

Patricia Hall,
Chair
Town of Hope Mills

Charles Morris,
Vice-Chair
Town of Linden

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

Donovan McLaurin,
Wade, Falcon & Godwin



CUMBERLAND
★ **COUNTY** ★
NORTH CAROLINA

Planning & Inspections Department

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Vikki Andrews,
Diane Wheatley,
Carl Manning,
Walter Clark
Cumberland County

Benny Pearce,
Town of Eastover

TENTATIVE AGENDA

January 20, 2015

7:00 P.M.

- I. INVOCATION AND PLEDGE OF ALLEGIANCE
- II. APPROVAL OF/ADJUSTMENTS TO AGENDA
- III. PUBLIC HEARING DEFERRAL UNTIL FEBRUARY 17, 2015
 - A. **P15-05.** REZONING OF 1.88+/- ACRES FROM R6A RESIDENTIAL TO C2(P) PLANNED SERVICE AND RETAIL/CZ CONDITIONAL ZONING FOR RETAILING, OFFICE AND TRADE CONTRACTOR OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE SOUTHWEST SIDE OF SR 1126 (BROOKLYN CIRCLE), NORTHEAST OF LADY LANE ROAD; SUBMITTED BY THOMAS D. HORNE AND TIMOTHY SEALY ON BEHALF OF DIRECTIONAL SERVICES INC. (OWNER) AND GREG BAGLEY.
 - B. **P15-07.** REZONING OF 89.37+/- ACRES FROM A1 AGRICULTURAL TO R40 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE SOUTHWEST SIDE OF SR 2253 (SWANS CREEK CHURCH ROAD), EAST OF SR 2252 (CHICKEN FOOT ROAD); SUBMITTED BY MICHAEL S. BRYANT AND CURTIS C. POWELL (OWNERS) AND TIMOTHY B. EVANS.
 - C. **P15-09.** REZONING OF 8.42+/- ACRES FROM R6A TO C2(P) PLANNED SERVICE AND RETAIL/CZ CONDITIONAL ZONING FOR RETAILING, OFFICE AND TRADE CONTRACTOR OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE SOUTHWEST SIDE OF SR 1126 (BROOKLYN CIRCLE), NORTHEAST OF LADY LANE ROAD; SUBMITTED BY THOMAS D. HORNE AND TIMOTHY SEALY ON BEHALF OF DIRECTIONAL SERVICES INC. (OWNER) AND GREG BAGLEY.
- IV. ABSTENTIONS BY BOARD MEMBERS
- V. POLICY STATEMENT REGARDING PUBLIC HEARING TIME LIMITS
- VI. APPROVAL OF THE MINUTES OF DECEMBER 16, 2014
- VII. PUBLIC HEARING ITEMS

TEXT AMENDMENT

- A. **P15-04.** REVISIONS AND AMENDMENTS TO THE TOWN OF SPRING LAKE ZONING ORDINANCE, CODE OF ORDINANCES, CHAPTER 42 ZONING BY AMENDING ARTICLE I. DEFINITIONS, SECTION 42-8. DEFINITIONS BY UPDATING THE PROVISIONS FOR DAY CARE FACILITY AND RELIGIOUS WORSHIP ACTIVITY; AMENDING ARTICLE III. PERMITTED PRINCIPAL USES

AND STRUCTURES, SECTION 42-63. DISTRICT USE REGULATIONS, TABLE OF USES AND SECTION 42-65. INCIDENTAL USES, (A) HOME OCCUPATIONS; AND AMENDING ARTICLE IV. SPECIAL USES, SECTION 42-91. DEVELOPMENT STANDARDS FOR INDIVIDUAL USES, (C) DAY CARE FACILITIES, AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE. (SPRING LAKE)

VIII. PUBLIC HEARING CONSENT ITEMS

REZONING CASE

- A. **P15-06.** REZONING OF 2.00+/- ACRES FROM A1 AGRICULTURAL/CU CONDITIONAL USE OVERLAY FOR A HOME CATERING BUSINESS TO R40 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 2761 COUNTY LINE ROAD, SUBMITTED BY ANDREW C. MILLER AND CANDACE D. WARREN (OWNERS).
- B. **P15-08.** REZONING OF 18.50+/- ACRES FROM A1 AGRICULTURAL TO R20 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE NORTH SIDE OF SR 1704 (PALESTINE ROAD), EAST OF US 401 (RAMSEY STREET); SUBMITTED BY JOHN CULBRETH ON BEHALF OF CULBRETH LAND AND TIMBER CO. LLC. AND PHYLLIS P. STREIT (OWNERS).
- C. **P15-10.** REZONING OF 5.78+/- ACRES FROM M(P) PLANNED INDUSTRIAL TO RR RURAL RESIDENTIAL AND CD CONSERVANCY OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 2587 NAVY ROAD, SUBMITTED BY SHAWN WATTS (OWNER) AND ROBERT M. BENNETT, PE/PLS.

IX. PUBLIC HEARING CONTESTED ITEMS

- D. **P15-02.** REZONING OF 3.56+/- ACRES FROM R6A RESIDENTIAL TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE SOUTH SIDE OF SR 2325 (VINELAND DRIVE), EAST OF US HWY 301; SUBMITTED BY MANILAL P. AND MANUBEN M. PATEL (OWNERS) AND W. LOCKETT TALLY, ATTORNEY.

X. PUBLIC HEARING WAIVER REQUEST

CASE NO. 14-151. CONSIDERATION OF THE JEFFREY & FLORA CLABO PROPERTY; GROUP DEVELOPMENT REVIEW; REQUEST FOR A WAIVER FROM THE REQUIREMENT TO HAVE DIRECT STREET ACCESS; COUNTY SUBDIVISION ORDINANCE, SECTION 2401.D, STREET ACCESS; ZONED: A1; TOTAL ACREAGE: 15.63 +/-; LOCATED AT 2278 & 2282 NEY COURT; SUBMITTED BY JEFFREY & FLORA CLABO (OWNERS).

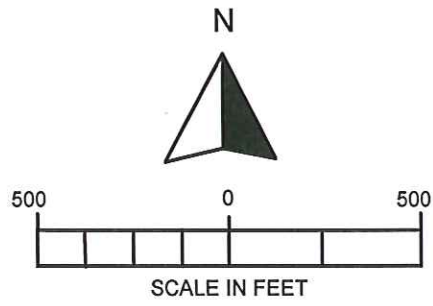
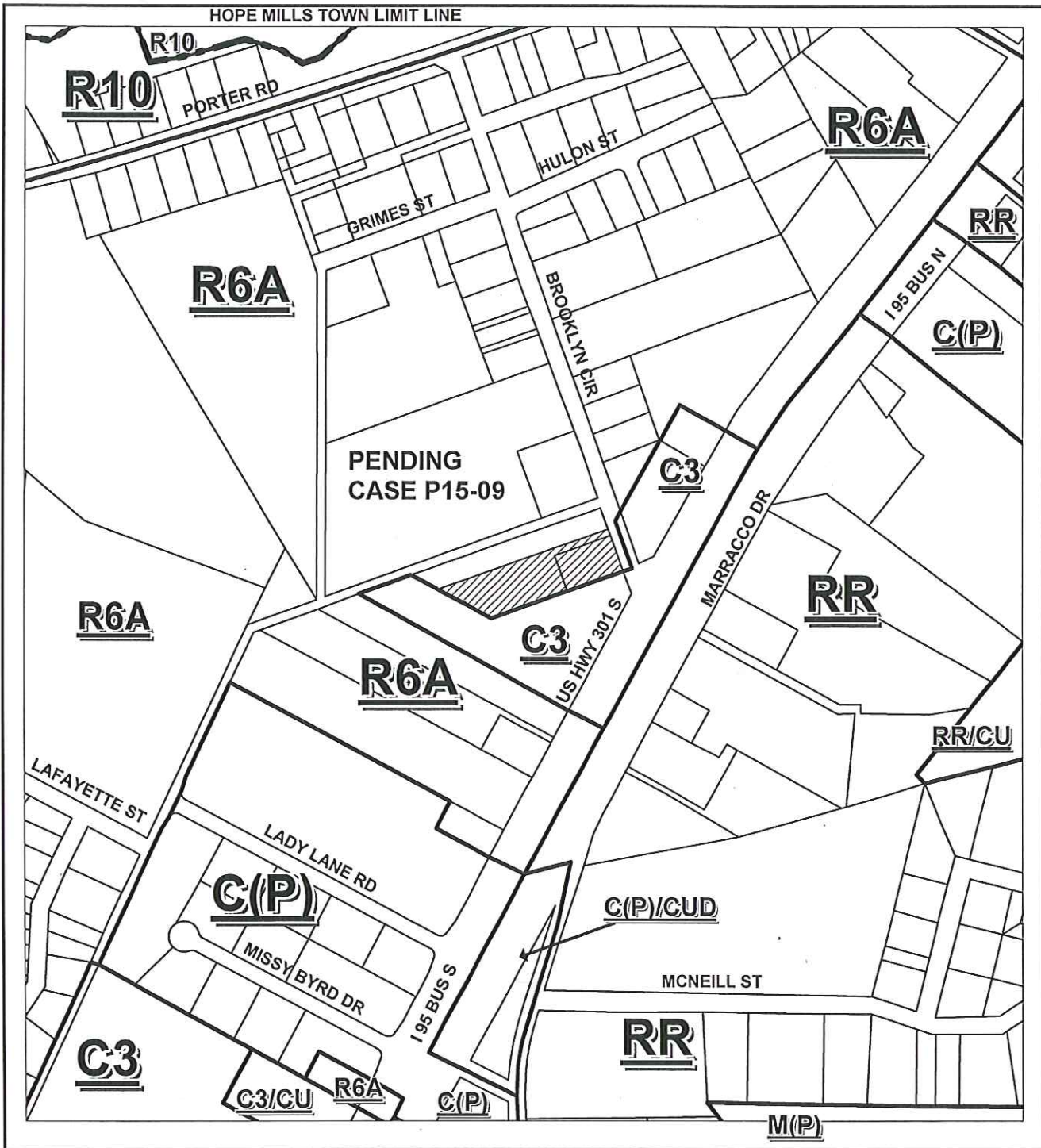
XI. DISCUSSION

