

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
Patricia Hall,
Town of Hope Mills



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

AGENDA MARCH 20, 2007 7:00 P.M.

- I. INVOCATION AND PLEDGE OF ALLEGIANCE
- II. ADJUSTMENTS TO AGENDA
- III. PUBLIC HEARING DEFERRALS
- IV. ABSTENTIONS BY BOARD MEMBERS
- V. POLICY STATEMENT REGARDING PUBLIC HEARINGS
- VI. CONSENT ITEM

A. APPROVAL OF THE MINUTES OF MARCH 6, 2007

PLAT & PLAN CASES

- B. CASE 07-012: CONSIDERATION OF ORCHARD PARK AT EASTOVER, SUBDIVISION REVIEW, REQUEST FOR WAIVER FROM SECTIONS 3.17.(C) "STREET DESIGN", COUNTY SUBDIVISION ORDINANCE, LOCATION: ON THE NORTH SIDE OF US HWY 13 (GOLDSBORO ROAD), WEST OF SR 1819 (STEWART ROAD).
- C. CASE 07-028: CONSIDERATION OF CHURCHHILL DOWNS ZERO LOT LINE SUBDIVISION REVIEW, REQUEST EXCEPTION FROM SECTION 4.3.D(2) "OTHER REQUIREMENTS", COUNTY SUBDIVISION ORDINANCE, LOCATION: ON THE SOUTH SIDE OF SR 2238 (SAND HILL ROAD), EAST OF SR 2376 (SOUTH FORTY DRIVE).

CONDITIONAL USE DISTRICT & PERMIT

- D. P07-12: REZONING OF .58 ACRES FROM R6A TO C(P)/CONDITIONAL USE DISTRICT AND PERMIT TO ALLOW PERMITTED USES WITH EXCLUSIONS AT 144 AIRPORT ROAD, OWNED BY MARK AND KIM WARREN.

REZONING CASES

- E. P07-14: REZONING OF 3.0+/- ACRES FROM A1 TO R20A OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 1770 YARBOROUGH ROAD, OWNED BY DENNIS K. AND LINDA G. DOBBINS.
- F. P07-15: INITIAL ZONING OF TWO PARCELS TOTALING 14.71 ACRES TO R15 OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE EAST SIDE OF MAIN STREET, NORTH OF SNELLING DRIVE, SUBMITTED BY THE TOWN OF WADE, OWNED BY HUELL AND XAVIER AEKINS. (WADE)
- G. P07-16: REZONING OF 1.19 ACRES FROM C1(P)/CU TO C1(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 4582 CUMBERLAND ROAD, OWNED BY SMITH-WARREN PROPERTIES.
- H. P07-17: REZONING OF .78+/- ACRES FROM R10 TO C3 OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE SOUTH SIDE OF OLIVE STREET, EAST OF MURCHISON ROAD, SUBMITTED BY BRIAN T. SOLTZ, OWNED BY MCCORMICK FARMS LIMITED PARTNERSHIP. (SPRING LAKE)
- I. P07-18: REZONING OF 2.25 ACRES FROM A1 TO RR OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 3557 CEDAR CREEK ROAD, OWNED BY CHARLES D. AND DIANE ROZIER.
- J. P07-19: REZONING OF 9.12 ACRES FROM A1 TO R30 OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE WEST SIDE OF WADE-STEDMAN ROAD, SOUTH OF KENNEL ROAD, OWNED BY TAMMY C. AND GEORGE BARRY.

VII. CONTESTED ITEMS

PLAT & PLAN CASE

- A. CASE 06-142: CONSIDERATION OF THE WILLOWGATE AT BAYWOOD, ZERO LOT LINE SUBDIVISION REVIEW, WAIVER FROM SECTION 4.3.D(2) "OTHER REQUIREMENTS", COUNTY SUBDIVISION ORDINANCE, LOCATED ON THE EAST SIDE OF SR 1831 (BAYWOOD ROAD), SOUTH OF SR 2072 (BENT GRASS DRIVE).

VIII. PUBLIC HEARING ITEMS

CONDITIONAL USE DISTRICT & PERMIT

- A. P07-04: REZONING 44.32+/- AC A1 TO R15/DD/CUD & PERMIT OR MORE RESTRICTIVE ZONING DISTRICT W SIDE OF OLD VANDER RD NW OF SIMMONS CARTER RD OWNED BY GERTRUDE V HARRIS.

IX. DISCUSSION / DIRECTOR'S UPDATE

X. ADJOURNMENT

Charles C. Morris,
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Donovan McLaurin,
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COUNTY of CUMBERLAND

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Roy Turner,
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MINUTES MARCH 6, 2007

Members Present

Mr. Charles Morris, Chair
Mrs. Lori Epler
Mr. Donovan McLaurin, Vice-Chair
Mr. Clifton McNeill
Mrs. Sara Piland
Mr. Garland Hostetter
Mr. Roy Turner
Mrs. Pat Hall
Commissioner Diane Wheatley

Others Present

Mr. Tom Lloyd, Director
Mr. Cecil Combs, Deputy Director
Mrs. Annette Nunnery
Mr. Grainger Barrett, County Attorney

I. INVOCATION AND PLEDGE OF ALLEGIANCE

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

Chair Morris introduced Mrs. Patricia Hall, representing the Town of Hope Mills, to the Board. She was sworn in by Mr. Barrett. The Board members introduced themselves and welcomed Mrs. Hall to the Board.

II. ADJUSTMENTS TO AGENDA

Mr. Lloyd requested that case P07-10 be pulled from the Public Hearing Agenda and deferred to the April 3, 2007 meeting. He stated that Staff and the applicant were in agreement with this decision.

III. ABSTENTIONS BY BOARD MEMBERS There were no abstentions.

IV. CONSENT ITEM

A. APPROVAL OF THE MINUTES OF FEBRUARY 20, 2007

Mrs. Epler made a motion, seconded by Mrs. Piland, to accept the minutes as submitted. Unanimous approval.

V. PUBLIC HEARING ITEMS

A. P07-10: REZONING OF 5.51 ACRES FROM RR TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 6417 CAMDEN ROAD, SUBMITTED BY BRAD YOUNG, OWNED BY USA STORAGE CENTER, LLC. * **DEFERRED TO APRIL 3, 2007 PLANNING BOARD MEETING** *

VI. DISCUSSION / DIRECTOR'S UPDATE

Mr. Lloyd explained Staff's decision to defer case P07-10. He stated that the subject property was in the Hope Mills MIA and that the Town was against the rezoning request. He further stated that in the spirit of good planning, the case should be thoroughly discussed with Town officials and that additional time was needed to coordinate a meeting.

VII. ADJOURNMENT

There being no further business, the meeting adjourned at 7:18 p.m.

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Cumberland County

COUNTY *of* CUMBERLAND

Planning and Inspections Department

March 13, 2007

MEMORANDUM

TO: County Joint Planning Board

FROM: Edward M. Byrne, Planner II

SUBJECT: Case No. 07-012
Orchard Park at Eastover
(Subdivision Review)

The developer has submitted a request for a waiver from Section 3.17(c) "Street Design" – regarding cul-de-sac length, County Subdivision Ordinance. The property is zoned A1 Agricultural and contains 285.64 +/- acres.

The Cumberland County Subdivision Ordinance requires cul-de-sac to have a maximum length of 800 feet. The proposed length of Veasey Mill Drive is 1800 feet. The streets within this development will be private and all the lots are two acres or greater.

The basis for the developer's request is the size of the lots, soil types being suitable for septic tanks and the streets being privately owned and maintained.

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

- a. **Because of the size of the tract to be subdivided, its topography, the condition or nature of the adjoining areas, or the existence of other unusual physical conditions, strict compliance with the provisions of this Ordinance would cause a special hardship to the property owner and be inequitable, and**
- b. **The public purposes of the Subdivision and the Zoning Ordinances 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 for the waiver from Section 3.17(C) based on the following:

1. Because of the condition or nature of the adjoining areas – this development is located in an area that is agricultural and rural with large lots – strict compliance with the provision of the Subdivision Ordinance would cause a special hardship to the property owner and inequitable; and
2. The public purposes of the Subdivision and the Zoning Ordinances would be served to an equal or greater degree since the developer has undesirable alternatives that would be allowed without a waiver, such as shortening the cul-de-sac and then “flagging” the lots; and
3. The property owner would not be afforded a special privilege denied to others because the proposed lots are generally large, each two acres or greater; whereas, the typical cul-de-sac would serve the same or greater number of lots but much smaller in size.

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

cc: Billy Maxwell, Developer
4D Site Solutions Inc, Surveyor
Grainger Barrett, County Attorney
Cecil P. Combs, Deputy Director
Patti Speicher, Planner III



Date Request Submitted: 2-26-07
Planning Board Meeting Date: 3-20-07
Received by: mail

Cumberland County Subdivision Ordinance

Request for Waiver

Case No.: 07-612 Case Name: _____

Related Ordinance Section Number(s): 3.17(c), 3.18, 3.19

Summary of Request: Waive requirement for maximum 800' cul-de-sac, 1800' block length & sanitary sewer fit in requirement < 2,000'

Section 6.1 of the County Subdivision Ordinance governs the Planning Board's authority to waive provisions of the Subdivision Ordinance. This section reads as follows:

Section 6.1. Waivers

The Planning Board may waive the requirements of this Ordinance where it finds by resolution that:

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

In granting waivers, the Planning Board may require such conditions as will secure, in so far as practicable, the objectives of the requirements waived. Any waiver, thus granted, is required to be entered in writing in the minutes of the Planning Board and the reasoning upon which departure was justified set forth.

The applicant is strongly encouraged to read the above provisions and relate the written waiver request as closely as possible to the criteria contained within. All supporting documentation for the request shall be submitted along with this request for waiver. For example, if the request is based on topography or soils, the applicant is the responsible

party to submit as evidence 'topo' and/or soils maps or if the request is based on the "condition or nature of adjoining property", the applicant will be required to submit evidence supporting this as basis for the request.

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

1. Because of the size of the tract to be subdivided, its topography, the condition or nature of adjoining areas, problems of access, or the existence of other unusual physical conditions (at least one of the preceding basis must be addressed in this request), strict compliance with the provisions of this Ordinance would cause a special hardship to the property owner and be inequitable, due to:

The new lots are 2 acres in size with no public water. Because no public water is available and the density is not maximized, the sewer requirement tie would be cost prohibitive. Soils analysis has been completed for entire tract for septic systems. (See expanded explanation)

2. The public purposes of the County Subdivision and County Zoning Ordinances would be served to an equal or greater degree and the applicant agrees to:

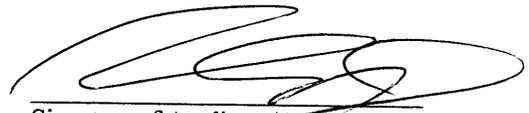
See additional sheet

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

See additional sheet

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 A Maxwell Jr.
Printed Name of Applicant/Agent


Signature of Applicant/Agent

Daytime Phone Number

Date Signed

1. The maximum length for cul-de-sacs is 800 lf. The proposed development contains a cul-de-sac that exceeds this length. Based on the size of the proposed lots and the fact that the streets will be private and not maintained by the NCDOT, we request the waiver be granted to maintain the feel of a rural community and not a standard subdivision. The development will be a private gated community. Requiring a cross connection to the adjoining property will take away from the attractiveness and nature of the private community.
2. Allowing the waivers would not take away from the intent or purpose of the County Subdivision Ordinance. The waivers would allow for the development of large style lots that resemble a rural community in lieu of an urban type community while maintaining the aspect of a private development.
3. Granting the waivers would not give a special privilege to the property owner. The waivers would allow the property owner to construct a development that would be conducive to the adjoining land area while increasing the overall tax base of the County.

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PLANNING STAFF DECISION: 2-1-07 PLANNING BOARD DECISION: 3-20-07 COUNTY OR COUNCIL MEETING: N/A

CASE NO: 07-012 NAME OF DEVELOPMENT: ORCHARD PARK AT EASTOVER SUBDIVISION REVIEW

LOCATION: NORTH SIDE OF US HWY 13 (GOLDSBORO RD), WEST OF SR 1819 ZONING: A1 (STEWART RD) PIN: 0591-37-0689; 0590-29-6069

OWNER OR DEVELOPER: M2 INVESTMENTS ENGINEER OR DESIGNER: 4-D SITE SOLUTIONS, INC

COUNTY ORDINANCE GODWIN ORDINANCE STEDMAN ORDINANCE SPRING LAKE ORDINANCE FALCON ORDINANCE

PLANNING DEPARTMENT ACTION
 PRELIMINARY
 EXTENSION REVISION
 APPROVED CONDITIONALLY
 DENIED

PLANNING BOARD ACTION
 PRELIMINARY
 EXTENSION REVISION
 APPROVED CONDITIONALLY
 DENIED

TOWN BOARD
 PRELIMINARY FINAL
 EXTENSION REVISION
 APPROVED CONDITIONALLY
 DENIED

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

Permit-Related:

- 1. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the County Zoning Ordinance and permits required to place any structure within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. For additional information, the developer should contact a Code Enforcement Officer.
- 2. The County Health Department must approve 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 must/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 developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.

Site-Related:

- 5. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Zoning Ordinances for the A1 zoning district must be complied with.
- 6. The signage for this development shall be in accordance with the applicable sign regulations as set forth in Article XIII of the County Zoning Ordinance and that the proper permit(s) must be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is **not** approval of the size, shape, or location of any signs.)
- 7. The small stream standards set forth in Section 6.5-44, County Flood Damage Prevention Ordinance, shall be complied with during construction and upon completion of development within this subdivision as enforced by the County Engineer's Office.
- 8. Sections 4.1.c, "Curbs and Gutters"; 4.1.d, "Required Drainage"; and 4.3.h, "Underground Utilities", of the County Subdivision Ordinance must be adhered to.
- 9. This review does not constitute a "subdivision" approval by NC Department of Transportation (NCDOT). If at some point in the future, the developer desires to convert the streets to "public" street status, a separate submittal to NCDOT will be required prior to consideration for addition to the system of any street within this development.
- 10. All corner lots must provide a front yard setback off of each street.
- 11. The developer must obtain a driveway permit from the NC Department of Transportation (NCDOT).

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

Plat-Related:

13. The private streets must be labeled as "Class A Private Streets" on the final plat.
14. The final plat must reflect approved street names, Bakersville Drive, Pangola Court, Aydlett Drive and Kegler Drive are not approved names for this development. Contact Street Naming and Addressing to resolve this issue.
15. The developer is required to submit to Land Use Codes, three copies of the legal documents specifically designating responsibility for maintenance and upkeep of the private streets and all common areas, such as the gate house, through an owners' association for this development. These documents must be approved by the County Attorney prior to the sale of or submission for final plat approval of any lot or unit within this development.
16. 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.
17. Dedication of 10 feet of right-of-way and reservation of 10 feet of right-of way along US HWY 13 (Goldsboro 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.
18. 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 \$1,204.77 (\$10.12 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)
19. The developer shall provide for an inspection of the private street(s) by a registered engineer or registered surveyor upon completion of construction of the private street(s) and related facilities, including drainage ways. A statement, affixed with the engineer/surveyor's seal, certifying that all private street(s) and related facilities are designed and constructed in accordance with the requirements of Section 4.2, County Subdivision Ordinance, and that all such facilities are adequate to serve the development, must be submitted to Land Use Codes prior to final plat approval or release of any construction guarantees as allowed under Section 2.6, County Subdivision Ordinance.
20. Any/All easements shall be reflected on the final plat and labeled as to type of easement, reference number for document creating the easement, and the name of the agency, individual, etc. who holds the easement.
21. 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 US HWY 13 (Goldsboro Road) on lots 1, 2, 3, & 58.
22. A 10' x 70' sight distance easement shall be required at the intersection of US HWY 13 (Goldsboro Road) with Centennial Drive and must be reflected on the final plat.
23. A 25' right-of-way radius is required at all intersections and must be reflected on the final plat.
24. 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.
25. The notarized signature(s) of all current tax record owner(s) and notary certifications appear on the final plat when submitted for final approval.
26. 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 Peggy Jennings to schedule an inspection of the improvements.)
27. 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:

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

29. The final plat shall reflect must the following statements required for the private street(s):

"No public agency is presently responsible for maintenance of the private street(s) shown on this plat. Private streets are for the use of all owners of property within this development and their guests; and any governmental agency or personnel or equipment thereof who shall be granted perpetual access over all such private streets to accomplish or fulfill any service or function for which the agency is responsible and that any agency or organization designated by a governmental agency to perform a designated function shall also retain access the same as any government agency. Any governmental agency exercising its access rights shall have the same rights and only such liabilities as it would have on any public lands, rights-of-way, or easements."

30. Since this development is located within the *Farmland Protection Area* as defined on the current Land Use Plan map, the following disclosure statement shall be provided on the final plat:

"This property or neighboring property may be subject to inconvenience, discomfort, and the possibility of injury to property and health arising from normal and accepted farming and agricultural practices and operations, including but not limited to noise, odors, dust, the operation of any kind of machinery the storage and disposal of manure, and the application of fertilizers, soil amendments, herbicides, and pesticides."

31. 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."

Other Relevant Conditions:

32. The gate house must either be manned 24 hours per day or any gate installed must have the proper emergency break-a-way type design or be siren activated for emergency vehicle access.
33. This development is located within the Eastover Sanitary District's Phase Two area and public water should be available within a 12 to 24 month time frame.
34. 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."

