

**Donovan McLaurin,**  
Chair  
Wade, Falcon & Godwin

**Lori Epler,**  
Vice-Chair  
Cumberland County

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



## **COUNTY of CUMBERLAND**

### *Planning & Inspections Department*

September 9, 2008

**Thomas J. Lloyd,**  
Director

**Cecil P. Combs,**  
Deputy Director

Walter Clark  
Roy Turner,  
Sara E. Piland,  
Cumberland County

Benny Pearce,  
Town of Eastover

### **MEMORANDUM**

**TO:** Cumberland County Joint Planning Board

**FROM:** Planning & Inspections Staff

**SUBJECT:** Staff Recommendation for September 16, 2008 Board Meeting

**P08-41:** REZONING OF 1.00+/- ACRE FROM C(P)/CU CONDITIONAL USE OVERLAY DISTRICT TO ALLOW INDUSTRIAL OPERATIONS (APPAREL MANUFACTURING/SEWING OPERATIONS) TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 2212 LILLINGTON HWY, SUBMITTED AND OWNED BY THOMAS E. & ELIZABETH HIGDON.

The Planning & Inspections Staff recommends approval of the request for C(P) Planned Commercial district based on the following:

1. Although the request is inconsistent with the Spring Lake Area Detailed Land Use Plan, which calls for light commercial at this location, the requested district is consistent with the adjacent zoning; and
2. The subject property is located on a Major Thoroughfare.

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

**Attachments:**

- 1 - Site Profile
- 2 - Sketch Map

**P08-41**  
**SITE PROFILE**

**P08-41:** REZONING OF 1.00+/- ACRE FROM C(P)/CU CONDITIONAL USE OVERLAY DISTRICT TO ALLOW INDUSTRIAL OPERATIONS (APPAREL MANUFACTURING/SEWING OPERATIONS) TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 2212 LILLINGTON HWY, SUBMITTED AND OWNED BY THOMAS E. & ELIZABETH HIGDON.

**Site Information:**

**Frontage & Location:** 130.00'+/- on Lillington Highway

**Depth:** 375.00'+/-

**Jurisdiction:** Cumberland County

**Adjacent Property:** No

**Current Use:** Retail and wholesale

**Initial Zoning:** C(P) - January 7, 1977 (Area 11); rezoned to C(P)/CU December 18, 1989

**Nonconformities:** None

**Zoning Violation(s):** None

**Surrounding Zoning:** North: RR, R10, R6A, O&I(P) & C1(P); East: CD, RR, O&I(P)/CU (to allow a private dog kennel and incidental crematorium), C(P) & CD; South: CD, RR, R10, R6A, C3, C(P), & M2; West: R10 & M(P) (Spring Lake)

**Surrounding Land Use:** Vacant day care facility, funeral home, convenience retail, 2-manufactured home parks and residential

**Spring Lake Area Detailed Land Use Plan:** Light commercial

**Special Flood Hazard Area (SFHA):** None

**Water/Sewer Availability:** Overhills Water/Septic

**Soil Limitations:** Yes, hydric inclusion: (WmB) Wickham fine sandy

**Military Impact Area:** Pope AFB has no objection to this case.

**RLUAC:** No objection to proposed zoning

**School Capacity/Enrolled:** Lillian Black Elementary: 265/194; Spring Lake Middle: 700/488; Pine Forest High: 1,750/1,564

**Subdivision/Site Plan:** If approved, site plan and/or subdivision review required for any new development

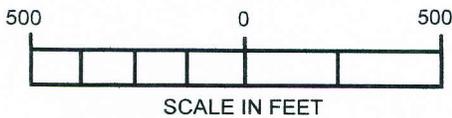
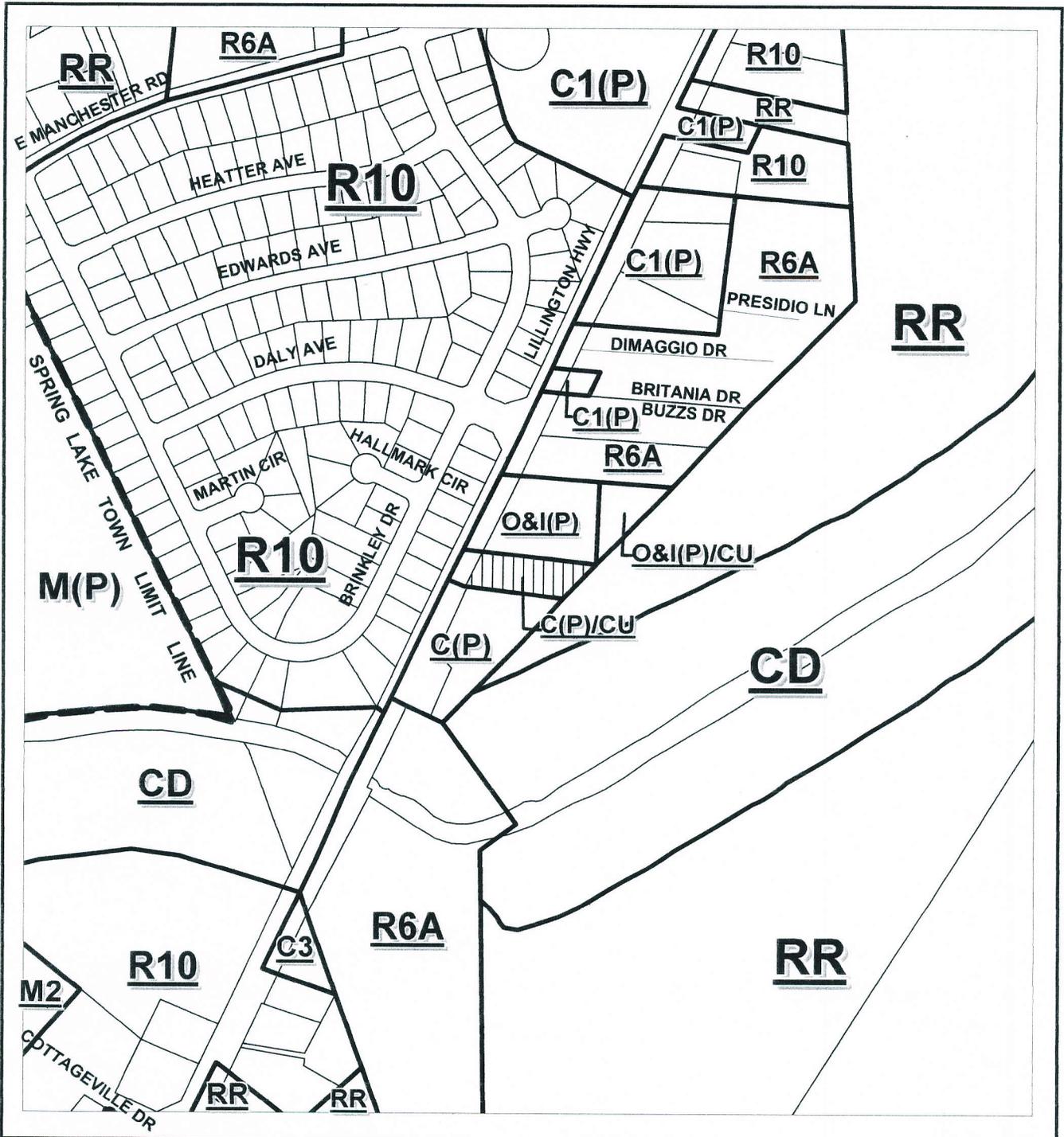
**Municipal Influence Area:** Spring Lake

**Average Daily Traffic Count (2006):** 36,000 on Lillington HWY

**Highway Plan:** There are no road improvements/constructions specified for this area. This case has no impact on the current Highway Plan or Transportation Improvement Program

*First Class Mailed Notice Certification*

*A certified copy of the tax record owner(s) and their tax record mailing address is contained within the case file and is incorporated by reference as if delivered herewith.*



PIN: 0512-49-5168

## REQUESTED REZONING: C(P)/CU TO C(P)

<b>ACREAGE: 1.00 AC.+/-</b>	<b>HEARING NO: P08-41</b>	
<b>ORDINANCE: COUNTY</b>	<b>HEARING DATE</b>	<b>ACTION</b>
<b>STAFF RECOMMENDATION</b>		
<b>PLANNING BOARD</b>		
<b>GOVERNING BOARD</b>		

JM

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## COUNTY of CUMBERLAND

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September 9, 2008

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Benny Pearce,  
Town of Eastover

### **MEMORANDUM**

**TO:** Cumberland County Joint Planning Board

**FROM:** Planning & Inspections Staff

**SUBJECT:** Staff Recommendation for September 16, 2008 Board Meeting

**P08-45:** REZONING OF 48.32+/- ACRES FROM RR RURAL RESIDENTIAL & CD CONSERVANCY DISTRICT TO R7.5 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE NORTH SIDE OF CAMDEN ROAD AND THE EAST SIDE OF HOKE COUNTY LINE, SUBMITTED BY K. DOUGLAS BARFIELD, ATTORNEY; OWNED BY CAMDEN GLEN DEVELOPMENT, LLC.

The Planning & Inspections Staff recommends approval for the request of R7.5 Residential for the portion of the request outside of the existing Special Flood Hazard Area (SFHA), with the relatively small portions inside the existing SFHA to the west and north of subject property to remain CD Conservancy District based on the following:

1. The request is consistent with the 2010 Land Use Plan, which calls for low density residential and small amount of open space at this location; and
2. Public utilities are available to the subject property and extension will be required upon development.

The R15 zoning district is the only other suitable zoning district to be considered for this site.

The applicant has verbally agreed to this recommendation.

**Attachments:**

- 1 - Site Profile
- 2 - Sketch Map

**P08-45**  
**SITE PROFILE**

**P08-45:** REZONING OF 48.32+/- ACRES FROM RR RURAL RESIDENTIAL & CD CONSERVANCY DISTRICT TO R7.5 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE NORTH SIDE OF CAMDEN ROAD AND THE EAST SIDE OF HOKE COUNTY LINE, SUBMITTED BY K. DOUGLAS BARFIELD, ATTORNEY; OWNED BY CAMDEN GLEN DEVELOPMENT, LLC.

**Site Information:**

**Frontage & Location:** 860.00'+/- on Camden Road

**Depth:** 3,500.00'+/-

**Jurisdiction:** Cumberland County

**Adjacent Property:** Yes, east side of subject property

**Current Use:** Woodlands

**Initial Zoning:** CD & RR – February 6, 1976 (Area 5)

**Nonconformities:** None

**Zoning Violation(s):** None

**Surrounding Zoning:** North: CD & RR; East: CD, RR, R10 & R7.5; South: CD, RR & R15; West: CD

**Surrounding Land Use:** Religious worship facility, 2- utility substations, residential (including abandoned dwellings and manufactured homes) and woodlands

**2010 Land Use Plan:** Low density residential & small amount of open space

**Special Flood Hazard Area (SFHA):** Yes, small amount to the west and north side

**Water/Sewer Availability:** PWC/PWC (developer intends to extend water/sewer from his adjacent development on the east side of subject property)

**Environmental Health:** Recommends approval as long as water and sewer are provided

**Soil Limitations:** Yes, small amount of hydric on north side – (JT) Johnston loam

**School Capacity/Enrolled:** Stoney Point Elementary: 900/950; John Griffin Middle: 1,340/1,378; Jack Britt High: 1,870/1,855

**Subdivision/Site Plan:** Review required for development; right-of-way tract must be officially closed prior to any development

**Municipal Influence Area:** Hope Mills

**Average Daily Traffic Count (2006):** 4,600 on Camden Road

**Highway Plan:** Camden Road is identified in the Highway Plan as a major thoroughfare. This proposal calls for widening to a multi-lane facility (4 lane-divide) Road improvements are not included in the 2009-2015 MTIP. This is a Priority #2 project under the LRTP.

