

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

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



## COUNTY of CUMBERLAND

### *Planning and Inspections Department*

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

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

#### TENTATIVE AGENDA

JULY 18, 2006  
7:00 P.M.

- I. INVOCATION AND PLEDGE OF ALLEGIANCE
- II. ADJUSTMENTS TO AGENDA
- III. PUBLIC HEARING DEFERRALS
  - A. P06-40: REZONING OF 13.19 ACRES FROM R10 TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 6521 RAMSEY STREET, OWNED BY JAMES H. AND EVA S. SINGLETARY.
  - B. P06-51: REZONING OF A 3.56 ACRE PORTION OF A 5.13 ACRE TRACT FROM R10 AND C1 TO M(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 2230 NORTH BRAGG BOULEVARD, SUBMITTED BY JOSEPH P. RIDDLE III, OWNED BY MARCH F. RIDDLE. (SPRING LAKE)
- IV. ABSTENTIONS BY BOARD MEMBERS
- V. POLICY STATEMENT REGARDING PUBLIC HEARING TIME LIMITS
- VI. CONSENT ITEMS
  - A. APPROVAL OF THE MINUTES OF JUNE 20, 2006

#### REVISIONS/AMENDMENTS

- B. P05-71: REVISIONS AND AMENDMENTS TO THE STEDMAN SUBDIVISION ORDINANCE, ARTICLE I, SECTION 1.8. "DEFINITIONS", BY ADDING IN ALPHABETICAL ORDER: ALLEY, CUL-DE-SAC, HIGHWAY PLAN, AND PLANNING STAFF; AMENDING THE DEFINITION FOR TERM "STREETS" WITHIN ARTICLE I. SECTION 1.8. "DEFINITIONS"; AMENDING ARTICLE III, SECTION 3.17. "STREET DESIGN"; SECTION 3.18. "BLOCK LENGTHS"; ARTICLE IV, SECTION 4.1. "STREETS", SUBSECTIONS "E", "GUTTERS OR CURBS AND GUTTERS" AND "F", "REQUIRED DRAINAGE"; & AMENDING THE "TABLE OF CONTENTS" TO REFLECT THE ABOVE AMENDMENTS WHERE APPLICABLE. (STEDMAN)

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- C. P06-57: REVISION AND AMENDMENT TO THE STEDMAN SUBDIVISION ORDINANCE, ARTICLE I, SECTION 1.8. "DEFINITIONS", BY ADDING IN ALPHABETICAL ORDER THE TERM "GREENWAY"; CREATING SECTION 3.13.2, "GREENWAY STANDARDS FOR RESIDENTIAL SUBDIVISIONS"; AND AMENDING THE "TABLE OF CONTENTS" TO REFLECT THE ABOVE AMENDMENTS WHERE APPLICABLE. (STEDMAN)

#### **REZONING/INITIAL ZONING CASES**

- D. P06-50: REZONING OF 73 +/- ACRES FROM A1 TO R15 OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED BETWEEN CEDAR CREEK AND A. B. CARTER ROADS, WEST OF WILLARD DRIVE, SUBMITTED BY MICHAEL J. ADAMS, OWNED BY J. O. CARTER, JR, WILLIAM G. ALPHIN, J. A. ALPHIN, JR, ALPHIN LIVING TRUST, LEE TRUSTIES, ALLINE A. & J.O. CARTER, JR AND EDGAR L. AND BEULAH A. BOST.
- E. P06-54: REZONING OF 2.77 ACRES FROM A1 TO R40A OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 3367 CHICKENFOOT ROAD, SUBMITTED BY TIFFANY S. JOHNSON, OWNED BY GROVER F. ODOM.
- F. P06-55: REZONING OF 50.84 ACRES FROM A1/CU TO A1 AND R30 OR A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT THE NORTHEAST QUADRANT OF KING HIRAM AND SCHOOL ROADS, SUBMITTED BY HARVEY ALLEN, OWNED BY JAMES L. PATE, JR. REVOCABLE TRUST.
- G. P06-56: REZONING OF 7.62 ACRES FROM A1 TO R40 OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 3745 & 3837 FINAL APPROACH DRIVE, SUBMITTED BY JONATHAN KEITH, OWNED BY O. B. KNOWLES HEIRS.

#### **CONDITIONAL USE DISTRICT**

- H. P06-52: REZONING OF 258.12 ACRES FROM A1 AND CD TO RR/DD/CUD OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED WEST OF ROSLIN FARM ROAD, NORTH OF JOHN MCMILLAN ROAD, SUBMITTED BY LINDA P. SCOTT, OWNED BY TKD FARMS INC.

#### **VII. PUBLIC HEARING ITEMS**

- A. P06-39: REZONING OF FOUR PARCELS TOTALING 28.46 ACRES FROM A1 TO R40 OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 1750 WADE-STEDMAN ROAD, SUBMITTED BY HERMAN LOCKAMY, OWNED BY AUDREY FAULKNER.
- B. P06-53: REZONING OF 5.53 ACRES FROM RR, R10, O&I(P) TO C(P) OR A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE NORTH SIDE OF CLINTON ROAD, EAST OF BLADEN CIRCLE, SUBMITTED BY ROBERT M. BENNETT, OWNED BY LESTER G. CARTER, JR.

#### **VIII. PLAT & PLAN**

- A. 06-116: CONSIDERATION OF RONALD L. ROYAL, SUBDIVISION REVIEW, REQUEST FOR A WAIVER FROM SECTIONS 3.17.C "STREET DESIGN",

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CUMBERLAND COUNTY SUBDIVISION ORDINANCE, LOCATED ON THE  
NORTHEAST SIDE OF SR 1826 (WADE – STEDMAN ROAD), SOUTH OF SR  
1818 (HAYFIELD ROAD)

IX. DISCUSSION

X. FOR YOUR INFORMATION

A. NOMINATING COMMITTEE REPORT

B. DIRECTOR'S UPDATE

XI. ADJOURNMENT

Charles C. Morris  
Chair  
Town of Linden

Donovan McLaurin  
Vice-Chair  
Wade, Falcon & Godwin  
Garland C. Hostetter,  
Town of Spring Lake  
Harvey Cain, Jr.,  
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#### MINUTES June 20, 2006

##### Members Present

Mr. Charles Morris, Chair  
Mr. Donovan McLaurin, Vice-Chair  
Mr. Harvey Cain, Jr.  
Mr. Clifton McNeill  
Mr. Roy Turner  
Ms. Lori Epler  
Mr. Garland Hostetter

##### Members Absent

Ms. Sara Piland

##### Others Present

Ms. Patti Speicher  
Ms. Donna McFayden  
Ms. BJ Cashwell  
Mr. Grainger Barrett,  
County Attorney

#### I. INVOCATION AND PLEDGE OF ALLEGIANCE

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

#### II. ADJUSTMENTS TO AGENDA

Chair Morris said that Case No. P06-39 would be moved from Consent Items to Public Hearing Items as the first case. Ms. Speicher asked that Case No. P06-33, be moved to Consent. She also asked for P06-45 to be moved to Consent as the applicant concurred with the C(P) zoning and there was no opposition. She further asked that Case P06-49 be moved to Consent with the 10.79 acres to the north side of the road zoned M(P) and the 22.92 acres on the south side zoned C(P). She informed the Board that the BP Station would provide buffering and this would be the main entrance way into the Town of Wade from the Interstate. She informed the Board that there was an amended Staff Recommendation for Case P06-37 approving R15 zoning for this case and asked for the case to be moved to Consent. **A motion was made by Mr. McNeill and seconded by Vice-Chair McLaurin to approve the Agenda with the changes. The motion passed unanimously.**

#### III. PUBLIC HEARING DEFERRALS/WITHDRAWALS

- A. P06-47: REZONING OF TWO PARCELS TOTALING 7.62+/- ACRES FROM A1 TO A1A, AT 3745 AND 3837 FINAL APPROACH DRIVE, SUBMITTED BY JONATHAN KEITH, OWNED BY O'BREYTON KNOWLES HEIRS.

Ms. Speicher informed the Board that the applicant requested to withdraw his application. The Board concurred with the request.

#### IV. ABSTENTIONS BY BOARD MEMBERS

Mr. Cain said he would abstain from discussion and voting on Case P06-39. **A motion was made by Ms. Epler and seconded by Vice-Chair McLaurin to approve the request. The motion passed unanimously.**

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

Ms. Speicher read the Board's policy regarding public hearing time limits.

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## VI. CONSENT ITEMS

### A. APPROVAL OF THE MINUTES OF JUNE 6, 2006

Chair Morris said he was not listed as present on the Minutes and Ms. Epler said she was late for the meeting and did not make the motion for Case 06-096. **A motion was made by Vice-Chair McLaurin and seconded by Mr. Cain to approve the Minutes with the noted corrections. The motion passed unanimously.**

#### REVISION/AMENDMENT

### B. P06-33: REVISION AND AMENDMENT TO THE CUMBERLAND COUNTY ZONING ORDINANCE, AMENDING ARTICLE IV. PERMITTED, CONDITIONAL, AND SPECIAL USES, SECTION 403 USE MATRIX, TO ALLOW SINGLE FAMILY DWELLING TO BE PERMITTED ON THE SECOND FLOOR AND ABOVE FOR COMMERCIAL, RETAIL & OFFICE SPACE IN THE C(P) DISTRICT, SUBMITTED BY BRADLEY W. YOUNG.

This request for consideration of a text amendment was deferred from the May 16, 2006 at the applicant's request. The Planning & Inspections Staff recommended denial of the proposed amendment as submitted. The Staff did agree that with some minimum standards in place in the Ordinance, allowing residential dwellings on the second floor or above could be a viable use of properties in the commercial districts.

The Planning & Inspections Staff recommended approval of the request if the Board favorably considered recommending adoption of the attached standards (text amendment) affecting Article II (Definitions), Article IV (Use Matrix), and Article IX (Individual Uses). This recommendation has been forwarded to the applicant.

No one appeared in favor or in opposition to the amendment.

**A motion was made by Mr. McNeill and seconded by Ms. Epler to follow the staff recommendation and approve the staff-version of the amendment as written. The motion passed unanimously.**

#### REZONING/INITIAL ZONING CASES

### C. P06-34: INITIAL ZONING AND REZONING OF 13.46 +/- ACRES FROM R6A TO R15 OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED NORTH OF WADE-STEDMAN ROAD, WEST OF I-95, SUBMITTED BY THE TOWN OF WADE, OWNED BY MERRILL MCLAURIN. (WADE)

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

1. The request is consistent with the Wade Study Area Detailed Land Use Plan; and
2. This request was initiated by the Town of Wade.
3. Town of Wade water and NORCRESS sewer is available to the site.

The R10 zoning district is the only other suitable district.

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

**A motion was made by Mr. McNeill and seconded by Ms. Epler to follow the staff recommendation and approve the R15 Residential District. The motion passed unanimously.**

### D. P06-37: REZONING OF THREE PARCELS TOTALING 45.61 ACRES FROM A1 TO R15 OR TO A MORE RESTRICTIVE ZONING DISTRICT, SOUTH OF SAND HILL

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ROAD, WEST OF TOWER ROAD, SUBMITTED BY CHRISTOPHER ROBERTS,  
OWNED BY JAMES BUXTON, ANNIE M. FREEMAN AND THELMA BATTLE.

The Planning & Inspections Staff recommended denial of the R15 and approval of R20 zoning district at the May 16, 2006 meeting. The Planning & Inspections Staff had reconsidered this request and now recommended approval of the R15 zoning district based on the following:

1. The R15 district is consistent with the 2010 Land Use Plan and development in the general area; and
2. Public water is available to the site and the soils are suitable for septic; and
3. The subject property has frontage on a major thoroughfare, Sand Hill Road.

The other suitable zoning districts to be considered for this site are R40, R40A, R30, R30A, R20, and RR.

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

**A motion was made by Mr. McNeill and seconded by Ms. Epler to follow the staff recommendation and approve the R15 Residential District. The motion passed unanimously.**

- E. P06-41: INITIAL ZONING OF 79.77 ACRES TO R5A AND C3 OR TO A MORE RESTRICTIVE ZONING DISTRICT, WEST OF LILLINGTON HIGHWAY, SOUTH OF PINE KNOLL DRIVE, SUBMITTED BY THE TOWN OF SPRING LAKE, OWNED BY HUFF-CAVINESS LLC. (SPRING LAKE)

The Planning & Inspections Staff recommended approval of the R5A and C3 districts based on the following:

1. Although the request is not consistent with the Spring Lake Area Detailed Land Use Plan, the subject properties are consistent with the existing development in the area; and
2. This request was initiated by the Town of Spring Lake.
3. The subject properties are located on a major thoroughfare; and
4. Spring Lake water and sewer is available to the site.

Other suitable zoning districts are O&I, HS(P), C1 and C(P).

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

**A motion was made by Mr. McNeill and seconded by Ms. Epler to follow the staff recommendation and approve the initial zoning to R5A Residential District and C3 Heavy Commercial District. The motion passed unanimously.**

- F. P06-42: REZONING OF 2.0 ACRES FROM R10 TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 2420 AND 2434 GEORGE OWEN ROAD, SUBMITTED BY TIM EVANS, OWNED BY WILLIAM C. AND VIDA L. LONG.

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

1. Although the request is not consistent with the 2010 Land Use Plan, the subject properties are located on the Hope Mills Bypass near a major intersection; and
2. The request is consistent with the current zoning in the area; and
3. Public water and sewer is available to the site; and
4. John Brady Road is an appropriate "stop point" for the rezoning of properties in this area to commercial zoning.

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Other suitable zoning districts are R6, R6A, R5, R5A, O&I(P) and C1(P).

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

**A motion was made by Mr. McNeill and seconded by Ms. Epler to follow the staff recommendation and approve the C(P) Planned Commercial District. The motion passed unanimously.**

- G. P06-43: REZONING OF 2.0 ACRES FROM A1 TO R40A OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 7461 AND 7473 RUFUS JOHNSON ROAD, SUBMITTED BY TOMMY SMITH, OWNED BY CARRIAGE CROSSING, INC.

The Planning & Inspections Staff recommended approval of the R40A based on the following:

1. The request is consistent with the 2010 Land Use Plan; and
2. The request is reasonable considering the lot sizes in the general area.

