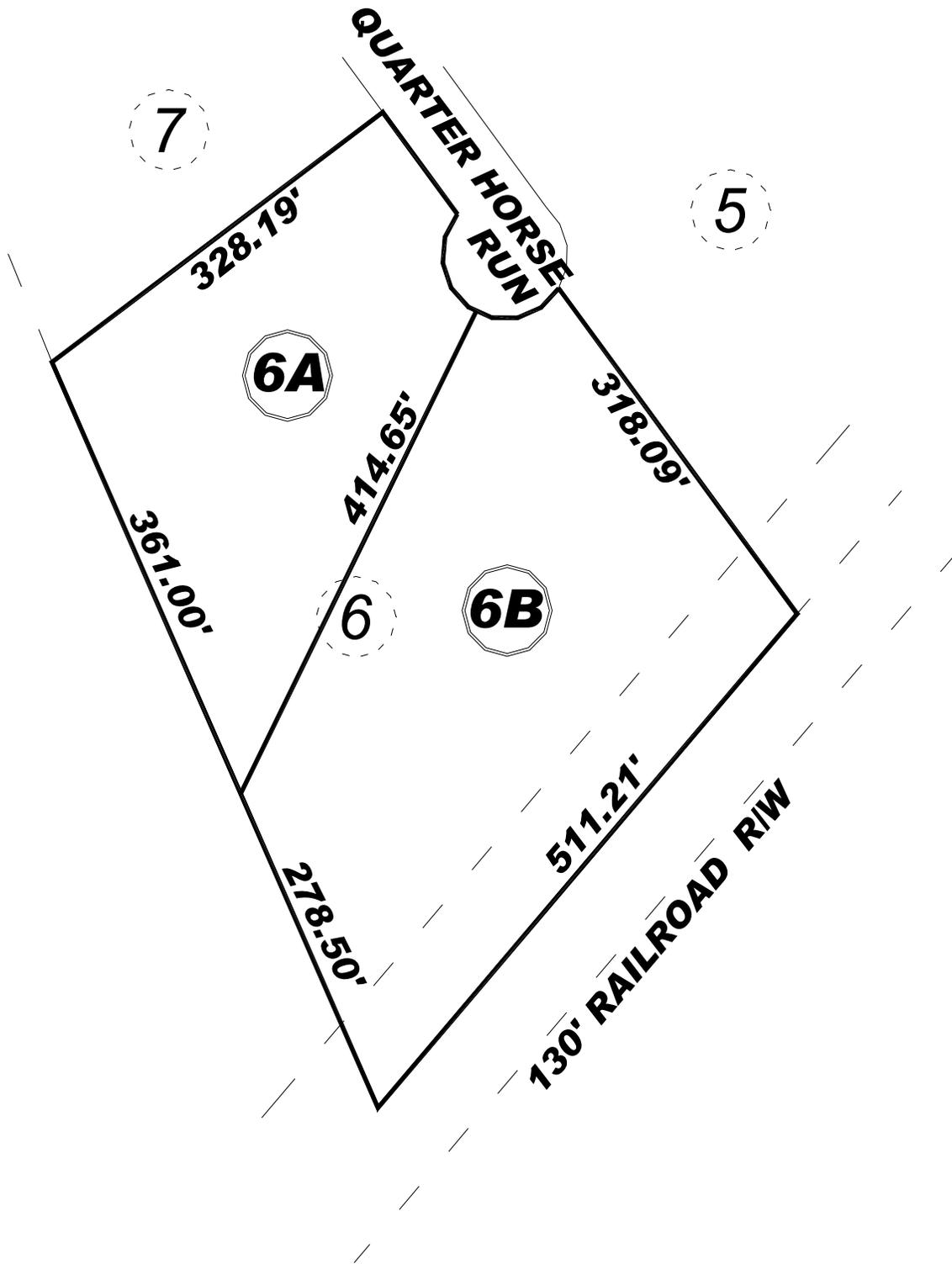
Two dwellings are existant on parcel which we wish to subdivide. This will add no additional dwelling to existing street. We are willing to have a condition of no additional subdivision of these two tracts. We are attempting to refinance our home and the lender is requiring that there be only one house on one lot.