35. The Planning and Inspections Staff approved the block lengths for the proposed streets some extending longer than 1800 feet based on the size of the lots, the streets being private and the subdivision being developed as a closed, gated community.
36. The owner/developer be aware that every deed created for the purpose of conveying a lot served by a private street must contain the following disclosure statement at the time of recordation with the County Register of Deeds:

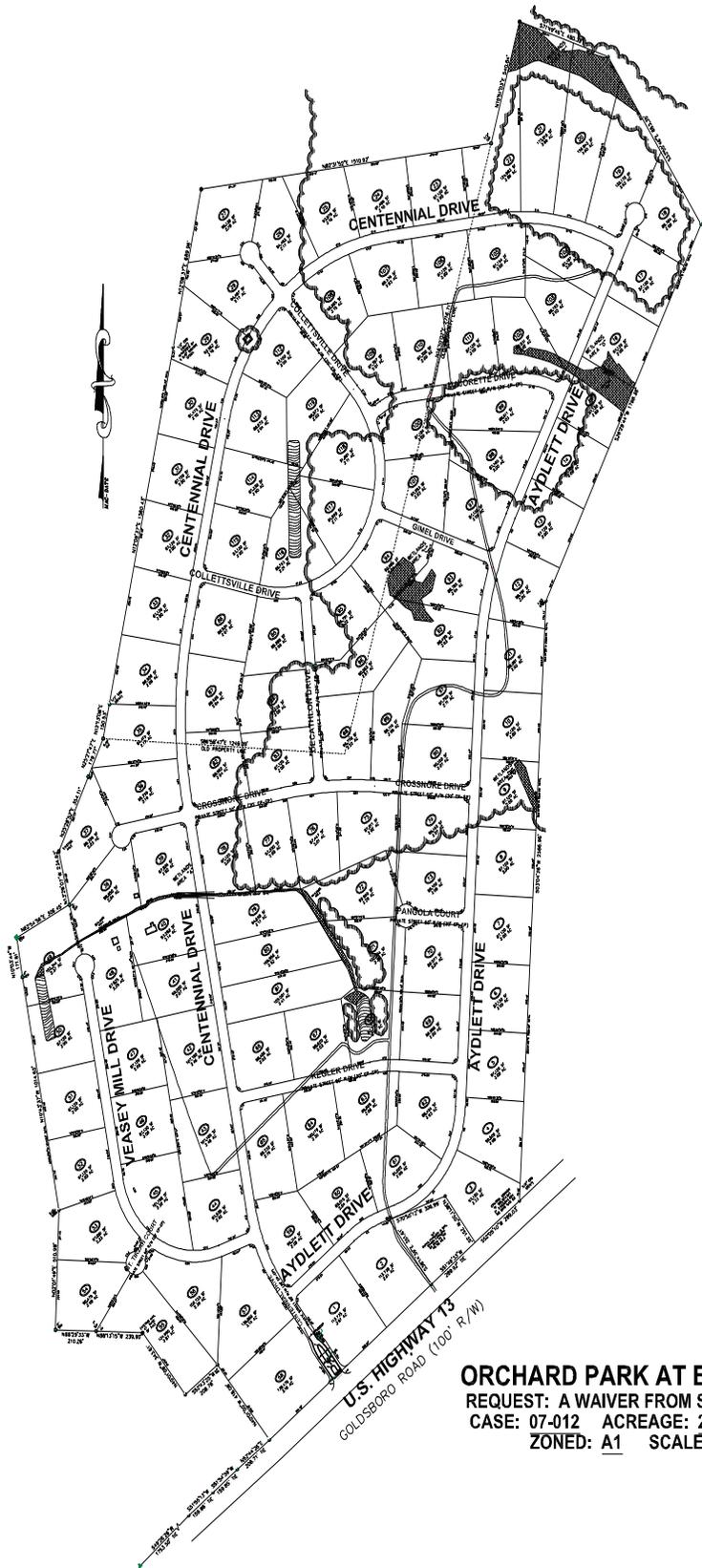
It is hereby acknowledged that a subdivision streets disclosure statement has been executed in accordance with N.C.G.S 136-102.6(f)."

37. The developer requested a waiver for the cul-de-sac length of "Veasey Mill Drive" [Section 3.17(c) County Subdivision Ordinance]. The Planning & Inspections Staff recommends approval of the request and the Planning Board will consider the request on March 20, 2007. (See attached memorandum for basis of Staff recommendation.)

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

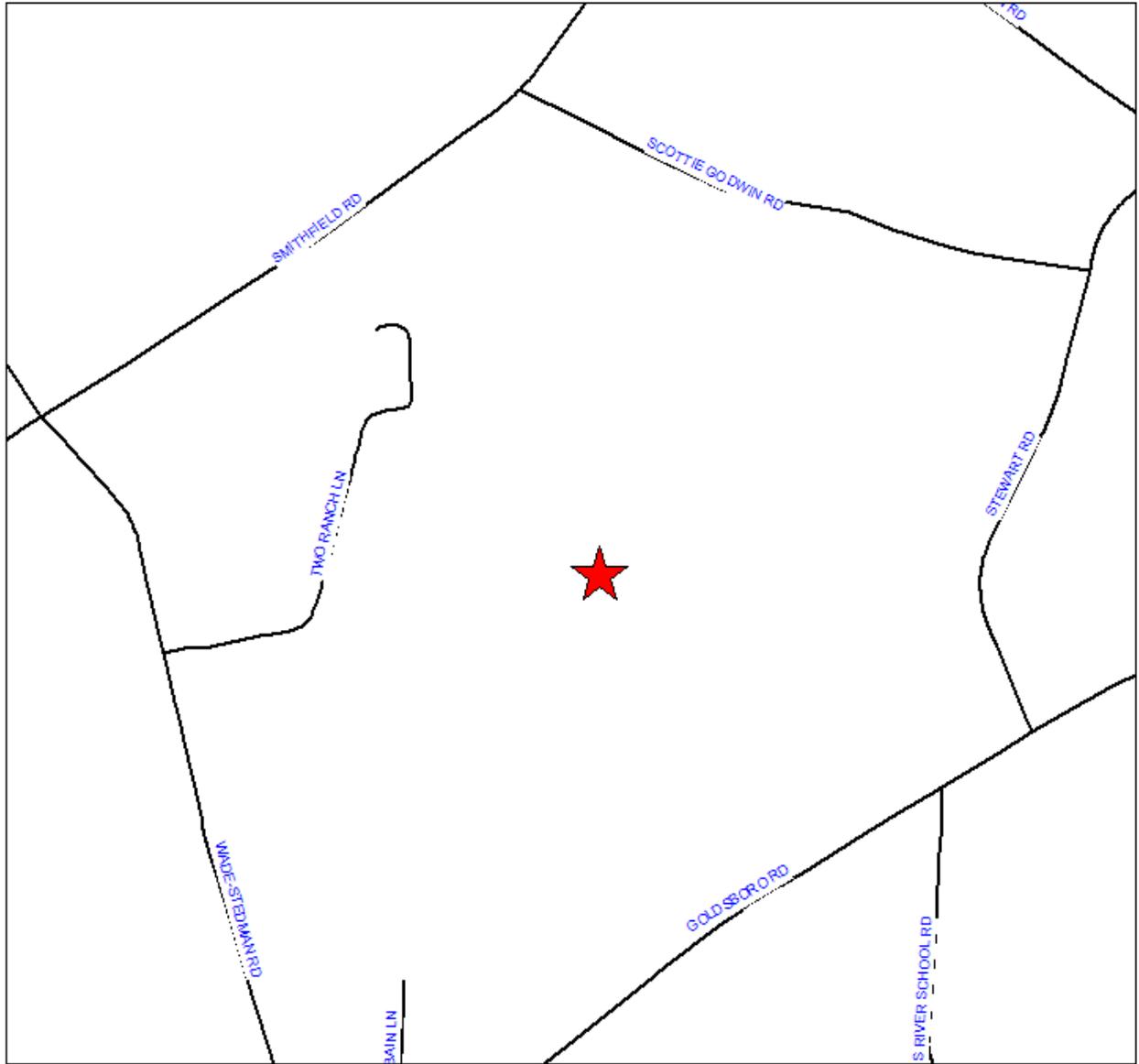
Contact Information (Area Code is 910 unless otherwise stated):

Improvements Inspections:	Peggy Jennings	678-7765
Subdivision/Site Plan/Plat	Ed Byrne	678-7609
Code Enforcement (Permits):	Ken Sykes	321-6654
County Health Department:	Danny Soles	433-3685
Eastover Sanitary District:	Morgan Johnson	323-3973
County Public Utilities/NORCRESS:	Tom Cooney	678-7682
Corp of Engineers (wetlands):	Ronnie Smith	(910) 251-4829
NCDENR (E&S)		486-1541
E911 Site-Specific Address:	Ron Gonzales	678-7616
E911 Street Naming/Signs:	Diane Shelton	678-7665
Tax Parcel Numbers:		678-7549
NCDOT (driveways/curb-cuts)	Gary Burton	486-1496



ORCHARD PARK AT EASTOVER
 REQUEST: A WAIVER FROM SECTION 3.17c
 CASE: 07-012 ACREAGE: 285.64 ACS +/-
 ZONED: A1 SCALE: NTS

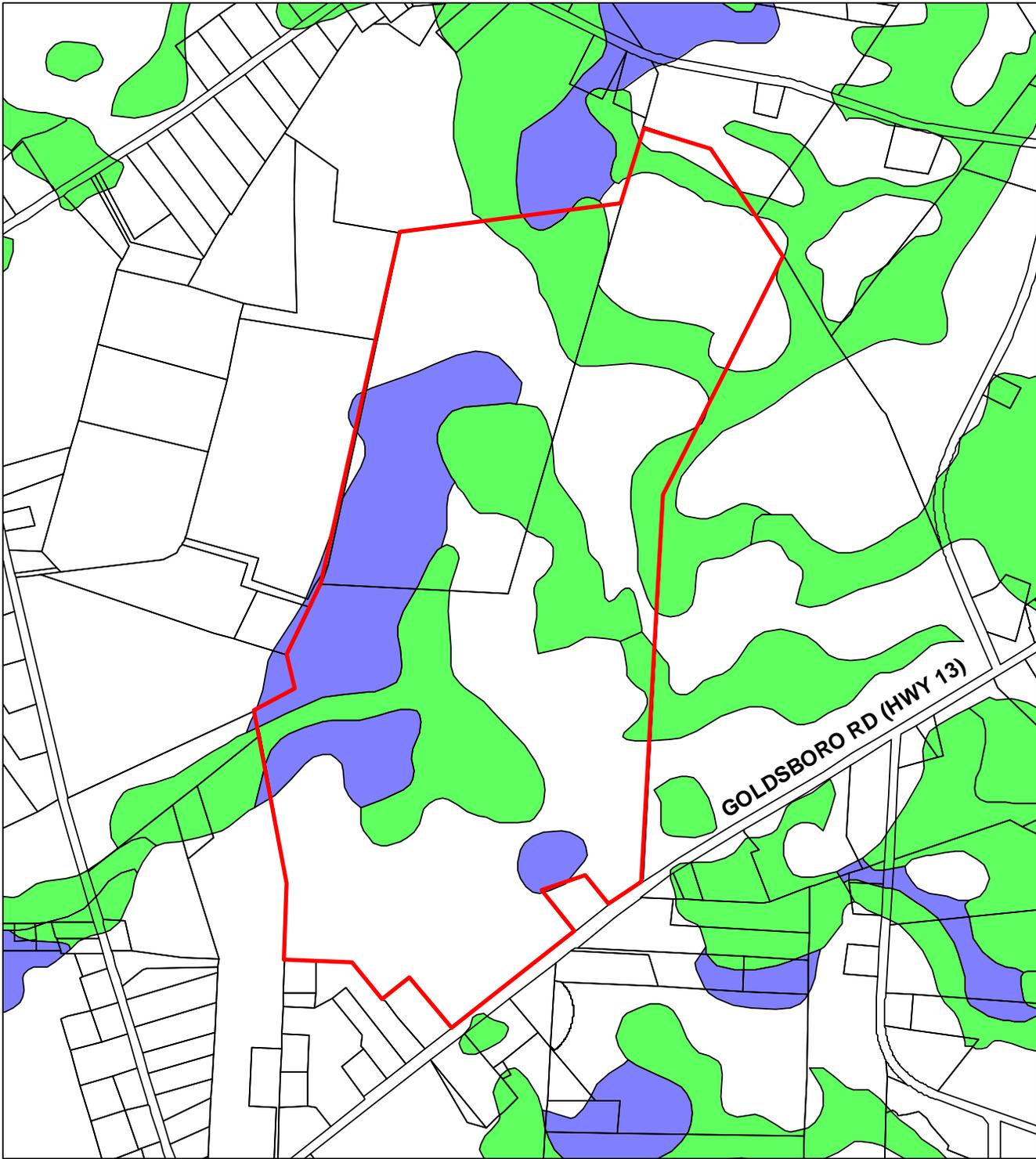
**ORCHARD PARK AT EASTOVER
SUBDIVISION REVIEW
CASE NO. 07-012**



PIN(S): 0591-37-0689; 0590-29-6069
PREPARED BY PJ - CCJPB
JANUARY 19, 2007

Map not to scale





-  A HYDRIC SOILS
-  B HYDRIC INCLUSION SOILS

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Cumberland County

COUNTY of CUMBERLAND

Planning and Inspections Department

March 13, 2007

MEMORANDUM

TO: County Joint Planning Board

FROM: Edward M. Byrne, Planner II

SUBJECT: Exception to Sewer Extension Requirement
Case No. 07-028, Churchill Downs
Zero Lot Line Subdivision Review

The Planning & Inspections Staff favorably recommend the Planning Board make exception to the sewer extension requirement for the above referenced development. Section 4.3.d(2), County Subdivision Ordinance, authorizes the Board to make exception as to when connection to sanitary sewer and public water is required if any of six enumerated conditions warrant.

This development is subject to two of the enumerated conditions listed in the Ordinance:

- (1) The public utility is located beyond the jurisdiction of the Planning board, and the public utility provider will not agree to extend service – the Public Works Commission (PWC) has stated that “no sewer available” for extension to this development; and
- (2) Extensions exceeding two thousand (2,000) feet from existing public services – the existing sewer in this area is 2,900 feet from the site.

The development is to be served by public water. The tentative conditions of approval, sketch map, and vicinity map are attached along with Section 4.3.d from the Subdivision Ordinance.

Attachments:

cc: Terry Spell, Developer
Gooden & Associates, Surveyor
Grainger Barrett, County Attorney
Cecil Combs, Deputy Director
Patti Speicher, Land Use Codes



Date Request Submitted: 2-14-07
Planning Board Meeting Date: 3-20-07
Received by: [Signature]

Cumberland County Subdivision Ordinance

Request for Waiver

Case No.: 07-028 Case Name: Churchill Downs

Related Ordinance Section Number(s): CUMBERLAND COUNTY SUBDIVISION ORDINANCE SECTION 4.3

Summary of Request: Waiver of requirement of sewer extension

Section 6.1 of the County Subdivision Ordinance governs the Planning Board's authority to waiver provisions of the Subdivision Ordinance. This section reads as follows:

Section 6.1. Waivers

The Planning Board may waive the requirements of this Ordinance where it finds by resolution that:

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

In granting waivers, the Planning Board may require such conditions as will secure, in so far as practicable, the objectives of the requirements waived. Any waiver, thus granted, is required to be entered in writing in the minutes of the Planning Board and the reasoning upon which departure was justified set forth.

The applicant is strongly encouraged to read the above provisions and relate the written waiver request as closely as possible to the criteria contained within. All supporting documentation for the request shall be submitted along with this request for waiver. For example, if the request is based on topography or soils, the applicant is the responsible

party to submit as evidence 'topo' and/or soils maps or if the request is based on the "condition or nature of adjoining property", the applicant will be required to submit evidence supporting this as basis for the request.

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

1. Because of the size of the tract to be subdivided, its topography, the condition or nature of adjoining areas, problems of access, or the existence of other unusual physical conditions (at least one of the preceding basis must be addressed in this request), strict compliance with the provisions of this Ordinance would cause a special hardship to the property owner and be inequitable, due to: A) Existing public sewer line is approximately 2900 feet from subject tract; B) Topography of subject tract will not allow gravity feed to public sewer requiring a cost prohibitive pumping station; C) development plan is only slightly over sewer extension mandate, to wit: 2.19 units per acre (99 lots on 45.2 acres).
2. The public purposes of the County Subdivision and County Zoning Ordinances would be served to an equal or greater degree and the applicant agrees to: fully comply with all septic tank permitting and construction requirements as set by county ordinance and regulations
3. The property owner would not be afforded a special privilege denied to others, because: the basis for waiver as set out above is in full compliance with Section 4.3(D) of Cumberland County Subdivision ordinance which sets out permissible grounds for waiver which are available to the public at large.

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.

TERRY SPELL
Printed Name of Applicant/Agent
424-1980
Daytime Phone Number

[Signature]
Signature of Applicant/Agent
2-14-07
Date Signed

Charles C. Morris
Chair
Town of Linden

Thomas J. Lloyd,
Director

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



Donovan McLaurin
Vice-Chair
Wade, Falcon & Godwin

Cecil P. Combs
Deputy Director

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

COUNTY of CUMBERLAND

Planning and Inspections Department

PLANNING STAFF DECISION: 3-1-07 PLANNING BOARD DECISION: 3-20-07 COUNTY OR COUNCIL MEETING: N/A

CASE NO: 07-028 NAME OF DEVELOPMENT: CHURCHILL DOWNS
(ZERO LOT LINE SUBDIVISION REVIEW)

LOCATION: SOUTH SIDE OF SR 2238 (SAND HILL ROAD), ZONING: A1 (pending R15) & R15
EAST OF SOUTH FORTY DRIVE) PIN: 0433-71-2264-; 70-6719-;70-2060-

OWNER OR DEVELOPER: TERRY SPELL LAND DEVELOPMENT ENGINEER OR DESIGNER: GOODEN & ASSOCIATES

COUNTY ORDINANCE GODWIN ORDINANCE STEDMAN ORDINANCE SPRING LAKE ORDINANCE FALCON ORDINANCE

PLANNING DEPARTMENT ACTION

PRELIMINARY
 EXTENSION REVISION
 APPROVED CONDITIONALLY
 DENIED

PLANNING BOARD ACTION

PRELIMINARY
 EXTENSION REVISION
 APPROVED CONDITIONALLY
 DENIED

TOWN BOARD

PRELIMINARY FINAL
 EXTENSION REVISION
 APPROVED CONDITIONALLY
 DENIED

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

Permit-Related:

1. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the County Zoning Ordinance and permits required to place any structure within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. For additional information, the developer should contact a Code Enforcement Officer.
2. The County Health Department must approve sewer plans prior to application for any permits. Site and soil evaluations must be conducted on the property by the County Environmental Health Department prior to application for permits. (Note: All Health Department requirements must be met prior to issuance of final permits.) (Note: Exception granted by the Planning Board.)
3. Connection to public water is required, the Public Works Commission must approve water and sewer plans prior to application for any permits
4. The developer must 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.
5. The NC Department of Transportation (NCDOT) approve the proposed curb-cut(s) and the proper permits must be obtained prior to zoning/building permit application.
6. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
7. A *Certificate of Occupancy* will not be issued until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans.

Site-Related:

8. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Zoning Ordinances for the R15 & A1(pending zoning districts must be complied with, as applicable. (Note: The A1 zoned portion of this development is pending rezoning – Case No. P07-26 – to R15.)
9. The signage for this development shall be in accordance with the applicable sign regulations as set forth in Article XIII of the County Zoning Ordinance and that the proper permit(s) must be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is not approval of the size, shape, or location of any signs.)
10. All applicable provisions of Section 3.21, "Group Developments", County Subdivision Ordinance, must be complied with.

