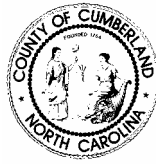


Clifton McNeill, Jr.,  
Chair  
Cumberland County

Charles C. Morris, Vice-Chair  
Town of Linden  
David Averette,  
John M. Gillis, Jr.,  
Dr. Marion Gillis-Olson  
Cumberland County



**COUNTY of CUMBERLAND**  
—◆—  
*Planning and Inspections Department*

Nancy Roy, AICP,  
Director  
Planning & Inspections

Joe W. Mullinax,  
Town of Spring Lake  
Donovan McLaurin,  
Wade, Falcon & Godwin  
Frankie Underwood,  
Town of Stedman

**October 2, 2003**

**M E M O R A N D U M**

TO: Cumberland County Joint Planning Board  
FROM: Nancy Roy  
SUBJECT: October 7, 2003 Meeting

The next scheduled meeting of the Cumberland County Joint Planning Board will be held on **Tuesday, October 7, 2003, 7:00 p.m.** in Public Hearing Room #3 of the Historic County Courthouse at 130 Gillespie Street. The following materials are included in your packet.

1. Tentative agenda for October 7, 2003 meeting
2. Minutes of September 16, 2003 meeting
3. Materials pertaining to Case 03-177

Should you have any questions about the enclosed materials, please call. I look forward to seeing you on October 7<sup>th</sup>.

**CUMBERLAND COUNTY JOINT PLANNING BOARD  
TENTATIVE AGENDA  
October 7, 2003  
Historic Courthouse, Gillespie Street  
7 PM**

- I. INVOCATION AND PLEDGE OF ALLEGIANCE
- II. APPROVAL OF AGENDA/ADDITIONAL ITEMS
- III. CONSENT ITEMS
  - A. APPROVAL OF THE MINUTES OF SEPTEMBER 16, 2003

**PLATS AND PLANS**

- A. 03-117: CONSIDERATION OF PRESTON PHASE III SUBDIVISION REVIEW ON THE WEST SIDE OF SR 1109 (DUNDLE ROAD), SOUTH OF SR 110 (GRIMES ROAD) FOR A VARIANCE FROM SECTION 3.17.C "STREET DESIGN", CUMBERLAND COUNTY SUBDIVISION ORDINANCE.
- IV. DIRECTOR'S REPORT – PRESENTATION/DISCUSSION OF 2004 WORK PLAN
- V. DISCUSSION
- VI. ADJOURNMENT

Clifton McNeill, Jr.  
Chair  
Cumberland County

Charles C. Morris, Vice-Chair  
Town of Linden  
David Averette,  
John M. Gillis, Jr.,  
Dr. Marion Gillis-Olion,  
Cumberland County



# COUNTY of CUMBERLAND

## *Planning and Inspections*

Nancy Roy, AICP  
Director  
Planning & Inspections

Joe W. Mullinax,  
Town of Spring Lake  
Donovan McLaurin,  
Wade, Falcon & Godwin  
Frank Underwood,  
Town of Stedman

MINUTES  
September 16, 2003  
7:00 p.m.

### Members Present

Clifton McNeill, Jr., Chair  
David Averette  
John M. Gillis, Jr.  
Donovan McLaurin  
Joe W. Mullinax  
Frankie Underwood

### Members Absent

Charles Morris, Vice-Chair  
Dr. Marion Gillis-Olion

### Others Present

Thomas J. Lloyd  
Donna McFayden  
BJ Cashwell  
Grainger Barrett,  
County Attorney

#### I. INVOCATION AND PLEDGE OF ALLEGIANCE

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

#### II. APPROVAL OF AGENDA/ADDITIONAL ITEMS

Mr. Lloyd asked that Case No. P03-68 be moved to the public hearing portion of the agenda. A motion was made by Mr. Mullinax and seconded by Mr. Averette to approve the amended agenda. The motion passed unanimously.

#### III. PUBLIC HEARING DEFERRALS

There were no public hearing deferrals.

#### IV. ABSTENTIONS BY BOARD MEMBERS

There were no abstentions by Board members.

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

Mr. Lloyd read the Board's policy regarding public hearing time limits

#### VI. CONSENT ITEMS

##### A. APPROVAL OF THE MINUTES OF SEPTEMBER 2, 2003

A motion was made by Mr. Underwood and seconded by Mr. McLaurin to approve the Minutes of September 2, 2003 as written. The motion passed unanimously.

## REZONING CASES

- B. P03-70: REZONING OF A 1.49 ACRE PORTION OF A 4.29 ACRE TRACT FROM CD TO RR OR TO A MORE RESTRICTIVE ZONING DISTRICT, ON THE EAST SIDE OF SYKES POND ROAD, SOUTH OF RAEFORD ROAD, OWNED BY CRA COMMERCIAL DEVELOPMENT, INC.

