

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

OCTOBER 3, 2006

7:00 P.M.

- I. INVOCATION AND PLEDGE OF ALLEGIANCE
- II. ADJUSTMENTS TO AGENDA
- III. CONSENT ITEM
 - A. APPROVAL OF THE MINUTES OF SEPTEMBER 19, 2006

PLAT & PLAN

- B. 06-157: CONSIDERATION OF ROBIN ROBERTS PROPERTY, SUBDIVISION REVIEW, REQUEST FOR A WAIVER FROM SECTIONS 3.17.D "CORNER RADII", CUMBERLAND COUNTY SUBDIVISION ORDINANCE, LOCATED ON THE EAST SIDE OF SR 1835 (ROCKHILL ROAD), NORTH OF SR 1836 (PLEASANT VIEW DRIVE)
- IV. PLAT & PLAN REVIEW
 - A. 04-175: CONSIDERATION OF THE HUMMINGBIRD PLACE, SUBDIVISION REVIEW, REQUEST FOR A WAIVER FROM SECTION 3.17.C "CUL-DE-SAC", CUMBERLAND COUNTY SUBDIVISION ORDINANCE, LOCATION ON THE SOUTH SIDE OF SR 1885 (HUMMINGBIRD PLACE), EAST OF SR 1831 (BAYWOOD ROAD)
- V. DISCUSSION / DIRECTOR'S UPDATE
- VI. ADJOURNMENT

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

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MINUTES SEPTEMBER 19, 2006

Members Present

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

Members Absent

Mr. Charles Morris, Chair

Others Present

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

VI. INVOCATION AND PLEDGE OF ALLEGIANCE

Mrs. Piland delivered the invocation and led those present in the Pledge of Allegiance.

VII. ADJUSTMENTS TO AGENDA

Mr. Lloyd asked that Case P06-64 be moved to the end of the Public Hearing. No objections. **A motion was made by Mrs. Piland and seconded by Mr. McNeill to approve the Agenda. The motion passed unanimously.**

VIII. PUBLIC HEARING DEFERRALS

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

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Mr. Lloyd asked that Case P06-50 be deferred for 30 days to allow the developer time to redesign his plans and submit engineering plans for stormwater drainage. **A motion to defer the case until the October 17, 2006 Planning Board meeting was made by Mrs. Epler and seconded by Mr. Cain. Unanimous approval.**

IX. ABSTENTIONS BY BOARD MEMBERS

Mrs. Epler stated that she would abstain from discussion and voting on Cases P06-64 and P06-67. There were no objections.

X. POLICY STATEMENT REGARDING PUBLIC HEARING TIME LIMITS

Mr. Lloyd read the policy statement regarding Public Hearing time limits.

XI. CONSENT ITEMS

A. APPROVAL OF THE MINUTES OF SEPTEMBER 5, 2006

A motion was made by Mrs. Piland and seconded by Mrs. Epler to approve the minutes as written. The motion passed unanimously.

REVISIONS/AMENDMENTS

B. P06-65: REVISIONS AND AMENDMENTS TO THE TOWN OF GODWIN SUBDIVISION ORDINANCE, ARTICLE VII, FEES, SECTION 7.1, FEES.
(GODWIN)

C. P06-66: REVISIONS AND AMENDMENTS TO THE TOWN OF WADE SUBDIVISION ORDINANCE, ARTICLE VII, FEES, SECTION 7.1, FEES.
(WADE)

Mr. Lloyd stated that the Planning & Inspections Staff recommends approval of both amendments based on the findings that establishing the fees as separate schedules with reference to the schedule in the ordinance is in keeping with the goal of working toward more unified ordinances between the various jurisdictions within Cumberland County; and the amendments allow for flexibility for the Town Boards when setting their adopted fees.

REZONING CASES

D. P06-67: REZONING 101.04 ACRES FROM RR TO R10 OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT THE SOUTHEAST QUADRANT OF CAMDEN AND WALDOS BEACH ROADS, SUBMITTED BY JOSEPH P. RIDDLE III, OWNED BY MARCH F. RIDDLE.

Mr. Lloyd stated that the Planning & Inspections Staff recommends approval of

the

2010 R10 zoning district based on the findings that the request is consistent with the
the Land Use Plan; the request is in keeping with the current surrounding zoning of
the area; and public utilities are available to this site and connection will be
required upon development. The R15 zoning is the only other suitable district to be
considered for this request.

E. P06-69: REZONING OF A .70 ACRE PORTION OF A .89 ACRE TRACT
FROM R10
TO C1(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT AT 3725
CUMBERLAND ROAD, SUBMITTED BY MICHAEL TATE PLS, OWNED BY
DANCAROL REAL ESTATE, LTD.

the Mr. Lloyd stated that the Planning & Inspections Staff recommends approval of
consistent C1(P) zoning district based on the findings that although the request is not
the with the 2010 Land Use Plan which calls for heavy commercial at this location,
area; the C1(P) Light Commercial district is in character with the current zoning of the
available to subject property is located on a major thoroughfare; and public utilities are
other the site and upon development, connection would be required. There are no
suitable zoning districts to be considered for this request.

A motion was made by Mrs. Epler and seconded by Mr. McNeill to approve Cases P06-65, P06-66 and P06-69 as submitted. Unanimous approval.

A motion was made by Mr. McNeill and seconded by Mr. Cain to approve Case P06-67 as submitted. Motion carried unanimously with Mrs. Epler abstaining.

