

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

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



# COUNTY of CUMBERLAND

*Planning and Inspections Department*

Thomas J. Lloyd,  
Director

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

## TENTATIVE AGENDA

MAY 2, 2006  
7:00 P.M.

- I. INVOCATION AND PLEDGE OF ALLEGIANCE
- II. ADJUSTMENTS TO AGENDA
- III. PUBLIC HEARING DEFERRALS
- IV. ABSTENTIONS BY BOARD MEMBERS
- V. POLICY STATEMENT REGARDING PUBLIC HEARING TIME LIMITS
- VI. CONSENT ITEMS
  - A. APPROVAL OF THE MINUTES OF APRIL 18, 2006
- VII. PUBLIC HEARING ITEM
  - A. **P06-04:** REZONING OF A 155.80 ACRE PORTION OF 2 PARCELS TOTALING 159.80 ACRES, FROM A1 TO R10 AND CD, OR A MORE RESTRICTIVE ZONING DISTRICT, NORTH OF TOM STARLING RD, WEST OF NC HIGHWAY 87 SOUTH, SUBMITTED BY CHALMERS MCCOMBS, OWNED BY TOMMY WOODELL ET AL.
- VIII. PLAT & PLAN
  - A. **06-065:** CONSIDERATION OF DALTON RIDGE SECTION 3, ZERO LOT LINE SUBDIVISION REVIEW, REQUEST FOR A WAIVER FROM SECTIONS 3.2 "RELATION OF PROPOSED STREETS TO ADJOINING STREET SYSTEM" & 3.18 "BLOCK LENGTHS", CUMBERLAND COUNTY SUBDIVISION ORDINANCE, LOCATED AT THE END OF HEARTPINE DRIVE, SOUTH OF SR 2233 (BUTLER NURSERY ROAD)

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- IX. DISCUSSION
  - A. VOLUNTARY AGRICULTURAL DISTRICT
- X. FOR YOUR INFORMATION
  - A. DIRECTOR'S UPDATE
- XI. ADJOURNMENT

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### MINUTES APRIL 18, 2006

#### Members Present

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

#### Others Present

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

- I. INVOCATION AND PLEDGE OF ALLEGIANCE – Mr. McLaurin delivered the invocation and led those present in the Pledge of Allegiance.
- II. ADJUSTMENTS TO AGENDA – **Mr. McNeill made a motion, seconded by Mr. McLaurin to move cases P05-69, P06-25, and P06-07 from Consent to Public Hearing. Unanimous.**
- III. PUBLIC HEARING DEFERRALS - **Ms. Epler made a motion, seconded by Mr. McLaurin, to accept the staff deferral of cases P06-19 and P06-21 to the May 16 Planning Board meeting. Unanimous.** Ms. Speicher stated that the cases were pulled by staff due to last minute changes in the applications and site plans.
- IV. ABSTENTIONS BY BOARD MEMBERS – No abstentions
- V. POLICY STATEMENT – Ms. Speicher read the Public Hearing policy statement.
- VI. CONSENT ITEMS
  - A. APPROVAL OF THE MINUTES OF APRIL 4, 2006 - **A motion was made by Mr. Turner, seconded by Mrs. Epler, to approve the minutes as written. Unanimous.**

#### REZONING CASES

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- D. **P06-22:** REZONING OF .48 ACRES FROM CD TO RR OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 3434 SAVANNAH DRIVE, OWNED BY PATRICK AND PATRICIA SNYDER.
- E. **P06-23:** REZONING OF A 1.29 ACRE PORTION OF A 90.17 ACRE TRACT FROM R40A TO A1 OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 8280 CEDAR CREEK ROAD, SUBMITTED BY MICHAEL TATE, PLS, OWNED BY BILLY D. HORNE.
- F. **P06-24:** REZONING OF 2.96 ACRES FROM A1 TO A1A OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 5884 AND 5892 GOLDSBORO ROAD, OWNED BY PHYLLIS & RONNIE LUCK.
- H. **P06-26:** REZONING OF .86 ACRES FROM R6A TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 3954 CAMDEN ROAD, OWNED BY HENRY G. AND BONNIE T. JOYNER.
- I. **P06-28:** INITIAL ZONING OF 76.64 ACRES TO R40A, LOCATED EAST OF SHERRILL BAGGETT RD, SOUTH OF BEND OF RIVER ROAD, SUBMITTED BY THE TOWN OF FALCON, OWNED BY FALCON CHILDREN'S HOME. (FALCON)

**A motion was made by Mr. McNeill, seconded by Ms. Epler, to accept the Staff recommendations and approve Cases P06-22, P06-23, P06-24, P06-26, and P06-28. Unanimous approval.**

VII. PUBLIC HEARING ITEMS

- B. **P05-69:** A CONDITIONAL USE PERMIT TO ALLOW AN OFFICE IN A C1(P)/CUD, ON .23 ACRES, AT 4310 CUMBERLAND ROAD, OWNED BY DREW AND KATHRENE BOXWELL.

Ms. Speicher presented the case information and stated that the staff recommended approval of the Conditional Use Permit based on the facts that: the Conditional Use District was approved by the County Commissioners on October 17, 2005, the permit complies with the agreed upon condition that the property be used only for "office" purposes, and the request is reasonable and compatible with the existing development in the area. She further stated that the applicant had been provided a copy of the ordinance-related conditions. The Public Hearing was opened.

Drew Boxwell, owner, was sworn in. He stated that he was currently renovating the property and that rezoning from residential rental property to allow the operation of a real estate office would benefit the residents, increase the tax base, and expand the usability of the property.

Kenneth Carter was sworn in and spoke in opposition. He stated that the rezoning notice received by residents stated that Mr. Boxwell would be operating a store, not a real estate office as he had stated. Residents were concerned with increased traffic and misleading information. Ms. Speicher advised the Board that the rezoning notice did refer to the operation of a store, but that use was included in the allowable uses under the general description of the C1(P) District. She further stated that the applicant's Conditional Use Permit would limit the use to that which was specifically approved. The Public Hearing closed.

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

G. **P06-25:** REZONING OF .30+/- ACRES FROM R10 TO C1(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 3210 PELLIGRINI AVENUE, OWNED BY EDWIN J. AND WINIFRED B. MILLER.

Ms. Speicher presented the case information and stated that the staff recommended denial of the request based on the facts that the request is not consistent with the 2010 Land Use Plan and that the approval of the request would initiate the encroachment of non-residential zoning and uses within this residential area.

Edwin Miller, owner, spoke in favor of the request stating that the site is an ideal location for a business. He stated he would not push for the rezoning if the area residents were strongly against it. He further stated that the neighborhood is already changing and his intention is to further improve the area and increase the tax base.

Diane Hardwick, neighbor, spoke in opposition. She states that development in the area has already changed the neighborhood from a quiet residential area to a heavily traveled business district and that children can no longer safely play in the neighborhood.

Mavis Pritchett, neighbor, spoke in opposition and stated she does not want a business beside her. She doesn't see that a business would improve the area.

Gary Pritchett, neighbor, spoke in opposition and presented the Board with a petition signed by area residents who were in opposition to the rezoning.

Willis McNeill, neighbor, stated that he opposed the rezoning because the current traffic situation at this intersection is already a dangerous problem. Increased traffic would compound the situation.

Mattie McNeill, neighbor, opposed the request stating that there was no need for more businesses in the area.

Mr. Miller declined the opportunity to speak in rebuttal. The Public Hearing closed.

