

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 16, 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 MAY 2, 2006

REZONING/INITIAL ZONING CASES

- A. P06-21: REZONING OF .35 ACRES FROM R10 TO C1(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOT 31, PINE ACRES SUBDIVISION, SECTION 2, PLAT BOOK 13/PAGE 20, KNOWN AS 3618 BOONE TRAIL, OWNED BY JERRY D. PIERCE.
- C. P06-29: REZONING OF TWO PARCELS TOTALING 5.40 ACRES FROM A1 TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED NORTH OF GODWIN-FALCON ROAD, EAST OF I-95, OWNED BY CLIFTON L. TURPIN, JR.
- D. P06-30: REZONING OF 2.0 ACRES FROM A1 TO A1A, AT 6015 GOLDSBORO ROAD, OWNED BY SCOTTIE GODWIN.
- E. P06-31: INITIAL ZONING OF 33.12 ACRES TO R15, LOCATED NORTH OF CLINTON ROAD, WEST OF WINDWOOD DRIVE, SUBMITTED BY THE TOWN OF STEDMAN, OWNED BY FAIRLANE DEVELOPMENT, LLC. (STEDMAN)
- F. P06-32: REZONING OF 1.99 ACRES FROM PND TO RR OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 231 LONGHILL DRIVE, OWNED BY WILLIAM R. WHITE.

- G. P06-35: REZONING OF 6.70 ACRES FROM A1 TO A1A, LOCATED AT 8778 HAWKINS ROAD, SUBMITTED BY MICHAEL J. ADAMS, OWNED BY MARY A. WILSON.
- H. P06-36: INITIAL ZONING OF ALL PROPERTIES WITHIN THE CORPORATE LIMITS OF THE TOWN OF LINDEN AND ADOPTION OF THE TOWN OF LINDEN ZONING ORDINANCE. (LINDEN)
- I. P06-38: REZONING .42 ACRES FROM C3 TO M(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 164 WILKES ROAD, SUBMITTED BY BOB MEASAMER, OWNED BY TWO ADAMS, INC.

CONDITIONAL USE DISTRICT AND PERMIT

- A. P06-19: REZONING OF .61 ACRES FROM RR TO C1(P)/CONDITIONAL USE DISTRICT AND PERMIT TO ALLOW A CONVENIENCE STORE, AT 6630 WALDOS BEACH ROAD, OWNED BY MARVIN C. AND LILLIE M. WILKINS.

VII. PUBLIC HEARING ITEMS

- A. P06-37: REZONING OF THREE PARCELS TOTALING 45.61 ACRES FROM A1 TO R15 OR TO A MORE RESTRICTIVE ZONING DISTRICT, SOUTH OF SAND HILL ROAD, WEST OF TOWER ROAD, SUBMITTED BY CHRISTOPHER ROBERTS, OWNED BY JAMES BUXTON, ANNIE M. FREEMAN, AND THELMA BATTLE.

AMENDMENT

- A. P06-33: REQUEST AMENDMENT TO THE COUNTY ZONING ORDINANCE, SECTION 403 USE MATRIX, TO ALLOW SINGLE FAMILY DWELLING TO BE PERMITTED ON THE SECOND FLOOR AND ABOVE FOR COMMERCIAL, RETAIL AND OFFICE SPACE IN THE C(P) DISTRICT, SUBMITTED BY BRADLEY W. YOUNG.

VIII. PLAT AND PLAN

- A. 06-074: SCOTTSDALE ZERO LOT LINE SUBDIVISION LOCATED ON THE EAST SIDE OF SR 1831 (BAYWOOD ROAD), NORTH OF SR 1834 (HUMMINGBIRD ROAD) FOR A WAIVER FROM SECTION 3.17.C "STREET DESIGN", CUMBERLAND COUNTY SUBDIVISION ORDINANCE.

IX. DISCUSSION

X. FOR YOUR INFORMATION

- A. DIRECTOR'S UPDATE

XI. ADJOURNMENT

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MINUTES MAY 2, 2006

Members Present

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

Others Present

Mr. Tom Lloyd, Director
Ms. Patti Speicher
Ms. Donna McFayden
Mrs. BJ Cashwell
Mr. Grainger Barrett,
County Attorney
Ms. Diane Wheatley,
County Commissioner

I. INVOCATION AND PLEDGE OF ALLEGIANCE

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

II. APPROVAL OF/ADJUSTMENTS TO AGENDA

Mr. Lloyd asked that the Extension of Sewer Perspective be added to the Agenda and Chair Morris said it would be added as Item "B" under Discussion. **A motion was made by Mrs. Epler and seconded by Mr. McLaurin to approve the Agenda with the above change. The motion passed unanimously.**

III. PUBLIC HEARING DEFERRALS

There were no public hearing deferrals.

IV. ABSTENTIONS BY BOARD MEMBERS

There were no abstentions by Board members.

V. POLICY STATEMENT REGARDING PUBLIC HEARING TIME LIMITS

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

VI. CONSENT ITEMS

A. APPROVAL OF THE MINUTES OF APRIL 18, 2006

A motion was made by Mr. McLaurin and seconded by Mrs. Piland to approve the Minutes of April 18, 2006 as written. The motion passed unanimously.

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 WOODSELL ET AL.

Ms. Speicher told the Board that at the April 18 meeting the applicant said they would voluntarily request a Conditional Use District & Permit. She informed the Board that on April 24 a revised site plan was submitted and the applicant voluntarily limited the development to 400 lots. Maps and slides were displayed illustrating the zoning and land use in the area. She explained to the Board that the Highway Plan shows Tom Starling Road classified as Priority 1 for widening purposes but the right of way had not been acquired as the project was not yet funded. She said once the project was funded it would be designated as High Priority. She presented a slide from the 2010 Land Use Plan showing Rockfish Creek as an Environmental Corridor for its protection and preservation. She showed slides of the various buffers discussed at previous meetings. She informed the Board that the revised site plan submitted shows 301 single-family lots and 99 multi-family units. She explained to the Board that including the 6.6 acres in conflict that the average lot size would be 15,322 square feet per lot and minus the 6.6 acres, the average lot size would be 14,414 square feet. Ms. Speicher reported that the Planning staff recommended 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 agreed to the Conditional Use District and Permit and the request would be 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 recommended the applicant be approved for Staff approval of any necessary future revisions provided the maximum number of units is not exceeded.

The public hearing was opened.

Mr. Chalmers McCombs was sworn in.

Mr. McCombs informed the Board that their position had not changed from the last meeting. He said he had submitted a plan showing 400 units and that the CD area had been increased by 2 ½ acres. He asked the Board if they would consider allowing 425 units versus 400 units. He said once they determined how the decrease in lots would affect their feasibility study and their infrastructure that the price of lots would be increased.

Chair Morris asked if the increase would be in the multi-family or single-family lots. Mr. McCombs said the increase would be in single-family lots as there are powerlines toward the east that would limit the multi-family development as well as to the west. He told the Board depending on the market conditions that the R10/CUD would allow the flexibility to adjust the lot lines and single-family mix.

Mr. Barrett, County Attorney, explained that a Conditional Use District did not require a site plan but the Conditional Use Permit requires that a site plan be in place that has to be submitted to the Board.

Mr. McCombs informed the Board that Mr. Richard Galt represented the property owners' regarding the title to the land in development. He said Mr. Galt could explain the status of the property dispute.

Chair Morris asked if the 6.6 acres was still included in the development. Mr. McCombs said it was still a consideration. Mr. Lloyd said if this is still a consideration that Mrs. Epler abstained from this portion of the hearing. Ms. Speicher explained that the applicant still claims ownership and it is shown on the site plan.

Mrs. Epler told the Board that she was informed this afternoon that the 6.6 acres would not be included and would have abstained at the beginning of the hearing if she knew it was to be included.

---Mrs. Epler left the room---

Mr. Richard Galt was sworn in.

Mr. Richard Galt, Attorney representing Bill Clark Homes, told the Board that a title search had been done going back a number of years and the acreage overlap was not found. He said they felt confident that the sellers of the property have good title to the property. He said the title of the predecessors of the neighboring land could not be established prior to 1969. He said the other owners have hired Mr. Lewis, Attorney, to conduct a title search. He informed the Board that the surveyor for Bill Clark Homes and the surveyor for the adjoining property are working together to help resolve the issue. He said he did not know if in the end there would be a dispute.

Mr. McNeill asked if he knew when this issue would be resolved. Mr. Galt said that they had provided information to Mr. Lewis to speed up the process but could not give a definitive answer as to how long it would take.

Mr. Lloyd explained to the Board that that according to the Ordinance that with a Conditional Use District & Permit that all owners have to be in agreement. He said if the 6.6 acres is not included, Mrs. Epler could be included in the discussion of the case. He said if the 6.6 acres in dispute is included then the other property owners have to be in agreement.

Mr. Galt asked if the adjoining property owner did not dispute the title or if the dispute could be worked out then that would not be an issue in this case.

Mr. Lloyd explained that the property owner would have to agree to the conditions as stated in the Ordinance. He said if there are two property owners then they would both have to agree.

Mr. Barrett said we have before us a claim of disputing property ownership and it has to be resolved. He said if the 6.6 acres is to be included in the development, the property owner must be in agreement or that piece of property needs to be excluded.

Mr. Lloyd said this could be alleviated if the 6.6 acres was excluded from the request but could be added back in once the property dispute had been resolved. He said the other alternative is to defer the request and the developer came back and request the 425 units.

Chair Morris asked if they wanted maintain the 6.6 acres in the district or withdraw that portion and submit it at a later date.

Mr. McNeill asked if the disputed property was located in the CD District, would the property owner have to agree with all conditions or only the CD portion. Mr. Barrett said the owner would not have to consent to a rezoning but only agree to the conditions for a Conditional Use District & Permit.

Mr. McCombs said they would withdraw the 6.6 acres of the overlap land from this request. Chair Morris said if the dispute was resolved it could become part of the site plan. Mr. Grainger said they could submit an application to amend the Conditional Use District & Permit once this issue was resolved to include the 6.6 acres.