The Planning staff recommended approval of the RR Rural Residential District based on the following:

1. More recent flood maps have pinpointed the 100-year floodline and the CD boundary would be consistent with this rezoning.

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

**A motion was made by Mr. Gillis and seconded by Mr. Mullinax to follow the staff recommendation and approve RR Rural Residential District. The motion passed unanimously.**

- C. P03-72: REZONING OF .69 ACRES FROM R6A TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, ON THE NORTH SIDE OF BAYWOOD ROAD, EAST OF DUNN ROAD, OWNED BY CULBRETH INVESTMENTS, LLC

The Planning staff recommended approval of the C(P) Planned Commercial District based on the following:

1. To put all the property under one ownership into the same zoning classification.
2. The existing development in the area is of a non-residential nature.

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

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

- D. P03-73: REZONING OF 95.7 ACRES FROM A1 TO R10 OR TO A MORE RESTRICTIVE ZONING DISTRICT, ON THE SOUTH SIDE OF SAND HILL ROAD, WEST OF CYPRESS LAKES ROAD, OWNED BY CATHERINE INGRAM, M. LAUHLIN MACDONALD AND CHARLOTTE E. MACDONALD.

The Planning staff recommended approval of the R10 Residential District based on the following:

1. Water and Sewer serve this property.
2. The 2010 Land Use Plan calls for low density residential at this location where utilities are present.

The Planning staff found that the subject property is also suitable for the R40, RR, R20 and R15 zoning districts.

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

**A motion was made by Mr. Gillis and seconded by Mr. Mullinax to follow the staff recommendation and approve R10 Residential District. The motion passed unanimously.**

- E. P03-74: REZONING OF 197 ACRES FROM RR TO R10 OR TO A MORE RESTRICTIVE ZONING DISTRICT, ON THE EAST AND WEST SIDES OF HOKE LOOP ROAD, NORTH OF RAEFORD ROAD, OWNED BY LULA M. GREGORY AND HUSBAND AND ROBERT M. GREGORY, JR. ETALS.

The Planning staff recommends approval of the R10 Residential District based on the following:

1. Water and Sewer serve this property.
2. The 2010 Land Use Plan calls for low density residential at this location where utilities are present.

The Planning staff also recommends that portion of the property which falls within the 100 year floodway be zoned CD Conservancy District.

The Planning staff found that the subject property is also suitable for the R40, RR, R20 and R15 zoning districts.

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

**A motion was made by Mr. Gillis and seconded by Mr. Mullinax to follow the staff recommendation and approve R10 Residential District. The motion passed unanimously.**

- F. P03-75: REZONING OF 3.39 ACRES FROM RR AND PND TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, ON THE SOUTH SIDE OF RAEFORD ROAD, WEST OF RAYCONDA ROAD, OWNED BY NORTH CAROLINA DEPARTMENT OF TRANSPORTATION.

The Planning staff recommends approval of the C(P) Planned Commercial District based on the following:

1. This would be a logical extension of the C(P) adjacent to the east of the property.

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

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

#### AMENDMENT

- A. P03-78: REVISION AND AMENDMENTS TO THE TOWN OF STEDMAN ZONING ORDINANCE, SECTION 5.31.1, MANUFACTURED HOMES MUST BE CONSTRUCTED AFTER JULY 1, 1976. (STEDMAN)

The Planning staff recommended approval, which would allow Stedman to be consistent with the County and other municipalities in the regulation of manufactured homes.

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

**A motion was made by Mr. Gillis and seconded by Mr. Mullinax to follow the staff recommendation and approve the amendment to the Stedman Zoning Ordinance. The motion passed unanimously.**

## CONDITIONAL USE OVERLAY

- A. P03-77: A CONDITIONAL USE OVERLAY DISTRICT AND PERMIT TO ALLOW A QUILTING BUSINESS, INSTRUCTION AND SEWING MACHINE REPAIR ON 1.0 ACRE IN A PND DISTRICT, ON THE EAST SIDE OF RAMSEY STREET, NORTH OF BETHUNE DRIVE, OWNED BY RICHARD A. AND CHRISTINE G. MYERS.

The Planning staff recommended approval of the Conditional Use Overlay District based on the findings that the request is reasonable, not arbitrary or unduly discriminatory and in the public interest.

The Planning staff recommended approval of the Conditional Use Overlay Permit based on the findings that the proposal:

1. Will not materially endanger the public health and safety;
2. Will not substantially injure the value of adjoining or abutting property;
3. Will be in harmony with the area in which it is to be located; and
4. Will be in conformity with the 2010 Land Use and Thoroughfare Plans.

The Planning staff recommended that the following conditions be applied to the Conditional Use Overlay Permit:

1. Hours of operations: 10:00 a.m. to 9:00 p.m.
2. Twelve total employees
3. 16 parking spaces allowed
4. Buffer as defined in Section 10.2 be provided along the rear property line.
5. Signage would be the same as that allowed in the R10 district.