11. 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.
12. 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.
13. 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.
14. All corner lots must follow front yard setbacks along all street right-of-ways.
15. Turn lanes may be required by the NC Department of Transportation (NCDOT).

Plat-Related:

16. The developer is required to submit to Land Use Codes, three copies of the legal documents specifically designating responsibility for the maintenance and upkeep of the "Open Space" lot through an owners' association for this development. These documents must be approved by the County Attorney prior to the sale of or submission for final plat approval of any lot or unit within this development. **The "Open Space" lot must be labeled as "Common Area" on the final plat.**
17. 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.
18. 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 \$2,846.77 (\$35.14 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 # 3)
19. 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.
20. Any/All easements shall be reflected on the final plat and labeled as to type of easement, reference number for document creating the easement, and the name of the agency, individual, etc. who holds the easement.
21. 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 2238 (Sand Hill Road) on lots 80, 81, 99 and the open space lot.
22. 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.
23. The notarized signature(s) of all current tax record owner(s) and notary certifications appear on the final plat when submitted for final approval.
24. 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 Peggy Jennings to schedule an inspection of the improvements.)
25. 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.

Other Relevant Conditions:

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

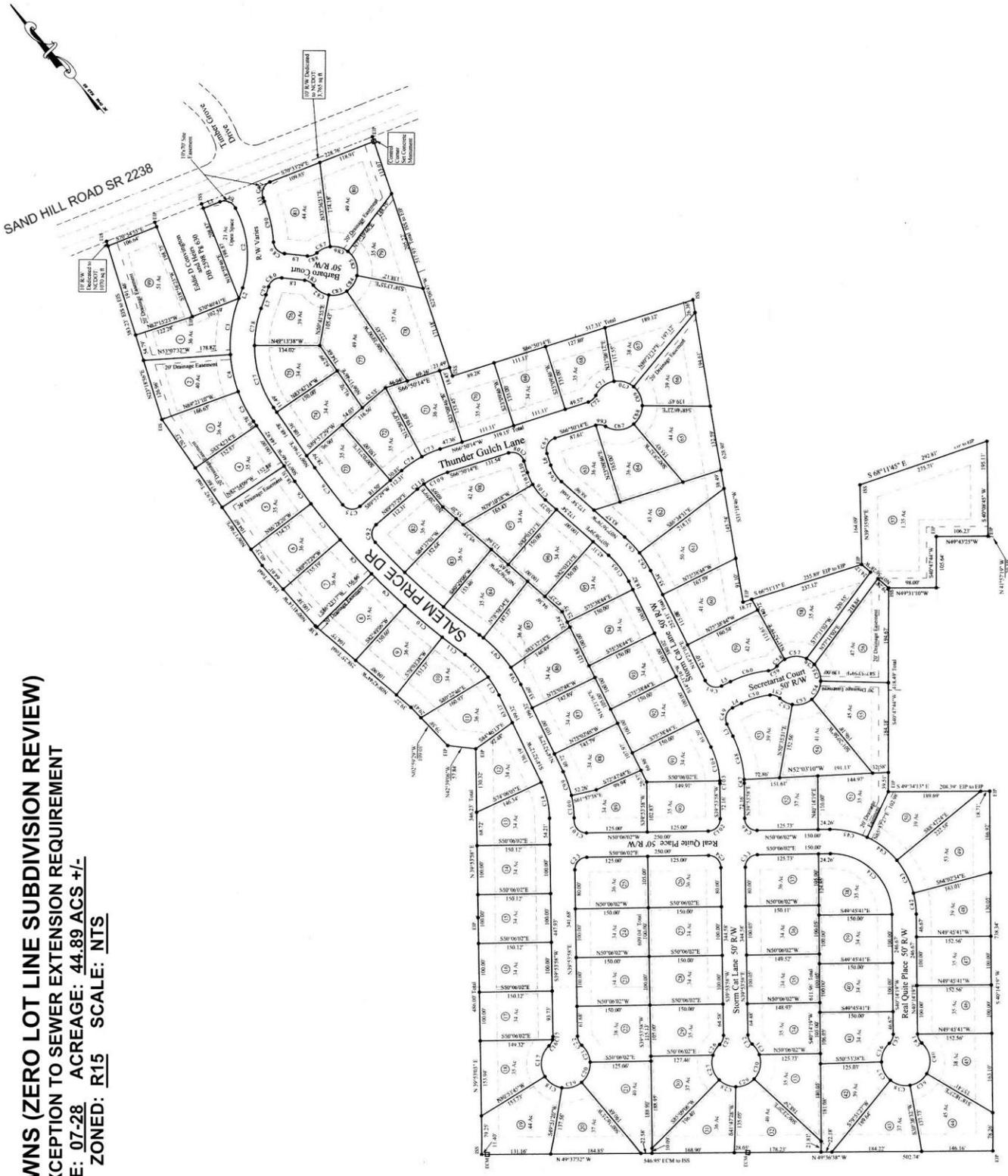
"Public sewer services are not available as of the date of the recording of this deed. On-site sewer disposal systems must be approved by the County Health Department."

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

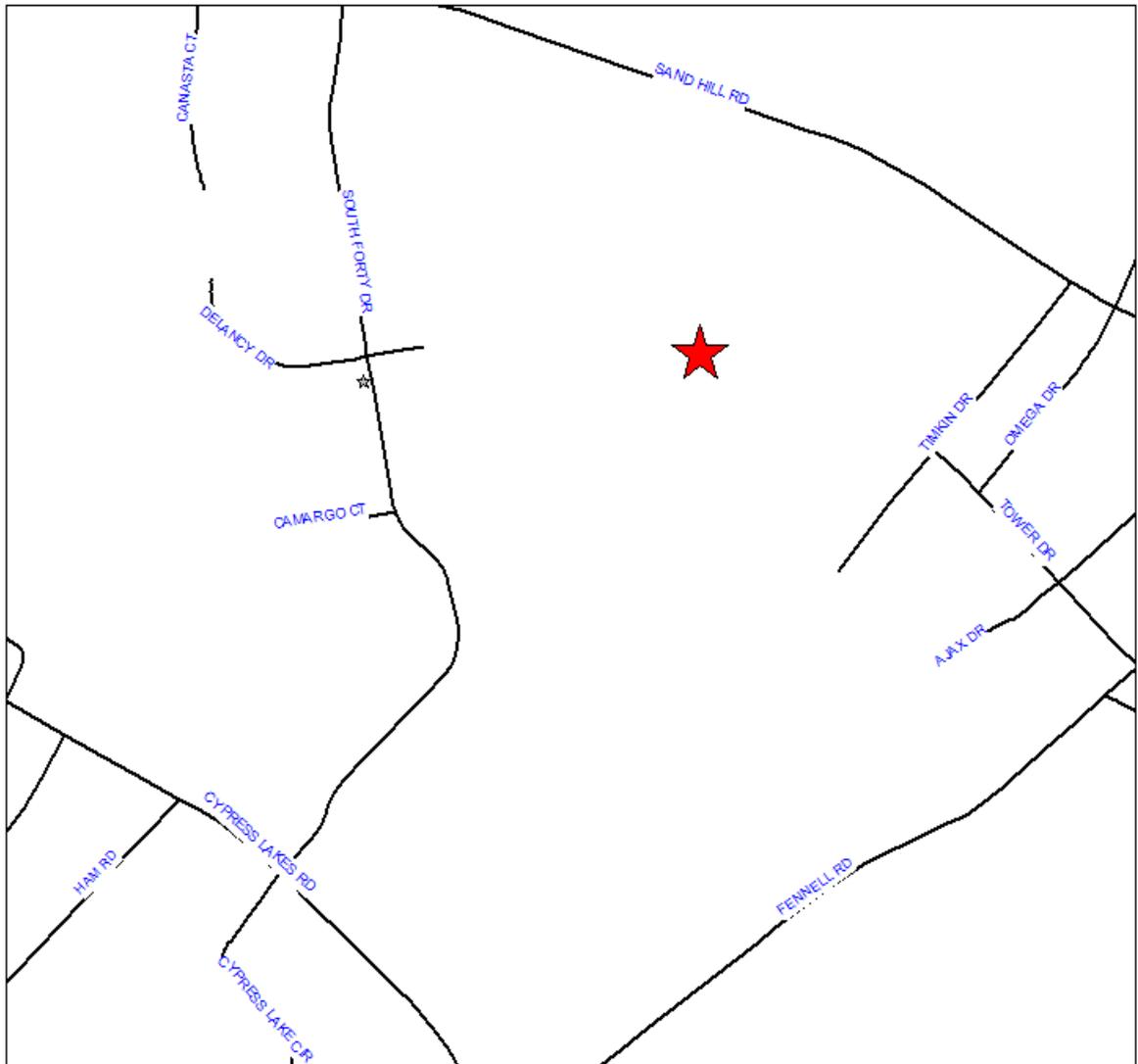
Contact Information (Area Code is 910 unless otherwise stated):

Watershed Officer/Improvements:	Peggy Jennings	678-7765
Subdivision/Site Plan/Plat	Ed Byrne	678-7609
Code Enforcement (Permits):	Ken Sykes	321-6654
County Health Department:	Danny Soles	433-3685
PWC:	Heidi Maly	483-1401
Corp of Engineers (wetlands):	Ronnie Smith	(910) 251-4829
NCDENR (E&S)		486-1541
E911 Site-Specific Address:	Ron Gonzales	678-7616
E911 Street Naming/Signs:	Diane Shelton	678-7665
Tax Parcel Numbers:		678-7549
NCDOT (driveways/curb-cuts)	Gary Burton	486-1496

CHURCHILL DOWNS (ZERO LOT LINE SUBDIVISION REVIEW)
REQUEST: AN EXCEPTION TO SEWER EXTENSION REQUIREMENT
CASE: 07-28 ACREAGE: 44.89 ACS +/-
ZONED: R15 SCALE: NTS



**CHURCHILL DOWNS
ZERO LOT LINE SUBDIVISION REVIEW
CASE NO. 07-028**



PIN(S): 0433-71-2264; 70-6719; 70-2060
PREPARED BY PJ- CCJPB
FEBRUARY 14, 2007

Map not to scale



Section 4.3. Other Requirements, County Subdivision Ordinance

d. *Public water and sewer systems:*

- (1) *Generally.* Where the installation of public water and/or sewer systems is prerequisite to approval of lot sizes and standards, such systems shall be installed and certified prior to final plat approval or assured to be installed in accordance with the provisions of Section 2.6.
- (2) *When connection to sanitary sewer and public water is required.* Where any portion of a subdivision, group development or mobile home park of two (2) to ten (10) units or lots is within three hundred (300) feet of public water or sewer, the public utilities shall be extended. Where any portion of ten (10) to twenty (20) lots or units is within five hundred (500) feet of public water or sewer, the public utilities shall be extended. For more than twenty (20) lots or units within the Urban Services Area, and where density is greater than two (2) units per acre, the extension of public water and sewer service is required. Where any portion of a subdivision, group development or mobile home park is within 1,000 feet of the Little Rockfish Creek-Bones Creek Sanitary Sewer Interceptor System that was funded by the County of Cumberland or is required to connect to this system based on any of the above regulations, the public utility shall be extended. Prior to all connections to the Little Rockfish Creek-Bones Creek Sanitary Sewer Interceptor System and prior to issuance of any building permits, a connection fee must be made to the County of Cumberland to be administered by the County Engineering Department.

The planning board may make exceptions to these requirements when any of the following conditions warrant:

- (1) Public sanitary sewer is within a different drainage basis or sub basin;
- (2) The public utility is located beyond the jurisdiction of the Planning Board, and the public utility provider will not agree to extend service;
- (3) Crossings of Rockfish Creek, Lower Little River, South River, Cape Fear River, controlled access highways such as Interstate 95, Business 95 and the Fayetteville Outer Loop;
- (4) Extensions exceeding two thousand (2,000) feet from existing public services;
- (5) Property is located outside of municipal governments' approved master plan.
- (6) When determined by the County Engineer that the extension is not feasible, the County may accept a connection fee and waive the 1,000-foot extension requirement. The County Engineer shall submit his written recommendation to the Planning Board.

Charles C. Morris,
Chair
Town of Linden

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

Thomas J. Lloyd,
Director



COUNTY of CUMBERLAND

Planning and Inspections Department

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

Cecil P. Combs,
Deputy Director

March 13, 2007

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for March 20, 2007 Board Meeting

P07-12: REZONING OF .58 ACRES FROM R6A TO C(P)/CONDITIONAL USE DISTRICT AND PERMIT TO ALLOW PERMITTED USES WITH EXCLUSIONS AT 144 AIRPORT ROAD, OWNED BY MARK AND KIM WARREN.

The Planning & Inspections Staff recommends approval of the C(P)/Conditional Use District based on the following:

1. Although the request is not consistent with the 2010 Land Use Plan, which calls for heavy industrial at this location, the planned commercial district is less obtrusive to the surrounding residential neighborhood; and
2. Public utilities are available to the site.

The Planning & Inspections Staff also recommends approval of the Conditional Use Permit based on the following:

1. The contents of the application and site plan for the Conditional Use Permit is consistent with the airport gateway and the recommendations of the Airport Director; and
2. The request is reasonable because the applicant is offering aesthetically pleasing measures to protect the gateway and prevent any detrimental impacts to the surrounding area.

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

Attachments:

- 1 - Rezoning Sketch Map
- 2 - Site Profile
- 3 - Site Plan

SITE PROFILE

P07-12

REZONING OF .58 ACRES FROM R6A TO C(P)/CONDITIONAL USE DISTRICT AND PERMIT TO ALLOW PERMITTED USES WITH EXCLUSIONS AT 144 AIRPORT ROAD, OWNED BY MARK AND KIM WARREN.

Site Information:

Applicant/Owner: MARK AND KIM WARREN

Area: .58 acres

Frontage & Location: 150 feet on Airport Road

Depth: 170 feet

Jurisdiction: County

Adjacent Property: No

Current Use: Residential

Initial Zoning: March 15, 1979 (Area 6)

Zoning Violation(s): None

Surrounding Zoning: North-R10, R6A, R5A, C(P), C(P)/CU, M(P), M(P)/CU, East-RR, R6A, M(P), Fayetteville city limit-M2, South-R6A, C(P), M(P), and West-R6A, C(P), M(P), M(P)/CU

Surrounding Land Use: Industrial supply store, manufactured home parks (2), fuel service, express delivery service, single family residential and vacant land

2010 Land Use Plan: Heavy Industrial

Urban Services Area: Yes

Water/Sewer Availability: PWC / PWC

Soil Limitations: None

School Capacity/Enrolled: Cashwell Elementary 707/738, South View Middle 822/922, South View High 1800/1866

Subdivisions: A recombination plat will be required prior to any development of these lots.

Military Impact Area: No

Airport Area Plan: We are not opposed to commercial zoning on Airport Road, however, we would request that it be approved with conditional use, so as to avoid outside retail, like permanent yard sale activity.

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

Average Daily Traffic Count (2004): 5,900 on Airport Road

Notes:

Conditions in the Permit Application

1. Buffering: A mix of shrubs and privacy fence
2. No outside storage or displays

Permitted Uses in the C(P) District

Accessory Uses
Addressing Service/Bulk Mailing
Apparel and Accessory Sales
Baking
Banks, Savings and Loan Company and other
Financial Activities
Barbering and Hairdressing Services/Salons
Bed and Breakfast
Books and Printed Matter Sales
Bus Station Activities
Convenience Retail w/Gasoline Sales
Day Care Facility
Dry Cleaning and Laundry Collection
Dry Cleaning/Laundry, self service
Dwelling, Single Family and Multiple Family
(2nd floor and above only)
Exterminating Service
Fire Station Operations/Emergency Services
Flower Shop
Food Production, with on premises retail
sales of product
Food Sales/Grocery Stores
Hardware, Paint and Garden Supply Sales
Home Furnishing and Appliance Sales
Hotel/Motel
Janitorial Service
Laboratory Operations
Laboratory, Research
Library
Locksmith, Gunsmith
Massage and Bodyworks Therapy
Motor Vehicle Parts and Accessories Sales
Motor Vehicle Service Station Operations
Motor Vehicle Washing
Nursing home/Convalescent Home/Hospital/
Retirement Home
Office Supplies and Equipment Sales and
Service/Mailbox Service
Office Use-of doctor, dentist, etc., or other
medically oriented profession, clinics
Office Use-with no on-premises stock or
goods for sale to the general public, etc.

Photography Studio
Printing and Reproduction Small Scale
<4,000 sq. ft.
Public/Community Utility Stations/
Substations
Radio or Television Studio Activities Only
Recreation/Amusement Indoor
Religious Worship Activities
Repair, Rental and/or Servicing
Restaurant
Retailing or Servicing
School
Swimming Pools, incidental
Tailoring (Dressmaking)
Taxicab Stand Operation
Telephone Switching/Booster Station
Upholstering or Furniture Refinishing
Variety, Gift and Hobby Supply Sales
Wireless Communications and Accessory Sales

Permitted Uses to be Excluded

Alcoholic Beverage Control Sales
Assemblies
Auction Sales
Bakery Production and Wholesale Sales
Bars & Night Clubs
Bingo
Building Supply
Cemetery
Club or Lodge
Crematorium
Dry Cleaning or Laundry, commercial
Farm Supplies Merchandising & Machinery
Sales/Service
Golf Courses
Food Production/Wholesale Sales
Funeral Home
Kennel Operations
Manufactured Home Sales
Mini-warehousing (Self-Storage Facility)
Mini-warehousing (Self-Storage Facility)
(including commercial storage of motor
vehicles)
Monument Sales
Motor Vehicle Parking Lot
Motor Vehicle Repair and/or Body Work
Motor Vehicle Rentals
Motor Vehicle Sales
Nursery Ops/Plant Husbandry/Greenhouses
Pet Sales
Printing and Reproduction Large Scale
>4,000 sq. ft.
Railroad Station/Operations
Recreation/Amusement Outdoor
Recreation Vehicle Park and/or Campgrounds
Residential Habilitation Support Facility
Sanitarium
Second-Hand, Pawn and Flea Market
Sexually Oriented Businesses
Theater Productions, indoor
Theater Productions, outdoor
Tower
Trades Contractor Activities, without
outside storage of equipment or supplies

Trailer Rentals
Truck Terminal Activities
Trades Contractor Activities, with outside
storage of equipment or supplies
Vending Machine Rental
Veterinarian
Wholesale Sales

**Special Uses in the C(P) District to be
Excluded**

Billboards
Recreation or Amusement Public/Private
Special Informational Sign

**Conditional Uses in the C(P) District to be
Excluded**

Detention Facilities
Quarry

Conditional Use District & Permit

Ordinance Required Conditions:

1. A recombination plat (also known as a “No Approval Required or NAR” must be submitted to Land Use Codes for review and approved for recording with the County Register of Deeds; this 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. (**Note: The NAR was required under Case No.: 06-088.**)
2. Prior to any permit application, five copies of a site plan must be submitted to the Planning & Inspection Department for Staff approval for the first proposed use and every change of use thereafter to assure the site is developed in compliance with the standards of the Zoning and Subdivision Ordinances for each specific use.