---Mrs. Epler returned to the room.---

Ms. Fran Primeaux was sworn in.

Ms. Primeaux appeared before the Board in opposition and said the residents of the Tom Starling Road area were opposed to the R10/Conditional Use District & Permit. She said they would prefer R15 and would like all the lots not to be smaller than 15,000 square feet. She told the Board there were 1,300 or more automobile travelling on Tom Starling Road and it is not designed for heavy traffic and the R10 would allow too many houses too close together.

Ms. Debra Ward was sworn in.

Ms. Ward appeared before the Board in opposition and said she resided between the two curbs at Tom Starling Road. She told the Board that she was concerned about the volume of houses that would be built. She said she had contacted Mr. Gary Burton with NCDOT and he told her that there were no plans up to 10 years to widen Tom Starling Road. She said there was no money to move the major utilities and DOT funds were not available. She told the Board the developer may not develop all the property and might sell off parcels. She said her main concern was the widening of Tom Starling Road and only the turn lanes would be done for this development.

Ms. Janet Carter was sworn in.

Ms. Carter appeared before the Board in opposition and said the main reason she signed up was to speak for the overlap property owners. She said they had retained Mr. Lewis and he was trying to resolve the property dispute.

Ms. Kim Perkins was sworn in.

Ms. Kim Perkins appeared before the Board in opposition to the request and said she represented the owners of the properties that back up to this property. She said they were asking for R15 with no less than 15,000 square feet and a larger buffer. She said the state requires 300 feet and would like the buffer to be closer to that amount to preserve Rockfish Creek. She told the Board there would be too many house on too little land that would cause congestion, traffic and over crowding of schools. She said their main concern was to maintain the quality and charm of country living.

Ms. Amber Boling was sworn in.

Ms. Boling appeared before the Board in opposition to the request representing her father, David Boling. She said her father had moved to Tom Starling Road because it was out in the country and was in favor of R15. She said her Dad understood that the applicant was required to meet the 300 foot buffer and not the 200 foot buffer they were proposing. She said this development would surround her Dad's property.

Mr. Ronny Ward was sworn in.

Mr. Ronny Ward appeared before the Board in opposition to the request and said he was in agreement with what the other residents had said. He told the Board that the County Newsletter had an article on Rockfish Creek and knew that some of the Board members and County Commissioners had visited Rockfish Creek. He said he was in agreement of a 300 foot buffer and said you had to live with development because it was coming.

Mr. McCombs appeared before the Board in rebuttal and said he had addressed all the residents concerns in the plan. He said they could not control the traffic and Tom Starling Road is a Priority 1 with NCDOT for widening of the road. He said they had addressed the buffer to protect Rockfish Road and they were working very well with the Board and community to address their concerns.

---Public Hearing is closed---

Chair Morris asked if the 400 units would be feasible. Mr. McCombs said it would work but they would have to raise the prices of the lots and reduce the amenity package but it would still work.

Mr. McNeill said that the engineer at one of the meetings stated that the development was designed with less than 20% being taken up for roads and asked if they had determined how many lots R15 would allow. Mr. McCombs said it would be about 404 if the property in dispute would be included. Mr. McNeill said the 6.6 acres had been excluded and asked how many lots would there be without the 6.6 acres. Mr. McCombs said it would be about 384 lots.

Mr. McNeill said several residents have said they would like to see R15 with restricted lot sizes. He said with a straight rezoning with zero lot line development that there would be smaller lots even in an R15. He said with a straight rezoning that we could not require a minimum lot size. He said the applicant had requested a Conditional Use which allows the Board to agree to certain conditions with the applicant and one condition is requiring a site plan. Mr. McNeill said a resident had talked with Mr. Burton, NCDOT representative, and they probably were told that the Tom Starling Road widening project was not included in the NCDOT TIP but the TIP changes year to year. He said if DOT determines there is a need in the area then funding is accelerated and designated as a high priority.

Ms. Epler said that some of residents were concerned that the developer might sell off some of the property at a late date but regardless who owns the property that once the Planning Board and Commissioners approve the site plan and the Conditional Use District/Permit that the owner or developer would have to adhere to the site plan and Conditional Use District/Permit. She said in order to change the site plan or Conditional Use District/Permit that the developer would have to come back before the Planning Board and County Commissioners for approval.

Chair Morris said another public hearing would have to be held if changes were desired and notices sent to the residents. He said prior to adoption of the new ordinance in June 2005 that when a rezoning was approved that the developer would develop his site with the density requirements of the ordinance and we would normally not see a site plan or the infrastructure plans. He said with the adoption of the CUD and Permit regulations in 2005 that the community is allowed their input along with being able to review the site plan. He said once the CUD has been approved, it becomes a binding agreement.

Mr. McNeill said if the disputed property was included in the request, it would be equivalent to an R15 and without the property, it would allow them 384 lots. He said the developer had considered 425 lots and felt that would be too many and that R15 standards were more appropriate. He said the residents were concerned with a buffer along Rockfish Creek and that the developer is providing more buffer than what would be required with a straight R15 zoning.

Mr. Lloyd said that the developer is providing more buffer than any statute at the state level requires and normally larger buffer requirements are only along rivers.

Mr. McNeill asked Mr. McCombs if he would consider an R15 Conditional Use District & Permit. Mr. McCombs said they would only be interested if the 6.6 acres in dispute was included.

A motion was made by Mr. McNeill and seconded by Ms. Epler to deny the R10 and CD originally requested and approve CD Conservancy/Conditional Use District and R10 Residential/Conditional Use District subtracting out the overlapping 6.6 acres, because the application is reasonable, neither arbitrary nor unduly discriminatory, and in the public interest. The motion passed unanimously.

A motion was made by Mr. McNeill and seconded by Ms. Epler to approve the Conditional Use Permit with the 6.6 acres excluded after finding that when completed, the proposal: 1) will not materially endanger the public health and safety; 2) will not substantially injure the value of adjoining or abutting property; 3) will be in harmony with the area in which it is to be located; and 4) will be in conformity with the land use plan, thoroughfare plan or other plan officially adopted by the Board of Commissioners. The motion is to include the conditions in the staff recommendation that the applicant has agreed to and to allow only a maximum of 400 units. The motion passed unanimously.

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).

Ms. Speicher told the Board that Mr. Franklin Johnson was requesting a waiver from Section 3.2 and Section 3.18. She informed the Board that they had previously granted a waiver for a block length to exceed 1800 feet and had approved 3500 feet for the existing section of Heartpine Drive. She told the Board that Mr. Johnson was asking for an additional 2400 foot with no break in the block length which calculates to 5900 feet. She said the Staff is requesting that a street stub for Pine Bark Court and Tree Ring Court be installed to extend out to the east and west side of the property. She informed the Board that the Cain property to the east is landlocked. She said that the Kathleen Story property on the west side has road access but was a 99 acre tract. A stub needed to be in place for the possible future development of the property. Ms. Speicher explained that Mr. Johnson felt he would jeopardize the marketability of his development if this was done and he has offered to give two 20 foot strips for the Cain property for access purposes.

Ms. Speicher reported that the Staff recommends denial of the waiver based on the following:

1. Both lots to be provided access are large tracts which could be developed at a future date, the stubs would allow for the land-locked tract to be provided access and future connectivity for development; and
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.

Mr. Franklin Johnson explained that they wanted to maintain the value of the neighborhood. He told the Board that the Cain property had been land-locked for awhile and that they were willing to donate a 20 foot strip for that property. He informed the Board that the Cain family would like to place two homes on their property and they were donating two 20 foot strips for access. He said if you look at the plat, he was going to provide a 20 foot strip between lots 7 and 8. He said he had provided another 20 foot strip between lots 1 and 19 due to the owner being landlocked but it has not yet been deeded.

Mr. McNeill asked what the Staff was requiring and Ms. Speicher said that they were requesting that both cul-de-sacs be stubbed out to the property line on the west and east side of the property line. Mr. McNeill asked how the extension of the cul-de-sacs breaks up the block length. Ms. Speicher said the block count would begin anew at the street stub.

Ms. Epler told the Board that Daltons Ridge Subdivision was a very nicely developed neighborhood and that the restrictive covenants were more extensive than what would have been written for a normal development. She said based on the regulations, the stub to be extended to the property line would not allow for the street frontage. She said that there presently is not any connectivity issues. She said if you saw the aerial photo that you would see that the land which backs up to this property to the west and south is densely overgrown and probably wetlands. She said she did not foresee that land being developed. She told the Board that the property had been landlocked for years by the family deeding land to other family members. She said other precedents have been set where 20 foot strips have been deeded and that had been agreeable between residents and developers.

A motion was made by Ms. Epler and seconded by Mr. McNeill to approve the waiver from Section 3.2 and 3.18 as the adjoining areas would likely be undevelopable due to wetlands. The motion passed unanimously.

IX. DISCUSSION

A. VOLUNTARY AGRICULTURAL DISTRICT

Mrs. Barnhart with the Comprehensive Planning Section informed the Board that she had provided them with copies of the Farm Advisory Board Bylaws and the Voluntary Agricultural District Ordinance. She explained that the Farm Advisory Board was created on June 7, 2004 by the Cumberland County Board of Commissioners. She informed the Board that the first task completed by the Board

was the creation of the Bylaws. She told the Board that Mr. George Autry, a member of the Committee, had suggested that a Voluntary Agricultural District Ordinance be written. She informed the Board that the Ordinance was completed and would be presented to the County Commissioners. She said she was asked to give the Planning Board an opportunity to review the information and possibly give their endorsement. She explained the purpose of the ordinance was to strive to maintain and preserve the agricultural areas in Cumberland County along with conserving open space and natural resources. She informed the Board that the program is voluntary and an applicant could at any time request to be removed from the program. She reviewed with the Board Article III, "Certification and Qualification of Farmland" and Article V, "Application, Approval and Appeal Procedures" as required in the Ordinance.

A motion was made by Mr. McNeill and seconded by Mr. Hostetter to endorse the Voluntary Agricultural District Ordinance. The motion passed 7 to 1 with Mr. McLaurin voting in opposition.