Note: The Planning and Inspections Staff's preference would be for rezoning to A1A; however, one of the existing structures on the subject property is not a Class A manufactured home and would become nonconforming.

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

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

**A motion was made by Mr. McNeill and seconded by Ms. Epler to follow the staff recommendation and approve the R40A Residential District. The motion passed unanimously.**

- H. P06-45: REZONING OF .26 ACRES FROM R10 TO M(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 3034 LEGION ROAD, SUBMITTED BY JIM MOHLER, OWNED BY DOUGLAS L. NEW.

The Planning & Inspections Staff recommended denial of M(P) and approval of the C(P) district based on the following:

1. The request is not consistent with the 2010 Land Use Plan, however the area meets the purpose and intent of the C(P) district; and
2. The C(P) district is in character with the existing zoning in the area.

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

No one appeared in favor or in opposition to the request but the applicant did concur with the C(P) Planned Commercial District zoning.

**A motion was made by Mr. McNeill and seconded by Ms. Epler to follow the staff recommendation and approve the C(P) Planned Commercial District. The motion passed unanimously.**

- I. P06-46: REZONING OF THREE PARCELS TOTALING 3.64 ACRES FROM R6A AND C3 TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE WEST SIDE OF MURCHISON ROAD, AND ON THE NORTH AND SOUTH SIDES OF BERNADINE STREET, SUBMITTED BY JIM MOHLER, OWNED BY 96 INVESTORS, INC.

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

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1. The request is consistent with the 2010 Land Use Plan, calling for an Activity Node at this location; and
2. The subject property is located on a major thoroughfare; and
3. The C(P) district is in keeping with the current zoning within the area.

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

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

**A motion was made by Mr. McNeill and seconded by Ms. Epler to follow the staff recommendation and approve the C(P) Planned Commercial District. The motion passed unanimously.**

- J. P06-48: REZONING OF 1.87 ACRES FROM R6 TO C1 OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 230 CHAPEL HILL ROAD, SUBMITTED BY AMMIE M. JENKINS, OWNED BY SANDHILLS FAMILY HERITAGE ASSOCIATION. (SPRING LAKE)

The Planning & Inspections Staff recommended approval of the C1 district based on the following:

1. Although the request is not consistent with the Spring Lake Area Detailed Land Use Plan, the request is consistent with the character of the neighborhood; and
2. Approval of the request would allow for the use of the vacant non-residential structure on the site.
3. Town of Spring Lake water and sewer are available to the site.

The O&I zoning district is the only other suitable district.

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

**A motion was made by Mr. McNeill and seconded by Ms. Epler to follow the staff recommendation and approve the C1 Local Business District. The motion passed unanimously.**

- K. P06-49: REZONING OF TWO PARCELS TOTALING 33.71 ACRES FROM A1 TO M(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, NORTH AND SOUTH OF WADE-STEDMAN ROAD, ON THE WEST SIDE OF I-95, SUBMITTED BY JAMES A. MCLEAN III, OWNED BY LUTHER C. AND LINDA S. BARNES JR.

Ms. Speicher informed the Board that the Planning & Inspections Staff recommended approval of 10.79 acres to the north side of the road for M(P) zoning even though this is not consistent with the Wade Study Area Detailed Land Use Plan, industrial use of this property would be buffered from the I-95 interchange by the existing BP station on the adjacent property and the rezoning would provide an economic benefit to the Town of Wade. This request is supported by the Town. The 22.92 acres on the south side for C(P) zoning is consistent with the 2010 Land Use Plan. No one appeared in favor or in opposition to the request.

**A motion was made by Mr. McNeill and seconded by Ms. Epler to follow the staff recommendation and approve the M(P) Planned Industrial District for 10.79 acres on the north side of the road and C(P) Planned Commercial District for 22.92 acres on the south side. The motion passed unanimously.**

## VIII. PUBLIC HEARING ITEMS

### REZONING CASES

Mr. Cain left the room.

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Maps and slides were displayed illustrating the zoning and land use in the area. Ms. Speicher reported that the Planning & Inspections Staff recommended approval of the R40 district based on the following:

1. The request is consistent with the 2010 Land Use Plan; and
2. The request is consistent with the current zoning and lot sizes in the general area.

There are no other suitable districts.

The public hearing was opened.

Mr. Harvey VonCannon appeared before the Board in favor of the request and said he felt if it was to be a nice clean development then he did not have a problem with the request. He told the Board that he did not want manufactured homes on the property as he thought it would devalue the land. He told the Board that the property needed to be developed since it is being eroded with 4-wheelers driving on the land.

Mr. Steve Core appeared before the Board in opposition to the request and said he resided across from the property. He informed the Board that he operated a Crawfish and Catfish pond where he aerated the water at night in the summer. He said according to the Noise Ordinance that the noise level for an agricultural area could not be more than 75 decibels and on the weekend in residential areas, the level goes down to 45 decibels after 10 p.m. He told the Board if the property was rezoned that he might be cited for noise violation because the noise ratio would drop to 45 decibels.

Chair Morris asked the distance of the pond from the road. Mr. Cores said it was approximately 500 or 600 yards.

Ms. Epler said that all property that was adjacent to A1 land has a disclaimer placed on the recorded plat stating that if anyone owns or buys property in that subdivision that there are agricultural industries around there. Ms. Speicher said it specifically addresses noise, odor, etc.

Mr. Core told the Board that an owner behind him filed a complaint about the noise and the Sheriff's Department closed his business down temporarily.

Mr. Barrett told Mr. Core that according to Section 9.5-23 Terminology and standards, (b) Definitions: Classification of use occupancies. "...All premises where agricultural activity is legally permitted shall be considered agricultural use." He said according to this definition that the 75 decibels would always apply to the property as long as it was zoned agricultural.

Mr. Core told the Board that he had to go to court because he was recorded as doing 60 decibel but it was determined that the adjacent property was also agricultural. Mr. Barrett explained that Section 9.5-23 applies to his property.

Mr. M. L. Core appeared before the Board in opposition to the request and said he was representing residents in the area. He told the Board that he would like the property to remain A1 and that all his family have developed their property at the A1 zoning standards. He said he did not have a problem with manufactured homes as long as they comply with the 2 acre minimum. He said traffic would increase with the amount of lots allowed and that he would rather have 10 houses than 20. He informed the Board that three miles from the property, Mr. William Draughon is developing his property to the A1 standards.

Chair Morris asked if the petitioner was present. There was no response.

Ms. Speicher read the following comment from the Eastover Sanitary District.

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“Recommend approval of R40 CUD, if possible, where the CUD would not allow the use of Zero Lot Line. The area has houses uniformly spaced, and zero lot line would not fit aesthetically in the community. If the CUD is not possible, recommend the property remain A1.”

The public hearing was closed.

Mr. McNeill asked the acreage of lots between the Wade-Stedman Road and the bulk of the property. Ms. Speicher said they were a little over ½ acre. Ms. Epler asked for clarification of the acreage along Amadoris Drive. Ms. Speicher said they were a little less than one acre.

Mr. McNeill asked for clarification of the acreage of the two lots included in the request and if a recombination had to be done. Ms. Speicher explained the lots were about 1 acre and the two lots would have to be recombined to blend them into the new development.

Mr. Turner said the County is getting less rural and a lot of the residents have been there for many years and have developed nice homes. He said he was in favor of the area remaining A1.

**A motion was made by Mr. McLaurin and seconded by Ms. Epler to defer this case to the July 18, 2006 meeting to allow the applicant to be present. The motion passed 6 to 1. Chair Morris voted in opposition to the motion. Mr. Cain abstained from discussion and voting on this matter.**

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

Mr. Cain returned to the room.

Maps and slides were displayed illustrating the zoning and land use in the area. Ms. Speicher reported that the Planning & Inspections Staff recommended denial of the C(P) district based on the following:

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

There are no other suitable districts for this area.

The public hearing was opened.

Mr. James. H Singletary, the applicant, appeared before the Board in favor of the request and explained to the Board that he would like to duplicate his development to be similar to One Village Plaza on Robeson Street. He informed the Board that due to the denial recommendation, he would like to amend his request and rezone only two to 3 acres fronting on Ramsey Street to C(P) and the remaining property to O&I which would meet the North Fayetteville Study. He told the Board that the adjacent property owners had no objections to the request and one had his property up for sale. No one appeared in opposition to the request.

The public hearing was closed.

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Ms. Epler asked when he amended his request and Ms. Speicher said she was not aware of it until tonight.

Chair Morris said that he traveled the road frequently and due to the heavy traffic count that it was not appropriate for residential development. He said that the applicant needs time to amend his application to determine what zoning changes he wants done.

**A motion was made by Chair Morris and seconded by Mr. Turner to defer this case to July 18, 2006 to allow the applicant time to amend his application. The motion passed unanimously.**

C. P06-44: REZONING OF .78+/- ACRES FROM C1 TO C3 OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 6769 CLINTON ROAD, OWNED BY HARRY T. PARKER. (STEDMAN)

Maps and slides were displayed illustrating the zoning and land use in the area. Ms. Speicher reported that the Planning & Inspections Staff recommended denial of the C3 district request based on the following:

1. The request is not consistent with the Stedman Area Detailed Land Use Plan; and
2. The existing zoning is the more appropriate zoning district for this tract due to the residential nature of the area.

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

The public hearing was opened.

Chair Morris asked for clarification of the uses in the C3 district. Ms. Speicher explained that the Stedman C3 allowed similar uses that the County C(P) zoning allowed. She informed the Board that the proposed use of the property would be for ATV parts and repairs. She told the Board that there was no one in opposition but there were five people to speak in favor.

Mr. Harry T. Parker, owner, appeared before the Board in favor of the request. He said he and Mr. Curtis Mitchell envisioned providing a service to the Stedman area by providing parts and service for mini-cycles/ATVs. He said he also wanted to provide sales of motorcycles and four wheelers. He informed the Board that all the equipment would be stored in the building with operation hours from 9 a.m. to 5:30 p.m. with hours on Saturday from 9 a.m. to 2 p.m. He told the Board that property located 200 yards west was zoned C3. He said this business would save travel time for customers that would normally drive to Fayetteville, Clinton or Dunn for vehicle service.

Chair Morris said C(P) allows vehicle parts and accessories. Ms. Speicher said the business is allowed also in C1 but the repair service requires C3 zoning and C(P) requires a minimum of 2 acres which they do not have.

Mr. Curtis Mitchell appeared before the Board in favor of the request and informed the Board that their property was zoned C1 which allows parts and minor repair. He explained that the C3 would allow them to sale go carts, small scooters and small vehicles. He said this addition would not create any more traffic or noise.

Mr. Roy Stalnaker appeared before the Board in favor of the request and said Hwy. 24 would be the best location for the business. He asked for the approval of the request.

Mr. David Hill appeared before the Board in favor of the request and said this would make it convenient for him to obtain parts for his children's vehicles.

Ms. Barbara Blackmon appeared before the Board in favor of the request and said she had lived in Stedman for 26 years. She informed the Board that she had been riding motorcycles

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for 10 years and this business would be an asset to the Stedman area. The public hearing was closed.

Ms. Epler asked if Stedman had Conditional Use Permit in their ordinance. Ms. Speicher said they did not.

Mr. Cain said there was not any opposition to the request and recommended the approval of the C3 request.

**A motion was made by Mr. Cain and seconded by Mr. McNeill to approve the C3 Heavy Commercial District. The motion passed unanimously.**

IX. DISCUSSION

Chair Morris asked that the Nomination Committee Report be added to the July 18, 2006 Agenda.

X. ADJOURNMENT

There being no further business, the meeting adjourned at 8:15 p.m.

Charles C. Morris  
Chair  
Town of Linden

Donovan McLaurin  
Vice-Chair  
Wade, Falcon & Godwin

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



## COUNTY of CUMBERLAND

*Planning and Inspections Department*

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

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

July 11, 2006

### MEMORANDUM

### **DEFERRED**

**TO:** Cumberland County Joint Planning Board

**FROM:** Planning & Inspections Staff

**SUBJECT:** Staff Recommendation for July 18, 2006 Board Meeting

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

This case was presented to the Board at the June 20<sup>th</sup> meeting, at which time the applicant indicated he wished to amend his request. The applicant has since notified Staff that he has not finalized his plans and has requested deferral to the Boards August 15<sup>th</sup> meeting. The Staff is in agreement with request.

Previously, the Planning & Inspections Staff recommended denial of the C(P) district based on the following:

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

There are no other suitable districts for this area.

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Cumberland County

July 11, 2006

### MEMORANDUM

### DEFERRED

**TO:** Cumberland County Joint Planning Board

**FROM:** Planning & Inspections Staff

**SUBJECT:** Staff Recommendation for July 18, 2006 Board Meeting

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

A request for deferral to the August 15, 2006 Board meeting has been submitted on this case. The Planning & Inspections Staff supports this request.

Attachments:

- 1 – Rezoning Sketch Map
- 2 – Site Profile
- 3 – Request for Deferral

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Cumberland County

July 11, 2006

### MEMORANDUM

**TO:** Cumberland County Joint Planning Board

**FROM:** Planning & Inspections Staff

**SUBJECT:** Staff Recommendation for July 18, 2006 Board Meeting

**P05-71:** REVISIONS AND AMENDMENTS TO THE STEDMAN SUBDIVISION ORDINANCE, ARTICLE I, SECTION 1.8. "DEFINITIONS", BY ADDING IN ALPHABETICAL ORDER: ALLEY, CUL-DE-SAC, HIGHWAY PLAN, AND PLANNING STAFF; AMENDING THE DEFINITION FOR THE TERM "STREETS" WITHIN ARTICLE I. SECTION 1.8. "DEFINITIONS"; AMENDING ARTICLE III, SECTION 3.17. "STREET DESIGN"; SECTION 3.18. "BLOCK LENGTHS"; AND ARTICLE IV, SECTION 4.1. "STREETS", SUBSECTIONS "E", "GUTTERS OR CURBS AND GUTTERS" AND "F", "REQUIRED DRAINAGE"; AND AMENDING THE "TABLE OF CONTENTS" TO REFLECT THE ABOVE AMENDMENTS WHERE APPLICABLE. (STEDMAN)

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

1. The amendment provides clear standards for street construction within the corporate limits of the Town; and
2. The amendment is a request from the Town, drafted by the Town's engineer and was formulated by a Town committee.