Permit-Related:

3. 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.
4. Connection to public water and sewer is required, the Public Works Commission (PWC) must approve water and sewer plans prior to application for any permits.
5. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
6. *The Certificate of Occupancy* will not be issued until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans.

Site-Related:

7. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Zoning Ordinances for the C(P) zoning district must be complied with.
8. The developer must obtain a driveway permit from the NC Department of Transportation (NCDOT).
9. The NC Department of Transportation (NCDOT) may require turn lanes to be installed.
10. The number of off-street parking spaces are calculated based on the “use” of the property and will be addressed on the revised site plan; however, as a standard all spaces are required to measure 9’ x 20’, surfaced with a permanent material such as asphalt or concrete, and striped prior to application for the *Certificate of Occupancy*.
11. Off-street loading spaces will be provided in accordance with Section 1203, County Zoning Ordinance, for the non-residential sites.
12. A solid buffer must be provided and maintained in accordance with the provisions of Section 1102 G, County Zoning Ordinance. The buffer will be required along both sides and the rear of the site when it is developed.
13. Upon development, the site must comply with the requirements for landscaping as required under Section 1102.N, County Zoning Ordinance. (Note: Required landscaping must be shown on the site plan.)

14. All notes and calculations as shown on the site plan are to be considered as a part of this conditional approval.
15. Alternate yard approval granted for the existing structure so long as it is not destroyed by more than 50%. In the event the existing structure is destroyed by more than 50% regardless of the circumstance, any replacement structure will be required to comply with all yard setback requirements.

Plat-Related:

16. "Airport Road" also must be labeled as SR 2260" on the NAR.
17. Any/All easements shall be reflected on the NAR and labeled as to type of easement, reference number for document creating the easement, and the name of the agency, individual, etc. who holds the easement.
18. The notarized signature(s) of all current tax record owner(s) and notary certifications appear on the NAR when submitted for approval for recordation.

Plat-Required Statement:

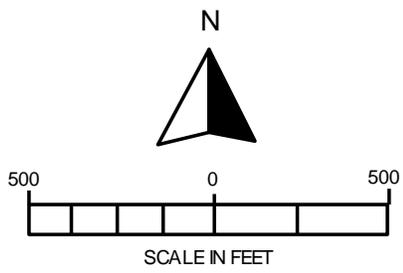
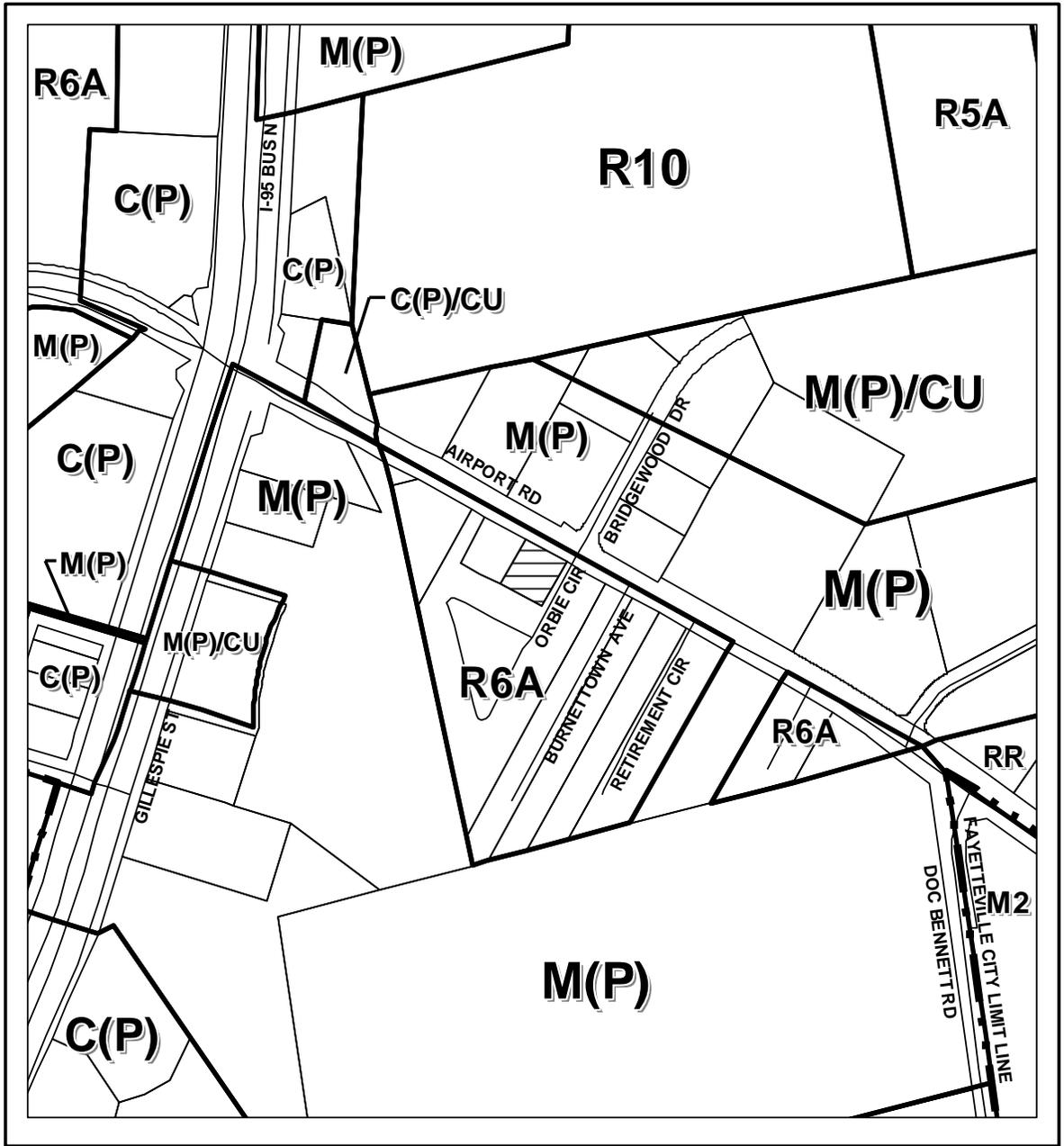
19. All structures are required to be shown on the NAR or the NAR shall reflect the following statement:

"Nonconforming structures have not been created by this subdivision."

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

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

Subdivision/Site Plan/Plat	Ed Byrne	678-7609
Code Enforcement (Permits):	Ken Sykes	321-6654
PWC:	Heidi Maly	483-1401
Corp of Engineers (wetlands):	Ronnie Smith	(910) 251-4829
NCDENR (E&S)		486-1541
E911 Site-Specific Address:	Ron Gonzales	678-7616
Tax Parcel Numbers:		678-7549
NCDOT (driveways/curb-cuts)	Gary Burton	486-1496

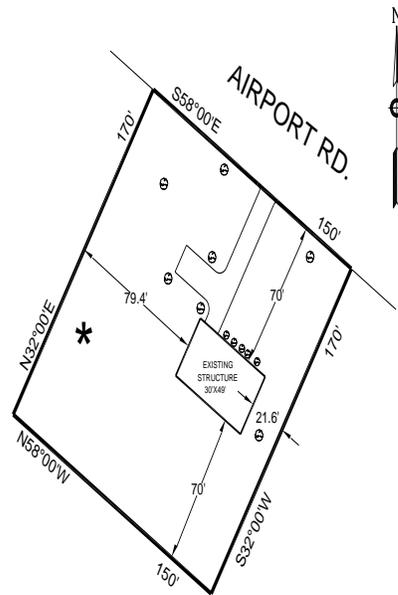


REQUESTED REZONING R6A TO C(P)/CUD

ACREAGE: 0.58 AC.+/-		HEARING NO: P07-12	
ORDINANCE COUNTY	HEARING DATE	ACTION	
PLANNING BOARD			
GOVERNING BOARD			

PIN: 0435-14-0388

AF
02/15/07



* SINGLE WIDE MANUFACTURED HOME TO BE REMOVED UPON APPROVAL OF ZONING

CONDITIONAL USE DISTRICT & PERMIT

REQUEST: TO ALLOW PERMITTED USES WITH EXCLUSIONS

CASE: P07-12 ACREAGE: 0.58±

ZONED: R6A SCALE: 1"=40'

PARKING: AS SHOWN

REV.3/12/07

Charles C. Morris,
Chair
Town of Linden

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

Thomas J. Lloyd,
Director



COUNTY of CUMBERLAND

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

Cecil P. Combs,
Deputy Director

March 13, 2007

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for March 20, 2007 Board Meeting

P07-14: REZONING OF 3.0+/- ACRES FROM A1 TO R20A OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 1770 YARBOROUGH ROAD, OWNED BY DENNIS K. AND LINDA G. DOBBINS

The Planning & Inspections Staff recommends denial of the R20A district and approval of A1A district based on the following:

1. The A1A zoning district is consistent with the 2010 Land Use Plan which calls for "farmland" at this location, R20A is not consistent;
2. The subject property is not served by public water or sewer;
3. There are some hydric soils on the subject property; and
4. The A1A zoning district is consistent with the general character and lot sizes in the general area.

The applicant has verbally indicated they are in agreement with this staff recommendation.

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

Attachments:

- 1 - Rezoning Sketch Map
- 2 - Site Profile

SITE PROFILE

P07-14

REZONING OF 3.0+/- ACRES FROM A1 TO R20A OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 1770 YARBOROUGH ROAD, OWNED BY DENNIS K. AND LINDA G. DOBBINS.

Site Information:

Applicant/Owner: DENNIS K. AND LINDA G. DOBBINS

Area: 3.0 +/- acres

Frontage & Location: 581 feet on Yarborough Road

Depth: 200 feet

Jurisdiction: County

Adjacent Property: No

Current Use: Residential

Initial Zoning: June 25, 1980 (Area 13)

Zoning Violation(s): none

Surrounding Zoning: Primarily CD and A1

Surrounding Land Use: Single family residential, farmland and woodland

2010 Land Use Plan: Farmland and Open Space

Designated 100-Year Floodplain or Floodway: No Flood

Urban Services Area: No

Water/Sewer Availability: Well / Septic

Soil Limitations: Yes – Johnston loam (JT)

School Capacity/Enrolled: Gray's Creek Elementary 764/708, Gray's Creek Middle 495/614, Gray's Creek High 1270/1087

Subdivisions: A subdivision or group development review will be required on this property prior to any development.

Military Impact Area: No

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

Average Daily Traffic Count (2004): 1200 on Yarborough Road

Notes:

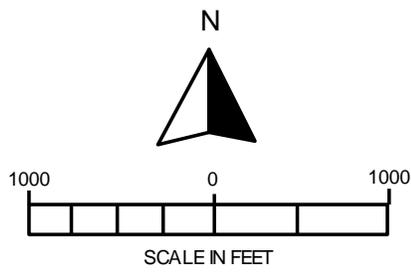
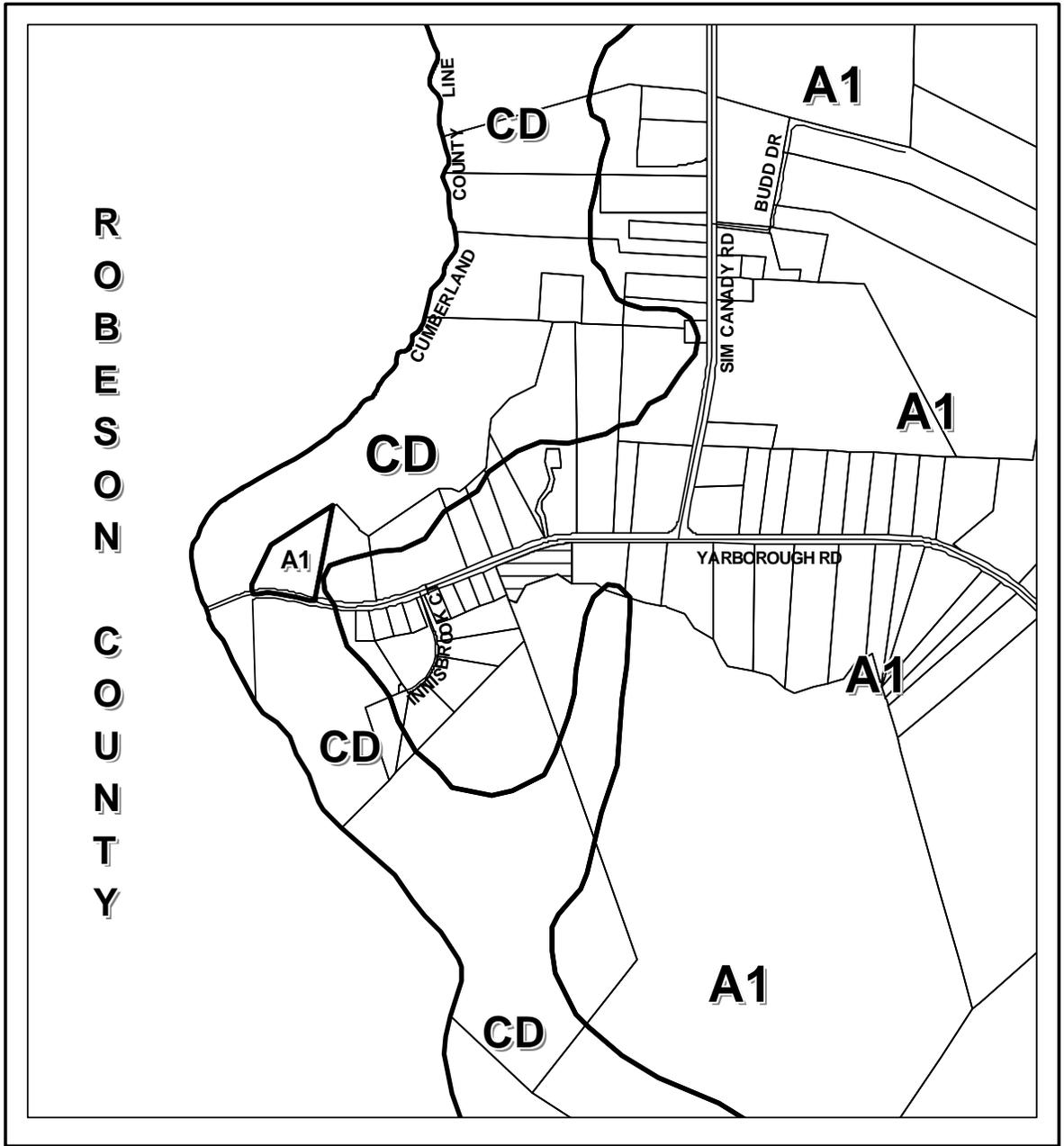
Density: A1 – 1 lot

A1A – 3 lots

R40A – 3 lots

R30A – 4 lots

R20A – 6 lots



REQUESTED REZONING A1 TO R20A		
ACREAGE: 3.00 AC.+/-	HEARING NO: P07-14	
ORDINANCE: COUNTY	HEARING DATE	ACTION
PLANNING BOARD		
GOVERNING BOARD		

PIN: 0420-45-0740

Charles C. Morris,
Chair
Town of Linden

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

Thomas J. Lloyd,
Director



COUNTY of CUMBERLAND

Planning and Inspections Department

Donovan McLaurin,
Vice-Chair
Wade, Falcon & Godwin

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

Cecil P. Combs,
Deputy Director

March 13, 2007

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for March 20, 2007 Board Meeting

P07-15: INITIAL ZONING OF TWO PARCELS TOTALING 14.71 ACRES TO R15 OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE EAST SIDE OF MAIN STREET, NORTH OF SNELLING DRIVE, SUBMITTED BY THE TOWN OF WADE, OWNED BY HUELL AND XAVIER AEKINS. (WADE)

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

1. Although the R15 zoning district is not consistent with the Wade Study Area Detailed Land Use Plan which calls for Suburban Density Residential, the request was submitted by the Town of Wade;
2. The subject property is served by the Town of Wade water and NORCRESS sewer;
3. The R15 zoning district is in character with the current zoning of the area;

Other suitable zoning districts to be considered for this request are the R40, R30 and R20 zoning districts.