B. SEWER EXTENSION PERSPECTIVE

Mr. Lloyd informed the Board that there was a Sewer Extension meeting scheduled for May 16, 2006. Chair Morris asked the Board members to attend the meeting and that it started at 6:00 p.m. even though, they would have to leave to hold the Planning Board meeting at 7 pm.

Mr. Lloyd informed the Board that at the Sewer Extension meeting that the County will present their perspective on future sewer extension to include the Planning Board's perspective. Mr. Lloyd reviewed an outline of the perspective with the Board.

C. PLANNING BOARD MEETING SCHEDULE

Mr. Lloyd informed the Board that the Planning Board's first meeting in July was scheduled for the 4th. **A motion was made by Chair Morris and seconded by Mrs. Epler to cancel the meeting. The motion passed unanimously.**

Mr. Lloyd informed the Board that Mrs. Cashwell would be retiring and this would be her last meeting. The Board said that she would be missed.

X. ADJOURNMENT

There being no further business, the meeting was adjourned at 9:40 p.m.

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May 11, 2006

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for May 16, 2006 Board Meeting

P06-21: REZONING OF .35 ACRES FROM R10 TO C1(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOT 31, PINE ACRES SUBDIVISION, SECTION 2, PLAT BOOK 13/PAGE 20, KNOWN AS 3618 BOONE TRAIL, OWNED BY JERRY D. PIERCE.

The Planning & Inspections Staff recommends approval even though the request is not consistent with the 2010 Land Use Plan based on the following:

1. The area is in transition to light commercial; and
2. The request is consistent with the development trends in the area.

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

Attachments:

- 1 - Rezoning Sketch Map
- 2 - Site Profile

SITE PROFILE

P06-21

REZONING OF .35 ACRES FROM R10 TO C1(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOT 31, PINE ACRES SUBDIVISION, SECTION 2, PLAT BOOK 13/PAGE 20, KNOWN AS 3618 BOONE TRAIL, OWNED BY JERRY D. PIERCE.

Site Information:

Applicant/Owner: JERRY D. PIERCE

Area: .35 +/- acres

Frontage & Location: 87 feet on Boone Trail

Depth: 152 feet

Jurisdiction: County

Adjacent Property: No

Current Use: Residential

Initial Zoning: August 1, 1975 (Area 3)

Zoning Violation(s): None

Nonconformities: If rezoned, this structure becomes nonconforming due to dimensional requirements.

Surrounding Zoning: North-city limits, East-R10, R6A, C1(P)/CU, South-R10, R6, R6A, C1(P), C1(P)/CU, C3 and West-R10

Surrounding Land Use: Church, vacant commercial, car wash, three duplex's, mortgage company, and hair salon

2010 Land Use Plan: Low Density Residential

Urban Services Area: Yes

Water/Sewer Availability: PWC / PWC

Subdivisions: The lot was created prior to 8/22/84. A site plan review shall be required prior to development, if this parcel is rezoned.

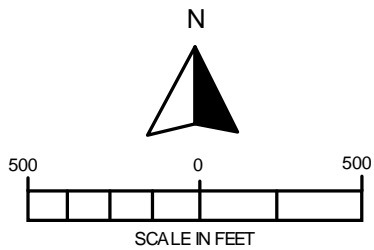
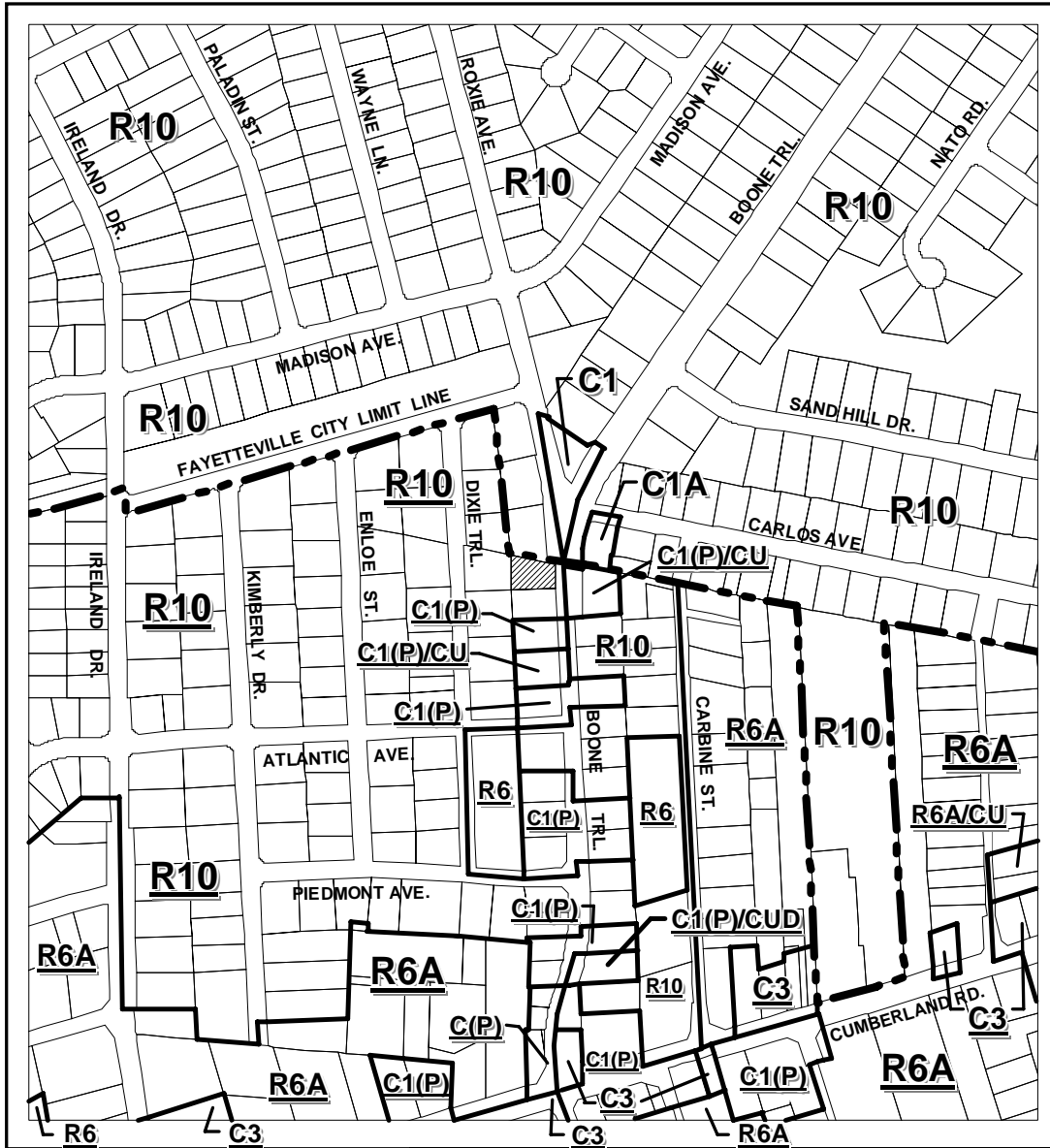
Military Impact Area: No

Highway Plan: Boone Trail is identified as a Major Thoroughfare. This proposal calls for a multi-lane facility with a 110 foot right-of-way. The project is included in the 2006-2012 MTIP. ROW and Construction: Post Year, Unfunded Project

Average Daily Traffic Count (2000): 8,700 on Boone Trail

Notes:

The applicant has been informed the structure will become nonconforming, if rezoned.



REQUESTED REZONING: R10 TO C1(P)

ACREAGE: 0.35 AC.+/-	HEARING NO: P06-21	
ORDINANCE COUNTY	HEARING DATE	ACTION
PLANNING BOARD		
GOVERNING BOARD		

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MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for May 16, 2006 Board Meeting

P06-29: REZONING OF TWO PARCELS TOTALING 5.40 ACRES FROM A1 TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED NORTH OF GODWIN-FALCON ROAD, EAST OF I-95, OWNED BY CLIFTON L. TURPIN, JR.

The Planning & Inspections Staff recommends approval even though the request is not consistent with the 2010 Land Use Plan based on the following:

1. The request is consistent with adjacent zoning in the area and will place the property the petitioner owns in this area under the same zoning classification;
2. The request meets the intent of an activity node at this location; and
3. Falcon water and NORCRESS sewer are now available to the site.

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

Attachments:

- 1 - Rezoning Sketch Map
- 2 - Site Profile

SITE PROFILE

P06-29

REZONING OF TWO PARCELS TOTALING 5.40 ACRES FROM A1 TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED NORTH OF GODWIN-FALCON ROAD, EAST OF I-95, OWNED BY CLIFTON L. TURPIN, JR.

Site Information:

Applicant/Owner: CLIFTON L. TURPIN, JR.

