

Charles C. Morris
Chair
Town of Linden
Donovan McLaurin
Vice-Chair
Wade, Falcon & Godwin

Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman



COUNTY of CUMBERLAND

Planning and Inspections Department

Thomas J. Lloyd,
Director
Cecil P. Combs,
Deputy Director

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

TENTATIVE AGENDA

AUGUST 15, 2006

7:00 P.M.

- I. INVOCATION AND PLEDGE OF ALLEGIANCE
- II. ADJUSTMENTS TO AGENDA
- III. PUBLIC HEARING DEFERRALS
 - A. P06-50: REZONING OF 73 +/- ACRES FROM A1 TO R15 OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED BETWEEN CEDAR CREEK AND A. B. CARTER ROADS, WEST OF WILLARD DRIVE, SUBMITTED BY MICHAEL J. ADAMS, OWNED BY J. O. CARTER, JR, WILLIAM G. ALPHIN, J. A. ALPHIN, JR, ALPHIN LIVING TRUST, LEE TRUSTIES, ALLINE A. AND J. O. CARTER, JR AND EDGAR L. AND BEULAH A. BOST.
- IV. ABSTENTIONS BY BOARD MEMBERS
- V. POLICY STATEMENT REGARDING PUBLIC HEARING TIME LIMITS
- VI. CONSENT ITEMS
 - A. APPROVAL OF THE MINUTES OF AUGUST 1, 2006

REZONING CASES

- B. P06-58: REZONING OF 2.02 ACRES FROM A1 TO A1A OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 4091 HUMMINGBIRD PLACE, SUBMITTED BY ABIE GUZMAN, OWNED BY ABRAHAM AND ZORAIDA GUZMAN.
- C. P06-60: REZONING OF TWO PARCELS TOTALING 1.98 ACRES FROM R6A TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE SOUTHWEST SIDE OF SOUTH MAIN STREET, SOUTHEAST OF RED MAPLE LANE, OWNED BY CHARLES T. GARDNER.

REVISIONS/AMENDMENTS

130 Gillespie Street · Post Office Box 1829 · Fayetteville, North Carolina 28302-1829 · (910) 678-7600 · Fax: (910) 678-7631

- D. P06-62: REVISIONS AND AMENDMENTS TO THE TOWN OF SPRING LAKE ZONING CODE, SECTION 156.087, DISTRICT DIMENSIONAL PROVISIONS, REPEALING MINIMUM AREAS FOR THE C(P) AND M(P) ZONING DISTRICTS. (SPRING LAKE)
- E. P06-63: REVISIONS AND AMENDMENTS TO THE TOWN OF FALCON ZONING ORDINANCE, SECTION 12.6, FEES; AND TO THE TOWN OF FALCON SUBDIVISION ORDINANCE, SECTION 7.1, FEES; DELETING THE TEXT OF THE FEE SCHEDULE FROM BOTH ORDINANCES. (FALCON)

VII. PUBLIC HEARING ITEMS

- A. P06-40: REZONING OF 13.19 ACRES FROM R10 TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 6521 RAMSEY STREET, OWNED BY JAMES H. AND EVA S. SINGLETARY.
- B. P06-51: REZONING OF A 3.56 ACRE PORTION OF A 5.13 AC TRACT FROM R10 AND C1 TO M(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 2230 NORTH BRAGG BOULEVARD, SUBMITTED BY JOSEPH P. RIDDLE III, OWNED BY MARCH F. RIDDLE. (SPRING LAKE)
- C. P06-53: REZONING OF 5.53 ACRES FROM RR, R10, O&I(P) TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE NORTH SIDE OF CLINTON ROAD, EAST OF BLADEN CIRCLE, SUBMITTED BY ROBERT M. BENNETT, OWNED BY LESTER G. CARTER, JR.
- D. P06-59: REZONING OF .92 ACRES FROM RR TO R10 OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE SOUTH SIDE OF ROCKFISH ROAD, WEST OF WIPPERWILL DRIVE, SUBMITTED BY RONNIE G. FALCON, OWNED BY DOUGLAS AND BETTY MEISENBACH.
- E. P06-61: REZONING OF SEVEN PARCELS TOTALING 15.53 ACRES FROM R6 TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE SOUTH SIDE OF ANDREWS ROAD, WEST OF RAMSEY STREET, SUBMITTED BY KIMLEY-HORN ASSOCIATES, OWNED BY CLYDE A. CULBRETH, ET AL.

VIII. PLAT & PLAN

- A. 06-129: CONSIDERATION OF BAGGETT FAMILY, LLC, ZERO LOT LINE SUBDIVISION REVIEW, REQUEST FOR A WAIVER FROM SECTIONS 3.2 "RELATION OF PROPOSED STREETS TO ADJOINING STREET SYSTEM" & 3.17.C "STREET DESIGN", CUMBERLAND COUNTY SUBDIVISION ORDINANCE, LOCATED ON THE NORTH SIDE OF SR 1832 (MURPHY ROAD), WEST OF SR 1831 (BAYWOOD ROAD)

IX. DISCUSSION

X. FOR YOUR INFORMATION

- A. DIRECTOR'S UPDATE

XI. ADJOURNMENT

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MINUTES

August 1, 2006

Members Present *Present*

Mr. Charles Morris, Chair
Mr. Donovan McLaurin, Vice-Chair
Mr. Harvey Cain, Jr.
Mr. Clifton McNeill
Mr. Roy Turner
Mrs. Sara Piland

Members Absent

Mr. Garland Hostetter
Mrs. Lori Epler
Commissioner Diane Wheatley

Others

Mr. Tom Lloyd,
Mr. Cecil Combs
Ms. Patti Speicher
Mrs. Annette Nunnery
Mr. Grainger Barrett
County Attorney

VIII. INVOCATION AND PLEDGE OF ALLEGIANCE

Mr. Combs delivered the invocation and led those present in the Pledge of Allegiance.

IX. ADJUSTMENTS TO AGENDA

Mrs. Piland made a motion, seconded by Mr. Turner, to approve the agenda as written. Unanimous approval.

X. CONSENT ITEMS

A. APPROVAL OF THE MINUTES OF JULY 18, 2006

A motion was made by Mr. Turner and seconded by Mr. Cain to approve the Minutes as written. The motion passed unanimously.

IV. DISCUSSION

A. 1-YEAR ZONING REVIEW – Mr. Lloyd advised the Board that Ms. Speicher had prepared a review of the Zoning Ordinance outlining areas to be considered for modification. Mr. Lloyd stated that the Codes Committee would need to meet to discuss and approve the revisions. He named four areas with changes to be

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considered: Article IV, #1, regarding Day Care operation in residential districts; Article IX, #4, regarding clarification of parking; Article XI, #2, involving the location and size of accessory buildings, and Article XI, #3, involving R10 density and average lot sizes.

B. WORK PROGRAM – Mr. Lloyd reviewed the Planning Department 2006-2007 Work Program and endorsed the concept. He stated that this was a concise format for tracking productivity and providing information to the public. He stated that the list was compiled using requests gathered from staff, citizens and local municipalities.

Chair Morris stated that prior to the Board's expansion, which would occur in the near future, priority should be focused on the revision of the Planning Board By-laws. He also asked for the status of the one-year review of the Conditional Use District. Ms. Speicher stated that the Zoning Ordinance review includes that.

V. DIRECTOR'S UPDATE

- A. Mr. Lloyd reviewed the FAMPO Highway Plan, defining the priority ratings for NCDOT highway projects.
- B. Chair Morris updated the Board on recent discussions with the County's 2030 Plan consultant. Mr. Lloyd noted that the meeting scheduled for August 15th would be postponed until September due to developments concerning review of sewer policies. Chair Morris expressed concern that, once again, the Planning Board was left out of the sewer extension process.

VI. ADJOURNMENT

There being no further business, the meeting adjourned at 7:50 p.m.

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August 8, 2006

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for August 15, 2006 Board Meeting

P06-58: REZONING OF 2.02 ACRES FROM A1 TO A1A OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 4091 HUMMINGBIRD PLACE, SUBMITTED BY ABIE GUZMAN, OWNED BY ABRAHAM AND ZORAIDA GUZMAN, SR.

The Planning & Inspections Staff recommends approval of the A1A zoning district based on the following:

1. The request is consistent with the 2010 Land Use Plan;
2. The request is in keeping with the rural nature of the area; and
3. The request is in character with the current zoning in the area.

There are no other suitable zoning districts.

Attachments:

- 1 - Rezoning Sketch Map
- 2 - Site Profile

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SITE PROFILE

P06-58

REZONING OF 2.02 ACRES FROM A1 TO A1A OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 4091 HUMMINGBIRD PLACE, SUBMITTED BY ABIE GUZMAN, OWNED BY ABRAHAM AND ZORAIDA GUZMAN, SR.

Site Information:

Applicant/Owner: ABIE GUZMAN / ABRAHAM & ZORAIDA GUZMAN, SR.

Area: 2.02 acres

Frontage & Location: 210 feet on Hummingbird Place

Depth: 435 feet

Jurisdiction: County

Current Use: Residential

Initial Zoning: April 26, 1979 (Area 8)

Zoning Violation(s): None

Surrounding Zoning: North-A1, R40A, East and South-A1, RR, and West-A1, R40A, RR

Surrounding Land Use: Container site, church, single family residential and vacant land

Eastover Study Area Land Use Plan: One-Acre Residential

Urban Services Area: Yes

Water/Sewer Availability: Well / Septic

Soil Limitations: None

School Capacity/Enrolled: Armstrong Elementary 436/415, Mac Williams Middle 1274/1133, Cape Fear High 1400/1507

Subdivisions: This lot was created 8/27/84 by deed. A subdivision review will be required prior to any development, which may involve other tracts from the parent tract.