Attachments:

- 1 - Rezoning Sketch Map
- 2 - Site Profile

SITE PROFILE

P07-15

INITIAL ZONING OF TWO PARCELS TOTALING 14.71 ACRES TO R15 OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE EAST SIDE OF MAIN STREET, NORTH OF SNELLING DRIVE, SUBMITTED BY THE TOWN OF WADE, OWNED BY HUELL AND XAVIER AEKINS. (WADE)

Site Information:

Applicant/Owner: TOWN OF WADE / HUELL AND XAVIER AEKINS

Area: 14.71 acres

Frontage & Location: 337 feet on Main Street

Depth: 1412 feet

Jurisdiction: Town of Wade

Adjacent Property: No

Current Use: Residential and vacant

Zoning Violation(s): None

Surrounding Zoning: North-A1, R40A, RR, M(P), East-A1, South-A1, R15, R6A, C3, M(P), and West-A1, RR, R6A, C(P), C3

Surrounding Land Use: Churches (2), cemetery, restaurant, commercial business, no name commercial, and open storage/junk cars

Wade Study Area Detailed Land Use Plan: Suburban Density Residential

Watershed Area: Yes – must comply with the County Watershed Ordinance

Urban Services Area: No

Water/Sewer Availability: Town of Wade Water / NORCRESS

Soil Limitations: Yes – Nahunta loam (Na), Woodington loamy sand (Wo)

School Capacity/Enrolled: District 7 Elementary 241/255, Mac Williams Middle 1274/1162, Cape Fear High 1400/1489

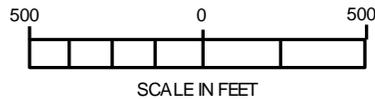
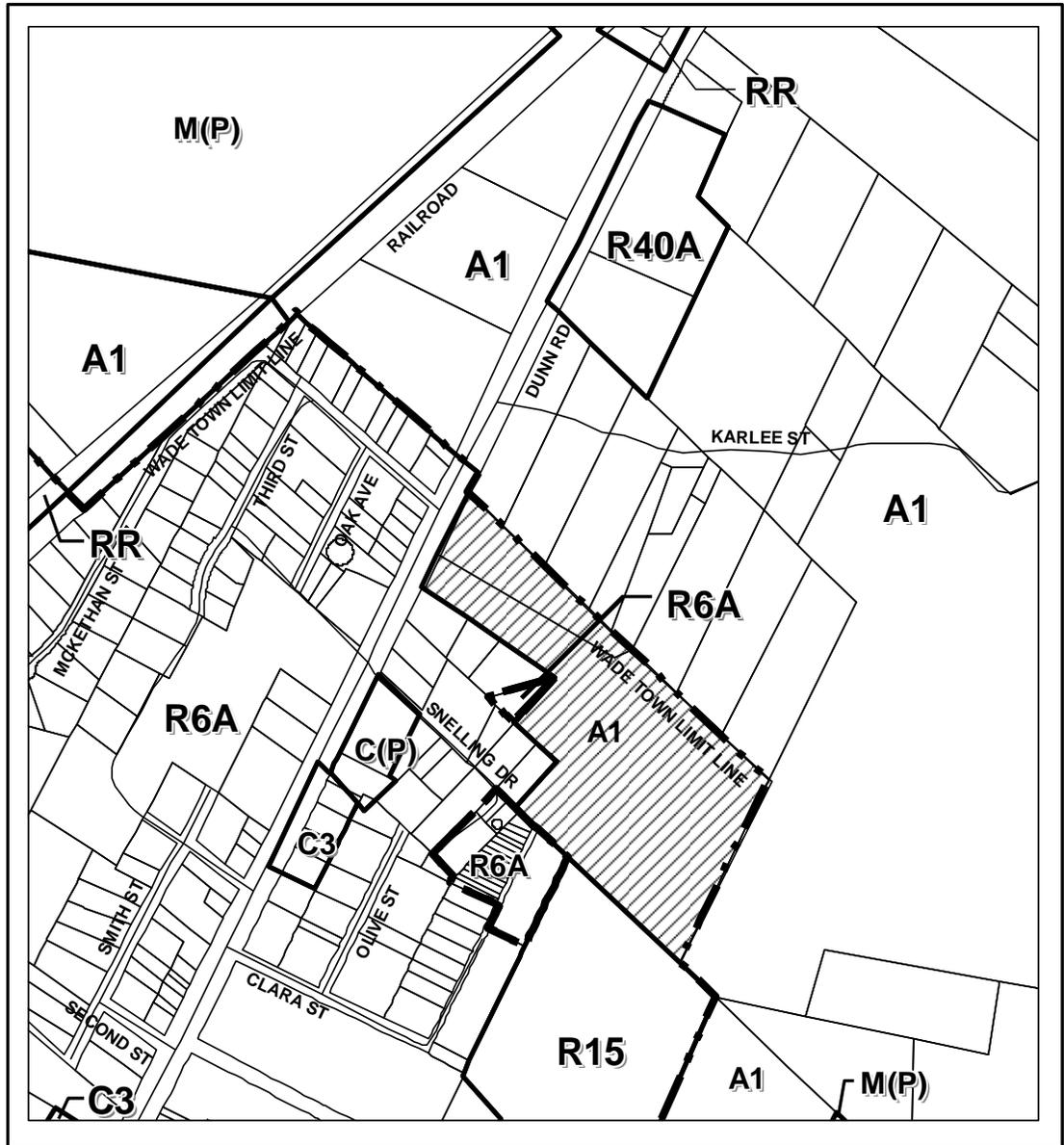
Military Impact Area: No

Highway Plan: Dunn Road is identified as a Major Thoroughfare. The plan calls for widening to a multi-lane facility. No road improvements are included in the 2007-2013 MTIP (Priority 3).

Average Daily Traffic Count (2004): 2700 on Main Street

Notes:

Density minus 20% for roads:	A1 – 5 lots
	R40 – 12 lots
	R30 – 17 lots
	R20 – 25 lots
	R15 – 34 lots



INITIAL ZONING TO R15

ACREAGE: 14.71 AC.+/-

HEARING NO: P07-15

ORDINANCE: WADE

HEARING DATE

ACTION

PLANNING BOARD

GOVERNING BOARD

PIN: 0581-25-9405-
0581-26-5068-

MAS

Charles C. Morris,
Chair
Town of Linden

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

Thomas J. Lloyd,
Director



COUNTY of CUMBERLAND

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Vice-Chair
Wade, Falcon & Godwin

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

Cecil P. Combs,
Deputy Director

March 13, 2007

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for March 20, 2007 Board Meeting

P07-16: REZONING OF 1.19 ACRES FROM C1(P)/CU TO C1(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 4582 CUMBERLAND ROAD, OWNED BY SMITH-WARREN PROPERTIES.

The Planning & Inspections Staff recommends approval of the C1(P) zoning district based on the following:

1. This rezoning case is a staff initiated case to remove a Conditional Use Overlay for a carpet sales business. The carpet sales company is no longer operating at this location.
2. Although the rezoning is not consistent with the 2010 Land Use Plan, the rezoning is in character with the current zoning and uses in the general area;
3. The subject property is located on a Major Thoroughfare.

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

Attachments:

- 1 - Rezoning Sketch Map
- 2 - Site Profile
- 3 - Site Plan

SITE PROFILE

P07-16

REZONING OF 1.19 ACRES FROM C1(P)/CU TO C1(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 4582 CUMBERLAND ROAD, OWNED BY SMITH-WARREN PROPERTIES.

Site Information:

Applicant/Owner: SMITH-WARREN PROPERTIES

Area: 1.19 acres

Frontage & Location: 106 feet on Cumberland Road and 269 feet on Wingate Road

Jurisdiction: County

Adjacent Property: No

Current Use: Commercial

Initial Zoning: July 31, 1975 (Area 3)

Zoning Violation(s): None

Surrounding Zoning: North-Fayetteville city limit-R10, C1, C1(P), East-R10, R6A, C1(P), C(P)/CUD, C3, South-R10, C(P), Hope Mills city limit-R6A, C(P), and West-Fayetteville city limit-R15, R10, P2, C1, C1(P), Hope Mills city limit-R6A, C(P)

Surrounding Land Use: Post office, health care center, duplexes (2), awards and commercial business, church, bingo and single family residential

2010 Land Use Plan: Low Density Residential

Urban Services Area: Yes

Water/Sewer Availability: PWC / PWC

Soil Limitations: None

Subdivisions: A site plan review will be required prior to any development of this property.

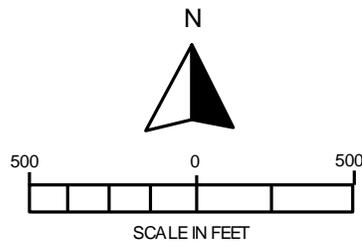
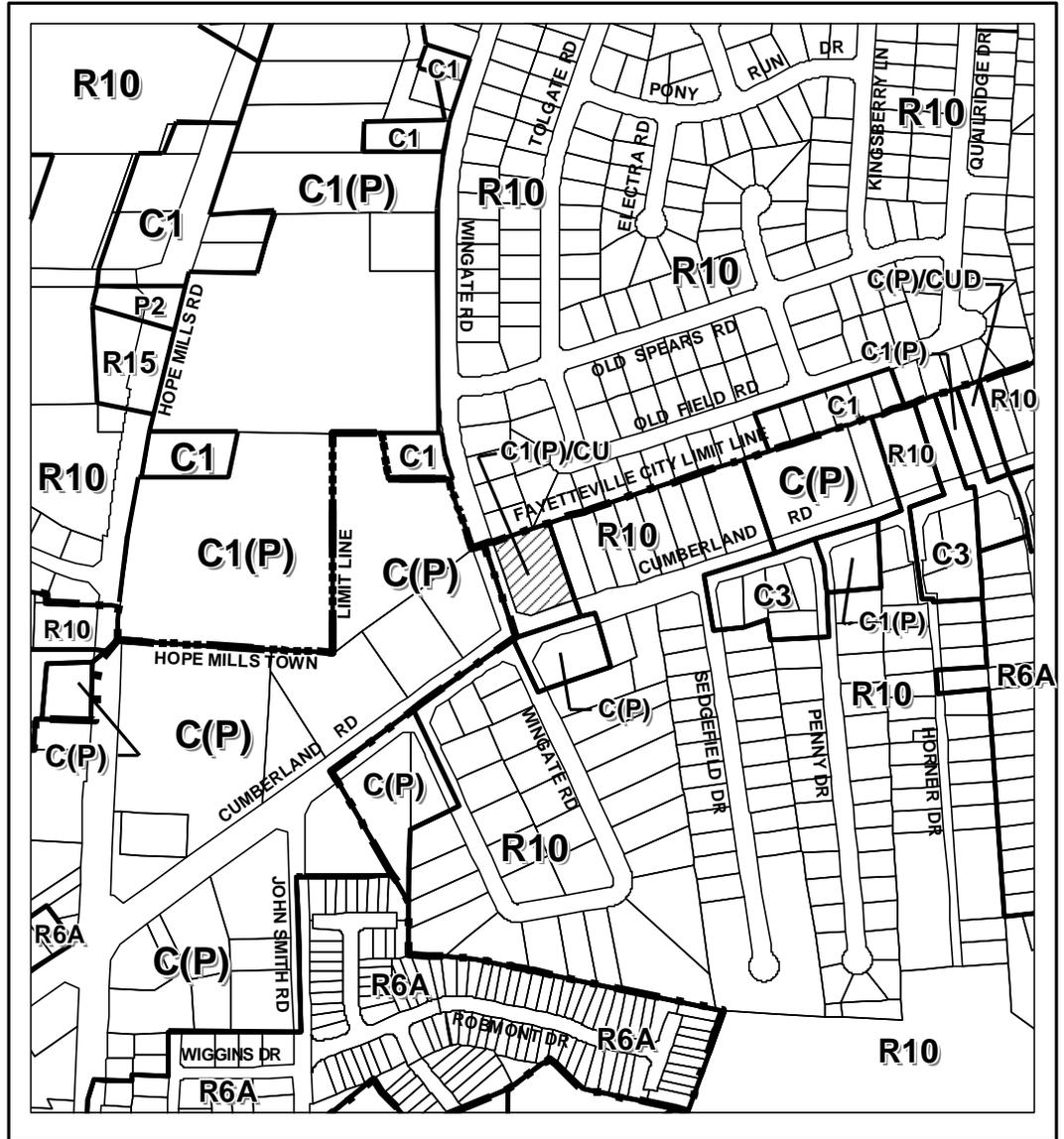
Military Impact Area: No

Highway Plan: Cumberland Road is identified as a Major Thoroughfare. It is a multi-lane facility with a current 90-110 foot right-of-way. Road improvements have been completed.

Average Daily Traffic Count (2004): 22,000 on Cumberland Road and 4,700 on Wingate Road.

Notes:

The Conditional Use Permit was to allow carpet sales in the front suites; the carpet sales have since vacated the site.



REQUESTED REZONING		
C1(P)/CU TO C1(P)		
ACREAGE: 1.19 AC.+/-	HEARING NO: P07-16	
ORDINANCE: COUNTY	HEARING DATE	ACTION
PLANNING BOARD		
GOVERNING BOARD		

PIN: 0415-17-3400

Charles C. Morris,
Chair
Town of Linden

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

Thomas J. Lloyd,
Director



COUNTY of CUMBERLAND

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Wade, Falcon & Godwin

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

Cecil P. Combs,
Deputy Director

March 13, 2007

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for March 20, 2007 Board Meeting

P07-17: REZONING OF .78+/- ACRES FROM R10 TO C3 OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE SOUTH SIDE OF OLIVE STREET, EAST OF MURCHISON ROAD, SUBMITTED BY BRIAN T. SOLTZ, OWNED BY MCCORMICK FARMS LIMITED PARTNERSHIP. (SPRING LAKE)

The Planning & Inspections Staff recommends approval of C3 district based on the following:

1. The C3 zoning district is consistent with the Spring Lake Area Detailed Land Use Plan which calls for heavy commercial at this location; and
2. Approval of the C3 zoning district will allow for the property in this immediate area, under the same ownership, to be zoned the same.

The C(P) zoning district is the only other suitable zoning district to be considered for this request.

Attachments:

- 1 - Rezoning Sketch Map
- 2 - Site Profile

SITE PROFILE

P07-17

REZONING OF .78+/- ACRES FROM R10 TO C3 OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE SOUTH SIDE OF OLIVE STREET, EAST OF MURCHISON ROAD, SUBMITTED BY BRIAN T. SOLTZ, OWNED BY MCCORMICK FARMS LIMITED PARTNERSHIP. (SPRING LAKE)

Site Information:

Applicant/Owner: BRIAN T. SOLTZ / MCCORMICK FARMS LIMITED PARTNERSHIP

Area: .78 +/- acres

Frontage & Location: 170 feet on Olive Street

Depth: 200 feet

Jurisdiction: Spring Lake

Adjacent Property: No

Current Use: Vacant

Zoning Violation(s): None

Surrounding Zoning: North-R10, R6, R6A, CB, C3, East-R10, R6A, Ft. Bragg Reservation, South-RR, R10, R6A, C3, Ft. Bragg Reservation, and West-R5A, CB, C3, M2, Ft. Bragg Reservation

Surrounding Land Use: Car repair, auto parts store, jewelry repair, fast food restaurants (6), strip mall, convenience store, car wash, vacant commercial, Chinese restaurant, auto service station, Italian restaurant, barber shop, spanish market and single family residential

Spring Lake Area Detailed Land Use Plan: Heavy Commercial

Urban Services Area: Yes

Water/Sewer Availability: Town of Spring Lake utilities

Subdivisions: A recombination will be required of lots 20, 21 and 22.

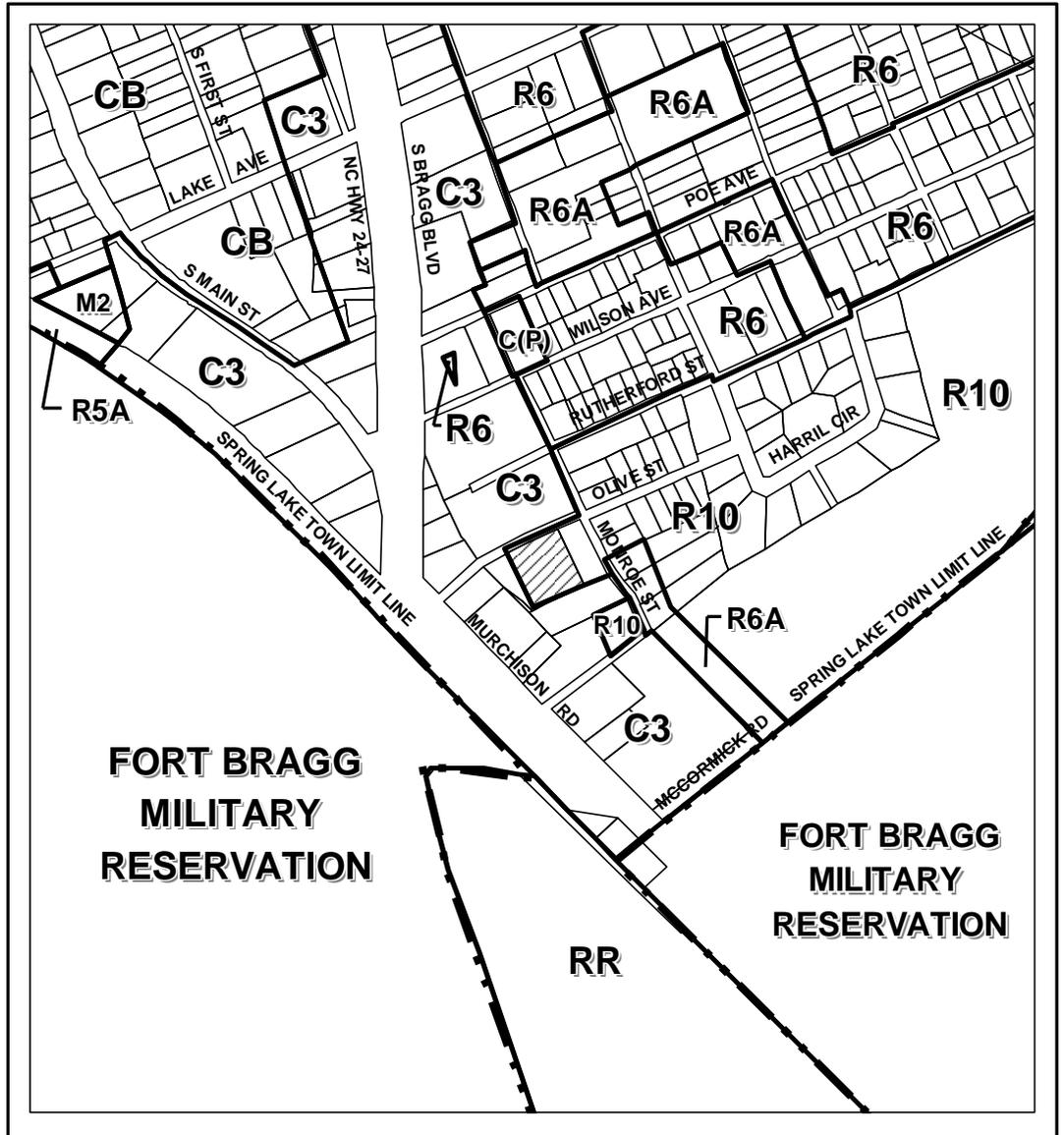
Military Impact Area: No

Ft Bragg/Pope AFB: Pope AFB has no comments on this case.

Highway Plan: Murchison Road is identified as a Major Thoroughfare. A proposal calls for a multi-lane facility, which could possibly impact the subject property. No road improvements are included in the 2007-2013 MTIP.

Planning/Design: In Progress, Right-of-Way: FY 08, Mitigation and Construction: FY 09

Notes:



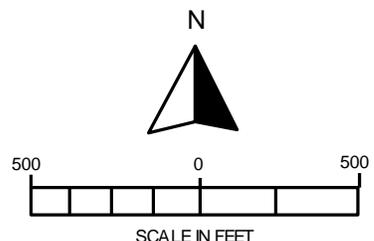
**FORT BRAGG
MILITARY
RESERVATION**

**FORT BRAGG
MILITARY
RESERVATION**

RR

**REQUESTED REZONING
R10 TO C3**

ACREAGE: 0.78 AC.+/-		HEARING NO: P07-17	
ORDINANCE: SPRING LAKE	HEARING DATE	ACTION	
PLANNING BOARD			
GOVERNING BOARD			



PORT OF PIN: 0501-83-8700

Charles C. Morris,
Chair
Town of Linden

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

Thomas J. Lloyd,
Director



COUNTY of CUMBERLAND

Planning and Inspections Department

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Vice-Chair
Wade, Falcon & Godwin

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

Cecil P. Combs,
Deputy Director

March 13, 2007

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for March 20, 2007 Board Meeting

P07-18: REZONING OF 2.25 ACRES FROM A1 TO RR OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 3557 CEDAR CREEK ROAD, OWNED BY CHARLES D. AND DIANE ROZIER.