DIRECTOR'S UPDATE

- SET LAND USE CODES AND COMPREHENSIVE PLANNING COMMITTEE MEETING DATES

XII. ADJOURNMENT

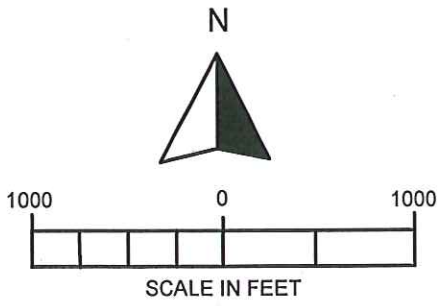
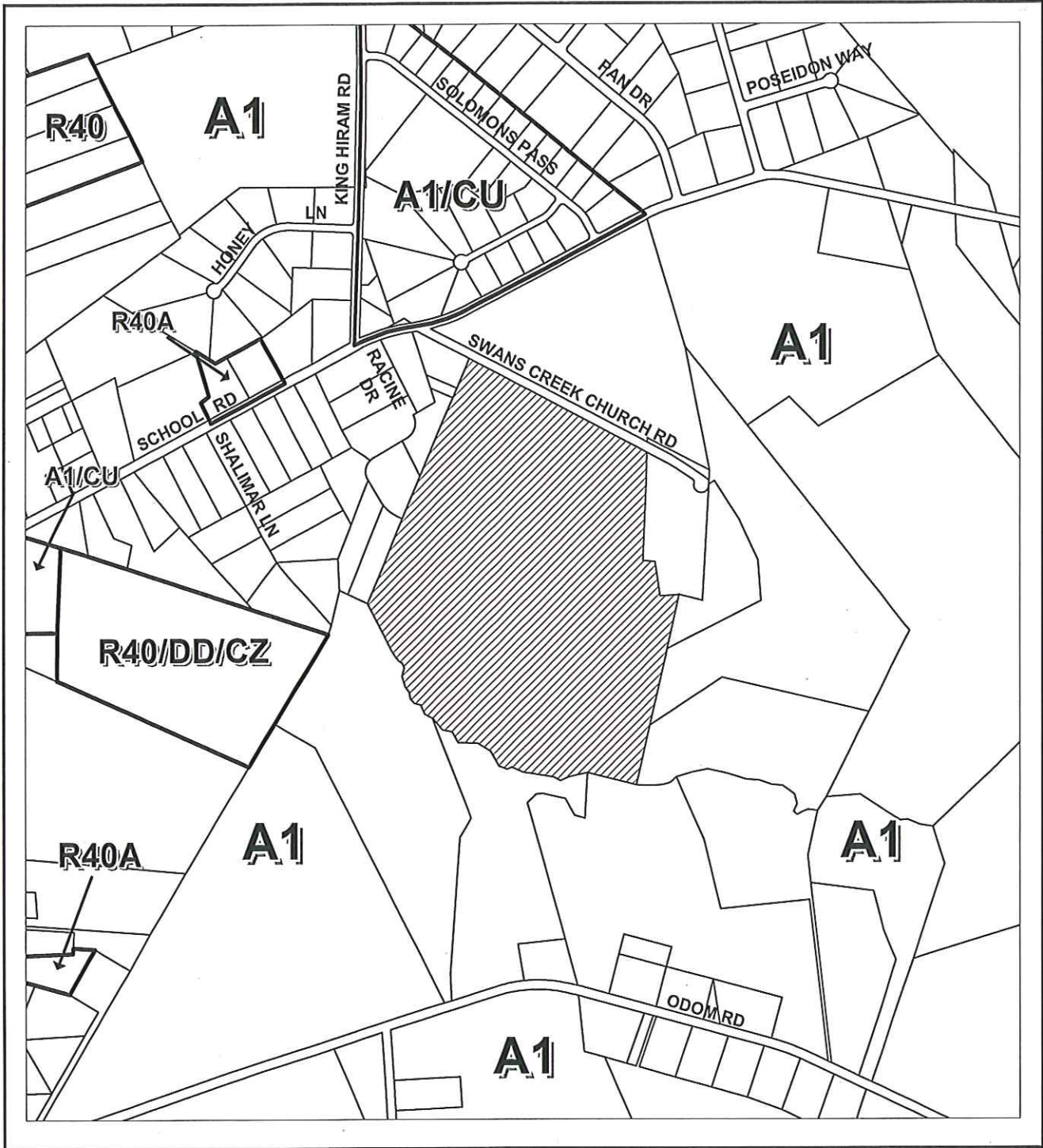
HOPE MILLS TOWN LIMIT LINE



REQUESTED REZONING R6A TO C2(P)/CZ

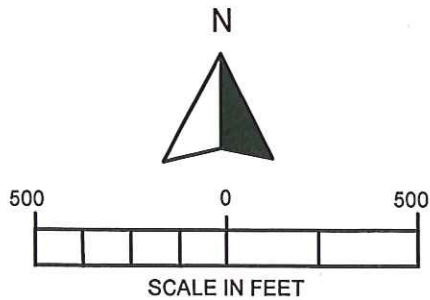
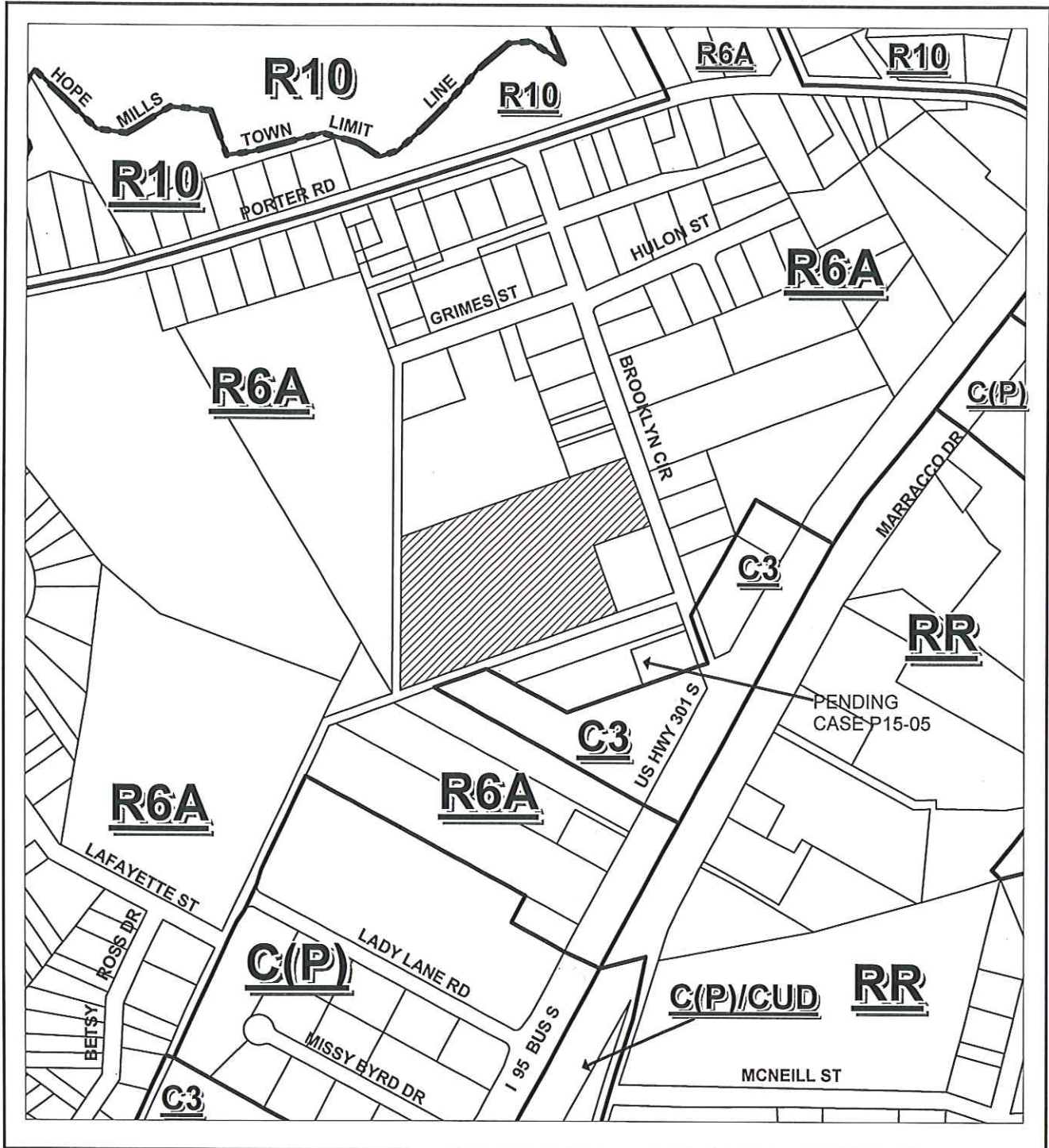
ACREAGE: 1.88 AC.+/-	HEARING NO: P15-05	
ORDINANCE: COUNTY	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

PIN: 0423-28-1568,4605



REQUESTED REZONING A1 TO R40

ACREAGE: 89.37 AC.+/-		HEARING NO: P15-07	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			



PIN: 0423-18-8993

REQUESTED REZONING R6A TO C2(P)/CZ

ACREAGE: 8.42 AC. +/-		HEARING NO: P15-09	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

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Cumberland County

Benny Pearce,
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MEMORANDUM

TO: Cumberland County Joint Planning Board
FROM: Planning and Inspections Staff
SUBJECT: Staff Recommendation for the January 20, 2015 Board Meeting

P15-04. REVISIONS AND AMENDMENTS TO THE TOWN OF SPRING LAKE ZONING ORDINANCE, CODE OF ORDINANCES, CHAPTER 42 ZONING BY AMENDING ARTICLE I. DEFINITIONS, SECTION 42-8. DEFINITIONS BY UPDATING THE PROVISIONS FOR DAY CARE FACILITY AND RELIGIOUS WORSHIP ACTIVITY; AMENDING ARTICLE III. PERMITTED PRINCIPAL USES AND STRUCTURES, SECTION 42-63. DISTRICT USE REGULATIONS, TABLE OF USES AND SECTION 42-65. INCIDENTAL USES, (A) HOME OCCUPATIONS; AND AMENDING ARTICLE IV. SPECIAL USES, SECTION 42-91. DEVELOPMENT STANDARDS FOR INDIVIDUAL USES, (C) DAY CARE FACILITIES, AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE. (SPRING LAKE)

1ST MOTION

The Planning and Inspections Staff recommends approval of Case No. P15-04 for a text amendment revising the provisions for day cares within the Town of Spring Lake based on the following:

1. If approved, the proposed amendment would expand the provisions of day cares to include adult day cares as well as providing development criteria for small day cares being permitted as home occupations; and
2. The amendment was requested by the Town of Spring Lake.

2ND MOTION

The Planning and Inspections Staff recommends the board find that approval of the text amendment in Case No. P15-04 is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan* as it is an effort to ensure that the Town of Spring Lake's zoning ordinance is updated and revised to be more in line with county standards. The proposed amendment is also consistent with the Spring Lake Area Detailed Land Use Plan as it will afford the town board the opportunity to ensure the character of the town is retained, which is the stated primary goal of the plan.

The staff further recommends the board find that approval of the text amendment is reasonable and in the public interest because the town's property owners will be afforded a wider range of options when offering day care services for the residents of Spring Lake and surrounding areas.

Attachment:
P15-04 Spring Lake Zoning Ordinance Text Amendment

P15-04
Town of Spring Lake
Zoning Ordinance Text Amendment
Day Care Facilities

REVISIONS AND AMENDMENTS TO THE TOWN OF SPRING LAKE ZONING ORDINANCE, CODE OF ORDINANCES, CHAPTER 42 ZONING BY AMENDING ARTICLE I. DEFINITIONS, SECTION 42-8. DEFINITIONS BY UPDATING THE PROVISIONS FOR DAY CARE FACILITY AND RELIGIOUS WORSHIP ACTIVITY; AMENDING ARTICLE III. PERMITTED PRINCIPAL USES AND STRUCTURES, SECTION 42-63. DISTRICT USE REGULATIONS, TABLE OF USES AND SECTION 42-65. INCIDENTAL USES, (A) HOME OCCUPATIONS; AND AMENDING ARTICLE IV. SPECIAL USES, SECTION 42-91. DEVELOPMENT STANDARDS FOR INDIVIDUAL USES, (C) DAY CARE FACILITIES, AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE. (SPRING LAKE)

AMEND Article I. In General, Section 42-8. Definitions, specifically the terms *Children's day care facility* and *Religious worship activity*, as indicated below:

ARTICLE I. IN GENERAL

Sec. 42-8. Definitions.