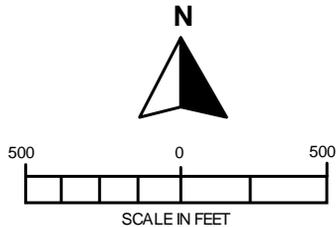
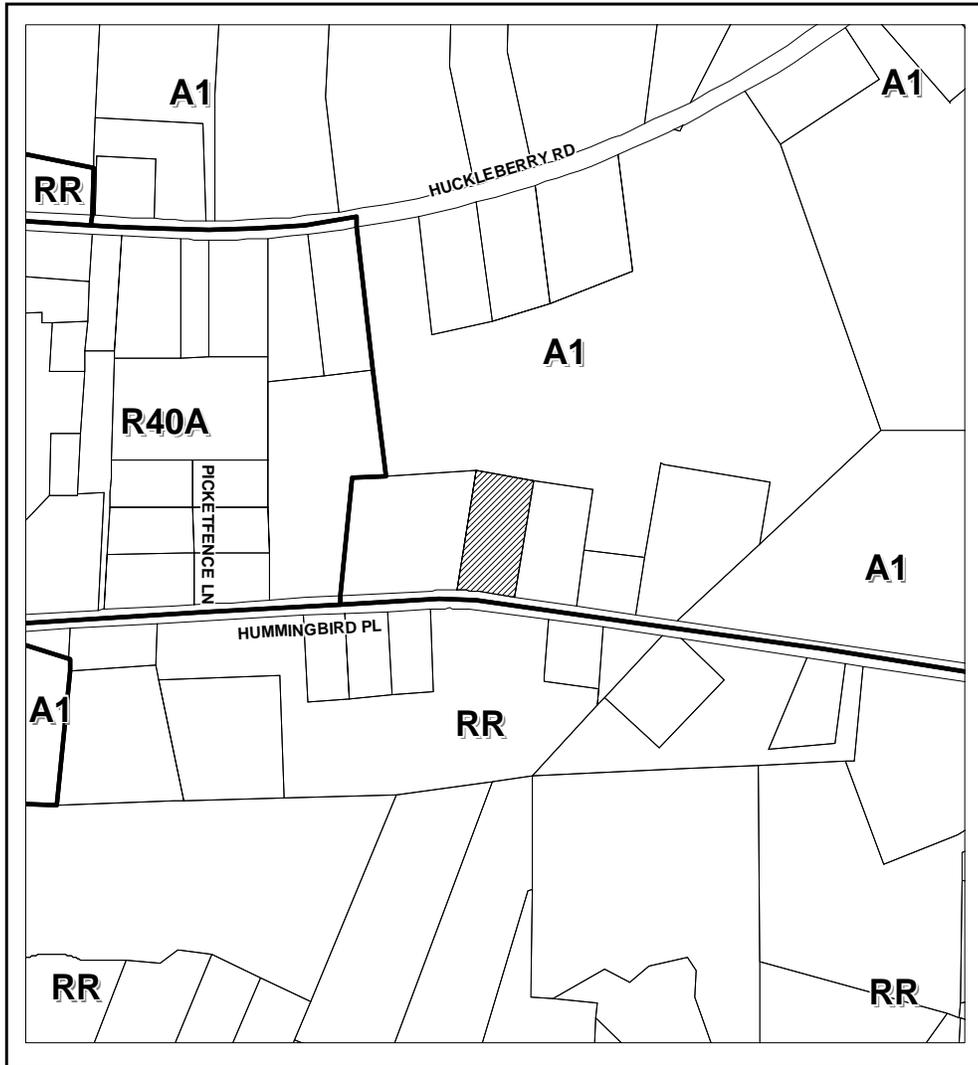
Highway Plan: No road improvements or new construction specified for this area.

Average Daily Traffic Count (2004): 1,400 on Hummingbird Place

Notes:

Density: A1 – 1 units
 A1A – 2 units

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**REQUESTED REZONING:
A1 TO A1A**

ACREAGE: 2.02 AC.+/-		HEARING NO: P06-58	
ORDINANCE COUNTY	HEARING DATE	ACTION	
PLANNING BOARD			
GOVERNING BOARD			

PIN: 0467-65-1364

SP

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August 8, 2006

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for August 15, 2006 Board Meeting

P06-60: REZONING OF TWO PARCELS TOTALING 1.98 ACRES FROM R6A TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE SOUTHWEST SIDE OF SOUTH MAIN STREET, SOUTHEAST OF RED MAPLE LANE, OWNED BY CHARLES T. GARDNER.

The Planning & Inspections Staff recommends approval of the C(P) zoning district based on the following:

1. The request is consistent with the 2010 Land Use Plan;
2. The subject property is adjacent to commercial use; and
3. The subject property is located on a Major Thoroughfare.

The other suitable zoning districts are O&I(P) and C1(P).

Attachments:

- 1 - Rezoning Sketch Map
- 2 - Site Profile

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SITE PROFILE

P06-60

REZONING OF TWO PARCELS TOTALING 1.98 ACRES FROM R6A TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE SOUTHWEST SIDE OF SOUTH MAIN STREET, SOUTHEAST OF RED MAPLE LANE, OWNED BY CHARLES T. GARDNER.

Site Information:

Applicant/Owner: CHARLES T. GARDNER

Area: 1.98 acres

Frontage & Location: 181 feet on South Main Street

Depth: 440 feet

Jurisdiction: County

Current Use: Vacant Residential

Initial Zoning: February 3, 1977 (Area 7)

Zoning Violation(s): None

Surrounding Zoning: North-R6A, C1(P), C(P), C3, C3/CU, M2, East-C(P), Hope Mills limit-C(P), South-R6A, R6A/CU, C(P), C3, Hope Mills limit-C(P), and West-R6A

Surrounding Land Use: Auto sales, church, motorcycle shop, manufactured home sales, statutory business and single family residential

2010 Land Use Plan: Heavy Commercial

Urban Services Area: Yes

Water/Sewer Availability: Well / Septic

Soil Limitations: None

Subdivisions: The lots were created 10/26/87 by deed. A C(P) site plan review will be required prior to any development on this property.

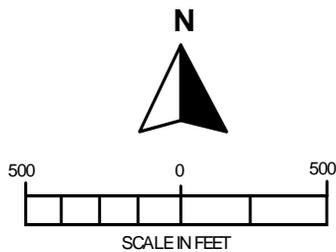
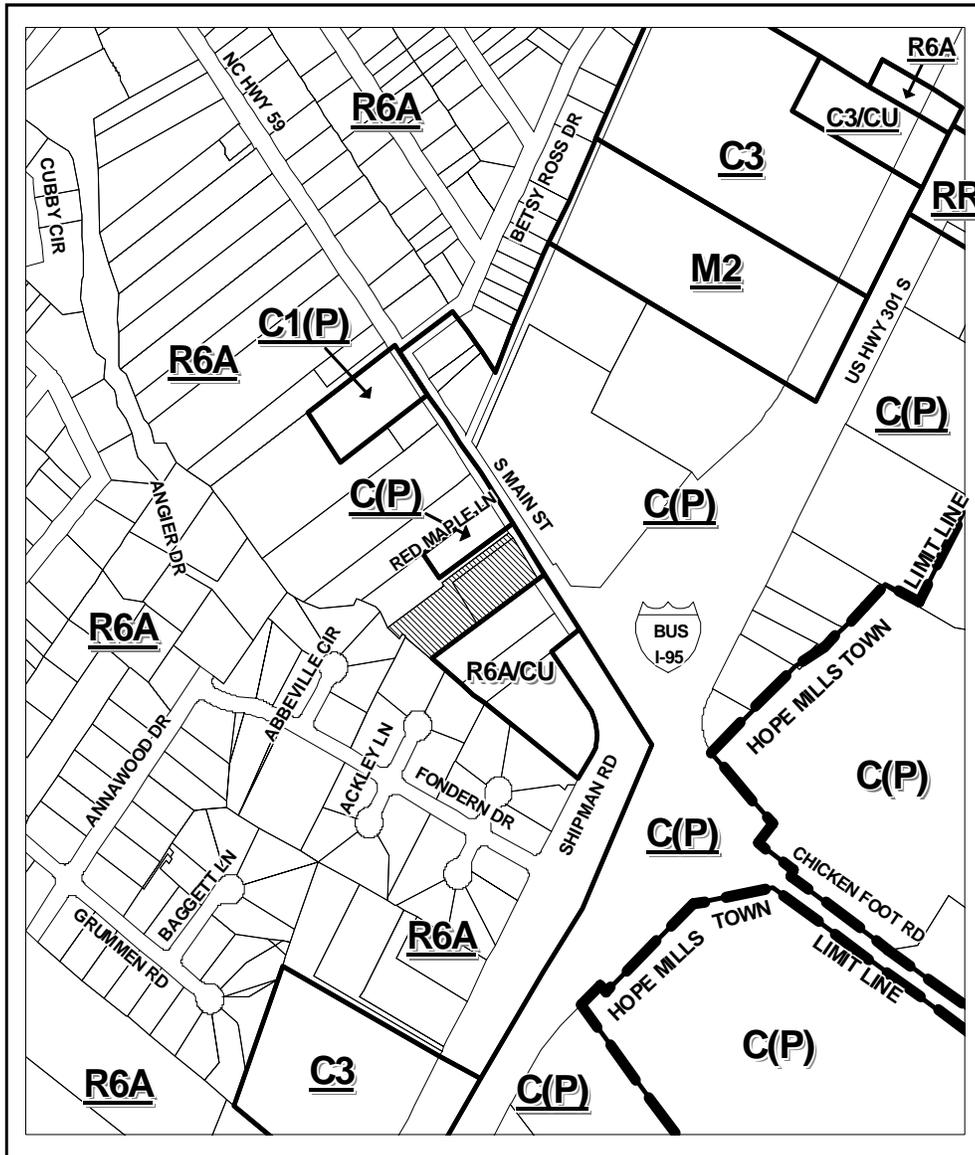
Military Impact Area: No

Highway Plan: Highway 59 is identified as a Major Thoroughfare. This proposal calls for a multi-lane facility (Priority 1). Road improvements are not included in the 2006-2012 MTIP.

Average Daily Traffic Count (2004): 14,000 on Hwy 59

Notes:

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**REQUESTED REZONING:
R6A TO C(P)**

ACREAGE: 1.98 AC. +/-	HEARING NO: P06-60	
ORDINANCE COUNTY	HEARING DATE	ACTION
PLANNING BOARD		
GOVERNING BOARD		

PIN: 0423-05-1335, 0413-95-9244

SP

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Cumberland County

August 8, 2006

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for August 15, 2006 Board Meeting

P06-62: REVISIONS AND AMENDMENTS TO THE TOWN OF SPRING LAKE ZONING CODE, SECTION 156.087, DISTRICT DIMENSIONAL PROVISIONS, REPEALING MINIMUM AREAS FOR THE C(P) AND M(P) ZONING DISTRICTS. (SPRING LAKE)

The Planning & Inspections Staff recommends approval of the amendment based on the following:

1. Eliminating the minimum areas from the Town's Code is in keeping with the goal of working toward more unified ordinances between the various jurisdictions within Cumberland County. (Note: The County eliminated the minimums in June 2005); and
2. The acreages required for the minimums are arbitrary and have no basis for the amount required for each district.