Vice-Chair McLaurin stated that Case P06-65 would be heard at the Godwin Town meeting on October 16th. Case P06-66 would be heard at the Wade Town meeting on October 10th. Cases P06-67 and P06-69 would be heard by the County Commissioners on October 16th.

XII. PUBLIC HEARING ITEMS

B. P06-68: REZONING OF TWO PARCELS TOTALING 1.59 ACRES FROM M2
TO
R6A OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED
NORTHEAST
OF CHURCH STREET, EAST OF BOWDEN STREET, SUBMITTED BY
MICHAEL
TATE PLS, OWNED BY DAVID E. CHAPMAN. (WADE)

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Inspections
district
Use
increase in

Mr. Lloyd presented the case information and advised that the Planning & Staff recommends denial of the R6A district but approval of the R6 zoning based on the finding that the recommendation is consistent with the 2010 Land Use Plan, and there is sufficient R6A zoning within the Town of Wade and an the uses permitted within the R6A district are not suitable within the Wade Town limits. There are no other suitable zoning districts to be considered for this request.

The Public Hearing opened. David Chapman, signed up to speak in favor of the rezoning, declined the opportunity.

Joe Dixon spoke in opposition and advised the Board that he believed R6 would be better suited for the Town of Wade. The Public Hearing closed.

Mrs. Piland made a motion, seconded by Mr. Turner, to accept the staff recommendation and deny the R6A district, but approve the R6 district. Unanimous approval.

Mrs. Epler exited the hearing room.

- A. P06-64: REZONING OF 42.10 ACRES FROM A1 TO M(P)/CUD TO ALLOW A GARAGE, OFFICE, JUNKYARD AND STORAGE OF PARTS, CARS, TRUCKS, FARM EQUIPMENT, ON TEMPLE OAK AVENUE, NORTH OF MACEDONIA CHURCH ROAD, OWNED BY JAMES D. SMITH.

Vice-Chair McLaurin advised the audience that P06-64 would be heard according to rules for a quasi-judicial procedure. He asked that all audience members who had signed up to speak approach the podium. Vice-Chair McLaurin swore in the following speakers: J.D. Smith, Lisa Dicker, Wilton Smith, James Hall, Dr. Thomas Durr, and Stacey Houston.

Vice-Chair McLaurin asked the Board if anyone had received information about this case prior to this hearing. All Board members stated that they had received letters. Vice-Chair McLaurin stated that he had also been contacted by phone and had personally visited the site. Mr. Turner stated that he had received a personal visit from a citizen. Mr. Barrett reminded the Board that any information received outside of tonight's forum could not be considered. He further stated that the Board must base their decision solely on information received during the Public Hearing.

Mr. Lloyd reviewed the site information and stated that the Planning & Inspections Staff recommends denial of M(P)/CUD for this location based on the findings that the district is inconsistent with the 2010 Land Use Plan which calls for farmland at this location; consideration of the M(P) district for this area is arbitrary and would not serve a viable public interest; and the degree of difference in uses allowed between the existing surrounding zoning and the proposed zoning, qualify this request as being

unreasonable. He further stated that Staff also recommends denial of the Conditional Use Permit based on the findings that the use is a danger to the public health and safety due to the possibility of fluids leaching into soils in an area comprised of private, individual wells; the use is not in harmony with the area in which it is located; and the degree of difference in the specific uses requested as related to the existing surrounding uses makes this request unreasonable. There were no other suitable districts to be considered for this request. The Public Hearing opened.

Mr. J.D. Smith, petitioner, stated that his plans were to retire and move his auto repair and sales business to his residence so that he could work at home and be with his family. He stated that his current zoning of A1 would not allow him to do that. He was aware of the regulations required to operate the business, including zoning compliance for a car dealer's license, and would abide by all conditions. He stated further that he was aware that zoning inspectors would keep a check on him and would pull his permits if he violated any of the conditions. Mr. Smith asked for a show of support from audience members by asking them to stand if they were in support of his request. Thirteen audience members stood.

Mr. Barrett asked Mr. Smith if he had any information to present to the Board showing the effect of his operation on the value of adjacent property. Mr. Smith stated that he had no such information. He further advised the Board that he would not actually be operating a junkyard, but simply storing junked cars to use for parts. He advised the Board that he would be requesting auto sales as part of the permit.

Mr. Lloyd reviewed the allowable uses in the M(P)/CUD.

Mr. McNeill asked how long Mr. Smith had been operating at his home. Mr. Smith stated that he wasn't running his business from there, but at his shop location on Cedar Creek Road. He stated that there were cars at his home residence right now that he was working on but that he wasn't draining any fluids from them.

Lisa Dicker spoke in favor of the request, stating that she was Mr. Smith's daughter. She advised that she had moved back home after leaving law enforcement to operate a garage with her father as a family business. She stated that the Planning Staff had given them guidelines and regulations to follow and that she and her father would be able to comply with all of them. She asked for approval of the request to allow her the opportunity to have this family business with her father and to be able to give back to the community.

Mr. Barrett advised the Board that upon review of Mr. Smith's original application, his request for car sales was not included and could not be added at this point. Mr. Barrett advised the Board that the applicant should be given the choice to either move ahead with his request as written, without car sales, or defer the request to allow for the application to be amended and re-advertised. The Public Hearing was closed.

Vice-Chair McLaurin asked Mr. Smith to declare his preference. Mr. Smith stated that without car sales the rezoning would not do him any good. He

stated that staff members in Room 103 had told him he had to ask for M(P) to get car sales.