~~*Children's day care facility*~~ means a building or dwelling regularly used for recreational or ~~(1) Day care home means a premises regularly used for residential purposes and licensed by the state to provide~~ supervisory care of nine or more persons (adults or children), six; but not including to exceed 12, children unrelated to the operator's own family members, during any 24-hour period. It does not matter where it is located, whether the same or different persons attend and whether or not it is operated for profit ~~but not including foster homes.~~ The following are not included: public schools; private schools, as described in N.C. GEN. STAT. § 110-86(2); religious worship facilities when operated on the principal campus of and in conjunction with the religious worship facility; summer camps having children in full-time residence; summer day camps; specialized activities or instruction such as athletics, clubs, the arts, etc.; and bible schools normally conducted during vacation periods.

~~(2) Day care center means a premises or building regularly used for commercial, recreational or supervisory care of eight or more children unrelated to the operator, but not including foster homes, located outside of a designated residentially-zoned district.~~

Religious worship activity means any premises a church, temple or synagogue, the principal purpose of which is religious worship and in which the principal structure is the principal place of worship. Accessory uses may include religious education classrooms, assembly rooms, kitchens, library room or reading room, recreation hall and a one-family dwelling unit (parsonage), but excluding food sales, second hand shops, festivals, bazaars day care nurseries and facilities for residence or training of religious orders, unless otherwise authorized by this chapter.

AMEND Article III. Permitted Principal Uses and Structures, Section 42-63. District use regulations, clarifying the terminology for type of approval required for the entire table and MODIFYING the districts and type of approval required for *Day care facilities* as indicated below:

ARTICLE III. PERMITTED PRINCIPAL USES AND STRUCTURES

Sec. 42-63. District use regulations.

[Editor's note: For table below:

S = special use, Board of Adjustment (quasi-judicial decision);

X = permitted use, Town Board decision (non-public hearing);

C = conditional use, Planning Board recommendation then Town Board decision (public hearing required)

and the entire table of uses will be included with this amendment to get the table consistent with an amendment approved by the Town Board in November 2009.]

TABLE OF PERMITTED AND CONDITIONAL USES

Permitted Uses	RR	R-15 R-10 R-6	R-5 R-5A	R-6A	O & I	C-1	CB	HS(P)	C(P) C-3	M-1	M(P) M-2
Children's-d Day care facility homes	<u>S</u> €	<u>S</u> €	<u>S</u> €	<u>S</u> €	<u>X</u> €	<u>X</u>	<u>C</u>	<u>X</u>	<u>X</u>	<u>S</u> ¹	<u>S</u> ¹
Children's-day care centers					€	€	€		€		

¹Only as incidental to an approved use in an approved industrial park.

AMEND Article III. Permitted Principal Uses and Structures, Section 42-65. Incidental uses, UPDATING the minimum requirements pertaining to home occupations and including in those requirements provisions for *small home day cares* as indicated below:

Sec. 42-65. Incidental uses.

- (a) Home occupations. A Hhome occupations shall be ~~are~~ permitted ~~only~~ as an accessory incidental use to any dwelling unit and may be conducted in the principal structure or an accessory structure on the same lot as the principal structure ; provided ~~that, further,~~ home occupations shall be permitted subject to the following limitations:
- (1) The principal person or persons providing the business or service resides in the dwelling on the premises ~~No display of products shall be visible from the street;~~
 - (2) The area used for the business or service does not excee 25 percent of the combined floor area of the structures or 500 square feet, whichever is less ~~No mechanical equipment shall be installed or used except such that is normally used for domestic or professional purposes and which does not cause noises or other interference in radio and television reception;~~
 - (3) All work associated with the home occupation is conducted inside the designated building(s) ~~No accessory buildings or outside storage shall be used in connection with the home occupation;~~
 - (4) One attached sign not more than two square feet in area is allowed ~~Not over 25 percent of the total actual floor area or 500 square feet, whichever is less, shall be used for a home occupation;~~
 - (5) The property contains no outdoor display or storage of goods or services associated with the home occupation ~~Only residents of the dwelling may be engaged in the home occupation; and~~
 - (6) The home occupation causes no change in the external appearance of the existing building and structures on the property; ~~Traffic generation shall not exceed the traffic volumes generated by nearby residents.;~~
 - (7) One additional off-street parking space is allowed;
 - (8) Wholesale sales of goods do not occur on the premises;
 - (9) The home occupation employees no more than one person who does not reside on the premises;
 - (10) The home occupation does not create any parking congestion, noise, vibration, odor, glare, fumes or electrical or communications interference which can be

detected by the normal senses off the premises, including visual or audible interference with radio or television reception;

(11) One vehicle, no heavier than ¾ ton, used in connection with the home occupation is permitted and shall be located on the premises in such a manner so as not to disrupt the quiet nature and visual quality of the neighborhood;

(12) A small home day care shall be permitted as accessory to any dwelling unit, provided that the following additional conditions are met, as well as the other conditions of this section:

a. If an outdoor play area is provided, it must be located in the side and/or rear yard of the property, provided that the yard area is not adjacent to any street, and the outdoor play area is fenced with a solid (opaque) fence; and

b. No more than eight children who are unrelated to the operator can be cared for during any 24-hour period.

(13) All Federal, State, and local regulations, including the County Environmental Health regulations are complied with in the conduct of the home occupation.

AMEND Article IV. Special Uses, Section 42-91. Specific conditional uses; requirements, specifically sub-section (c) currently entitled *Day care home* as indicated below:

ARTICLE IV. SPECIAL USES

Sec. 42-91. Development standards for individual ~~Specific conditional uses; requirements.~~

[Editor's note: This section title was amended by the Town Board in November 2007.]

(c) *Day care ~~facilities~~ home*. All day care facilities shall comply with the following:

(1) ~~(5)~~ There shall be sufficient paved driveway to accommodate at least two motor vehicles at one time for the purpose of loading and unloading passengers in addition to any required off-street parking for the owner/operator and employee(s) ~~Must have adequate off-street parking;~~ and

(2) All children's outside play areas shall be enclosed with at least a four-foot high fence and located only within the side and/or rear yards, provided the yards are not adjacent to a street. The horizontal/vertical spacing in the fence shall be a maximum of four inches and at a minimum the fence must comply with the guard opening limitations for spacing established in the N.C. BLDG CODE § R312.2 (2006 or more

~~restrictive subsequent amendment); The applicant must be the property owner or have permission from the owner to operate a day care home and must occupy the dwelling.~~

- (3) Provide a minimum of two off-street parking spaces, plus one off-street parking space for each employee;
- (4) Day care facilities allowed in zoning districts other than residential districts shall comply with the district dimensional requirements of the zoning district;
- (5) For day care facilities located within any residential zoning district, the following provisions must be complied with ~~Regardless of any other requirement in this chapter, the following specific provisions shall be met as minimum standards prior to the approval of any day care home as a special use in a residentially zoned area. The following requirements are minimum standards which must be met by the applicant and may not be varied by the board of adjustment. Once the following requirements are met, the applicant shall be entitled to apply for a special use permit:~~
 - a. Minimum lot size of 10,000 square feet land area;
 - b. The required minimum setbacks shall be as follows:
 1. Front yard: 30 feet from any public or private street;
 2. Rear yard: 35 feet;
 3. Side yard: 20 feet; and
 4. Corner lots shall provide a minimum of 30 feet from both (all) streets;
 - c. Subject property must abut and have direct access to a minor collector or minor arterial or higher street classification, as identified on the *Functional Classification map* ~~Minimum distance to another day care home as defined herein, whether conforming or nonconforming, shall be 500 feet (measurement based on center of lot);~~
 - d. ~~All children's outside play areas shall be enclosed with at least a four-foot high fence~~ All outside pets shall be enclosed in a separately fenced area;

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MEMORANDUM

TO: Cumberland County Joint Planning Board
FROM: Planning and Inspections Staff
SUBJECT: Staff Recommendation for the January 20, 2015 Board Meeting

P15-06. REZONING OF 2.00+/- ACRES FROM A1 AGRICULTURAL/CU CONDITIONAL USE OVERLAY FOR A HOME CATERING BUSINESS TO R40 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 2761 COUNTY LINE ROAD, SUBMITTED BY ANDREW C. MILLER AND CANDACE D. WARREN (OWNERS).

1st MOTION

The Planning and Inspections Staff recommends the board find that approval of the request for rezoning in Case No. P15-06 is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for "rural" at this location as the proposed district would allow development at one or less units per acre. The request is also consistent for the proposed South Central Land Use Plan which calls for "farmland" at this location.

The staff also recommends the board further find that approval of this rezoning is reasonable and in the public interest because the district requested for the subject property meets or exceeds the location criteria of the adopted Land Use Policies Plan, in that: *individual well and septic systems are allowed, public water and sewer are not available; could be located in any defined critical area as defined by the Fort Bragg Small Study Area; desirable to be limited to 1 unit per acre in areas with hydric and severe septic tank limitations soils; desirable to not be located in an area that is a prime industrial site; and may be outside the Sewer Service Area.*

2nd MOTION

In addition to the above information, the Planning and Inspections Staff also recommends the board approve Case No. P15-06 for R40 Residential district based on the following:

1. The R40 Residential district will allow for land uses and lot sizes that exist in the general area; and
2. If approved, the rezoning would remove the conditional use overlay district allowing for a home catering business which is not in operation at this site.

There are no other districts considered suitable for this request.

Attachments:

1 – Site Profile 2 – Sketch Map

P15-06
SITE PROFILE

P15-06. REZONING OF 2.00+/- ACRES FROM A1 AGRICULTURAL/CU CONDITIONAL USE OVERLAY FOR A HOME CATERING BUSINESS TO R40 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 2761 COUNTY LINE ROAD, SUBMITTED BY ANDREW C. MILLER AND CANDACE D. WARREN (OWNERS).