Attachments:

- 1 – Amendment for District Dimensional Provisions

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August 8, 2006

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for August 15, 2006 Board Meeting

P06-63: REVISIONS AND AMENDMENTS TO THE TOWN OF FALCON ZONING ORDINANCE, SECTION 12.6, FEES; AND TO THE TOWN OF FALCON SUBDIVISION ORDINANCE, SECTION 7.1, FEES; DELETING THE TEXT OF THE FEE SCHEDULE FROM BOTH ORDINANCES. (FALCON)

The Planning & Inspections Staff recommends approval of the amendment based on the following:

1. Establishing the fees as a separate schedule with reference to the schedule in the ordinances is in keeping with the goal of working toward more unified ordinances between the various jurisdictions within Cumberland County; and
2. The amendment allows for flexibility for the Town Board when setting their adopted fees.

Attachments:

- 1 – Zoning Ordinance, Sec. 12.6 Amendment
- 2 – Subdivision Ordinance, Sec 7.1 Amendment

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P06-63

REVISIONS AND AMENDMENTS TO THE TOWN OF FALCON ZONING ORDINANCE, SECTION 12.6, FEES; AND TO THE TOWN OF FALCON SUBDIVISION ORDINANCE, SECTION 7.1, FEES; DELETING THE TEXT OF THE FEE SCHEDULE FROM BOTH ORDINANCES. (FALCON)

AMEND Section 12.6. Fees, Falcon Zoning Ordinance as indicated:

SECTION 12.6. FEES

Each applicant shall pay a fee to the ~~County of Cumberland~~ County Planning and Inspections Department, in accordance with ~~the Fee a Schedule approved recommended by the Planning Board and adopted by the Town of Falcon~~ Board of Commissioners.

~~In addition to the above, each applicant for a change in zoning or in the text of this ordinance development shall pay a non-refundable fee of twenty five (\$25.00) dollars to the Town of Falcon. The town shall issue a receipt for this fee which sum shall be applied to the expense of processing the application and advertising. However, this fee shall not apply to requests originating with the Town of Falcon.~~

**TOWN OF FALCON
FEE SCHEDULE***

<u>REQUESTED</u> <u>DISTRICT</u>	<u>LESS THAN</u> <u>5 ACRES</u>	<u>5 TO 50</u> <u>ACRES</u>	<u>50 TO 100</u> <u>ACRES</u>	<u>100+</u> <u>ACRES</u>
R15	130	260	300	400
R15M	130	260	300	400
R20A	130	260	300	400
R40A	130	260	300	400
O&I	260	260	300	400
C1	260	260	300	400
C(P)	260	260	300	400
C3	260	260	300	400
M	260	260	300	400

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August 8, 2006

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for August 15, 2006 Board Meeting

P06-40: REZONING OF 13.19 ACRES FROM R10 TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 6521 RAMSEY STREET, OWNED BY JAMES H. AND EVA S. SINGLETARY.

This case was presented at the June 20th meeting, at which time the applicant indicated he wished to amend his request. To the original request, the Planning & Inspections Staff recommended denial of the C(P) zoning district based on the following:

1. The request is not consistent with the North Fayetteville Study Area Land Use Plan which calls for low density residential and open space at this location;
2. There is sufficient vacant commercial property in the area;
3. The subject property wraps around existing residential properties;
4. McCloskey Road will likely be the main entrance to the future state park property currently owned by the Nature Conservancy; and
5. The depth of the rezoning request exceeds what would normally be considered for commercial zoning and encroaches into a residential area.

The applicant later requested deferral to the August 15th meeting, to which staff was in agreement. The Planning & Inspections Staff has reviewed the applicant's amended rezoning request and recommends denial of O&I(P) for the back portion (7.17 acres) because this request is not consistent with the North

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Fayetteville Study Area Land Use Plan and would allow for the encroachment of nonresidential zoning to a residential area.

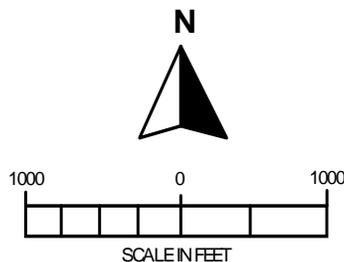
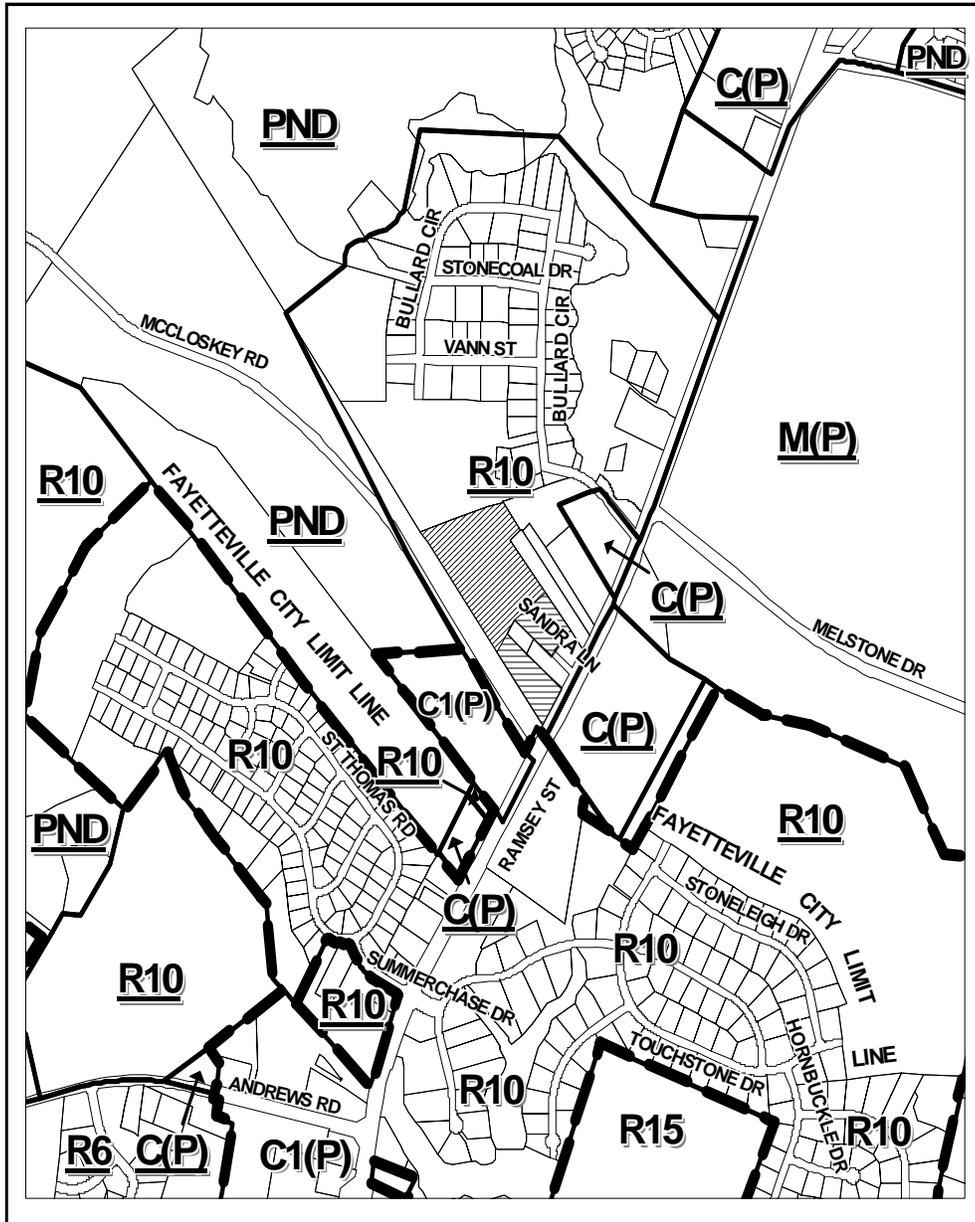
The Staff recommends denial of the front portion (6.02 acres) to C(P) but approval of the 6.02 acres to O&I(P) based upon the following:

1. Although the request is not fully consistent with the Land Use Plan which calls for low density residential and open space at this location, this area is in transition;
2. The O&I(P) zoning district would act as a buffer for the residential areas; and
3. The Highway Plan calls for a 6-lane divided highway at this location.

There are no other suitable zoning districts to be considered.

Attachments:

- 1 - Rezoning Sketch Map
- 2 - Site Profile



REQUESTED REZONING:		
R10 TO O&I(P)  & C(P) 		
ACREAGE: 13.19 AC.±	HEARING NO: P06-40	
ORDINANCE COUNTY	HEARING DATE	ACTION
PLANNING BOARD		
GOVERNING BOARD		

PN: 0541-05-0506

REV: 07-19-06
REV: 07-21-06

SP

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SITE PROFILE

P06-40

REZONING OF 13.19 ACRES FROM R10 TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 6521 RAMSEY STREET, OWNED BY JAMES H. AND EVA S. SINGLETARY.

Site Information:

Applicant/Owner: JAMES H. AND EVA S. SINGLETARY

Area: 13.19 acres

Frontage & Location: 260 feet on Ramsey Street

Depth: 1,215 feet (average)

Jurisdiction: County

Current Use: Residential

Initial Zoning: August 21, 1972 (Area 1)

Nonconformities: Yes – If rezoned the structures will be nonconforming due to dimensional requirements.

Surrounding Zoning: North-R10, PND, C(P), East-R10, C(P), M(P), South and West-R10, PND, city limits

Surrounding Land Use: Steelworkers Association, open storage, electric company, daycare, barber shop, school, and single family residential

North Fayetteville Study Area Land Use Plan: Low Density Residential and Open Space

Watershed Area: Yes

Urban Services Area: Yes

Water/Sewer Availability: PWC / Septic – PWC sewer available

Soil Limitations: Some hydric soils – Coxville loam

Subdivisions: A subdivision or site plan review shall be required prior to any development.