**Mr. McLaurin made a motion, seconded by Mr. McNeill, to accept the staff recommendation and deny the request for rezoning. Unanimous approval.**

C. **P06-07:** REZONING OF .50 ACRES FROM C1(P)/CU TO C(P)/CUD TO ALLOW PERMITTED USES WITH EXCLUSIONS AT 4436 CUMBERLAND ROAD, OWNED BY VICTOR M. GURGANIOUS.

Ms. Speicher presented the case information and stated that the staff recommended approval of the C(P)/Conditional Use District and Permit, with exceptions, even though the request is not consistent with the Land Use Plan, based on the facts that: the applicant has eliminated the undesirable uses otherwise allowed in the C(P) district; the subject property is located on a major thoroughfare; and the request is reasonable and compatible with the existing development in the area. She further stated that "Wholesale Sales" and "Taxicab Stand Operations" were not suitable uses for this area and should be excluded from the permitted uses.

David Hinson, representing Victor Gurganious, owner, stated that Mr. Gurganious has received a copy of the conditions and permitted uses and that he had already agreed to accept the additional excluded uses.

Oland Little opposed additional permitted uses on the property: Kennel Operation, Motor Vehicle Repair and Body Work, Service Station Operation, Motor Vehicle Washing, and Tower. Mr. Little stated that the property behind this area is strictly residential.

Mr. McNeill asked Mr. Little if he would be agreeable to the approval of the rezoning if his objected uses were included on the list of exclusions. Mr. Little answered affirmatively.

Mr. Hinson stated that he was sure that Mr. Gurganious would approve and accept the additional excluded uses on the property. Public Hearing closed.

Ms. Epler expressed her concern that the approval of the rezoning would also approve a non-conforming structure on the property. Ms. Speicher confirmed that the structure would be approximately 14 feet too close to the property line. Ms. Epler requested that the applicant explore a zero lot line agreement or variance with staff. Mr. McNeill expressed his reluctance to approve a non-conforming status but acknowledged that the applicant had been more than agreeable in working with Staff to address concerns. Ms. Speicher stated that the applicant has been made aware of the non-conforming structure and that he had explored zero lot line with Staff. She further stated that Mr. Gurganious had been very cooperative in working to exclude undesirable uses on the property. Mr. Hinson confirmed that Mr. Gurganious was well aware of the restrictions regarding rebuilding a non-conforming structure and that he was agreeable to accepting that risk.

**Mr. McNeill made a motion, seconded by Mr. McLaurin to find that the Conditional Use District application is neither arbitrary nor unduly discriminatory, in the public interest and that the Conditional Use District application, with submitted conditions and additional exclusions, be approved. Motion carried 7 to 1, with Ms. Epler in opposition.**

**Mr. McNeill made a motion, seconded by Mr. McLaurin, to find that the Conditional Use District Permit application, if developed as proposed and voluntarily agreed to, will not materially endanger the public health and safety, will not substantially injure the value of adjoining or abutting property, will be harmony with the area in which it is to be located, will be in conformity with the Land Use Plan, Highway Plan or other plan officially adopted by the Board of Commissioners, and that it be approved according to the conditions listed, with the additional excluded permitted uses of Taxi Stand Operations, Wholesale Sales, Kennel Operations, Motor Vehicle Repair and/or Body Work, Motor Vehicle Service Station Operations, Motor Vehicle Washing, and Tower . Motion carried 7 to 1, with Ms. Epler in opposition.**

The Board recessed for 10 minutes.

- A. **P06-04: REZONING OF A 155.80 ACRE PORTION OF TWO PARCELS TOTALING 159.80 ACRES, FROM A1 TO R10 AND CD OR TO A MORE RESTRICTIVE ZONING DISTRICT, NORTH OF TOM STARLING ROAD, WEST OF NC HIGHWAY 87 SOUTH, SUBMITTED BY CHALMERS MCCOMBS, OWNED BY TOMMY WOODSELL, ET AL.**

Ms. Speicher presented the case information and stated that the Staff recommended approval of the R10 District only for that portion located outside a 250-foot buffer area from the bank of the creek (also the property line) and CD District for the land area within the 250-foot buffer area based on the following: Rockfish Creek has been established as an environmental corridor for protection and preservation in the Land Use Plan; the staff recommended CD zoning to create a 250-foot riparian buffer or the 100-year flood line, whichever provides the greatest distance from the creek and is based on the size of the subject property and the possible number of lots, which could be developed if the request is approved; and the recommendation is consistent with the Land Use Plan which calls for "Open Space and Low Density Residential" at this location. She further noted that this case had previously been deferred for 60 days to give the applicants time to meet with residents and discuss their concerns and to allow time to meet with staff about the possibility of a Conditional Use District and Permit. The applicants had willingly complied with those requests.

Chalmers McCombs, sworn in, spoke in favor of the request as the developer. He introduced the development engineer, Robert Balland, duly sworn, who spoke on behalf of Bill Clark Homes. He stated that the developer had met with area residents on April 6<sup>th</sup> to address their concerns. He stated that the developer was at this time amending their application to request

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a Conditional Use District and Permit with R10 zoning. He stated they would meet all staff requirements and were proposing a CD district line greater than previously submitted. The developer agreed to adhere to any DOT requirements, to dedicate approximately 30% of the property to the CD District, to construct a buffer along Tom Starling Road, and to research the community request of building a gated, secured development.

Boyd Parsons, duly sworn, stated he was in favor of the request and that the development was in the best interests of the community. He approved of the low-density use and the sufficient buffer for the creek. He urged the Board to consider the request based on the merits and facts and not on the emotions of the opponents.

Max Carter, duly sworn, spoke in opposition and advised the Board that a portion of the property submitted for rezoning was currently in a land dispute with attorneys. Several acres of his property is included in the development site and he has been working with attorneys and surveyors to resolve the issue. He has had no cooperation with Bill Clark Homes and requests that the Board not act on the rezoning request until the land dispute has been resolved. Ms. Speicher circulated a copy of Mr. Carter's recorded plat showing his property line and the proposed development.

Fran Primeaux, duly sworn, requested that the area remain residential. She stated that R10 was too dense for this area and was concerned with increases in traffic, crime, and taxes, and requested R15 zoning. She presented a petition containing 111 neighboring resident signatures supporting R15.

Ms. Epler stated that she was not comfortable hearing this case and requested abstention. The case directly involved her employer, who is involved in the land/survey dispute with Mr. Carter. Ms. Epler left the room at 8:35 p.m.

Rodney Ward, duly sworn, requested R20 zoning and a 250-foot buffer. He asked that the audience stand in a show of opposition.

Tom Pollitt, duly sworn, opposed the density and not the development. He noted that the proposed Hope Mills Bypass will drastically increase traffic in the area and the density proposed for this development would only add to the problem.

Public Hearing time limit expired. At the discretion of the Chair, additional registered speakers were allowed two minutes each to state their opposition.

Pat Nunnaly, duly sworn, advised the Board of a 2004 DOT survey showing a daily traffic count on Tom Starling Road of 2100 vehicles. Her concern was that recent major new businesses in the area have already increased that count and the proposed development will add to that number. She requested a minimum of 1 acre per home.

Tim Evans, duly sworn, addressed the need to protect Rockfish Creek by limiting development along the banks.

David Bowen, duly sworn, requested that the Board consider R20 zoning.

Bill Brown, duly sworn, shared Sheriff's Department statistics of 22 accidents in this area during the past year.

Mickey Jackson, duly sworn, was concerned with decreasing property values caused by additional high-density development in the area.

In rebuttal, Mr. McCombs addressed the previously held community meeting and noted that many of those in opposition did not attend that meeting. He stated that the property line dispute was being researched and would be resolved prior to any development. He addressed the documented traffic accidents and stated they were caused by speed and alcohol, not road congestion. He agreed to the need to protect Rockfish Creek with buffer

requirements. He stated his development would add to the property value in the area by proposing ¼ acre lots and approximately \$170,000 to \$200,000.00 dwellings. The Public Hearing was closed.