Area: 5.40 acres

Depth: 292 feet

Jurisdiction: County

Adjacent Property: Yes

Current Use: Vacant

Initial Zoning: November 25, 1980 (Area 14)

Zoning Violation(s): None

Surrounding Zoning: North and East-A1, South-A1, R6A and West-A1, R40A, RR, C(P)

Surrounding Land Use: Medium density residential and single family residential

2010 Land Use Plan: Farmland

Urban Services Area: Yes

Water/Sewer Availability: Falcon water / NORCRESS Sewer

School Capacity/Enrolled:

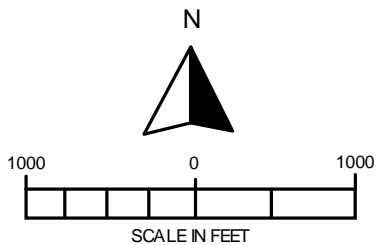
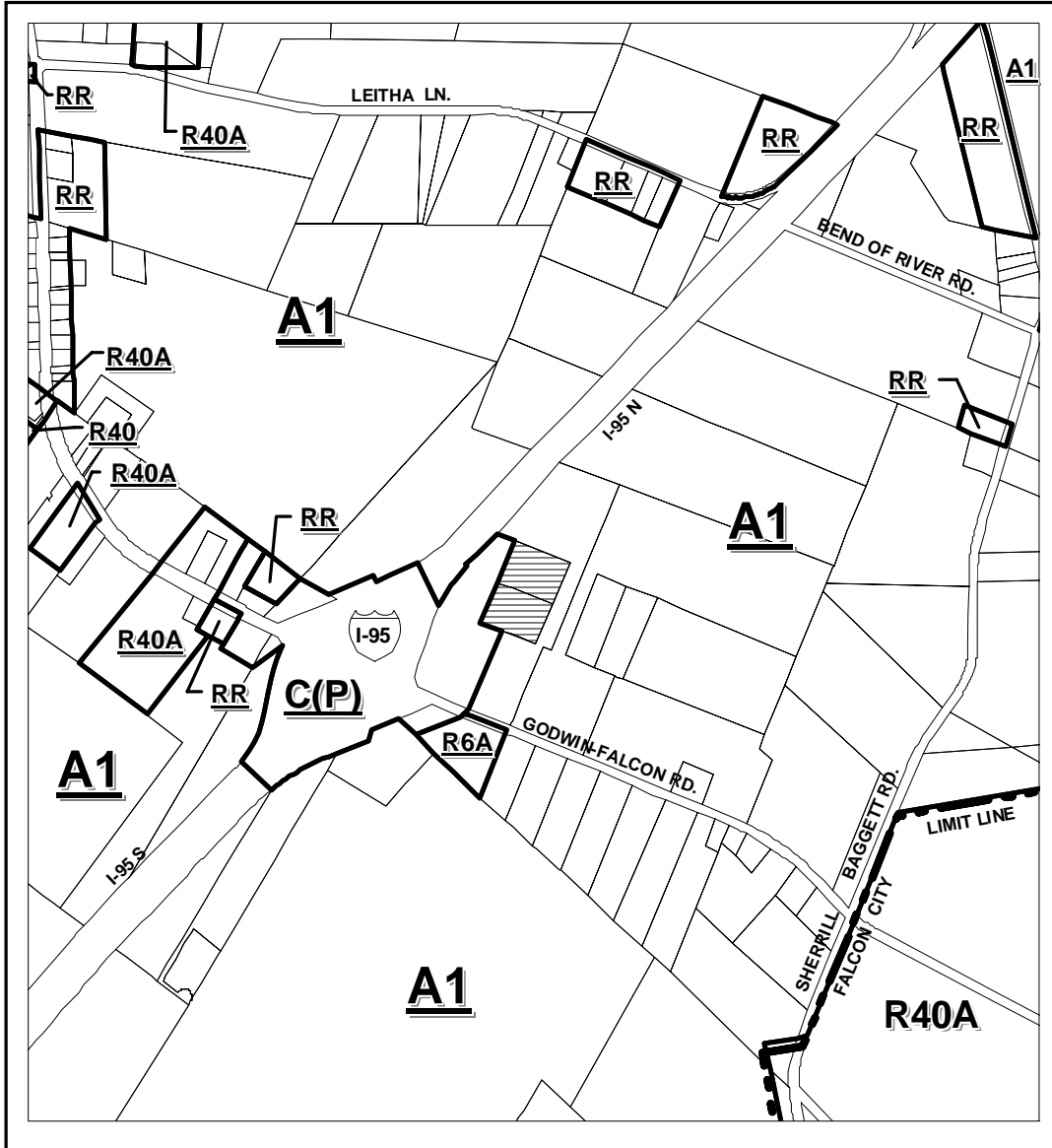
Subdivisions: If the property is rezoned, a C(P) site plan review shall be required prior to development. These lots will need to be recombined and access provided.

Military Impact Area: No

Highway Plan: NC82 is identified as a Major Thoroughfare. The plan calls for widening to a multi-lane facility (Priority 3).

Average Daily Traffic Count (2004): 1,500 on Godwin-Falcon Road

Notes:



REQUESTED REZONING: A1 TO C(P)

ACREAGE: 5.40 AC.+/-	HEARING NO: P06-29	
ORDINANCE COUNTY	HEARING DATE	ACTION
PLANNING BOARD		
GOVERNING BOARD		

PIN: 1502-09-0426
PIN: 1502-09-1732

AF

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

May 11, 2006

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for May 16, 2006 Board Meeting

P06-30: REZONING OF 2.0 ACRES FROM A1 TO A1A, AT 6015 GOLDSBORO ROAD, OWNED BY SCOTTIE GODWIN.

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

1. The request is consistent with the 2010 Land Use Plan; and
2. The request is consistent with the zoning within the general area and the current use of the property.

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

Attachments:

- 1 - Rezoning Sketch Map
- 2 - Site Profile

SITE PROFILE
P06-30

REZONING OF 2.0 ACRES FROM A1 TO A1A, AT 6015 GOLDSBORO ROAD,
OWNED BY SCOTTIE GODWIN.

Site Information:

Applicant/Owner: SCOTTIE S. AND JOYCE J. GODWIN

Area: 2.0 acres

Frontage & Location: 209 feet on Goldsboro Road

Depth: 418 feet

Jurisdiction: County

Adjacent Property: No

Current Use: Residential

Initial Zoning: November 25, 1980 (Area 14)

Zoning Violation(s): None

Surrounding Zoning: Primarily A1 with R40 to the East and RR and RR/CU to the West

Surrounding Land Use: Community center, church and single family residential

Wade Study Area Detailed Land Use Plan: One Acre Residential

Urban Services Area: No

Water/Sewer Availability: Well / Septic Tank

School Capacity/Enrolled: District 7 Elementary 241/247, Mac Williams Middle 1274/1133, Cape Fear High 1400/1507

Subdivisions: A subdivision or group development will be required prior to any permit application.

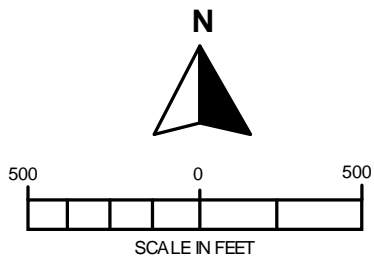
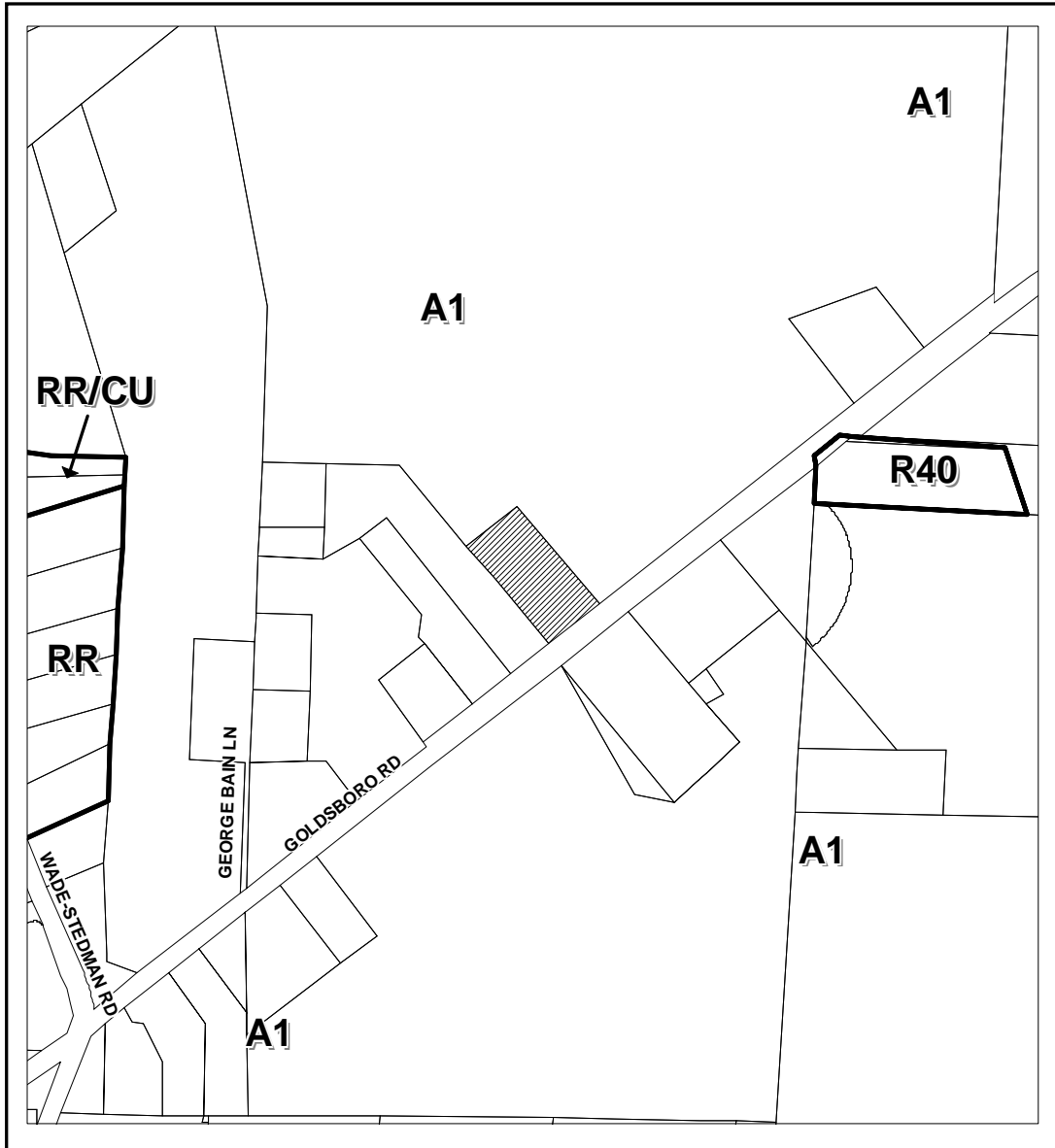
Military Impact Area: No

Highway Plan: Goldsboro Road is identified as a Major Thoroughfare. The plan calls for widening to a multi-lane facility (Priority 3).

