

**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

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

### **AGENDA** JUNE 6, 2006 7:00 P.M.

- I. INVOCATION AND PLEDGE OF ALLEGIANCE
- II. ADJUSTMENTS TO AGENDA
- III. ABSTENTIONS BY BOARD MEMBERS
- IV. CONSENT ITEMS
  - A. APPROVAL OF THE MINUTES OF MAY 16, 2006

#### **PLAT & PLAN CASE**

- B. 06-096: CONSIDERATION OF TRINITY GARDENS, ZERO LOT LINE SUBDIVISION REVIEW, REQUEST FOR A WAIVER FROM SECTIONS 3.17.C "STREET DESIGN", CUMBERLAND COUNTY SUBDIVISION ORDINANCE, LOCATED ON THE EAST SIDE OF SR 1609 (W. REEVES BRIDGE ROAD), WEST OF US HWY. 401 (RAMSEY STREET)
- V. DISCUSSION
- VI. FOR YOUR INFORMATION
  - A. DIRECTOR'S UPDATE
- VII. ADJOURNMENT

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

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

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

### MINUTES MAY 16, 2006

#### Members Present

Mr. Donovan McLaurin, Vice-Chair  
Mrs. Sara Piland  
Mr. Harvey Cain, Jr.  
Mrs. Lori Epler  
Mr. Garland Hostetter  
Mr. Roy Turner  
Mr. Clifton McNeill, Jr.

#### Others Present

Mr. Tom Lloyd, Director  
Ms. Donna McFayden  
Ms. Patricia Speicher  
Mrs. Annette Nunnery

Mr. Charles Morris and Mr. Tom Lloyd were absent from the meeting due to their representation of the Board at the PWC Sewer Meeting.

- I. INVOCATION AND PLEDGE OF ALLEGIANCE – Mrs. Epler delivered the invocation and led those present in the Pledge of Allegiance.
- II. ADJUSTMENTS TO AGENDA – **Mr. Turner made a motion, seconded by Mrs. Piland, to move case P06-36 from Consent to Public Hearing. Unanimous.**
- III. PUBLIC HEARING DEFERRALS -  
  
P06-33: REQUEST AMENDMENT TO THE COUNTY ZONING ORDINANCE, SECTION 403 USE MATRIX, TO ALLOW SINGLE FAMILY DWELLING TO BE PERMITTED ON THE SECOND FLOOR AND ABOVE FOR COMMERCIAL, RETAIL AND OFFICE SPACE IN THE C(P) DISTRICT, SUBMITTED BY BRADLEY W. YOUNG.  
  
**Mr. McNeill made a motion, seconded by Mr. Cain, to accept the applicant's request for deferral of case P06-33 to the June 20th Planning Board meeting. Unanimous approval.**
- IV. ABSTENTIONS BY BOARD MEMBERS – No abstentions
- V. POLICY STATEMENT – Ms. Speicher read the Public Hearing policy statement.
- VI. CONSENT ITEMS

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

- A. APPROVAL OF THE MINUTES OF MAY 2, 2006 - **A motion was made by Mrs. Piland, seconded by Mr. Hostetter, to approve the minutes as written. Unanimous approval.**

#### REZONING/INITIAL ZONING CASES

- A. P06-21: REZONING OF .35 ACRES FROM R10 TO C1(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOT 31, PINE ACRES SUBDIVISION, SECTION 2, PLAT BOOK 13/PAGE 20, KNOWN AS 3618 BOONE TRAIL, OWNED BY JERRY D. PIERCE.
- B. P06-29: REZONING OF TWO PARCELS TOTALING 5.40 ACRES FROM A1 TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED NORTH OF GODWIN-FALCON ROAD, EAST OF I-95, OWNED BY CLIFTON L. TURPIN, JR.
- C. P06-30: REZONING OF 2.0 ACRES FROM A1 TO A1A, AT 6015 GOLDSBORO ROAD, OWNED BY SCOTTIE GODWIN.
- D. P06-31: INITIAL ZONING OF 33.12 ACRES TO R15, LOCATED NORTH OF CLINTON ROAD, WEST OF WINDWOOD DRIVE, SUBMITTED BY THE TOWN OF STEDMAN, OWNED BY FAIRLANE DEVELOPMENT, LLC. (STEDMAN)
- E. P06-32: REZONING OF 1.99 ACRES FROM PND TO RR OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 231 LONGHILL DRIVE, OWNED BY WILLIAM R. WHITE.
- F. P06-35: REZONING OF 6.70 ACRES FROM A1 TO A1A, LOCATED AT 8778 HAWKINS ROAD, SUBMITTED BY MICHAEL J. ADAMS, OWNED BY MARY A. WILSON.
- G. P06-38: REZONING .42 ACRES FROM C3 TO M(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 164 WILKES ROAD, SUBMITTED BY BOB MEASAMER, OWNED BY TWO ADAMS, INC.

**A motion was made by Mr. McNeill, seconded by Ms. Epler, to accept the Staff recommendations and approve Cases P06-21, P06-29, P06-30, P06-31, P06-32, P06-35 and P06-38. Unanimous approval.**

#### CONDITIONAL USE DISTRICT AND PERMIT

- A. P06-19: REZONING OF .61 ACRES FROM RR TO C1(P)/CONDITIONAL USE DISTRICT AND PERMIT TO ALLOW A CONVENIENCE STORE, AT 6630 WALDOS BEACH ROAD, OWNED BY MARVIN C. AND LILLIE M. WILKINS.

Ms. Speicher advised the Board that an additional condition was being requested by the applicant. She stated that approval of a C1(P) District would create a non-conforming structure on the property. The Board approved the addition of an alternate side-yard based on the facts that approval of the requirement would allow use of the vacant structure. Ms. Speicher clarified

that the adjacent lot was owned by the same property owner and that the structure was currently existing on the property.