Discussion followed on buffer requirements and property lines at the bank of Rockfish Creek.

Mr. McLaurin questioned density and number of lots. Discussion followed on square footage needed to attract buyers to higher valued homes, and number of proposed homes needed to protect the developer's interest.

Mr. McNeill stated that the widening of Tom Starling Road was already set as "Priority 1" for DOT and that traffic issues would change anyway. He stated that he felt R15 would be more appropriate in this area. He further commended the developer for addressing the citizen's concerns and exploring solutions with Staff.

Mr. Morris expressed his concern with the preservation of Rockfish Creek. He stated that he could not recall a developer ever volunteering to offer a 250-foot buffer. He assured the residents in attendance that a Conditional Use Permit would bind the developer to the approved conditions. He stated that less density would be desirable but that the developer's cooperation and willingness to work with the residents and their concerns made the request more acceptable.

Ms. Piland stated her approval of the 250-foot buffer and her concern with the proposed density. Ms. Speicher clarified for the Board that the 250-foot buffer recommendation was from Staff, not the developer. On average, the developer's site plan recommended a 205-foot buffer. She further stated that all areas within the 205-foot buffer exceeded the 100-year flood plain.

Discussion followed on lot size and number of units per zoning district. Mr. McNeill asked if a minimum lot size could be required as a condition of approval. Mr. Lloyd stated that it had been done in the past and could be set as a condition of approval with this case. Mr. McCombs was asked if a minimum of 375 units, or a zoning of R15, would be enough to keep this as a viable development. Mr. McCombs stated that he had not researched that possibility and would prefer that the Board set a number of units, as opposed to a minimum lot size, to clarify what he would be working with.

Mr. McLaurin stated that he was more concerned with the effect of storm water runoff and water quality. He stated that the density was not as important as the buffer and directed the Board to several slides depicting the banks, erosion, and detrimental development along Rockfish Creek.

Mr. Morris stated that he felt like 400 total units would be more compatible with the area.

**A motion was made by Ms. Piland, seconded by Mr. Turner, to defer this case until May 2<sup>nd</sup>. Unanimous approval.**

The Board recessed for 5 minutes. Ms. Epler rejoined the meeting.

**B. P06-18: REZONING OF A .55 AC PORTION OF A 2.97 ACRE TRACT FROM A1 TO M(P)/CONDITIONAL USE DISTRICT & PERMIT TO ALLOW STORAGE OF EXPLOSIVE MATERIALS AT 317 MAGNOLIA CHURCH ROAD, SUBMITTED BY LARRY W. HALL, OWNED BY DENNIS H. COSTER SR.**

Ms. Speicher presented information for case P06-18. The Staff recommended denial based on the facts that the request is not consistent with the 2010 Land Use Plan and the area is prone to development due to its proximity to the Town of Stedman and with future public water and sewer extension; thus the request would be extremely detrimental to any possible future development.

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Mary Ann Grasso, duly sworn, represented the fireworks company storing the explosives. She advised that the container of explosives had been on-site for three years and that the company had only recently been made aware of permit requirements.

Julia Hall, duly sworn, supported the explosives storage, as the property owner, and stated that she had no problems or concerns with the storage on her property.

Stedman Mayor Billy Horne, duly sworn, stated that that the explosives were not a concern for the Town of Stedman and that they were stored there only a few days a year. The storage is not an inconvenience for anyone.

Larry Hall, duly sworn, stated that as the property owner he had no problems with the current storage. The Public Hearing was closed.

The petitioner stated that they are aware of and voluntarily accept all conditions.

**Mr. McNeill made a motion, seconded by Mr. Cain, to approve the rezoning and find that the Conditional Use District application is neither arbitrary nor unduly discriminatory, in the public interest and that the Conditional Use District application, with submitted conditions, be approved. Unanimous approval.**

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

- C. **P06-27: REVISIONS AND AMENDMENTS TO THE STEDMAN ZONING ORDINANCE, ARTICLE III, SECTION 3.1. "TABULATION OF PERMITTED USES", TABLE 1-E, PERMITTED AND CONDITIONAL USES, M2 HEAVY INDUSTRIAL DISTRICT, BY INSERTING UNDER THE PERMITTED USES SECTION IN ALPHABETICAL ORDER: "AUCTION HOUSE" AND "SECOND HAND, PAWN, THRIFT SHOP AND SWAP SHOP SALES"; AND AMEND ARTICLE X, "DEFINITION OF TERMS", SECTION 10.2 "DEFINITIONS OF SPECIFIC TERMS AND WORDS BY INSERTING IN ALPHABETICAL ORDER: "AUCTION HOUSE". (STEDMAN)**

Mr. Lloyd presented the case information and advised that the staff recommended denial to allow for review and amendment of the purpose and intent statement of the zoning classifications, and to allow for a study to determine the mix of appropriate retail uses compatible with uses in industrial districts.

Mayor Billy Horne stated that the Board was asked to approve the amendment as the Town Board was in favor of it and would approve it at the next town meeting regardless of the Board's action. Mr. Lloyd advised the Board that their approval of the revision and amendment would not prohibit further study and revision between Staff and the Town of Stedman.

**A motion was made by Mr. Cain and seconded by Ms. Piland, to approve the Revision and Amendment to the Stedman zoning ordinance. Unanimous approval.**

## VIII. DISCUSSION

Mr. Lloyd advised the Board of the need for a joint City/County meeting regarding comprehensive planning, the 2030 Plan, and small town input. He was directed by the Board to schedule a meeting with consultant Glen Harbeck and that Mr. Morris, Mr. McLaurin, and Mr. McNeill would represent the Board.

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Ms. Piland updated the Board on the cases heard at the County Commissioners meeting.

IX. FOR YOUR INFORMATION

B. DIRECTOR'S UPDATE

Mr. Lloyd advised the Board of a request for a 5<sup>th</sup> Tuesday meeting with the County Joint Planning Board, the City of Fayetteville Planning Board, and the Sustainable Sandhills Committee. He would schedule that meeting and advise the Board of the details.

Mr. Lloyd advised the Board to be considering the reentry of Hope Mills into the planning process and how to address their representation on the Board.

Mr. Lloyd informed the Board that his staff was considering the possibility of eliminating the paper process by emailing meeting packets. He stated that email of packets would be added to the mailing of packets to allow time for the Boards input on the process.

The Board was informed that a new contact list of County staff and commissioners had been placed in their notebooks.

X. ADJOURNMENT

**Ms. Piland made a motion, seconded by Ms. Epler, to adjourn the meeting at 10:40 p.m.**

**Charles C. Morris**  
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**COUNTY of CUMBERLAND**

*Planning and Inspections Department*

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April 25, 2006

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## MEMORANDUM

**TO:** Cumberland County Joint Planning Board

**FROM:** Planning & Inspections Staff

**SUBJECT:** Staff Recommendation for May 2, 2006 Board Meeting

**P06-04:** REZONING OF A 155.80 ACRE PORTION OF 2 PARCELS TOTALING 159.80 ACRES, FROM A1 TO R10 AND CD, OR A MORE RESTRICTIVE ZONING DISTRICT, NORTH OF TOM STARLING RD, WEST OF NC HIGHWAY 87 SOUTH, SUBMITTED BY CHALMERS MCCOMBS, OWNED BY TOMMY WOODSELL ET AL.