Site Information:

Frontage & Location: 199.99'+/- on SR 2257 (County Line Road)

Depth: 456.01'+/-

Jurisdiction: Cumberland County

Adjacent Property: No

Current Use: 1 residential structure

Initial Zoning: A1 – June 25, 1980 (Area13); rezoned to A1/CU for a home catering business on April 17, 2000

Nonconformities: None

Zoning Violation(s): None

Surrounding Zoning: North: A1/CU (home based catering business), R40 & A1; South: R40, R40A & A1; East: R40 & A1; West: A1

Surrounding Land Use: Residential, farmland & woodlands

2030 Land Use Plan: Rural

Draft South Central Land Use Plan: Farmland

Special Flood Hazard Area (SFHA): None

Water/Sewer Availability: Well/Septic

Soil Limitations: None

Watershed: Yes

School Capacity/Enrolled: Gray's Creek Elementary: 495/430; Gray's Creek Middle: 1,100/1,050; Gray's Creek High: 1,270/1,322

Subdivision/Site Plan: If approved, new development will require review and approval

Average Daily Traffic Count (2012): 630 on SR 2257 (County Line Road)

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

Notes:

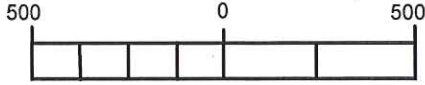
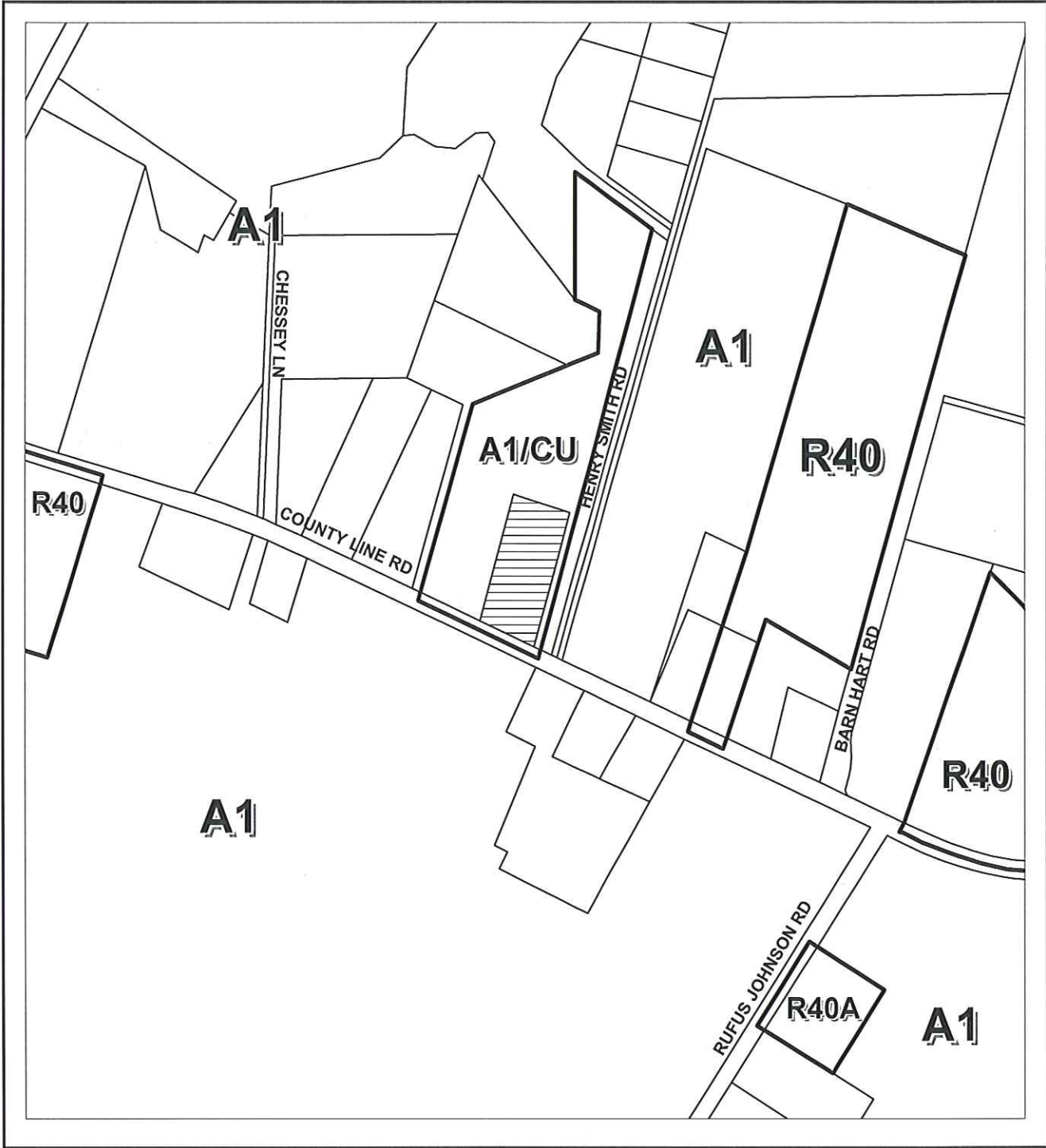
1. Density:
A1 – 1 unit
A1A – 1 lot/ 2 units
R40 – 2 lots/units

2. Minimum Yard Setback Regulations:

<u>A1 & A1A</u>	<u>R40</u>
Front yard: 50'	Front yard: 30'
Side yard: 20'	Side yard: 15'
Rear yard: 50'	Rear yard: 35'

First Class and Record Owners' Mailed Notice Certification

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



SCALE IN FEET

REQUESTED REZONING A1/CU TO R40

ACREAGE: 2.00 AC.+/-		HEARING NO: P15-06	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

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MEMORANDUM

TO: Cumberland County Joint Planning Board
FROM: Planning and Inspections Staff
SUBJECT: Staff Recommendation for the January 20, 2015 Board Meeting

P15-08. REZONING OF 18.50+/- ACRES FROM A1 AGRICULTURAL TO R20 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE NORTH SIDE OF SR 1704 (PALESTINE ROAD), EAST OF US 401 (RAMSEY STREET); SUBMITTED BY JOHN CULBRETH ON BEHALF OF CULBRETH LAND AND TIMBER CO. LLC. AND PHYLLIS P. STREIT (OWNERS).

1st MOTION

The Planning and Inspections Staff recommends the board find that approval of the request for rezoning in Case No. P15-08 is generally consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for "rural" at this location because the district requested promotes efforts that *encourage the development of new housing stock and provide an assortment of housing types and neighborhoods to meet the needs of all residents in the County*. The request is consistent with the North Central Land Use Plan, which calls for "suburban density residential" at this location and the general area already contains suburban and low density developments.

The staff also recommends the board further find that approval of this rezoning is reasonable and in the public interest because the district requested for the subject properties meets or exceeds the location criteria of the adopted Land Use Policies Plan, in that: *septic systems are allowed*, public sewer is not available; *direct access to a local road is required*, Palestine Road is a public street; and the subject property is *not located in any defined critical area as defined by the Fort Bragg Small Study Area*.

2nd MOTION

In addition to the above information, the Planning and Inspections Staff also recommends the board approve Case No. P15-08 for R20 Residential district based on the following:

1. The R20 Residential district will allow for land uses and lot sizes that exist in the general area; and
2. Public water is available to serve this site.

There are no other districts considered suitable for this request.

Attachments:

- 1 – Site Profile 2 – Sketch Map

P15-08
SITE PROFILE

P15-08. REZONING OF 18.50+/- ACRES FROM A1 AGRICULTURAL TO R20 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE NORTH SIDE OF SR 1704 (PALESTINE ROAD), EAST OF US 401 (RAMSEY STREET); SUBMITTED BY JOHN CULBRETH ON BEHALF OF CULBRETH LAND AND TIMBER CO. LLC. AND PHYLLIS P. STREIT (OWNERS).

Site Information:

Frontage & Location: 120.01'+/- on SR 1704 (Palestine Road)

Depth: 1,450.00'+/-

Jurisdiction: Cumberland County

Adjacent Property: Yes, north & west of subject properties

Current Use: Woodlands

Initial Zoning: A1 – December 17, 2001 (Area15)

Nonconformities: None

Zoning Violation(s): None

Surrounding Zoning: North: PND/CU (initial zoning), C3, RR, R20, R15 & A1; South: C(P), R40A, PND & A1; East: RR & A1; West: R20, R15 & A1

Surrounding Land Use: Residential (including manufactured dwellings), tower, outside storage, retailing, substation & woodlands

2030 Land Use Plan: Rural

North Central Land Use Plan: Suburban density residential

Special Flood Hazard Area (SFHA): None; however, small stream standards apply

Water/Sewer Availability: Linden/Septic

Soil Limitations: Yes, hydric – JT Johnston loam

School Capacity/Enrolled: Raleigh Road Elementary (K-1): 220/224; Long Hill Elementary (2-5): 460/484; Pine Forest Middle: 820/734; Pine Forest High: 1,750/1,583

Subdivision/Site Plan: If approved, new development will require review and approval

RLUAC: Does not object to the request; however, the subject property is within a military aircraft flight area

Average Daily Traffic Count (2012): 1,600 on SR 1704 (Palestine Road)

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

Notes:

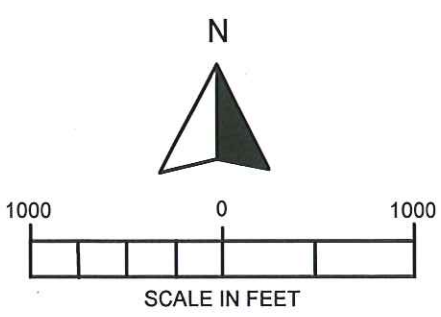
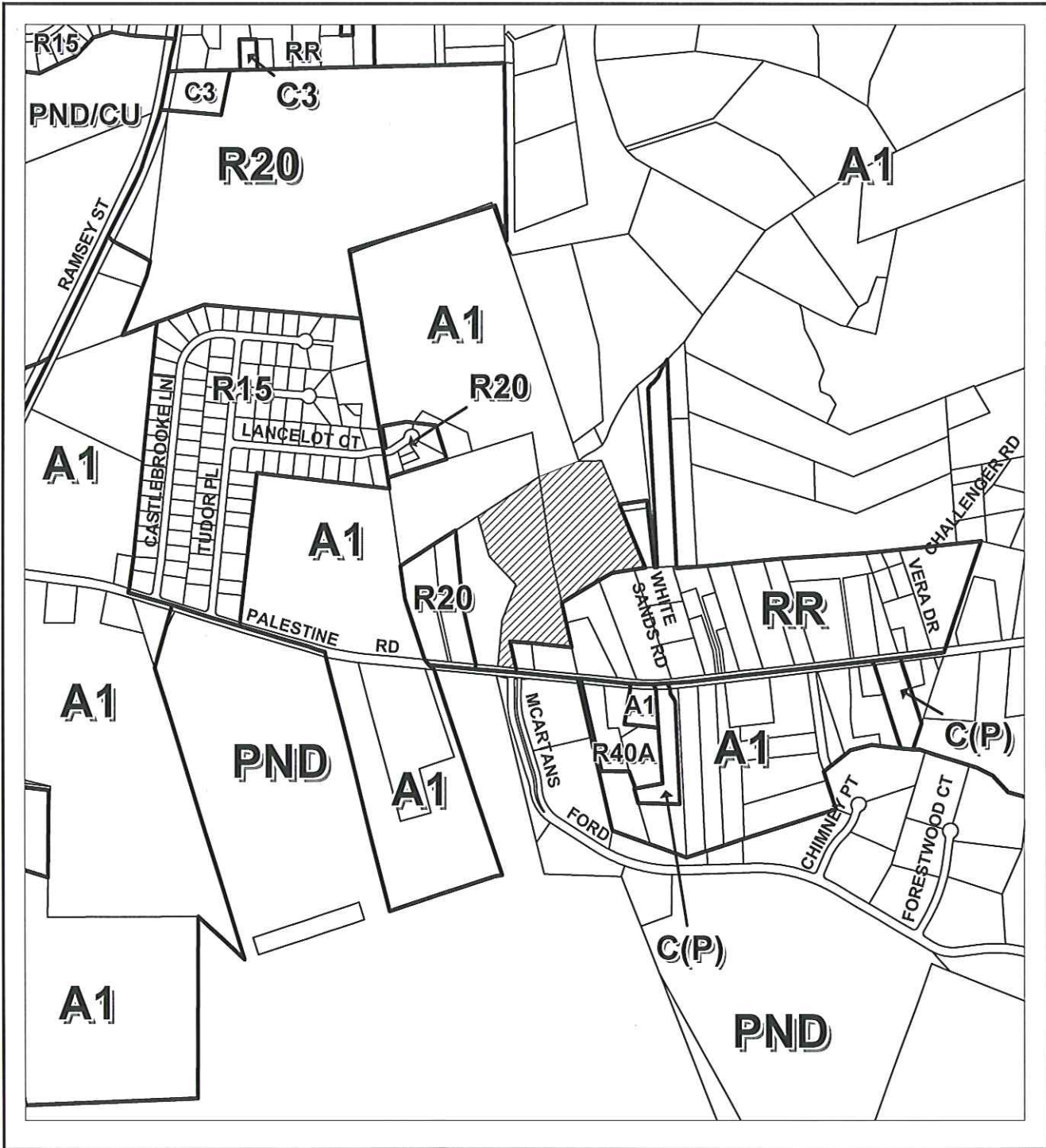
1. Density (minus 15% for R/W):
A1 – 14 lots/units (12 lots/units)
R40 – 30 lots/units (26 lots/units)
R30 – 40 lots/units (34 lots/units)
R20 – 60 lots/units (51 lots/units)