Military Impact Area: Yes

Highway Plan: Ramsey Street is identified as a Major Thoroughfare. The plan calls for widening to a multi-lane facility (Priority 1-unfunded).

Average Daily Traffic Count (2004): 23,000 on Ramsey Street

Notes:

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August 8, 2006

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for August 15, 2006 Board Meeting

P06-51: REZONING OF A 3.56 ACRE PORTION OF A 5.13 AC TRACT FROM R10 AND C1 TO M(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 2230 NORTH BRAGG BOULEVARD, SUBMITTED BY JOSEPH P. RIDDLE III, OWNED BY MARCH F. RIDDLE. (SPRING LAKE)

This case was deferred from the July 18, 2006 Board meeting and the applicant's request has not changed. The Planning and Inspections Staff recommends denial of the request for M(P) zoning but approval of C1 for that portion of the subject property currently zoned R10, even though this recommendation is not consistent with the Spring Lake Area Detailed Land Use Plan (2003), based on the following:

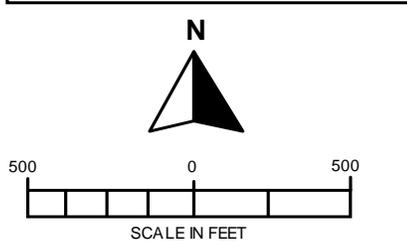
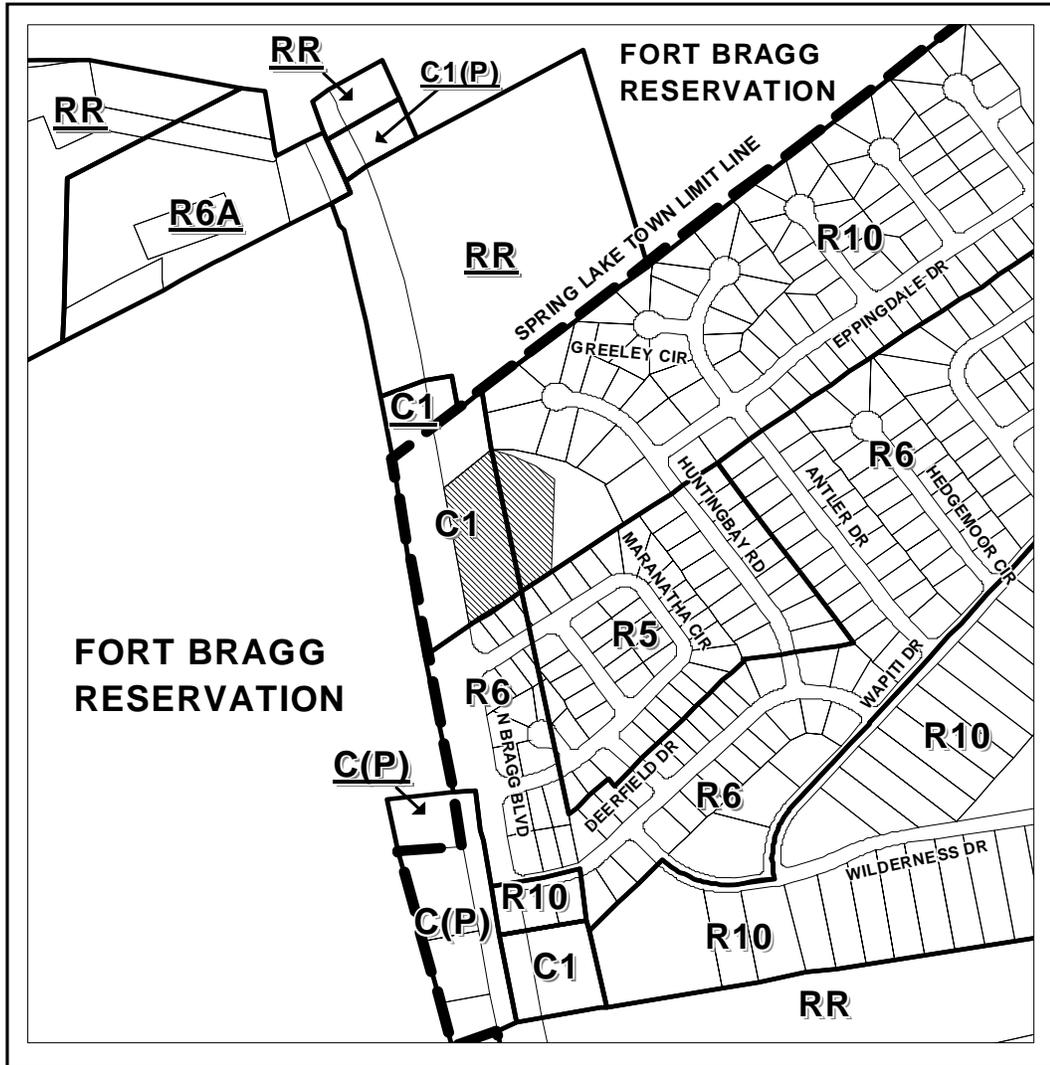
1. Rezoning the R10 portion to C1 would allow for the developable area of this tract to be under the same zoning designation; and
2. All uses allowed in the M(P) district are not suitable for properties located along a gateway into the Town.

C(P) zoning may be considered as suitable for this location.

Attachments:

- 1 – Rezoning Sketch Map
- 2 – Site Profile

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REQUESTED REZONING: R10 & C1 TO M(P)		
ACREAGE: 3.56 AC.+/-	HEARING NO: P06-51	
ORDINANCE: SPRING LAKE	HEARING DATE	ACTION
PLANNING BOARD		
GOVERNING BOARD		

PORT. PIN: 0502-39-0184

SP

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SITE PROFILE

P06-51

REZONING OF A 3.56 ACRE PORTION OF A 5.13 AC TRACT FROM R10 AND C1 TO M(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 2230 NORTH BRAGG BOULEVARD, SUBMITTED BY JOSEPH P. RIDDLE III, OWNED BY MARCH F. RIDDLE. (SPRING LAKE)

Site Information:

Applicant/Owner: JOSEPH P. RIDDLE III / MARCH F. RIDDLE

Area: 3.56 acres

Frontage & Location: 497 feet on North Bragg Boulevard

Depth: 350 feet

Jurisdiction: Spring Lake

Adjacent Property: Yes

Current Use: Vacant

Surrounding Zoning: North-RR, R10, R6A, C1(P), Ft Bragg Reservation, East-R10, R6, R5, South-RR, R10, R6, C1, C(P), and West-Ft. Bragg Reservation

Surrounding Land Use: Vacant commercial, single family residential, and military reservation

Spring Lake Area Detailed Land Use Plan: Low Density Residential

Water/Sewer Availability: Town of Spring Lake water and sewer

Soil Limitations: Some hydric soils - Rains sandy loam (Ra)

Subdivisions: This is part of Bent Tree Subdivision (Case 91-309). A site plan review will be required and the lot will need to be platted.

Military Impact Area: Yes

Ft Bragg/Pope AFB: 1 Mile Buffer Area

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

Average Daily Traffic Count (2004): 29,000 on North Bragg Boulevard.

Notes:

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Harvey Cain, Jr.,
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COUNTY of CUMBERLAND

Planning and Inspections Department

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

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

August 8, 2006

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for August 15, 2006 Board Meeting

P06-53: REZONING OF 5.53 ACRES FROM RR, R10, O&I(P) TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE NORTH SIDE OF CLINTON ROAD, EAST OF BLADEN CIRCLE, SUBMITTED BY ROBERT M. BENNETT, OWNED BY LESTER G. CARTER, JR.

This case was deferred from the July 18, 2006 Board meeting so that the applicant could resolve some "use" issues with Staff. The applicant met with the Staff and their request remains as originally submitted. In addition, the Planning & Inspections Staff recommended denial of the C(P) zoning district at the July meeting and the recommendation remains unchanged. This recommendation was based on the following:

1. The request is not consistent with the 2010 Land Use Plan;
2. There is sufficient vacant commercially-zoned property in the area; and
3. The existing O&I(P) zoning district acts as a good buffer between the commercial and residentially zoned properties.

There are no other suitable zoning districts to be considered.

Attachments:

- 1 - Rezoning Sketch Map
- 2 - Site Profile

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SITE PROFILE

P06-53

REZONING OF 5.53 ACRES FROM RR, R10, O&I(P) TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE NORTH SIDE OF CLINTON ROAD, EAST OF BLADEN CIRCLE, SUBMITTED BY ROBERT M. BENNETT, OWNED BY LESTER G. CARTER, JR.

Site Information:

Applicant/Owner: ROBERT M. BENNETT / LESTER G. CARTER, JR.