Note: The Staff also recommends that Section 3.17.b, "Exhibit 1" be modified to reflect the option of valley-type concrete curb.

Attachment:  
- Amendment

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REVISIONS AND AMENDMENTS TO THE STEDMAN SUBDIVISION ORDINANCE, ARTICLE I, SECTION 1.8. "DEFINITIONS", BY ADDING IN ALPHABETICAL ORDER: ALLEY, CUL-DE-SAC, HIGHWAY PLAN, AND PLANNING STAFF; AMENDING THE DEFINITION FOR THE TERM "STREETS" WITHIN ARTICLE I. SECTION 1.8. "DEFINITIONS"; AMENDING ARTICLE III, SECTION 3.17. "STREET DESIGN"; SECTION 3.18. "BLOCK LENGTHS"; AND ARTICLE IV, SECTION 4.1. "STREETS", SUBSECTIONS "E", "GUTTERS OR CURBS AND GUTTERS" AND "F", "REQUIRED DRAINAGE"; AND AMENDING THE "TABLE OF CONTENTS" TO REFLECT THE ABOVE AMENDMENTS WHERE APPLICABLE. (STEDMAN)

**ADD to Article I, Section 1.8, Definitions, in Alphabetical Order**

**Alley:** A paved public or private right-of-way primarily designed to serve as a secondary access to the side or rear of those properties whose principal frontage is on a street and is not intended for general traffic.

**Cul-de-sac:** A local street of relatively short length with one end open to traffic and the other end permanently terminating in a vehicular turnaround.

**Highway Plan:** A plan, formally known as "Fayetteville Area Metropolitan Planning Organization Highway Plan", that provides and defines a functional system of streets permitting travel from origins to destinations with directness, ease and safety. Different streets in this system are designed and called on to perform specific functions, thus minimizing the traffic and land service conflict.

**Planning Staff:** The personnel of the Cumberland County Planning and Inspections Department.

**AMEND Article I, Section 1.8., Definitions, "Street" as Indicated**

**Street, Public:** A public right-of-way for vehicular traffic. The word "street" includes, but is not limited to, "road, freeways, expressways, and thoroughfares *and streets*" as fully defined in the adopted Highway Plan and briefly described below:

- ~~(1) **Official Thoroughfare Plan:** Any Thoroughfare Plan that has been adopted by the County Board of Commissioners or the governing body of any municipality in the County.~~



**APPLICATION IDENTIFICATION**

**TOWN OF STEDMAN  
STREET AND DRIVEWAY ACCESS  
PERMIT APPLICATION**

Driveway Permit No. \_\_\_\_\_ Date of Application \_\_\_\_\_

County: Cumberland

Development Name: \_\_\_\_\_

**LOCATION OF PROPERTY:**

Street/Road: \_\_\_\_\_

Exact Distance  Miles  Feet      N S E W

From the Intersection of Street \_\_\_\_\_ and Street \_\_\_\_\_ Toward \_\_\_\_\_

Property Will Be Used For:  Residential /Subdivision  Commercial  Educational Facilities  TND  Emergency Services

Property:  is  is not within Town of Stedman City Zoning Area \_\_\_\_\_

**AGREEMENT**

- I, the undersigned property owner, request access and permission to construct driveway(s) or street(s) on public right-of-way at the above location.
- I agree to construct and maintain driveway(s) or street entrance(s) in absolute conformance with the current Policy on Street and Driveway Access to public right-of-way as adopted by the Town of Stedman.
- I agree that no signs or objects will be placed on or over the public right-of-way other than those approved by the Town of Stedman.
- I agree that the driveway(s) or street(s) will be constructed as shown on the attached plans.
- I agree that that driveway(s) or street(s) as used in this agreement include any approach tapers, storage lanes, speed change lanes as deemed necessary.
- I agree that if any future improvements to the roadway become necessary, the portion of driveway(s) or street(s) located on public right-of-way will be considered the property of the Town of Stedman, and I will not be entitled to reimbursement or have any claim for present expenditures for driveway or street construction.
- I agree that this permit becomes void if construction of driveway(s) or street(s) is not completed within the time specified by the "Policy on Street and Driveway Access to the Town of Stedman".
- I agree to pay a \$50 construction inspection fee. Make checks payable to the Town of Stedman. This fee will be reimbursed if application is denied.
- I agree to construct and maintain the driveway(s) or street(s) in a safe manner so as not to interfere with or endanger the public travel.
- I agree to provide during construction proper signs, signal lights, flaggers and other warning devices for the protection of traffic in conformance with the current "NCDOT Manual on Uniform Traffic Control Devices for Streets and Highways" and Amendments or Supplements thereto. Information as to the above rules and regulations may be obtained from the District Engineer.
- I agree to indemnify and save harmless the Town of Stedman from all damages and claims for damage that may be caused by reason of this construction.
- I agree that the Town of Stedman will assume no responsibility for any damages that may be caused to such property within the highway right-of-way limits, in carrying out its construction.
- The granting of this permit is subject to the regulatory powers of the Town of Stedman.
- **I AGREE TO NOTIFY THE TOWN OF STEDMAN WHEN THE PROPOSED WORK BEGINS AND WHEN IT IS COMPLETED.**

NOTE: Submit Four Copies of Application to Local the Town of Stedman

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## COUNTY of CUMBERLAND

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Sara E. Piland,  
Cumberland County

July 11, 2006

### MEMORANDUM

**TO:** Cumberland County Joint Planning Board

**FROM:** Planning & Inspections Staff

**SUBJECT:** Staff Recommendation for July 18, 2006 Board Meeting

**P06-57:** REVISION AND AMENDMENT TO THE STEDMAN SUBDIVISION ORDINANCE, ARTICLE I, SECTION 1.8. "DEFINITIONS", BY ADDING IN ALPHABETICAL ORDER THE TERM "GREENWAY"; CREATING SECTION 3.13.2, "GREENWAY STANDARDS FOR RESIDENTIAL SUBDIVISIONS"; AND AMENDING THE "TABLE OF CONTENTS" TO REFLECT THE ABOVE AMENDMENTS WHERE APPLICABLE. (STEDMAN)

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

1. The amendment provides standards for interconnecting greenways for residential developments within the Town;
2. If implemented, the proposed standards will assist the Town in attaining their goal of being the "Most Walkable Community"; and
3. This is a request from the Town and drafted by a committee created by the Town.

Attachment:  
- Amendment

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REVISION AND AMENDMENT TO THE STEDMAN SUBDIVISION ORDINANCE, ARTICLE I, SECTION 1.8. "DEFINITIONS", BY ADDING IN ALPHABETICAL ORDER THE TERM "GREENWAY"; CREATING SECTION 3.13.2, "GREENWAY STANDARDS FOR RESIDENTIAL SUBDIVISIONS"; AND AMENDING THE "TABLE OF CONTENTS" TO REFLECT THE ABOVE AMENDMENTS WHERE APPLICABLE. (STEDMAN)

**ADD to Article I, Section 1.8. Definitions, in alphabetical order:**

**Greenway:** A linear space established along a natural corridor, such as a riverfront, wetland area, stream valley, forest, or ridgeline, or over land along a right-of-way converted to a paved course for pedestrian passage to ultimately connect residential areas within the Town for pedestrian access.

**CREATE Section 3.13.2 Greenway Standards for Residential Subdivisions:**

Any new residential developments and/or subdivisions within the Town's corporate limits and within the Town's Municipal Influence Area shall incorporate a greenway system to the following standards:

a. Inter-Development Connection: The greenway or open space plan for the individual development shall include a walkway path that provides connections to all adjacent residentially zoned parcels two acres or larger or to any existing subdivision developments that contain more than 20 units. In instances where adjacent properties have existing greenway or walkways installed to the shared property line, the proposed development greenway plan shall include walkway connections at these points.

b. Walkway Dimensions: Walkways shall [comply with the standards of the Americans with Disabilities Act \(ADA\)](#) and be ADA accessible. Walkways shall be a minimum of 48-inches in width. If a minimum width of 48-inches is selected, a 60-inch wide section shall be provided every 500 linear feet to allow for wheelchair passing. Walkways in open spaces (forest, meadows, etc.) shall be approximately centered in a 15-foot wide area cleared of underbrush, diseased vegetation, and stunted or deformed trees. Every attempt should be made to leave mature "shade" type trees. Ground cover shall be restored in the cleared area via mulch, grass, or other naturally growing vegetation.

c. Roadway Crossings: At locations where the walkway crosses existing or proposed roadways (private and public), a painted crosswalk shall be installed on the roadway pavement. The crosswalk shall meet the [North Carolina Department of Transportation \(NCDOT\)](#) standards. Applicable NCDOT standard pedestrian crossing signs shall be installed at these locations in such a manner as to be viewable by approaching traffic.

Walkway Pavement: Walkways shall be paved with a minimum of 1½ inches of asphalt pavement.

d. Public Accessibility: Walkway layout shall include a minimum of one location to allow for public access to the walkway. (Example: walkway connection to sidewalk on a State or Town owned roadway) The Town of Stedman may require the greenway ([NCDOT](#)) standards. Applicable NCDOT standard pedestrian crossing signs shall be installed at these locations in such a manner as to be viewable by approaching traffic.

- a. Walkway Pavement: Walkways shall be paved with a minimum of 1½ inches of asphalt pavement.
- b. Public Accessibility: Walkway layout shall include a minimum of one location to allow for public access to the walkway. (Example: walkway connection to sidewalk on a State or Town owned roadway) The Town of Stedman may require the greenway plan for a development include between two to six off-street parking spaces for access. Of the parking spaces provide, 50% of such spaces must be handicap accessible per the N. C. Accessibility Code.
- c. Park Benches: The greenway plan shall incorporate the installation of handicap accessible park benches every 2,000 linear feet along the walkway. Park benches shall be a minimum of 6-foot in length with a seat and backrest. Park benches shall be framed with aluminum or hot-dipped galvanized steel. The seat and backrest shall be constructed of treated or composite lumber. Park benches shall be constructed such that the bench frame is embedded in the ground and each post encased in a minimum of 12-inch diameter concrete.
- d. Boardwalks, Piers, and Bridges: In locations where the proposed greenway plan includes boardwalks, piers, or bridges to cross waterways, wetlands, drainage ways, or slope prohibitive areas, the boardwalks, piers, or bridges shall be constructed to a minimum set of standards as follows:
  - (1) 48-inch minimum clear width with areas to permit two-way wheelchair traffic (enlarged landings).
  - (2) Incorporate guardrails that meet the NC Accessibility Code.
  - (3) Structure shall be of sufficient strength to support the imposed dead, live, and impact loads without exceeding the allowable stresses prescribed for various materials in the current North Carolina Building Code. Minimum live load: 40 lbs per square foot or 300 pounds concentrated load on any area two foot square.
  - (4) Design of the boardwalk or bridge shall include a built in or mounted park bench every 1000 linear feet.
  - (5) The design of the boardwalks, piers, or bridges shall be sealed by a professional engineer, landscape architect or architect.
  - (6) All wood structures shall be constructed of treated lumber.
  - (7) If constructed from wood, support posts or piers, shall be a minimum of 6x6 inches in dimension. Wood framing components shall be a minimum of 2x6 inches in dimension. Wood framing shall be sufficiently braced and supported to minimize sagging or warping of the lumber.
- h. Development Open Space Requirements. The construction and dedication of a greenway system that meet the requirements above can be counted toward meeting the provisions of Section 3.13.1 concerning the required 500 square foot of open space per unit in residential developments.
- i. Plan Approval. Prior to final subdivision approval by the Town, the owner or developer shall submit plans to the Town for review and comment. Plans shall be of sufficient detail to demonstrate incorporation of all of the above requirements. Plans shall be prepared by a NC licensed professional engineer, land surveyor or landscape architect. Plans shall be a minimum of 18x24 inches in size and at a minimum scale of 1:100. Text font size shall be a minimum of 8 points. Submissions shall include a minimum of four copies.

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## COUNTY of CUMBERLAND

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Sara E. Piland,  
Cumberland County

July 11, 2006

### MEMORANDUM

**TO:** Cumberland County Joint Planning Board

**FROM:** Planning & Inspections Staff

**SUBJECT:** Staff Recommendation for July 18, 2006 Board Meeting

**P06-50:** REZONING OF 73 +/- ACRES FROM A1 TO R15 OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED BETWEEN CEDAR CREEK AND A. B. CARTER ROADS, WEST OF WILLARD DRIVE, SUBMITTED BY MICHAEL J. ADAMS, OWNED BY J. O. CARTER, JR, WILLIAM G. ALPHIN, J. A. ALPHIN, JR, ALPHIN LIVING TRUST, LEE TRUSTIES, ALLINE A. AND J. O. CARTER, JR AND EDGAR L. AND BEULAH A. BOST.

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

1. The request is consistent with the 2010 Land Use Plan;
2. The request is in character with the surrounding zoning in the area;
3. The subject properties are located on a Major Thoroughfare; and
4. PWC water is available to the site.

Other suitable zoning districts are R40, R40A, R30, R30A, RR, R20 and R20A.

Attachments:

- 1 - Rezoning Sketch Map
- 2 - Site Profile

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## SITE PROFILE

### P06-50

REZONING OF 73 +/- ACRES FROM A1 TO R15 OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED BETWEEN CEDAR CREEK AND A. B. CARTER ROADS, WEST OF WILLARD DRIVE, SUBMITTED BY MICHAEL J. ADAMS, OWNED BY J. O. CARTER, JR, WILLIAM G. ALPHIN, J. A. ALPHIN, JR, ALPHIN LIVING TRUST, LEE TRUSTIES, ALLINE A. AND J. O. CARTER, JR AND EDGAR L. AND BEULAH A. BOST.