The Planning & Inspections Staff recommends denial of the request as originally submitted and all previous discussions and/or agreements presented to the Board on February 21, 2006 and April 18, 2006, but **approval** if the applicant agrees to the Conditional Use District and Permit and the request is approved in accordance with the site plan submitted to Staff on April 24, 2006 – maximum of 400 residential units. This recommendation of approval is based on the following:

1. The request is consistent with the 2010 Land Use Plan which calls for “Open Space and Low Density Residential” at this location; and
2. The applicant has acknowledged the previous Staff request for a riparian buffer and is offering to provide a buffer along Rockfish Creek, which has been established as an environmental corridor deserving of protection and preservation in the 2010 Land Use Plan.

The Planning & Inspections Staff’s recommendation is contingent upon the applicant’s agreement to further restrict the development so that the land area shown on the site plan to be zoned CD Conservancy will remain under one contiguous ownership by either an Owners’ Association or be dedicated to a conservancy organization, such as the Sandhills Area Land Trust. In addition, the Staff recommends the applicant be approved for Staff approval of any necessary future revisions provided the maximum number of units is not exceeded.

The R40, R30, R20 and R15 zoning districts are also suitable for the area outside of the riparian buffer.

Attachments:

- 1 - Rezoning Sketch Map
- 2 - Site Plan
- 3 - Site Profile

### **SITE PROFILE**

#### **P06-04**

REZONING OF A 155.80 ACRE PORTION OF TWO PARCELS TOTALING 159.80 ACRES, FROM A1 TO R10 AND CD OR TO A MORE RESTRICTIVE ZONING DISTRICT, NORTH OF TOM STARLING ROAD, WEST OF NC HIGHWAY 87 SOUTH, SUBMITTED BY CHALMERS MCCOMBS, OWNED BY TOMMY WOODSELL, ET AL.

#### **Site Information:**

**Applicant/Owner:** CHALMERS M. MCCOMBS / TOMMY WOODSELL, ET AL.

**Area:** 155.80 acres

**Frontage & Location:** 3,000 feet on Tom Starling Road

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**Depth:** 1,200 feet  
**Jurisdiction:** County  
**Adjacent Property:** Yes  
**Current Use:** Farm  
**Initial Zoning:** March 15, 1979 (Area 6)  
**Zoning Violation(s):** None  
**Surrounding Zoning:** North-RR, RR/CU, R10, R10/CU, C(P), South-A1, A1/CU, RR, R6A  
**Surrounding Land Use:** Single family residential, farmland and lodge  
**2010 Land Use Plan:** Open Space and Low Density Residential  
**Designated 100-Year Floodplain or Floodway:** Yes – Special Flood Hazard Area @ 79 MSL  
**Urban Services Area:** Yes  
**Water/Sewer Availability:** PWC / PWC – evaluating for necessary improvements  
**School Capacity/Enrolled:** Gallberry Farm Elementary 963/901, South View Middle 980/743, Grays Creek High 1,016/1,100

**Subdivisions:** Final plat approval required; compliance with ordinance-related conditions

**Military Impact Area:** No

**Highway Plan:** Tom Starling Road is identified as a Major Thoroughfare. The Plan calls for widening to a multi-lane facility (Priority 1). (Note: This project is unfunded and has no set time-table for location and/or acquisition. Once funded, classification will change to “High Priority”.)

**Average Daily Traffic Count (2000):** 2,800 on Tom Starling Road & 17,000 on NC Hwy 87

**Notes:** Density minus 20% for roads: A1 – 62 lots

R40 – 135 lots

R30 – 180 lots

R20 – 271 lots

R15 – 361 lots

R10 – 542 lots

Conflict area contains approximately 6.6 +/- acres  
(Carter Plat: Recorded in Plat Book 116, Page 79)

*Case: P06-04*  
*April 25, 2006*

Ordinance-Related Conditions:

**Permit-Related:**

1. The owner/developer(s) of these lots must obtain detailed instructions on permits required to place a structure within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. The County Code Enforcement Section will need a copy of this approved condition sheet and the approved plat/plan. For additional information, the developer should contact a Code Enforcement Officer.
2. 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.
3. The developer must provide the Code Enforcement Section with an approved state sedimentation and erosion control plan (S&E) prior to any application for permits. If any retention/detention basins are required for state approval of this plan, then five copies of a revised plan showing the location of the basin(s) must be submitted and approved by Planning & Inspections prior to application for any permits.
4. The NC Department of Transportation (NCDOT) approve the proposed curbcut(s) and the proper permits must be obtained prior to zoning/building permit application.
5. At a minimum, a zoning permit is required prior to the placement of any structure on any portion of any lot within this development.
6. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.

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7. *Certificate of Occupancy* will not be issued until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans.
8. Any addition and/or revision to this site plan shall require, at a minimum, an additional review and approval by the Planning & Inspections Department prior to application for any permits.

**Site-Related:**

9. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Zoning Ordinances for the approved zoning district must be complied with, as applicable.
10. The developer is required to submit to Land Use Codes, three copies of the legal documents specifically designating responsibility for all common area through an owners' association for this development. **These documents must be approved by the County Attorney prior to any permit application and/or the sale of or submission for final plat approval of any lot or unit within this development.**
11. All setbacks along the periphery of this development shall meet the dimensional requirements of the basic zoning district.
12. The signage for this development shall be in accordance with the applicable sign regulations as set forth in Article XIII of the County Zoning Ordinance and that the proper permit(s) must be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is **not** approval of the size, shape, or location of any signs.)
13. Sections 4.1.c, "Curbs and Gutters"; 4.1.d, "Required Drainage"; 4.1.e, "Sidewalks"; 4.3.g, "Fire Hydrants", and 4.3.h, "Underground Utilities", of the County Subdivision Ordinance must be adhered to.
14. The developer must obtain driveway permits from the NC Department of Transportation (NCDOT).
15. The NC Department of Transportation (NCDOT) approves the street plans and the street(s) are required to be constructed to the NCDOT standards for secondary roads.
16. The NC Department of Transportation (NCDOT) may require turn lanes to be installed.
17. All corner lots will follow two front yard setbacks.
18. 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.
19. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.
20. A solid buffer must be provided and maintained in accordance with the provisions of Section 1102 G, County Zoning Ordinance for the multi-family portion of this development where it is adjacent to the single-family lots within the development and the surrounding properties outside this development.
21. Upon development on proposed lots along Rockfish Creek all first floor elevations, including all mechanical and electrical equipment be at or above the 79 MSL contour elevation based on NGVD 29 and that this contour elevation shall be labeled as the "Special Flood Hazard Area" on the site plan and the proper floodplain development permits shall be obtained through the office of the County Engineer prior to any building permit application.
22. Dedication of 10 feet of right-of-way and reservation of 10 feet of right-of way along SR 2220 (Tom Starling Road) is required and the metes and bounds for both dedication and reservation is required to be shown on the final plat and/or reflected on any future site plans. The location of all improvements,

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required or otherwise, and all building setback lines are to be measured from the ultimate right-of-way line.

23. The owner/developer is responsible and liable for maintenance and upkeep of this site, all structures, and appurtenances, to include ensuring that the site is kept free of litter and debris, all grass areas mowed, all buffers and shrubbery kept trim and maintained, so that the site remains in a constant state of being aesthetically and environmentally pleasing.
24. All notes and calculations as shown on the site plan are to be considered as a part of this conditional approval.