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

**A motion was made by Mr. Gillis and seconded by Mr. McLaurin to follow the staff recommendations and approve the Conditional Use Overlay District because the application is reasonable, neither arbitrary nor unduly discriminatory and in the public interest. The motion passed unanimously.**

**A motion was made by Mr. Gillis and seconded by Mr. McLaurin to approve the Conditional Use Overlay Permit after finding that when completed, the proposed: 1) will not materially endanger the public health and safety; 2) will not substantially injure the value of adjoining or abutting property; 3) will be in harmony with the area in which it is to be located; and 4) will be in conformity with the land use plan, thoroughfare plan or other plan officially adopted by the Board of Commissioners.**

**The following conditions were attached to the motion in addition to the packet material:**

1. **Hours of operations: 10:00 a.m. to 9:00 p.m.**
2. **Twelve total employees**
3. **16 parking spaces allowed**
4. **Buffer as defined in Section 10.2 be provided along the rear property line.**
5. **Signage would be the same as that allowed in the R10 district.**

## IV. PUBLIC HEARING ITEMS

- A. P03-68: REZONING OF A .50 ACRE PORTION OF A 1.53 ACRE TRACT FROM R6A TO C3 OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 110 YALE STREET, OWNED BY BRIAN V. AND WENDY V. BARBER.

The Plan Maps were displayed indicating the zoning and land use in the area. Mr. Lloyd reported that the Planning staff recommended approval of the C3 Heavy Commercial District based on the following:

1. The Cumberland Road Study calls for heavy commercial at this location.
2. This would place all land under the same ownership into one zoning classification.
3. To follow the general trend of C3 rezonings along Cumberland Road during the past year.

Mr. Robert Bennett appeared in favor of the request and explained that there were several properties in the immediate area zoned commercial. He said the property had been used for a fence company many years ago, probably prior to zoning of the area. He further stated that the owner of the property owned residential land to the north and would use that as a buffer between the properties.

Ms. Brenda Barnhill appeared before the Board in opposition and said she resided at the house next to the mobile homes behind the site. She expressed concern that if the use changed that there would be nothing to protect her and her two children from the site. She said she had installed part of a privacy fence to protect herself from the renters in the mobile homes. She indicated that the owner should put up a buffer between the sites because she could not afford to continue the installation of the privacy fence.

Chair McNeill asked how long she had lived in the house. Ms. Barnhill indicated that she had been there two years.

--public hearing closed--

Chair McNeill asked if there were any buffer requirements for the site. Mr. Lloyd explained that a solid buffer would be required such as a solid fence or a vegetative buffer.

Chair McNeill asked Mr. Bennett if he was aware of the buffer requirement. Mr. Bennett said that was the reason the residential lot next door was left for a buffer. Chair McNeill said a buffer would have to be installed between the residential and commercial zoning. Mr. Bennett said they would comply with all the ordinance requirements.

Mr. Averette said the property to the rear would require a buffer. Mr. Lloyd said it would have to be on two sides.

**A motion was made by Mr. Averette and seconded by Mr. McLaurin to follow staff recommendation to approve the C3 Heavy Commercial District.**

Mr. Gillis expressed concern that the C3 allows Adult Entertainment uses. Mr. Lloyd stated that Adult Entertainment uses were not allowed in the proximity of residential areas and would not meet the separation requirements for the uses.

**Upon a vote, the motion passed unanimously.**

- B. **P03-71: REZONING OF 8.60 ACRES FROM C1 AND C(P) TO C3 OR TO A RESTRICTIVE ZONING DISTRICT, AT 7341 CLINTON ROAD, OWNED BY ROBERT AND ADEL JOHNSON. (STEDMAN)**

The Plan Maps were displayed indicating the zoning and land use in the area. Mr. Lloyd explained the rezoning request was a result of a sign violation received by the applicant. Mr. Lloyd reported that the Planning staff recommended denial of C3 Heavy

Commercial and approval of C(P) Planned Commercial District for the C1 portion of the tract based on the following:

1. Site plan review is preferred at this location with the Hwy. 24 Bypass to the immediate north.
2. The Planning staff is consistent in their preference for C(P) within the Town of Stedman.
3. The C3 district would allow billboards at this location.

Ms. Adel Johnson appeared before the Board in favor of the request. She said they owned Sunshine Square and the Planning staff recommendation was a surprise to them. She explained that they established Sunshine Square eighteen years ago and they have a very well cared for site. She said the Optometrist business on the site moved to Wilmington and the new tenant had requested signage for the business. She said it was determined by Code Enforcement that the signage at the square was more than what was allowed by the acreage of the site. She explained she had talked with the Liaison from the Planning & Inspections Department to the Stedman Town Board, and that person said that the signage would be resolved with the C3 zoning. She said the C(P) zoning would entail a lot more than they wanted. She stated that they would keep their present zoning and take down whatever signs to bring the site in compliance.