Craig Cain Agent 910 9880105

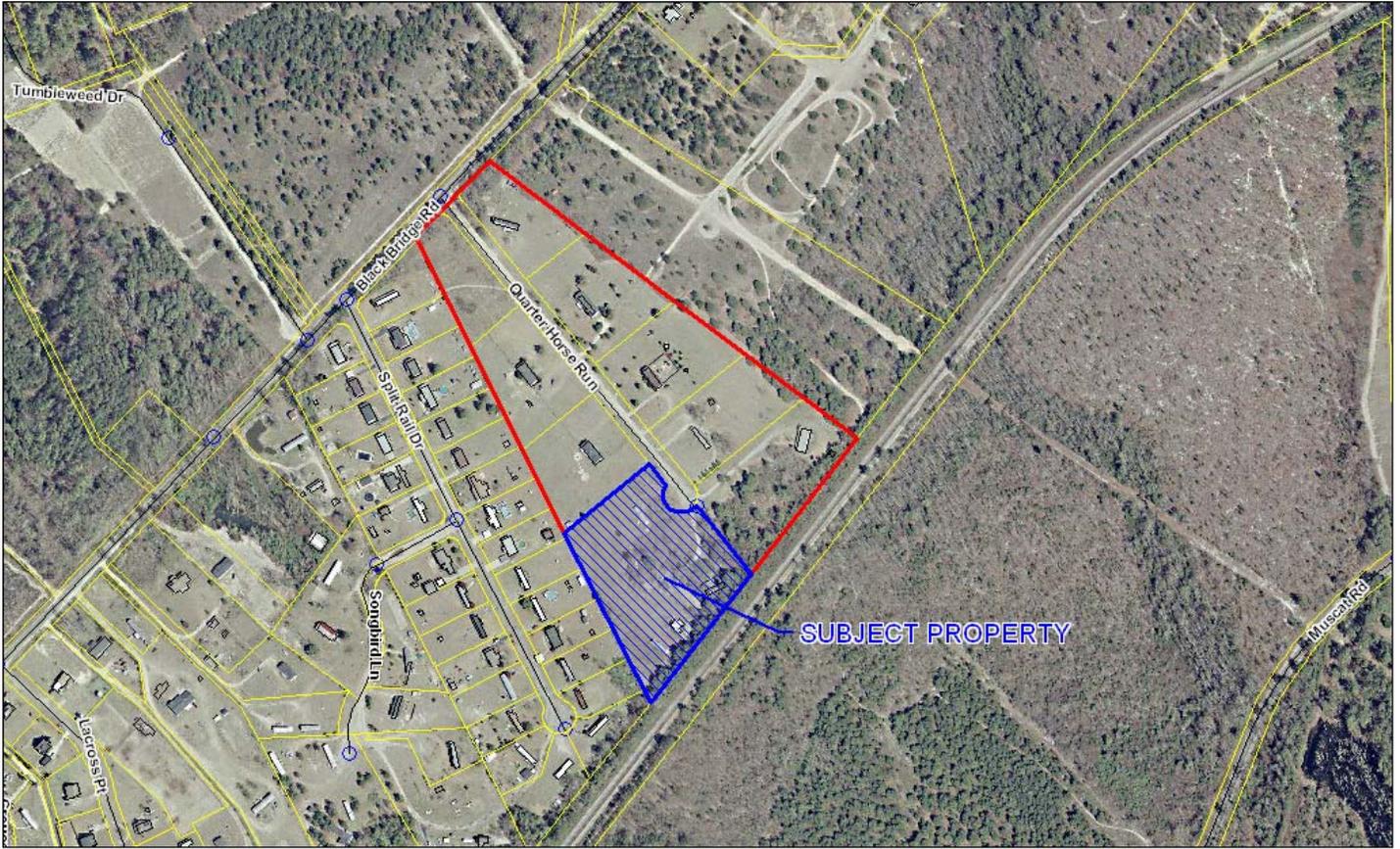
(Signature of Applicant/Agent)