The Planning & Inspections Staff recommends denial of the RR district and approval of R40A district based on the following:

1. The R40A zoning district is consistent with the 2010 Land Use Plan which calls for Farmland at this location, whereas the RR is not consistent;
2. The property is located on a Major Thoroughfare; and
3. There are some hydric soils on the subject property.

The applicant has verbally indicated they are in agreement with this staff recommendation.

The A1A zoning district is the only other suitable zoning district to be considered for this request.

Attachments:

- 1 - Rezoning Sketch Map
- 2 - Site Profile

SITE PROFILE

P07-18

REZONING OF 2.25 ACRES FROM A1 TO RR OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 3557 CEDAR CREEK ROAD, OWNED BY CHARLES D. AND DIANE ROZIER.

Site Information:

Applicant/Owner: CHARLES D. AND DIANE ROZIER

Area: 2.25 acres

Frontage & Location: 30 feet on Cedar Creek Road

Depth: 732 feet

Jurisdiction: County

Adjacent Property: No

Current Use: Residential

Initial Zoning: September 13, 1979 (Area 9)

Zoning Violation(s): None

Surrounding Zoning: North-A1, R40A, RR, R10, East-A1, R40A, RR, South-CD, A1, RR, M(P), and West-A1, RR, R10, R10/CU, C3

Surrounding Land Use: Sign company, industrial business, cell tower and single family residential

2010 Land Use Plan: Farmland

Urban Services Area: No

Water/Sewer Availability: Well / Septic – PWC water is available.

Soil Limitations: Yes – Leon sand (Le) and Stallings loamy sand (St)

School Capacity/Enrolled: Seabrook Elementary 340/358, Mac Williams Middle 1274/1162, Cape Fear High 1400/1489

Subdivisions: A group development review will be required for any additional structures. Development is restricted due to limited road frontage.

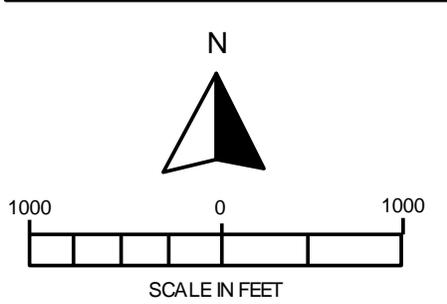
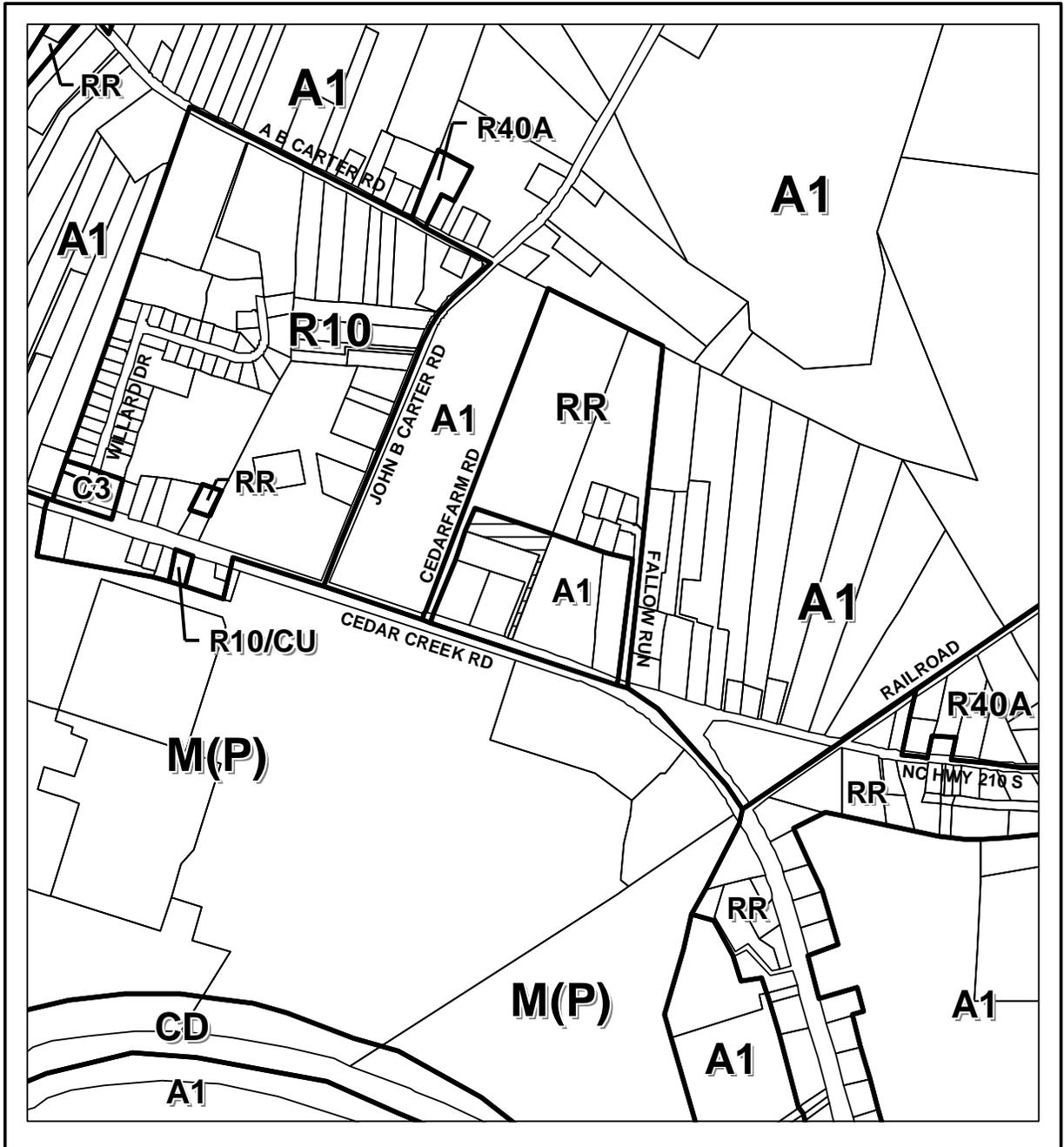
Military Impact Area: No

Highway Plan: Cedar Creek Road is identified as a Major Thoroughfare. A proposal calls for a multi-lane facility with a 100 foot right-of-way. Road improvements are included in the 2007-2013 MTIP. Right-of-way and Construction: Unfunded

Average Daily Traffic Count (2004): 5000 on Cedar Creek Road

Notes:

Density: A1 – 1 unit
 A1A – 2 units
 R40A – 2 units
 R30A – 3 units
 RR – 5 units



REQUESTED REZONING A1 TO RR

ACREAGE: 2.25 AC.+/-	HEARING NO: P07-18	
ORDINANCE COUNTY	HEARING DATE	ACTION
PLANNING BOARD		
GOVERNING BOARD		

PIN: 0465-60-1526

Charles C. Morris,
Chair
Town of Linden

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

Thomas J. Lloyd,
Director



COUNTY of CUMBERLAND

Planning and Inspections Department

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

Cecil P. Combs,
Deputy Director

March 13, 2007

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for March 20, 2007 Board Meeting

P07-19: REZONING OF 9.12 ACRES FROM A1 TO R30 OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE WEST SIDE OF WADE-STEDMAN ROAD, SOUTH OF KENNEL ROAD, OWNED BY TAMMY C. AND GEORGE BARRY.

The Planning & Inspections Staff recommends denial of the R30 district and approval of R40 district based on the following:

1. The R40 zoning district is consistent with the 2010 Land Use Plan which calls for "farmland" at this location, R30 is not consistent;
2. The subject property is not served by public water or sewer;
3. The R30 zoning district is consistent with the lot sizes and character of the general area.

The applicant has verbally indicated they are in agreement with this staff recommendation.

The A1A zoning district is the only other suitable zoning district to be considered for this request.

Attachments:

- 1 - Rezoning Sketch Map
- 2 - Site Profile

SITE PROFILE
P07-19

REZONING OF 9.12 ACRES FROM A1 TO R30 OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE WEST SIDE OF WADE-STEDMAN ROAD, SOUTH OF KENNEL ROAD, OWNED BY TAMMY C. AND GEORGE BARRY.

Site Information:

Applicant/Owner: TAMMY C. AND GEORGE BARRY

Area: 9.12 acres

Frontage & Location: 485 feet on Wade-Stedman Road

Depth: 926 feet (average)

Jurisdiction: County

Adjacent Property: No

Current Use: Agricultural

Initial Zoning: August 22, 1994 (Area 19)

Zoning Violation(s): None

Surrounding Zoning: Primarily A1

Surrounding Land Use: Single family residential and farmland

2010 Land Use Plan: Farmland

Urban Services Area: No

Water/Sewer Availability: Well / Septic (Eastover Sanitary District - Phase II)

Soil Limitations: None

School Capacity/Enrolled: District 7 Elementary 241/255, South View Middle 822/922, South View High 1400/1489

Subdivisions: A subdivision or group development review will be required prior to any development.

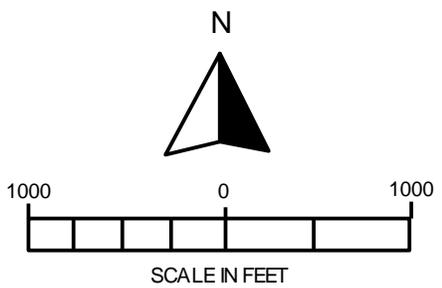
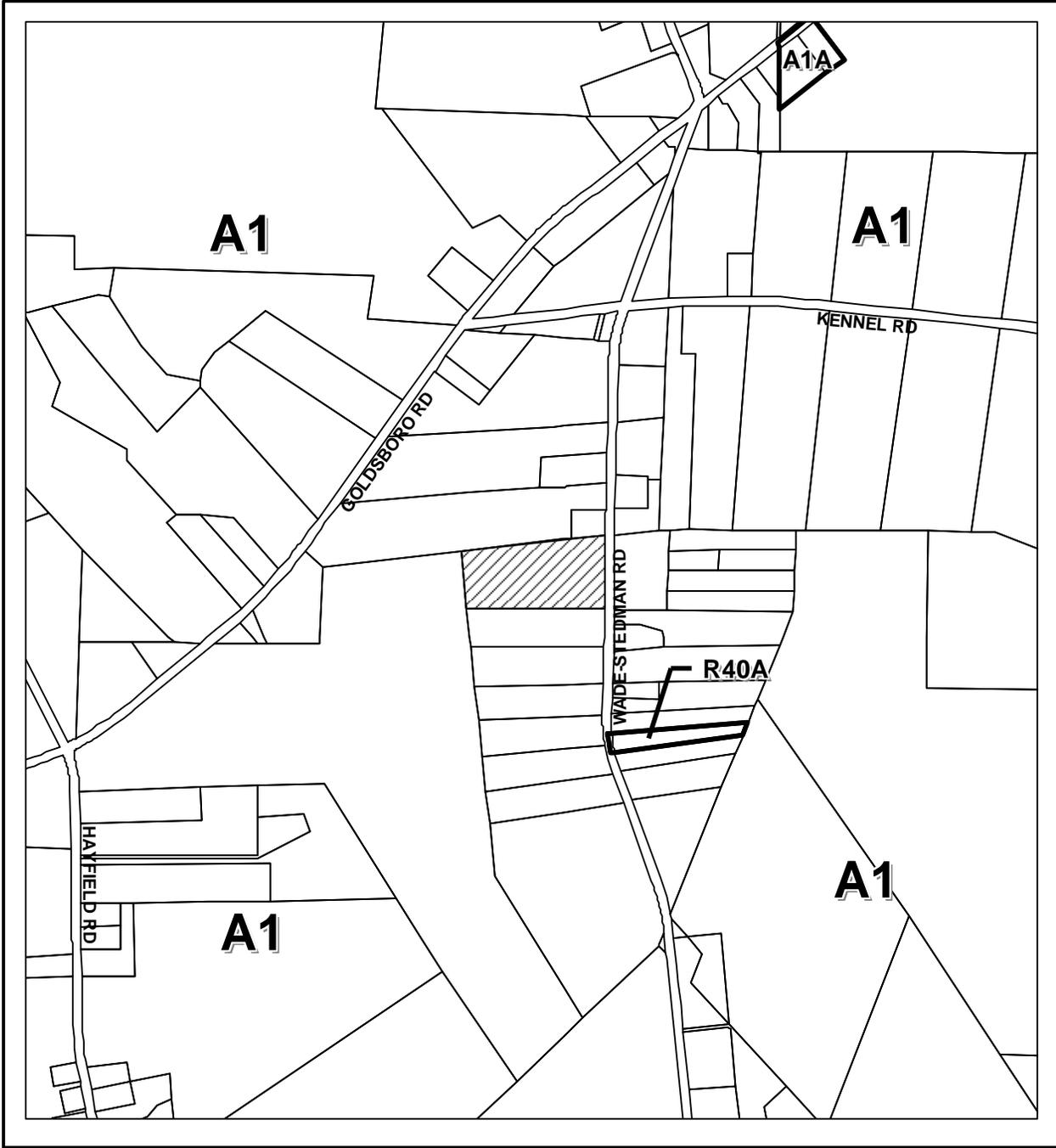
Military Impact Area: No

Highway Plan: Wade-Stedman Road is identified as a Major Thoroughfare. The plan calls for widening to a multi-lane facility. No road improvements are included in the 2007-2013 MTIP (Priority 2).

Average Daily Traffic Count (2004): 1300 on Wade-Stedman Road

Notes:

Density minus 20% for roads:	A1 – 3 lots
	A1A – 7 lots
	R40 – 7 lots
	R30 – 10 lots



REQUESTED REZONING A1 TO R30

ACREAGE: 9.12 AC.+/-		HEARING NO: P07-19	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
PLANNING BOARD			
GOVERNING BOARD			

PIN: 0580-90-8410

Charles C. Morris,
Chair
Town of Linden

Thomas J. Lloyd,
Director

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



Donovan McLaurin,
Vice-Chair
Wade, Falcon & Godwin

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Sara E. Piland,
Cumberland County

COUNTY *of* CUMBERLAND

Planning and Inspections Department

March 13, 2007

MEMORANDUM

TO: County Joint Planning Board

FROM: Edward M. Byrne, Planner II

SUBJECT: Case No. 06-142
Willowgate at Baywood
(Zero Lot Line Subdivision Review)

The developer has submitted a request for a waiver from Section 4.3d(2) "Other Requirements" – regarding connection to public sewer, County Subdivision Ordinance. The property is zoned RR Rural Residential District and contains 24.33 +/- acres.

The Cumberland County Subdivision Ordinance requires extension and connection to public sewer when a subdivision of two to ten lots is located within 300 of public sewer. This development has sewer located across the front of the property along Baywood Road, 150 feet away on Bent Grass Drive, and 180 feet from the site on Three Wood Drive. The Public Works Commission has stated in their review comments that the existing sewer system can handle the additional lots from this subdivision.

The developer is requesting a waiver from the sewer connection based on the cost of the sewer extension and the location where they would need to connect to the existing sewer system. The developer also states the layout of the lots are designed to be located in the area where the soils are suitable for septic tanks.

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

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

The Planning & Inspections Staff recommends denial of the waiver from Section 4.3.d(2) based on the following:

1. The developer has not demonstrated how strict compliance with the provisions of the Ordinance would cause a special hardship and be inequitable based on the criteria established in Section 6.1;
2. The public purposes of the Subdivision and Zoning Ordinance would not be served to an equal or greater degree if this waiver were granted since public sewer is available, the distance for extension is reasonable, and connection to a public system is preferred over individual septic tanks, which tend to fail over time;
3. The property owner would be afforded a special privilege denied to others if granted the waiver since this development is well within the limits established and public sewer is available.

Attachments: Request for Waiver w/ attachments
Conditions of Approval
Sketch Map
Soils Map
Vicinity Map

cc: HSH Investments, Developer
4D Site Solutions, Surveyor
Grainger Barrett, County Attorney
Patti Speicher, Planner III



Date Request Submitted: 2-28-07
Planning Board Meeting Date: 3-20-07
Received by: EMD

Cumberland County Subdivision Ordinance

Request for Waiver

Case No.: 06-142 Case Name: WALWEGATE AT BAYWOOD
Related Ordinance Section Number(s): 4.3(2)
Summary of Request: Not to connect to sewer

Section 6.1 of the County Subdivision Ordinance governs the Planning Board's authority to waiver provisions of the Subdivision Ordinance. This section reads as follows:

Section 6.1. Waivers

The Planning Board may waive the requirements of this Ordinance where it finds by resolution that:

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

In granting waivers, the Planning Board may require such conditions as will secure, in so far as practicable, the objectives of the requirements waived. Any waiver, thus granted, is required to be entered in writing in the minutes of the Planning Board and the reasoning upon which departure was justified set forth.

The applicant is strongly encouraged to read the above provisions and relate the written waiver request as closely as possible to the criteria contained within. All supporting documentation for the request shall be submitted along with this request for waiver. For example, if the request is based on topography or soils, the applicant is the responsible

party to submit as evidence 'topo' and/or soils maps or if the request is based on the "condition or nature of adjoining property", the applicant will be required to submit evidence supporting this as basis for the request.

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

1. Because of the size of the tract to be subdivided, its topography, the condition or nature of adjoining areas, problems of access, or the existence of other unusual physical conditions (at least one of the preceding basis must be addressed in this request), strict compliance with the provisions of this Ordinance would cause a special hardship to the property owner and be inequitable, due to:

see attached

2. The public purposes of the County Subdivision and County Zoning Ordinances would be served to an equal or greater degree and the applicant agrees to:

see attached

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

see attached

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.