#### **Site Information:**

**Applicant/Owner:** MICHAEL J. ADAMS / J. O. CARTER, JR, WILLIAM G. ALPHIN, J. A. ALPHIN, JR, ALPHIN LIVING TRUST, LEE TRUSTIES, ALLINE A. AND J. O. CARTER, JR AND EDGAR L. AND BEULAH A. BOST

**Area:** 73 +/- acres

**Frontage & Location:** 1,100 feet on Cedar Creek and A. B. Carter Roads

**Depth:** 3,000 feet

**Jurisdiction:** County

**Current Use:** Residential and vacant

**Initial Zoning:** September 14, 1979 (Area 9)

**Surrounding Zoning:** North-A1, RR, PND, East-A1, RR, R10, C3, South-A1, R10/CU, M(P) and West-A1, A1/CU, RR, R15, M(P)

**Surrounding Land Use:** Church, duplex, and single family residential

**2010 Land Use Plan:** Low Density Residential

**Urban Services Area:** No

**Water/Sewer Availability:** PWC/PWC will be required. (Water is available on Cedar Creek Road and sewer exists 1000+/- feet at the intersection of Cedar Creek and Evans Dairy Roads).

**Soils:** Butters loamy sand (BuA), Candor sand (CaB), Candor Sand (CaD), Leon sand (Le), Stallings loamy sand (St), and Torhunta soils (Tr)

**School Capacity/Enrolled:** Sunnyside Elementary 245/ 296, Seabrook Elementary 340/369, Mac Williams Middle 1274/1133, Cape Fear High 1400/1507

**Military Impact Area:** No

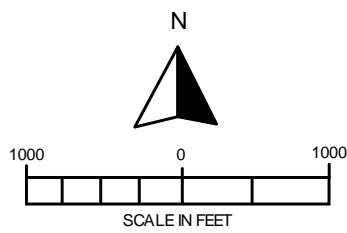
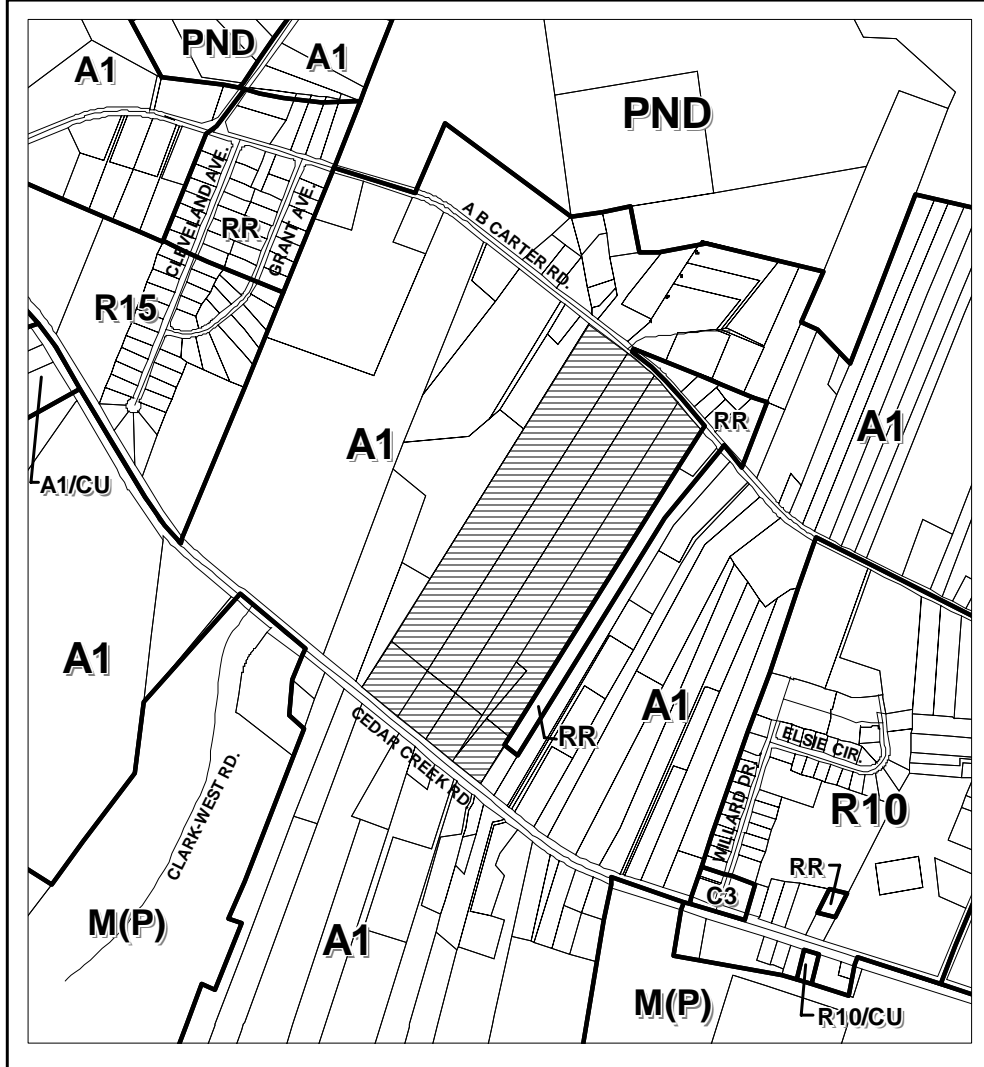
**Highway Plan:** Cedar Creek Road is identified as a Major Thoroughfare. The plan calls for a paved shoulder (Priority 3).

**Average Daily Traffic Count (2004):** 9,700 on Cedar Creek Road, 1,600 on A. B. Carter Road

#### **Notes:**

Density minus 20% for roads:	A1 – 29 lots
	R40 – 63 lots
	R30 – 84 lots
	R20 – 127 lots
	R15 – 169 lots

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REQUESTED REZONING A1 TO R15		
ACREAGE: 73.92 AC.+/-	HEARING NO: P06-50	
ORDINANCE: COUNTY	HEARING DATE	ACTION
PLANNING BOARD		
GOVERNING BOARD		

PIN: 0465-11-6961, 12-4068, 2274, 0452, 7289,  
13-8760, 23-0581, 2365, 4271

AF

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July 11, 2006

### MEMORANDUM

**TO:** Cumberland County Joint Planning Board

**FROM:** Planning & Inspections Staff

**SUBJECT:** Staff Recommendation for July 18, 2006 Board Meeting

**P06-54:** REZONING OF 2.77 ACRES FROM A1 TO R40A OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 3367 CHICKEN FOOT ROAD, SUBMITTED BY TIFFANY S. JOHNSON, OWNED BY GROVER F. ODOM.

The Planning & Inspections Staff recommends approval of the R40A zoning district based on the following:

1. The request is consistent with the 2010 Land Use Plan; and
2. The request is in keeping with the character of the neighborhood.

Note: The Planning and Inspections Staff's preference would be for rezoning to A1A; however, the existing structure on the subject property is not a Class A manufactured home and would become nonconforming.

There are no other suitable zoning districts.

Attachments:

- 1 - Rezoning Sketch Map
- 2 - Site Profile

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## **SITE PROFILE**

### **P06-54**

REZONING OF 2.77 ACRES FROM A1 TO R40A OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 3367 CHICKEN FOOT ROAD, SUBMITTED BY TIFFANY S. JOHNSON, OWNED BY GROVER F. ODOM.

#### **Site Information:**

**Applicant/Owner:** TIFFANY S. JOHNSON / GROVER F. ODOM

**Area:** 2.77 acres

**Frontage & Location:** 100 feet on Chicken Foot Road

**Depth:** 559 feet

**Jurisdiction:** County

**Adjacent Property:** Yes

**Current Use:** Residential

**Initial Zoning:** June 25, 1980 (Area 13)

**Surrounding Zoning:** Primarily A1

**Surrounding Land Use:** County container site and single family residential

**2010 Land Use Plan:** Farmland

**Urban Services Area:** No

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

**School Capacity/Enrolled:** Grays Creek Elementary 764/731, Grays Creek Middle 495/561, Grays Creek High 1270/1020

**Subdivisions:** Subdivision or group development review will be required.

**Soils:** Autryville loamy sand (AuA) and Norfolk loamy sand (NoA)

**Military Impact Area:** No

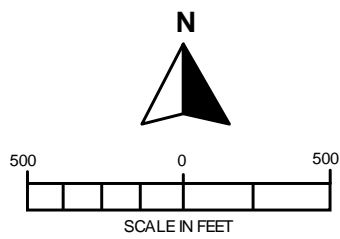
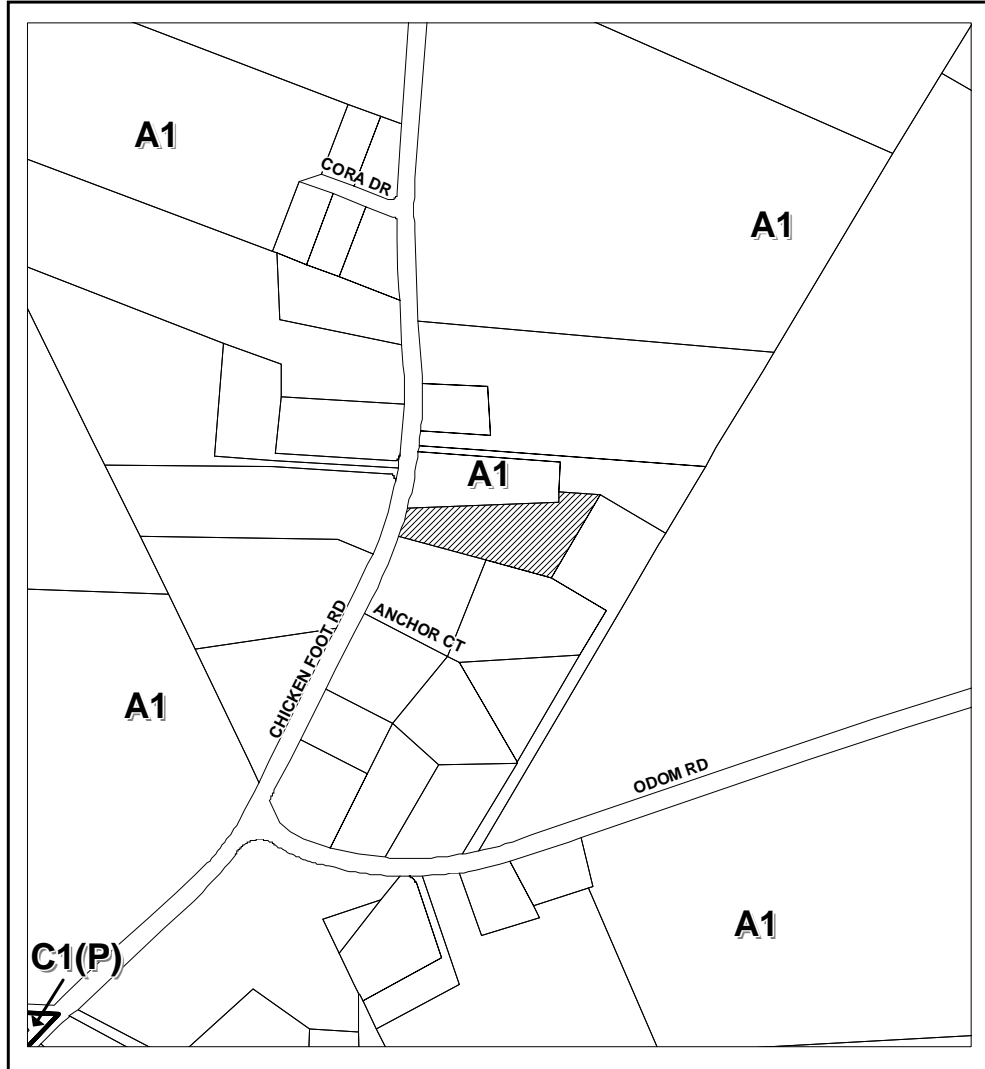
**Highway Plan:** No road improvements or new construction specified for this area.

**Average Daily Traffic Count (2004):** 3,400 on Chicken Foot Road

#### **Notes:**

Density minus 20% for roads:           A1 – 1 lot  
  R40A – 3 lots

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<b>REQUESTED REZONING: A1 TO R40A</b>		
<b>ACREAGE: 2.77 AC. +/-</b>	<b>HEARING NO: P06-54</b>	
ORDINANCE COUNTY	HEARING DATE	ACTION
PLANNING BOARD		
GOVERNING BOARD		

PIN: 0431-20-6860

SP

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Chair  
Town of Linden

Donovan McLaurin  
Vice-Chair  
Wade, Falcon & Godwin

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



## COUNTY of CUMBERLAND

*Planning and Inspections Department*

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

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

July 11, 2006

### MEMORANDUM

**TO:** Cumberland County Joint Planning Board

**FROM:** Planning & Inspections Staff

**SUBJECT:** Staff Recommendation for July 18, 2006 Board Meeting

**P06-55:** REZONING OF 50.84 ACRES FROM A1/CU TO A1 AND R30 OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT THE NORTHEAST QUADRANT OF KING HIRAM AND SCHOOL ROADS, SUBMITTED BY HARVEY ALLEN, OWNED BY JAMES L. PATE, JR. REVOCABLE TRUST.

The Planning & Inspections Staff recommends approval of the A1 portion of the request but recommends R40 in lieu of the R30 request based on the following:

1. The R30 request is not consistent with the 2010 Land Use Plan; however, the Staff recommendation is consistent; and
2. The A1 and R40 zoning districts are consistent with the lot sizes and character of the general area.

There are no other suitable zoning districts to be considered.

Attachments:

- 1 - Rezoning Sketch Map
- 2 - Site Profile

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

**SITE PROFILE**

**P06-55**

REZONING OF 50.84 ACRES FROM A1/CU TO A1 AND R30 OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT THE NORTHEAST QUADRANT OF KING HIRAM AND SCHOOL ROADS, SUBMITTED BY HARVEY ALLEN, OWNED BY JAMES L. PATE, JR. REVOCABLE TRUST.