**Mrs. Epler made a motion, seconded by Mr. McNeill, to find that the Conditional Use District application is neither arbitrary nor unduly discriminatory, in the public interest and that the Conditional Use District application, with submitted conditions and the additional condition of an alternate side-yard requirement, be approved. Unanimous approval.**

**Mrs. Epler made a motion, seconded by Mr. McNeill, to find that the Conditional Use District Permit application, if developed as proposed, in accordance with the Ordinance-related conditions, and voluntarily agreed to, will not materially endanger the public health and safety, will not substantially injure the value of adjoining or abutting property, will be harmony with the area in which it is to be located, will be in conformity with the Land Use Plan, Highway Plan or other plan officially adopted by the Board of Commissioners, and that it be approved according to the conditions listed. Unanimous approval.**

## VII. PUBLIC HEARING ITEMS

- A. P06-36: INITIAL ZONING OF ALL PROPERTIES WITHIN THE CORPORATE LIMITS OF THE TOWN OF LINDEN AND ADOPTION OF THE TOWN OF LINDEN ZONING ORDINANCE. (LINDEN)

Ms. Speicher reviewed the Linden Zoning Ordinance and map and outlined the initial zoning proposal. She stated that this case was moved to Public Hearing due to a subcase, called P06-36A, which is a "Request for Change" submitted by a citizen. P06-36A involves two parcels of land within the proposed zoning area that will be pulled. The staff recommendations on that parcel were faxed to the property owner, however no response had been received. The owner is requesting R15A on the property but the staff and the Linden Zoning Committee is recommending A1. **Mr. McNeill made a motion, seconded by Mrs. Epler, to deny the "Request for Change". Unanimous approval.**

Mr. Powers, Chairman of the Linden Zoning Committee, addressed the Board. He stated that the committee had conducted four town meetings to address citizen concerns. He further stated that the proposal zones Linden as it appears today and that the intent is to keep Linden's rural character preserved for the future. Mr. McNeill asked if the town planned to provide a grace period between Planning Board approval and Commissioner approval to allow for citizen response. Mr. Powers stated that the Committee had been meeting with the citizens for the past year and felt that ample time had been given to address their concerns. The current meetings had been advertised and citizens had been notified by mail. He further stated that one additional public hearing would be held by the Town Board. Ms. Speicher clarified that notification had been made to the property owners listed by tax record, not necessarily to the tenant of the property. **Mr. McNeill made a motion, seconded by Mrs. Epler, to approve the initial zoning and adoption of the Town of Linden Zoning Ordinance. Unanimous approval.**

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

Ms. Speicher reviewed site information. She stated that the staff recommended denial of R15 and approval of R20 zoning even though the recommendation is not consistent with the 2010 Land Use Plan, based on the findings that: the R20 district is consistent with the current land use and development in the area and the R20 district is consistent with previous rezoning classifications in the area. The Public Hearing opened. There was no opposition.

Mr. Thomas Neville, attorney, spoke in favor of the R15 zoning request, stating that he disagreed with the staff recommendation. Mr. Neville stated that R15 was consistent with the current zoning on surrounding property and that R15 was in keeping with the 2010 Land Use Plan. He further stated that resident concerns regarding ingress and egress had been addressed. Mr. Neville noted that R15 approval is an economic demand for development of the property, due to the expense of extending water lines. Mr. Neville noted that staff had given reasons why R20 should be approved but no reasons for R15 being denied. Mr. Neville advised the Board that an R15 zoning would increase the tax value of the property and provide no negative effect to the area.

Mr. McNeill asked staff to explain the discrepancy between the staff recommendation citing inconsistency with the Land Use Plan and the Land Use Plan itself. He noted that the map showed existing R15 property in the area. Ms. Speicher stated that the staff had made a conscious decision to go against the 2010 Land Use Plan and not recommend R15 zoning, based on the changes in the area since the inception of the plan.

Discussion followed on water and sewer availability. Ms. Speicher advised the Board that water would be extended to the property, at a shared cost with the developer, but that sewer would not be provided to the property.

Chris Roberts, developer, spoke in favor of the R15 zoning request and stated that the purchase and development plan for the property was contingent upon the R15 zoning and the ability to recoup the costs of extending water lines to the development. The Public Hearing was closed.

Mrs. Epler stated that she understood that the developer would have to absorb the costs of extending the water lines and that her immediate reaction was that R15 was not a problem. She further noted that there was no public opposition to the request. She was concerned with the trend to consider school capacities, traffic increase and adjoining developments when approving rural rezonings and density developments.

Mrs. Epler and Mrs. Piland stated their concern that staff was unable to provide a valid reason to deny the R15 request.

Mr. McNeill stated that he had received one phone call in opposition to the request and one phone call in favor of the request.

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

Mr. McLaurin advised the Board that the 2010 Land Use Plan was written projecting zoning plans based on the future possibility of water and sewer availability.

Mr. McNeill asked the petitioner if they would be agreeable to R20. The petitioner stated that they would have to renegotiate the purchase and development plans. Mr. McNeill advised him that a denial at this meeting would prohibit them from returning the request to the Board for a period of one year. He asked the petitioner if they would want to defer the case for thirty days to allow time to renegotiate and reconfigure their plans. The petitioner stated that they would need that time to reconsider their plans and would prefer a deferral at this time. **Mr. McNeill made a motion, seconded by Mrs. Epler, to defer Case P06-37 for a period of thirty days. Unanimous approval.**

#### VIII. PLAT AND PLAN

- A. 06-074: SCOTTSDALE ZERO LOT LINE SUBDIVISION LOCATED ON THE EAST SIDE OF SR 1831 (BAYWOOD ROAD), NORTH OF SR 1834 (HUMMINGBIRD ROAD) FOR A WAIVER FROM SECTION 3.17.C "STREET DESIGN", CUMBERLAND COUNTY SUBDIVISION ORDINANCE.