Mr. Lloyd explained to Ms. Johnson that C(P) would allow more signage and the amount of signage to be removed would be lessened.

Chair McNeill said the reason for the request is for the amount of signage on the site. Mr. Lloyd explained C(P) would allow more signage than the C1 would allow.

Ms. Johnson asked what the C(P) entailed. Chair McNeill explained that it would require a site plan submission and the C(P) would allow more signage than C1.

Mr. Underwood said Ms. Johnson was correct in that the property is very well kept and a lot of people go to the square and asked how far out of the guidelines was the signage. Mr. Lloyd stated his staff did not talk with the applicant about the request. Mr. Underwood said there was signage by the road with brick columns and signage on the buildings conducive to the traffic. Mr. Lloyd explained that any writing on the windows on glass is also considered signage.

Mr. Barrett explained if the applicant wanted to withdraw their application that a similar request could not be submitted for one year.

Ms. Johnson said they did know about the C(P) zoning until tonight and they would remove enough of the signage to be in compliance. She said they would like to withdraw their request and would be content with what they had.

Mr. Barrett stated it would be better if this case was deferred to the next meeting and allow the applicant time to meet with Mr. Lloyd and resolve this issue.

Ms. Johnson said she would have no problem with that.

**A motion was made by Mr. Gillis and seconded by Mr. Underwood to defer the case until October 21, 2003.**

Mr. Robert Johnson said he was a member of the Stedman Town Board. He said the new Optometrist just wanted signage for his business. He said they were not interested in C(P). He explained his son had installed a Batting Cage in the square and they had to have two acres zoned to C(P) before permits could be issued for the power to be turned on.



Chair McNeill said the motion by the Board would allow time for everyone to review the information and meet with Mr. Lloyd to find a solution. Mr. Lloyd said if in the end they decide to withdraw their application, they would not have to go back before the Board.

**Upon a vote on the motion, the motion passed unanimously.**

- C. P03-76: REZONING OF 3.90 ACRES FROM R6A TO M2 OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 1419 BRAGG BOULEVARD, OWNED BY H & R KING. (SPRING LAKE)

The Plan Maps were displayed indicating the zoning and land use in the area. Mr. Lloyd reported that the Planning staff recommended denial of the M2 Heavy Industrial District based on the following:

1. The Spring Lake Land Use Plan calls for heavy commercial up to a depth of 351 feet off Hwy. 87.
2. There is no heavy industrial zoning within the general vicinity.
3. Heavy Industrial would not be appropriate adjacent to a developed residential area.

Mr. Allen Brewer said they own five mini warehouses in Fayetteville. He explained the site currently consisted of condemned houses and mobile homes and their plans were to clean the site. He said conditions could be placed on the site that would allow them to use the site. He said most of their mini warehouses are zoned commercial but Spring Lake zoning requires M2 zoning. He said the town was concerned that they would move out and they would have a M2 zoning site. He explained there would be a 50-foot buffer from the front and back with the entrance from Hwy. 87.

Mr. Lloyd explained that every use in the M2 must be considered for the site and that rezoning does not allow conditions to be placed on the site. He further explained that the Town of Spring Lake does not have a Conditional Use Overlay District.

Mr. Bradley Gardner said he was the project manager and M2 was the only zoning that allowed mini storage in Spring Lake. He said they have six mini warehouses in Fayetteville under the name American Flag Storage. He said all the sites were maintained and the grass kept cut. He explained they were planning on building fortress type storage where you would not be able to see into the site. He said there would be light traffic in and out of the business. He said this would be a benefit to Spring Lake and generate tax dollars for the town. He said the front building would run parallel with Bragg Boulevard and when you drive by the property it would look more like an office.

Chair McNeill asked if mini storage was allowed in C(P) in the County. Mr. Lloyd indicated that they were.

Chair McNeill explained that the Board does not consider the use of the property but what M2 zoning allows.

Ms. Patrice M. Baros appeared in opposition to the request and said she had been a resident of Holly Hills Subdivision since 1984. She said mixing residential and industrial zoning is poor planning. She said with this zoning change they would no longer have that quiet neighborhood they moved into. She said she had talked with the residents of Mack Street and had a petition of residents that were in opposition to the request.

Mr. Brewer said he was aware of the petition. He said the residents thought they were going to cut all the trees and cause more traffic into Mack Street. He said they were going to have a 50-foot buffer and they would not be able to see the site. He said there would not be any traffic going onto Mack Street.

Chair McNeill said the Board could not consider the use but only what M2 zoning allowed.

--public hearing closed--

Mr. Gillis asked what type of uses were allowed in the M2 zoning. Mr. Spinks with the Town of Spring Lake stated that the M2 is mostly manufacturing and storage. He said M2 and M(P) allow open storage.