**Note:**

1. Tract two, 0.62+/- acres, located on the north side of Camden Road is a right-of-way dedication to NCDOT

**2. Density:**

RR – 105 lots/units

R15 – 140 lots/units

R7.5 – 280 lots/ 281 units

**Density (minus 15% for r/w):**

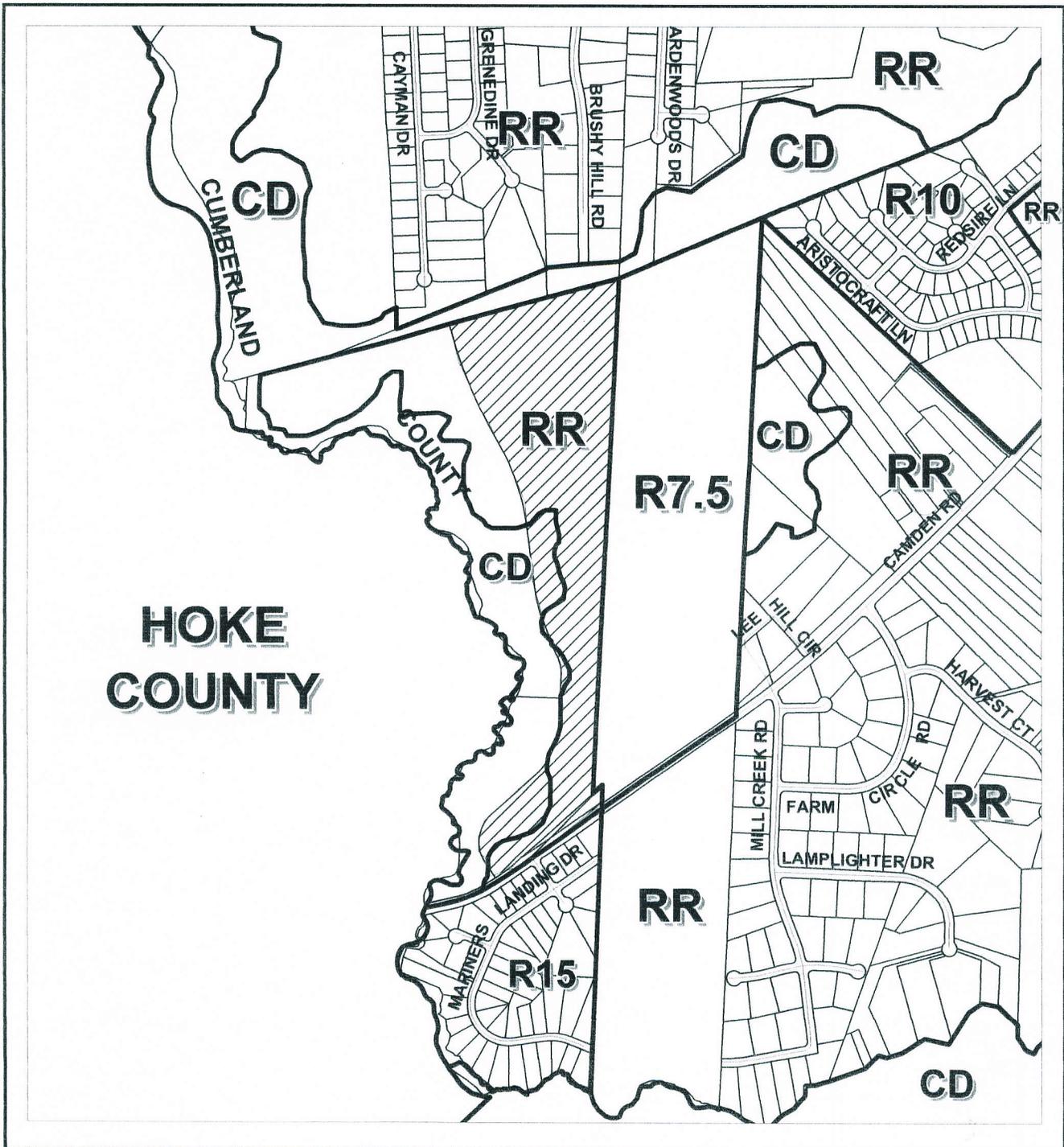
RR – 89 lots/units

R15 – 119 lots/units

R7.5 – 238 lots/ 239 units

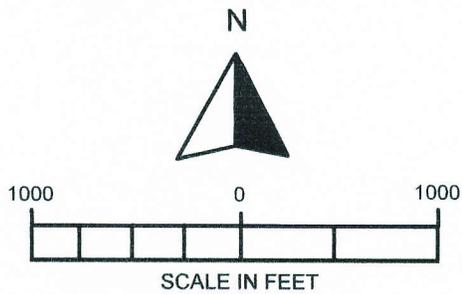
*First Class Mailed Notice Certification*

*A certified copy of the tax record owner(s) and their tax record mailing address is contained within the case file and is incorporated by reference as if delivered herewith.*



# HOKE COUNTY

## REQUESTED REZONING RR & CD TO R7.5



<b>ACREAGE: 48.32 AC.+/-</b>		<b>HEARING NO: P08-45</b>	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

PIN: 9484-92-7453  
PIN: 9484-90-9419

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## COUNTY of CUMBERLAND

### Planning & Inspections Department

September 11, 2008

#### MEMORANDUM

**TO:** Cumberland County Joint Planning Board

**FROM:** Edward M. Byrne, Planner II, Land Use Codes *EMB*

**SUBJECT:** CASE NO. 08-100. CONSIDERATION OF JUDSON BAPTIST CHURCH, SUBDIVISION REVIEW, REQUEST FOR EXCEPTION FROM SECTION 2306.A.1.C EXCEPTION TO PUBLIC WATER AND SEWER EXTENSION/CONNECTION, COUNTY SUBDIVISION ORDINANCE, REGARDING: THE REQUIREMENT FOR MANDATORY SANITARY SEWER EXTENSION/CONNECTION; ZONING: A1 & CD; TOTAL ACREAGE: 2.265 +/-; LOCATED ON THE EAST SIDE OF SR 2216 (EVANS DAIRY ROAD), NORTH OF SR 2215 (FIELDS ROAD).

The property owner of this proposed subdivision is requesting the board to make an exception from the requirement for mandatory sanitary sewer connection. The County Subdivision Ordinance requires subdivisions within 300 feet of an existing sanitary sewer line to connect to the system. The closest existing sanitary sewer to the subject property is approximately 150 feet at the rear of this property; however, according to the Public Works Commission (PWC) the location of the sanitary sewer main is on the opposite side of a stream.

Any connection/extension to the sewer main would involve a major stream crossing, which the PWC tries to avoid. Another option was addressed by the PWC concerning a possible extension down SR 2216 (Evans Dairy Road) approximately 1,950 feet from this property, but this is beyond the distance requirement for mandatory connection under the provisions of the Ordinance. A letter from the PWC explaining the PWC's position on this matter is attached. The PWC has noted in their recommendation that this site would be better served by a sewer extension down SR 2216 (Evans Dairy Road) rather than crossing the existing stream.

The ordinance allows the Planning Board to make exception to the mandatory public sewer connection/extension when any of the following conditions are present:

- 1. Public sanitary sewer is within a different drainage basin or sub-basin.**

2. The public utility is located beyond the jurisdiction of the Planning Board, and **the public utility provider will not agree to extend service.**
3. Crossings of Rockfish Creek, Lower Little River, South River, Cape Fear River, controlled access highways such as Interstate 95, Business 95 and the Fayetteville Outer Loop.
4. Extensions exceeding 2,000 feet from existing public services.
5. Property is located outside of municipal governments' approved master plan.

The Planning and Inspections Staff recommends approval of the exception from the mandatory sewer connection based upon the PWC letter.

Attached you will find the developer's exception request, the referenced PWC letter, conditions of approval, subdivision sketch plan, sewer location map and a vicinity map. If you have any questions regarding this memorandum, please contact Ed Byrne at 678-7609, email: [ebyrne@co.cumberland.nc.us](mailto:ebyrne@co.cumberland.nc.us).

#### Attachments

cc: Judson Baptist Church, Owner  
Sammy Cain, Surveyor  
Grainger Barrett, County Attorney  
Patti Speicher, Land Use Codes



Date Request Submitted: 8-26-08

Planning Board Meeting Date: 9-16-08

Received by: PSS

## Cumberland County Subdivision Ordinance

### *Request for Exception*

Case No.: 08-100 Case Name: Judson Baptist Church

Related Ordinance Section Number(s): 2306.A.1.C

Summary of Request: Exception for mandatory public sewer extension / connection

#### SECTION 2306. C. Exception to public water and sewer extension/connection

The Planning Board may make exceptions to the above requirements for connection to a public water and/or sewer system when any of the following conditions warrant:

- (1) Public sanitary sewer is within a different drainage basin or sub-basin;
- (2) The public utility is located beyond the jurisdiction of the Planning Board, and the public utility provider will not agree to extend service;
- (3) Crossings of Rockfish Creek, Lower Little River, South River, Cape Fear River, controlled access highways such as Interstate 95, Business 95 and the Fayetteville Outer Loop;
- (4) Extensions exceeding 2,000 feet from existing public services; or
- (5) Property is located outside of municipal governments' approved master plan.

All supporting documentation for the request must be submitted along with this request for exception.

① PWC letter dated 8-25-08 attached  
② Septic permit # 2008-144 attached



WILSON A. LACY, COMMISSIONER  
TERRI UNION, COMMISSIONER  
LUIS J. OLIVERA, COMMISSIONER  
MICHAEL G. LALLIER, COMMISSIONER  
STEVEN K. BLANCHARD, CEO/GENERAL MANAGER

**PUBLIC WORKS COMMISSION**

OF THE CITY OF FAYETTEVILLE

*ELECTRIC & WATER UTILITIES*

955 OLD WILMINGTON RD  
P.O. BOX 1089  
FAYETTEVILLE, NORTH CAROLINA 28302-1089  
TELEPHONE (AREA CODE 910) 483-1401  
FAX (AREA CODE 910) 829-0207

August 25, 2008

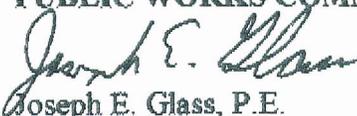
Mr. Marshall Bailey  
Judson Baptist Church  
2326 Cedar Creek Road  
Fayetteville, NC 28312

**SUBJECT: Sewer Main Extension to Serve Judson Baptist Church Recreational Center on Evans Dairy Road PIN 0454-39-6824**

Dear Mr. Bailey:

PWC has reviewed the estimated cost to extend sewer 926 feet to serve the proposed Recreational Center. The cost is estimated to be in excess of \$75,000.00 to meet PWC requirements for the extension and would involve a major stream crossing, which PWC tries to avoid. An easement from the adjacent landowner will be required which would likely be an additional cost. This proposed extension could potentially serve additional properties in the area, but these parcels could be better served by an extension from the outfall that crosses Evans Dairy Road.

It is the recommendation of this office that due to the cost of the extension to serve the proposed project and the ability to better serve that area with another sewer routing, that the gravity sewer extension to serve this property not be required. If there are any questions regarding this letter, please contact Ms. Heidi Maly at (910) 223-4737 or Mr. John Allen at (910) 223-4734.

Sincerely,  
**PUBLIC WORKS COMMISSION**  
  
Joseph E. Glass, P.E.  
Water Resources Engineering Manager

hbm

Copy: Lateral file

Cumberland Public Health Department  
227 Fountainhead Lane  
Fayetteville NC 28301-  
(910) 433-3660

### Improvement Permit

*This permit is subject to revocation if the site plan or plat, whichever is applicable, or the intended use changes.*

Date: **3/7/2008**

**NEW SYSTEM/SOIL EVAL**

Permit #: **2008 - 144**

*Private well to be installed prior to wastewater system installation.*

Pin Number: 0455-30-7172

Date purchased: 1/30/2008

Expiration date: 1/30/2013

Applicant Name: **Beiley, Marshall W.**

Zoning Permit Number 0

Site Address: 2523 Evans Dairy Road Lot  
Fayetteville NC 28312-

Subdivision:

Township:

Directions:

Type of Establishment: Other Design Flow: 360 gpd Site Classification: Suitable

Repairs: 2 at 75' - conventional - 24" trench bottom.

WASTEWATER SYSTEM: The attached plot plan cannot be changed.