Area: 5.53 acres

Frontage & Location: 480 feet on Clinton Road

Depth: 370 feet

Jurisdiction: County

Adjacent Property: Yes

Current Use: Vacant

Initial Zoning: April 26, 1979 (Area 8)

Surrounding Zoning: North-RR, R10, R5A, East-RR, C(P), South-RR, R20, R10, and West-RR, R10, C3

Surrounding Land Use: Single family residential

2010 Land Use Plan: Suburban Density Residential

Urban Services Area: Yes

Water/Sewer Availability: PWC / PWC

Soil Limitations: Some hydric soils – Pantego loam and Woodington loamy sand

Subdivisions: Subdivision review

Schools: Sunnyside Elementary 245/296, Mac Williams Middle 1274/1130, Cape Fear High 1400/1507

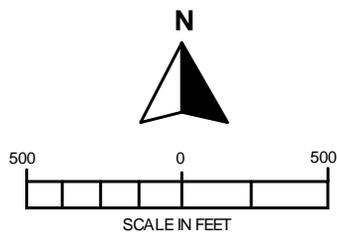
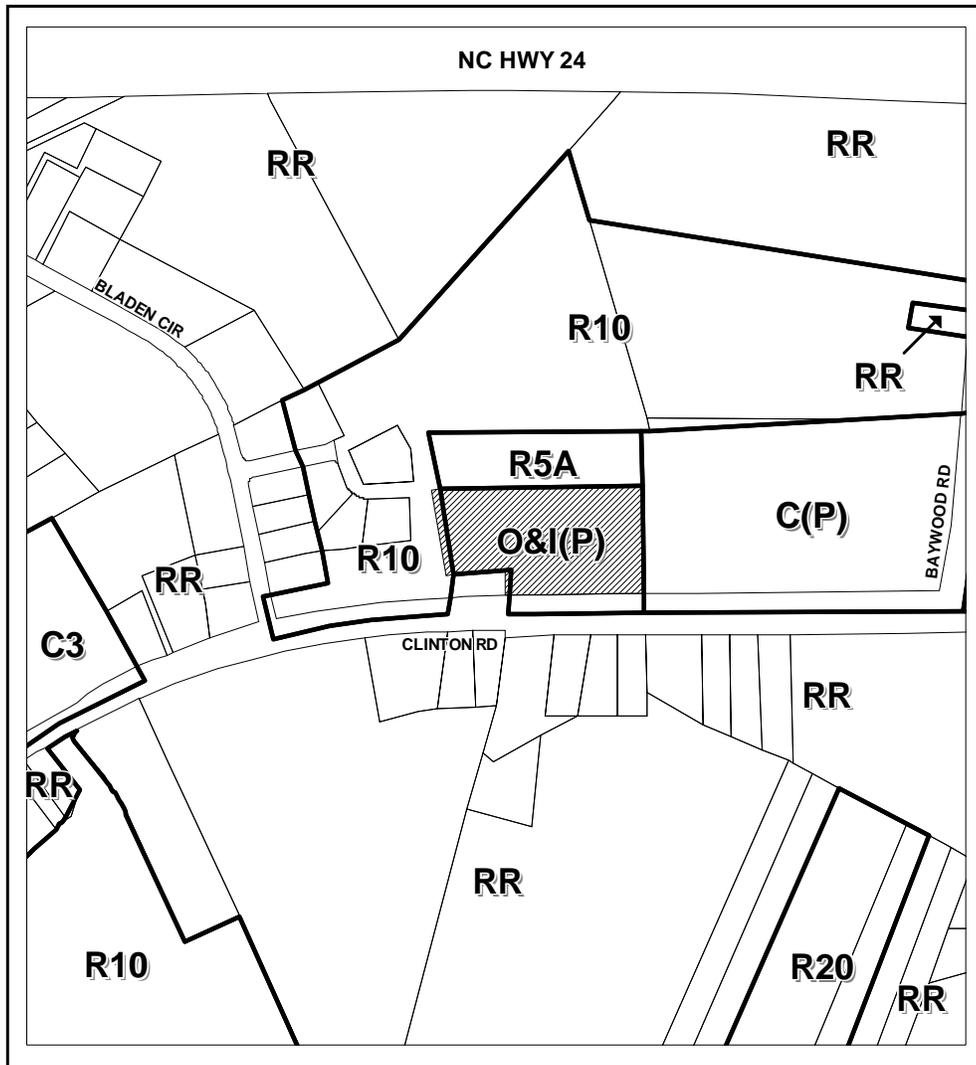
Military Impact Area: No

Highway Plan: No road improvements or new construction specified for this area.

Average Daily Traffic Count (2004): 5,500 on Clinton Road

Notes:

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REQUESTED REZONING: O&I(P), R10 & RR TO C(P)		
ACREAGE: 5.53 AC.+/-		HEARING NO: P06-53
ORDINANCE: COUNTY	HEARING DATE	ACTION
PLANNING BOARD		
GOVERNING BOARD		

PORT. PIN: 0466-68-1494

SP

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Roy Turner,
Lori Epler,
Sara E. Piland,
Cumberland County

August 8, 2006

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for August 15, 2006 Board Meeting

P06-59: REZONING OF .92 ACRES FROM RR TO R10 OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE SOUTH SIDE OF ROCKFISH ROAD, WEST OF WIPPERWILL DRIVE, SUBMITTED BY RONNIE G. FALCON, OWNED BY DOUGLAS AND BETTY MEISENBACH.

The Planning & Inspections Staff recommends denial of R10 and approval of the R15 zoning district based on the following:

1. Although the request is consistent with the 2010 Land Use Plan, there is no public sewer available to the site; and
2. The R15 zoning district is in character with the current zoning in the area and is a more restrictive residential zoning district than RR.

There are no other suitable zoning districts.

Attachments:

- 1 – Rezoning Sketch Map
- 2 – Site Plan

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SITE PROFILE

P06-59

REZONING OF .92 ACRES FROM RR TO R10 OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE SOUTH SIDE OF ROCKFISH ROAD, WEST OF WIPPERWILL DRIVE, SUBMITTED BY RONNIE G. FALCON, OWNED BY DOUGLAS AND BETTY MEISENBACH.

Site Information:

Applicant/Owner: RONNIE G. FALCON / DOUGLAS AND BETTY MEISENBACH

Area: .92 acres

Frontage & Location: 200 feet on Rockfish Road

Depth: 200 feet

Jurisdiction: County

Current Use: Residential

Initial Zoning: February 6, 1976 (Area 5)

Zoning Violation(s): None

Surrounding Zoning: North-R10, East-RR, R10, R10/CU, South-RR, and West-R20, RR, R10

Surrounding Land Use: Cell tower, single family residential and vacant land

2010 Land Use Plan: Low Density Residential

Urban Services Area: Yes

Water/Sewer Availability: PWC / Septic, Sewer exists 1700 feet west of the site.

Soil Limitations: None

School Capacity/Enrolled: Stoney Point Elementary 620/771, John Griffin Middle 1274/1281, Jack Britt High 1750/1824

Subdivisions: This lot was created 10/26/87 by deed. A subdivision review will be required prior to any development.

Military Impact Area: No

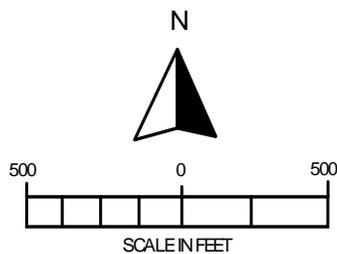
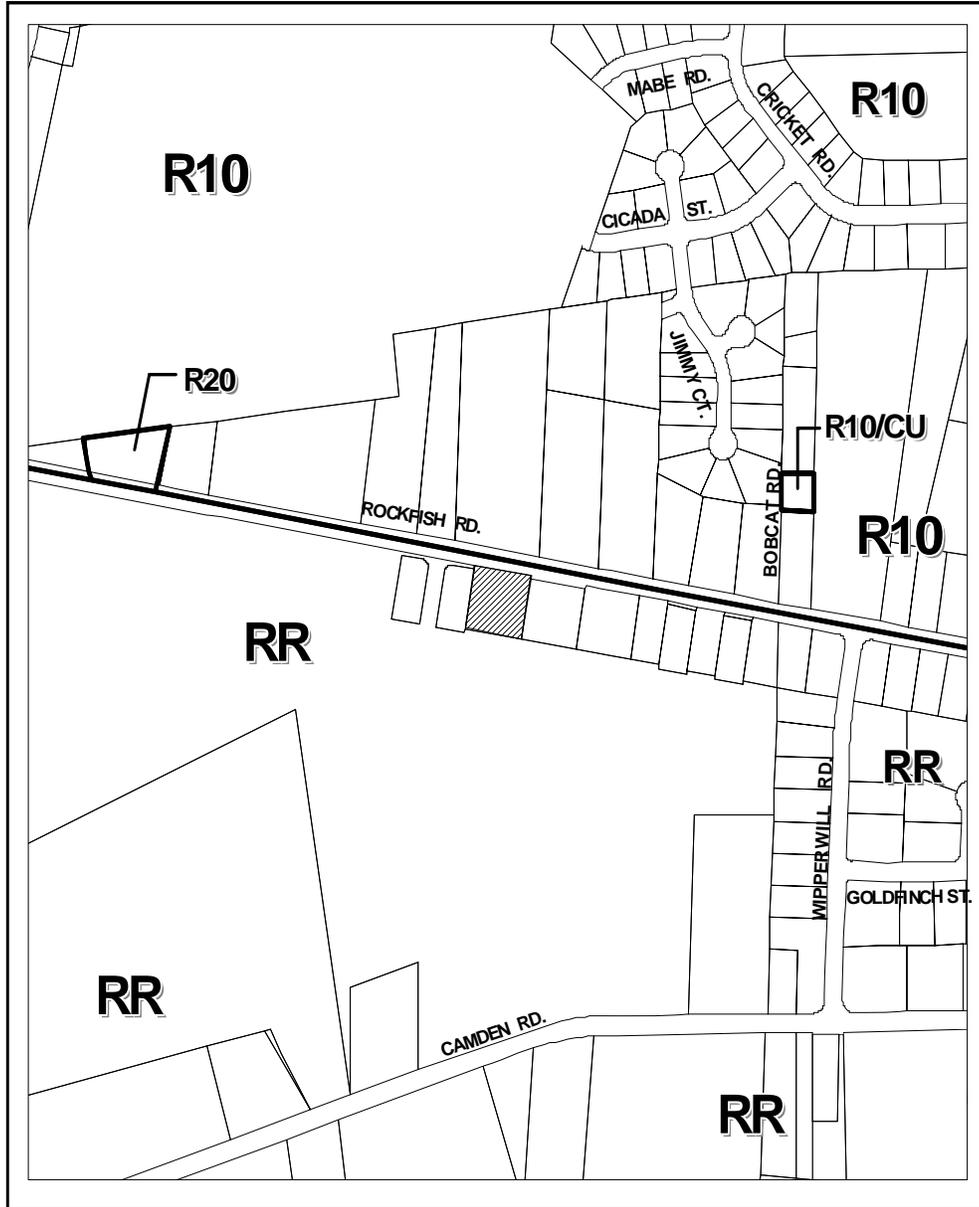
Highway Plan: Rockfish Road is identified as a Major Thoroughfare. The Plan calls for a multi-lane facility (Priority 2). Road improvements are not included in the 2006-2012.MTIP.