Mr. McNeill asked if the audience members who had signed up to speak could still be afforded that opportunity at tonight's hearing and then suspend the hearing until October. Mr. Barrett stated that the request for car sales was a materially different request and could not be presented. He further stated that any information received from speakers tonight could not be considered by Board members in forming their decision at a later date.

Ms. Speicher noted that the applicant would have to amend his site plan as well as his application.

Mr. McNeill stated that the Board's desire was for any and all applicants to be given a fair hearing and that the only way to do that for Mr. Smith was to allow him to defer his case until October 17th.

Mr. McNeill made a motion, seconded by Mr. Hostetter, to defer Case P06-64 until October 17th, with no additional cost to the applicant. Unanimous approval with Mrs. Epler abstaining.

Mrs. Epler reentered the hearing room.

VIII. PLAT & PLAN – There were no plat & plan cases to consider.

IX. DISCUSSION

Mr. Barrett reviewed the procedures necessary to determine findings of fact for approval of a conditional use permit.

X. FOR YOUR INFORMATION

A. DIRECTOR'S UPDATE

Mr. Lloyd advised the Board that today's core group meeting for the Sewer Extension Policy had been cancelled. He advised the Board that their proposed policies would move forward immediately as directed at the September 5th Board meeting.

Mrs. Epler updated the Board on the September 18th County Commissioner's meeting.

Mrs. Piland thanked Mr. Lloyd for the noticeable hard work and effort he had put into the development of the sewer extension policies.

XI. ADJOURNMENT

There being no further business, the meeting adjourned at 8:18 p.m.

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September 27, 2006

TO: County Joint Planning Board

FROM: Edward M. Byrne, Planner II

SUBJECT: Case No. 04-175
Hummingbird Place
(Subdivision Review)

The developer has submitted a request for a waiver from Section 3.17.c "Street Design", County Subdivision Ordinance, regarding the length of the existing cul-de-sac (Hidden Oasis Drive). The Subdivision Ordinance establishes a maximum length of 800 feet for cul-de-sacs. The developer has proposed to close a recorded public road stub (portion of Sahara Place) to an adjacent property. If this road stub is approved for closing, the length of Hidden Oasis Drive would 1,100 feet long. This development and the adjacent property which the road stub connects to are both zoned RR rural residential.

On August 17, 2006 the County Attorney's Office requested comments from the Planning and Inspection Department for the proposed closing of this portion of Sahara Place. A copy of the request and the Staff's recommendation is attached. The Planning & Inspection Staff's approval for the road stud closing was only if the conditions were met, to include the waiver on the length of the existing cul-de-sac. The recommendation was not an endorsement for the road closing itself.

The length of Hidden Oasis Drive was not an issue at the time the subdivision was approved since the length was less than 800 feet. The entire development has been recorded with the road stub between lots 26 & 27 to the adjacent property. Interconnectivity between subdivisions has been a goal of the Planning & Inspections Staff.

The Planning & Inspection Staff is of the position that if this request is granted a precedence would be set for other developer's to get approval of development by providing studs to meet the standards, then request road closures to circumvent the Ordinance.

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

- a. **Because of the size of the tract to be subdivided, its topography, the condition or nature of the adjoining areas, or the existence of other unusual physical conditions, strict compliance with the provisions of this Ordinance would cause a special hardship to the property owner and be inequitable, and**

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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 waivers based on the following:

1. The developer's request does not state any of the reasons for granting a request such as topography, the condition or nature of adjoining areas or existence of other unusual physical conditions which would prevent the continued connection to the adjacent property;
2. The public purposes of the Subdivision Ordinance have already been met with the original approval and subsequent recordation of this development, with all provision of the Ordinance met;
3. The closing of the road stub creates the need for a waiver where one is not necessary with the current subdivision lay out, this request would grant the developer a privilege generally denied to others.

Attachments: Request for Waiver
Road Closing Request
Sketch Map
Parcel Map
Vicinity Map

cc: John Lennon, Developer
Spaulding & Norris, Surveyor
Grainger Barrett, County Attorney
Patti Speicher, Planner III



Date Request Submitted: 1-17-

Planning Board Meeting Date: 10-02

Received by: EM

Cumberland County Subdivision Ordinance

Request for Waiver

Case No.: 04-175 Case Name: _____

Related Ordinance Section Number(s): _____

Summary of Request: SECTION 3.17.C

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

Section 6.1. Waivers

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

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

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

The applicant is strongly encouraged to read the above provisions and relate the 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.

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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:

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:

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

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.

John M Lennon
Printed Name of Applicant/Agent

910-323-3261 x-25

John M Lennon
Signature of Applicant/Agent

9-14-06

Hummingbird Place subdivision is a beautiful, rural neighborhood of homes in the \$175,000-\$250,000 price range. Hidden Oasis Drive exceeds the maximum length of 800 feet by only 300 ft. We understand the 800-foot rule is arbitrary with no real reasoning. When we designed the subdivision we thought there was an opportunity to purchase the adjacent property but that has not worked out. The adjacent property is not landlocked and has 450 feet of road frontage, therefore there is no need to interconnect the 2 properties. The adjacent property is zoned for RR, which allows mobile homes.

We believe a waiver should be allowed because the 800 ft rule provides no purpose, as Hidden Oasis Dr is only 1100 ft long. The waiver would not be to the detriment of the health, safety, and welfare of the general public. It would provide protection for the homeowners of the Hummingbird neighborhood.