2. Minimum Yard Setback Regulations:

<u>A1</u>	<u>R40, R30 & R20</u>
Front yard: 50'	Front yard: 30'
Side yard: 20'	Side yard: 15'
Rear yard: 50'	Rear yard: 35'

First Class and Record Owners' Mailed Notice Certification

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



REQUESTED REZONING A1 TO R20

ACREAGE: 18.50 AC.+/-		HEARING NO: P15-08	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

PIN: 0553-02-4956
 PORT. OF PIN: 0553-04-1253

Patricia Hall,
Chair
Town of Hope Mills

Charles C. Morris,
Vice-Chair
Town of Linden

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

Donovan McLaurin
Wade, Falcon & Godwin



CUMBERLAND
★ COUNTY ★
NORTH CAROLINA

Planning & Inspections Department

January 13, 2015

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Vikki Andrews,
Diane Wheatley,
Carl Manning,
Walter Clark,
Cumberland County

Benny Pearce,
Town of Eastover

MEMORANDUM

TO: Cumberland County Joint Planning Board
FROM: Planning and Inspections Staff
SUBJECT: Staff Recommendation for the January 20, 2015 Board Meeting

P15-10. REZONING OF 5.78+/- ACRES FROM M(P) PLANNED INDUSTRIAL TO RR RURAL RESIDENTIAL AND CD CONSERVANCY OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 2587 NAVY ROAD, SUBMITTED BY SHAWN WATTS (OWNER) AND ROBERT M. BENNETT, PE/PLS.

1st MOTION

The Planning and Inspections Staff recommends the board find that approval of the request for rezoning in Case No. P15-10 is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for “urban” and “open space” at this location as the proposed district would allow development at less than 2.2 units per acre and greater than one. The requested districts are also consistent with the proposed South Central Land Use Plan which calls for “*suburban density residential*” and “*open space*” at this location.

The staff also recommends the board further find that approval of this rezoning is reasonable and in the public interest because the district requested for the subject properties meets or exceeds the location criteria of the adopted Land Use Policies Plan, in that: *septic systems are allowed*, public sewer is not available; *direct access to a local road is required*, Navy Road is a public street; and the subject property is *not located in any defined critical area as defined by the Fort Bragg Small Study Area*.

2nd MOTION

In addition to the above information, the Planning and Inspections Staff also recommends the board approve Case No. P15-10 for R20 Residential and CD Conservancy district (where the *Special Flood Hazard Area* exists) based on the following:

1. The R20 Residential district will allow for land uses and lot sizes that exist in the general area; and
2. The request is logical as the subject and several surrounding properties were initially zoned M(P) in 1979 but have mostly remained legal nonconforming residential or are undeveloped.

There are no other districts considered suitable for this request.

Attachments:

- 1 – Site Profile
- 2 – Sketch Map

P15-10
SITE PROFILE

P15-10. REZONING OF 5.78+/- ACRES FROM M(P) PLANNED INDUSTRIAL TO RR RURAL RESIDENTIAL AND CD CONSERVANCY OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 2587 NAVY ROAD, SUBMITTED BY SHAWN WATTS (OWNER) AND ROBERT M. BENNETT, PE/PLS.

Site Information:

Frontage & Location: 23.00'+/- on SR 2336 (Navy Road) & 540' on Catfish Road

Depth: 943.73'+/-

Jurisdiction: Cumberland County

Adjacent Property: No

Current Use: 1 residential structure

Initial Zoning: M(P) – March 15, 1979 (Area 6)

Nonconformities: Yes, residential uses are not permitted in the M(P) district

Zoning Violation(s): None

Surrounding Zoning: North: M(P), RR & CD; South: M(P), RR, A1 & CD; East: RR, A1 & CD; West: M(P)

Surrounding Land Use: Residential (including manufactured dwellings) & woodlands

2030 Land Use Plan: Urban & open space (where SFHA exists)

Draft South Central Land Use Plan: Suburban density residential & open space

Special Flood Hazard Area (SFHA): Yes, base flood is 79 msl (NAVD)

Water/Sewer Availability: PWC/Septic

Soil Limitations: Yes, hydric – CH Chewacla loam

School Capacity/Enrolled: Elizabeth Cashwell Elementary: 800/702; Ireland Drive Middle (6): 340/354; Douglas Byrd Middle (7-8): 700/743; Douglas Byrd High: 1,280/1,175

Subdivision/Site Plan: If approved, new development may require a review and approval

Fayetteville Regional Airport: Does not object to the request but advises that there will be aircraft traffic and noise as the subject property is just outside the approach to RW 28 and is on the downwind leg of RW 22

Municipal Influence Area: City of Fayetteville

Average Daily Traffic Count (2012): 1,100 on SR 2337 (Wilmington Hwy)

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

Notes:

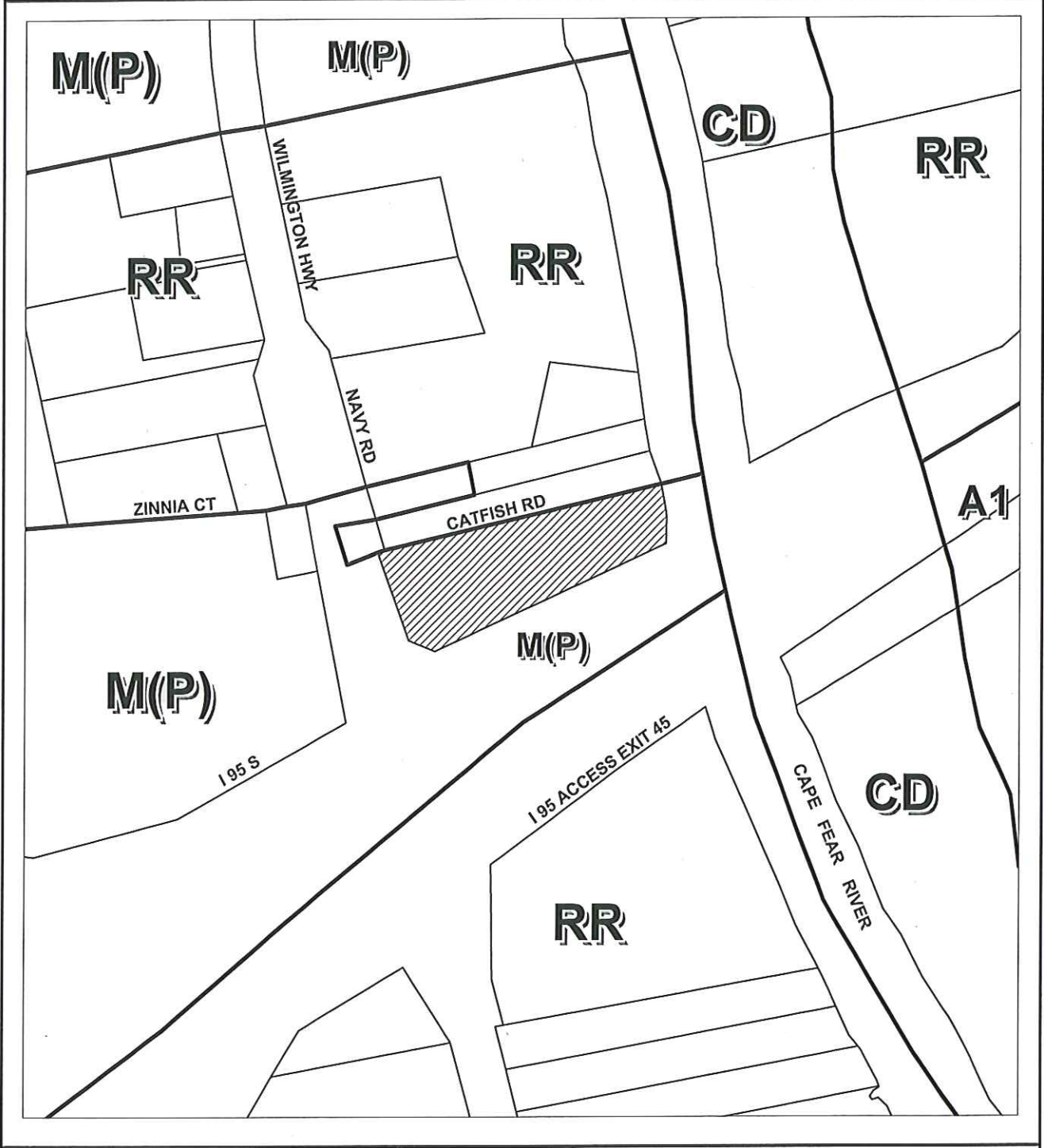
1. Density (minus 15% for R/W):
RR – 13 lots/units (11 lots/units)

2. Minimum Yard Setback Regulations:

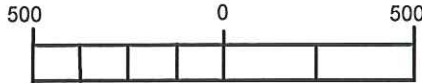
<u>RR</u>	<u>CD</u>	<u>M(P)</u>
Front yard: 30'	Front yard: 50'	Front yard: 100'
Side yard: 15'	Side yard: 50'	Side yard: 50'
Rear yard: 35'	Rear yard: 50'	Rear yard: 50'

First Class and Record Owners' Mailed Notice Certification

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



N



SCALE IN FEET

REQUESTED REZONING M(P) TO RR & CD

ACREAGE: 5.79 AC.+/-	HEARING NO: P15-10	
ORDINANCE: COUNTY	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

Patricia Hall,
Chair
Town of Hope Mills

Charles C. Morris,
Vice-Chair
Town of Linden

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

Donovan McLaurin
Wade, Falcon & Godwin



CUMBERLAND
★ **COUNTY** ★
NORTH CAROLINA

—◆—
Planning & Inspections Department

January 13, 2015

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Vikki Andrews,
Diane Wheatley,
Carl Manning,
Walter Clark,
Cumberland County

Benny Pearce,
Town of Eastover

MEMORANDUM

TO: Cumberland County Joint Planning Board
FROM: Planning and Inspections Staff
SUBJECT: Staff Recommendation for the January 20, 2015 Board Meeting

P15-02. REZONING OF 3.56+/- ACRES FROM R6A RESIDENTIAL TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE SOUTH SIDE OF SR 2325 (VINELAND DRIVE), EAST OF US HWY 301; SUBMITTED BY MANILAL P. AND MANUBEN M. PATEL (OWNERS) AND W. LOCKETT TALLY, ATTORNEY.