Tank Capacity: 1000 gallons Pump tank reserve capacity: gallons

NITRIFICATION FIELD: Type: Conventional Other: No. Bedrooms: 80

No. Lines: 2 Length of Each Line: 75 Width of Each Line: 3' Maximum Trench Bottom Depth: 24"

Conditions: 1) Must follow layout.  
2) No deeper than 24".

- Plat Provided - When a PLAT is provided, the Improvement Permit is valid without expiration.
- Site Plan Provided - When a SITE PLAN is provided, the Improvement Permit is valid for five (5) years.

Improvement Permit Expiration Date: 3/7/2013

Improvement Permit Approved By: Fred Thomas

Date: 3/7/2008

#### AUTHORIZATION FOR WASTEWATER SYSTEM CONSTRUCTION (ATC)

An Authorization for Wastewater System Construction is required before any person shall commence or assist in the installation, construction or repair of a wastewater system and before any other permits (electrical, plumbing, heating, air conditioning or other construction) can be issued.

**AUTHORIZATION FOR WASTEWATER SYSTEM CONSTRUCTION IS VALID FOR FIVE (5) YEARS.**

ATC Expiration Date: 3/7/2013

ATC Approved By: Fred Thomas

Date: 3/7/2008

#### OPERATIONS PERMIT

Contractor: \_\_\_\_\_ Pump Information: \_\_\_\_\_

This septic tank and fair nitrification field have been inspected and meet the requirements as set forth by Article 11 of Chapter 130A of the General Statutes of North Carolina, "Wastewater Systems" "Laws and Rules for Sewage Treatment and Disposal Systems" Title 10 NCAC, Subchapter 18A, Section 1900 and "Regulations Governing Sanitary Sewage, Collection, Treatment and Disposal in Cumberland County, NC", however, the signing of this form in no way guarantees the life of the system or that it will function under any or all conditions.

Operations Permit Approved By: \_\_\_\_\_

Date: \_\_\_\_\_

Inspection of sewer line between house and septic tank connection thereto is the responsibility of Cumberland County Inspection Dept. (910) 321-6636

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# COUNTY of CUMBERLAND

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Benny Pearce,  
Town of Eastover

PLANNING STAFF

DECISION: 06-06-08

PLANNING BOARD

DECISION: 9-16-08

CASE NO: 08-100 NAME OF DEVELOPMENT: JUDSON BAPTIST CHURCH

MIA: N/A SUBDIVISION REVIEW

LOCATION: EAST SIDE OF SR 2216 (EVANS DAIRY ROAD), ZONING: A1 & CD

NORTH OF SR 2215 (FIELDS ROAD) PIN: 0454-39-6824-

OWNER OR DEVELOPER: JUDSON BAPTIST CHURCH

ENGINEER OR DESIGNER: SAMMY CAIN

### PLANNING DEPARTMENT ACTION

- PRELIMINARY
- EXTENSION       REVISION
- APPROVED CONDITIONALLY
- DENIED

### PLANNING BOARD ACTION

- PRELIMINARY
- EXTENSION     REVISION
- APPROVED CONDITIONALLY
- DENIED

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

#### Permit-Related:

1. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the County Zoning Ordinance and permits required to place any structure within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. For additional information, the developer should contact a Code Enforcement Officer.
2. The County Health Department must approve water 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. A copy of the Health Department approval must be provided to Code Enforcement at the time of application for any building/zoning permits. (Note: All Health Department requirements must be met prior to issuance of final permits.)
3. Connection to public sewer is required, the Public Works Commission (PWC) must approve sewer plans prior to application for any permits. A copy of the PWC approval must be provided to Code Enforcement at the time of application for building/zoning permits.
4. New development that will disturb one acre or more of land or is part of a larger plan that will disturb at least an acre of land is subject to the post-construction Stormwater Management Permitting Program (Phase II Stormwater Management

Requirements) administered by the Division of Water Quality, North Carolina Department of Environment and Natural Resources. Prior to the issuance of any building/zoning permits for this site, a copy of the State's post-construction permit must be provided to County Code Enforcement.

5. The developer may have to provide the Code Enforcement Section with an approved NC Department of Environment and Natural Resources (NCDENR) sedimentation and erosion control plan (S&E) prior to any application for permits. (Note: If any retention/detention basins are required for state approval of this plan, then three copies of a revised plan must be submitted and approved by Planning & Inspections prior to application for any building/zoning permits.) A copy of the NCDENR approval must be provided to Code Enforcement at the time of application for any building/zoning permits.
6. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.

**Site-Related:**

7. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Zoning Ordinances for the A1 & CD zoning district must be complied with, as applicable.
8. An adequate drainage system must be installed by the developer in accordance with the NC Department of Environment and Natural Resources' (NCDENR) *Manual on Best Management Practices* and all drainage ways must be kept clean and free of debris.
9. All utilities, except for 25kv or greater electrical lines, must be located underground.
10. The developer must obtain a driveway permit from the NC Department of Transportation (NCDOT). A copy of the approved driveway permit must be provided to Code Enforcement at the time of application for building/zoning permits.

**Plat-Related:**

11. The subject lot must have an identifier (i.e., Tract A, Lot 1, etc.) on the final plat.
12. The proposed development is located in a Special Flood Hazard Area (SFHA). The final plat must show the limits of the SFHA; information may be obtained from the County Engineer's office or the Federal Emergency Management Agency's (FEMA) website at [www.ncfloodmaps.com](http://www.ncfloodmaps.com). Any development within the SFHA is subject to the requirements of the County Flood Damage Prevention Ordinance administered by the County Engineering Department. (Note: The SFHA is correctly shown on the preliminary plan and is required to also be reflected on the final plat.)
13. 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 \$85.11 (one lot) payable to "Cumberland County". This condition is in accordance with Section 3.13.1, Parks, Open Space, Recreation Provisions, County Subdivision Ordinance, which requires every residential dwelling unit to provide a portion of land, in certain instances, or pay a fee in lieu of dedication, for the purposes of providing park, recreation and open space areas. (Park District #1)
14. Any/All easements must 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.
15. The notarized signature(s) of all current tax record owner(s) and notary certifications appear on the final plat when submitted for final approval.
16. 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:**

17. Since this development does not have public water, the following disclosure statement is required to be provided on the final plat:

“The individual lots in this development do not have public water services available, and no lots have been deemed acceptable for private wells at the date of this recording.”

**Advisories:**

- 18. The applicant is advised to consult an expert on wetlands before proceeding with any development.
- 19. 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.

**Other Relevant Conditions:**

- 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 services are not available as of the date of the recording of this deed.”

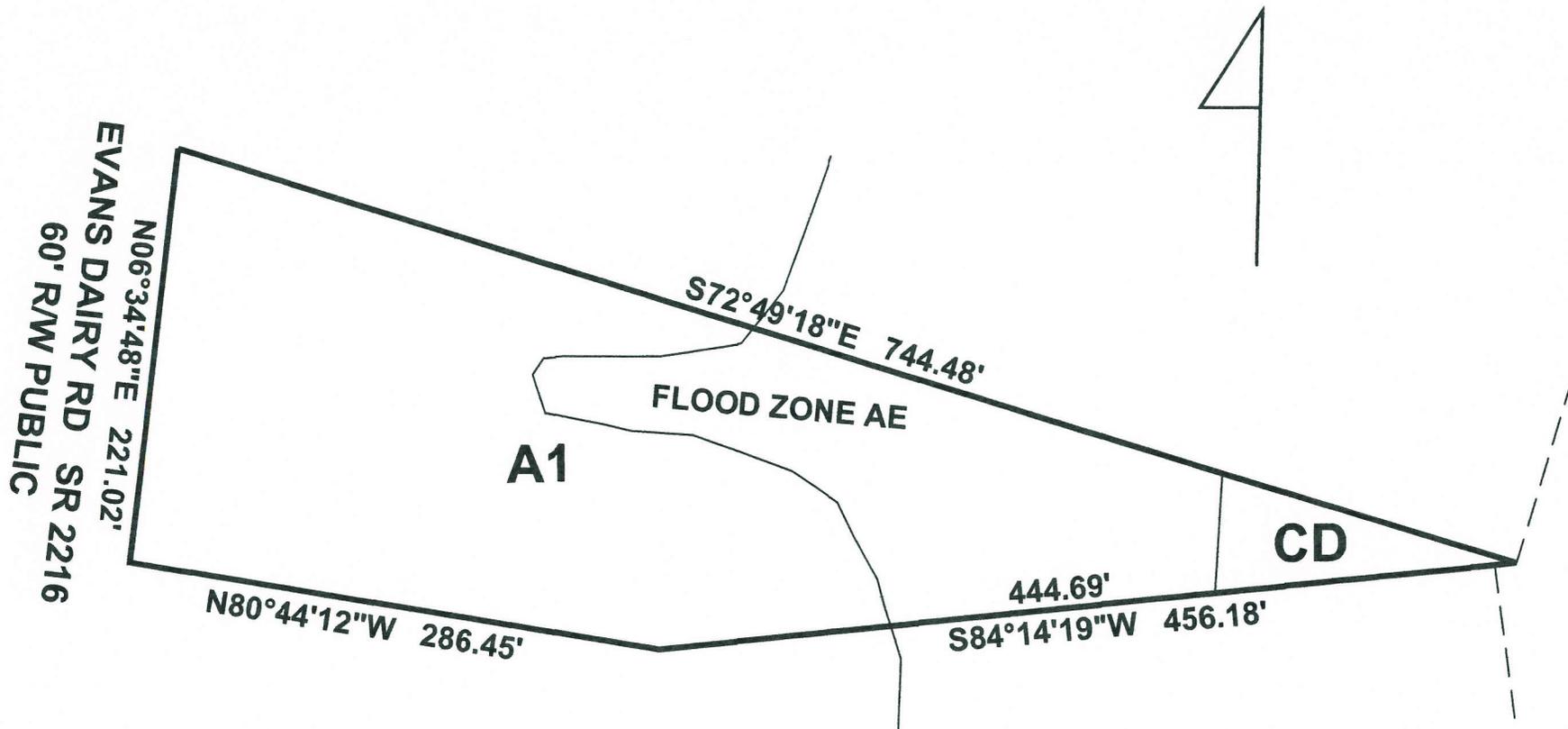
**Planning Board Relevant Conditions:**

- 21. The developer submitted a request for a exception from Section 2306.A.1.c from the County Subdivision Ordinance. This case will be heard on September 16, 2008 by the Cumberland County Joint Planning Board.