A waiver would not be a special privilege denied to others as we are only 300 feet longer than the maximum. We are simply trying to protect the current and future investments of our homeowners. At least 75% of the homes have been



COUNTY of CUMBERLAND

August 17, 2006

MEMORANDUM

TO: ED BYRNE
PLANNING DEPARTMENT

FROM: LARETHA R. CLARK 
LEGAL DEPARTMENT

SUBJECT: REQUEST FOR COMMENTS ON PROPOSED ROAD CLOSING

Attached is a copy of a map showing the location of a portion Sahara Place said street being located on the eastern margin of Hidden Oasis Drive in Eastover Township which the property owner petitioned to close.

Would you please review and let me know if there are any objections from the Planning Department standpoint to the closing no later than September 4, 2006.

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Cumberland County

August 25, 2006

MEMORANDUM

TO: LARETHA R. CLARK, PARALEGAL, COUNTY ATTORNEY'S OFFICE

THUR: PATTI SPEICHER, SUPERVISOR, LAND USE CODES *PSS*
CECIL P. COMBS, DEPUTY DIRECTOR PLANNING & INSPECTIONS *PC*

FROM: EDWARD M. BYRNE, PLANNER II *EMB*

SUBJECT: PETITION FOR STREET CLOSING - "PORTION OF SAHARA PLACE"

The Planning and Inspections Staff has reviewed the proposed street closing of the eastern portion of "Sahara Place" as requested by your office. The Staff has some concerns with this road closing. If Sahara Place is closed, the length of Hidden Oasis Drive will exceed the maximum allowed length of 800 feet for a cul-de-sac. The length of Hidden Oasis Drive is currently measured from the intersection with the road stub known as "Sahara Place" to the center of the cul-de-sac of Hidden Oasis Drive. Closing this portion of Sahara Place would necessitate the measurement to begin at the center point of the intersection with Hummingbird Place to the center point of the Hidden Oasis Drive cul-de-sac, which measures approximately 1,100 feet.

The road closing would make Hidden Oasis Drive nonconforming with the County Subdivision Ordinance unless a waiver is granted by the Cumberland County Joint Planning Board. The Planning and Inspection Staff would not be able to sign any recombination plats for lots 26 or 27 adding the right-of-way to the lots unless the waiver is approved, since the closing would create a nonconforming situation.

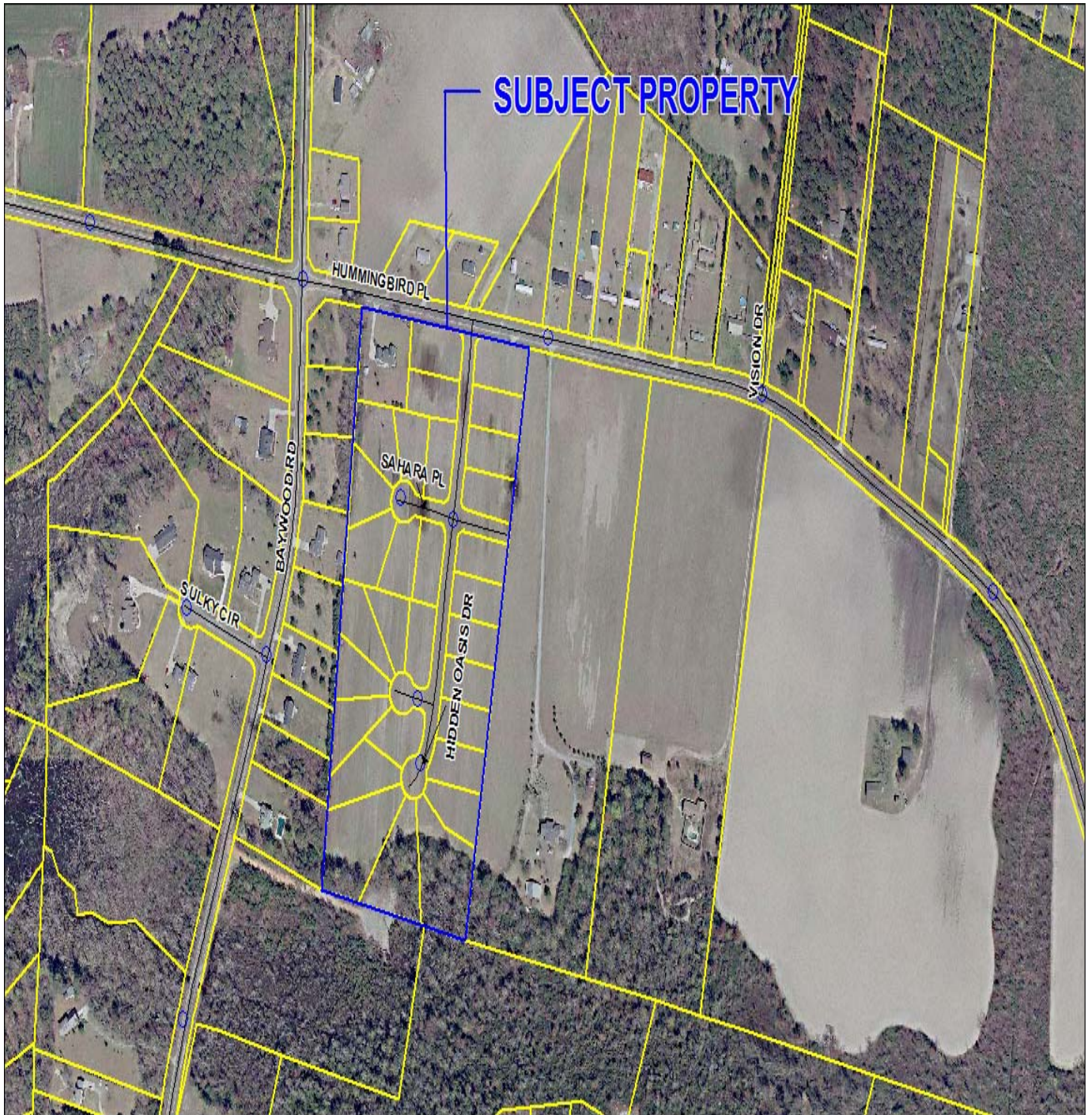
The Staff recommends approval of the closing provided the following conditions are complied with:

1. The developer or owner's of lots 26 & 27 apply for a waiver of cul-de-sac length for Hidden Oasis Drive and receive approval from Cumberland County Joint Planning Board prior to the road closing; and
2. The developer or owners of lots 26 & 27, record a map after the road closing with each recombining half of the right-of-way to their respective lot.

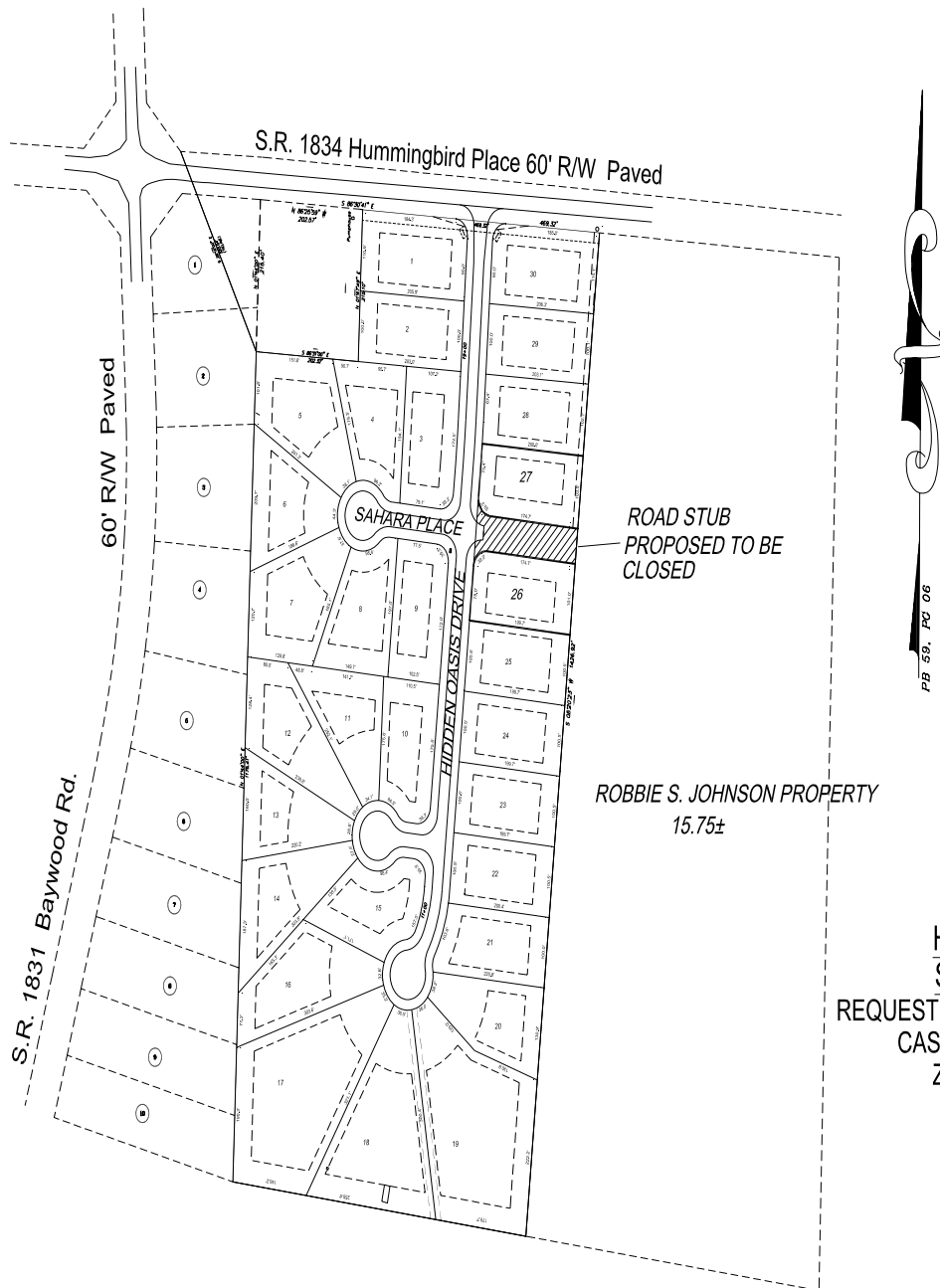
I have attached a copy of a sketch map for clarification purposes on the conditions raised in this memorandum. The developer or owners can apply for the waiver at the Planning & Inspection Department in Room 103 in the Historic Court House. If you have any questions please feel free to contact me at 678-7609.