1st MOTION

The Planning and Inspections Staff recommends the board deny the request for rezoning in Case No. P15-02, although it is generally consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for “urban” at this location, approval would allow incompatible commercial encroachment. The request is consistent with the proposed South Central Land Use Plan which calls for “heavy commercial” at this location; however, the proposed plan is still in the approval stages.

The staff also recommends the board deny this rezoning request as it is not reasonable nor in the public interest because the district requested for the subject property does not meet the location criteria of the adopted Land Use Policies Plan, in that: *should have minimum direct access to a collector street*, Vineland Drive has been used primarily as access for Southlawn residential subdivision since 1962.

2nd MOTION

In addition to the above information, the Planning and Inspections Staff also recommends the board deny Case No. P15-02 for C(P) Planned Commercial district based on the following:

- The requested district is not logical as it would allow commercial uses to encroach into a residential area.

There are no other districts considered suitable for this request.

Attachments:

- 1 – Site Profile
- 2 – Sketch Map

P15-02
SITE PROFILE

P15-02. REZONING OF 3.56+/- ACRES FROM R6A RESIDENTIAL TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE SOUTH SIDE OF SR 2325 (VINELAND DRIVE), EAST OF US HWY 301; SUBMITTED BY MANILAL P. AND MANUBEN M. PATEL (OWNERS) AND W. LOCKETT TALLY, ATTORNEY.

Site Information:

Frontage & Location: 278.50'+/- on SR 2325 (Vineland Drive)

Depth: 597.64'+/-

Jurisdiction: Cumberland County

Adjacent Property: Yes, northwest of subject property

Current Use: 1 residential structure

Initial Zoning: R6A – March 15, 1979 (Area 6)

Nonconformities: If approved, the residential use & structure will become nonconforming

Zoning Violation(s): None

Surrounding Zoning: North: M(P), HS(P), C(P) & R10 ; South: M(P), HS(P), C(P), LC (Fay), CC (Fay), R10, R6A & R5A; East: R6A; West: C(P)/CU (outside storage), HS(P) & R6A

Surrounding Land Use: Residential (including manufactured dwellings & multi-family), office, motels (2), industrial operation not otherwise permitted, vacant commercial building, building supply, motor vehicle sales, religious worship & woodlands

2030 Land Use Plan: Urban

Draft South Central Land Use Plan: Heavy commercial

Special Flood Hazard Area (SFHA): None

Water/Sewer Availability: PWC/PWC

Soil Limitations: None

School Capacity/Enrolled: Elizabeth Cashwell Elementary: 800/702; Ireland Drive Middle (6): 340/354; Douglas Byrd Middle (7-8): 700/743; Douglas Byrd High: 1,280/1,175

Subdivision/Site Plan: If approved, new development will require review and approval

Municipal Influence Area: City of Fayetteville

Average Daily Traffic Count (2012): 19,000 on US Hwy 301 (Gillespie Street)

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

Notes:

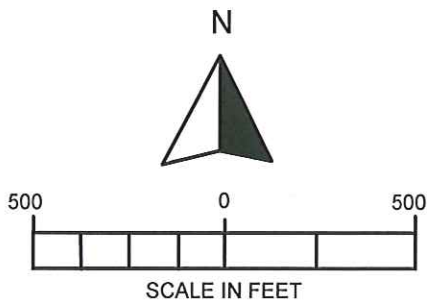
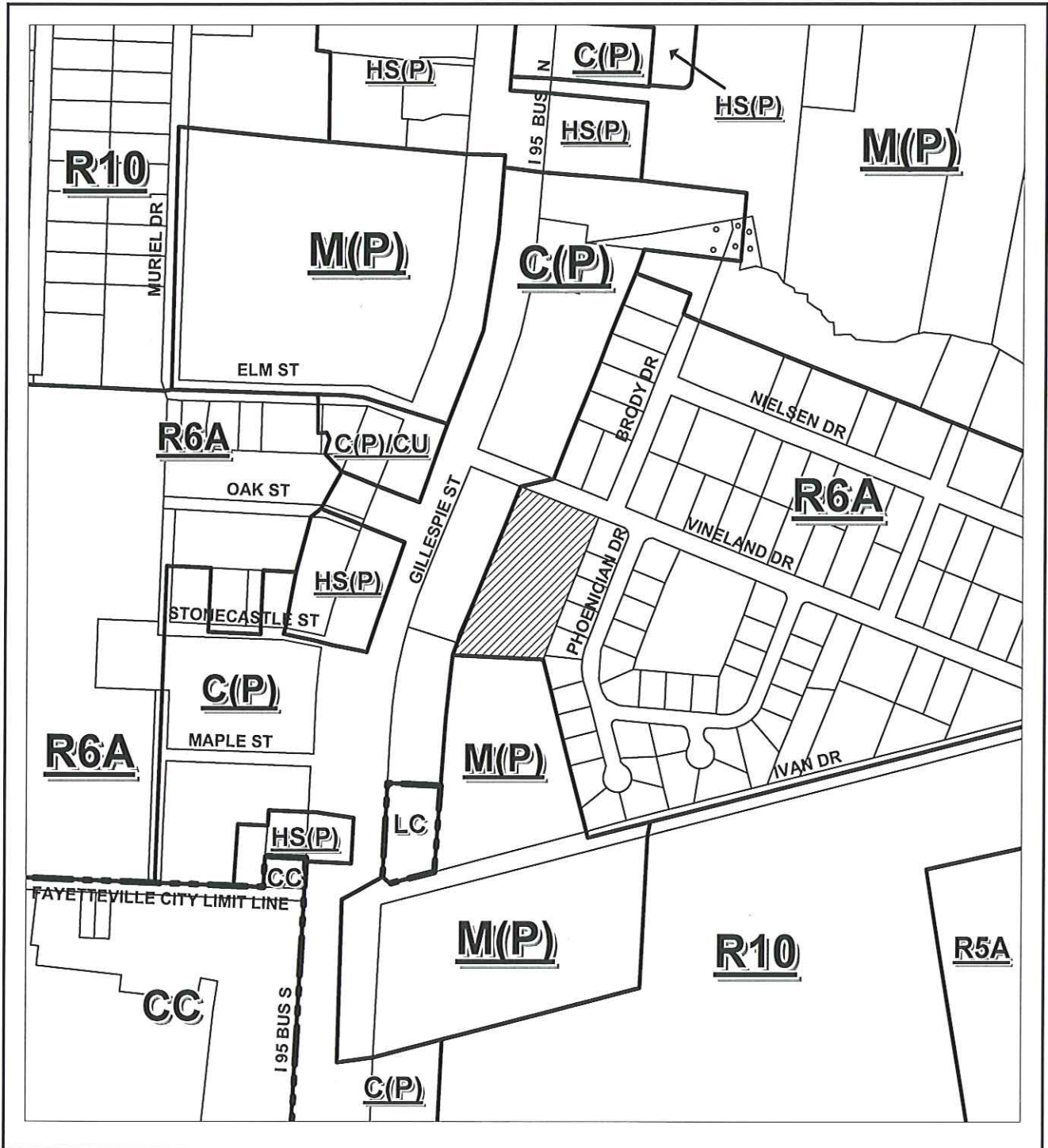
1. Density (minus 15% for ROW) :
R6A – 38 lots/units (32 lots/units)

2. Minimum Yard Setback Regulations:

<u>R6A</u>	<u>C1(P)</u>	<u>C2(P)</u>
Front yard: 25'	Front yard: 45'	Front yard: 50'
Side yard: 10'	Side yard: 15'	Side yard: 30'
Rear yard: 15'	Rear yard: 20'	Rear yard: 30'

First Class and Record Owners' Mailed Notice Certification

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



PIN: 0435-07-7494

REQUESTED REZONING R6A TO C(P)

ACREAGE: 3.56 AC.+/-	HEARING NO: P15-02	
ORDINANCE: COUNTY	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

14-151
SITE PROFILE

CASE NO. 14-151. CONSIDERATION OF THE JEFFREY & FLORA CLABO PROPERTY; GROUP DEVELOPMENT REVIEW; REQUEST FOR A WAIVER FROM THE REQUIREMENT TO HAVE DIRECT STREET ACCESS; COUNTY SUBDIVISION ORDINANCE, SECTION 2401.D, STREET ACCESS; ZONED: A1; TOTAL ACREAGE: 15.63 +/-; LOCATED AT 2278 & 2282 NEY COURT; SUBMITTED BY JEFFREY & FLORA CLABO (OWNERS).

Summary of Request

The developer is requesting a waiver from the requirement to have direct street access to the property. The developer is proposing to place a second dwelling unit on a 15.63 acre tract of land which is landlocked but has access by way of a 20 foot wide recorded ingress/egress easement. Since the property is a legal lot that is greater than 10 acres the minimum of a 20 foot access easement is required for permits for the first dwelling unit. The development will be served by a well and septic system.

Site Information:

Frontage & Location: 0.00' feet of street frontage and located 50 feet from Ney Court