**If you need clarification of any conditions, please contact Ed Byrne at 910-678-7609 or Patti Speicher at 910-678-7605; otherwise, contact the appropriate agency at the contact numbers below.**

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

Subdivision/Site Plan/Plat	Ed Byrne	678-7609
Code Enforcement (Permits):	Ken Sykes	321-6654
County Engineer’s Office:	Wayne Dudley	678-7636
County Health Department:	Danny Soles	433-3685
PWC:	Heidi Maly	223-4773
Ground Water/County Public Utilities:	Tom Cooney	678-7682
Corp of Engineers (wetlands):	Ronnie Smith	(910) 251-4829
NCDENR (E&S):	Sally McKinney	433-3300
E911 Site-Specific Address:	Ron Gonzales	678-7616
Tax Parcel Numbers:		678-7549
NCDOT (driveways/curb-cuts):	Gary Burton	486-1496
N.C. Division of Water Quality: (Stormwater)	Mike Randall	(910) 733-5083 ext. 545



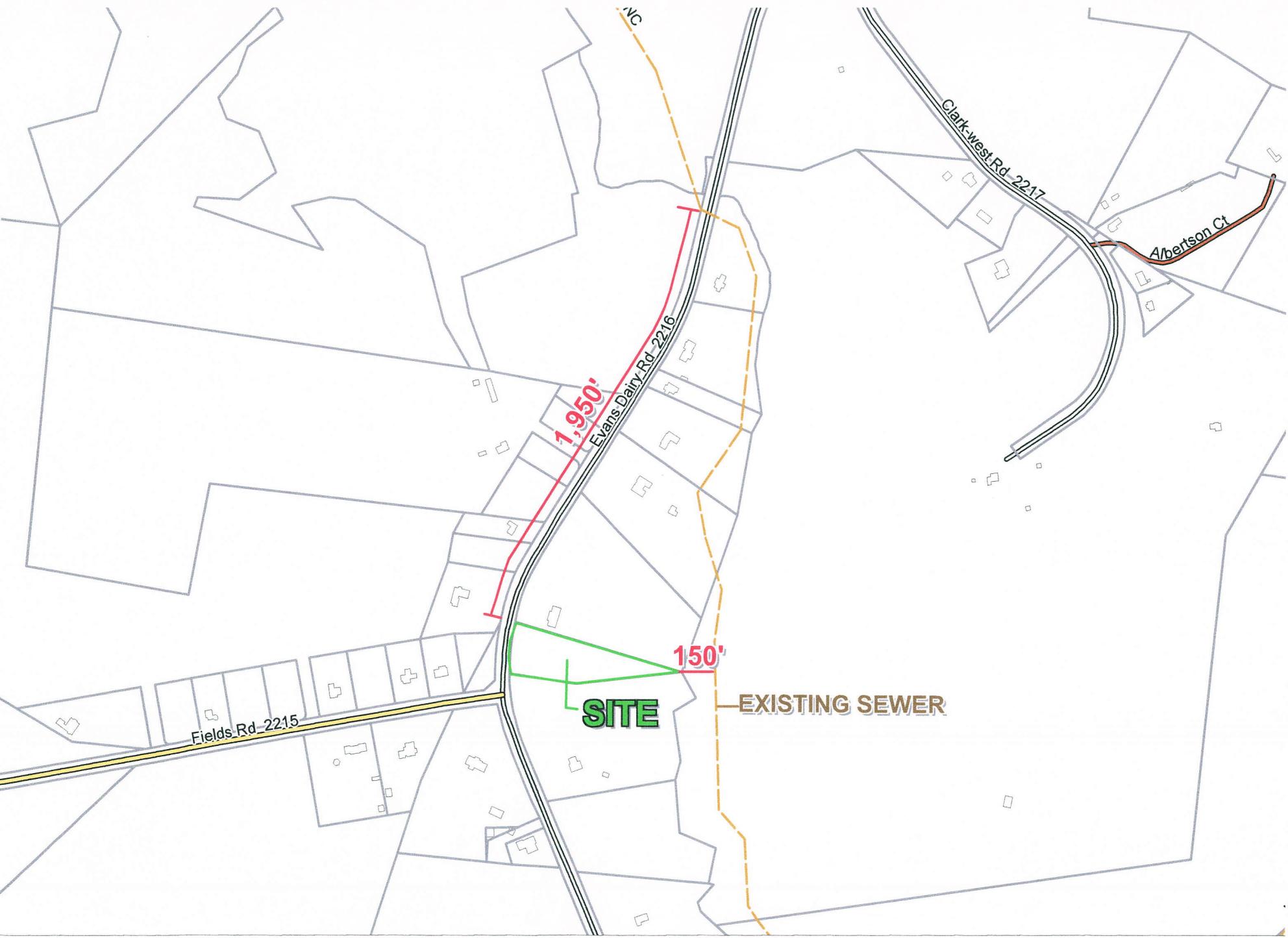
**JUDSON BAPTIST CHURCH**

**REQUEST: EXCEPTION FROM REQUIREMENT FOR CONNECTION  
TO SANITARY SEWER (SECTION 2306) CO. SUB. ORD.**

**CASE: 08-100 ACREAGE: 2.265±**

**ZONING: A1 & CD SCALE: NTS**

**SCALED, DETAILED SITE PLAN IN FILE AVAILABLE FOR REVIEW UPON REQUEST**



CASE: 08-100

SEWER LOCATION MAP

**JUDSON BAPTIST CHURCH  
SUBDIVISION REVIEW  
CASE NO. 08 - 100**



PIN(S): 0454-39-6824-  
Prepared by EMB - CCJPB  
SEPTEMBER 2, 2008

Map not to scale



Donovan McLaurin,  
Chair  
Wade, Falcon & Godwin

Lori Epler,  
Vice-Chair  
Cumberland County

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



## COUNTY of CUMBERLAND

### Planning & Inspections Department

September 11, 2008

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

Walter Clark,  
Roy Turner,  
Sara E. Piland,  
Cumberland County

Benny Pearce,  
Town of Eastover

### MEMORANDUM

**TO:** Cumberland County Joint Planning Board

**FROM:** Edward M. Byrne, Planner II, Land Use Codes *EMB*

**SUBJECT:** CASE NO. 08-116. CONSIDERATION OF MARY SCHOLER PROPERTY, GROUP DEVELOPMENT REVIEW, REQUEST FOR EXCEPTION FROM SECTION 2306.A.1.c EXCEPTION TO PUBLIC WATER AND SEWER EXTENSION/CONNECTION, COUNTY SUBDIVISION ORDINANCE, REGARDING: THE REQUIREMENT FOR MANDATORY SANITARY SEWER EXTENSION/CONNECTION; ZONING: R6A; TOTAL ACREAGE: 0.50 +/-; LOCATED ON THE SOUTH SIDE OF SR 2286 (SEVEN MOUNTAIN DRIVE), EAST OF I-95 BUS/ US HWY 301 (GILLESPIE STREET).

The property owner of this proposed group development is requesting the board to make an exception from the requirement for mandatory sanitary sewer connection. The County Subdivision Ordinance requires developments with two to ten units within 300 feet of an existing sanitary sewer line to connect to the system. The closest existing sanitary sewer to the subject property is approximately 275 feet from the property; however, according to the Public Works Commission (PWC) this is a force main and connection is not permitted.

A letter from the PWC explaining the PWC's position on this matter is attached. The PWC has noted that the nearest gravity flow sanitary sewer is located approximately 800 feet from the subject property, but this is beyond the distance requirement for mandatory connection for this type of development in this area under the provisions of the ordinance.

The ordinance allows the Planning Board to make exception to the mandatory public sewer connection/extension when any of the following conditions are present:

1. **Public sanitary sewer is within a different drainage basin or sub-basin.**
2. The public utility is located beyond the jurisdiction of the Planning Board, and **the public utility provider will not agree to extend service.**

3. Crossings of Rockfish Creek, Lower Little River, South River, Cape Fear River, controlled access highways such as Interstate 95, Business 95 and the Fayetteville Outer Loop.
4. Extensions exceeding 2,000 feet from existing public services.
5. Property is located outside of municipal governments' approved master plan.

The Planning and Inspections Staff recommends approval of the exception from the mandatory sewer connection based upon the PWC's letter.

Attached you will find the developer's exception request, the referenced PWC letter, conditions of approval, subdivision sketch plan, and a vicinity map. If you have any questions regarding this memorandum, please contact Ed Byrne at 678-7609, email: [ebyrne@co.cumberland.nc.us](mailto:ebyrne@co.cumberland.nc.us).

#### Attachments

cc: Mary Scholer, LLC, Owner  
The Home Center – Leon Greene, Representative  
Grainger Barrett, County Attorney  
Patti Speicher, Land Use Codes



Date Request Submitted: 8-19-08

Planning Board Meeting Date: 9-16-08

Received by: EMB

## Cumberland County Subdivision Ordinance

### *Request for Exception*

Case No.: 08-116 Case Name: Mary Scholer Property

Related Ordinance Section Number(s): 2306.A.1.b

Summary of Request: Mandatory Connection to Sanitary Sewer

#### **SECTION 2306. C. Exception to public water and sewer extension/connection**

The Planning Board may make exceptions to the above requirements for connection to a public water and/or sewer system when any of the following conditions warrant:

- (1) Public sanitary sewer is within a different drainage basin or sub-basin;
- (2) The public utility is located beyond the jurisdiction of the Planning Board, and the public utility provider will not agree to extend service;
- (3) Crossings of Rockfish Creek, Lower Little River, South River, Cape Fear River, controlled access highways such as Interstate 95, Business 95 and the Fayetteville Outer Loop;
- (4) Extensions exceeding 2,000 feet from existing public services; or
- (5) Property is located outside of municipal governments' approved master plan.

All supporting documentation for the request must be submitted along with this request for exception.



WILSON A. LACY, COMMISSIONER  
TERRI UNION, COMMISSIONER  
LUIS J. OLIVERA, COMMISSIONER  
MICHAEL G. LALLIER, COMMISSIONER  
STEVEN K. BLANCHARD, CEO/GENERAL MANAGER

**PUBLIC WORKS COMMISSION**  
OF THE CITY OF FAYETTEVILLE  
*ELECTRIC & WATER UTILITIES*

955 OLD WILMINGTON RD  
P.O. BOX 1089  
FAYETTEVILLE, NORTH CAROLINA 28302-1089  
TELEPHONE (AREA CODE 910) 483-1401  
FAX (AREA CODE 910) 829-0207

August 11, 2008

Mr. Edward M. Byrne  
Planner II  
County of Cumberland  
Planning and Inspections Department  
130 Gillespie Street  
Fayetteville, NC 38302

Subject: Case No. 08-116 (Sewer Service to 3108 Seven Mountain Drive)

Dear Mr. Byrne:

In our review of the subject Planning Board case, our office provided information that indicated PWC water was available to serve the subject parcel, and that sewer was not available. Recently, this office has been contacted regarding the potential availability of sewer to serve this parcel. In reviewing the situation again, it is our determination that gravity sewer is not available to serve this property.

The nearest existing sewer main in U.S. 301 is a sewer force main, and PWC does not allow connections to force mains. The nearest gravity sewer is approximately 800 feet to the west, and cannot be extended due to existing topography. According to our information, the land on the east side of U.S. 301 is lower than the land on the west side. The existing gravity sewer is not deep enough to allow an extension to serve this parcel. In reviewing the topographic information, a gravity extension from the west is not the most practical method of providing gravity sewer service to this area.

Therefore, based on the above considerations, it is our opinion that the property owner should not be required to extend or connect to PWC sewer at this time. PWC water remains available, and all applicable fees apply, should they elect to connect.

We appreciate your cooperation in this matter. Should you have any questions or require additional information, please contact me at 223-4734.

Sincerely,  
PUBLIC WORKS COMMISSION

John P. Allen, P.E.  
Senior Engineer  
Water Resources Engineering

cc: Leon Greene  
Project File

Donovan McLaurin,  
Chair  
Wade, Falcon & Godwin

Lori Epler,  
Vice-Chair  
Cumberland County

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



# COUNTY of CUMBERLAND

## Planning and Inspections Department

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

Walter Clark,  
Roy Turner,  
Sara E. Piland,  
Cumberland County

Benny Pearce,  
Town of Eastover

PLANNING STAFF DECISION: 08-26-08 PLANNING BOARD DECISION: 09-16-08

CASE NO: 08-116 NAME OF DEVELOPMENT: MARY SCHOLER PROPERTY

MIA: (pending: Fayetteville) GROUP DEVELOPMENT REVIEW

LOCATION: SOUTH SIDE OF SR 2286 (SEVEN MOUNTAIN DRIVE), ZONING: R6A

EAST OF I-95 BUS/ US HWY 301 (GILLESPIE STREET). PIN: 0424-99-0619-

OWNER OR DEVELOPER: MARY SCHOLER ENGINEER OR DESIGNER: DON JACOBS, THE HOME CENTER

### PLANNING DEPARTMENT ACTION

- PRELIMINARY
- EXTENSION       REVISION
- APPROVED CONDITIONALLY
- DENIED

### PLANNING BOARD ACTION

- PRELIMINARY
- EXTENSION       REVISION
- APPROVED EXCEPTION
- DENIED EXCEPTION

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

#### **Permit-Related:**

1. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the County Zoning Ordinance and permits required to place any structure within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. For additional information, the developer should contact a Code Enforcement Officer.
2. Connection to public water and sewer is required, the Public Works Commission (PWC) must approve water and sewer plans prior to application for any permits. A copy of the PWC approval must be provided to Code Enforcement at the time of application for building/zoning permits.

The applicant has requested an exception to the public sewer connection based on the PWC's statement that the only public sewer within range for mandatory connection is a force main and the utility company will not allow connections – see PWC letter dated August 11, 2008.