Average Daily Traffic Count (2004): 4,200 on Goldsboro Road

Notes:

Density: A1 – 1 lot
 A1A – 2 lots



**REQUESTED REZONING:
A1 TO A1A**

ACREAGE: 2.00 AC.+/-	HEARING NO: P06-30	
ORDINANCE COUNTY	HEARING DATE	ACTION
PLANNING BOARD		
GOVERNING BOARD		

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

May 11, 2006

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for May 16, 2006 Board Meeting

P06-31: INITIAL ZONING OF 33.12 ACRES TO R15, LOCATED NORTH OF CLINTON ROAD, WEST OF WINDWOOD DRIVE, SUBMITTED BY THE TOWN OF STEDMAN, OWNED BY FAIRLANE DEVELOPMENT, LLC. (STEDMAN)

The Planning & Inspections Staff recommends approval of the request although it is not consistent with the 2010 Land Use Plan based on the following:

1. The request is consistent with the zoning and uses within the general area; and
2. Stedman utilities are available to the site.

There are no other appropriate districts to be considered for this site.

Attachments:

- 1 - Rezoning Sketch Map
- 2 - Site Profile

SITE PROFILE
P06-31

INITIAL ZONING OF 33.12 ACRES TO R15, LOCATED NORTH OF CLINTON ROAD, WEST OF WINDWOOD DRIVE, SUBMITTED BY THE TOWN OF STEDMAN, OWNED BY FAIRLANE DEVELOPMENT, LLC. (STEDMAN)

Site Information:

Applicant/Owner: TOWN OF STEDMAN / FAIRLANE DEVELOPMENT, LLC

Area: 33.12 acres

Frontage & Location: 299 feet on Clinton Road

Depth: 3,300 feet

Jurisdiction: Stedman

Adjacent Property: No

Current Use: Vacant

Initial Zoning: September 3, 1996 (Area 20)

Zoning Violation(s): None

Surrounding Zoning: North and West-A1, East-A1, RR, R15, R10, C3 and South-A1, R10, C1(P)

Surrounding Land Use: Satellite sales, funeral home, vacant commercial, dentist office and single family residential

Stedman Area Detailed Land Use Plan: Suburban Density Residential

Urban Services Area: Yes

Water/Sewer Availability: Stedman utilities

School Capacity/Enrolled: Stedman Primary 132/140, Stedman Elementary 266/283, Mac Williams Middle 1274/1133, Cape Fear High 1400/1507

Subdivisions: A subdivision or group development review will be required prior to issuance of any permits.

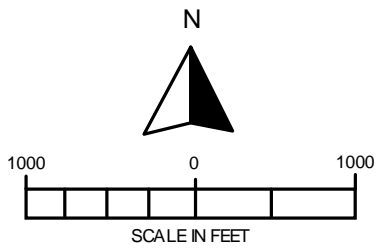
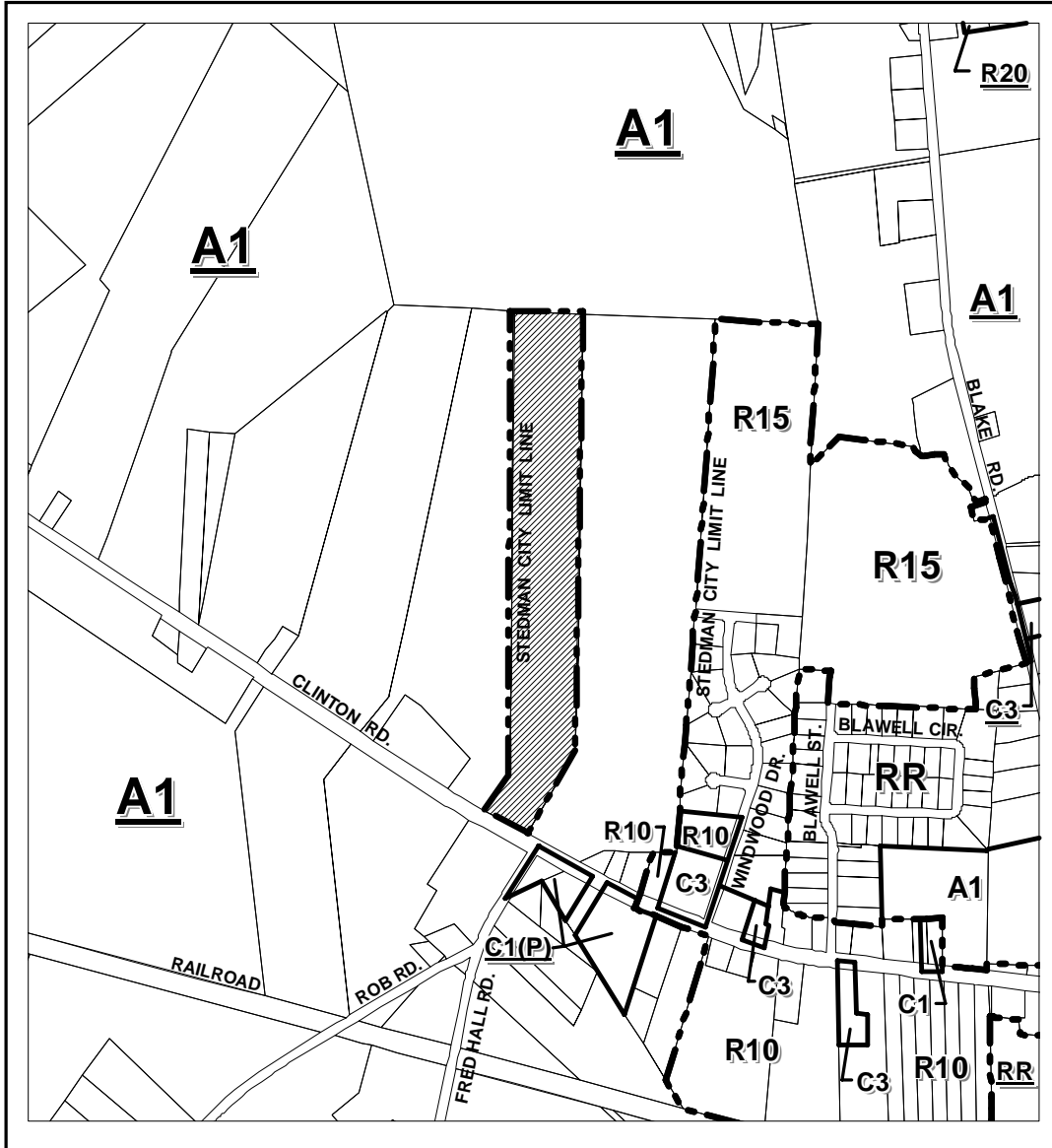
Military Impact Area: No

Highway Plan: Highway 24 is identified as a Major Thoroughfare. The plan calls for widening to a multi-lane facility (Priority 1).

Average Daily Traffic Count (2004): 13,000 on Clinton Road

Notes:

Density minus 20% for roads: R15 – 76 lots



INITIAL ZONING TO R15

ACREAGE: 33.12 AC.+/-	HEARING NO: P06-31	
ORDINANCE: STEDMAN	HEARING DATE	ACTION
PLANNING BOARD		
GOVERNING BOARD		

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

May 11, 2006

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for May 16, 2006 Board Meeting

P06-32: REZONING OF 1.99 ACRES FROM PND TO RR OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 231 LONGHILL DRIVE, OWNED BY WILLIAM R. WHITE.

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

1. The request is consistent with the 2010 Land Use Plan; and
2. The request is consistent with the zoning within the general area and the current use of the property.

R20, R20A and R15 would also be suitable for this site.

Attachments:

- 1 - Rezoning Sketch Map
- 2 - Site Profile

SITE PROFILE
P06-32

REZONING OF 1.99 ACRES FROM PND TO RR OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 231 LONGHILL DRIVE, OWNED BY WILLIAM R. WHITE.

Site Information:

Applicant/Owner: WILLIAM R. WHITE

Area: 1.99 acres

Frontage & Location: 125 feet on Longhill Drive

Depth: 686 feet

Jurisdiction: County

Adjacent Property: Yes

Current Use: Vacant

Initial Zoning: August 21, 1972 (Area 1)

Zoning Violation(s): None

Surrounding Zoning: North-PND, PND/CU, C1(P), East and South-RR, PND, M2, and West-RR, PND, C(P)

Surrounding Land Use: Auto service, riding club and single family residential

2010 Land Use Plan: Suburban Density Residential

Watershed Area: Yes

Urban Services Area: Yes

Water/Sewer Availability: PWC / PWC

School Capacity/Enrolled: Raleigh Road Elementary 258/227, Long Hill Elementary 452/491, Pine Forest Middle 763/853, Pine Forest High 1750/1742

Subdivisions: A subdivision or group development review shall be required prior to any development.