**Plat-Related:**

25. A 10' x 70' sight distance easements shall be required for each street and/or drive where they intersect with SR 2220 (Tom Starling Road) and shall be reflected on the final plat(s).
26. The street name signs, in compliance with the County Street Sign Specifications, must be installed prior to final plat approval. The developer should contact E911 Street Naming/Signs for inquiries regarding the County's policy for street sign installation or, if the sign is commissioned from a private source, to schedule an inspection of the street sign(s). Land Use Codes must receive notice of agreement with the Street Naming & Addressing Section for sign installation or of satisfactory inspection prior to the approval of the final plat.
27. The developer shall contact E911 Street Naming and Addressing regarding the process of acquiring "approved" street names and the approved street names must be reflected on the plat when submitted for final approval. **(Note: Street name approval can take up to ten working days.)**
28. The final plat(s), which include SR 2220 (Tom Starling Road), must include the state road number and "NC HWY 87 S" must be labeled as such on the final plat.
29. The builder/developer shall provide the buildable envelopes on the final plat: providing a five-foot maintenance easement along each side of all common internal lines with all other applicable setbacks being provided for, **or** at the time of permit application, the individual plot plans for each individual residential lot must be approved by Land Use Codes prior to issuance of any permits.
30. All final plats must be labeled as a "Zero Lot Line" development.
31. Any/All easements shall be reflected on the final plat and labeled as to type of easement, reference number for document creating the easement, and the name of the agency, individual, etc. who holds the easement.
32. All lots within this development must be served by an internal street system and a "no access" easement must be reflected on the final plat along "NC HWY 87 S" and SR 2220 (Tom Starling Road).
33. A 25' right-of-way radius is required at all intersections and must be reflected on the final plat.
34. A 10 x 70 site distance easement must be reflected on the final plat where the proposed roads intersect with Tom Starling Road.
35. The NC Department of Transportation (NCDOT) stamp must be affixed to the final plat prior to submission of any phase of this development for final plat approval by Land Use Codes.
36. The notarized signature(s) of all current tax record owner(s) and notary certifications appear on the final plat when submitted for final approval.
37. 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:

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Once the improvements are in place, the developer is responsible for contacting Mary Ann Steinmetz to schedule an inspection of the improvements.)

38. The final plat must be submitted to Land Use Codes for review and approval for recording with the County Register of Deeds, and the plat must be recorded prior to any permit application for any structure and/or prior to the sale of any lot or unit within this development.

**Plat-Required Statement:**

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

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

**Advisories (The following are offered as cautionary statements that may apply to this development.):**

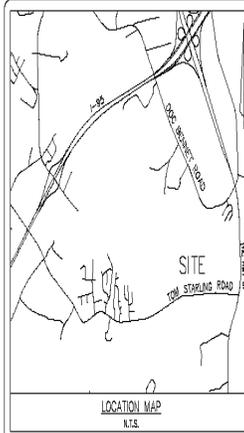
40. The applicant is advised to consult an expert on wetlands before proceeding with any development.
41. The owner/developer is responsible for ensuring easements which may exist on the subject property are accounted for, not encumbered and that no part of this development is violating the rights of the easement holder.
42. The developer’s subsequent application for permits upon receipt of these conditions of approval constitutes the developer’s understanding and acceptance of the conditions of approval for this development.
43. This conditional approval is not to be construed as all encompassing of the applicable rules, regulations, etc. which must be complied with for any development. Other regulations, such as building, environmental, health and so forth, may govern the specific development. The developer is the responsible party to ensure full compliance with all applicable Federal, State, and local regulations.
44. This conditional approval is contingent upon all rights-of-way being “public”; if the developer intends to construct “private” streets to serve this development, five copies of a revised site plan shall be required to be submitted to Land Use Codes for review and approval prior to submission for final plat approval of any portion of this development.
45. If the “multi-family” section of this development is to be “sold” as individual units, the developer is required to submit five copies of a revised plan to Land Use Codes for review and approval of this section prior to permit application for any structure within the multi-family phase of this development. Condominium development will require additional conditions of approval to be applied.

**Other Relevant Conditions:**

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

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**REZONING SUMMARY**

- 1. CURRENT ZONING = A1 (159.80 ACRES)
- 2. PROPOSED ZONING:  
R-10: 107.59 ACRES  
CD: 48.21 ACRES  
155.80 ACRES

NOTE: 4.0 ACRES TO REMAIN ZONED A1.

**DENSITY SUMMARY:**

- 1. SINGLE FAMILY - 301 UNITS
- 2. TOWN HOMES - 99 UNITS
- 3. PROPOSED DENSITY - 400 UNITS  
ALLOWABLE DENSITY:  
6,786,648 sf (155.8 ac) - 733,692 sf (R, W) = 6,052,956 SF  
6,052,956 sf / 400 UNITS = 15,132.4

**REZONING SUMMARY**

- 1. CURRENT ZONING = A1 (159.80 ACRES)
- 2. PROPOSED ZONING:  
R-10: 107.59 ACRES  
CD: 41.61 ACRES  
AREA IN QUESTION: 6.6 ACRES  
155.80 ACRES

NOTE: 4.0 ACRES TO REMAIN ZONED A1.

**DENSITY SUMMARY:**

- 1. SINGLE FAMILY - 301 UNITS
- 2. TOWN HOMES - 99 UNITS
- 3. PROPOSED DENSITY - 400 UNITS  
ALLOWABLE DENSITY:  
(6,786,648 SF - 287,496 SF) - 733,692 SF (R, W) = 5,765,460 SF  
5,765,460 SF / 400 UNITS = 14,414 SF



PRELIMINARY DRAWING - NOT RELEASED FOR CONSTRUCTION

NO.	COMMENT	DATE	PROJECT STATUS
			CONCEPTUAL LAYOUT: 04/20/16
			PRELIMINARY LAYOUT: 04/20/16
			FINAL DESIGN: 04/20/16
			RELEASED FOR CONSTRUCTION: 04/20/16
<b>DRAWING INFORMATION</b>			
			DATE: 04/20/16
			SCALE: 1"=200'
			DRAWN: PFB
			CHECKED: PFB

**PARAMOUNT ENGINEERING, P.C.**  
 127 Racine Drive, Suite 202  
 Wilmington, North Carolina 28403  
 (910) 791-4700 (F) 910-785-4817 (F)

CLIENT INFORMATION:  
**HILL CLARK HOMES**  
 1208 HOPE MILLS ROAD  
 FAYETTEVILLE, NORTH CAROLINA 28304

CONCEPTUAL LAYOUT  
 MOORE'S CAMP @ ROCKFISH CREEK  
 CUMBERLAND COUNTY  
 NORTH CAROLINA

SCALE: 1"=200'  
 GRAPHIC SCALE  
 0 20 40 60 80 100  
 FEET  
 SCALE: 1"=200'  
 SEAL: \_\_\_\_\_  
 C-1  
 PEI 009 08105

Charles C. Morris  
Chair  
Town of Linden

Donovan McLaurin  
Vice-Chair  
Wade, Falcon & Godwin  
Garland C. Hostetter,  
Town of Spring Lake  
Harvey Cain, Jr.,  
Town of Stedman



## COUNTY of CUMBERLAND

### *Planning and Inspections Department*

Thomas J. Lloyd,  
Director

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

April 25, 2006

TO: County Joint Planning Board

FROM: Edward M. Byrne, Planner II

SUBJECT: Case No. 06-065  
Dalton's Ridge Section 3  
(Zero Lot Line Subdivision Review)

The developer has submitted a request for waivers from Sections 3.2 "Relation of Proposed Streets to Adjoining Street System" and 3.18 "Block Lengths", County Subdivision Ordinance, regarding access to land-locked, adjoining properties and block length of Heartpine Drive. The Subdivision Ordinance provides that when in the opinion of the Planning Board and to meet the purpose of the ordinance, street extension to adjoining properties can be required when the properties are land-locked or it is desirable to extend the road system to meet other requirements of the ordinance. The proposed subdivision contains 24 lots on 27.74 acres and is zoned R40 & A1. The two properties that staff requested street dedicated access (road stubs) to are large tracts containing 42.86 ac. +/- (Cain Property) & 99.0 ac. +/- (Story Property); both properties are zoned A1.