Ms. Speicher reviewed the case information. She stated that the staff recommended approval of the request for the cul-de-sac length along the existing Baywood South subdivision because the adjacent property to the east has already been developed into single-family lots with no existing stub to connect to, and the public purposes of the Ordinances is served with the turn-around at the end of the proposed street and if the stub on the west side is provided for future connectivity with the adjacent vacant tract and this is not a special privilege denied to others. She further stated the staff recommended denial of the request for the cul-de-sac length along the western property line, explaining that a road stub to the property to the west would provide connectivity to the un-subdivided vacant Autry property. This would also allow for future emergency vehicle access until the stub is further developed and extended.

Mike Williams, developer, spoke in favor of the waiver request. He stated that the large cul-de-sac would provide ample space for emergency vehicles to turn around. He did not want to provide the stub stating that his desire was to keep the development private and limit through-traffic.

Discussion followed on street design and development standards. Ordinance requirements dealing with connectivity and road stubs was discussed.

Mr. McNeill stated that he was concerned with the increasing number of requests for waivers of street design and length. He also noted that the plan was marked as zero lot line and asked if that was for the purpose of lot sizes. Ms. Speicher stated that the developer had submitted the plan with that designation and the assumption was that his request was for lot sizes.

Mr. McLaurin asked the developer if he would be willing to sacrifice a lot to allow for a cul-de-sac. Ms. Speicher stated that the staff would not support that option.

(Mr. Lloyd joined the meeting.)

Mr. Williams stated that he would accept the staff recommendation if that was his only option to develop the property.

Mrs. Epler clarified that the staff's concern was with overall long range planning to provide connectivity between properties. She noted that the developer's request for a cul-de-sac would not support that, whereas a road stub would.

Discussion followed on the staff recommendation being diametrically opposed to the requirements already placed on adjacent property. Ms. Speicher stated that the requirements in place on the golf course property allowed for access across the greenways in the event of emergencies. She further stated that the adjacent property was a unique plan and had been submitted and approved years prior. Consistent development had continued through the years based on the original plan.

Mr. McLaurin stated his concern that adjacent property would need access in the case of future development.

Mr. McNeill asked if an easement on the property would satisfy the staff's concerns. Ms. Speicher stated that she did not believe legal requirements could be met without being able to deed the property to an individual.

Discussion followed on cul-de-sacs, turn-arounds and road stubs.

Mr. Lloyd advised the Board that their responsibility was to determine valid reasons why the waiver could or could not be granted. He stated that the larger issue was the need to revisit the existing ordinance and revise the requirements as desired.

**Mr. McNeill made a motion, seconded by Mrs. Piland, to follow the staff recommendation and approve the cul-de-sac request on the east side of the property but grant the developer's request for the waiver on the west side of the property because of the nature of the adjoining area, i.e., a large vacant tract zoned for manufactured homes, the public purposes of the Ordinances is served with the turn-around at the end of the proposed street and since this has been frequently granted, it is not a special privilege denied to others. Unanimous approval.**

## IX. DISCUSSION

Mr. McLaurin apologized to the Board for any perceived negativity from his comments at the last meeting regarding the agricultural district. He also thanked the Board and staff for their participation and support with the Rockfish Creek canoe trip and his efforts to support the preservation of the existing environmental structure of the creek.

Mrs. Epler updated the Board on the recent County Commissioner's meeting. She stated that all cases were accepted as recommended with the exception of the Tom Starling Road case. She stated that the current trend for approval appears to be focusing on school capacity and traffic congestion. She

suggested that more frequent revisions of the 2010 Land Use Plan should be considered to allow for the new considerations.

X. FOR YOUR INFORMATION

A. DIRECTOR'S UPDATE

Mr. Lloyd advised the Board that a 5<sup>th</sup> Tuesday meeting with the County Joint Planning Board, the City of Fayetteville Planning Board, and Sustainable Sandhills would be held on May 30<sup>th</sup> at the Pate Room of the Headquarters Library. The meeting will begin at 5:30 p.m. Dinner will be provided by Sustainable Sandhills.

Mr. Lloyd updated the Board on the PWC sewer meeting. He acknowledged that there was common ground with the City of Fayetteville, developers, and PWC. Future meetings will explore those common concerns.

XI. ADJOURNMENT

**Mr. Turner made a motion, seconded by Ms. Epler, to adjourn the meeting at 8:58 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

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

May 30, 2006

TO: County Joint Planning Board

FROM: Edward M. Byrne, Planner II

SUBJECT: Case No. 06-096  
Trinity Gardens  
(Zero Lot Line 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 1,250 feet +/- . The proposed road will be a class "B" private street which is a gravel road. The subdivision contains 8.47 ac. +/-, is zoned R40, and has 7 proposed lots.

The subject property is a long narrow tract in the front and widens out in the rear of the property. A Class "B" private street is required to connection to either an approved paved private or public road and does not allow for other streets to intersect with this type street. The maximum number of lots allowed to be served by the proposed Class "B" private street is seven. If the developer shortened the proposed Class "B" private street to comply with the 800 foot limit, the road would end short of lots 4, 5, 6 & 7. These lots could then be "flagged" to the proposed street and in a sense creating the same situation. To require the creation of road stubs to adjacent properties, is not an option in this case because of the provision limiting connection to privates street.