7/7/03

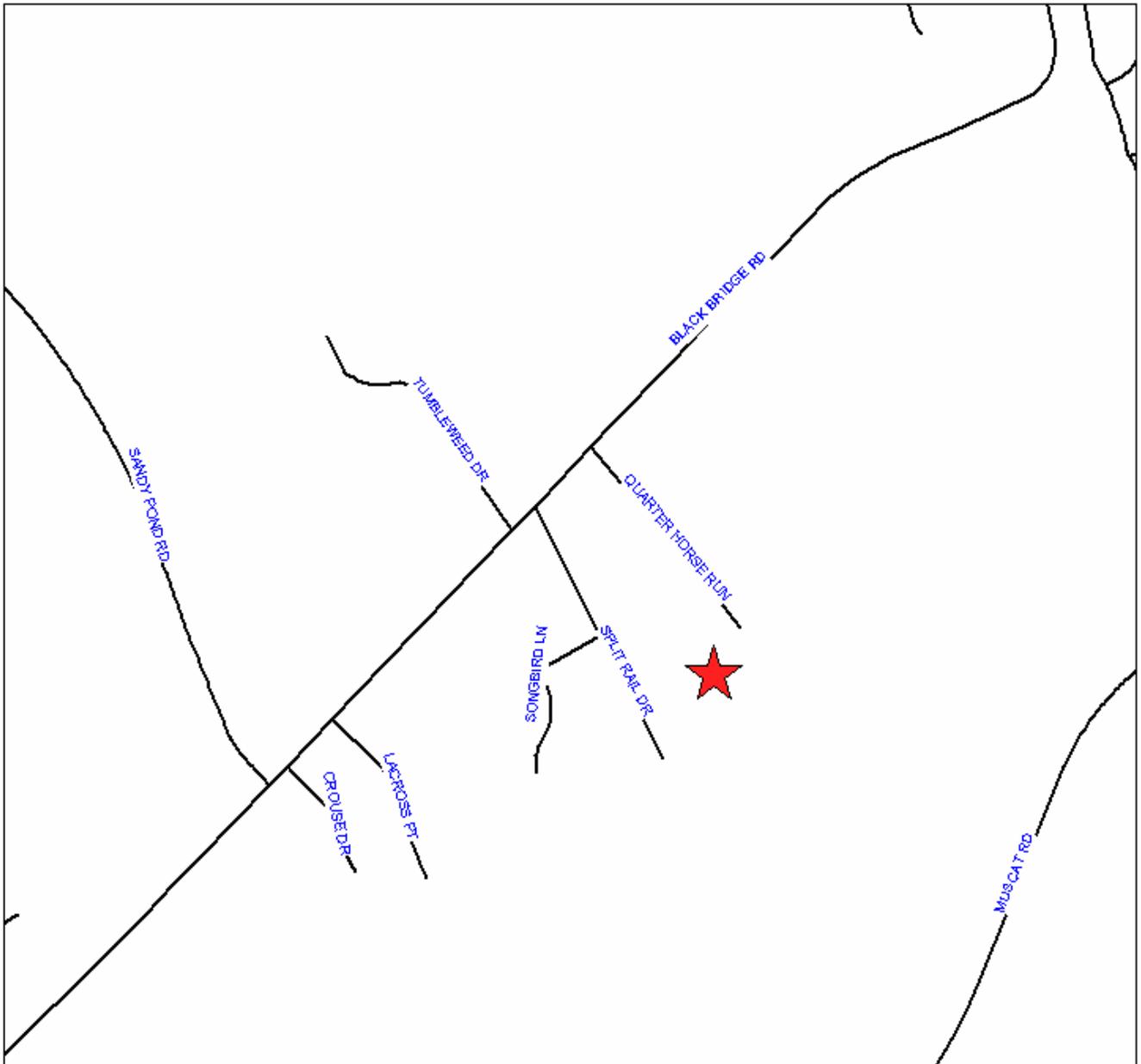
(Date Signed)



**SUBDIVISION REVIEW FOR
JIMMY & ANGELA PHIPPS
REQUEST: A VARIANCE FROM
SECTION 4.2.C.c ZONED:RR
CASE NO: 03-123 ACREAGE: 5.5 AC.±
SCALE: N.T.S.**



**JIMMY & ANGELA PHIPPS PROPERTY
SUBDIVISION REVIEW
CASE NO. 03-123**



PIN: 0403-65-7257-
PREPARED BY EMB-CCJPB
JULY 8, 2003

Map not to scale