The road stubs requested by the Planning & Inspections Staff will serve three purposes. Section 3.5 allows for dedication of access to unsubdivided properties such as the Cain property to the east that is currently land-locked. A road stub to the west would provide connectivity to the unsubdivided (Story Property) which would allow for interconnectivity with any future development of the property, plus provide access to tracts using the existing trails across the Story property that extend into this development at the northwest corner. The two road stubs would also break the block length which already exceeds the maximum length of 1800 feet as mandated in Section 3.18. The developer was given a waiver on the block length of 3,500 feet for Heartpine Drive on 3-15-05 for the first phase of this development. The current proposal will increase the length by an additional 2,400 feet. There are currently 39 lots existing on Heartpine Drive.

The developer has requested the waiver to keep this development a closed community and to prevent other future developments from tying in, which may not meet the same standards of this development. The loss of value to existing and proposed lots within the development is a concern to the developer. A substandard development tying into this

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subdivision would greatly affect marketability and the value of the subject development. The developer has proposed to provide the Cain property with two 20 foot strips of land to provide access to their property through the subdivision.

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

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

The Planning & Inspections Staff recommends denial of the waiver based the following:

1. Both lots to be provided access are large tracts which could be developed at a future date, the connection would allow for the land-locked tract to be provided access for development;
2. The stub to the west could give a second access point for the Dalton's Ridge Subdivision which would help Emergency Services provide services to this development;

Attachments: Request for waiver  
Sketch Map  
Aerial Photo  
Parcel Map,  
Conditions of Approval  
Vicinity Map  
Minutes from 3-15-05 Planning Board Meeting

cc: J. Franklin Johnson, III, Developer  
Allen-Allen & Associate, Surveyor  
Grainger Barrett, County Attorney  
Patti Speicher, Planner III

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Charles C. Morris  
Chair  
Town of Linden

Donovan McLaurin  
Vice-Chair  
Wade, Falcon & Godwin  
Garland C. Hostetter,  
Town of Spring Lake  
Harvey Cain, Jr.,  
Town of Stedman



Thomas J. Lloyd,  
Director

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

# COUNTY of CUMBERLAND

## Planning and Inspections Department

PLANNING STAFF DECISION: 3-30-06      PLANNING BOARD DECISION: 5-2-06      COUNTY OR COUNCIL MEETING: N/A

CASE NO: 06-065      NAME OF DEVELOPMENT: DALTONS RIDGE  
SECTION 3  
(ZERO LOT LINE SUBDIVISION REVIEW)

SOUTH SIDE OF SR 2233 (BUTLER NURSERY ROAD),      LOCATION: ON THE ZONING: R40 & A1  
EAST OF NC HWY 87 S.  
PIN: 0441-92-2547-

OWNER OR DEVELOPER: J. FRANKLIN JOHNSON, III      ENGINEER OR DESIGNER: ALLEN-ALLEN & ASSOCIATES

COUNTY ORDINANCE     GODWIN ORDINANCE     STEDMAN ORDINANCE     SPRING LAKE ORDINANCE     FALCON ORDINANCE

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

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

1. The density for this development as submitted will allow for only 23 lots, a re-submission of the design of the property shall be required with all proposed changes. **(Note: The change requested below by the Planning & Inspections Staff may result in the loss of a/an additional lot/lots.)**

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2. The developer must submit five copies of a revised plan to the Planning & Inspections Department including the following changes:
  - a. The proposed cul-de-sac “Pine Bark Ct” must be extended to stub to the “Evan & Corena Cain” property – PIN: 0441-91-6737- in order to “un-land-lock” this tract and to break up the block length of “Heartpine Dr” on the east side of this development.
  - b. The proposed cul-de-sac named “Tree Ring Ct” must be extended to stub to the “Kathleen Story” property – PIN: 0441-71-5254- in order to break up the block length of “Heartpine Dr” on the west side of this development and to provide for future connectivity with the surrounding properties. (Note: It is preferable that this stub is to be tied in at the northeastern corner of the ”Kathleen Story” property where the current dirt trails merges at.)
  - c. The number of lots shall be reduced to meet the density on the usable land area of 24.56 acres as rezoned on August 15, 2005 - Case No. P05-40, minus the total of the right-of-way per the revised plans to be submitted.

**Permit-Related:**

3. The owner/developer(s) of these lots must obtain detailed instructions on permits required to place a structure within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. The County Code Enforcement Section will need a copy of this approved condition sheet and the approved plat/plan. For additional information, the developer should contact a Code Enforcement Officer.
4. The County Health Department must approve water and sewer plans prior to application for any permits.
5. Site and soil evaluations must be conducted on the property by the County Environmental Health Department prior to application for permits. (Note: All Health Department requirements must be met prior to issuance of final permits.)
6. The developer must/may have to provide the Code Enforcement Section with an approved state sedimentation and erosion control plan (S&E) prior to any application for permits. If any retention/detention basins are required for state approval of this plan, then five copies of a revised plan must be submitted and approved by Planning & Inspections prior to application for any permits.
7. At a minimum, a zoning permit is required prior to the placement of any structure on any portion of any lot within this development.
8. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.

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9. To place a manufactured home on the lot/site, the developer must provide the year, make, VIN, and color of the manufactured home at the time of permit application.
10. A *Certificate of Occupancy* will not be issued until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans.

**Site-Related:**

11. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Zoning Ordinances for the R40 & A1 zoning district must be complied with, as applicable.
12. The developer shall be aware that the lots located in the A1 zoning area shall be required to meet the setbacks for A1 from the road right-of-ways and from the perimeter of this development.
13. All applicable provisions of Section 3.21, “Group Developments”, County Subdivision Ordinance, must be complied with.
14. Sections 4.1.c, “Curbs and Gutters”; 4.1.d, “Required Drainage”; 4.3.g, “Fire Hydrants”, and 4.3.h, “Underground Utilities”, of the County Subdivision Ordinance must be adhered to.
15. 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.
16. The developer must obtain a driveway permit from the NC Department of Transportation (NCDOT).
17. The NC Department of Transportation (NCDOT) approves the street plans and the street(s) are required to be constructed to the NCDOT standards for secondary roads.
18. All corner lots shall observe two front yard setbacks.

**Plat-Related:**

19. The developer must provide to Land Use Codes a copy of the recorded deed for the 20 foot strip of land which was required to be deeded to the current record owner of the “Anthony Raimondo” property PIN: 0451-03-3259- as required in the previous case: 04-173 prior to submission for final plat approval of any portion of this development.
20. The street name signs, in compliance with the County Street Sign Specifications, must be installed prior to final plat approval. The developer should contact E911 Street Naming/Signs for inquiries regarding the County’s policy for street sign installation or, if the sign is commissioned from a private source, to schedule an inspection of the street sign(s). Land Use Codes must receive notice of agreement with the Street Naming & Addressing Section for sign installation or of satisfactory inspection prior to the approval of the final plat.