Attachment: Sketch Map

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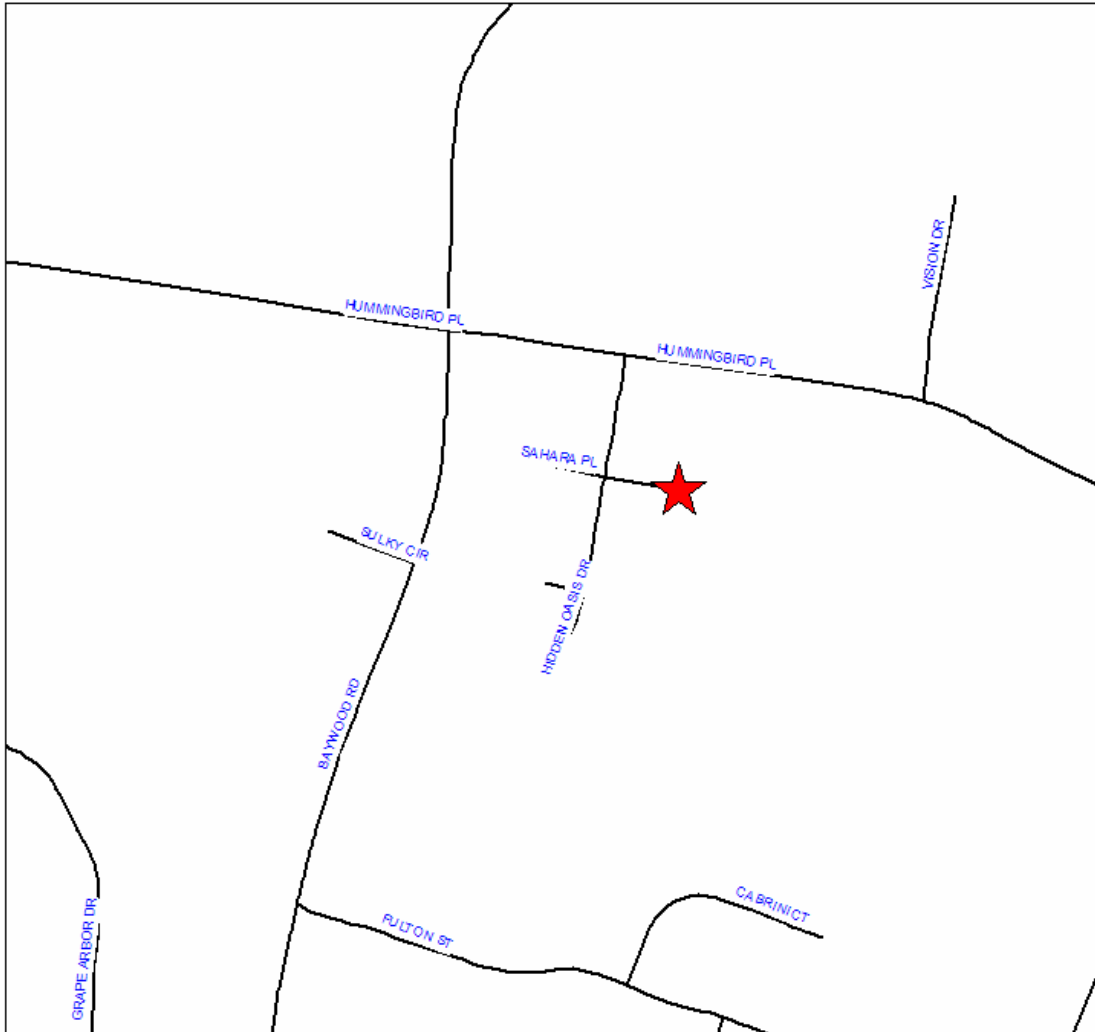
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HUMMINGBIRD PLACE
SUBDIVISION REVIEW
 REQUEST: A WAIVER FROM SECTION 3.17.C
 CASE: 04-175 ACREAGE: 19.29±
 ZONED: RR SCALE: NTS

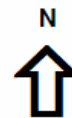
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**HUMMINGBIRD PLACE
SUBDIVISION REVIEW
CASE NO. 04-175**



PINS: 0467-93-2898-
PREPARED BY EMB - CCJPB
SEPTEMBER 26, 2006

Map not to scale



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Cumberland County

PLANNING STAFF DECISION:	9-21-06	PLANNING BOARD DECISION:	10-3-06	COUNTY OR COUNCIL MEETING:	N/A
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CASE ROBERTS PROPERTY	NO: 06-157	NAME OF DEVELOPMENT:	ROBIN
<u>(ZERO LOT LINE SUBDIVISION REVIEW)</u>			

SIDE SR 1836 (PLEASANT VIEW DRIVE), (ROCKHILL ROAD)	LOCATION: ZONING:	NORTH RR
	EAST OF SR 1835 PIN: 0467-12-8031-	

OWNER OR ROY HADDOCK	DEVELOPER: ROBIN ROBERTS	ENGINEER OR DESIGNER:
-------------------------	--------------------------	--------------------------

<input checked="" type="checkbox"/> COUNTY ORDINANCE	<input type="checkbox"/> GODWIN ORDINANCE	<input type="checkbox"/> STEDMAN ORDINANCE	<input type="checkbox"/> SPRING LAKE ORDINANCE	<input type="checkbox"/> FALCON ORDINANCE
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PLANNING DEPARTMENT ACTION	PLANNING BOARD	ACTION	TOWN BOARD
<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	

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

Permit-Related:

1. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the County Zoning Ordinance and permits required to place any structure within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. For additional information, the developer should contact a Code Enforcement Officer.
2. The County Health Department must approve water and sewer plans prior to application for any permits. Site and soil evaluations must be conducted on the property by the County Environmental Health Department prior to application for permits. (Note: All Health Department requirements must be met prior to issuance of final permits.)
3. The NC Department of Transportation (NCDOT) approve the proposed curbcut(s) and the proper permits must be obtained prior to zoning/building permit application.
4. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
5. 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:

6. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Zoning Ordinances for the RR zoning district must be complied with.
7. All applicable provisions of Section 3.21, "Group Developments", County Subdivision Ordinance, must be complied with.