Mr. Gillis asked if these uses have always been the same or had there been changes to the ordinance. Mr. Lloyd said there had been no changes but when mini storages started to be developed that the County changed their ordinance to allow it under commercial and the Town of Spring Lake chose not to add it.

Mr. Mullinax said the reasoning for storage units in M2 was that they were dangerous in residential areas due to what could be stored in the units.

**A motion was made by Mr. Mullinax and seconded by Mr. McLaurin to follow staff recommendations and deny the request. The motion passed unanimously.**

V. DISCUSSION

A. COMPREHENSIVE PLANNING COMMITTEE UPDATE—JOE MULLINAX

Mr. Mullinax explained the Committee had met tonight to review the Land Use Plan for Wade and the Committee had requested a map of the proposed sewer be presented for the area. He stated the next meeting would be October 27, 2003 at 6:00 p.m.

B. JOINT PLANNING BOARD MEETING

Chair McNeill stated that the City had no items to be discussed at the September 30, 2003 and asked if the Board would like to cancel the meeting unless there were items to be discussed.

**A motion was made by Mr. Gillis and seconded by Mr. Mullinax to cancel the September 30, 2003 meeting. The motion passed unanimously.**

C. COMMISSIONERS' MEETING UPDATE

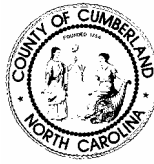
Mr. Lloyd said the Commissioners followed Planning Board recommendations except the case on Chicken Foot Road. He said the Planning Board had recommended R40 for the rezoning request and the Commissioners denied the request. Mr. Averette asked the reason for denial and Mr. Lloyd said it was due to the storm water issues and lack of water and sewer.

VI. ADJOURNMENT

There being no further business, the meeting adjourned at 8:25 p.m.

Clifton McNeill, Jr.  
Chair  
Cumberland County

Charles C. Morris, Vice-Chair  
Town of Linden  
David Averette,  
John M. Gillis, Jr.,  
Dr. Marion Gillis-Olson  
Cumberland County



**COUNTY of CUMBERLAND**  
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Frankie Underwood,  
Town of Stedman

September 29, 2003

MEMORANDUM

TO: Planning Board

FROM: Planning Staff

SUBJECT: Case No. 03-117  
Preston Phase Three  
(Zero Lot Line Subdivision Review)

The developer submitted a request for a variance from Section 3.17.c, "Street Design", Cumberland County Subdivision Ordinance, to allow a cul-de-sac to exceed the maximum length of 800' feet. The developer has designed Lockerbie Court at a length of 944' feet which exceed the maximum length by 144' feet. Phase Three of Preston subdivision contains 28 lots on 15.38 acres.

**In accordance with Section 6.1, Variances, of the Cumberland County Subdivision Ordinance, the Planning Board may vary the requirements of this ordinance, where 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 an unusual and unnecessary hardship on the sub divider.**

The Planning Staff recommends **Approval** of the requested variance based on the following.

1. The extension of Lockerbie Court into grimes would not meet with the design standards of NCDOT.
2. The existing length and width of the property does not allow for a more logically designed subdivision.

Attachments

cc: Floyd Properties, Developer  
Moorman, Kizer & Reitzel, Inc., Land Surveyor  
Grainger Barrett, County Attorney  
Thomas J. Lloyd, Supervisor, Land Use Codes

Clifton McNeill, Jr., Chair  
Cumberland County

Charles C. Morris, Vice-Chair  
Town of Linden  
David Averette,  
Cumberland County  
John M. Gillis, Jr.,  
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Town of Spring Lake



**COUNTY of CUMBERLAND**  
*Planning and Inspections Department*

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Planning & Inspections  
Director

Jerry Olsen,  
Wade, Falcon & Godwin  
Dr. Marion Gillis-Ofion,  
Cumberland County  
Frankie Underwood,  
Town of Stedman

PLANNING STAFF DECISION: 06-26-03 PLANNING BOARD DECISION: N/A COUNTY OR COUNCIL MEETING: N/A

CASE NO: 03-117 NAME OF DEVELOPMENT: PRESTON PHASE THREE  
(ZERO LOT LINE SUBDIVISION REVIEW)

LOCATION: ON THE WEST SIDE OF SR 1109 (DUNDE ROAD) ZONING: RR

AND SOUTH OF SR 1110 (GRIMES ROAD) PIN: 9495-05-5622-14-5764

OWNER OR DEVELOPER: FLOYD PROPERTIES ENGINEER OR DESIGNER: MOORMAN, KIZER & REITZEL, INC.