Average Daily Traffic Count (2004): 12,000 on Rockfish Road

Notes:

Density: RR – 2 lots / 2 units
 R15 – 2 lots / 3 units
 R10 – 4 lots / 5 units

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REQUESTED REZONING RR TO R10

ACREAGE: 0.92 AC. +/-	HEARING NO: P06-59	
ORDINANCE COUNTY	HEARING DATE	ACTION
PLANNING BOARD		
GOVERNING BOARD		

PIN: 9494-97-5299

AF

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Roy Turner,
Lori Epler,
Sara E. Piland,
Cumberland County

August 8, 2006

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for August 15, 2006 Board Meeting

P06-61: REZONING OF SEVEN PARCELS TOTALING 15.53 ACRES FROM R6 TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE SOUTH SIDE OF ANDREWS ROAD, WEST OF RAMSEY STREET, SUBMITTED BY KIMLEY-HORN ASSOCIATES, OWNED BY CLYDE A. CULBRETH, ET AL.

The Planning & Inspections Staff recommends denial of C(P) zoning for this location but approval of the C1(P) district, even though this recommendation is not consistent with the Land Use Plan, based on the following:

1. There is C1(P) zoning adjacent to this tract;
2. C1(P) would allow for the uses which could accommodate the adjacent Cape Fear Valley Medical Center; and
3. The North Fayetteville Area Detailed Land Use Plan calls for heavy commercial and low density residential at this location, C1(P) zoning provides a good balance between the two districts;

O&I(P) would also be considered as suitable for this property.

Attachments:

- 1 - Rezoning Sketch Map
- 2 - Site Profile

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SITE PROFILE

P06-61

REZONING OF SEVEN PARCELS TOTALING 15.53 ACRES FROM R6 TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE SOUTH SIDE OF ANDREWS ROAD, WEST OF RAMSEY STREET, SUBMITTED BY KIMLEY-HORN ASSOCIATES, OWNED BY CLYDE A. CULBRETH, ET AL.

Site Information:

Applicant/Owner: KIMLEY-HORN ASSOCIATES / CLYDE A & MAYBELLE H CULBRETH, SHERRILL A & PANTHIA B COLLIER, ELAINE ROSSER, BRENDA R LYONS, LYNWOOD F & ORA M ROSSER

Area: 15.53 acres

Frontage & Location: 162 feet on Andrews Road

Depth: 1,330 feet

Jurisdiction: County

Current Use: Residential

Initial Zoning: August 21, 1972 (Area 1)

Zoning Violation(s): None

Surrounding Zoning: North-R10, C(P), City limits-R10, PND, C1P, East-R10, C1(P), C(P), City limits-R10, R5, C1, C1P, South-PND, R6, C(P), C1(P), City limits-PND, and West-R10, PND, R6, and City Limits-PND

Surrounding Land Use: Shopping center, medical center, substation, DOT, single family residential and vacant property.

North Fayetteville Area Detailed Land Use Plan: Heavy Commercial and Low Density Residential

Watershed Area: Yes – must meet Watershed requirements.

Urban Services Area: Yes

Water/Sewer Availability: PWC / PWC – a sewer extension will be required to serve the area.

Soil Limitations: Some hydric soils – Rains sandy loam

Subdivisions: If the parcels are to be developed, will need to be recombined, re-subdivided and a C(P) site plan review will be required on any and all lots that may be created or existing.

Ft Bragg / Pope AFB: Pope AFB has no objections to this case.

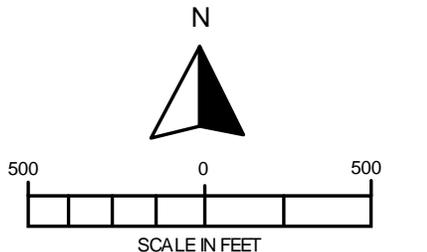
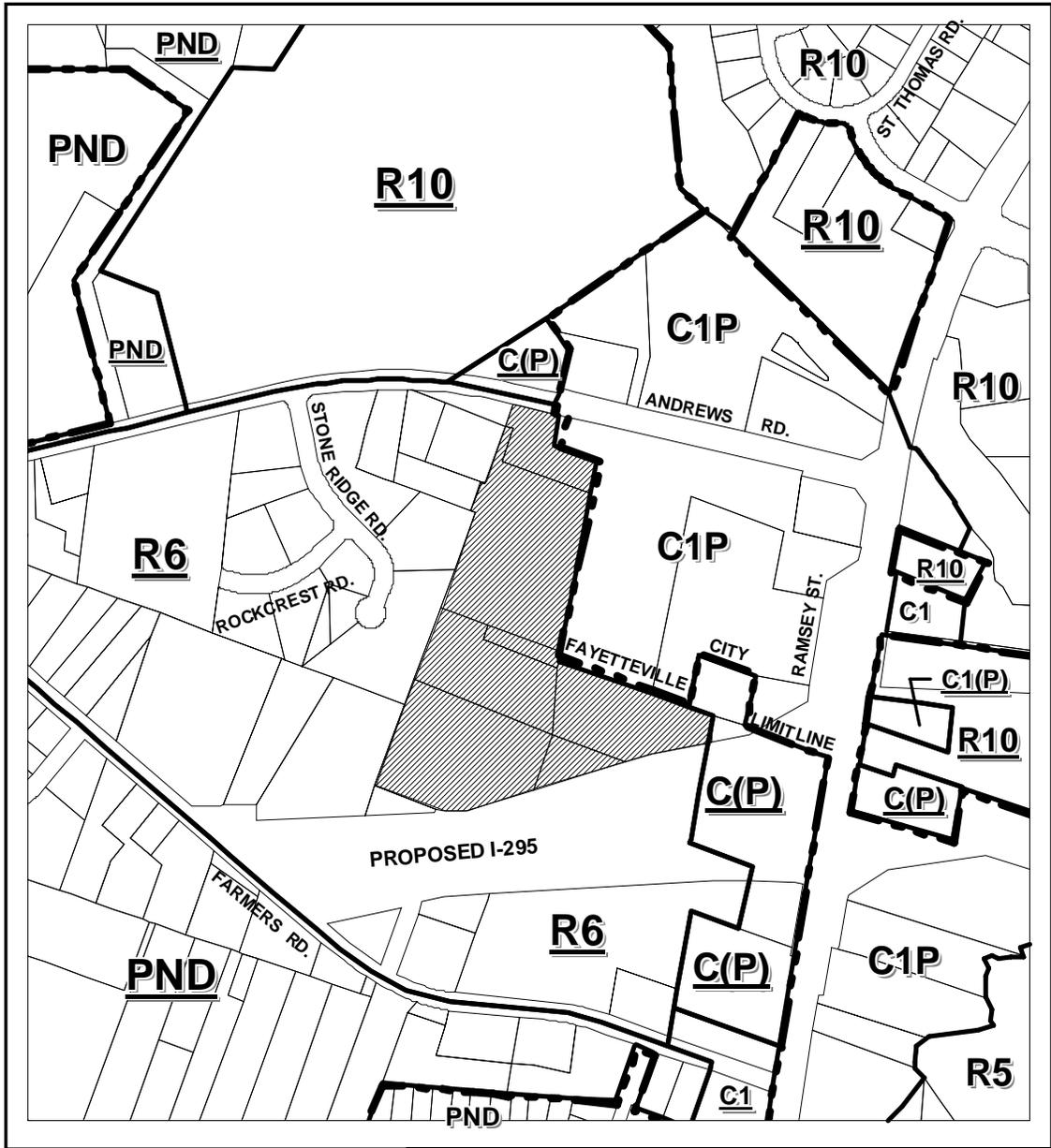
Military Impact Area: Yes

Highway Plan: Andrews Road is identified as a Major Thoroughfare. The Plan calls for a multi-lane facility (Priority 1). Road improvements are not included in the 2006-2012 MTIP. The Fayetteville Outer Loop is identified in the Highway Plan as a Major Thoroughfare. The Plan calls for a multi-lane facility with a 250 foot right-of-way. Road improvements are included in the 2006-2012 MTIP. Planning/Design: In progress, Mitigation: FFY07, ROW Acquisition: FFY 06, 07, Post Years, Construction: 08, 12, Post Years

Average Daily Traffic Count (2004): 5,400 on Andrews Road

Notes:

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REQUEST REZONING R6 TO C(P)		
ACREAGE: 15.53 AC.+/-		HEARING NO: P06-61
ORDINANCE COUNTY	HEARING DATE	ACTION
PLANNING BOARD		
GOVERNING BOARD		

PIN: 0531-72-9323,8061,71-8760,7651,6373
81-0323,1498

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Roy Turner,
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Sara E. Piland,
Cumberland County

August 8, 2006

TO: County Joint Planning Board

FROM: Edward M. Byrne, Planner II

SUBJECT: Case No. 06-129
Baggett Family LLC
(Zero Lot Line Subdivision Review)

The developer has submitted a request for waivers from Sections 3.2 "Relation of Proposed Street to Adjoining Street System" and 3.17.c "Street Design", County Subdivision Ordinance, regarding the connection to Wilbur Street and the length of the proposed cul-de-sac. The Subdivision Ordinance requires the extension or connection to existing road systems when the road stub abuts the proposed development. The Subdivision Ordinance establishes a maximum length of 800 feet for cul-de-sacs.

Wilbur Street is an existing Class "A" private street and is part of a private community, Eastover Air Ranch. The proposed length of the cul-de-sac is 900 +/- feet. The subdivision contains 30.09 +/- acres, is zoned R40 & A1, and has 27 proposed lots.

The developer has requested to not be required to tie into the existing private street (Wilbur Street) because the proposed street (Black Twig Drive) will be a public street. The developer also request approval for the length of Fallow Field Drive to be 900 +/- feet. The developer cites the nature of the adjoining property and the overall size and shape of the subject property making any other design impracticable as the primary reasons.

The Planning & Inspections Staff agrees with the developer on both waiver requests. The connection to Wilbur Street with a public street would allow for inequitable increase in traffic on the privately maintained streets of Eastover Air Ranch. The Air Ranch could gate their community at any time; thus creating a situation where, if connected, the proposed street, Black Twig Drive, would not have a proper turn-around. The adjacent property at the end of the proposed "Fallow Field Drive" is also part of the Air Ranch properties; therefore, extension of this cul-de-sac would create the same situation in which the design of Wilbur Street has created. The Planning & Inspections Staff feels that the connection of the private street to a public street would not serve the best interest of either neighborhood.