**Site Information:**

**Applicant/Owner:** HARVEY ALLEN / JAMES L. PATE, JR. REVOCABLE TRUST

**Area:** 50.84 acres

**Frontage & Location:** 4,350 feet on King Hiram Road and School Road

**Depth:** 1,000 feet

**Jurisdiction:** County

**Current Use:** Agricultural

**Initial Zoning:** June 25, 1980 (Area 13)

**Zoning Violation(s):** None

**Surrounding Zoning:** North and West-A1, R40, R40A, East-A1, and South-A1, A1/CU

**Surrounding Land Use:** Horse boarding and single family residential

**2010 Land Use Plan:** Farmland

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

**Soils:** Autryville loamy sand (AuA), Coxville loam (Co), Norfolk loamy sand (NoA), Norfolk loamy sand (NoB), Wagram loamy sand (WaB)

**School Capacity/Enrolled:** Grays Creek Elementary 764/731, Grays Creek Middle 495/561, Grays Creek High 1270/1020

**Military Impact Area:** No

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

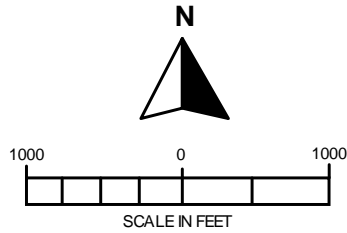
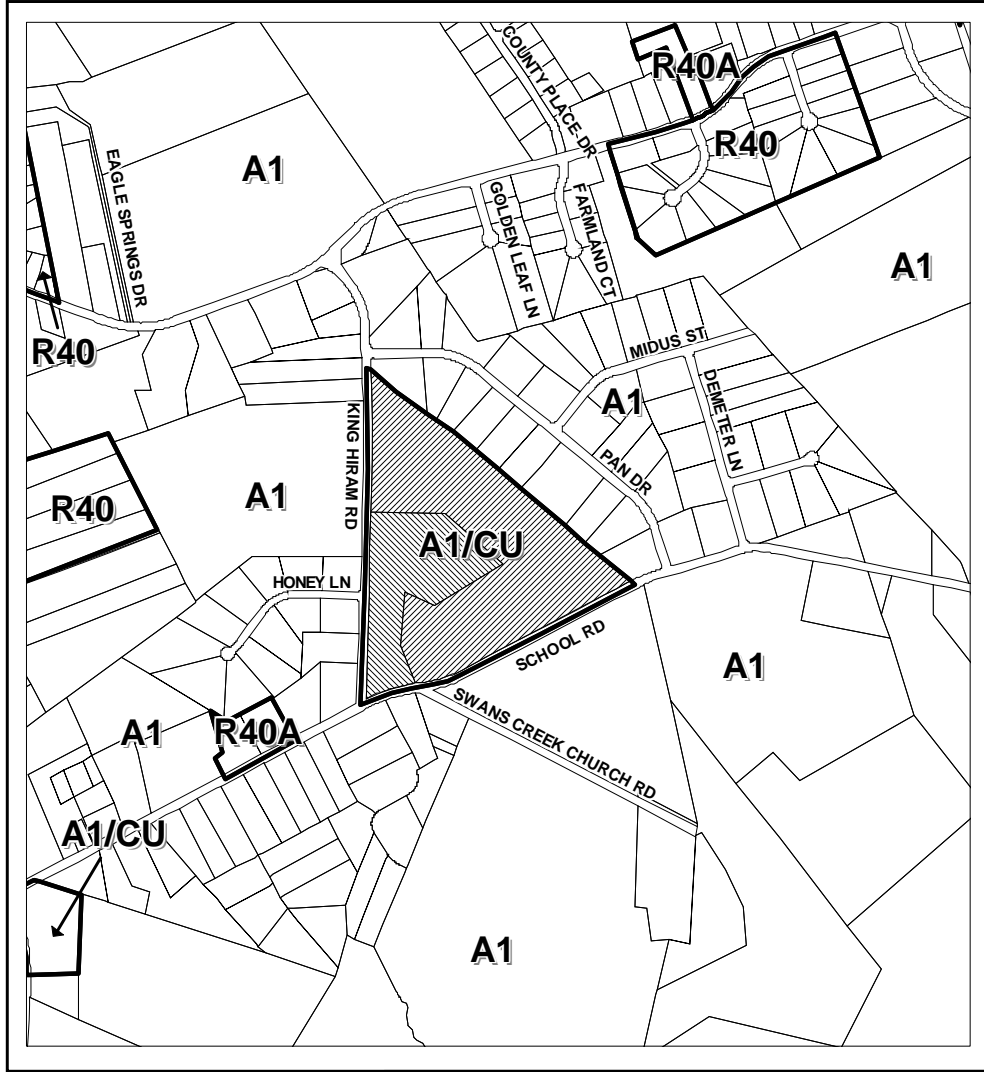
**Average Daily Traffic Count (2004):** 1,600 on School Road

**Notes:**

Previous Case 94-169: A1/CUO limited to 39 lots and to require homes be at least 2000 square feet.

Density minus 20% for roads:	<u>A1/CU to A1 (13.83 ac)</u>	<u>A1/CU to R30 (37.01 ac)</u>
	A1 – 5 lots	A1 – 14 lots
		R40 – 32 lots
		R30 – 42 lots

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<b>REQUESTED REZONING:</b>		
<b>A1/CU TO A1</b> <b>&amp; R30</b>		
13.83 AC.+/-      37.01 AC.+/-		
<b>ACREAGE: 50.84 AC.+/-</b>	<b>HEARING NO: P06-55</b>	
<b>ORDINANCE COUNTY</b>	<b>HEARING DATE</b>	<b>ACTION</b>
<b>PLANNING BOARD</b>		
<b>GOVERNING BOARD</b>		

PIN: 0431-55-4906

REV: 7/10/06  
SP

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Sara E. Piland,  
Cumberland County

July 11, 2006

### MEMORANDUM

**TO:** Cumberland County Joint Planning Board

**FROM:** Planning & Inspections Staff

**SUBJECT:** Staff Recommendation for July 18, 2006 Board Meeting

**P06-56:** REZONING OF 7.62 ACRES FROM A1 TO R40 OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 3745 AND 3837 FINAL APPROACH DRIVE, SUBMITTED BY JONATHAN KEITH, OWNED BY O. B. KNOWLES HEIRS.

The Planning & Inspections Staff recommends approval of the R40 zoning district based on the following:

1. Although the request is not consistent with the Eastover Study Area Detailed Land Use Plan, the R40 zoning district is in keeping with the general zoning classification of the area; and
2. The R40 district is a more restrictive zoning district.

There are no other suitable zoning districts to be considered.

Attachments:

- 1 - Rezoning Sketch Map
- 2 - Site Profile

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## SITE PROFILE

### P06-56

REZONING OF 7.62 ACRES FROM A1 TO R40 OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 3745 AND 3837 FINAL APPROACH DRIVE, SUBMITTED BY JONATHAN KEITH, OWNED BY O. B. KNOWLES HEIRS.

#### **Site Information:**

**Applicant/Owner:** JONATHAN KEITH / O. B. KNOWLES HEIRS

**Area:** 7.62 acres

**Frontage & Location:** 524 feet on Final Approach Drive

**Depth:** 487 feet

**Jurisdiction:** County

**Adjacent Property Owner:** Yes

**Current Use:** Residential

**Initial Zoning:** April 26, 1979 (Area 8)

**Surrounding Zoning:** North-A1, RR, R10, C(P), M2, East-A1, R40, RR, South-A1, R40, RR, HS(P)/CU, C(P), and West-A1, RR, RR/CU, R6A, HS(P), C(P)

**Surrounding Land Use:** Single family residential

**Eastover Study Area Detailed Land Use Plan:** One-Acre Residential

**Designated 100-Year Floodplain or Floodway:** Special Flood Hazard Area at 188 MSL (NAVD) – effective December 2006

**Urban Services Area:** Yes

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

**ESD:** Recommends approval

**School Capacity/Enrolled:** Eastover Central 364/370, Mac Williams Middle 1274/1133, Cape Fear High 1400/1507

**Subdivisions:** A subdivision review will be required for any future lots and will need more road frontage in order to divide. The portion of Lot 3 would need to be recombined with another lot and the remaining portion will require access.

**Soils:** Candor sand (CaB), Johnston loam (JT), Lakeland sand (LaB), Norfolk loamy sand (NoA)

**Military Impact Area:** No

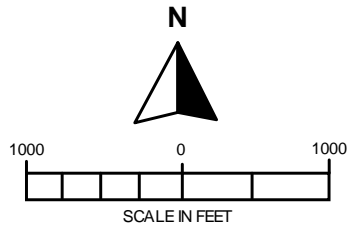
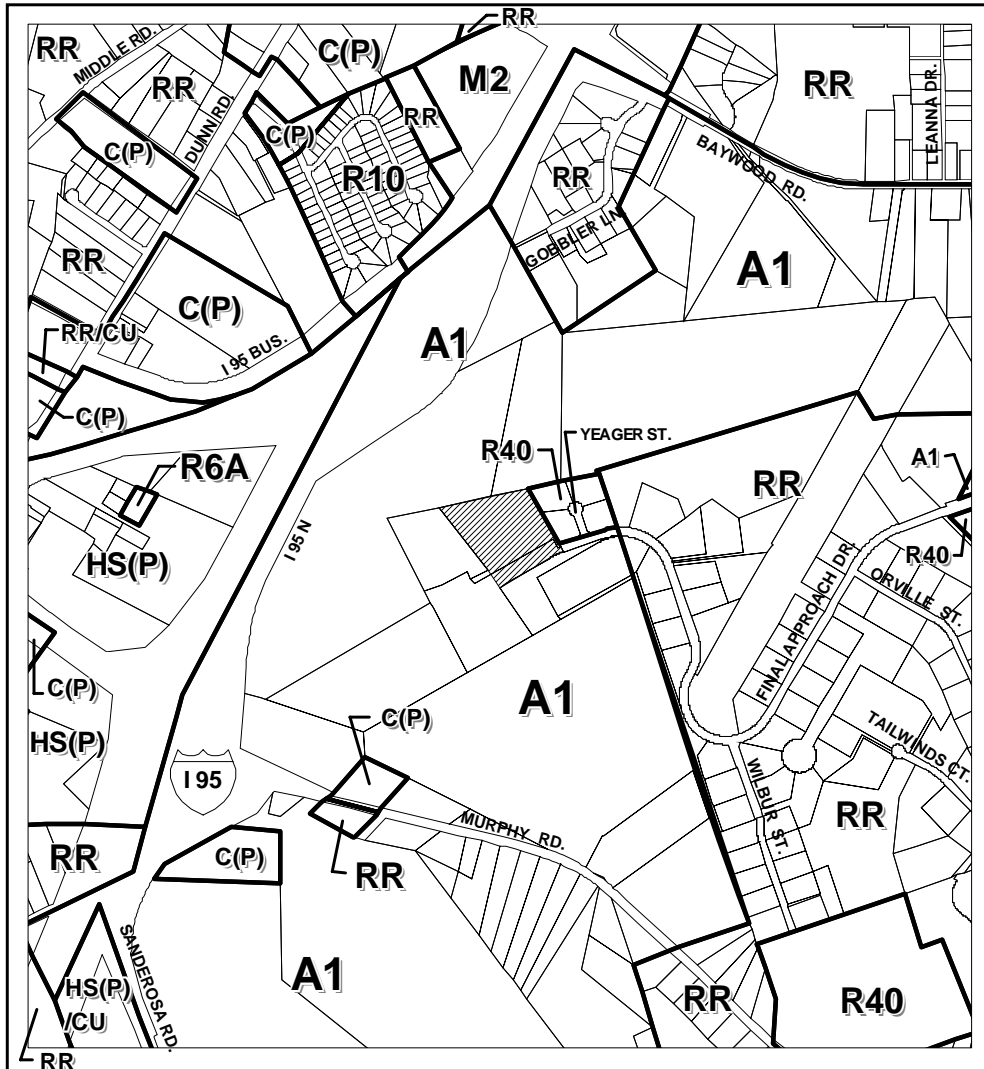
**Highway Plan:** No road improvements or new construction is specified for this area.

#### **Notes:**

Density minus 20% for roads:

A1 – 3 lots
A1A – 6 lots
R40 – 6 lots

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## REQUESTED REZONING A1 TO R40

ACREAGE: 7.62 AC.+/-	HEARING NO: P06-56	
ORDINANCE COUNTY	HEARING DATE	ACTION
PLANNING BOARD		
GOVERNING BOARD		

PIN: 0468-66-0457  
 PORT OF PIN: 0468-55-9961

AF

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Sara E. Piland,  
Cumberland County

July 11, 2006

### MEMORANDUM

**TO:** Cumberland County Joint Planning Board

**FROM:** Planning & Inspections Staff

**SUBJECT:** Staff Recommendation for July 18, 2006 Board Meeting

**P06-52:** REZONING OF 258.12 ACRES FROM A1 AND CD TO RR/DD/CUD OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED WEST OF ROSLIN FARM ROAD, NORTH OF JOHN MCMILLAN ROAD, SUBMITTED BY LINDA P. SCOTT, OWNED BY TKD FARMS INC.

The Planning & Inspections Staff recommends approval of the RR/DD/CUD based on the following:

1. Although the request is not consistent with the 2010 Land Use Plan, the RR/DD/CUD is intended to promote the preservation of open space and the rural character of the area while providing for residential use of the property; and
2. Robeson County water will be utilized at the site.

Attachments:

- 1 – Rezoning Sketch Map
- 2 – Site Plan
- 3 – Site Profile
- 4 – Ordinance-Related Conditions

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## SITE PROFILE

### P06-52

REZONING OF 258.12 ACRES FROM A1 AND CD TO RR/DD/CUD OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED WEST OF ROSLIN FARM ROAD, NORTH OF JOHN MCMILLAN ROAD, SUBMITTED BY LINDA P. SCOTT, OWNED BY TKD FARMS INC.

#### **Site Information:**

**Applicant/Owner:** LINDA P. SCOTT / TKD FARMS INC.

**Area:** 258.12 acres

**Frontage & Location:** 2,428 ft on Roslin Farm Road

**Depth:** 3,000 feet (average)

**Jurisdiction:** County

**Current Use:** Pasture, woods, farmland

**Initial Zoning:** June 25, 1980 (Area 13)

**Zoning Violation(s):** None

**Surrounding Zoning:** North – A1, R40A, East-A1, A1/CU, R40/CU, R40A, RR, South and West-A1, CD, Robeson County

**Surrounding Land Use:** Substation (2), air traffic control substation, single family residential, and woodlands

**2010 Land Use Plan:** Farmland and Open Space

**Designated 100-Year Floodplain or Floodway:** Yes – Special Flood Hazard Area @ 156-165 MSL (NAVD).

**Urban Services Area:** No

**Water/Sewer Availability:** Robeson County Water / Septic

**School Capacity/Enrolled:** Galberry Farm Elementary 886/973, South View Middle 822/974, Gray's Creek High 1270/1020

**Military Impact Area:** No

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

**Average Daily Traffic Count (2004):** 1,100 on Roslin Farm Road

#### **Notes:**

#### **Application Conditions Submitted by the Applicant**

1. 42.6% Open Space or 109.98 acres.
2. Single family residential development for 234 lots (.50 acre lots/21,780 sq ft)
3. Proposed front yard setback-50 feet, rear yard setback-35 feet, the side yard setback and periphery IAW the Zoning Ordinance.
4. Perimeter Buffer: 250 feet (minimum) open space with white rail fence along Roslin Farm Road, 20 foot (minimum) around the entire development.  
NOTE: During construction part of the open space along Roslin Farm Road will be used for erosion sediment ponds. After construction, they will be backfilled, graded and grassed.
5. Signage: 2 entrance signs, one on each side of the entrance, IAW Sec 1306A2.