Depth: 1,740.00' +/-

Jurisdiction: Cumberland County

Municipal Influence Area (MIA): N/A

Sewer Services Area (SSA): No

Adjacent Property: No

Nonconformities: N/A

Water & Sewer: Well/Septic

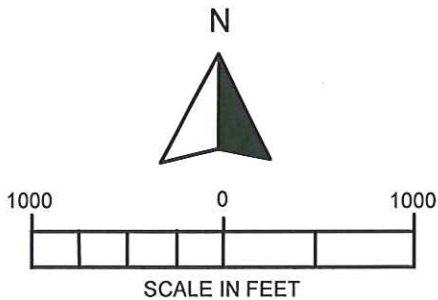
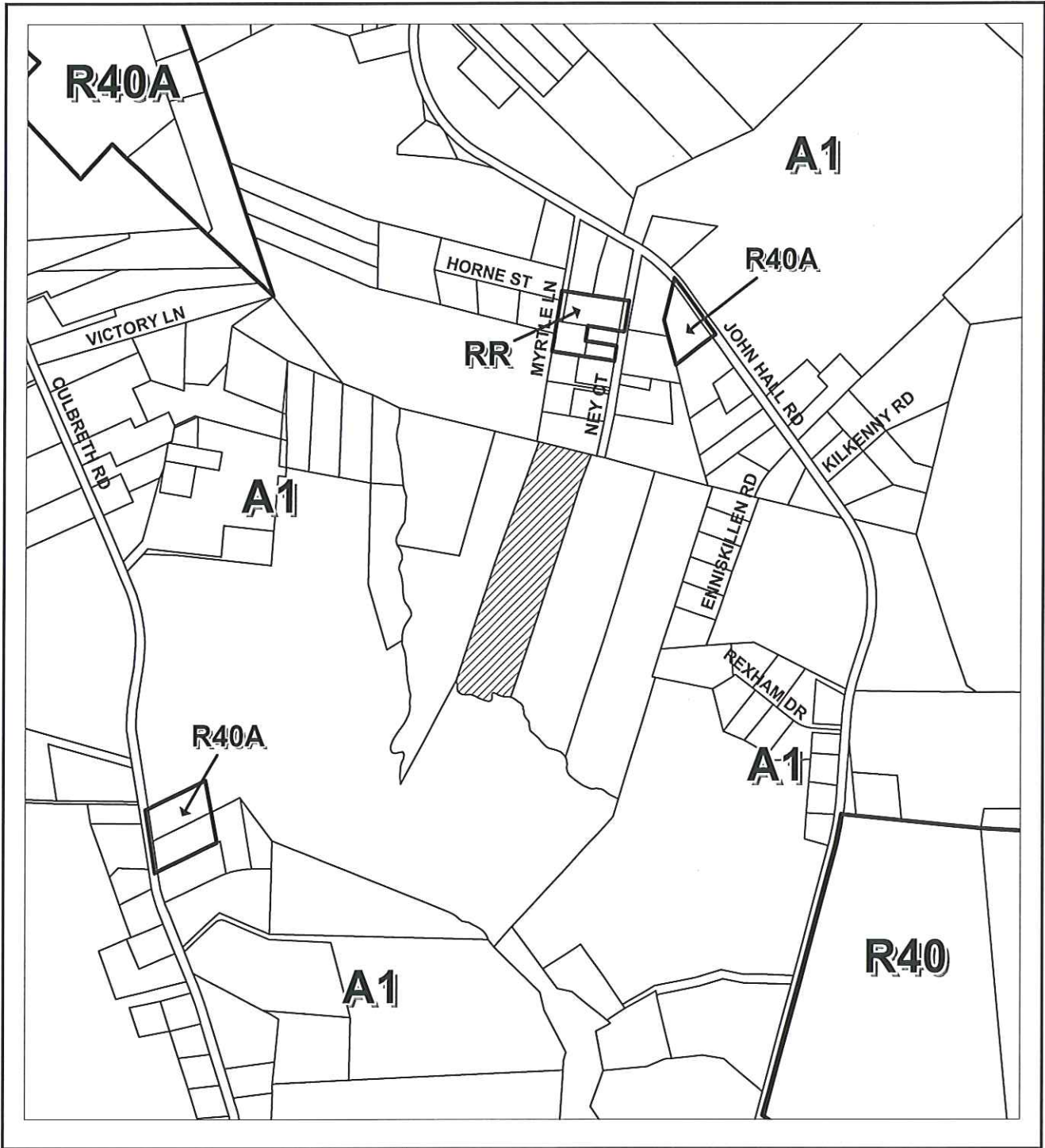
Special Flood Hazard Area (SFHA): No

Applicable County Subdivision Ordinance Provisions

Section 2401 GROUP DEVELOPMENTS, D *Street access.* The property to be developed must have a boundary line or lines contiguous with and giving direct vehicular access to and from one or more public streets, or private streets with public access approved in accordance with Section 2304. Group developments in the form of apartment complexes or unit ownership developments with owners' associations legally obligated to maintain vehicular access and circulation drives shall not be subject to the private street standards specified in Section 2304.

Attachments

- 1 - Sketch Map
- 2 - Group Development Sketch Plan
- 3 - Aerial Photo
- 4 - Application for Waiver and Recorded Access Easement
- 5 - Draft Conditions of Approval



COUNTY SUBDIVISION ORDINANCE WAIVER

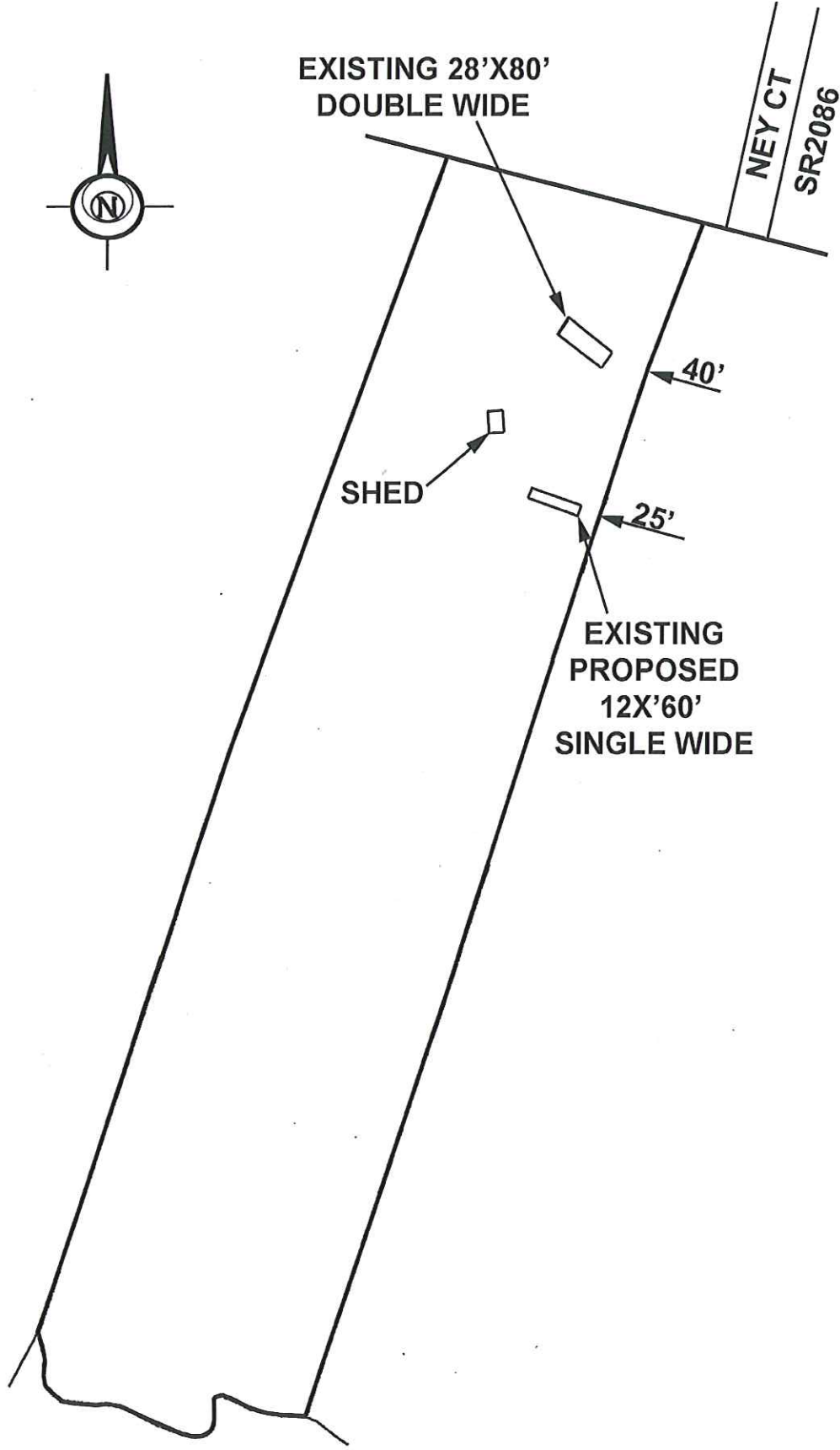
ACREAGE: 15.63 AC.+/-

HEARING NO: 14-151

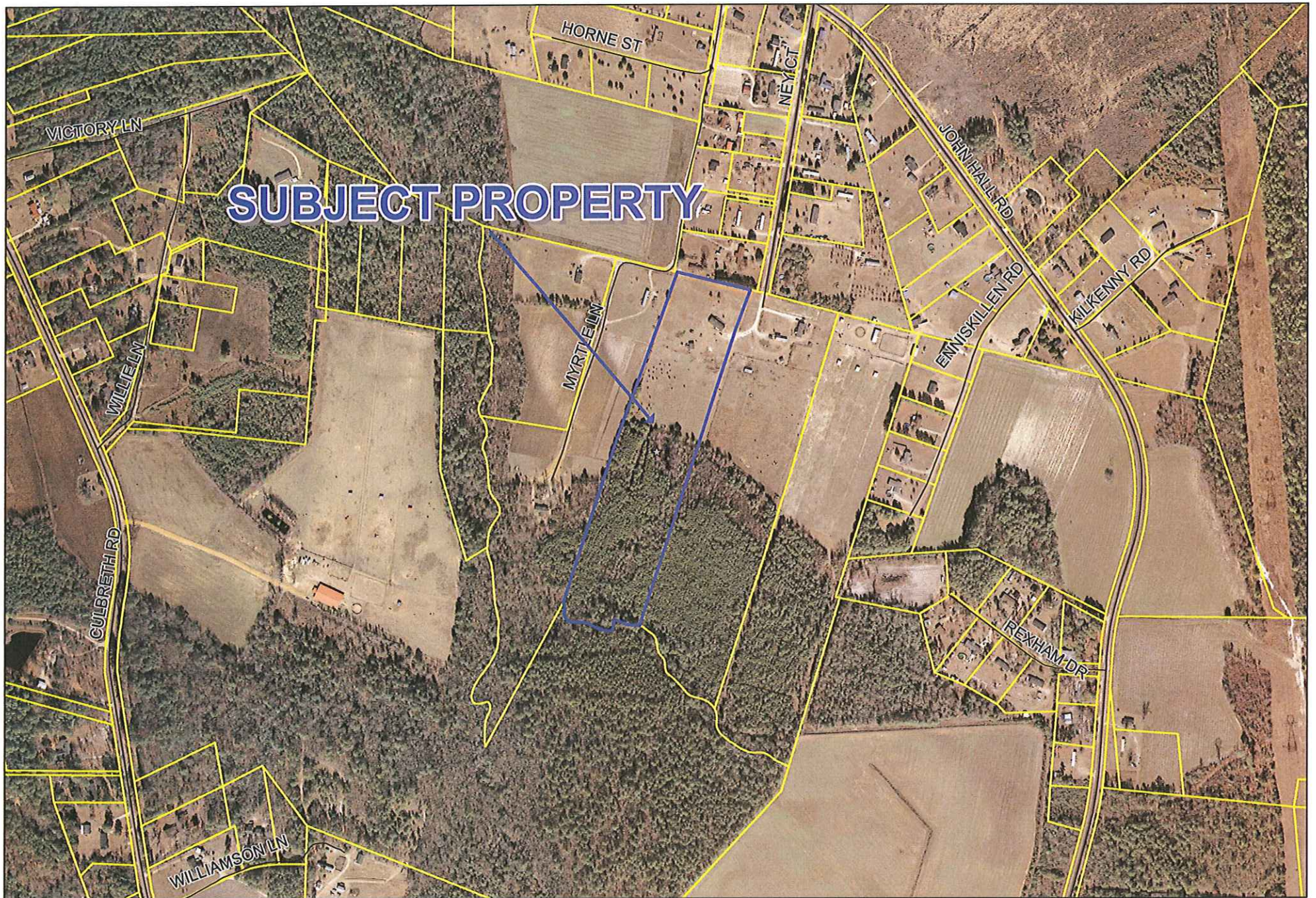
ORDINANCE: COUNTY
GOVERNING BOARD

HEARING DATE

ACTION



**JEFFREY & FLORA CLABO PROPERTY
GROUP DEVELOPMENT REVIEW
REQUEST: A WAIVER FROM SECTION 240.D STREET ACCESS
CASE: 14-151 ACREAGE: 15.63 AC+/-
ZONED: A1 SCALE: NTS
*SCALED DETAILED SITE PLAN IN FILE AVAIALBE FOR REVIEW UPON REQUEST**