COUNTY ORDINANCE     GODWIN ORDINANCE     STEDMAN ORDINANCE     SPRING LAKE ORDINANCE     FALCON ORDINANCE

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

CONDITIONS OF APPROVAL:

1. That the Public Works Commission approves water and sewer plans prior to application for any permits.
2. That the developer provides the County Inspections Department with an approved state sedimentation and erosion control plan prior to any application for permits.
3. That the N.C. Department of Transportation approves street plans and that the street(s) be constructed to the N.C. Department of Transportation standards for secondary roads.
4. That if applicable, the N.C. Department of Transportation approve the proposed curbcut(s) and that the proper permit(s) be obtained prior to building permit application.
5. That the builder/developer provide the buildable envelopes on the final plat, provide a five (5) foot maintenance easement along each side of all common, internal lines on the final plat, or submit the individual plot plans to the planning staff for review and approval prior to building permit application.
6. That the final plat must be submitted to the Planning Staff for review and approval for recording; and that the plat must be recorded prior to any permit application on any structure and/or prior to the sale of any lot or unit in this development.
7. That a site-specific address and tax parcel number be provided at the time of building/zoning permit application.
8. That applicant is advised that an expert on wetlands should be consulted before proceeding with any development.
9. That street name signs, in compliance with the Cumberland County Street Sign Specifications, shall be installed prior to final plat approval. Note: The developer is responsible for contacting 678-7616, once the street name sign(s) are installed, to schedule an inspection of said sign(s) and notice of a satisfactory inspection must be received by Land Use Codes prior to the approval of the final plat.
10. That all applicable portions of Section 3.20 "Lot Standards" of the County Subdivision Ordinance be complied with.
11. That all uses and setbacks be compatible with those permitted in the RR zoning classification.
12. That the owner(s)/developer(s) of these lots obtain detailed instructions on permits required to place a structure within this development from the Inspections Department at 130 Gillespie Street Room 106. The Inspections Department will need a copy of this Approved Condition Sheet and map for additional information or the developer should call a Zoning Officer at 321-6640.
13. This review does not constitute a "Subdivision" approval by NCDOT. A separate submittal will be required to NCDOT prior to any consideration for addition to the system.
14. That at a minimum a zoning permit is required prior to the placement of any structure on any portion of this development.

CASE NO. 03-117 CONTINUED

15. That the NC Department of Transportation stamp be affixed to the final plat prior to final plat approval by the Planning Staff.
16. That all structures shall be shown on the final plat or that the final plat shall reflect the following statement: "Nonconforming structures have not been created by this subdivision."
17. That prior to final plat approval of any portion of this development, the developer shall submit a check or cash in the amount of \$ 7,403.82 payable to Cumberland County. This condition is in accordance with Section 3.13.1, Parks, Open Space, Recreation Provisions, Cumberland County Subdivision Ordinance, which requires every residential dwelling unit shall 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 #4)
18. That notarized owners' signature and certifications appear on the final plat prior to approval.
19. That any/all easements appear on the final plat.
20. That the developer needs to obtain a driveway permit from the NC Department of Transportation.
21. That Sections 4.1.C "Curb and Gutters", 4.1.D "Required Drainage" and 4.3.G "Fire Hydrants" must be adhered to.
22. That 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 of the Cumberland County Subdivision Ordinance. (Note: Once the improvements are in place, the developer is responsible for contacting Mr. Ed Byrne at 678-7609 to schedule an inspection of the improvement.)
23. That if the developer is required or requested to hook up to sewer services, then a fee is required to be paid to the County Engineering Office. This fee is assessed to each lot or structure that hooks up to the Little Rockfish Interceptor. Please contact the County Engineering Office at 910-678-7634 for fee amount and how to pay.
24. That lot 53 be labeled on the final plat as an "undevelopable lot at present standards."
25. That a 10' X 70' sight distance easement shall be required at the intersection of SR 1109.
26. That all intersections shall have a 25' right of way radius.
27. That the remaining tract across Grimes Road be numbered and included on the final plat.
28. That the developer submit a request for a variance for the length of Lockerbie Court or revise the site plan to reduce the length of the cul-de-sac.
29. That the developer be aware that this approval is for Phase Two & Three, the previous lots in Phase One shall meet the requirements in Case 01-51 and all conditions that apply.
30. That lots 45, 97, 98 and 99 shall have a "no access easement" along SR 1109 placed on the final plat.
31. That lots 71, 72, 73, 108, 109, 110 and 111 shall have a "no access easement" along SR 1110 placed on the final plat.

IF YOU NEED A CLARIFICATION AND/OR NEGOTIATION OF CONDITION(S) PLEASE CONTACT ED BYRNE AT 678-7609 OR TOM LLOYD 678-7618.

September 16, 2003

Cumberland County Planning Board  
130 Gillespie Street  
Post Office Box 1829  
Fayetteville, NC 28302-1829

Re: Preston Subdivision, Section 3  
Street Length Variance

To Whom It May Concern:

On behalf of the Developer, I am respectfully requesting a variance to Section 3.17, Paragraph "C" of the Subdivision Regulations, which supports a maximum length of 800 feet for cul-de-sac streets.