#### **RR/Density Development/Condition Use District** (Ordinance - Related Conditions)

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### **Permit-Related:**

1. The owner/developer(s) of these lots must obtain detailed instructions on permits required to place a structure within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. The County Code Enforcement Section will need a copy of this approved condition sheet and the approved plat/plan. 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.
3. Connection to public water is required, Robeson County must approve water plans prior to application for any permits.
4. The developer shall provide a certified document from Robeson County approving the use of the Robeson County's water system prior to issuance of permits.
5. 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.)
6. 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 showing the location of the basin(s) must be submitted and approved by Planning & Inspections prior to application for any permits.
7. At a minimum, a zoning permit is required prior to the placement of any structure on any portion of any lot within this development.
8. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.

### **Site-Related:**

9. The developer is required to submit to Land Use Codes, three copies of the legal documents specifically designating responsibility for all common/open space areas through an owners' association for this development. **These documents must be approved by the County Attorney prior to any permit application and/or the sale of or submission for final plat approval of any lot or unit within this development.**
10. All setbacks along the periphery and the public rights-of-way of this development shall meet the dimensional requirements of the RR zoning district unless otherwise shown on the site plan and/or application.
11. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Zoning Ordinances for the RR zoning district must be complied with, as applicable.
12. The Planning and Inspections Staff recommends favorable consideration of the proposed layout of the open space areas including the area along the frontage road, as shown on the site plan. **(Note: If there are any variations in the design of the open space areas, the developer may be required to revise the plan and resubmit for approval by the Planning & Inspections Staff or if substantial, by the Board of Commissioners.)**
13. All corner lots must provide for two front yard setbacks.
14. 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

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- the property. (Note: This conditional approval is **not** approval of the size, shape, or location of any signs.)
15. The developer must obtain driveway permits from the NC Department of Transportation (NCDOT).
  16. The NC Department of Transportation (NCDOT) may require turn lanes to be installed.
  17. The owner's association is responsible and liable for maintenance and upkeep of all common/open space areas, all structures, and appurtenances, to include ensuring that the site is kept free of litter and debris, all grass areas mowed, all buffers and shrubbery kept trim and maintained, so that the site remains in a constant state of being aesthetically and environmentally pleasing.
  18. All notes and calculations as shown on the site plan are to be considered as a part of this conditional approval.

**Plat-Related:**

19. A 10' x 70' sight distance easement shall be required for each street and/or drive where they intersect with SR 2243 (Roslin Farm Road) and shall be reflected on the final plat.
20. 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.
21. The developer shall contact E911 Street Naming and Addressing regarding the process of acquiring "approved" street names and the approved street names must be reflected on the plat when submitted for final approval. (**Note: Street name approval can take up to ten working days.**)
22. 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. (Note: Fire hydrant connections shall be provided underground in the same manner as for "Roslin Farms" development approved in Case No. P05-06.)
23. The owner/developer shall secure and maintain the retention basin, keeping it clear of debris and taking measures for the prevention of insect and rodent infestation.
24. 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 for each individual residential lot must be approved by Land Use Codes prior to issuance of any permits.
25. 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.
26. If lots within this development must be served by an internal street system and the final plat must reflect a "no access" easement along SR 2243 (Roslin Farm Road).
27. Upon development on proposed lots all first floor elevations, including all mechanical and electrical equipment be at or above the 156' – 165' MSL contour elevation based on NGVD 29 and that this contour elevation shall be labeled as the "Special Flood Hazard Area" on the final plat and the proper floodplain development permits shall be

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- obtained through the Office of the County Engineer prior to any building permit application.
28. 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.
  29. 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.
  30. A 25’ right-of-way radius is required at all intersections and must be reflected on the final plat.
  31. The NC Department of Transportation (NCDOT) stamp must be affixed to the final plat prior to submission of any phase of this development for final plat approval by Land Use Codes.
  32. The notarized signature(s) of all current tax record owner(s) and notary certifications appear on the final plat when submitted for final approval.
  33. 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.)
  34. 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 Statement:**

35. 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.”

36. That all structures shall be shown on the final plat or the final plat shall reflect the following statement:

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

**Advisories:**

37. The applicant is advised to consult an expert on wetlands before proceeding with any Development.
38. The developer shall be aware that any addition and/or revision to this plat may require an additional review and approval by the Planning & Inspections Department and/or the County Board of Commissioners prior to submission for permits for any structure and/or final plat approval of any portion of this development.
39. The owner/developer is responsible for ensuring easements which may exist on the subject property are accounted for, not encumbered and that no part of this development is violating the rights of the easement holder.

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40. s conditional approval is not to be construed as all encompassing of the applicable rules, regulations, etc. which must be complied with for any development. Other regulations, such as building, environmental, health and so forth, may govern the specific development. The developer is the responsible party to ensure full compliance with all applicable Federal, State, and local regulations.

**Other Relevant Conditions:**

41. This conditional approval is contingent upon continued compliance with the County's Subdivision and Zoning Ordinances.

42. 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 **Bonny Collins at 910-678-7603 or Patti Speicher at 910-678-7605.****

Contact Information (all calls are local unless otherwise stated):

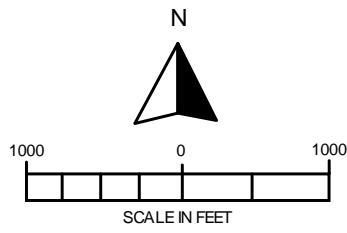
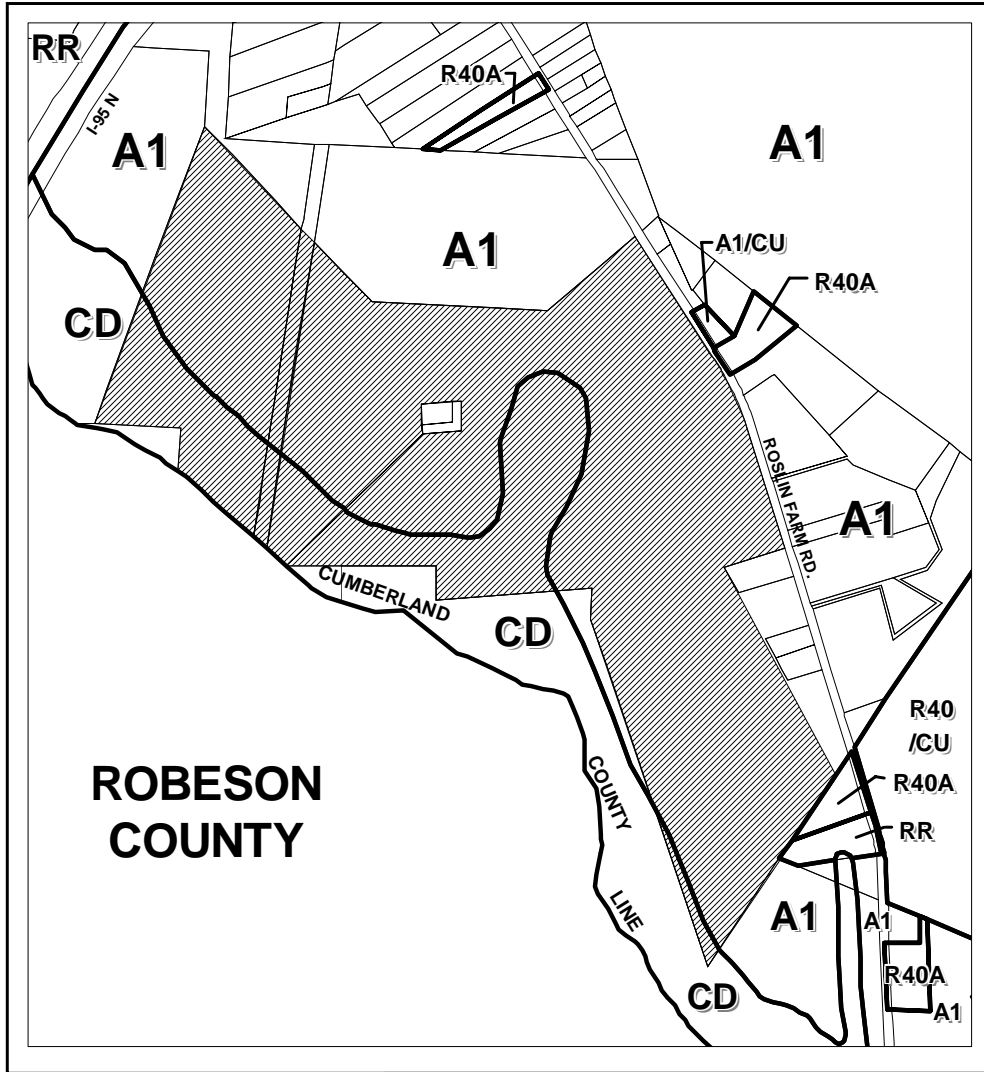
Improvements Inspection: Subdivision/Site Plan/Plat 7609	Mary Ann Steinmetz Ed Byrne	678-7626 678-
Code Enforcement: 6654	Ken Sykes	321-
County Engineer's Office: 7636	Wayne Dudley	678-
Corp of Engineers (wetlands): 4829	Lynette Grenade	(910)251-
NCDENR (S&E): 1541	Wendy Dunaway	486-
E911 Site-Specific Address: E911 Street Naming/Signs: Tax Parcel Numbers: 7647	Ron Gonzales Diane Shelton David Ivey	678-7616 678-7665 678-
NCDOT (driveways/curbcuts): 1496	Gary Burton	486-
NCDOT (subdivision roads): County Health Department:	Bill Hammond Danny Soles	486-1496 433-3686

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**RR/DENSITY DEVELOPMENT/CONDITIONAL USE DISTRICT**  
**REQUEST: SINGLE FAMILY RESIDENTIAL DEVELOPMENT**  
**CASE: P06-52 ACREAGE: 258.12±**  
**SCALE: NTS**

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### REQUESTED REZONING A1 & CD TO RR/DD/CUD

ACREAGE: 258.12 AC.+/-		HEARING NO: P06-52	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
PLANNING BOARD			
GOVERNING BOARD			

PORT OF PIN: 0412-52-2357, 8208

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Cumberland County

July 11, 2006

### **MEMORANDUM**

**TO:** Cumberland County Joint Planning Board

**FROM:** Planning & Inspections Staff

**SUBJECT:** Staff Recommendation for July 18, 2006 Board Meeting

**P06-39:** REZONING OF FOUR PARCELS TOTALING 28.46 ACRES FROM A1 TO R40 OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 1750 WADE-STEDMAN ROAD, SUBMITTED BY HERMAN LOCKAMY, OWNED BY AUDREY FAULKNER.

This case was presented to the Board at the June 20<sup>th</sup> meeting, at which time the Board deferred the case to give the applicant a chance to be present. On June 21, 2006 Staff wrote to the applicant and explained the importance of their presence at the July 18<sup>th</sup> meeting.

The recommendation of the Planning & Inspections Staff remains unchanged for approval of the R40 district based on the following:

1. The request is consistent with the 2010 Land Use Plan; and
2. The request is consistent with the current zoning and lot sizes in the general area.

There are no other suitable districts.

Attachments:

- 1 - Rezoning Sketch Map
- 2 - Site Profile

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**SITE PROFILE**

**P06-39**

REZONING OF FOUR PARCELS TOTALING 28.46 ACRES FROM A1 TO R40 OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 1750 WADE-STEDMAN ROAD, SUBMITTED BY HERMAN LOCKAMY, OWNED BY AUDREY FAULKNER.

**Information:**

**Applicant/Owner:** HERMAN LOCKAMY / AUDREY FAULKNER

**Area:** 28.46 acres

**Frontage & Location:** 85 feet on Wade-Stedman Road

**Depth:** 1,860 feet

**Jurisdiction:** County

**Current Use:** Agricultural

**Initial Zoning:** September 3, 1996 (Area 20)

**Zoning Violation(s):** None

**Nonconformities:** Yes – barn to be removed

**Surrounding Zoning:** North-A1, R40A, RR, C(P), East-A1, R40A, RR, South-A1, R40, R40A, RR, and West-A1, RR, C(P)

**Surrounding Land Use:** Open storage of junk cars and single family residential

**2010 Land Use Plan:** Farmland

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

**School Capacity/Enrolled:** Stedman Primary 126/140, Stedman Elementary 303/283, Mac Williams Middle 1274/1133, Cape Fear High 1400/1507

**Subdivisions:** Landlocked properties will require road frontage, if changed. Lots illegally subdivided must be platted prior to any development and be given road frontage.