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:

- 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.**

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

The Planning & Inspections Staff recommends approval of the waiver request,

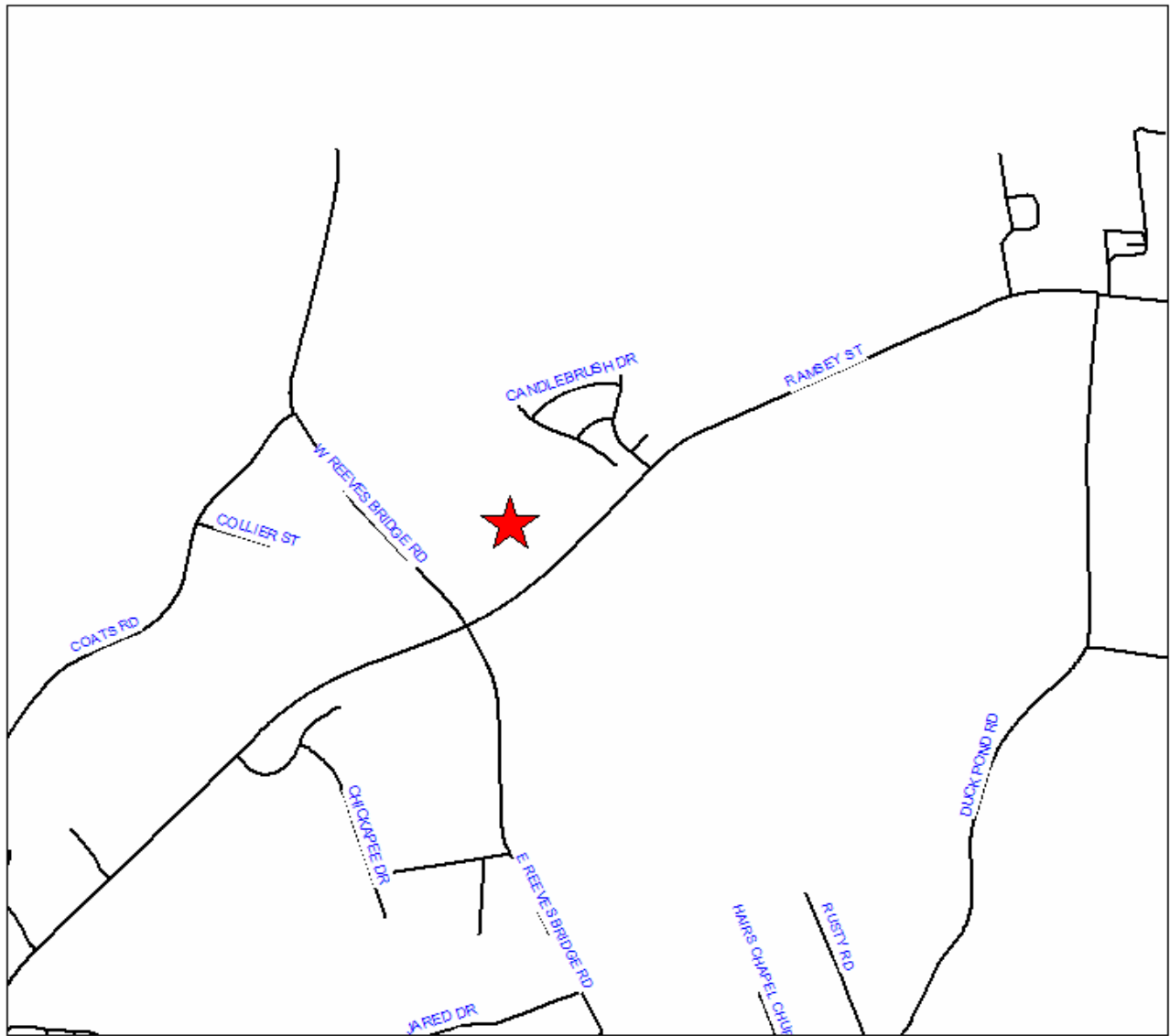
1. Because the size and shape of the subject property is long and narrow, and with the limitations in the Subdivision Ordinance restricting connection to private streets, strict compliance with the provisions of the Ordinance would cause a special hardship to the property owner and be inequitable;
2. The public purposes of the Subdivision and Zoning Ordinances would be served to an equal or greater degree with all proposed lots being provided adequate road frontage;
3. The property owner is not being afforded any special privileges denied to others since the preferred means of access is by right-of-way rather than “flag strips” which is the alternative commonly used for compliance of the frontage requirements in the Ordinances.

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

cc: Arnell Bobbitt, Developer  
Averette Engineering, Surveyor  
Grainger Barrett, County Attorney  
Patti Speicher, Planner III

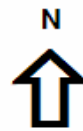
**130 Gillespie Street · Post Office Box 1829 · Fayetteville, North  
Carolina 28302-1829 · (910) 678-7600 · Fax: (910) 678-7631**

**TRINITY GARDENS  
SUBDIVISION REVIEW  
CASE NO. 06-096**



PIN(S): 0554-44-5617-  
PREPARED BY MAS - CCJPB  
MAY 15, 2006

Map not to scale



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

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



Date Request Submitted: 05-15-06

Planning Board Meeting Date: 6-6-06

Received by: EMR

## Cumberland County Subdivision Ordinance

### *Request for Waiver*

Case No.: 0696 Case Name: Trinity Gardens

Related Ordinance Section Number(s): 3.17 C

Summary of Request: Cul-de-sac Longer than 800 FEET

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

#### *Section 6.1. Waivers*

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

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

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

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



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

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

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

BECAUSE of the odd shape of the Lot and the  
<sup>Length</sup> ~~width~~ of the Land, so that each owner (mostly farm)  
will have the required frontage needed by the City.