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

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- 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 & Inspections Staff recommends approval of the waivers based on the following:

1. With the adjoining properties being located within a private community served by private streets, extension of or connection to the existing street will not serve the intent of the Subdivision Ordinance, due to condition or nature of the adjoining areas, strict compliance with the provisions of this Ordinance would cause a special hardship to the owner/developer and the existing private development, and could create a situation in direct contradiction to the provisions of the Ordinance, and
2. The public purposes of the Subdivision and Zoning Ordinances are being served by allowing for an adequate turnaround for emergency vehicles (a temporary cul-de-sac is shown on the recorded plat for Wilbur Street) and all lots being created to have adequate road frontage, and
3. The property owner is not being afforded a special privilege denied to others as evidenced by previous Board approvals in similar situations and the connection to the existing private street would put a burden on the homeowners of the Eastover Air Ranch since the property owners maintain all streets within their development and the connection would increase traffic flow through this neighborhood.

Attachments: Request for Waiver
Sketch Map
Parcel Map
Conditions of Approval
Vicinity Map

cc: Talmage Baggett, Jr., Developer
William B Snively, Surveyor
Grainger Barrett, County Attorney
Patti Speicher, Planner III

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PLANNING STAFF DECISION: 7-27-06 PLANNING BOARD DECISION: COUNTY OR COUNCIL MEETING: N/A

CASE NO: 06-129 NAME OF DEVELOPMENT: BAGGETT FAMILY, LLC
ZERO LOT LINE SUBDIVISION REVIEW

SIDE OF SR 1832 (MURPHY ROAD), AI LOCATION: NORTH ZONING: R40 &

WEST OF SR 1831 (BAYWOOD ROAD). PIN: 0468-83-6214-

OWNER OR DEVELOPER: TALMADGE S. BAGGETT JR, ETAL. SNIVELY ENGINEER OR DESIGNER: WILLIAM B.

- COUNTY ORDINANCE
- GODWIN ORDINANCE
- STEDMAN ORDINANCE
- SPRING LAKE ORDINANCE
- FALCON ORDINANCE

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

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

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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 water and sewer plans prior to application for any permits. Site and soil evaluations must be conducted on the property by the County Environmental Health Department prior to application for permits. (Note: All Health Department requirements must be met prior to issuance of final permits.)
3. The developer may have to provide the Code Enforcement Section with an approved state sedimentation and erosion control plan (S&E) prior to any application for permits. If any retention/detention basins are required for state approval of this plan, then five copies of a revised plan must be submitted and approved by Planning & Inspections prior to application for any permits.
4. The NC Department of Transportation (NCDOT) approves the proposed curbcut(s) and the proper permits must be obtained prior to zoning/building permit application.
5. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Zoning Ordinances for the R40 & A1 zoning district must be complied with.
6. Sections 4.1.c, "Curbs and Gutters"; 4.1.d, "Required Drainage"; 4.3.g, "Fire Hydrants", and 4.3.h, "Underground Utilities", of the County Subdivision Ordinance must be adhered to.
7. This review does not constitute a "subdivision" approval by NC Department of Transportation (NCDOT). A separate submittal to NCDOT will be required prior to consideration for addition to the system of any street within this development.
8. The NC Department of Transportation (NCDOT) approves the street plans and the street(s) are required to be constructed to the NCDOT standards for secondary roads.

Plat-Related:

9. The property identified as PIN: 0468-82- 2660- shall be included on the final plat and shall be number as Lot 27 with the acreage shown. (Note: This property is the remaining land from the proposed development and is the result of the deed, which cut this land off from the original tract.) OR shall be labeled as "Undevelopable Until Platted" on the final plat. (Note: This lot is required to be platted prior to application for any permits on Lot 27.)
10. The street name signs, in compliance with the County Street Sign Specifications, must be installed prior to final plat approval. The developer should contact E911 Street Naming/Signs for inquiries regarding the County's policy for street sign installation or, if the sign is commissioned from a private source, to schedule an inspection of the street sign(s). Land Use Codes must receive notice of agreement with the Street Naming & Addressing Section for sign installation or of satisfactory inspection prior to the approval of the final plat.

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11. Dedication of 10 feet of right-of-way and reservation of 5 feet of right-of way along SR 1832 (Murphy Road) is required and the metes and bounds for both dedication and reservation is required to be shown on the final plat and/or 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. (Contact Transportation Planning with any questions regarding this condition.)
12. Prior to final plat approval of any portion of this development, the developer is required to submit a check or cash in the amount of \$628.31 (\$23.27 per lot) payable to “Cumberland County”. This condition is in accordance with Section 3.13.1, Parks, Open Space, Recreation Provisions, County Subdivision Ordinance, which requires every residential dwelling unit to 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 #1)
13. The builder/developer shall provide the buildable envelopes on the final plat: providing a five-foot maintenance easement along each side of all common internal lines with all other applicable setbacks being provided for, **or** at the time of permit application, the individual plot plans must be approved by Land Use Codes prior to issuance of any permits.
14. All lots within this development must be served by an internal street system and a **“no access” easement must be reflected on the final plat along SR 1832 (Murphy Road) on lots 1 & 26.** (Note: This condition does not apply to PIN: 0468-82- 2660- “Lot 27”.)
15. The NC Department of Transportation (NCDOT) stamp must be affixed to the final plat prior to submission for final plat approval by Land Use Codes.
16. The notarized signature(s) of all current tax record owner(s) and notary certifications appear on the final plat when submitted for final approval.
17. The developer is reminded that the improvements must be in place or that final plat approval will only be granted in accordance with Section 2.6 b, c, or d, County Subdivision Ordinance. (Note: Once the improvements are in place, the developer is responsible for contacting Mary Ann Steinmetz to schedule an inspection of the improvements.)
18. The final plat must be submitted to Land Use Codes for review and approval for recording with the County Register of Deeds, and the plat must be recorded prior to any permit application for any structure and/or prior to the sale of any lot or unit within this development.

Plat-Required Statements:

19. Since this development does not have public water/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-

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site sewer services or been deemed acceptable for private wells at the date of this recording.”

20. All structures shall be shown on the final plat or the final plat shall reflect the following statement:

“Nonconforming structures have not been created by this subdivision.”

Advisories:

21. The remaining density for the A1 tract (Lot 27) is derived from the R40 zoned area (parent tract) to meet the minimum requirement of two acres for the A1 zoning district.

22. This property is located within the Eastover Sanitary District Phase 2 area. A water main is expected to be extended along SR 1832 (Murphy Rd), with construction scheduled to begin in approximately 12 to 18 months from the date of submission of this preliminary. The developer is encouraged to consider developing this tract in such a manner as to facilitate tying into the main.

23. Turn lanes may be required by the NC Department of Transportation (NCDOT).

Other Relevant Conditions:

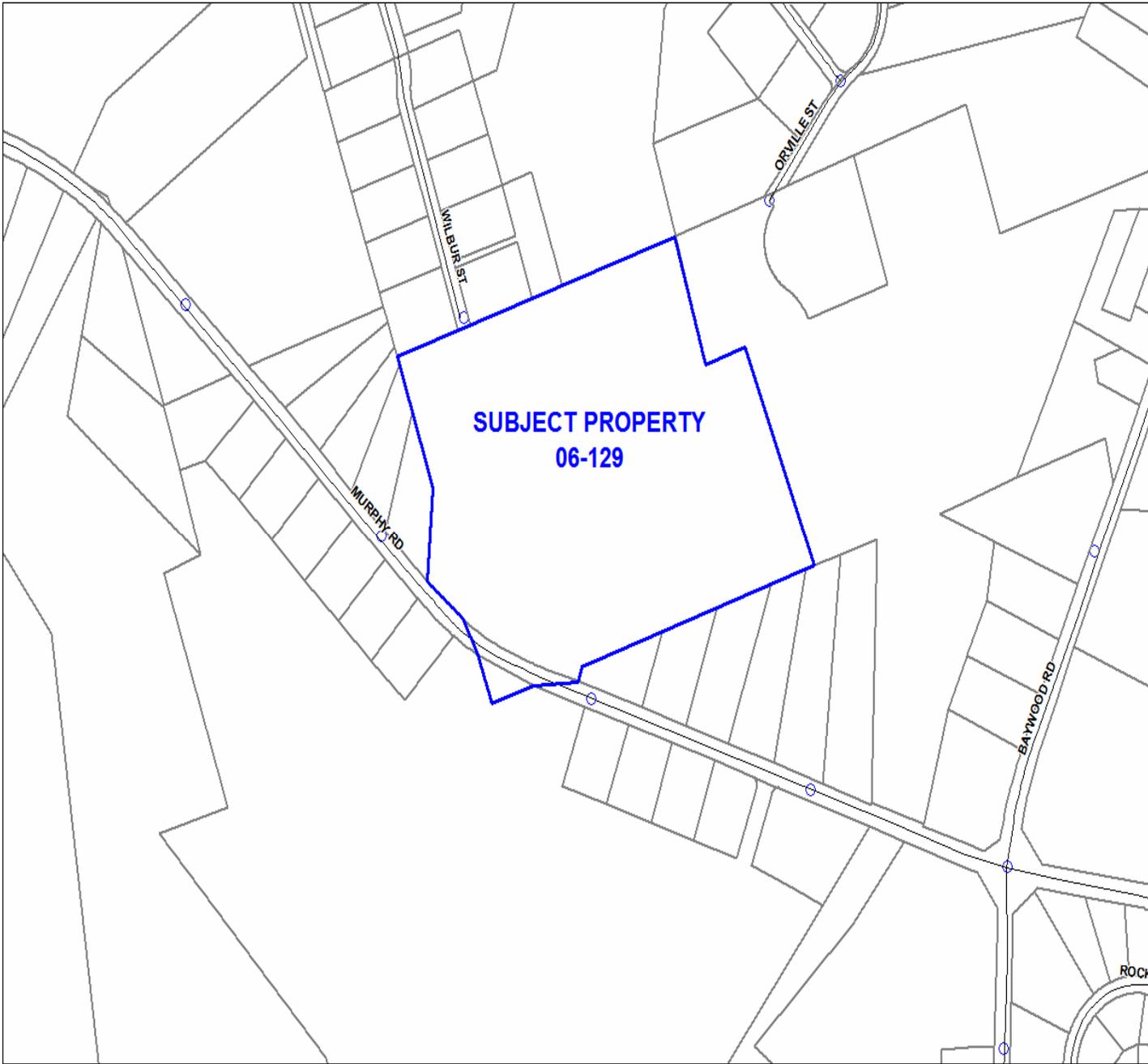
24. The owner/developer be aware that every deed created for a lot being served by an on-site water and/or sewer system must contain the following disclosure when filed with the County Register of Deeds:

“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 County Health Department.”