3. New development that will disturb one acre or more of land or is part of a larger plan that will disturb at least an acre of land is subject to the post-construction Stormwater Management Permitting Program (Phase II Stormwater Management Requirements) administered by the Division of Water Quality, North Carolina Department of Environment and Natural Resources. If one acre or more of land is to be disturbed, prior to the issuance of any building/zoning permits for this site, a copy of the State's post-construction permit must be provided to County Code Enforcement.

4. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
5. The building final inspection cannot be accomplished 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 R6A zoning district must be complied with, as applicable.
7. “Seven Mountain Drive” must be labeled as “SR 2286 Seven Mountain Drive” on all future plans.
8. An adequate drainage system must be installed by the developer in accordance with the NC Department of Environment and Natural Resources’ (NCDENR) *Manual on Best Management Practices* and all drainage ways must be kept clean and free of debris.
9. All new utilities, except for 25kv or greater electrical lines, must be located underground.
10. If driveways are changed or added, the developer must obtain a driveway permit from the NC Department of Transportation (NCDOT). If required, a copy of the approved driveway permit must be provided to Code Enforcement at the time of application for building/zoning permits.

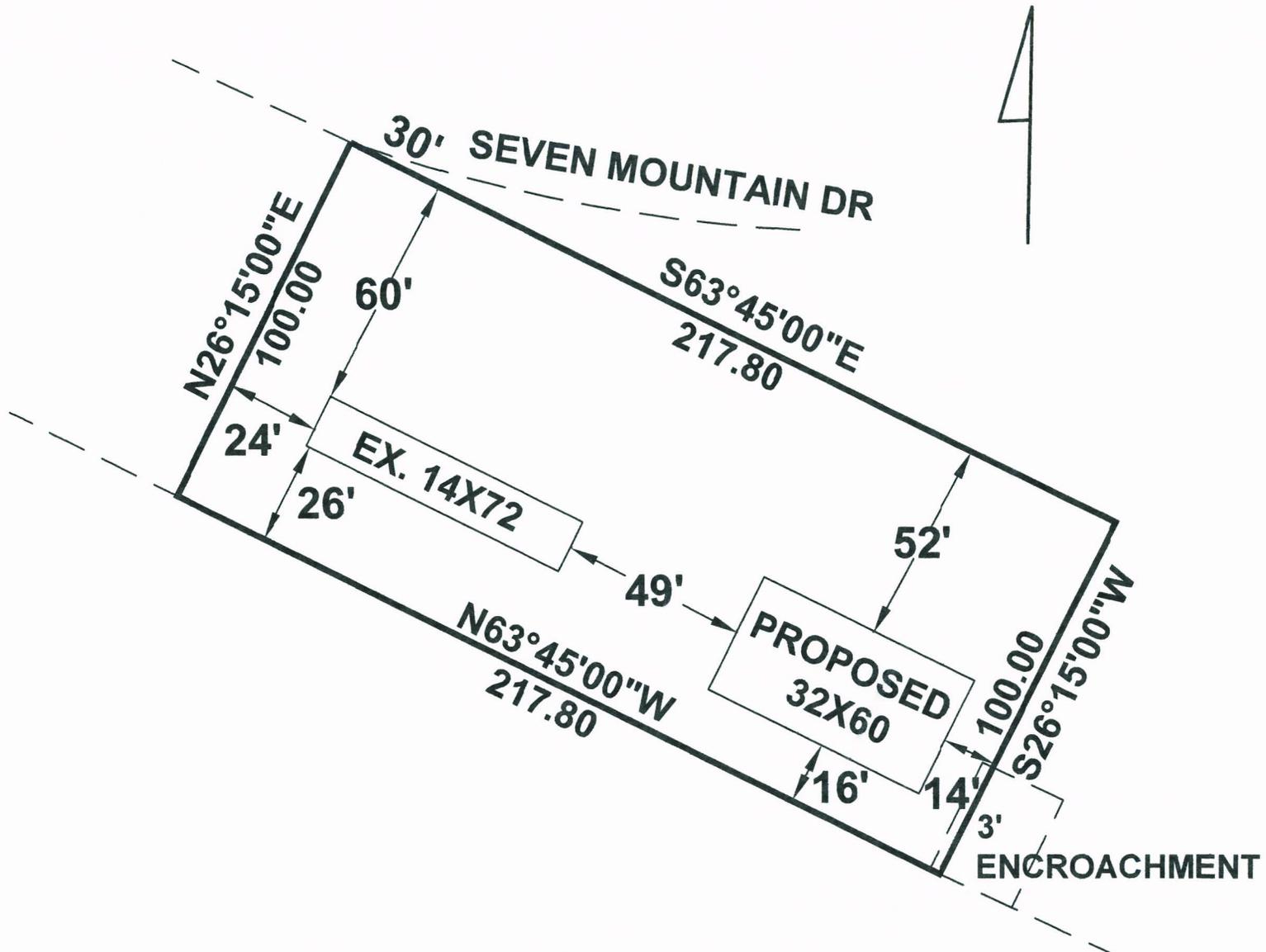
**Other Relevant Conditions:**

11. The applicant is advised to consult an expert on wetlands before proceeding with any development.
12. 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.
13. Under current standards, no additional manufactured homes may be located on this lot.
14. The developer should be aware that this approval is not an approval of the location of the existing structure which is encroaching across the eastern property line. If this structure is ever destroyed by more than 50% or removed, any replacement structure must meet the setback requirements.

**If you need clarification of any conditions, please contact Ed Byrne at 910-678-7609 or Patti Speicher at 910-678-7605; otherwise, contact the appropriate agency at the contact numbers below.**

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

Improvements:	Jeff Barnhill	678-7765
Subdivision/Site Plan/Plat	Ed Byrne	678-7609
Code Enforcement (Permits):	Ken Sykes	321-6654
PWC:	Heidi Maly	223-4773
Ground Water Issues:	Matt Rooney	678-7625
Corp of Engineers (wetlands):	Ronnie Smith	(910) 251-4829
NCDENR (E&S):	Sally McKinney	433-3300
E911 Site-Specific Address:	Ron Gonzales	678-7616
Tax Parcel Numbers:		678-7549
NCDOT (driveways/curb-cuts):	Gary Burton	486-1496
N.C. Division of Water Quality:	Mike Randall	(919) 733-5083 ext. 545

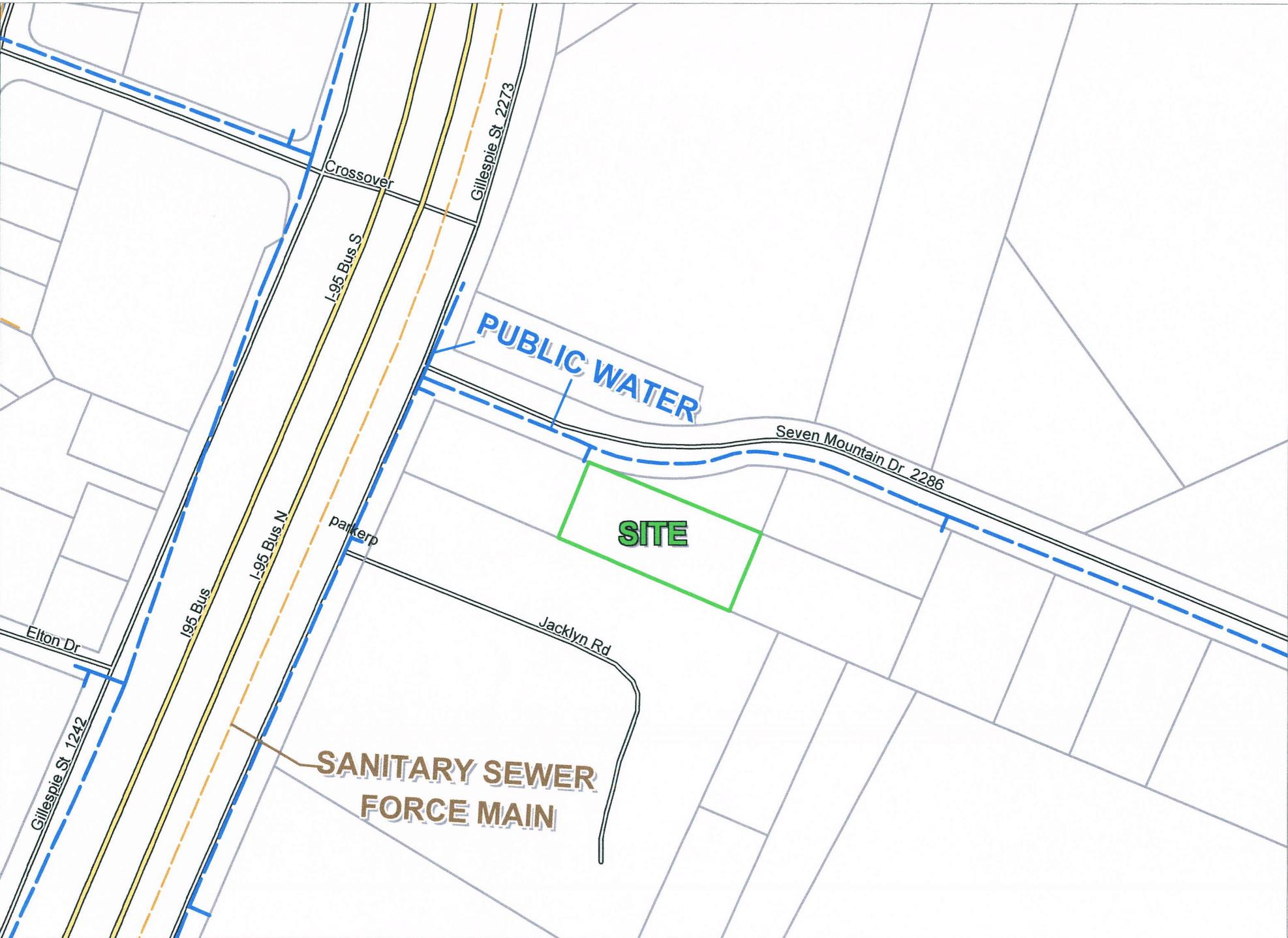


**MARY SCHOLER PROPERTY  
GROUP DEVELOPMENT REVIEW**

**REQUEST: WAIVER FROM MANDATORY CONNECTION TO PUBLIC SEWER**

**CASE: 08-116    ACREAGE: 0.50±**

**ZONED: R6A    SCALE: 1" = 40'**



**CASE: 08-116 ACREAGE: 0.50+-**

**MARY SCHOLER PROPERTY  
GROUP DEVELOPMENT REVIEW  
CASE NO. 08 - 116**



PIN(S): 0424-99-0619-  
Prepared by GJB - CCJPB  
August 15, 2008

Map not to scale



Donovan McLaurin,  
Chair  
Wade, Falcon & Godwin

Lori Epler,  
Vice-Chair  
Cumberland County

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Town of Spring Lake  
Harvey Cain, Jr.,  
Town of Stedman  
Patricia Hall,  
Town of Hope Mills  
Charles C. Morris,  
Town of Linden



## COUNTY of CUMBERLAND

### Planning & Inspections Department

September 11, 2008

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

Walter Clark,  
Roy Turner,  
Sara E. Piland,  
Cumberland County

Benny Pearce,  
Town of Eastover

### MEMORANDUM

**TO:** County Joint Planning Board

**FROM:** Edward M. Byrne, Planner II, Land Use Codes *EMB*

**SUBJECT:** CASE NO. 08-117. CONSIDERATION OF H & R STEWART PROPERTY, GROUP DEVELOPMENT REVIEW, WAIVER REQUEST FROM SECTION 2303.C, STREET FRONTAGE, COUNTY SUBDIVISION ORDINANCE, REGARDING USING A 20 FOOT INGRESS/EGRESS EASEMENT FOR ACCESS; ZONING: A1; TOTAL ACREAGE: 35.82 +/-; LOCATED ON THE WEST SIDE OF SR 2229 (MATT HAIR ROAD), SOUTH OF CHISLEHURST STREET.