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

Accommodation  
Each owner access their property

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

In order for each owner to enjoy and  
be allowed the privilege of their property the road  
would have to be lengthen to allow access

By signing this request, the applicant is signifying that all statements contained within this request are accurate and true to the best of their knowledge.

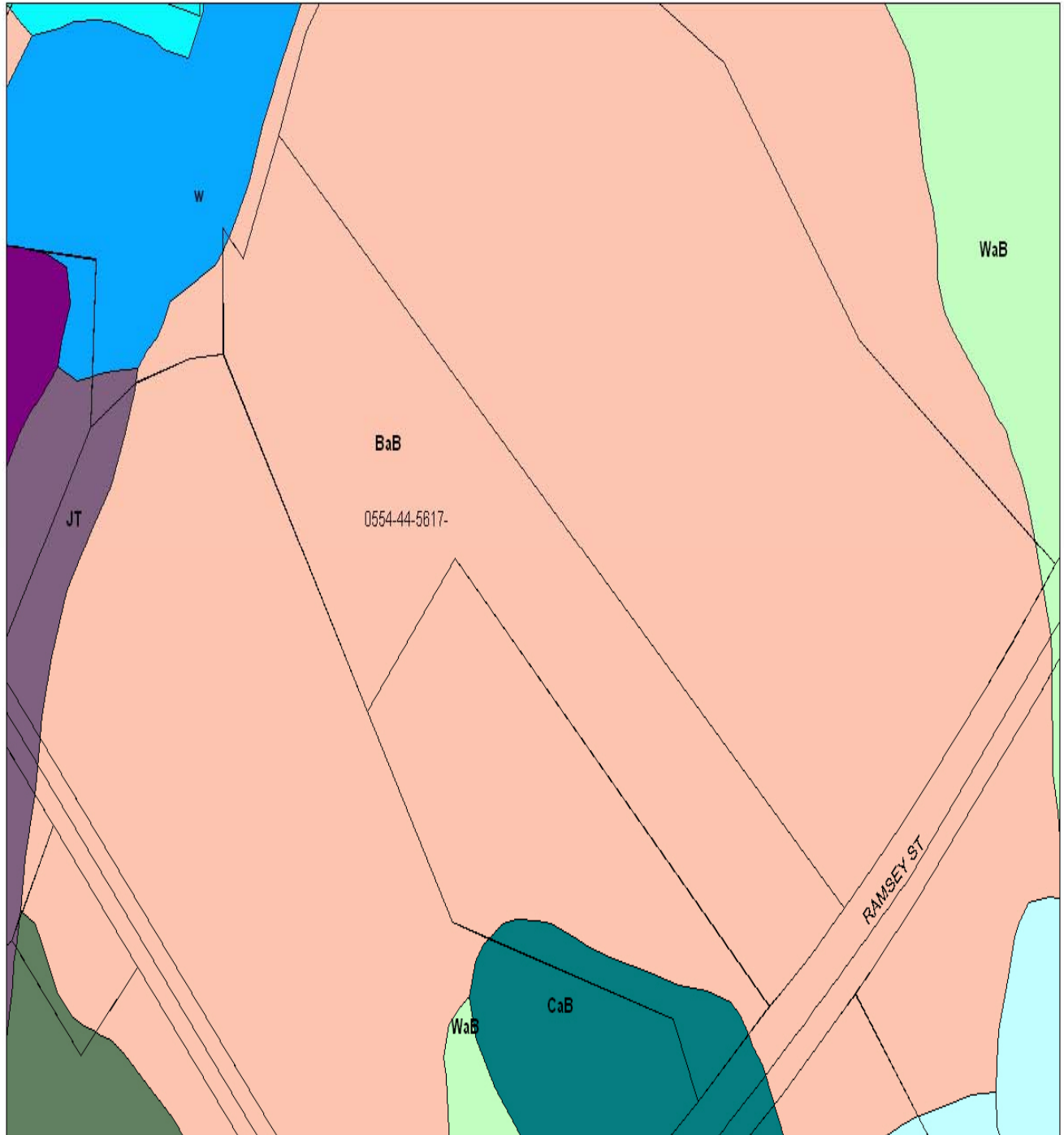
Arnell Bobbitt  
Printed Name of Applicant/Agent

908-875-3993  
Daytime Phone Number

Arnell Bobbitt  
Signature of Applicant/Agent

5-15-06  
Date Signed

**CASE 06-096 SOILS INFORMATION**



NOT TO SCALE  
CREATED: MAY 22, 2006

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

Chair **Charles C. Morris** 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*

---

PLANNING STAFF DECISION: 5-25-06 PLANNING BOARD DECISION: 6-6-06 COUNTY OR COUNCIL MEETING:  
N/A

CASE NO: 06-096 NAME OF DEVELOPMENT:  
TRINITY GARDENS  
ZERO LOT LINE SUBDIVISION REVIEW

---

EAST OF SR 1609 (W. REEVES BRIDGE ROAD), R40 LOCATION:  
ZONING:

---

WEST OF US HWY 401 (RAMSEY STREET). PIN: 0554-44-5617-

OWNER OR DEVELOPER: ENGINEERING ARNELL BOBBITT ENGINEER OR DESIGNER: AVERETTE

COUNTY FALCON ORDINANCE  GODWIN ORDINANCE  STEDMAN ORDINANCE  SPRING LAKE ORDINANCE

---

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



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

**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, the Town of Linden must approve water 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 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. The NC Department of Transportation (NCDOT) approve the proposed curbcut(s) and the proper permits must be obtained prior to zoning/building permit application.
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.
9. A *Certificate of Occupancy* will not be issued until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans.