25. The developer has submitted a request for waivers from Sections 3.2 and 3.17, County Subdivision Ordinance. The Planning & Inspections Staff is recommending approval of this request. This case is scheduled to be heard at the August 15, 2006 Planning Board meeting.

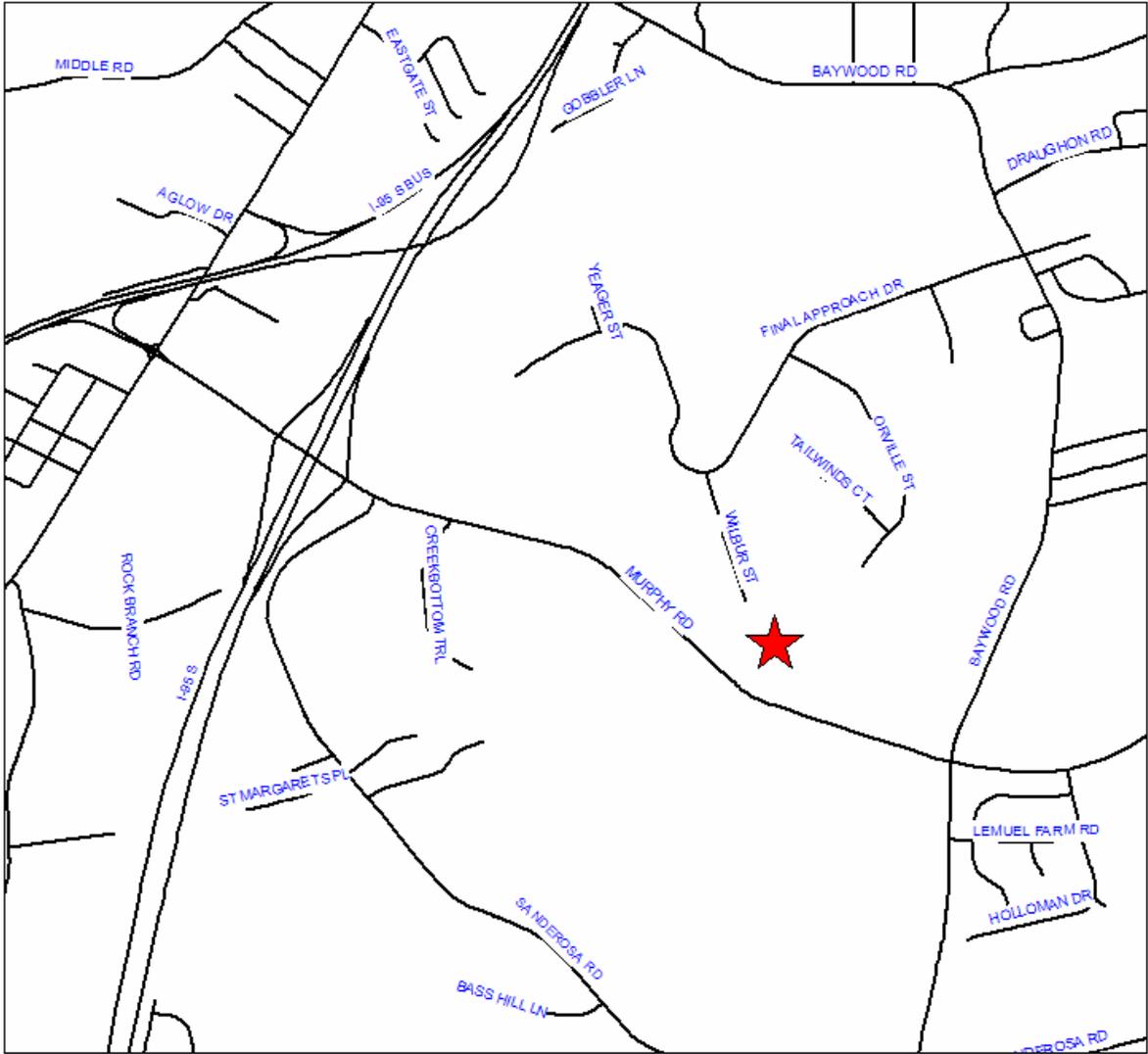
If you need clarification and/or negotiation of conditions, please contact Ed Byrne at 910-678-7609 or Patti Speicher at 910-678-7605.

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**BAGGETT FAMILY, LLC
ZLL SUBDIVISION REVIEW
CASE NO. 06-129**

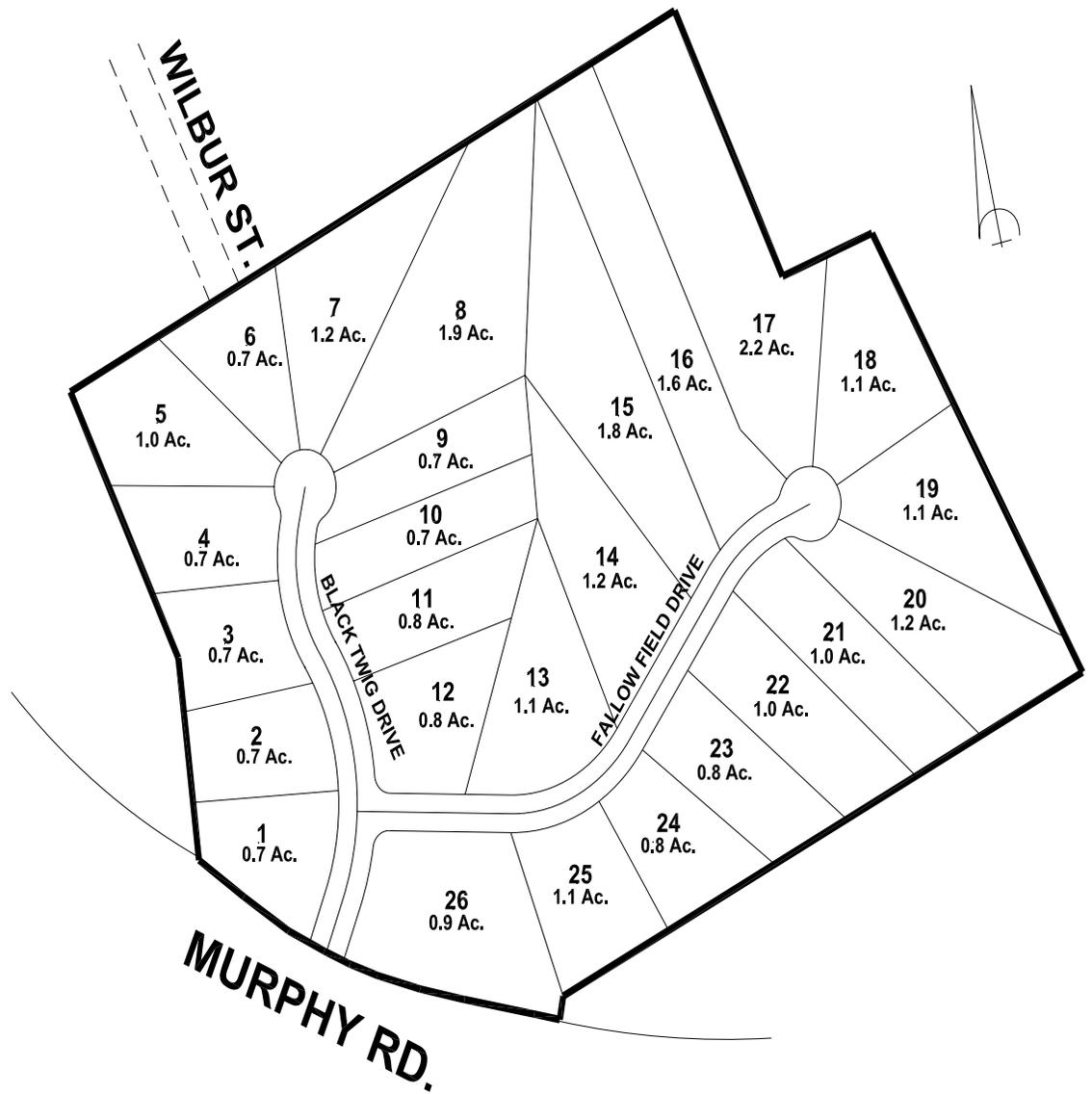


PIN(S): 0468-83-6214-
PREPARED BY MAS - CCJPB
JULY 21, 2006

Map not to scale



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BAGGETT FAMILY, LLC
ZERO LOT LINE SUBDIVISION REVIEW
 REQUEST: A WAIVER FROM SECTIONS 3.2 & 3.17.C
 CASE: 06-129 ZONING: R40
 ACREAGE: 30.04± SCALE: NTS

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 Carolina 28302-1829 · (910) 678-7600 · Fax: (910) 678-7631**

Request for Waiver

No.: 06-129 Case Name: Baggett Family LLC

Ordinance Section Number(s): 3.2 and 3.17C

Primary of Request: Cul-de-sac length = No Connection
Road on Adjacent Tract

Request should receive favorable consideration by the Planning Board based on the following summary of the basis for this request:

Because of the size of the tract to be subdivided, its topography, the condition 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 the request), strict compliance with the provisions of this Ordinance would cause special hardship to the property owner and be inequitable, due to:

Proposed Street to be public; Existing
Street is Private. Size of Tract
Prohibits a shorter cul-de-sac street

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:

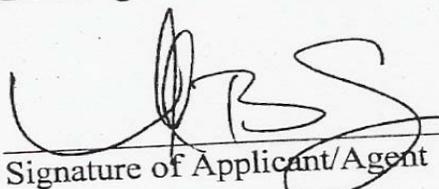
Applicants and adjoiners would
prefer not to have additional traffic

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

All lots will have access to
a paved street either way.

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.

William B. Snively
Printed Name of Applicant/Agent


Signature of Applicant/Agent

7-27-06