The developer is requesting approval of a group development for a second dwelling unit on a 35.82 acre tract that does not have direct road frontage as is required by the County Subdivision Ordinance. The subject property does have a recorded 20-foot ingress/egress easement securing permanent access to the public right-of-way.

In similar cases, where the tract has consisted of more than ten acres and the request is for the second dwelling unit, it has been the practice of the Planning Board to grant a waiver from the mandatory direct access requirement if the access is secured by means of a recorded easement;

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

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

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

1. Because of the nature of the subject property – consisting of more than ten acres, applicant is requesting the second dwelling unit, and the access is secured by a recorded ingress/egress easement – compliance with the ordinance provision requiring direct access would cause a special and unnecessary hardship to the property owner and be inequitable;
2. The purposes of the Subdivision and Zoning Ordinances are being served to an equal or greater degree, in that a second dwelling unit on thirty-plus acres of land is not the type of development that lends itself to strict application of the provisions of the ordinance and with the easement being recorded, access to the subject property is protected for all future purchasers and/or tenants (Note: The major portion of this property is located within the Special Flood Hazard Area and consists of hydric soils and hydric inclusion soils; therefore any future development would be severely limited); and
3. The property owner is not being afforded a special privilege denied to others since the board's past practice has been to grant such waivers in cases with a similar set of facts and circumstances.

Attached you will find the waiver request, conditions of approval, site plan sketch, soils map and vicinity map. If you have any questions regarding this memorandum, please contact me at 678-7609 or email: [ebyrne@co.cumberland.nc.us](mailto:ebyrne@co.cumberland.nc.us)

cc: April Carter, Owner  
Grainger Barrett, County Attorney  
Cecil B. Combs, Planning & Inspections Deputy Director  
Patti Speicher, Planner III – Land Use Codes



Date Request Submitted: 7-28-08

Planning Board Meeting Date: 9-16-08

Received by: PSS

## Cumberland County Subdivision Ordinance

### *Request for Waiver*

Case No.: 08-117 Case Name: Hoyt & Ruby Stewart

Related Ordinance Section Number(s): § 3.20 (d)

Summary of Request: Access Waiver

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 the tract is 35.82 ac and we are  
requesting only the second dwelling home ~~as it~~  
it would be unfair to not approve this  
request

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:

because we will have at least a 20ft access  
easement across family owned property

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

it's my understanding that the staff + planning  
board have approved similar cases with a  
similar set of circumstances

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.

April N. Carter  
Printed Name of Applicant/Agent

(910) 483-8815  
Daytime Phone Number

April N. Carter  
Signature of Applicant/Agent

7.29.08  
Date Signed

Donovan McLaurin,  
Chair  
Wade, Falcon & Godwin

Lori Epler,  
Vice-Chair  
Cumberland County

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Town of Spring Lake  
Harvey Cain, Jr.,  
Town of Stedman  
Patricia Hall,  
Town of Hope Mills  
Charles C. Morris,  
Town of Linden



**COUNTY of CUMBERLAND**  
*Planning & Inspections Department*

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

Walter Clark  
Roy Turner,  
Sara E. Piland,  
Cumberland County

Benny Pearce,  
Town of Eastover

PLANNING & INSPECTIONS STAFF DECISION: 07-24-08 PLANNING BOARD DECISION: 09-16-08

CASE NO: 08-117 NAME OF DEVELOPMENT: H & R STEWART PROPERTY

MIA: N/A (GROUP DEVELOPMENT REVIEW)

LOCATION: WEST SIDE OF SR 2229 (MATT HAIR ROAD), ZONING: A1

SOUTH OF CHISLEHURST STREET. PIN: 0452-81-4002-

OWNER OR DEVELOPER: APRIL CARTER

ENGINEER OR DESIGNER: N/A

PLANNING DEPARTMENT ACTION

- PRELIMINARY
- EXTENSION       REVISION
- APPROVED CONDITIONALLY
- DENIED

PLANNING BOARD ACTION

- PRELIMINARY
- EXTENSION       REVISION
- APPROVED CONDITIONALLY
- DENIED

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

**Permit-Related:**

1. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the County Zoning Ordinance and permits required to place any structure within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. For additional information, the developer should contact a Code Enforcement Officer.
2. The County Health Department must approve water and sewer plans prior to application for any permits. Site and soil evaluations must be conducted on the property by the County Environmental Health Department prior to application for permits. A copy of the Health Department approval must be provided to Code Enforcement at the time of application for any building/zoning permits. (Note: All Health Department requirements must be met prior to issuance of final permits.)
3. New development that will disturb one acre or more of land (this includes construction of drive areas) or is part of a larger plan that will disturb at least an acre of land is subject to the post-construction Stormwater Management Permitting Program (Phase II Stormwater Management Requirements) administered by the Division of Water Quality, North Carolina Department of Environment and Natural Resources. If one acre or more of land is to be disturbed, prior to the issuance of any building/zoning permits for this site, a copy of the State's post-construction permit must be provided to County Code Enforcement.
4. The developer may have to provide the Code Enforcement Section with an approved NC Department of Environment and Natural Resources (NCDENR) sedimentation and erosion control plan (S&E) prior to any application for permits. (Note: If any retention/detention basins are required for state approval of this plan, then three copies of a revised plan must be submitted and

approved by Planning & Inspections prior to application for any building/zoning permits.) A copy of the NCDENR approval must be provided to Code Enforcement at the time of application for any building/zoning permits.

5. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
6. SFHA exists on this tract (as shown on the site plan); any development within Special Flood Hazard Area must have first flood elevations, including all mechanical and electrical equipment above base flood elevation (BFE) plus two feet of freeboard. Proper flood plain development permits are required, issued by the County Engineer, prior to any building/permit application. A copy of the approved flood plain permit must be provided to Code Enforcement at the time of building/zoning permit applications.
7. The building final inspection cannot be accomplished until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans.

**Site-Related:**

8. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Zoning Ordinances for the A1 zoning district must be complied with, as applicable.
9. “Matt Hair Road” must be labeled as “SR 2229 (Matt Hair Road)” on all future plans.
10. An adequate drainage system must be installed by the developer in accordance with the NC Department of Environment and Natural Resources’ (NCDENR) *Manual on Best Management Practices* and all drainage ways must be kept clean and free of debris.
11. All utilities, except for 25kv or greater electrical lines, must be located underground.
12. If driveways are changed or added, the developer must obtain a driveway permit from the NC Department of Transportation (NCDOT). If required, a copy of the approved driveway permit must be provided to Code Enforcement at the time of application for building/zoning permits.

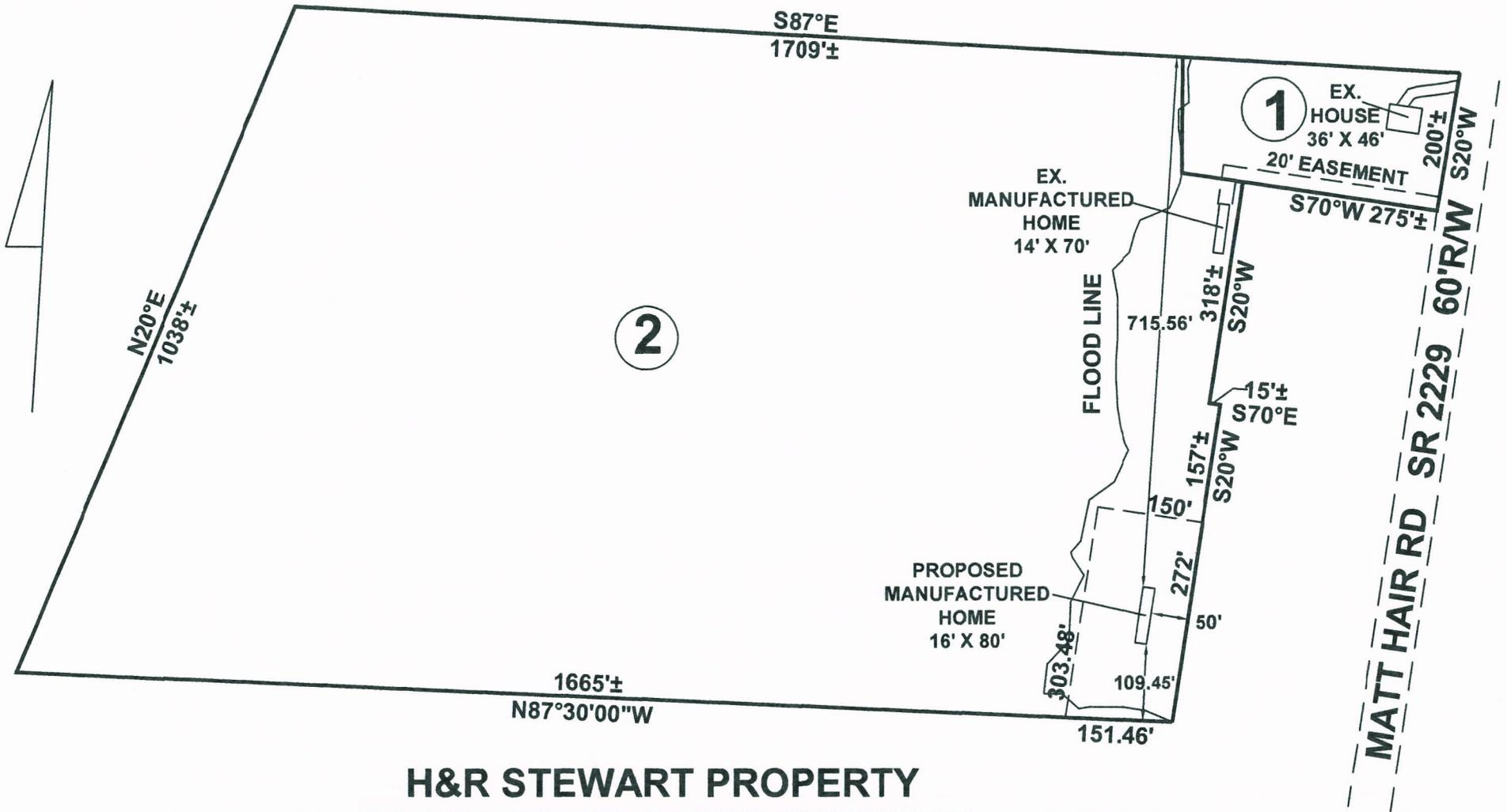
**Other Relevant Conditions:**

13. Under current standards, no additional manufactured homes can be permitted on this site.
14. If the existing structure, which does not meet the setback requirements of the A1 zoning district, are ever destroyed more than 50% or replaced, then any replacement structure must meet the current setback requirements for the zoning district.
15. The applicant is advised to consult an expert on wetlands before proceeding with any development.
16. 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.
17. This conditional approval is contingent upon the plat for Case No. 07-206 not be submitted for final plat approval prior to the Joint Planning Board’s consideration of and subsequent approval of an access waiver for this property (parent tract). This waiver request has been scheduled for the September 16, 2008 Planning Board meeting; staff is recommending approval of the request – see attached memorandum for staff justification of the recommendation.