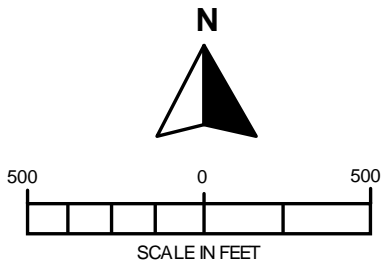
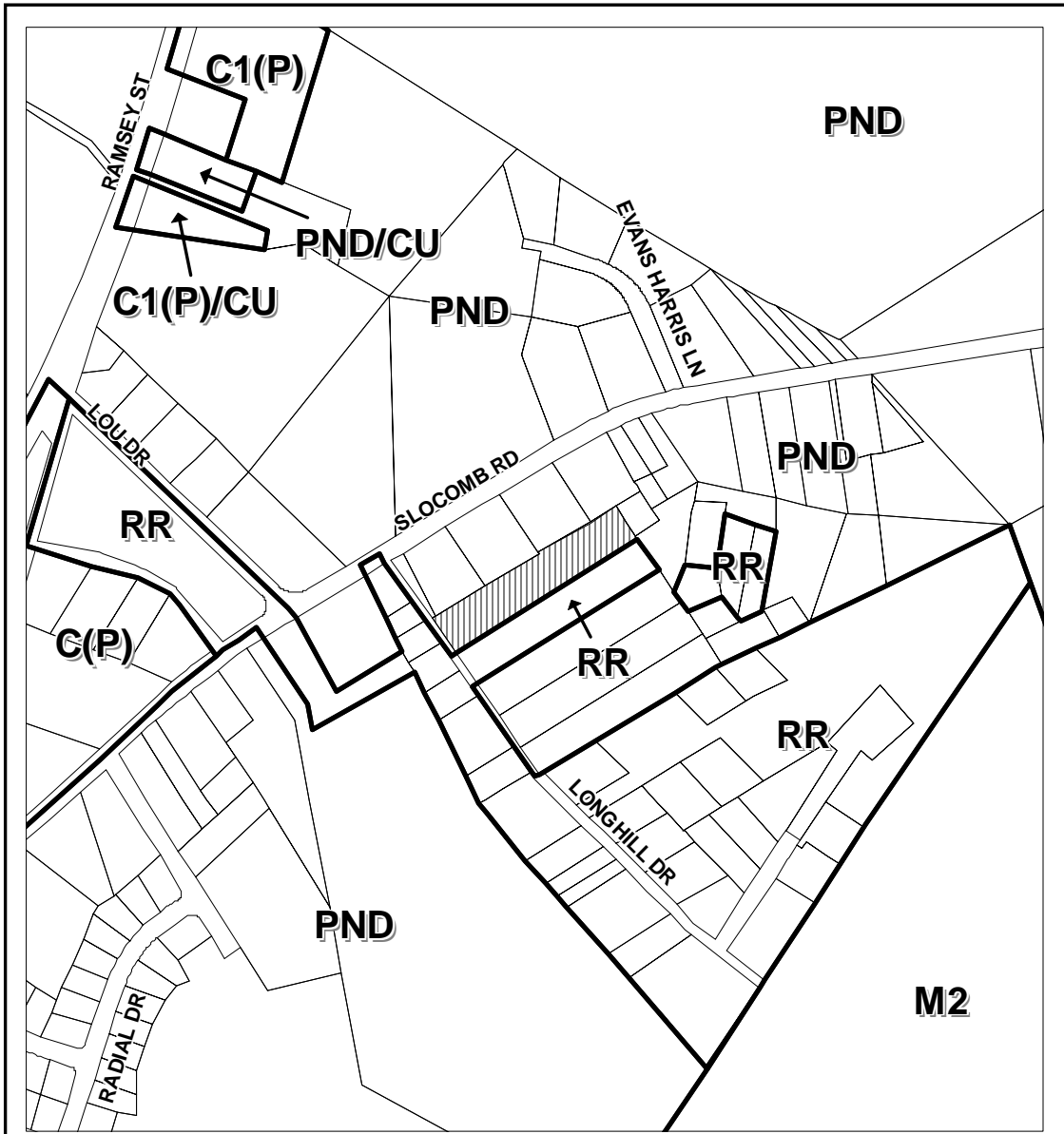
Military Impact Area: Yes

Ft. Bragg/Pope AFB: No objections to this case

Highway Plan: No road improvements or new constructions are specified for this area.

Notes:

Density: PND – 8 lots / 9 units
 RR – 7 lots / 4 units



**REQUESTED REZONING:
PND TO RR**

ACREAGE: 1.97 AC.+/-		HEARING NO: P06-32	
ORDINANCE: COUNTY		HEARING DATE	ACTION
PLANNING BOARD			
GOVERNING BOARD			

PIN: 0542-50-1636

SP

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

May 11, 2006

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for May 16, 2006 Board Meeting

P06-35: REZONING OF 6.70 ACRES FROM A1 TO A1A, LOCATED AT 8778 HAWKINS ROAD, SUBMITTED BY MICHAEL J. ADAMS, OWNED BY MARY A. WILSON.

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

1. The request is consistent with the 2010 Land Use Plan; and
2. The request is consistent with the zoning within the general area and the current use of the property.

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

Attachments:

- 1 - Rezoning Sketch Map
- 2 - Site Profile

SITE PROFILE
P06-35

REZONING OF 6.70 ACRES FROM A1 TO A1A, LOCATED AT 8778 HAWKINS ROAD, SUBMITTED BY MICHAEL J. ADAMS, OWNED BY MARY A. WILSON.

Site Information:

Applicant/Owner: MICHAEL J. ADAMS / MARY A. WILSON

Area: 6.70 acres

Frontage & Location: 81 feet on Hawkins Road

Depth: 1,933 feet

Jurisdiction: County

Adjacent Property: No

Current Use: Residential

Initial Zoning: December 17, 2001 (Area 16)

Zoning Violation(s): None

Surrounding Zoning: Primarily A1 with some R40A and C(P) to the West

Surrounding Land Use: Single family residential

2010 Land Use Plan: Farmland

Water/Sewer Availability: Well / Septic Tank

School Capacity/Enrolled: Raleigh Road Elementary 258/227, Long Hill Elementary 452/491, Pine Forest Middle 763/853, Pine Forest High 1750/1742

Subdivisions: This property was created 7/31/97. See case 06-059 for current subdivision and group development proposal. This case is pending full approval due to the rezoning.

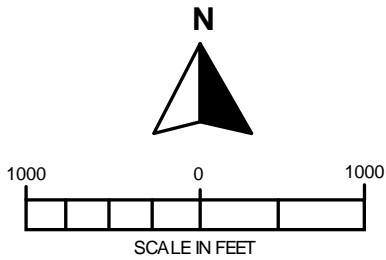
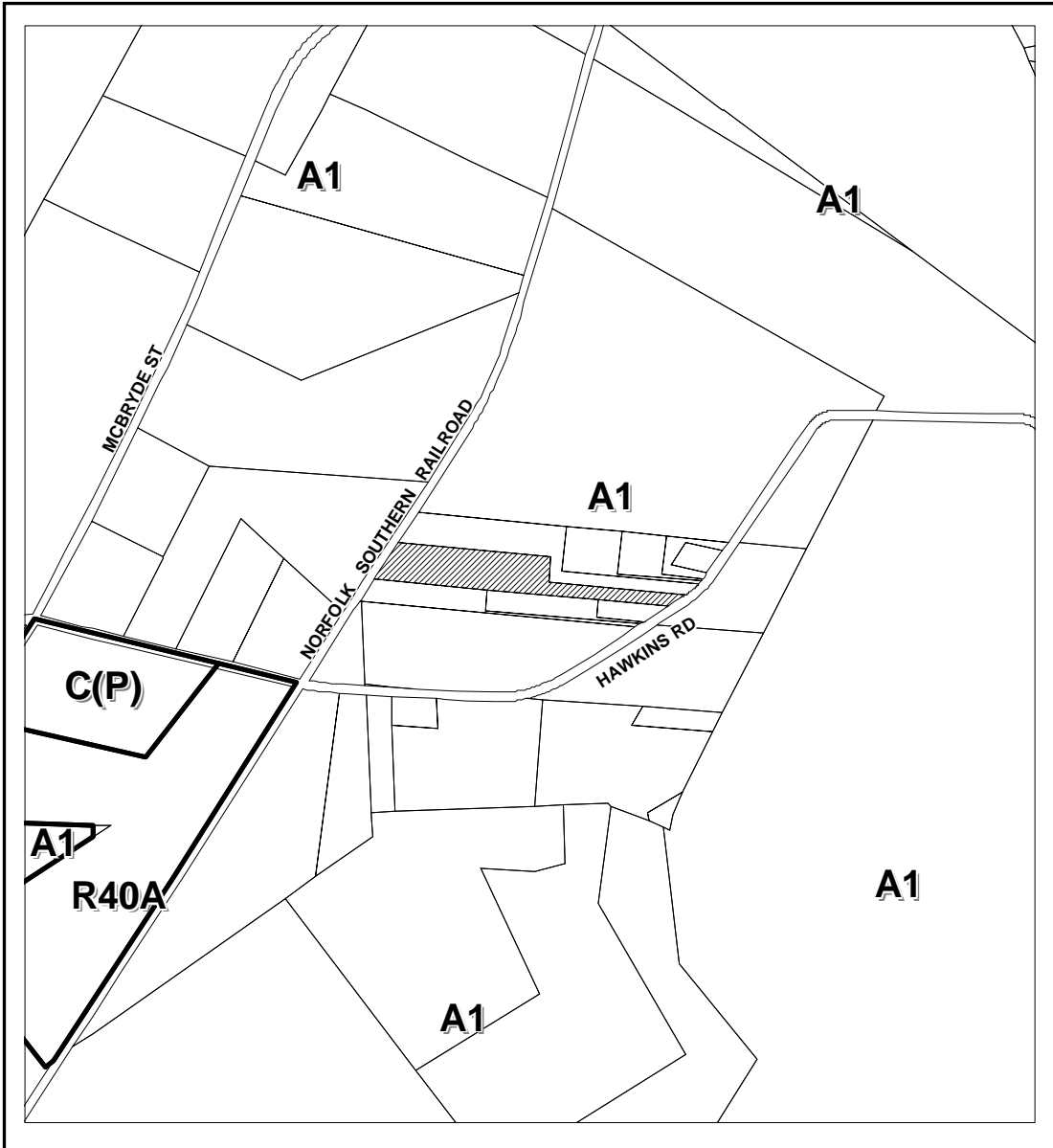
Military Impact Area: No

Highway Plan: No road improvements or new constructions are specified for this area.

Average Daily Traffic Count (2004): 260 on Hawkins Road

Notes:

Density: A1A – 6 lots / 7 units



**REQUESTED REZONING:
A1 TO A1A**

ACREAGE: 6.71 AC.+/-		HEARING NO: P06-35	
ORDINANCE: COUNTY		HEARING DATE	ACTION
PLANNING BOARD			
GOVERNING BOARD			

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

May 11, 2006

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for May 16, 2006 Board Meeting

P06-36: INITIAL ZONING OF ALL PROPERTIES WITHIN THE CORPORATE LIMITS OF THE TOWN OF LINDEN AND ADOPTION OF THE TOWN OF LINDEN ZONING ORDINANCE. (LINDEN)

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

1. The request has been initiated by the Town of Linden Zoning Committee; and
2. The request is consistent with the zoning within the general area and the current use of the property; and
3. Adoption of the proposed zoning and the text will aid protecting the rural nature of the Town and provide a mechanism for the orderly growth of the Town.