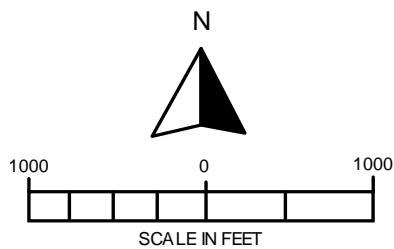
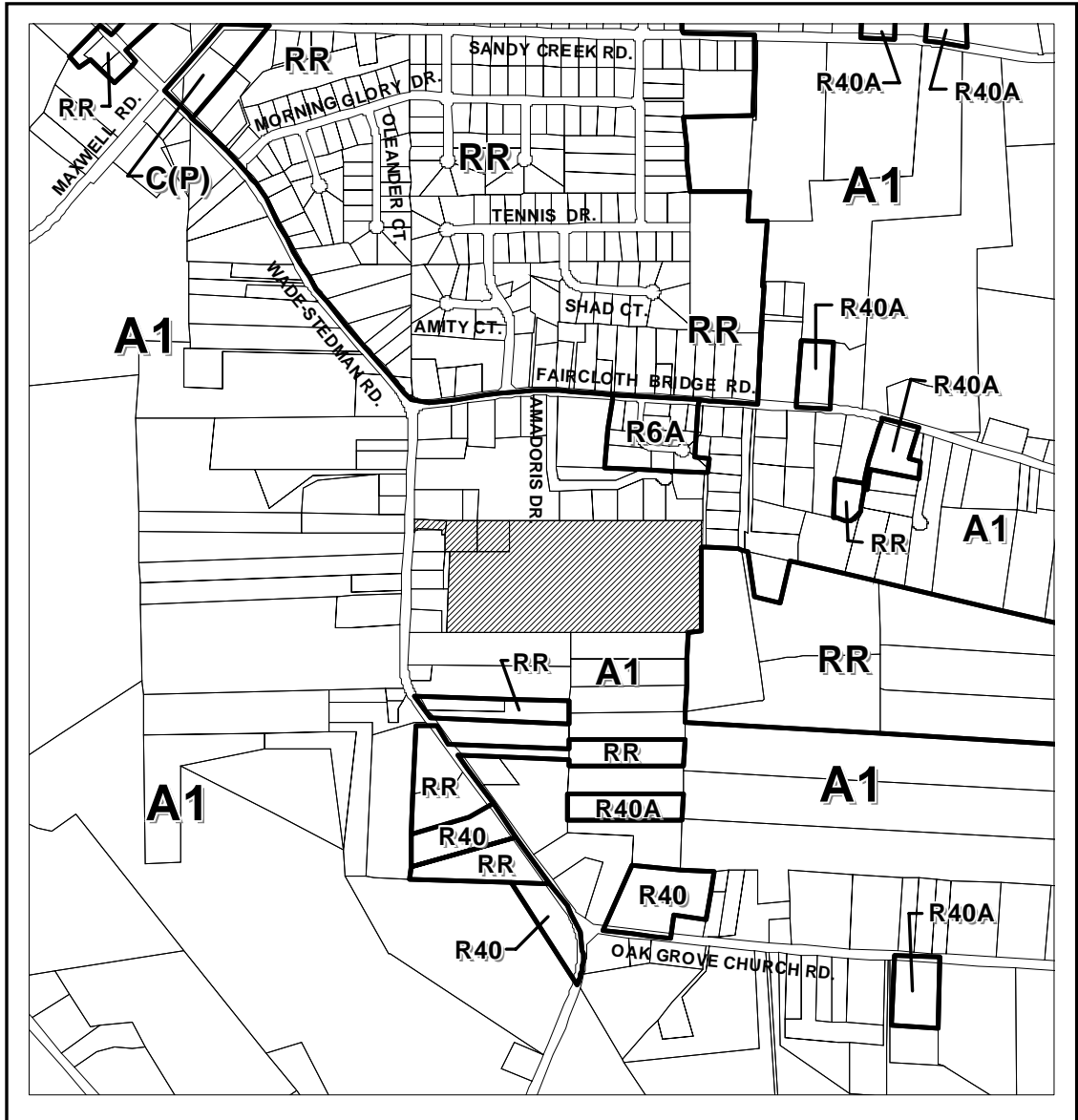
**Military Impact Area:** No

**Highway Plan:** Wade-Stedman Road is identified as a Major Thoroughfare. The plan calls for widening to a multi-lane facility (Priority #2).

**Average Daily Traffic Count (2004):** 2,600 on Wade-Stedman Road

**Notes:**

Density minus 20% for roads:           A1 – 11 lots  
  R40 – 24 lots



**REQUESTED REZONING:  
A1 TO R40**

<b>ACREAGE: 28.46 AC.+/-</b>		<b>HEARING NO: P06-39</b>
ORDINANCE COUNTY	HEARING DATE	ACTION
PLANNING BOARD		
GOVERNING BOARD		

PIN: 0497-25-5282, 7185, 9184  
0497-34-5855

AF

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Wade, Falcon & Godwin

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Town of Spring Lake  
Harvey Cain, Jr.,  
Town of Stedman



## COUNTY of CUMBERLAND

*Planning and Inspections Department*

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Director

Cecil P. Combs,  
Deputy Director

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

July 11, 2006

### MEMORANDUM

**TO:** Cumberland County Joint Planning Board

**FROM:** Planning & Inspections Staff

**SUBJECT:** Staff Recommendation for July 18, 2006 Board Meeting

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

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

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

There are no other suitable zoning districts to be considered.

Attachments:

- 1 - Rezoning Sketch Map
- 2 - Site Profile

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## SITE PROFILE

### P06-53

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

#### **Site Information:**

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

**Area:** 5.53 acres

**Frontage & Location:** 480 feet on Clinton Road

**Depth:** 370 feet

**Jurisdiction:** County

**Adjacent Property:** Yes

**Current Use:** Vacant

**Initial Zoning:** April 26, 1979 (Area 8)

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

**Surrounding Land Use:** Single family residential

**2010 Land Use Plan:** Suburban Density Residential

**Urban Services Area:** Yes

**Water/Sewer Availability:** PWC / PWC

**Subdivisions:** Subdivision review

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

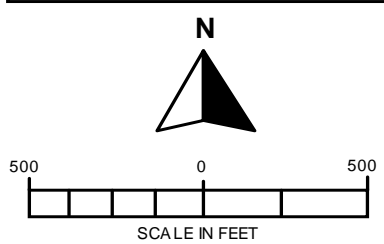
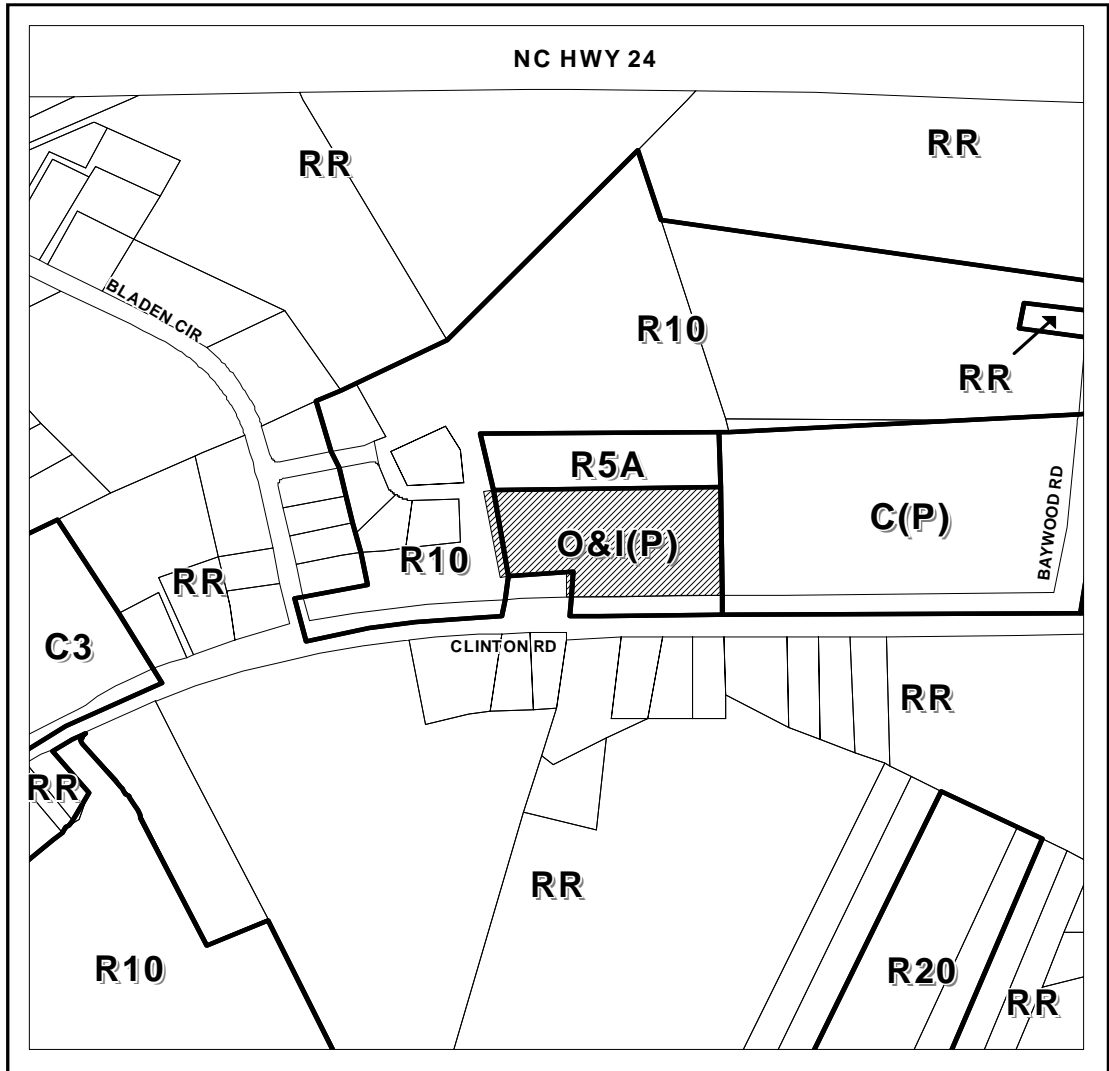
**Military Impact Area:** No

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

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

**Notes:**

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

PORT. PIN: 0466-68-1494

SP

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Sara E. Piland,  
Cumberland County

July 11, 2006

TO: County Joint Planning Board

FROM: Edward M. Byrne, Planner II

SUBJECT: Case No. 06-116  
Ronald L. Royal Property  
(Subdivision Review)

The developer has submitted a request for a waiver from Sections 3.17.c "Street Design", County Subdivision Ordinance, regarding the length of the proposed cul-de-sac. The Subdivision Ordinance establishes a maximum length of 800 feet for cul-de-sacs. The proposed length of the cul-de-sac is 1,600 feet +/- . The subdivision contains 26.91 ac. +/-, is zoned R30, and has 33 proposed lots.

The developer has requested not to be required to tie into the adjacent properties with road stubs because of the current zoning of A1 which surrounds this development. The developer wants to assure that his development will not be negatively impacted by any future developments that would tie into the road stubs, in which manufactured-type housing or other undesirable uses are allowed. The R30 zoning classification does not allow for manufactured housing.

The Planning & Inspections Staff recommends the creation of two road stub connecting to the adjoining properties. This would promote connectivity between developments allowing for multiple access points to serve this area for safety issues and would eliminate the need for the waiver. The extension of "A" Street into this property would eliminate the need for the waiver since the block length for road would not be exceeded; however, the northeast side of this property is bordered by a drainage canal which would make it difficult to extend the cul-de-sac and would serve no public purpose to stub into the tract.

The Planning & Inspections Staff is requesting the stubs for future connectivity purposes. This would allow for a more logically planned development of the immediate area and not create future development problems that can not be corrected after a subdivision is built-out.

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

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

The Planning & Inspections Staff recommends denial of the waiver request based on

1. There is not any existing conditions which would prevent the road stubs from being provided, due to unusual physical conditions such as the size, shape or topography of the subject or adjacent properties, preventing strict compliance with the provisions of the Subdivision Ordinance;
2. The two requested road stub would provide for connectivity between any future developments that will follow and allow for multiple access points and allow for a logically planned community; and
3. The purposes of the Subdivision and Zoning Ordinances are to serve the public need and to promote the *public's* health, safety and general welfare.

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

cc: Ronald L. Royal, Developer  
Denver McCullough, Surveyor  
Grainger Barrett, County Attorney  
Patti Speicher, Planner III

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# COUNTY of CUMBERLAND

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Lori Epler,  
Sara E. Piland  
Cumberland County

PLANNING STAFF DECISION: 6-29-06 PLANNING BOARD DECISION: 7-18-06 COUNTY OR COUNCIL MEETING: N/A

CASE NO: 06-116 NAME OF DEVELOPMENT: RONALD L. ROYAL SUBDIVISION SUBDIVISION REVIEW

OF SR 1826 (WADE-STEDMAN ROAD), LOCATION: EAST ZONING: R30 SOUTH OF SR 1818 (HAYFIELD ROAD). PIN: 0489-91-4278-: 7031-

OWNER OR DEVELOPER: RONALD L. ROYAL ENGINEER OR DESIGNER: DENVER MCCULLOUGH

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

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

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

**Revision:**

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1. The developer shall submit 5 copies of a revised map showing the following:
  - a. That the cul-de-sac labeled as “C” Street be extended to the property owned by Jack McLamb (PIN: 0489-90-0197-) for future connectivity.
  - b. That a road stub across from the cul-de-sac labeled as “C” Street be extended to the property owned by (PIN: 0489-91-0286) for connectivity.
  - c. The property identified as PIN: 0489-80-9484- be included with a lot number and acreage shown.

**Permit-Related:**

2. The owner/developer(s) of these lots must obtain detailed instructions on permits required to place a structure within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. The County Code Enforcement Section will need a copy of this approved condition sheet and the approved plat/plan. For additional information, the developer should contact a Code Enforcement Officer.
3. The County Health Department must approve water and sewer plans prior to application for any permits.
4. 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.)
5. 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.
6. At a minimum, a zoning permit is required prior to the placement of any structure on any portion of any lot within this development.
7. The developer must provide a site –specific address and tax parcel number at the time of building/zoning permit application.

**Site-Related:**

8. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Zoning Ordinances for the R30 zoning district must be complied with.
9. That all corner lot follow two front yard setbacks.
10. 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.)
11. 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.
12. The developer must obtain a driveway permit from the NC Department of Transportation (NCDOT).
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. Turn lanes may be required by the NC Department of Transportation (NCDOT).
15. The NC Department of Transportation (NCDOT) will not allow a driveway for each individual lot.