**If you need clarification of any conditions, please contact Ed Byrne at 910-678-7609 or Patti Speicher at 910-678-7605; otherwise, contact the appropriate agency at the contact numbers below.**

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

Subdivision/Site Plan/Plat	Ed Byrne	678-7609
Code Enforcement (Permits):	Ken Sykes	321-6654
County Engineer's Office:	Wayne Dudley	678-7636
County Health Department:	Danny Soles	433-3685
Ground Water Issues:	Matt Rooney	678-7625
Corp of Engineers (wetlands):	Ronnie Smith	(910) 251-4829
NCDENR (E&S):	Sally McKinney	433-3300
E911 Site-Specific Address:	Ron Gonzales	678-7616
Tax Parcel Numbers:		678-7549
NCDOT (driveways/curb-cuts):	Gary Burton	486-1496
N.C. Division of Water Quality:	Mike Randall	(919) 733-5083 ext. 545



**H&R STEWART PROPERTY  
 GROUP DEVELOPMENT REVIEW  
 REQUEST: ACCESS WAIVER (SECTION 2303.C)  
 CASE: 08-117 ACREAGE: 35.82±  
 ZONED: A1 SCALE: NTS**

SCALED, DETAILED SITE PLAN IN FILE AVAILABLE FOR REVIEW UPON REQUEST



-  A HYDRIC SOILS
-  B HYDRIC INCLUSION SOILS

**CASE: 08-117**



# H & R STEWART PROPERTY GROUP DEVELOPMENT REVIEW CASE NO. 08 - 117



PIN(S): 0452-81-4002-  
Prepared by EMB - CCJPB  
August 8, 2008

Map not to scale



Donovan McLaurin,  
Chair  
Wade, Falcon & Godwin

Lori Epler,  
Vice-Chair  
Cumberland County

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Town of Linden



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Walter Clark,  
Roy Turner,  
Sara E. Piland,  
Cumberland County

Benny Pearce,  
Town of Eastover

## COUNTY of CUMBERLAND

### Planning & Inspections Department

September 11, 2008

#### MEMORANDUM

**TO:** Cumberland County Joint Planning Board

**FROM:** Patti Speicher, Land Use Codes *PSS*

**SUBJECT:** CASE NO. 08-062. CONSIDERATION OF LONGHILL POINTE, ZERO LOT LINE SUBDIVISION & GROUP DEVELOPMENT REVIEW, WAIVER REQUEST FROM SECTION 2305, SIDEWALKS, COUNTY SUBDIVISION ORDINANCE, REGARDING THE CONSTRUCTION OF A SIDEWALK ALONG SR 1610 (MCCLOSKEY ROAD); ZONING: R5A, R10 & O&I(P); TOTAL ACREAGE: 18.64+/-; LOCATED AT THE NORTHEAST QUADRANT OF SR 1610 (MCCLOSKEY ROAD) AND US HWY 401 N (RAMSEY STREET), SOUTH OF SR 1712 (MELSTONE DRIVE).

This proposed development is a 217 unit apartment complex (group development) and a zero lot line subdivision resulting in five lots. The developer of the above referenced case is requesting your approval of a waiver request from a condition of approval requiring a sidewalk to be constructed along SR 1610 (McCloskey Road) – see Condition No. 19 on the attached condition sheet. This development is located across from the northwest corner of the Longhill Elementary school property abutting US HWY 401 N (Ramsey Street). There is an existing sidewalk located directly across the street from the school with a crosswalk to the school property.

The developer's engineer states that a sidewalk cannot be built due to the location of an existing ditch along SR 1610 (McCloskey Road). The developer's waiver request application justifying the request is attached to this memorandum.

The County School Board's Staff would like the sidewalk to be constructed since any elementary age children living in the apartment complex will be required to walk to school. The complex is proposing two entrances both located on SR 1610 (McCloskey Road), approximately 1,920 feet and 2,860 feet from the US HWY 401 N (Ramsey Street) intersection.

The North Carolina Department of Transportation (NCDOT) has determined that the ditch location did not prevent the construction of the sidewalk, provided that the sidewalk is constructed between the ditch and the common property line (right-of-way).

In accordance with Section 2601, Waivers, 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 County Subdivision Ordinance and 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 and Inspections Staff recommends denial of the waiver request based on the following:

- A. The developer's request is based upon topography and the existence of an unusual condition; however, the sidewalk construction can be accomplished regardless of the ditch location and because of the nature of the adjoining area, new development immediately off of and along US HWY 401 N (Ramsey Street), especially with a school in close proximity to the proposed development, should be required to construct a sidewalk thus providing for safe pedestrian access to the school and other public places, and the staff cannot support the applicant's position that construction of a sidewalk would cause a special and unnecessary hardship;
- B. If the waiver is granted, the public purposes of the ordinances will not be served to an equal or greater degree, specifically due to the high probability that the proposed development, at a density of 13.5 residential units per acre, will provide a significant increase in the school population that will be required to walk to school and should be afforded safe pedestrian access not only to the school but to other public places in the general area; and
- C. The property owner would be afforded a special privilege denied to others since similar developments of this size, exceeding five residential units per acre, are required to provide a sidewalk along the entire length of the public right-of-way and in addition, the proposed development is located within the pending *Municipal Influence Area* assigned to the City of Fayetteville, with regulations that will also require sidewalks to be constructed.

Attached you will find the developer's waiver requests, conditions of approval, zero lot line & group development sketch plan, NCDOT email, aerial photo and a vicinity map.

If you have any questions regarding this memorandum, please contact Ed Byrne at 678-7609, email: [ebyrne@co.cumberland.nc.us](mailto:ebyrne@co.cumberland.nc.us).

Attachments

cc: Fayetteville Longhill Pointe, LLC, Developer  
Averette Engineering Co., P.A., Surveyor/Engineer  
Grainger Barrett, County Attorney



Date Request Submitted: 8-12-08  
Planning Board Meeting Date: 9-16-08  
Received by: ETB

## Cumberland County Subdivision Ordinance

### *Request for Waiver*

Case No.: 08-062 Case Name: LONG HILL POINTE

Related Ordinance Section Number(s): 4.1 (e) Sidewalks (old ordinance)  
NEW SECTION- 0305

Summary of Request: \_\_\_\_\_

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

#### **Section 6.1. Waivers**

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

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

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

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

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

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

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

the location of an existing ditch along McCloskey Rd. where the sidewalk would be located. The property to the North is undeveloped land including Nature Conservancy Property + Fort Bragg Property. Therefore, there is no public need for a sidewalk to serve these properties.

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:

not install the sidewalk which would not serve the public as it cannot be located within the right-of-way due to an existing ditch.

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

the physical location of the existing ditch along McCloskey Rd makes it impossible to construct the sidewalk in the right-of-way to standards.

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.

SPENCER D. TUCKER  
Printed Name of Applicant/Agent

757-340-3535  
Daytime Phone Number

Spencer Tucker  
Signature of Applicant/Agent

8/05/08  
Date Signed

Donovan McLaurin,  
Chair  
Wade, Falcon & Godwin

Lori Epler,  
Vice-Chair  
Cumberland County

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

REVISED: 09-09-08



# COUNTY of CUMBERLAND

## Planning and Inspections Department

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

Walter Clark,  
Roy Turner,  
Sara E. Piland,  
Cumberland County

Benny Pearce,  
Town of Eastover

PLANNING STAFF DECISION: 07-18-08 \* PLANNING BOARD DECISION: 09-16-08

CASE NO: 08-062 NAME OF DEVELOPMENT: LONGHILL POINTE

MIA: N/A ZERO LOT LINE SUBDIVISION & GROUP DEVELOPMENT REVIEW

LOCATION: NORTHEAST QUADRANT OF SR 1610 (MCCLOSKEY ROAD) AND ZONING: R5A, R10 & O&I(P)

US HWY 401 N (RAMSEY STREET) SOUTH OF SR 1712 (MELSTONE DRIVE). PIN: 0541-05-0506-; 1321-; 3122-; 0531-95-8239-

OWNER OR DEVELOPER: FAYETTEVILLE LONGHILL POINTE, LLC

ENGINEER OR DESIGNER: AVERETTE ENGINEERING

### PLANNING DEPARTMENT ACTION

- PRELIMINARY
- EXTENSION       REVISION REQUIRED
- APPROVED CONDITIONALLY
- DENIED

### PLANNING BOARD ACTION

- PRELIMINARY
- EXTENSION     REVISION
- APPROVED CONDITIONALLY
- DENIED

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

#### **Pre-Permit Related:**

1. Five copies of a revised site plan must be submitted to Land Use Codes for review and approval; the site plan must reflect a solid buffer along the entire tract except where the tract abuts a public right-of-way and the non-residentially zoned lot, and the solid buffer must be in constructed/planted and maintained in accordance with the provisions of Section 1102 G, Buffer Requirements, County Zoning Ordinance.
2. This conditional approval is contingent upon the successful street closing of Sandra Lane, which this development is a part of.
3. The final plat (recombination and "Zero Lot Line" development) 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.

#### **Watershed-Related:**

4. An application for watershed approval must be submitted to the Watershed Review Officer (WRO) and plans must be approved by the WRO and/or the County Board of Adjustment prior to final plat approval and/or prior to application for any building/zoning permits. (Note: This approval may require additional conditions restricting the development of this property.) A copy of the WRO's approval of this plat/plan must be submitted to Code Enforcement at the time of application for any permits.

5. Prior to application for the building final inspection, a Watershed Occupancy Permit must be issued for each lot/tract within this development.

**Permit-Related:**

6. 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.
7. Connection to public water and sewer is required, the Public Works Commission (PWC) must approve water and sewer plans prior to application for any permits. A copy of the PWC approval must be provided to Code Enforcement at the time of application for building/zoning permits.
8. New development that will disturb one acre or more of land or is part of a larger plan that will disturb at least an acre of land is subject to the post-construction Stormwater Management Permitting Program (Phase II Stormwater Management Requirements) administered by the Division of Water Quality, North Carolina Department of Environment and Natural Resources. If one acre or more of land is to be disturbed, prior to the issuance of any building/zoning permits for this site, a copy of the State's post-construction permit must be provided to County Code Enforcement.
9. The developer must provide the Code Enforcement Section with an approved NC Department of Environment and Natural Resources (NCDENR) sedimentation and erosion control plan (S&E) prior to any application for permits A copy of the NCDENR approval must be provided to Code Enforcement at the time of application for any building/zoning permits.
10. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
11. The street name signs, in compliance with the County Street Sign Specifications, must be installed prior to the building final inspection for each internal drive. The developer must 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). County Code Enforcement must receive notice of agreement with the Street Naming & Addressing Section for sign installation or of satisfactory inspection prior to the building final inspection.
12. The building final inspection cannot be accomplished until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans.

**Site-Related:**

13. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Zoning Ordinances for the R5A, R10 & O&I(P) zoning district must be complied with, as applicable.
14. All corner lots and lots fronting more than one street must provide front yard setbacks from each street.
15. All applicable provisions of Section 3.21, "Group Developments", County Subdivision Ordinance, must be complied with..
16. This conditional approval is not approval of the permit for any freestanding signs. Attached signage for this development must 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.)
17. Curbs and gutters must meet the NC Department of Transportation's (NCDOT) standards and specifications. Rolled concrete curb, if required, must not be less than 24 inches in width.
18. Concrete, or other approved surface material, sidewalks are required to be constructed along one side of all streets and drives, to include along SR 1610 (McCloskey Road) and US HWY 401 N (Ramsey St).
19. An adequate drainage system must be installed by the developer in accordance with the NC Department of Environment and Natural Resources' (NCDENR) *Manual on Best Management Practices* and all drainage ways must be kept clean and free of debris.

20. Fire hydrants must be installed along all proposed streets and drives; hydrants must be located no further than 1,000 feet apart and at a maximum of 500 feet from any dwelling unit or lot.
21. All utilities, except for 25kv or greater electrical lines, must be located underground.
22. The owner/developer shall secure and maintain the detention/retention basin, keeping it clear of debris and taking measures for the prevention of insect and rodent infestation. (Note: The detention/retention basin must be fenced and secured.)
23. 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.
24. The developer must obtain a driveway permit from the NC Department of Transportation (NCDOT). A copy of the approved driveway permit must be provided to Code Enforcement at the time of application for building/zoning permits.
25. Turn lanes may be required by the NC Department of Transportation (NCDOT).
26. All lighting is required to be directed internally within this development and comply with the provisions of Section 1102 M, Outdoor Lighting, County Zoning Ordinance.
27. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.
28. All required off-street parking spaces shall be a minimum of 9' x 20' and shall be surfaced, with a permanent material such as asphalt or concrete, and striped prior to application for the building final inspection. A minimum of 351 off-street parking spaces are required for this development.