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21. The developer must have street name approval prior to final plat for the proposed street names – contact E911 Street Naming & Addressing for additional information.
22. Prior to final plat approval of any portion of this development, the developer is required to submit a check or cash in the amount of \$3,168.04 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 #3) (Note: This fee is based on the 24 lots proposed this amount will change if the number of lots are reduced on the revision.)
23. The builder/developer shall provide the buildable envelopes on the final plat: providing a five-foot maintenance easement along each side of all common internal lines with all other applicable setbacks being provided for, **or** at the time of permit application, the individual plot plans must be approved by Land Use Codes prior to issuance of any permits.
24. Any/All easements shall be reflected on the final plat and labeled as to type of easement, reference number for document creating the easement, and the name of the agency, individual, etc. who holds the easement.
25. A 25’ right-of-way radius is required at all intersections and must be reflected on the final plat.
26. The NC Department of Transportation (NCDOT) stamp must be affixed to the final plat prior to submission for final plat approval by Land Use Codes.
27. The notarized signature(s) of all current tax record owner(s) and notary certifications appear on the final plat when submitted for final approval.
28. The developer is reminded that the improvements must be in place or that final plat approval will only be granted in accordance with Section 2.6 b, c, or d, County Subdivision Ordinance. (Note: Once the improvements are in place, the developer is responsible for contacting Mary Ann Steinmetz to schedule an inspection of the improvements.)
29. The final plat must be submitted to Land Use Codes for review and approval for recording with the County Register of Deeds, and the plat must be recorded prior to any permit application for any structure and/or prior to the sale of any lot or unit within this development.
30. The developer be aware that any addition and/or revision to this plat may require an additional review and approval by the Planning & Inspections Department prior to submission for final plat approval of any portion of this development.

**Plat-Required Statements:**

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

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

32. Since this development is located within the *Farmland Protection Area* as defined on the current Land Use Plan map, the following disclosure statement shall be provided on the final plat:

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“This property or neighboring property may be subject to inconvenience, discomfort, and the possibility of injury to property and health arising from normal and accepted farming and agricultural practices and operations, including but not limited to noise, odors, dust, the operation of any kind of machinery the storage and disposal of manure, and the application of fertilizers, soil amendments, herbicides, and pesticides.”

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

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

**Advisories:**

34. The applicant is advised to consult an expert on wetlands before proceeding with any development.
35. The owner/developer is responsible for ensuring easements which may exist on the subject property are accounted for, not encumbered and that no part of this development is violating the rights of the easement holder.
36. The developer shall be aware that no additional lots can be approved for the entire Daltons Ridge development since the density for the development has been maximized. Additionally, the developer should forewarn future buyers of these lots that under current standards, no further division of the lots and no additional dwelling units per lot can be approved.
37. The developer’s subsequent application for permits upon receipt of these conditions of approval constitutes the developer’s understanding and acceptance of the conditions of approval for this development.
38. This conditional approval is not to be construed as all encompassing of the applicable rules, regulations, etc. which must be complied with for any development. Other regulations, such as building, environmental, health and so forth, may govern the specific development. The developer is the responsible party to ensure full compliance with all applicable Federal, State, and local regulations.