**Plat-Related:**

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16. The strip of land across from lot 1 shall be recombined with lot 33 or be labeled as common area on the final plat. **(Note: If this land is to be common area then legal documents will be required.)**
17. The property identified as PIN: 0489-80-9484 shall be included on the final plat and shall be numbered and acreage shown. (Note: This property was part of lot 2 recorded on Plat Bk. 44, Pg. 37)
18. The developer is required to submit to Land Use Codes, three copies of the legal documents specifically designating responsibility for maintenance and keep of all common areas 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. **(Note: This condition applies only the strip of land across from lot 1 is not combined with lot 33 and is left as common area for the development.)**
19. The developer shall contact street naming for approved street names. **(Note: The proposed street names listed on the map are not approved names.)**
20. 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.
21. Dedication of 10 feet of right-of-way and reservation of 5 feet of right-of way along SR 1826 (Wade – Stedman 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.
22. 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 \$1,120.64 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)
23. 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.
24. A 10' x 70' sight distance easement shall be required at the intersection of SR 1826 (Wade – Stedman Road) with A Street and must be reflected on the final plat.
25. A 25' right-of-way radius is required at all intersections and must be reflected on the final plat.
26. 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.
27. The notarized signature(s) of all current tax record owner(s) and notary certifications appear on the final plat when submitted for final approval.
28. 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.)

29. 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.
30. The developer be aware that any addition and/or revision to this plat may require an additional review and approval by the Planning & Inspections Department prior to submission for final plat approval of any portion of this development.

**Plat-Required Statements:**

31. 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.”

32. 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.”

33. All structures shall be shown on the final plat or the final plat shall reflect the following statement: “Nonconforming structures have not been created by this subdivision.”

**Advisories:**

34. The applicant is advised to consult an expert on wetlands before proceeding with any development.
35. The owner/developer is responsible for ensuring easements which may exist on the subject property are accounted for, not encumbered and that no part of this development is violating the rights of the easement holder.
36. This conditional approval is not to be construed as all encompassing of the applicable rules, regulations, etc. which must be complied with for any development. Other regulations, such as building, environmental, health and so forth, may govern the specific development. The developer is the responsible party to ensure full compliance with all applicable Federal, State, and local regulations.

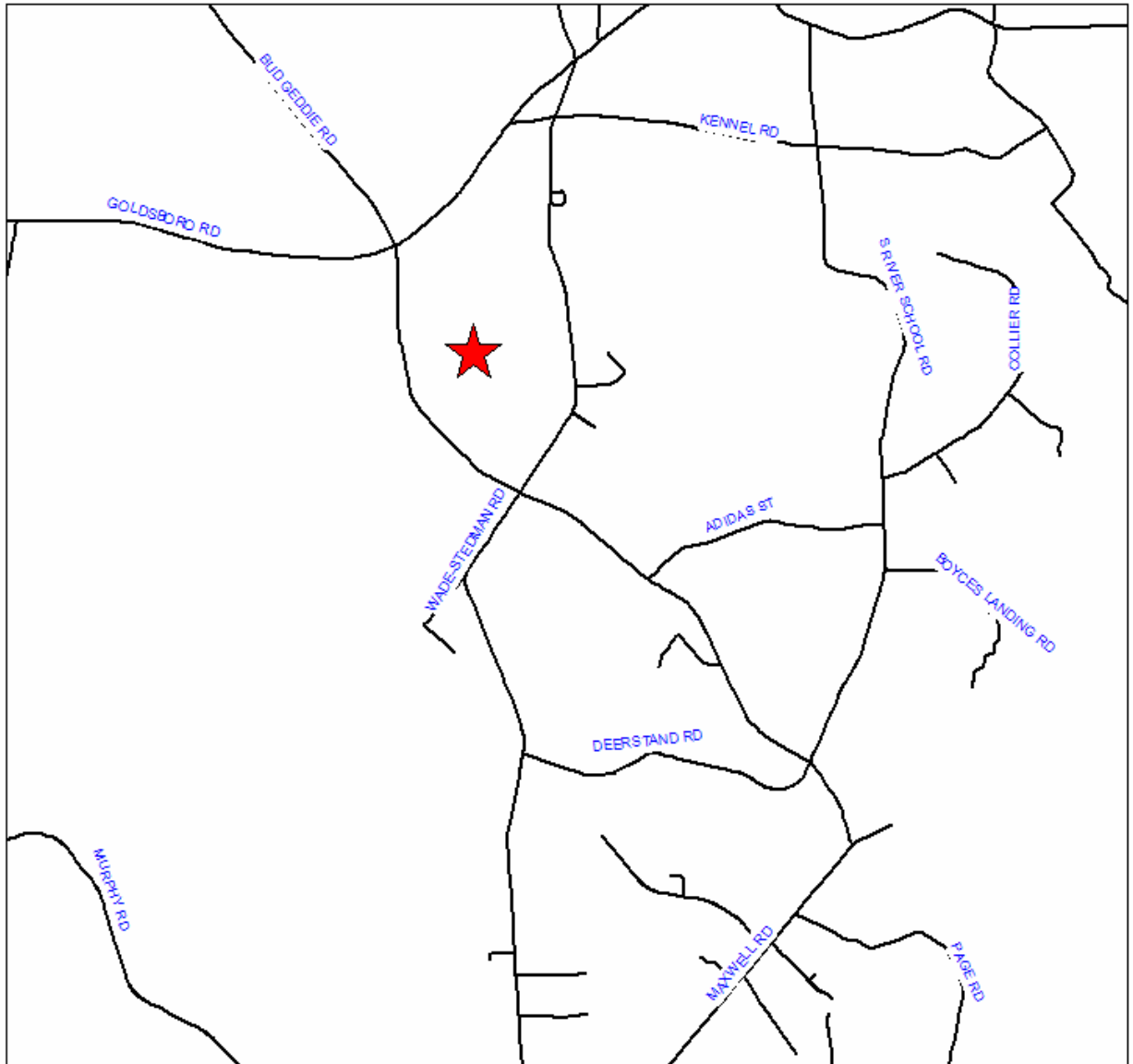
**Other Relevant Conditions:**

37. This conditional approval is contingent upon continued compliance with the County’s Subdivision and Zoning Ordinances.
38. 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.”

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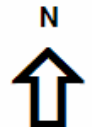
39. The developer submitted a request for a wavier from Section 3.17.c of the Cumberland County Subdivision Ordinance for the cul-de-sac labeled as "A" Street.
40. The Planning Staff recommends denial of the wavier and has requested that the cul-de-sac labeled as "C" Street be extended on both ends to the adjoining properties for future connectivity. This will also eliminate the need for a waiver on the cul-de-sac length.
41. The Cumberland County Joint Planning Board will hear the request for the waiver from Section 3.17.c, Cumberland County Subdivision Ordinance on July 18, 2006.

**RONALD L. ROYAL SUBDIVISION  
SUBDIVISION REVIEW  
CASE NO. 06-116**

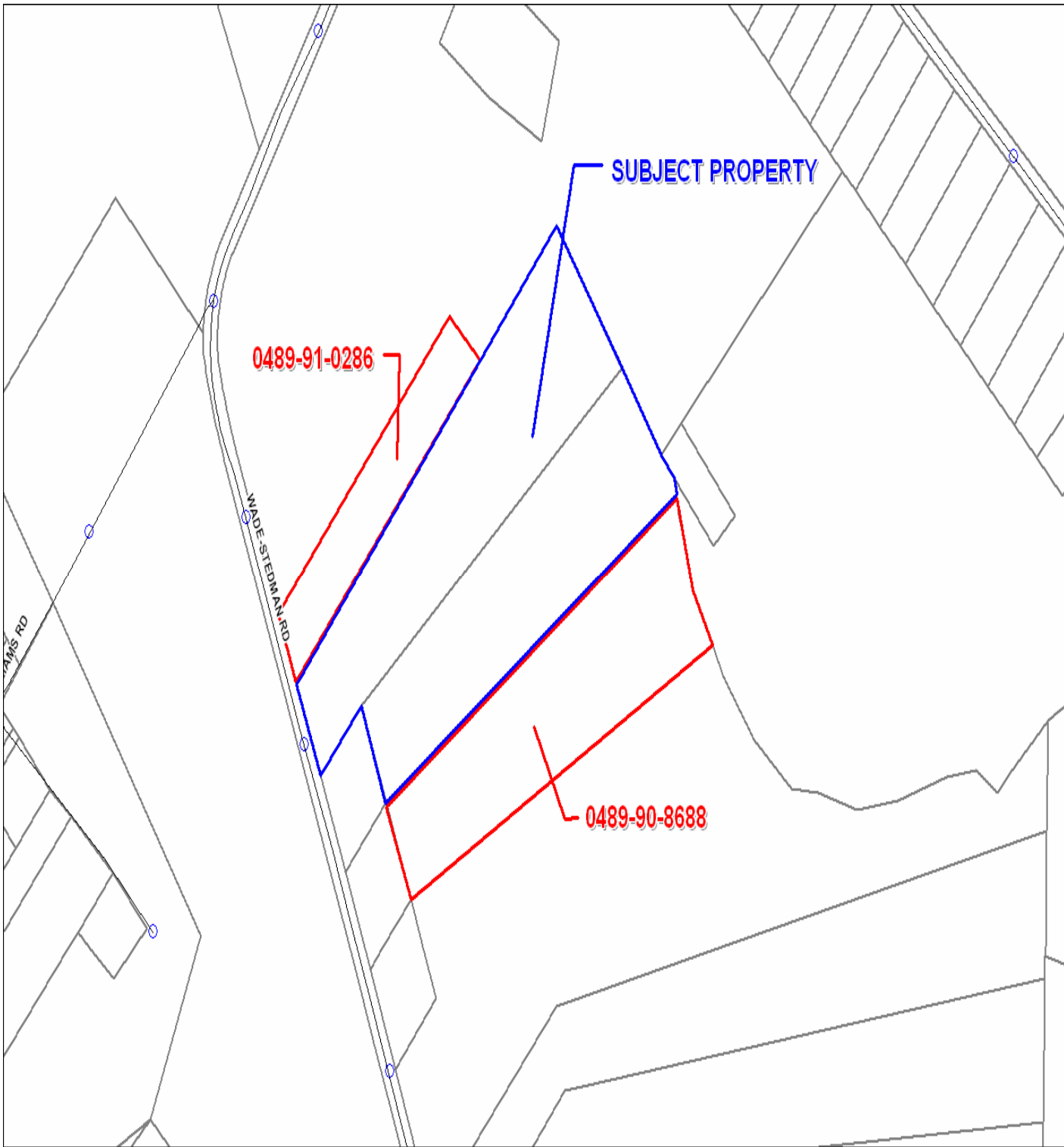


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PREPARED BY MAS - CCJPB  
JUNE 22, 2006

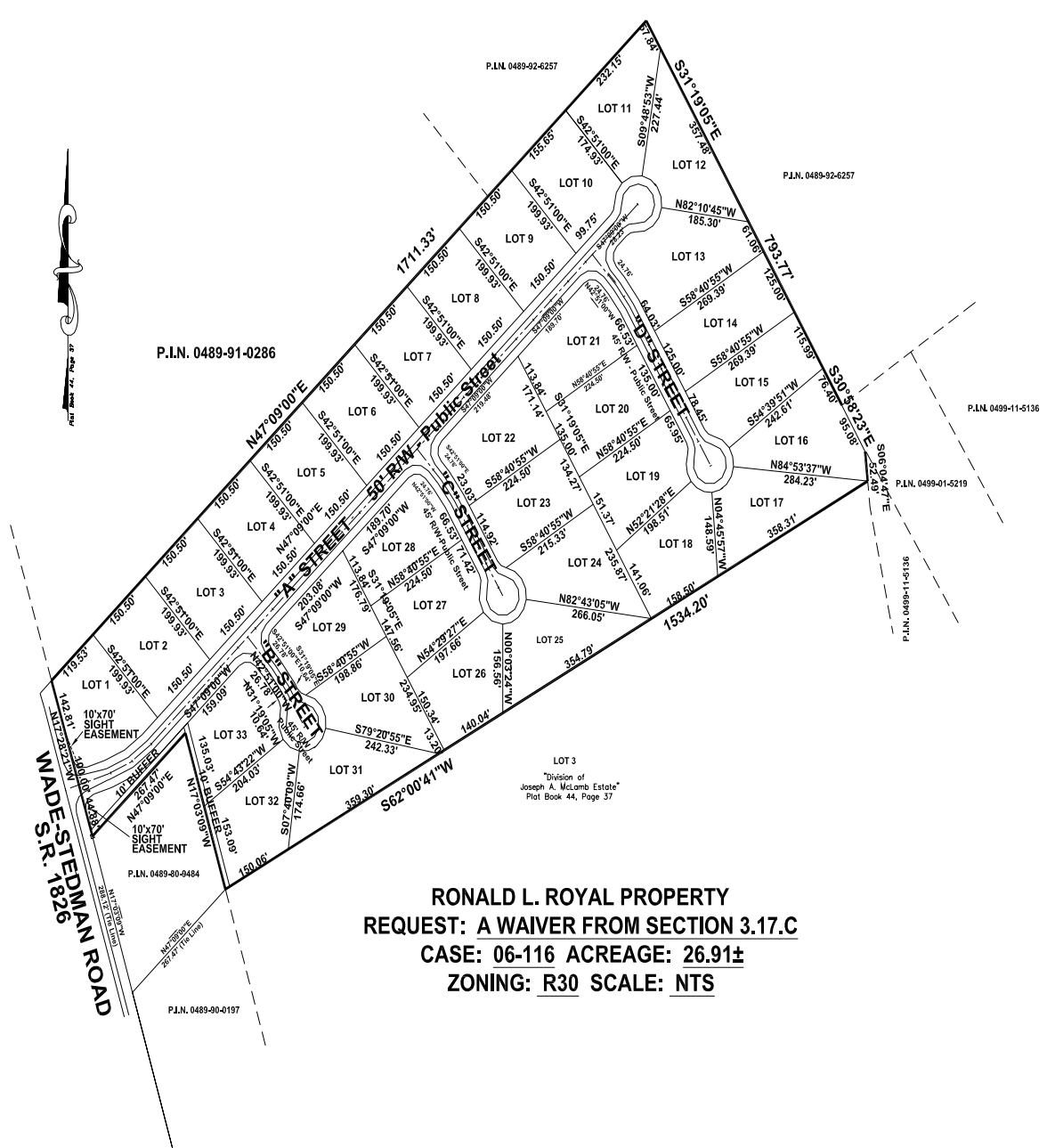
Map not to scale



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**RONALD L. ROYAL PROPERTY**  
**REQUEST: A WAIVER FROM SECTION 3.17.C**  
**CASE: 06-116 ACREAGE: 26.91±**  
**ZONING: R30 SCALE: NTS**

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