HSH Investments LLC/David Hales
Printed Name of Applicant/Agent

D. Hales
Signature of Applicant/Agent

910 323-0901
Daytime Phone Number

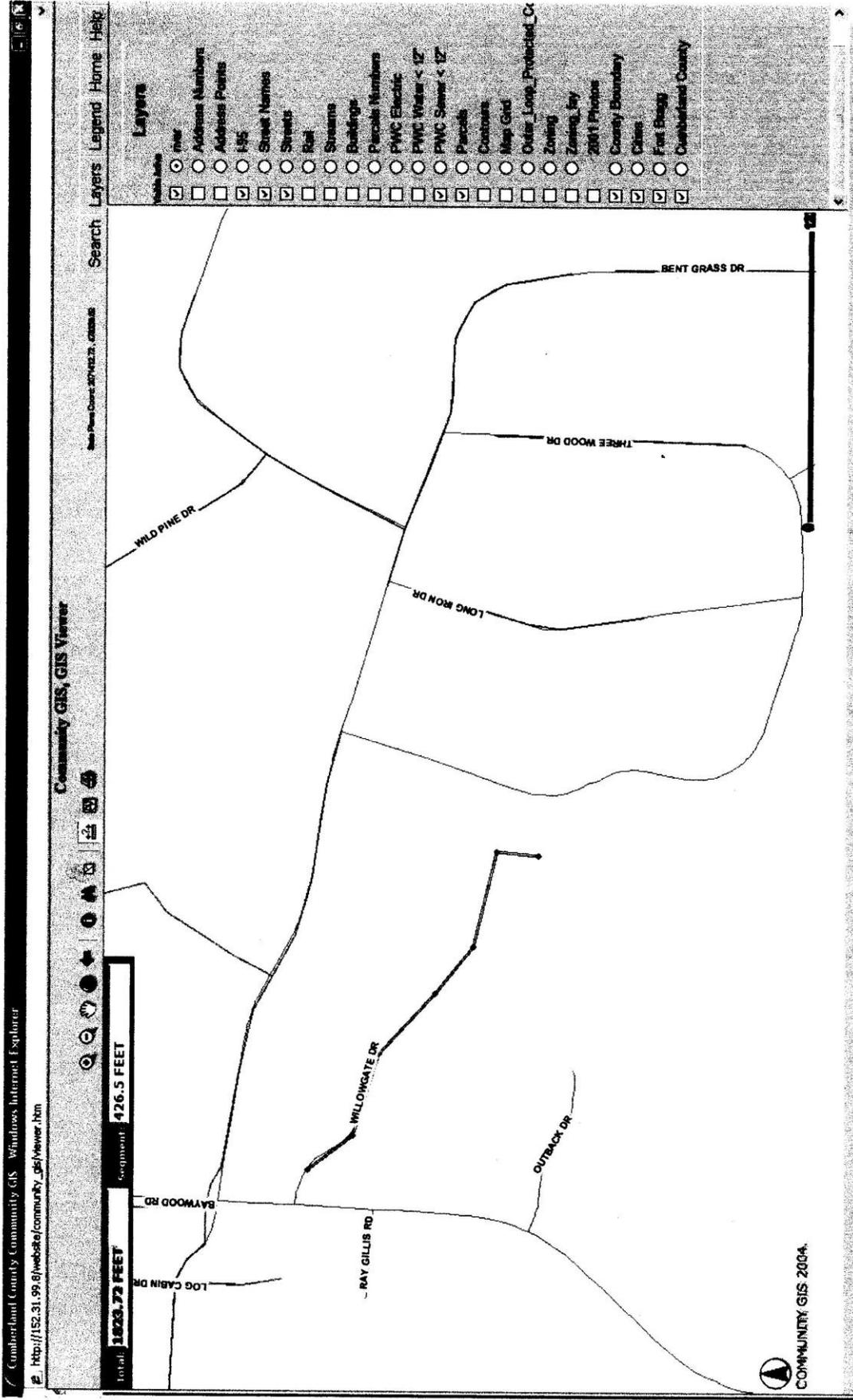
2/28/07
Date Signed

1. Due to the closest lot within the subdivision being over 600 ft from the nearest and/or best use access to sanitary sewer. The nearest sewer system is located within the Baywood subdivision that is currently operating at near full capacity with the recent addition of Baywood South. That system was originally designed only to handle the amount of lots allowed per acre per the Baywood development in 1990. Our development will be an owner occupied gated community consisting of only 9 residential lots each over 1.25 acres. The cost associated with connecting to public sewer based on estimates would exceed any feasible or marketable price per lot. We would incur the hardship of being unable to sell any of the lots at prices the current market could afford. The elevation and distance would be costly for a gravity fed system.

 2. Our request for waiver would not in any way divert the purpose of the County Subdivision Ordinance. The large lots were planned and designed on suitable soils where the use of septic would easily accommodate larger homes. We are not using the development for the most profitable land use but to create a desirable rural setting within a private community. This waiver would help increase or enhance property values of the surrounding areas.

 3. This waiver would not afford the property owners any special privilege because the development is upholding the value and purpose of the ordinance. The purpose of the development is to create a residential neighborhood filled with family, including the owners, who desire a country setting with exclusivity from overcrowding of land. Sanitary sewer is desirable to the owners but not effective to our current plans and goals based on the costs and difficulty to install.
-

chip sewer.jpg (1404x1050x24b jpeg)



Southeastern Soil & Environmental Associates, Inc.

P.O. Box 9321
Fayetteville, NC 28311
Phone/Fax (910) 822-4540

SOIL DELINEATION

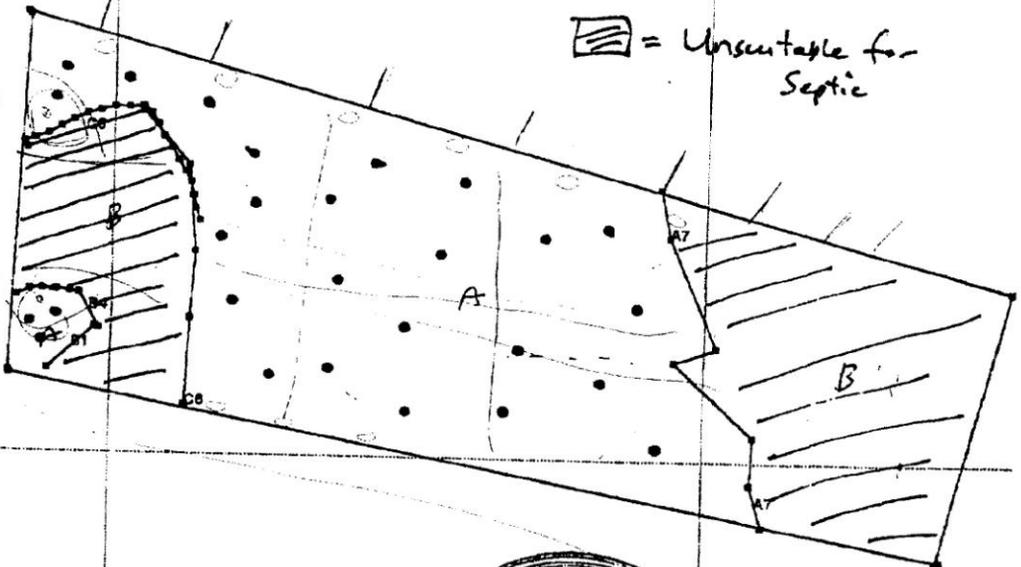
28'03.1"

38'03.1"

BAYWOOD ROAD

☐ = Provisionally Suitable for Septic

▨ = Unsuitable for Septic



*** NOT A SURVEY ***

MobileMapper Office, 301 Environmental Jan 31 06 09:59a
SOIL TEST EVALUATION • WATER ANALYSIS • WETLANDS MAPPING • LAND USE/SUBDIVISION PLANNING
GROUNDWATER DRAINAGE/MOUNDING • SURFACE/SUBSURFACE WASTE TREATMENT SYSTEMS, EVALUATION & DESIGN

Charles C. Morris,
Chair
Town of Linden

Thomas J. Lloyd,
Director

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



Donovan McLaurin,
Vice-Chair
Wade, Falcon & Godwin

Cecil B. Combs
Deputy Director

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

COUNTY of CUMBERLAND

Planning and Inspections Department

PLANNING STAFF DECISION: 8-24-06 PLANNING BOARD DECISION: 3-20-07 COUNTY OR COUNCIL MEETING: N/A

CASE NO: 06-142 NAME OF DEVELOPMENT: WILLOWGATE AT BAYWOOD (formerly known as: Plantation at Baywood) (ZERO LOT LINE SUBDIVISION REVIEW)

LOCATION: ON THE EAST SIDE OF SR 1831 (BAYWOOD ROAD), SOUTH OF SR 2072 (BENT GRASS DRIVE) ZONING: RR PIN: 0477-06-4958-07-4289-

OWNER OR DEVELOPER: HSH INVESTMENTS ENGINEER OR DESIGNER: 4D SITE SOLUTIONS INC.

COUNTY ORDINANCE GODWIN ORDINANCE STEDMAN ORDINANCE SPRING LAKE ORDINANCE FALCON ORDINANCE

PLANNING DEPARTMENT ACTION

PRELIMINARY
 EXTENSION REVISION
 APPROVED CONDITIONALLY
 DENIED

PLANNING BOARD ACTION

PRELIMINARY
 EXTENSION REVISION
 APPROVED CONDITIONALLY
 DENIED

TOWN BOARD

PRELIMINARY FINAL
 EXTENSION REVISION
 APPROVED CONDITIONALLY
 DENIED

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

Permit-Related:

1. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the County Zoning Ordinance and permits required to place any structure within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. For additional information, the developer should contact a Code Enforcement Officer.
2. Connection to public water and sewer is required, the Public Works Commission must approve water and sewer plans prior to application for any permits.
3. The developer must/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) must approve the proposed curbcut(s) and the proper permits must be obtained prior to zoning/building permit application.
5. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.

Site-Related:

6. All applicable provisions of Section 3.21, "Group Developments", County Subdivision Ordinance, must be complied with.
7. This conditional approval is not approval of any signs.
8. All lots within this development are required to be served by an internal street system.
9. This conditional approval is not approval of the accessory building located on Common area lot.
10. The developer is advised to consider shifting the curb-cut from the proposed location so that it will not be in direct alignment with the residential structure across the SR 1831 (Baywood Rd).

Plat-Related:

11. The final plat must reflect the approved street name and the street classification as "Class A Private Street".
12. The final plat is to be labeled as a "Zero Lot Line" development.

13. The developer is required to submit to Land Use Codes, three copies of the legal documents specifically designating responsibility for the maintenance and upkeep of the Class "A" private and all common areas street through an owners' association for this development. These documents must be approved by the County Attorney prior to the sale of or submission for final plat approval of any lot or unit within this development.
14. 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.
15. 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 \$294.38 (\$32.71 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)
16. The developer shall provide for an inspection of the private street by a registered engineer or registered surveyor upon completion of construction of the private street and related facilities, including drainage ways. A statement, affixed with the engineer/surveyor's seal, certifying that all private street and related facilities are designed and constructed in accordance with the requirements of Section 4.2, County Subdivision Ordinance, and that all such facilities are adequate to serve the development, must be submitted to Land Use Codes prior to final plat approval or release of any construction guarantees as allowed under Section 2.6, County Subdivision Ordinance.
17. 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.
18. A "no access" easement must be reflected on the final plat on lot 1 and the common lot where on these lots abut SR 1831 (Baywood Road).
19. A 10' x 70' sight distance easement shall be required at the intersection of SR 1831 (Baywood Road) with the proposed road and must be reflected on the final plat.
20. A 25' right-of-way radius is required at all intersections and must be reflected on the final plat.
21. 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.
22. The notarized signature(s) of all current tax record owner(s) and notary certifications appear on the final plat when submitted for final approval.
23. 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.)
24. 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:

25. The final plat shall reflect the following statements required for the private street(s):

"No public agency is presently responsible for maintenance of the private street(s) shown on this plat. Private streets are for the use of all owners of property within this development and their guests; and any governmental agency or personnel or equipment thereof who shall be granted perpetual access over all such private streets to accomplish or fulfill any service or function for which the agency is responsible and that any agency or organization designated by a governmental agency to perform a designated function shall also retain access the same as any government agency. Any governmental agency exercising its access rights shall have the same rights and only such liabilities as it would have on any public lands, rights-of-way, or easements."

Other requirements:

26. The developer submitted a request for a waiver from Section 4.3d(2) "Other Requirements" – regarding connection to public sewer, County Subdivision Ordinance – see attached request and Staff recommendation for more information. This case will be heard by the Cumberland County Joint Planning Board at the March 20, 2007 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.

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

Subdivision/Site Plan/Plat	Ed Byrne	678-7609
Code Enforcement:	Ken Sykes	321-6654
County Engineer's Office:	Wayne Dudley	678-7636
PWC:	Heidi Maly	483-1401
Eastover Sanitary District:	Morgan Johnson	323-3973
Corp of Engineers (wetlands):	Lynette Grenade	(910) 251-4829
NCDENR (E&S)	Wendy Dunaway	486-1541
E911 Site-Specific Address:	Ron Gonzales	678-7616
E911 Street Naming/Signs:	Diane Shelton	678-7665
Tax Parcel Numbers:	Tax Mapping	678-7647
NCDOT (driveways/curb-cuts)	Gary Burton	486-1496

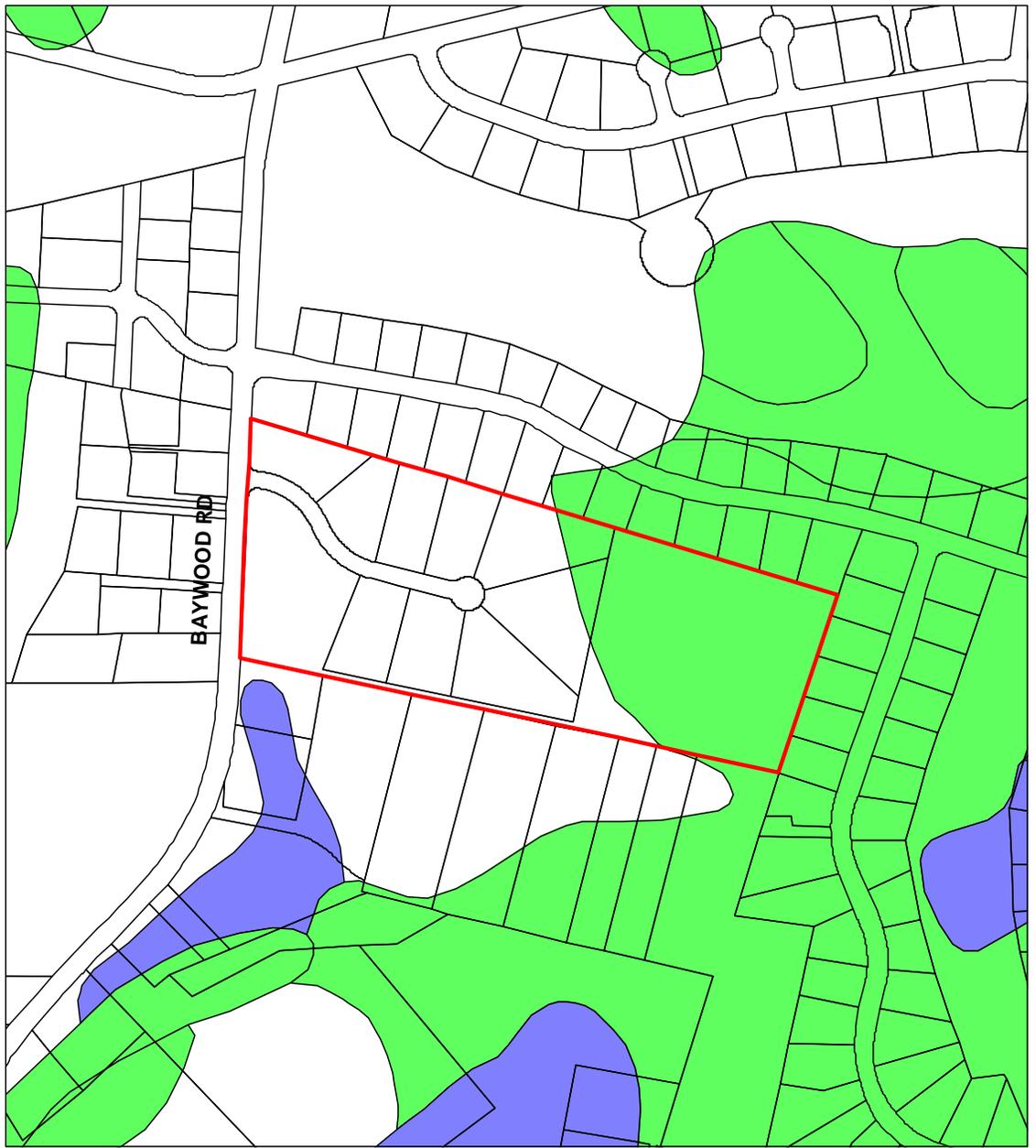
OFFICIAL PRELIMINARY STAMP
CUMBERLAND COUNTY
CASE NO: **06-142**

THIS PLAN APPROVED BY THE CUMBERLAND COUNTY PLANNING &
INSPECTION DEPARTMENT ON: **08-24-06**

COMMENTS: SUBJECT TO CONDITIONS

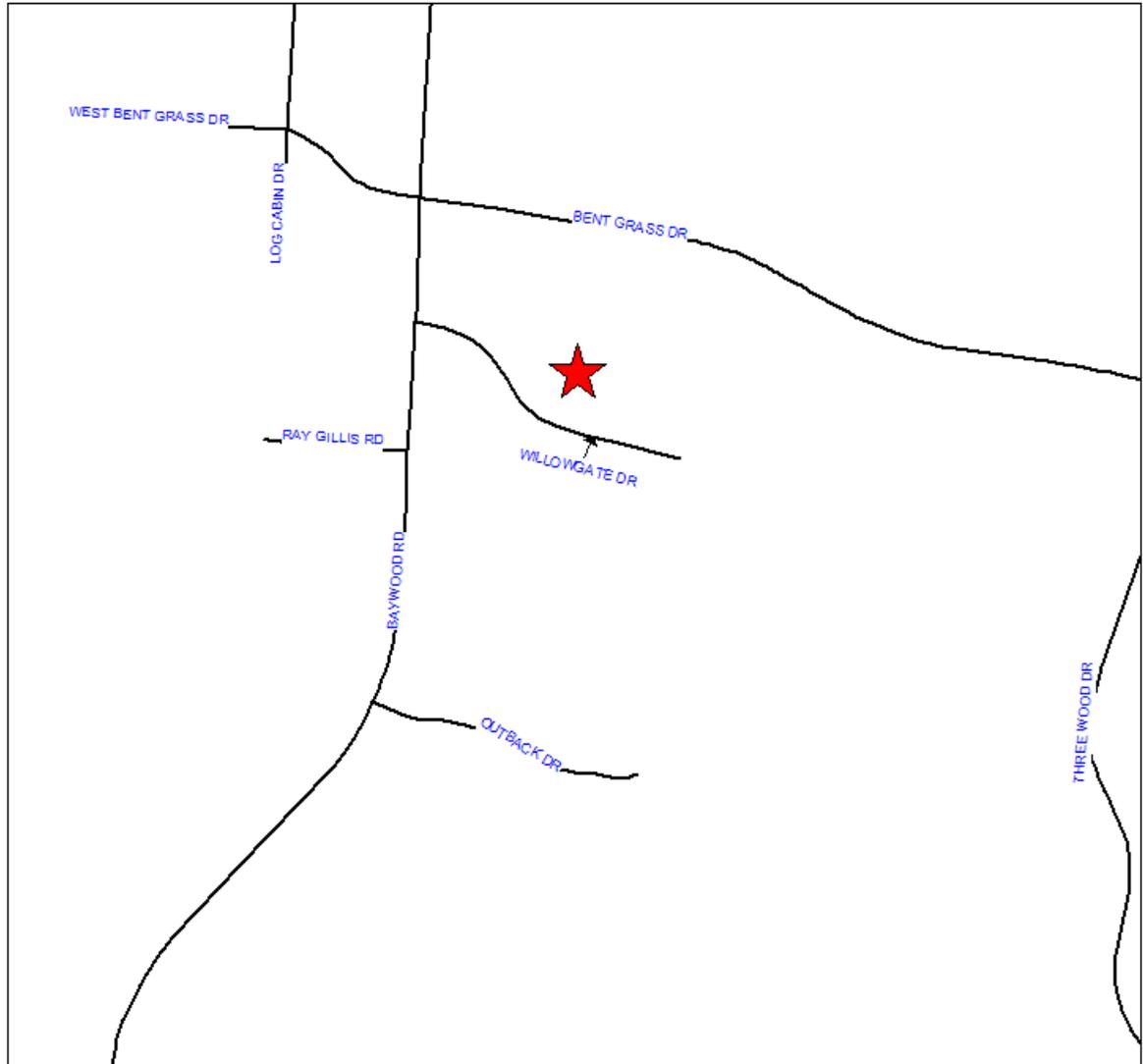
I CERTIFY THAT THIS PLAN HAS BEEN APPROVED BY THE CUMBERLAND
COUNTY PLANNING & INSPECTIONS DEPARTMENT AS DRAWN HEREON
AND MAY BE USED FOR ANY OFFICIAL PURPOSE AS PERMITTED BY LAW.
THIS APPROVAL IS VALID UNTIL: **08-24-08**