**Site-Related:**

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

10. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Zoning Ordinances for the R40 zoning district must be complied with, as applicable.
11. If applicable, 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.)
12. All applicable provisions of Section 3.21, "Group Developments", County Subdivision Ordinance, must be complied with.
13. The small stream standards set forth in Section 6.5-44, County Flood Damage Prevention Ordinance, shall be complied with during construction and upon completion of development within this subdivision as enforced by the County Engineer's Office.
14. Sections 4.1.d, "Required Drainage"; 4.3.g, "Fire Hydrants", and 4.3.h, "Underground Utilities", of the County Subdivision Ordinance must be adhered to.

**Plat-Related:**

15. The developer shall provide written certification of the Town of Linden's approval of water plans prior to submission for final plat approval of any portion of this development.
16. The final plat must be labeled as a "Zero Lot Line" development in order for the applicant to receive conditional approval of the plan as submitted.
17. Prior to submission for final plat approval of any portion of this development, documentation (email, phone, letter, etc) of the exact amount of acreage within the area of the proposed Class "B" private street must be provided to Land Use Codes. This information is necessary for density calculations, since the area within the right-of-way cannot count toward the satisfying maximum density allowed within this development.
18. 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.
19. "Ramsey Street" also be labeled as "US Hwy 401" on the final plat.
20. 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 \$381.66 payable to "Cumberland

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

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 #7)

21. The developer shall provide for an inspection of the private street(s) by a registered engineer or registered surveyor upon completion of construction of the private street(s) and related facilities, including drainage ways. A statement, affixed with the engineer/surveyor’s seal, certifying that all private street(s) and related facilities are designed and constructed in accordance with the requirements of Section 4.2, County Subdivision Ordinance, and that all such facilities are adequate to serve the development, must be submitted to Land Use Codes prior to final plat approval or release of any construction guarantees as allowed under Section 2.6, County Subdivision Ordinance.
22. The builder/developer shall provide the buildable envelopes on the final plat: providing a five-foot maintenance easement along each side of all common internal lines with all other applicable setbacks being provided for, **or** at the time of permit application, the individual plot plans must be approved by Land Use Codes prior to issuance of any permits.
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. All lots within this development must be served by an internal street system and a “no access” easement must be reflected on the final plat along US Hwy 401 (Ramsey St).
25. A 10’ x 70’ sight distance easement shall be required at the intersection of the Class “B” private street with US Hwy 401 (Ramsey St) and must be reflected on the final plat. **(Note: This easement must be reflected on the subject property, not the state right-of-way.)**
26. A 25’ right-of-way radius is required at the intersection of the Class “B” private street with US Hwy 401 (Ramsey St) and must be reflected on the final plat. **(Note: The radius must be reflected on the subject property, not the state right-of-way.)**
27. 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.
28. The notarized signature(s) of all current tax record owner(s) and notary certifications appear on the final plat when submitted for final approval.
29. 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.)

30. 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.
31. The developer should 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:**

32. Since this development does not have public sewer, the following disclosure statement shall be provided on the final plat:

“The individual lots in this development do not have public sewer services available, and no lots have been approved by the Health Department for on-site sewer services at the date of this recording.”

33. The final plat shall reflect the following statements required for the private street:

- a. “No public agency is presently responsible for maintenance of the private street shown on this plat. Private streets are for the use of all owners of property within this development and their guests; and any governmental agency or personnel or equipment thereof who shall be granted perpetual access over all such private streets to accomplish or fulfill any service or function for which the agency is responsible and that any agency or organization designated by a governmental agency to perform a designated function shall also retain access the same as any government agency. Any governmental agency exercising its access rights shall have the same rights and only such liabilities as it would have on any public lands, rights-of-way, or easements.”
- b. “All current and future owners of these tracts be ware that maintenance for the Class “B” private street shown on this plat are the responsibility of the owners of the tracts served by and having access to the Class “B” private street.”
- c. “All current and future owners of these tracts should be aware that future division of these properties shall not be permitted under current standards without the upgrading of the Class “B” private street.

34. 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.”

35. 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:**

36. The applicant is advised to consult an expert on wetlands before proceeding with any development.

37. The NC Department of Transportation (NCDOT) will not assume responsibility for maintenance and upkeep of the private street.

38. 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.

39. 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:**

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

41. This approval is not approval of the “Townhomes” for Lot “2”. Submission for review and approval of a “Group Development” is required prior to application for any permits for this portion of the project.

42. This approval is not approval of a “Daycare” for Lot “1”. Submission for application for public hearing and approval of a “Special Use Permit” from the County Board of Adjustment is required prior to application for any permits for this portion of the project.