Plat-Related:

8. 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.
9. 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 \$26.51 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)
10. 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

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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.

11. 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.
12. 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.
13. The notarized signature(s) of all current tax record owner(s) and notary certifications appear on the final plat when submitted for final approval.
14. 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.)
15. The final plat must be submitted to Land Use Codes for review and approval for recording with the County Register of Deeds, and the plat must be recorded prior to any permit application for any structure and/or prior to the sale of any lot or unit within this development.

Plat-Required Statements:

16. 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.”

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

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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 tract 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.”

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

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

Other Relevant Conditions:

19. The NC Department of Transportation will not consider a Class “B” private street for addition to the state system for maintenance.

20. 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.”

21. 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).”

22. The developer requested a waiver from Section 3.17.d. Corner radii, County Subdivision Ordinance, and this case will be heard by the Cumberland County Joint Planning Board on October 3, 2006. See attached memorandum for Staff recommendation.

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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

September 27, 2006

TO: County Joint Planning Board

FROM: Edward M. Byrne, Planner II

SUBJECT: Case No. 06-157
Robin Roberts Property
(Subdivision Review)

The developer has submitted a request for a waiver from Section 3.17.d "Corner Radii", County Subdivision Ordinance, regarding the requirement for rounding the property lines with a radius of 25-feet at street intersections. The property is zoned RR Rural Residential, contains 24.23 +/- acres, and has 61.30 feet of road frontage.

The developer is proposing a subdivision with a Class "B" private street to serve the development. Currently, the subject tract has a 60-foot wide flag strip which provides access to the property and the proposed private street is overlaid on this flag strip, following along an existing driveway. The flag strip is not wide enough for the developer to meet the 45-foot minimum road width and the two 25-foot radii without encroaching onto the adjacent properties. The preliminary plan shows one eleven-foot radius that is contained entirely on the subject property.

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

- d. **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**
- e. **The public purposes of the Subdivision Ordinance and the Zoning Ordinance would be served to an equal or greater degree, and**
- f. **The property owner would not be afforded a special privilege denied to others.**

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

- 1) The existing physical shape of the property precludes the developer's ability to provide the required radii to be placed on the subject property, this would create special hardship since the necessary land from adjacent property owner's cannot be obtained;
- 2) The public purposes of the Subdivision Ordinance and Zoning Ordinance is being served to an equal or greater degree since the developer's request is the minimum waiver necessary and a new curb-cut will not be required with the developer utilizing the existing driveway for the Class "B" private street.
- 3) The plan as submitted is the preferred layout for this type of development, providing for a street name when lots are created off of a public right-of-way, and the property owner is not being afforded a special privilege denied to others because this same development could be accomplished utilizing 20-foot flag strips without being required to submit for a waiver.



Date Request Submitted: 9-14-06

Planning Board Meeting Date: 10-03-06

Received by: FRB

Cumberland County Subdivision Ordinance

Request for Waiver

Case No.: 06-157 Case Name: Robin Roberts

Related Ordinance Section Number(s): 3.17.D

Summary of Request: Not to meet the 25' radius on the right side and a 11' radius on the left side.

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:

The flag creates an unusual physical condition that prohibits the 25' radius on both sides of the road with only 60' of land. Land owners unable to obtain the rights to use the adjacent properties for the use of the required 25' radius.

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:

The general purpose of a class B private street will serve the requirements for the proposed subdivision.

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

Similar request have been granted before when the developer has been unable to obtain the land from the adjacent properties.

The purpose of the 25' radius is for the maintenance of the right-of-ways for state maintained roads, this is a private road and the state will not maintain it.

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.