Patricia S. Speicher MJ
SUPERVISOR, LAND USE CODES



- A HYDRIC SOILS
- B HYDRIC INCLUSION SOILS

**WILLOWGATE AT BAYWOOD
ZERO LOT LINE SUBDIVISION REVIEW
CASE NO. 06-142**



PIN(S): 0477-06-4958; 07-4289
PREPARED BY EMB- CCJPB
MARCH 15, 2007

Map not to scale



Edward Byrne

From: Joe Glass [joe.glass@faypwc.com]
Sent: Thursday, March 15, 2007 9:13 AM
To: Edward Byrne
Subject: Sewer Availability, Willowgate at Baywood

This is in response to our telephone conversation this morning whereby we discussed the availability of sewer to the above referenced subdivision. PWC has responded in the subdivision review that there is sufficient capacity in the Baywood Lift Station to connect the proposed development. The connection point is up to the developer's engineer to determine. PWC sewer lines are located in the right of way of Bent Grass Drive and Three Wood Drive. In addition, the lift station is located to the southeast of the proposed development. Connection to these locations will require easements and the possibility of going through developed parcels. The feasibility of connecting to the PWC system at any of these locations is the responsibility of the developer and his engineer. If there are questions or if additional information is needed, please let me know.

Joseph E. Glass, P.E.
Engineering Manager
Water Resources
PWC
955 Old Wilmington Road
Fayetteville, North Carolina 28301
Telephone - (910)223-4740
Fax - (910)829-0203
Cell Phone - (910)263-5074

The information contained in this communication (including any attachment) is privileged and confidential information that is intended for the sole use of the addressee. Access to this communication by anyone else is unauthorized. If the reader is not the intended recipient, or an employee or agent responsible for delivering this communication to the intended recipient, you are hereby notified that any distribution or copying of this communication is strictly prohibited and may be unlawful. If you have received this transmission in error, please reply and notify us of this error and delete this message. Finally, the recipient should check this communication and any attachments for the presence of viruses. The Public Works Commission of the City of Fayetteville, NC, accepts no liability for any damage caused by any virus transmitted by this communication.

3/15/2007

Charles C. Morris,
Chair
Town of Linden

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

Thomas J. Lloyd,
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Roy Turner,
Lori Epler,
Sara E. Piland,
Cumberland County

Cecil P. Combs,
Deputy Director

March 13, 2007

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for March 20 2007 Board Meeting

P07-04: REZONING OF 44.32+/- ACRES FROM A1 TO R15/DENSITY DEVELOPMENT/CONDITIONAL USE DISTRICT AND PERMIT OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE WEST SIDE OF OLD VANDER ROAD, NORTHWEST OF SIMMONS CARTER RD, OWNED BY GERTRUDE V. HARRIS.

The Planning & Inspections Staff reviewed this case on January 8, 2007 and recommended denial of the R15/Density Development/Conditional Use District and Permit (R15/DD/CUD&P). Rather than present this recommendation to the Board and in order to give the applicant an opportunity to correct what the Staff found to be deficiencies in the application and the site plan, the Staff requested a deferral for this case at the January 16, 2007 Board meeting. The applicant subsequently revised the application and the site plan with the request remaining R15/DD/CUD&P.

The Staff met again on this request, reviewing the revised application and site plan, and recommends denial of the R15/Density Development/Conditional Use District based on the following:

1. The district requested is inconsistent with the 2010 Land Use Plan which calls for "farmland" at this location;
2. The request, qualifying as unreasonable, is not in character with the lot sizes of the surrounding properties and would not be in harmony with the surrounding land uses since the subject property is located within an area that consists primarily of A1 Agricultural zoning with relatively small areas of RR Rural Residential and R40 Residential zoning districts;
3. Favorable consideration of this request for this area is arbitrary and would not serve a viable public interest when the current state of the right-of-way is taken into consideration. Old Vander Road is a "minor thoroughfare", in which severe congestion exists, qualifying this request as unreasonable. In addition to the existing school traffic, a 230 lot subdivision with direct access to Old Vander Road was approved as a "use by right" in March 2006.

The Planning & Inspections Staff also recommends denial of the Conditional Use Permit based on the following:

1. The proposed development of 102 lots at this location is not in the public interest because of the state of Old Vander Road as previously noted;
2. The extension of utilities being highly improbable at this location since the closest public water and sewer lines available for extension are North of the railroad tracks serving the previously mentioned development of 230 lot are north of the railroad tract;
3. There is a substantial portion of hydric soils on the subject property; and
4. The degree of difference in the surrounding land uses and lot sizes compared to the proposed lots shown on the site plan is such that this request qualifies as being unreasonable.

A possible suitable zoning district that could be considered for this request would be a R40/Density Development/Conditional Use District and Permit.

Attachments:

- 1 - Rezoning Sketch Map
- 2 - Site Plan
- 3 - Site Profile

SITE PROFILE

P07-04

REZONING OF 44.32+/- ACRES FROM A1 TO R15/DENSITY DEVELOPMENT/ CONDITIONAL USE DISTRICT AND PERMIT OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE WEST SIDE OF OLD VANDER ROAD, NORTHWEST OF SIMMONS CARTER RD, OWNED BY GERTRUDE V. HARRIS.

Site Information:

Applicant/Owner: GERTRUDE V. HARRIS

Area: 44.32 acres

Frontage & Location: 2,640 feet on Old Vander Road

Depth: 700 foot (average)

Jurisdiction: County

Adjacent Property: Yes

Current Use: Vacant

Initial Zoning: September 14, 1979 (Area 9)

Zoning Violation(s): None

Surrounding Zoning: North and East-A1, RR, South-A1, R40, R6A, and West-A1

Surrounding Land Use: Upholstery business, day care, single family residential, and farmland

2010 Land Use Plan: Farmland

Urban Services Area: No

Water/Sewer Availability: Well / Septic – no PWC utilities available

Soil Limitations: Yes – Leon sand (Le) and Woodington loamy sand (Wo)

School Capacity/Enrolled: Seabrook Elementary 340/358, Mac Williams Middle 1274/1162, Cape Fear High 1400/1489

Military Impact Area: No

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

Average Daily Traffic Count (2004): 1,200 on Old Vander Road

Notes:

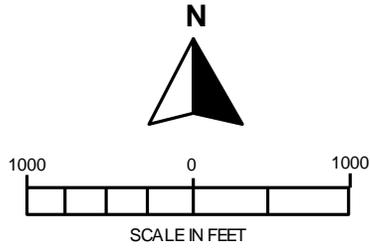
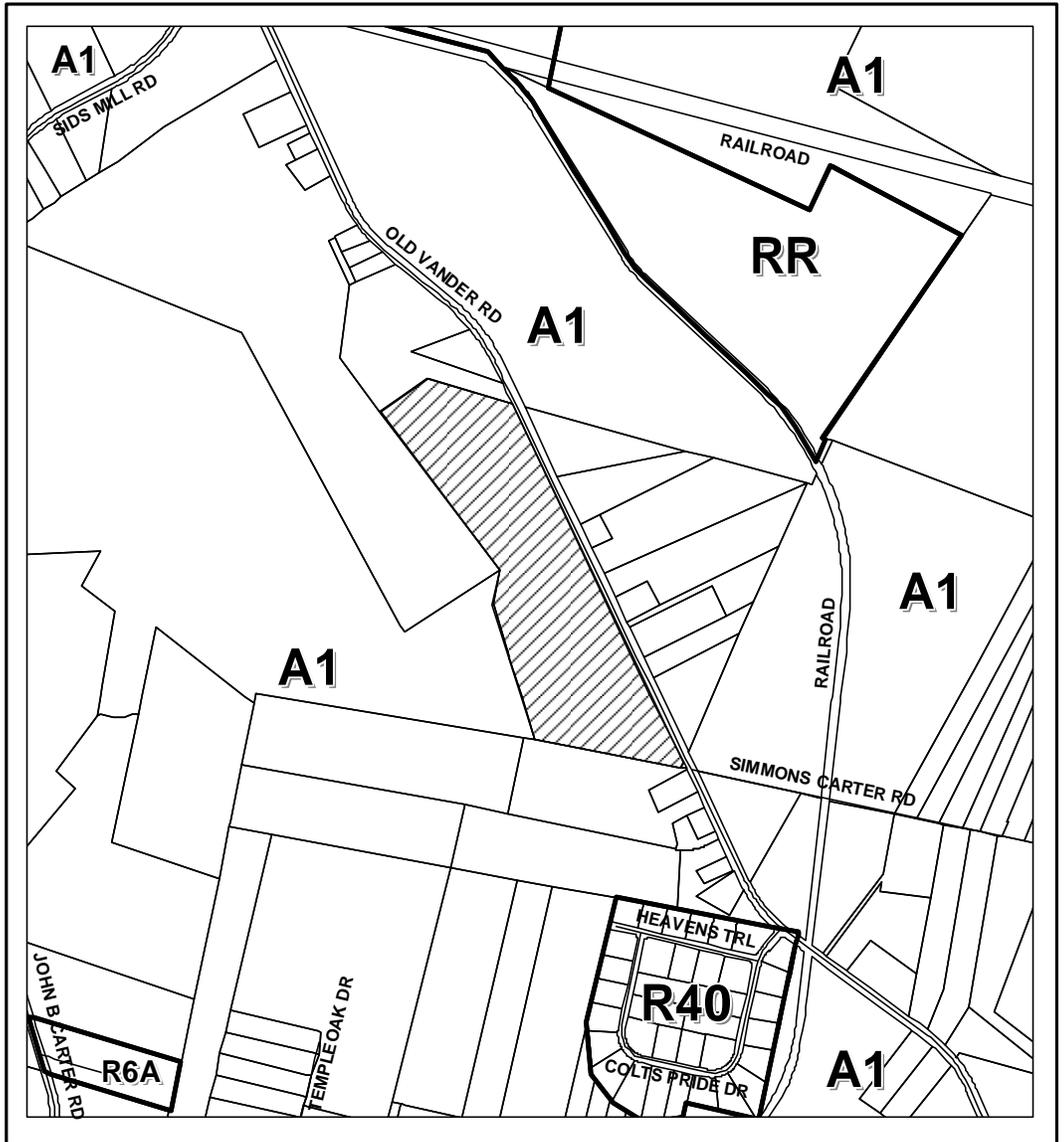
Conditions in the Permit Application

1. Proposed Use: Gated residential community with attached sun decks, recreational center, tennis courts, swimming pools, bike trail, walking trail, landscaping, small retention pond for ducks, and playground (as stated in the application).

2. Lots proposed: 102 @ 17,449 square feet / 118 lots permitted @ 15,000 square feet

3. Density minus 3.46 ac. for roads:

- A1 – 20 lots
- R40 – 44 lots
- R30 – 59 lots
- R20 – 88 lots
- R15 – 118 lots



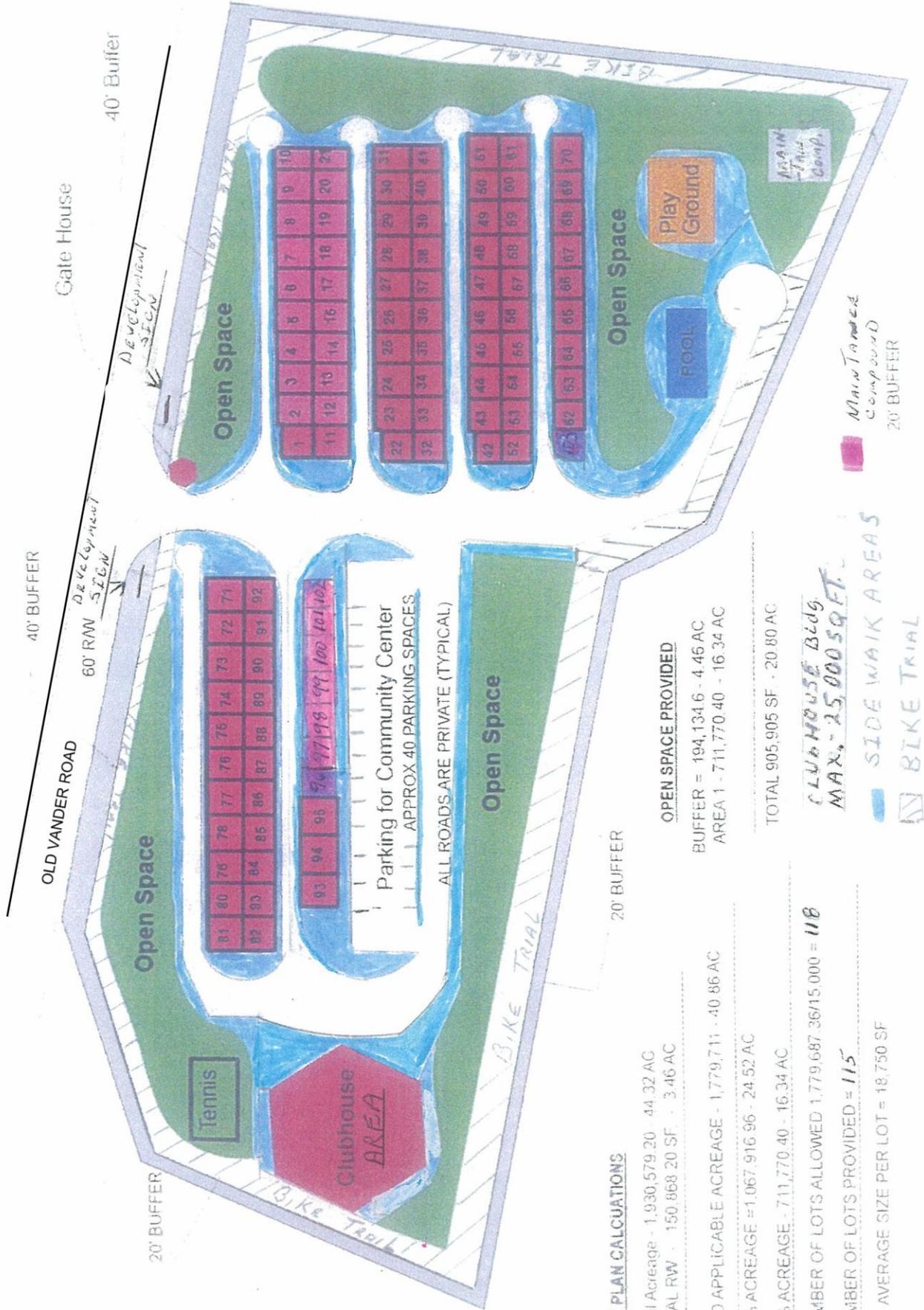
REQUESTED REZONING: A1 TO R15/DD/CUD		
ACREAGE: 44.32 AC. +/-		HEARING NO: P07-04
ORDINANCE: COUNTY	HEARING DATE	ACTION
PLANNING BOARD		
GOVERNING BOARD		

PIN: 0476-00-8789-

MAS
REV: 2/22/07

REQUEST: R15/DENSITY DEVELOPMENT - CONDITIONAL USE DISTRICT & PERMIT
 CASE: 07-04 ACREAGE: 44.32 +/-
 SCALE: NTS

MORNING GLORY ESTATES



SITE PLAN CALCULATIONS

Total Acreage - 1,930,579.20 - 44.32 AC
 TOTAL RW - 150,868.20 SF - 3.46 AC

CUD APPLICABLE ACREAGE - 1,779,711 - 40.86 AC

60% ACREAGE = 1,067,916.96 - 24.52 AC

40% ACREAGE - 711,770.40 - 16.34 AC

NUMBER OF LOTS ALLOWED 1,779,687.36/15,000 = 118

NUMBER OF LOTS PROVIDED = 115

AVERAGE SIZE PER LOT = 18,750 SF

OPEN SPACE PROVIDED

BUFFER = 194,134.6 - 4.45 AC
 AREA 1 - 711,770.40 - 16.34 AC

TOTAL 905,905 SF - 20.80 AC

CLUBHOUSE Bldg
 MAX. - 25,000 SQ. FT.

- SIDE WALK AREAS
- BIKE TRIAL

Main Terrace
 Compound
 20' BUFFER