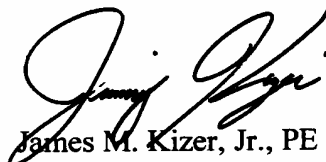
On the northern side of the Preston Subdivision in Section 3, the cul-de-sac of Lockerbie Court is approximately 944 feet long from the center of the cul-de-sac to the center of the intersection with Arbor Grove Lane. This location was dictated by the street stub that was provided for with the preliminary submittal for Preston Subdivision prior to the purchase of the additional property, which encompasses Section 3. Since the street stub to the adjacent property had already been recorded and houses built, it was impossible to revise the internal location of the stub street.

The layout as presented on the preliminary plan for Preston Subdivision Sections 2 and 3 is felt to give an excellent neighborhood environment, does a good job of interior traffic control and minimizes the need for additional intersection attachments to Dundle Road and potentially Grimes Road. Due to the proximity of the existing entrance to the subdivision on Dundle Road and the existing intersection of Dundle and Grimes roads, NCDOT is unlikely to grant another entrance along Dundle road. Furthermore, due to the property not touching Grimes Road until it reaches the sharp curve in the road, it is also unlikely that NCDOT would permit a driveway in this location. Considering these factors, the layout as presented is felt to provide the most reasonable alternative.

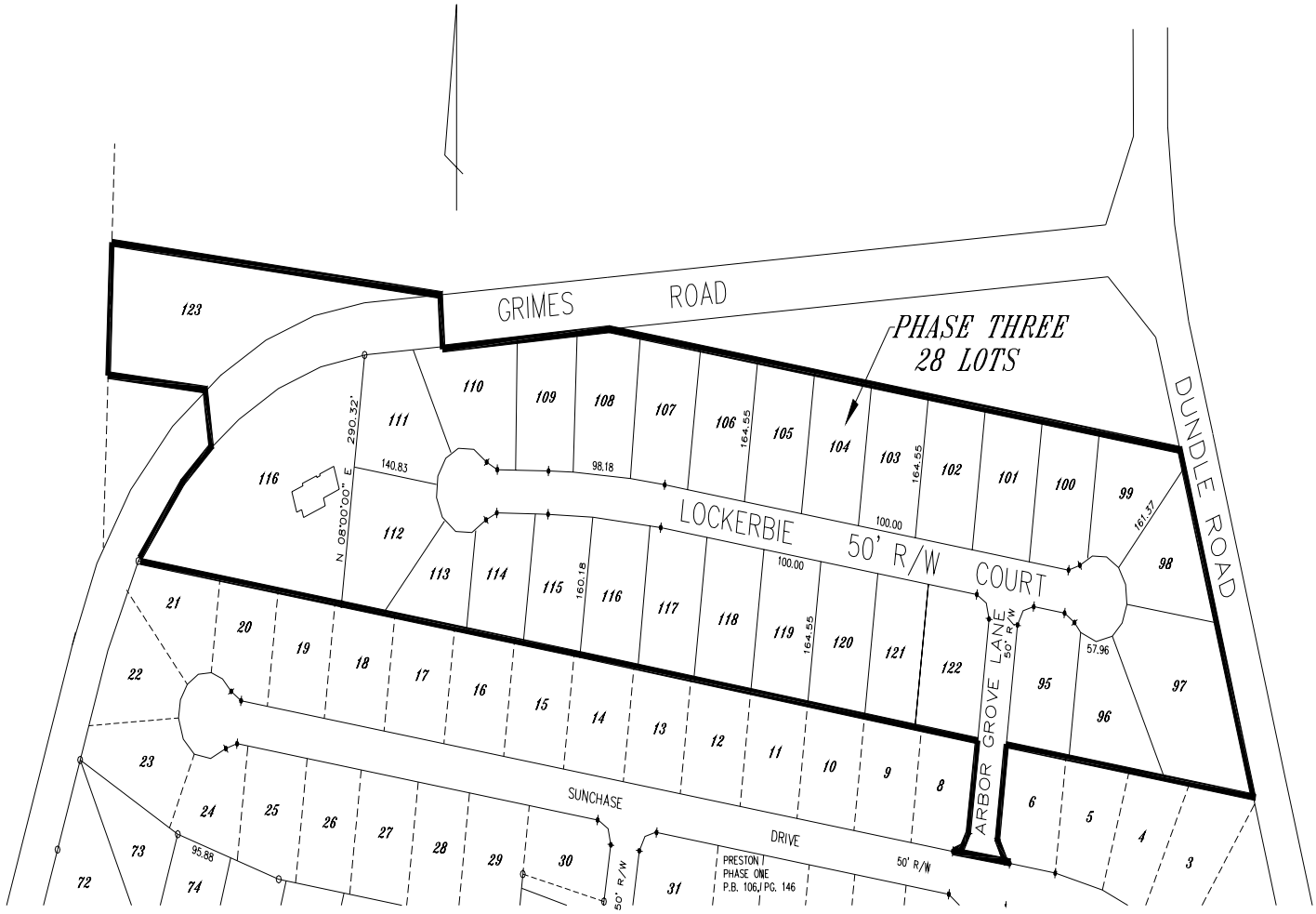
Your favorable consideration of this variance request would be greatly appreciated.