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

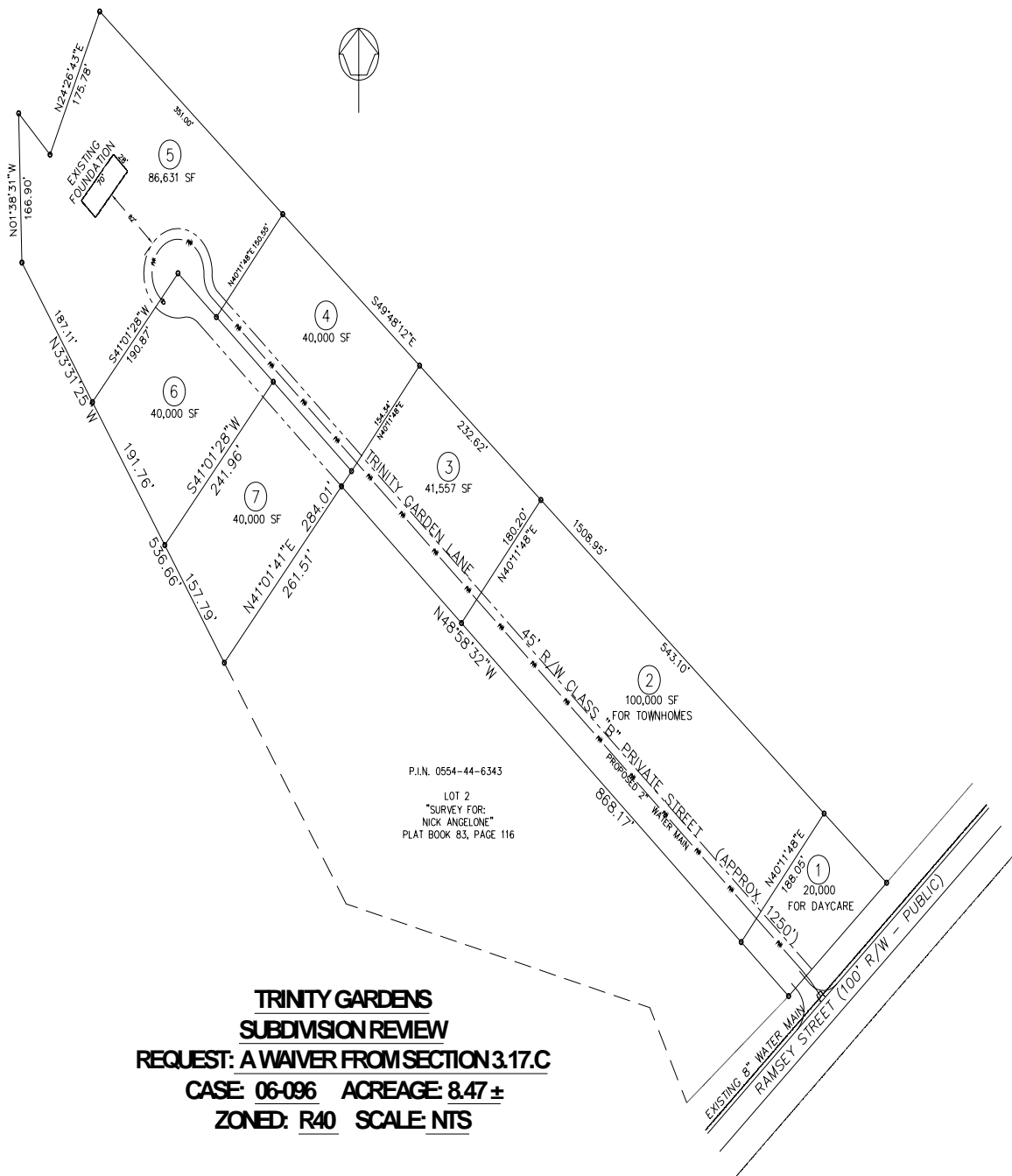
43. The owner/developer be aware that every deed created for a lot being served by an on-site sewer system must contain the following disclosure when filed with the County Register of Deeds:

“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.”

44. The owner/developer be aware that every deed created for the purpose of conveying a lot served by a private street must contain the following disclosure statement at the time of recordation with the County Register of Deeds:

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

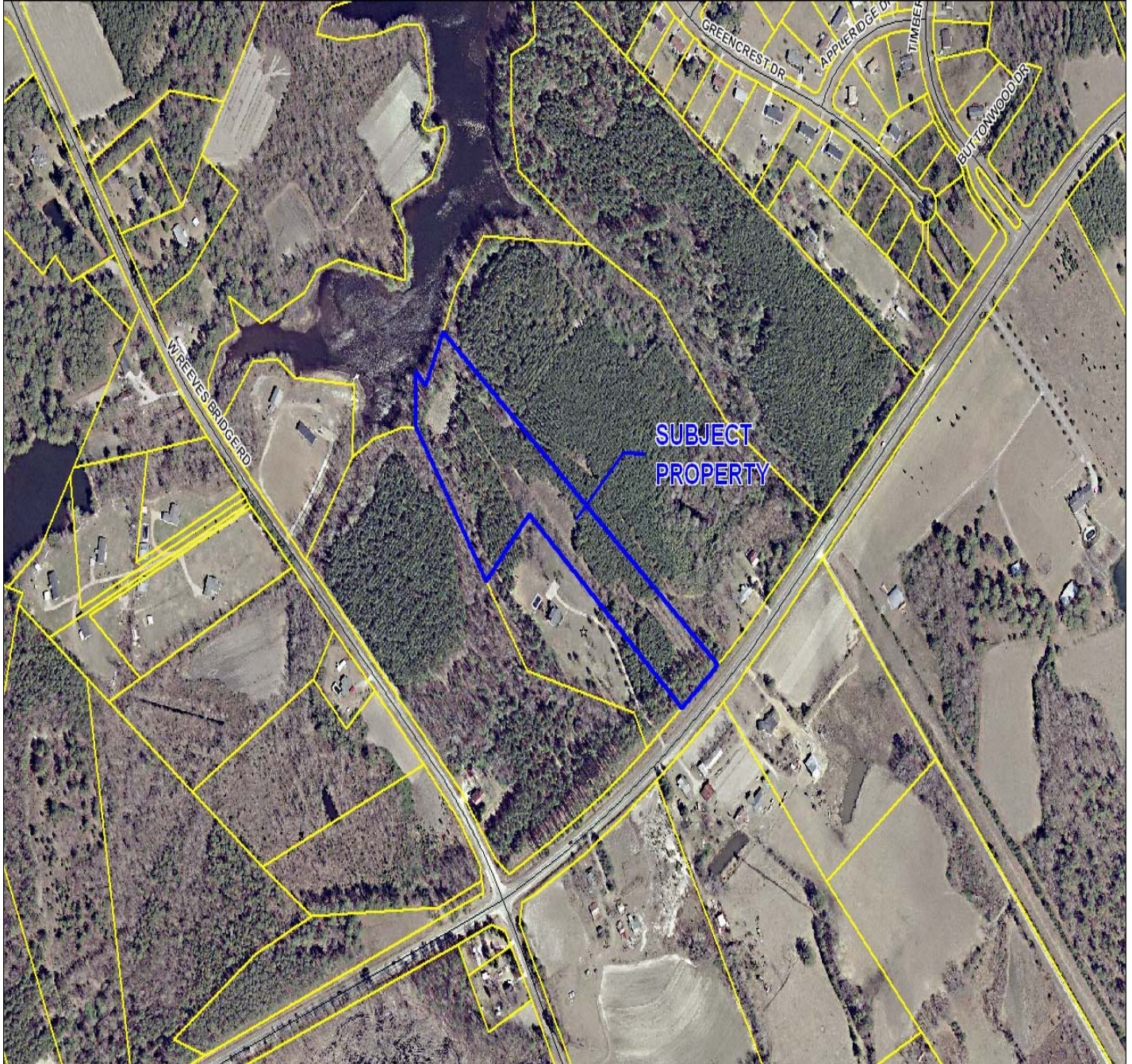
45. The property owner has requested a waiver from Section 3.17.c, County Subdivision Ordinance, to allow the proposed cul-de-sac to exceed the maximum length allowed. The Planning & Inspections Staff recommends approval of the request – see memorandum in file.