The Planning & Inspections Staff recommends denial of the Request for Change, Case P06-36-A based on the following:

1. The request is inconsistent with the portion of the property located outside the Town of Linden; and
2. The higher density would be inconsistent with the general area and current use of the area.

Attachments:

- 1 - Rezoning Sketch Map
- 2 - Site Profile

SITE PROFILE
P06-36

INITIAL ZONING OF ALL PROPERTIES WITHIN THE CORPORATE LIMITS OF THE TOWN OF LINDEN AND ADOPTION OF THE TOWN OF LINDEN ZONING ORDINANCE. (LINDEN)

Site Information:

Applicant/Owner: TOWN OF LINDEN

Area: 248.98 acres

Jurisdiction: Linden

Zoning Violation(s): None

Surrounding Zoning: Primarily A1 with some R40, R40A, RR and R6A

Surrounding Land Use: Cemetery, church (2), school, logging company, town hall, fire department, community building, vacant commercial (3), post office, auto repair (2), duplex, vacant commercial, bed and breakfast, no name commercial, and sub station

2010 Land Use Plan: Light Commercial, Light Industrial, Governmental, Low Density Residential

Urban Services Area: Yes

Water/Sewer Availability: Town of Linden water / septic

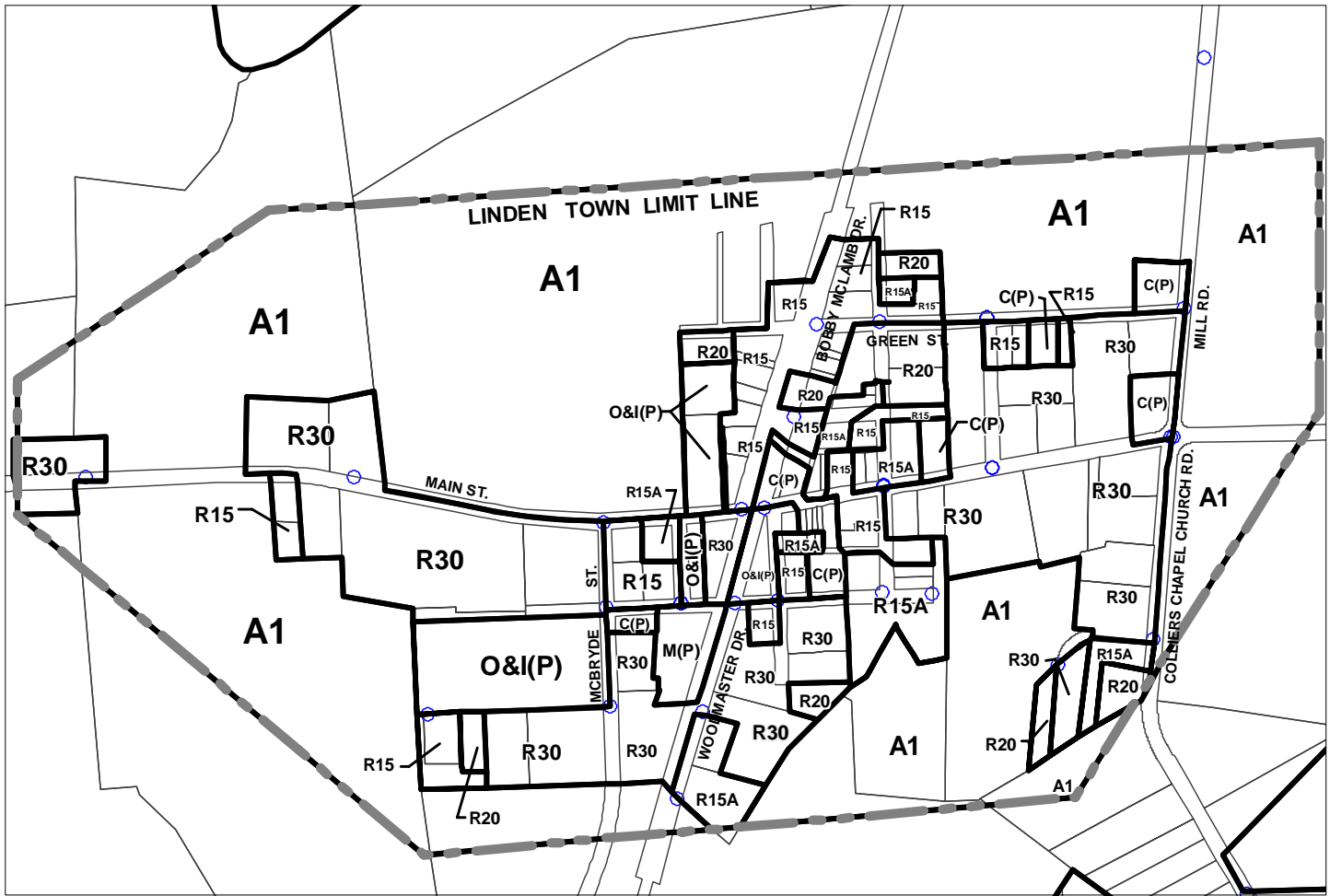
School Capacity/Enrolled: Raleigh Road Elementary 258/227, Long Hill Elementary 452/491, Pine Forest Middle 763/853, Pine Forest High 1750/1742

Military Impact Area: No

Highway Plan: No road improvements or new constructions are specified for this area.

Average Daily Traffic Count (2004): 390 on McBryde Street, 1800 on Main Street, 380 on Colliers Chapel Church Road

Notes:



A1 - Agricultural District
 R30 - Residential District
 R20 - Residential District
 R15 - Residential District
 R15A - Residential District (Incl. MH)

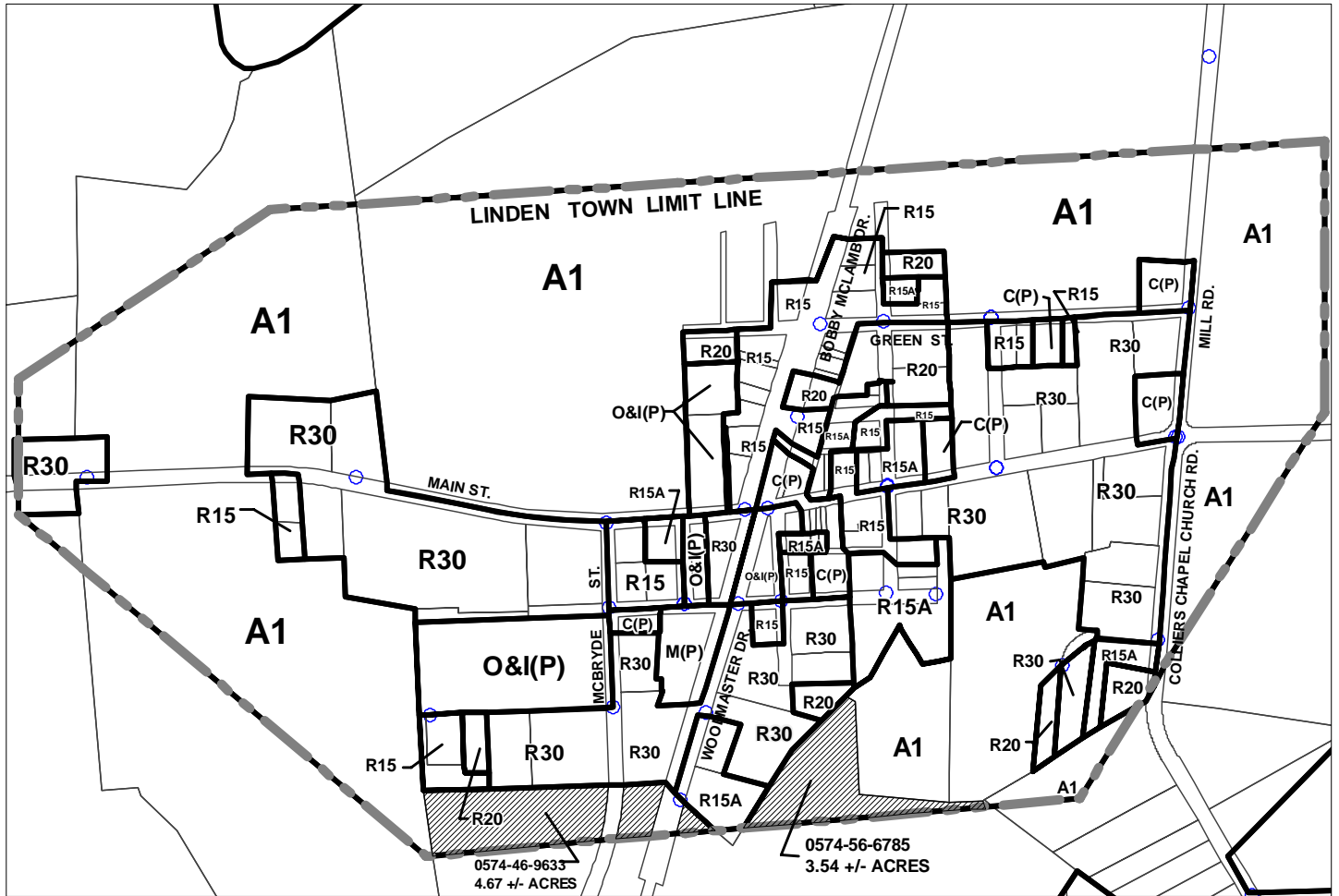
O&I(P) - Planned Office & Institutional District
 C(P) - Planned Commercial District
 M(P) - Planned Industrial District

INITIAL ZONING

SCALE: 1"=500'

HEADING NO: P06-36

ORDINANCE	LINDEN	HEARING DATE	ACTION
PLANNING BOARD			
GOVERNING BOARD			



- A1 - Agricultural District
- R30 - Residential District
- R20 - Residential District
- R15 - Residential District
- R15A - Residential District (Incl. MH)

- O&I(P) - Planned Office & Institutional District
- C(P) - Planned Commercial District
- M(P) - Planned Industrial District