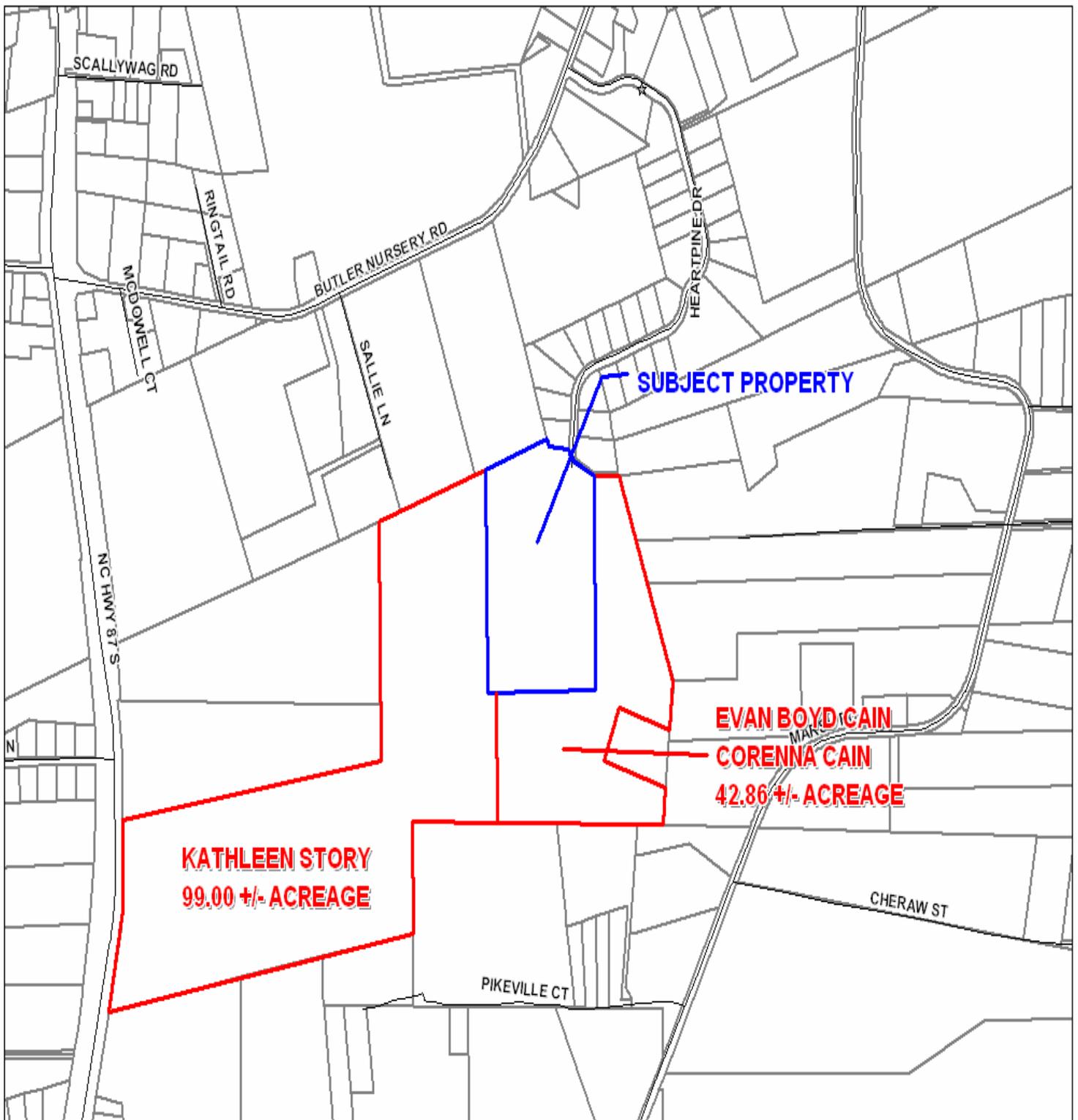
**Other Relevant Conditions:**

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

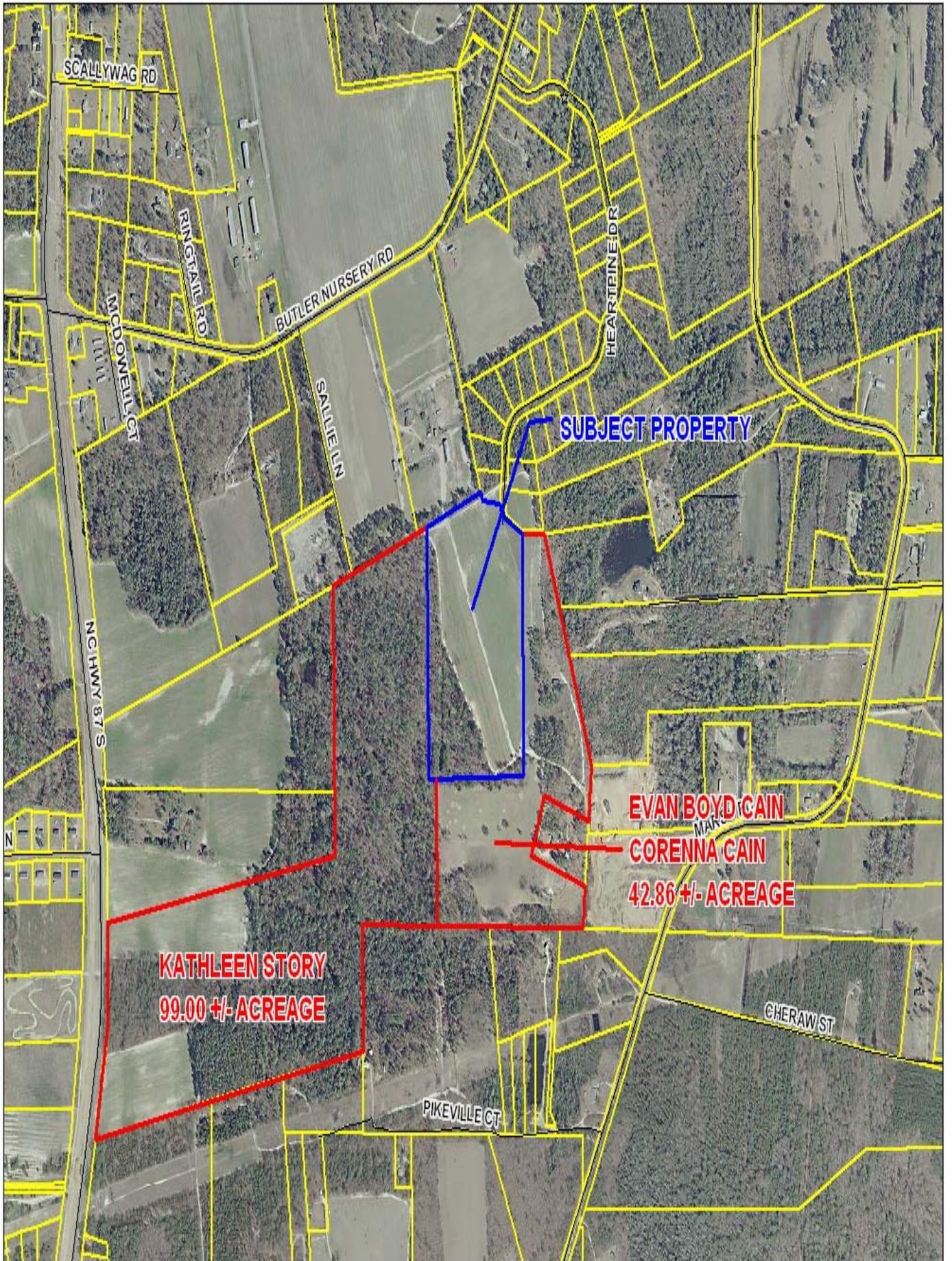
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“Public water and/or sewer services are not available as of the date of the recording of this deed. On-site sewer disposal systems must be approved by the County Health Department.”

42. The developer has submitted a request for a waiver from Section 3.2 & 3.18, Cumberland County Subdivision Ordinance, in order to not meet the requirements of conditions 2.a & 2.b. This case will be heard by the Cumberland County Joint Planning Board on May 2, 2006.



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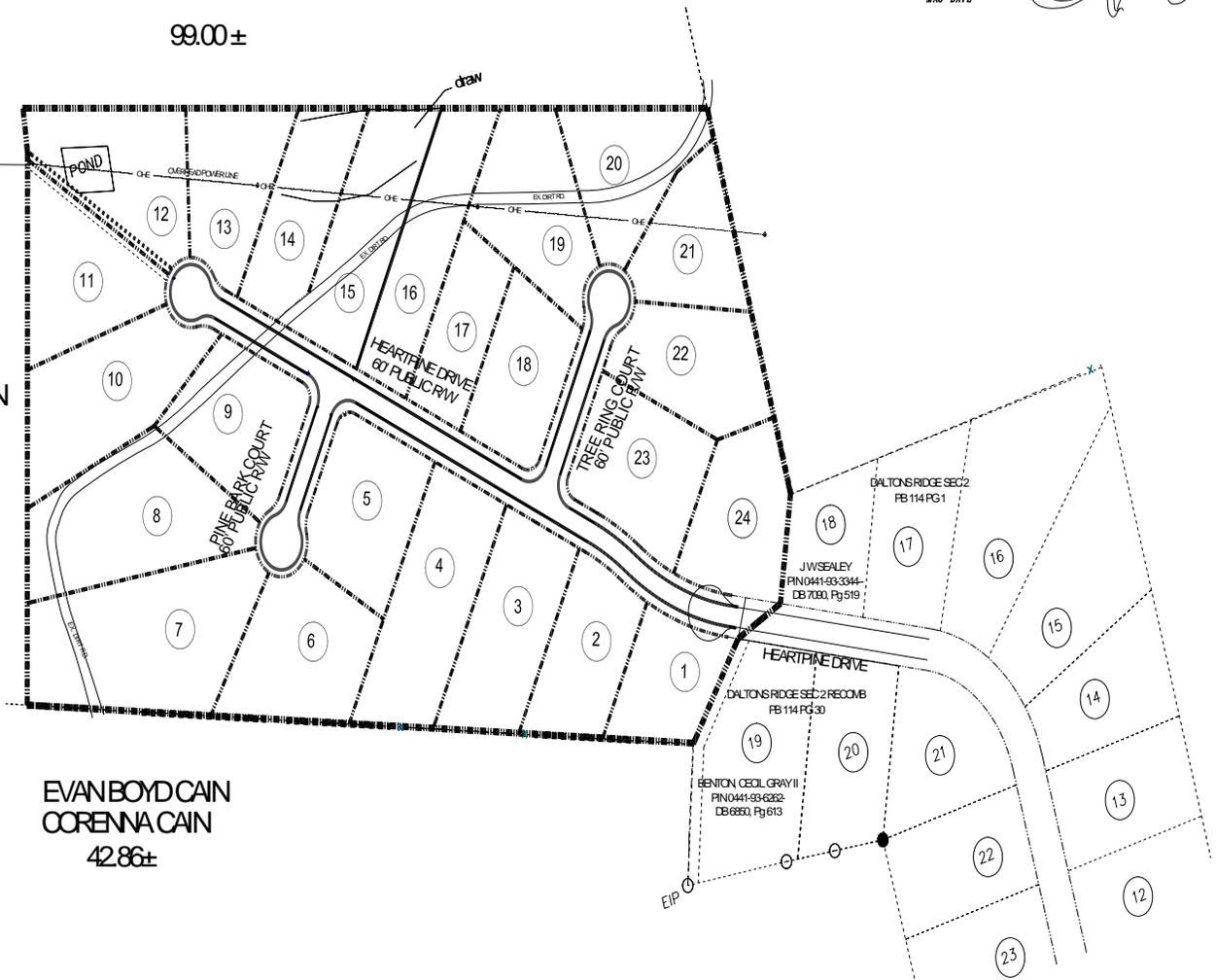
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KATHLEEN STORY

99.00±



EVAN BOYD CAIN  
CORENNA CAIN  
42.86±



EVAN BOYD CAIN  
CORENNA CAIN  
42.86±

**DALTONS RIDGE SECTION THREE  
ZERO LOT LINE SUBDIVISION REVIEW  
CASE: 06-065 ACREAGE: 27.74±  
ZONED: R40 & A1 SCALE: NTS**

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