**TRINITY GARDENS**  
**SUBDIVISION REVIEW**  
**REQUEST: A WAIVER FROM SECTION 3.17.C**  
**CASE: 06-096 ACREAGE: 8.47 ±**  
**ZONED: R40 SCALE: NTS**

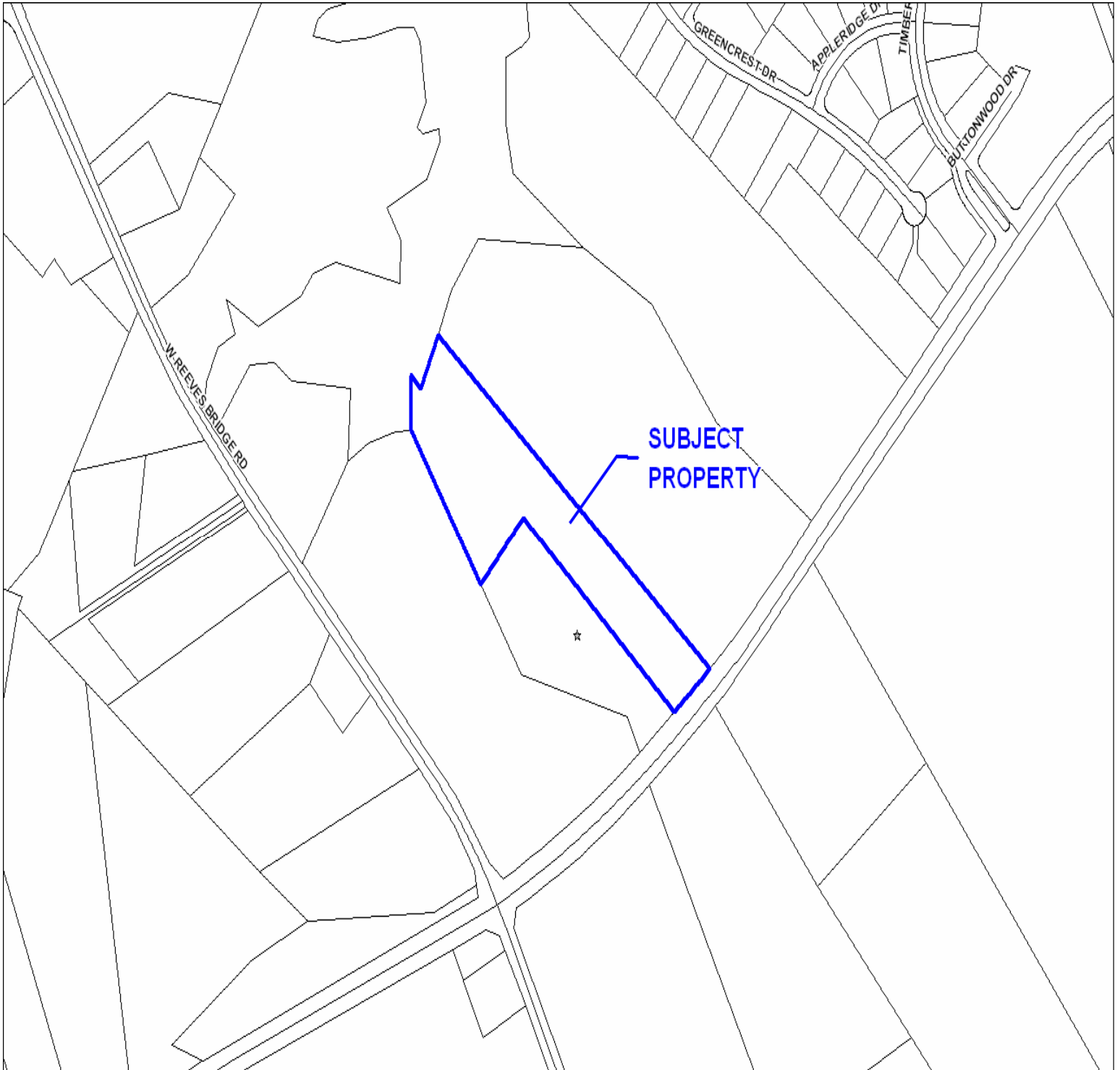
**130 Gillespie Street · Post Office Box 1829 · Fayetteville, North Carolina 28302-1829 · (910) 678-7600 · Fax: (910) 678-7631**





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





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