SUBJECT PROPERTY

**AERIAL PHOTO
CASE NO: 14-151**



**TO THE CUMBERLAND COUNTY JOINT PLANNING BOARD,
FAYETTEVILLE, NORTH CAROLINA:**

I (We), the undersigned, hereby submit this application, and petition the Cumberland County Joint Planning Board to waive [vary] certain adopted provisions of the County's Subdivision Ordinance as specified below and provided for under the terms of the Subdivision Ordinance. In support of this petition, the following facts are submitted:

LOCATION OF PROPERTY: _____

OWNER: Jeffrey & Flora Clabo

ADDRESS: 2278 Hwy Ct. Fayetteville NC ZIP CODE: 28312

TELEPHONE: HOME (910) 323-5893 WORK (910) 322-2289

AGENT: _____

ADDRESS: _____

TELEPHONE: HOME _____ WORK _____

**APPLICATION FOR A WAIVER [VARIANCE]
As required by the Subdivision Ordinance**

A. Parcel Identification Number (PIN #) of subject property: 0474-45-7168
(also known as Tax ID Number or Property Tax ID)

B. Acreage: 15.63 Frontage: 358.13' Depth: 1673.80'

C. Water Provider: Well

D. Septage Provider: Septic

E. Deed Book 4304, Page(s) 196, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).

F. Existing and/or proposed use of property: Resident

G. Section and provision of the Cumberland County Subdivision Ordinance from which a waiver [variance] is requested:

SECTION 2304

H. Nature and extent of hardship involved in strict application of the County Subdivision Ordinance – attach additional sheet if necessary:

I would like to have a second unit on my lot

STATEMENT OF ACKNOWLEDGEMENT

Regarding appearance before the Joint Planning Board, the undersigned owner(s), agents, or their assigns, by virtue of their signature(s) to this application, hereby acknowledge the following:

- That although appearance before the board is not required, it is strongly encouraged;
- The board will hear any and all arguments for and against this matter before them and such relevant facts will be given under sworn testimony;
- At the public hearing the board has the authority to issue a final approval or denial decision on this request, or defer the request for additional information to be provided;
- If the petitioner or the representative of this application does not appear personally before the board, whether there is opposition or not, the board has full authority to consider the case and defer, approve, or deny the case.
- If the board's action is to deny the matter before them, the course of appeal to the decision will be that of Cumberland County Superior Court. (Affected parties of the board's decision have 30 days from date of proper notification in which to serve notice of appeal).

Signed acknowledgement that the County Planning & Inspections Staff has explained the application process and procedures regarding this request and the public hearing procedure stated above and that the application is complete and accurate.

Jeffrey Clabo *Flora Clabo*
Property owner(s)' signature(s)

Jeffrey Clabo Flora Clabo
Property owner(s)' name (print or type)

2278 Ney Ct. Fayetteville NC 28312
Complete mailing address of property owner(s)

(910) 323-5893 (910) 322-2289
Telephone number Alternative telephone number

jclabo@aol.com _____
Email address FAX number

4954
8541
Flora Clabo
Rt 9 Box 384K-2
Fayetteville, NC 28301

BK 4954 PG 0541

Instrument prepared by and recorded to Rose, Ray, O'Connor, Manning & McCauley, P.A., P.O. Box 1239, Fayetteville, NC 28302

NORTH CAROLINA

CUMBERLAND COUNTY

DEED OF EASEMENT

050855

No Rev.

This deed of easement, made this 7 day of October, 1998, by and between

RAYMOND L. BROTHERTON and wife, ELIZABETH K. BROTHERTON, Grantors and
JEFFREY D. CLABO, SR. and wife, FLORA B. CLABO, Grantees, all of Cumberland County,
North Carolina.

RECEIVED
10-12-1998 PM 4:27
GEORGE E. TATUM
REGISTER OF DEEDS
CUMBERLAND COUNTY, N.C.

WITNESSETH:

WHEREAS, Grantors for valuable consideration paid by the Grantees, receipt and
sufficiency which is hereby acknowledged, has and by these presents does grant, bargain, sell and
convey unto the Grantees a easement across Grantor's property as described below with right of
ingress and egress and regress to reach Grantee's real property described in the deed recorded in
Book 4304, Page 196 of the Cumberland County Registry, North Carolina. Said easement being
located in Cedar Creek Township, Cumberland County, North Carolina, and being more particularly
described as follows:

BEGINNING at a point, said point being on the northern boundary, line of
Grantor's property at the eastern margin of Ney Court, the road providing access to
Grantor's property; and then running with the same line of the eastern margin of Ney
Court 20 feet onto Grantor's property; thence running in a westerly direction parallel
to Grantor's northern boundary to Grantee's eastern most boundary; thence running
in a northerly direction with Grantee's eastern boundary to Grantee's northeast corner
of the property described in the deed recorded in Book 4306, Page 196 of the
Cumberland County Registry, said point being the northwest corner of Grantor's
property; and thence running with Grantor's northern boundary to the point of
beginning.

The purpose of this easement is to give Grantee a 20-foot easement running
from the point where Grantor's property connects with Ney Court and running along
Grantor's northern boundary for the purpose of ingress, egress and regress.

10

TO HAVE AND TO HOLD said easement for Grantees and their successors in title forever,
it being agreed that this easement is hereby granted appurtenant to and runs with the land now owned
by the Grantee and referred to above.

IN TESTIMONY WHEREOF, Grantors have hereunto set their hands and seals the day and
year first written above.

Raymond L. Brotherton (Seal)
RAYMOND L. BROTHERTON

Elizabeth K. Brotherton (Seal)
ELIZABETH K. BROTHERTON

STATE OF NORTH CAROLINA
COUNTY OF CUMBERLAND

I, Starlett B. Jackson, a Notary Public for said county and state,
do hereby certify that RAYMOND L. BROTHERTON and wife, ELIZABETH K. BROTHERTON,
personally appeared before me this day and acknowledged the due execution of the foregoing
instrument. Witness my hand and notarial seal, this 7 day of October, 1998.



Starlett B. Jackson
NOTARY PUBLIC

My commission expires: 6-11-2002

F:\Public\Documents\Real_Estate\brotherton-clabo.easement.deed.wpd

The foregoing Certificate(s) of Starlett B. Jackson
is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown
of the first page hereof.
By George E. Datus REGISTER OF DEEDS FOR CUMBERLAND COUNTY,
Deputy / Assistant - Register of Deeds **NO REVENUE**



Patricia Hall,
Chair
Town of Hope Mills

Charles C. Morris,
Vice-Chair
Town of Linden

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

Donovan McLaurin
Wade, Falcon & Godwin

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Vikki Andrews,
Diane Wheatley,
Carl Manning,
Walter Clark,
Cumberland County

Benny Pearce,
Town of Eastover

CUMBERLAND COUNTY NORTH CAROLINA

Planning & Inspections Department

STAFF REVIEW: 12-18-14 PLANNING BOARD DECISION: 01-20-15

CASE NO: 14-151 NAME OF DEVELOPMENT: FLORA CLABO PROPERTY

MIA: N/A GROUP DEVELOPMENT REVIEW

LOCATION: 2278 NEY COURT (SR 2086) ZONING: A1

PIN: 0474-45-7168

OWNERS / DEVELOPER: FLORA CLABO ENGINEER OR DESIGNER: N/A

PLANNING & INSPECTIONS DEPARTMENT ACTION:

- PRELIMINARY
- EXTENSION REVISION
- APPROVED CONDITIONALLY
- DENIED

PLANNING BOARD DECISION:

- PRELIMINARY
- EXTENSION REVISION
- APPROVED CONDITIONALLY
- DENIED

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

Permit-Related:

1. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the County Zoning Ordinance and permits required to place any structure within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. For additional information, the developer should contact a Code Enforcement Officer.
2. The County Health Department must approve water and sewer plans prior to application for any permits. Site and soil evaluations must be conducted on the property by the County Environmental Health Department prior to application for permits. A copy of the Health Department approval must be provided to Code Enforcement at the time of application for any building/zoning permits. (Note: All Health Department requirements must be met prior to issuance of final permits.) (Section 2306 A, Water and Sewer, County Subdivision and Development Ordinance)
3. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
4. New development where the developer will disturb or intends to disturb more than one acre of land is subject to the Post-Construction Stormwater Management Permitting Program (Phase II Stormwater Management Requirements) administered by the Division of Water Quality, North Carolina Department of Environment and Natural Resources. If one acre or more of land is

to be disturbed, prior to the issuance of any building/zoning permits for this site, a copy of the State's *Post-Construction Permit* must be provided to County Code Enforcement.

5. For any new development where the developer disturbs or intends to disturb more than one acre of land, the developer must provide the Code Enforcement Section with an approved NC Department of Environment and Natural Resources (NCDENR) sedimentation and erosion control plan (S&E) prior to any application for permits. (Note: If any retention/detention basins are required for state approval of this plan, then three copies of a revised plan must be submitted and approved by Planning & Inspections prior to application for any building/zoning permits.) A copy of the NCDENR approval must be provided to Code Enforcement at the time of application for any building/zoning permits.
6. The building final inspection cannot be accomplished until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans.
7. A review of the data available to the Army Corp of Engineers indicates that jurisdictional waters are likely to be present on this property and therefore are likely to be impacted by the proposed project. However, without an official Jurisdictional Determination at the property, these findings cannot be confirmed.

A permit will be required for this project if construction will involve the temporary and/or permanent placement of fill in waters of the United States including wetlands. If a permit is required, the applicant will be required to avoid and minimize impacts to wetland/waters of the United States and may need to provide compensatory mitigation for unavoidable impacts.

Site-Related:

8. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Development Ordinance and Zoning Ordinances for the A1 zoning district must be complied with, as applicable.
9. "Ney Court" must be labeled as "SR 2086 (Ney Court)" on all future plans.
10. For any new development, an adequate drainage system must be installed by the developer in accordance with the NC Department of Environment and Natural Resources' (NCDENR) *Manual on Best Management Practices* and all drainage ways must be kept clean and free of debris. (Section 2306 D, County Subdivision and Development Ordinance)
11. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision and Development Ordinance)

Advisories:

12. The applicant is advised to consult an expert on wetlands before proceeding with any development. There may be wetlands located in the project area that are subject to the permit requirements of Section 404 of the Clean Water Act. To avoid a violation of federal and/or state law, it is recommended the developer contact the Office of the Army Corp of Engineers or hire an environmental consultant to identify and delineate any wetlands in the project area prior to construction. A Section 404 permit will be required if the applicant needs to fill wetlands and the permit must be obtained prior to any construction on this site.
13. 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.

Thank you for making Cumberland County your home!

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

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

Subdivision/Site Plan/Plat	Ed Byrne	678-7609
Code Enforcement (Permits):	Ken Sykes	321-6654
County Engineer's Office:	Wayne Dudley	678-7636
County Health Department:	Daniel Ortiz	433-3680
Ground Water Issues:	Matt Rooney	678-7625

County Public Utilities:	Amy Hall	678-7637
US Postal Service	Terry A Carr	(704) 393-4466
Corp of Engineers (wetlands):	Emily Greer	(910) 251-4049
NCDENR (E&S):	Brad Cole	433-3300
Location Services:		
Site-Specific Address:	Ron Gonzales	678-7616
Tax Parcel Numbers:		678-7549
N.C. Division of Water Quality:	Mike Randall	(919) 733-5083 ext. 545