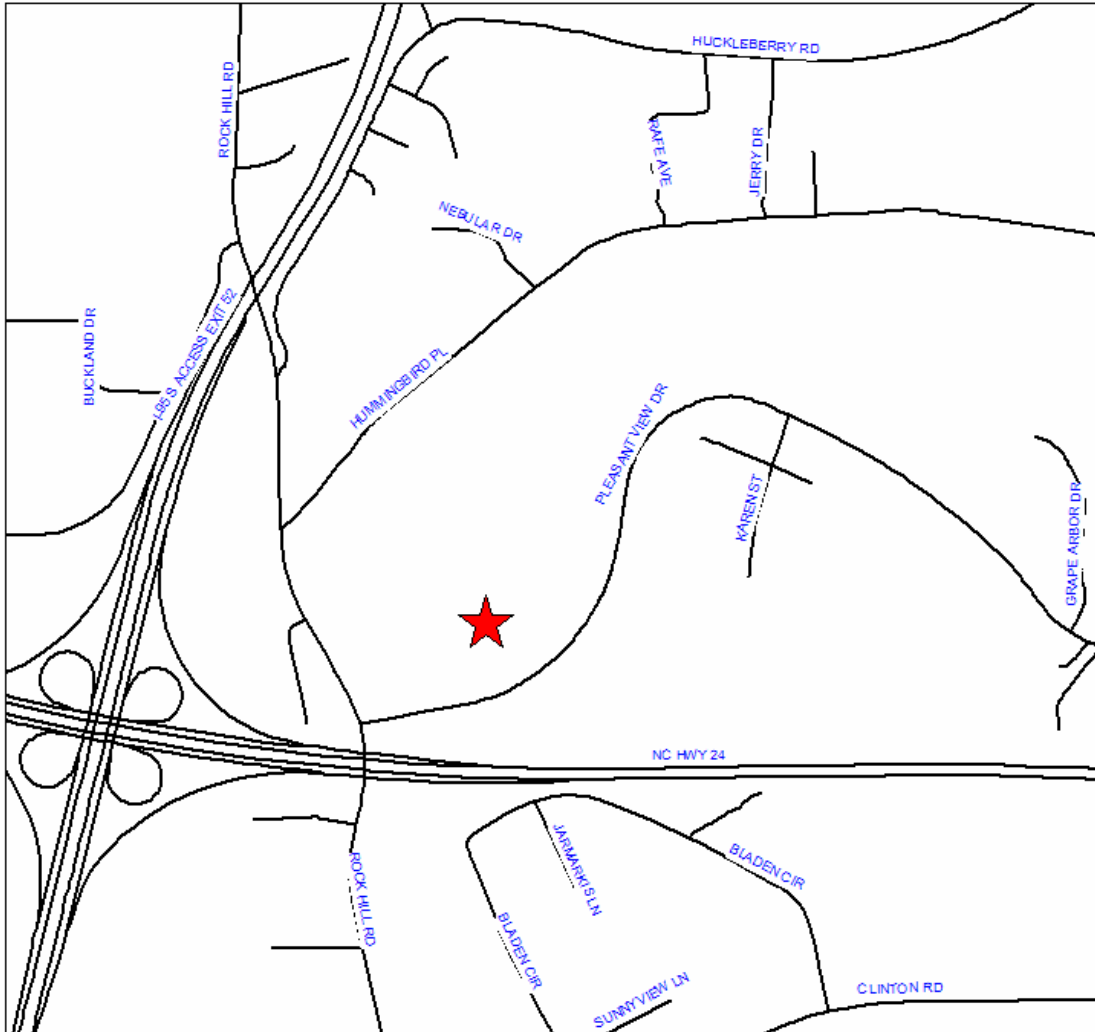
Chris Haddock
Printed Name of Applicant/Agent

323-1977
Daytime Phone Number

Chris Haddock
Signature of Applicant/Agent

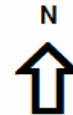
9-19-06
Date Signed

**ROBIN ROBERTS PROPERTY
ZLL SUBDIVISION REVIEW
CASE NO. 06-157**

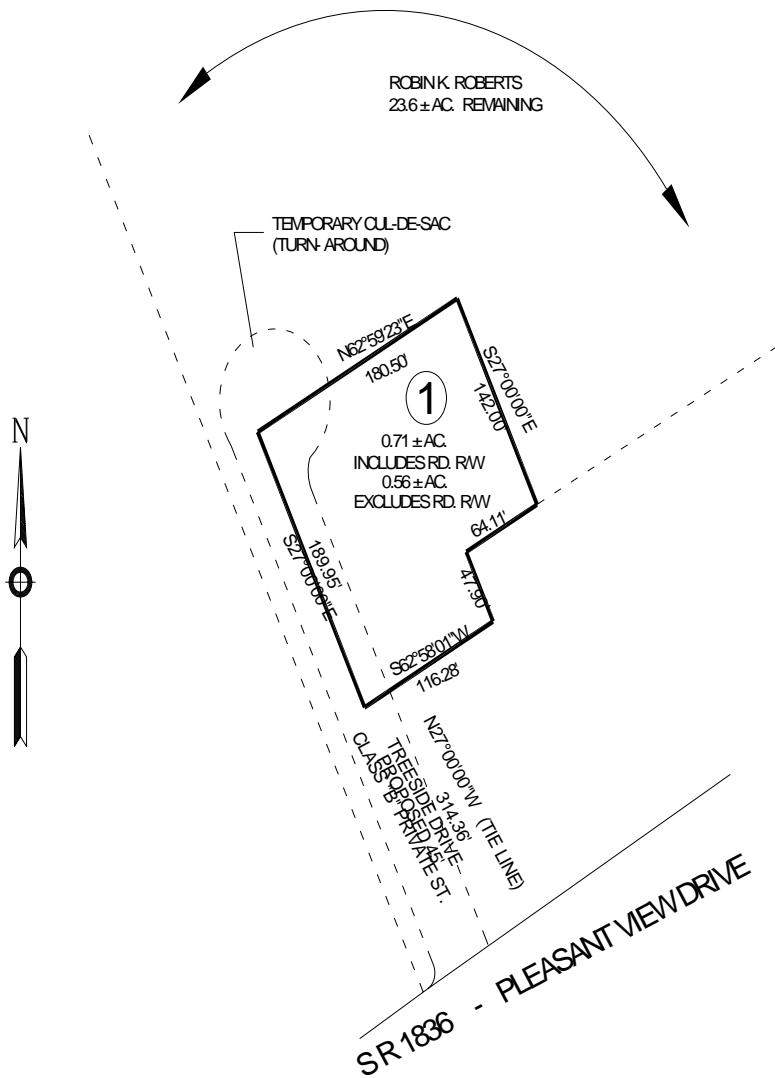


PIN(S): 0467-12-8031-
PREPARED BY MAS - CCJPB
SEPTEMBER 13, 2006

Map not to scale



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ROBIN ROBERTS PROPERTY
 ZERO LOT LINE SUBDIVISION REVIEW
 REQUEST: A WAIVER FROM SECTION 3.17.D
 CASE: 06-157 ACREAGE: 24.23±
 ZONED: RR SCALE: NTS

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