**Plat-Related:**

29. The final plat must reflect a recombination of the separate tracts internal within the apartment complex and the right-of-way of Sandra Lane, if road closing application is approved. (Note: The remaining portions of PINs: 0541-05-0506 and 0531-95-8234, intersection of US HWY. 401 (Ramsey Street) and SR 1610 (McCloskey Road), must be included on the final plat and must be drawn with solid property lines with the bearing and distances, lot identifiers and acreage reflected.)
30. The two properties identified by PIN: 0541-05-4263 and the remaining portion of PIN: 0541-05-3122 must be included on the final plat showing the portion of Sandra Lane being absorbed into the lots. The newly created lots must be drawn with solid property lines with bearing and distances, lot identifiers and acreage shown.
31. Dedication of ten feet of right-of-way along US HWY 401 N (Ramsey Street) is required and the metes and bounds for the dedication 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.
32. 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 \$107.37 [one residential lot at the intersection of SR 1610 (McCloskey Road) & NC HWY 401 (Ramsey Street)] 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 # 7)
33. The builder/developer must 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; submit for site plan review and approval **or** at the time of permit application, the individual plot plans must be approved by Land Use Codes prior to issuance of any permits, whichever is applicable based upon the zoning.
34. Any/All easements must 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.
35. The NC Department of Transportation (NCDOT) may not allow a driveway for each individual lot. Any lot required to be served by a joint driveway must be reflected on the final plat.

36. The final plat must be labeled as a “Zero Lot Line” Development.
37. 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.
38. The notarized signature(s) of all current tax record owner(s) and notary certifications appear on the final plat when submitted for final approval. (Note: All owner’s of properties along the proposed road closing must also sign the final plat.)
39. 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 Jeff Barnhill to schedule an inspection of the improvements.) This condition specifically applies to the walking trail, fire hydrants, sidewalks, curb & gutter (if required), utility extension and any other improvement required by the County’s Zoning and/or Subdivision Ordinances.
40. 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.

**Other Related Conditions:**

41. The applicant is advised to consult an expert on wetlands before proceeding with any development.
42. 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.

**Planning Board:**

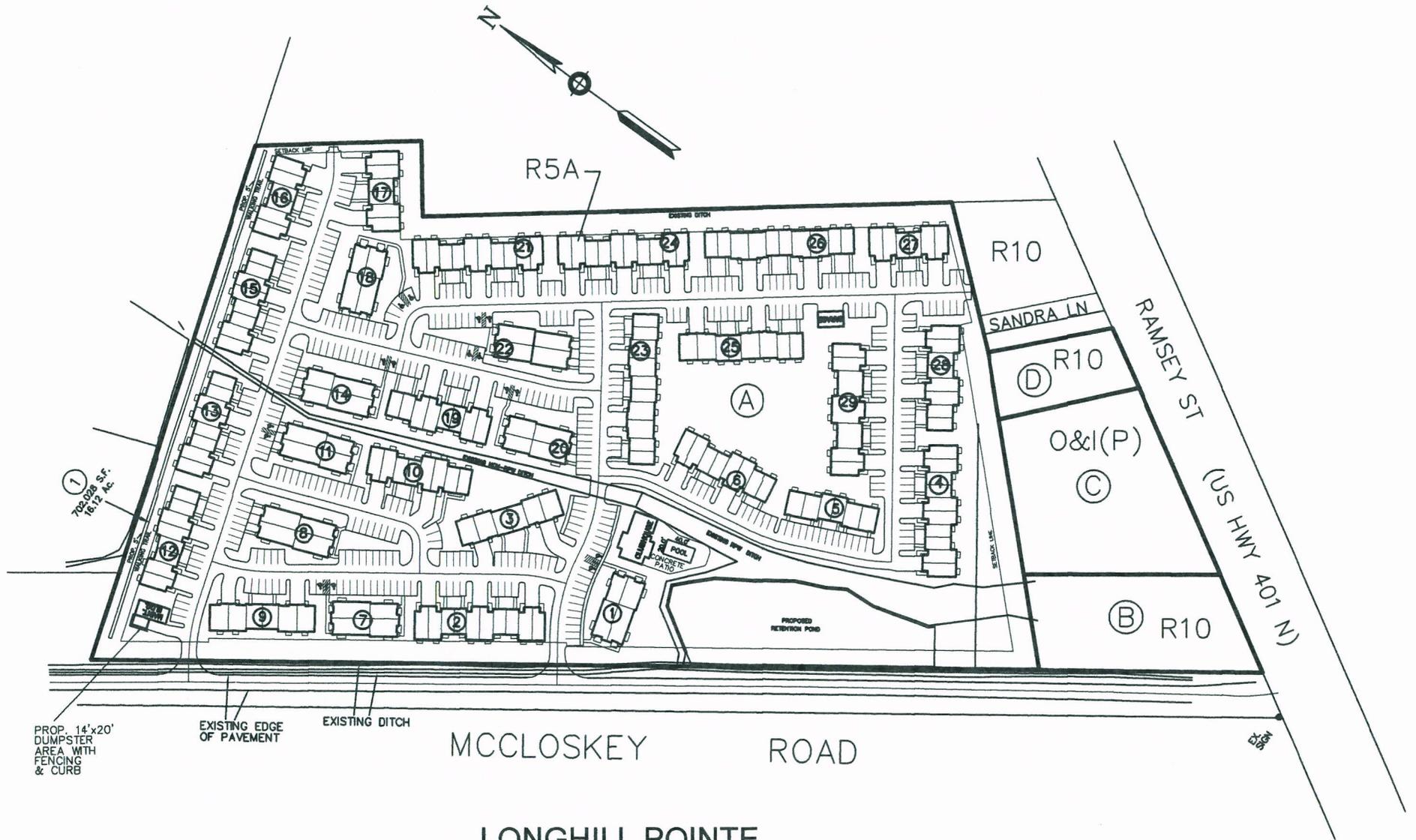
43. The developer submitted a request for a waiver from Section 2305, Sidewalks, County Subdivision Ordinance, this case will be heard by the Joint Planning Board on September 16, 2008.

**If you need clarification of any conditions, please contact Ed Byrne at 910-678-7609 or Patti Speicher at 910-678-7605; otherwise, contact the appropriate agency at the contact numbers below.**

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

Watershed Review Officer:	Jeff Barnhill	678-7765
Subdivision/Site Plan/Plat	Ed Byrne	678-7609
Code Enforcement (Permits):	Ken Sykes	321-6654
PWC:	Heidi Maly	223-4774
County Attorney’s Office (Street Closing)	Laretha Clark (Paralegal)	678-7605
Corp of Engineers (wetlands):	Ronnie Smith	(910) 251-4829
NCDENR (E&S):	Sally McKinney	433-3300
E911 Site-Specific Address:	Ron Gonzales	678-7616
E911 Street Naming/Signs:	Diane Shelton	678-7665
Tax Parcel Numbers:		678-7549
NCDOT (driveways/curb-cuts):	Gary Burton	486-1496
Transportation Planning:	Bobby McCormick	678 7632
N.C. Division of Water Quality:	Mike Randall	(910) 733-5083 ext. 545

cc: Marsha Bryant, Planning, City of Fayetteville



**LONGHILL POINTE**  
**ZERO LOT LINE SUBDIVISION & GROUP DEVELOPMENT REVIEW**  
**REQUEST: A WAIVER FROM SECTION 2305**  
**CASE: 08-062 ACREAGE: 18.64±**  
**ZONED: R5A, R10 & O&I(P) SCALE: NTS**

## Edward Byrne

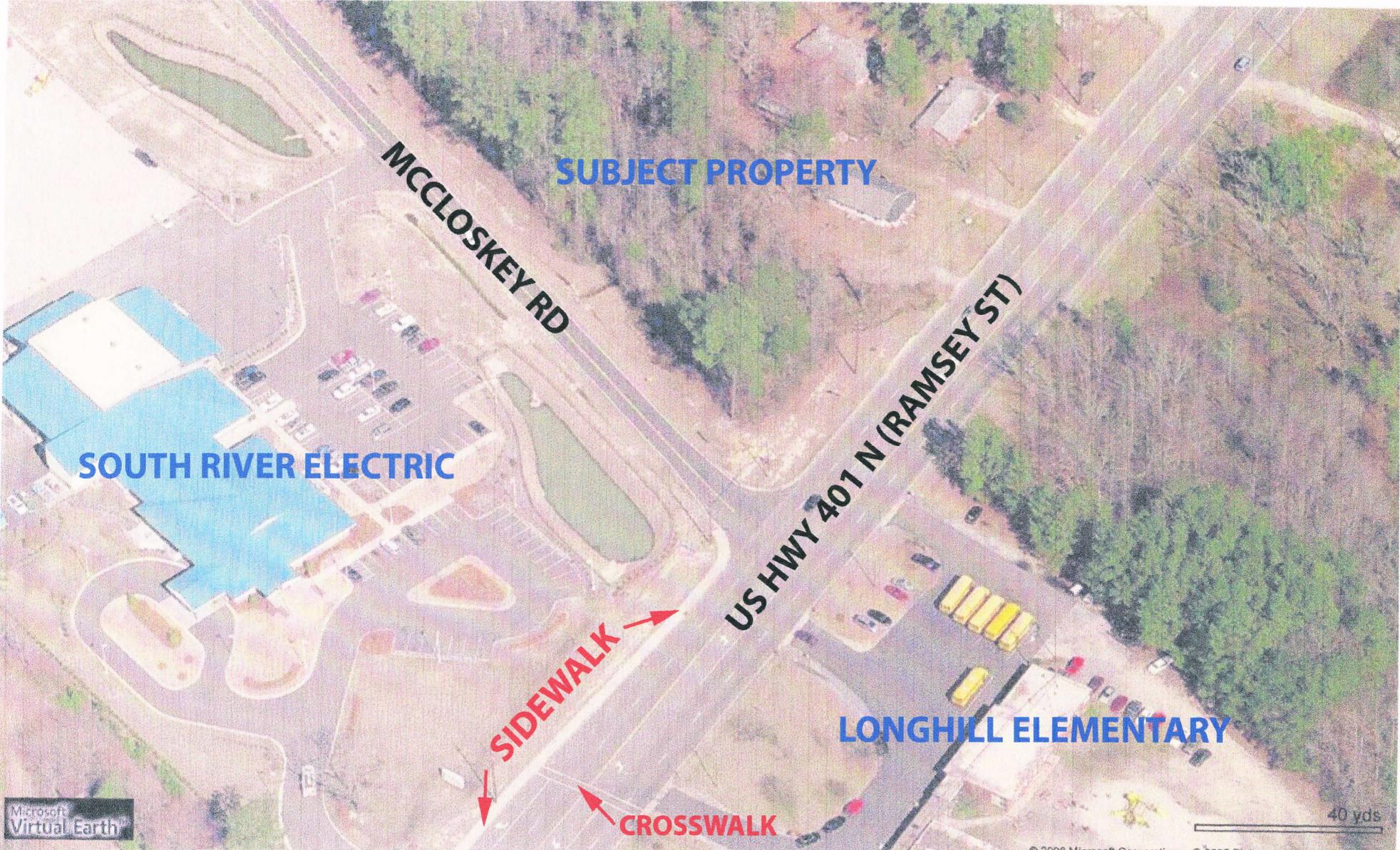
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**From:** Plummer, Ronald D [rdplummer@ncdot.gov]  
**Sent:** Monday, September 08, 2008 11:55 AM  
**To:** Edward Byrne  
**Subject:** Corrected email

Mr. Byrne,

The Department of Transportation is not opposed to sidewalks on McCloskey Rd. as long as they are placed behind the ditches.

David Plummer



**SUBJECT PROPERTY**

**MCCLOSKEY RD**

**SOUTH RIVER ELECTRIC**

**US HWY 401 N (RAMSEY ST)**

**SIDEWALK**

**LONGHILL ELEMENTARY**

**CROSSWALK**

40 yds

Microsoft  
Virtual Earth

© 2008 Microsoft Corporation

**SUBJECT PROPERTY**

McCloskey Rd NW

SE

McCloskey Rd

**SUBJECT PROPERTY**

1610

401

Ramsey St

1712

Johnson Rd

Williams Lake

**08-062**

**LONGHILL POINTE PROPERTY  
ZERO LOT LINE SUBDIVISION &  
GROUP DEVELOPMENT REVIEW  
CASE NO. 08 - 062**



PIN(S): 0541-05-0506-, 0531-95-8239-  
Prepared by EMB - CCJPB  
AUGUST 15, 2008

Map not to scale