Respectfully Submitted,

MOORMAN, KIZER & REITZEL, INC.



James M. Kizer, Jr., PE



# **PRESTON**

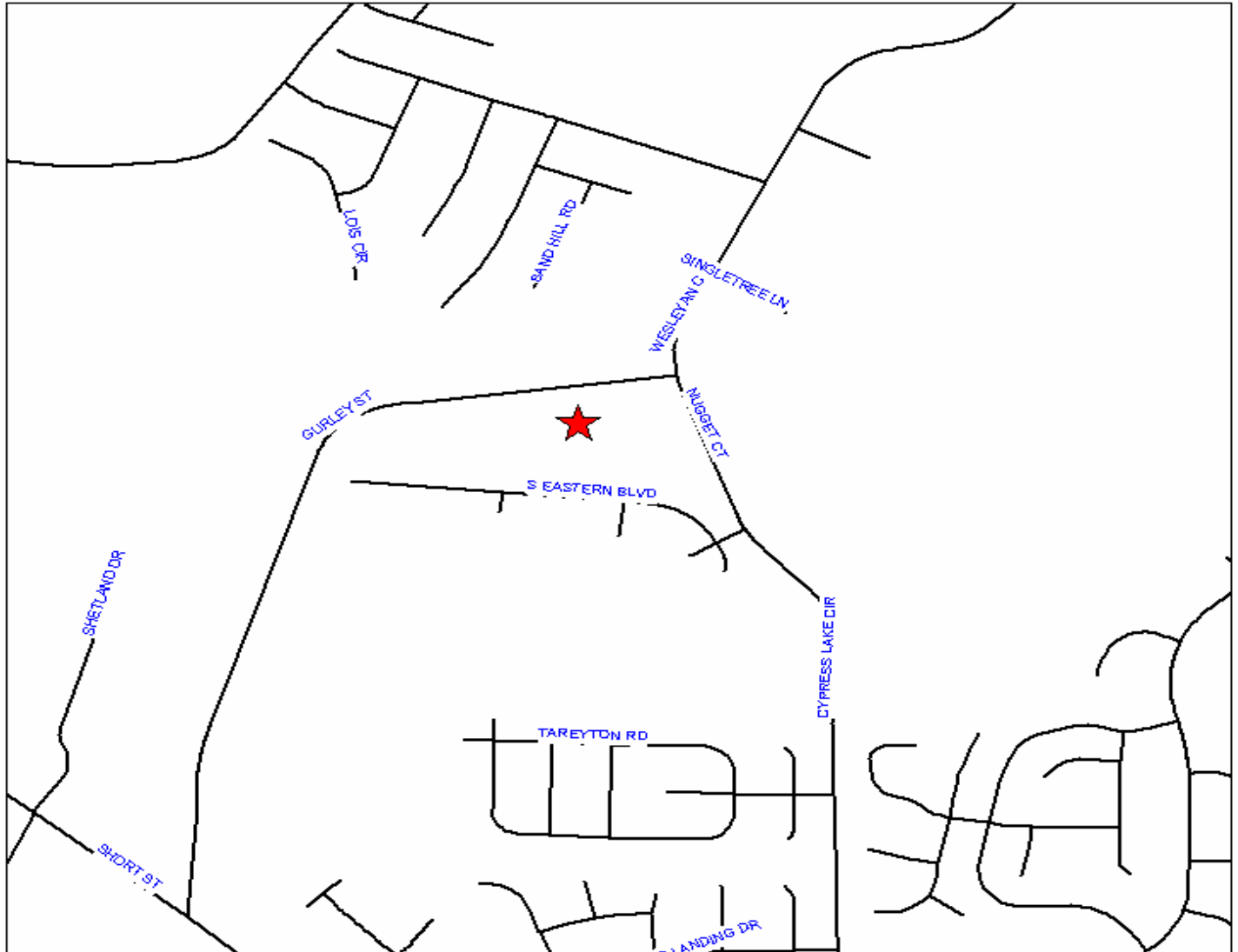
**ZERO LOT LINE DEVELOPMENT**

**CASE 03-117 ZONED RR**

**REQUEST: A VARIANCE FROM SECTION**

**3.17, C. ACREAGE 32.40 SCALE NTS**

**PRESTON PHASE THREE  
ZERO LOT LINE SUBDIVISION REVIEW  
CASE NO. 03-117**



PIN: 9495-05-5622; 14-5764  
PREPARED BY ARN-CCJPB  
JUNE 17, 2003

Map not to scale