REQUESTED REZONING A1 TO R15A

SCALE: 1"=500'

HEADING NO: P06-36-A

ORDINANCE: LINDEN

HEARING DATE

ACTION

PLANNING BOARD

GOVERNING BOARD

Resolution
of the
Town of Linden Zoning Committee

Recommending a Zoning Ordinance, through the Cumberland County Joint Planning Board, to the Town Board of Commissioners, and Concerning the Desirability of Periodically Reviewing the Town of Linden Zoning Ordinance

WHEREAS, The Town Board of Commissioners and Joint Planning Board deem it of utmost importance to provide for the quality of life of all current and future residents of the Town of Linden and Cumberland County; and

WHEREAS, The Town's land use regulations shape development of our community and thereby contribute to the community's quality of life; and

WHEREAS, The Town has recognized the need for zoning measures to be considered for adoption in an effort to protect the properties within the Town; and

WHEREAS, The Town Zoning Committee has met many times within the past couple of years and has proposed the attached Zoning Ordinance through the Joint Planning Board and to the Town Board; and

WHEREAS, The Town Zoning Committee held four citizen meetings, with all Town property owners being notified, relating to the new Ordinance and incorporated numerous changes, some suggested by citizens and some by individual Committee members; and

WHEREAS, The Town of Linden Zoning Committee pledges to review the Town's Zoning Ordinance each year, on or about the anniversary of its adoption by the Town Board of Commissioners, to ensure that it continues to meet the needs of our citizens;

NOW, THEREFORE, BE IT RESOLVED, that the Town of Linden Zoning Committee unanimously approves the recommendations contained in the Draft Zoning Ordinance, dated February 28, 2006, and recommends its adoption by the Town Board of Commissioners after public hearing and consideration by the Town Board.

Signed this 10th day of April, 2006.


Charles Powers, Chairman

Town of Linden Zoning Committee Members

Mr. Charles Powers, Chairman
Commissioner David Raynor
Commissioner Frances Collier, Mayor Pro Tem

Commissioner Barbara Denning
Commissioner Ronnie Maness

Town of Linden Initial Zoning and Text

Background

The Town created a "Zoning Committee" approximately two years ago. The individuals serving as Town Commissioners at that time were appointed as members of the committee with staff support being provided by County Planning & Inspections. Besides the primary purpose of providing for the public health, safety and general welfare, the Town leaders wish to protect the rural character of the Town, and to protect the quality of the environment, while encouraging the orderly development of the properties in and around the Town.

Districts

The Planning & Inspections Staff surveyed the land use of all properties within the Town. Emphasis was placed on the current use and size of each tract when considering the proposed initial zoning. The committee is recommending the following districts:

CD	Conservancy District
A1	Agricultural District
R30	Residential District
R20	Residential District
R15	Residential District
R15A	Residential District
O&I(P)	Planned Office & Institutional District
C(P)	Planned Commercial District
M(P)	Planned Industrial District

Text

Once the districts were initially agreed upon, drafting of the text began. The County's June 20, 2005 Zoning Ordinance was used as the base text in an effort to simplify future reviews and enforcement. The major differences, besides fewer districts, are:

1. The "use matrix" (list of permitted uses) consists of considerably fewer uses than what is allowed in the County (examples of non-permitted uses: bakery production and wholesale sales; borrow source operations; dry cleaning and laundry, self-service; kennel operations; manufactured homes, class C; motor vehicle storage yards and wrecking yards and junkyards; quarry operations; sanitariums; septage disposal sites, etc.);
2. Standards for open-air farmers' markets have been added;
3. Small home day cares are allowed with five or less persons; day care facilities are defined as caring for six or more persons;
4. Standards for mixed-use developments and planned neighborhood developments are not included but article numbers have been reserved for future use;
5. Sexually oriented businesses will be permitted in the M(P) district only with separation distances between like businesses the same as the County but separation distances from residences, churches, parks, etc. is proposed at 100 feet (Note: The 100-foot requirement limits sexually oriented businesses to one possible site inside the Town limits);
6. Billboards will not be permitted within 1,000 feet of NC Highway 217; and
7. The Town Board will be the final approval authority for all site plans, zoning amendments, text amendments, and will act as their own Board Of Adjustment when necessary. CCP&I Staff will process the cases and the County Joint Planning Board will hear zoning & text amendments and issue recommendations to the Town Board.

Citizen Meetings

Four citizen meetings were held between February 3, 2005 and April 10, 2006. All property owners of tracts in the Town's jurisdiction were notified of the time and date for each meeting. (Comments from the citizens are attached to these notes.)

Committee's Final Meeting

The last Zoning Committee meeting was held on April 10, 2006. The committee by resolution, pledged to review the Ordinance each year on or about the anniversary date of the initial adoption and the majority of the voting members present recommended sending the zoning map and text to public hearing.

Linden Citizen's Comments

February 3, 2005 Meeting

1. Jacob Ulvestad (0574-58-6246) 9540 Bobby McLamb Drive

Question:

- a. Considering building carport close to property line – would new regulations prevent that?

Response:

Yes. If attached to the home, the required setbacks for the zoning district would have to be met (i.e. R15A setbacks) (p. 81, Section 1004); if detached, accessory building setbacks are 20' front yard, side yard, & any side street, and 5' other property lines and from other structures. (p. 70, Section 1102, "H")

Question:

- b. Questioned whether citizens would be allowed to have farm animals.

Response:

The proposed zoning ordinance does not address farm animals. The only animal named in entire ordinance is "dogs". (See "kennel" definition, p. 14; also see p. 57, Section 812)

Question:

- c. Would citizens be able to replace their home with a manufactured home if something happened to their existing home?

Response:

Yes, in some cases. If the zoning allowed for a manufactured home, then a manufactured home could definitely be placed on the lot; if the zoning does not allow for manufactured homes but there was previously a manufactured home on the lot and the manufactured home use had not ceased for a period of one calendar year, then a Class "A" (double-wide) manufactured home could be located on the lot if the setbacks for the zoning district are met; if the zoning does not allow for manufactured homes and there was not a manufactured home previously on the lot or the manufactured home use has ceased for more than a one year period, then a manufactured home would not be permitted on the lot. (p. 72-73, Section 904)

Question:

- d. Would citizens who are operating home occupations currently or those who wish to do so in the future be able to do so?

Response:

Yes, any legitimate use of property would be "grandfathered", known as "nonconforming" in the zoning ordinance. However, there are restrictions which may affect any future plans, such as increasing the nonconformity. (p. 71, Section 903). Also home occupations are permitted so long as the specific criteria listed in the ordinance is met (p. 70, Section 902 A).

2. E. D. Hawkins (0574-67-8120) 10699 Colliers Chapel Church Road

Question:

- a. Wanted to have the choice of rebuilding or pulling in a manufactured home if something happened to his current home.

Response:

See item “c” under Jacob Ulvestad above.

Question:

- b. Mentioned that he used to have pigs and may want to again.

Response:

See item “b” under Jacob Ulvestad above.

3. Elvin Gainey (0574-58-7110)

Question:

- a. Asked for an explanation of the “Grandfather Clause”

Response:

The term “grandfather” in this context is technically known as “nonconforming”. Uses and use of property which are deemed as nonconforming generally are allowed to continue so long as the nonconformity is not increased. Certain nonconforming uses which may affect the surrounding area more so than most nonconformities can be required to take measures to lessen the effect on the surrounding area, such as emplacement of buffers, etc. (See p. 87, paragraph “G”, County Zoning Ordinance). Sections 903 and 904 (pages 71-74) cover nonconforming uses.

Question:

- b. Asked if she would be able to replace her home with a manufactured home if her current home was destroyed by any cause.

Response:

See item “c” under Jacob Ulvestad above.

(Note: Ms. Gainey submitted request for change to R15M Residential District)

February 9, 2005 Meeting

1. Jacob Ulvestad (0574-58-6246) 9540 Bobby McLamb Drive

Question:

- a. Wondered if they can pick and choose what they want within the Linden Ordinance?

Response:

I explained the importance of citizen input because the final say on the zoning ordinance was up to the Town Board and if no one came by and raised questions or concerns the Board would have to determine on their own what was included

and/or excluded from the ordinance. I also encouraged him to get other residents to attend the meetings. (p.1, Section 103)

Question:

b. Questioned whether residential subdivisions would be allowed in the A1 district?

Response:

Yes, residential uses are allowed in the A1 district as a permitted use (p. 32, "Dwelling, Single Family & Multiple Family). The A1 district requires 1 (County is 2 acres) acres per lot and/or residential dwelling unit (p. 81, Section 1004)

Question:

c. Requested an explanation of the "Nonconforming" sections of the Ordinance regarding the one-year time frame. He noted that property owners serving overseas may be over there a year or more.

Response:

This question is referring to p. 72, Section 903, paragraphs "E" and "F". "E" refers to structures and "F" to use. Neither could be reconstructed or resumed if not began within in a one-year time frame.

Question:

d. Wanted a copy of the NCGS on vested rights and asked for them to be emailed to him at: jacobulvestad@yahoo.com (E-mailed: 2/10/05)

Response:

The text governing vested rights is attached to this document.

2. Vernon Raynor (0574-57-3914)

Question:

a. How would the value of his property change if he had it zoned commercial?

Response:

I could not give him an answer since I do not know that much about taxes. Since then I have found out that there is not simple answer to this question. Joe Utley, an appraiser with the Tax Office, faxed me the factors used for residential zoning as they relate to taxes. He also explained to me there is not a chart used for "non-residential" purposes and no "set formula". He stated that many factors are taken into account when setting the taxes on commercial property, such as: exact type of commercial use, type of construction of the building, location, etc. He further stated he or Steve Morehouse would be happy to answer any questions regarding the effect of zoning on taxes.

Question:

b. If the property was zoned commercial could he put a house on the property at a later date?

Response:

No, the “Use Matrix” shows that residential use would not be permitted in the commercial or industrial districts (p, 32, Section 403, Dwelling, Single Family & Multiple Family).

Question:

- c. What is the difference between home occupation and hobby, i.e., restoring old vehicles?

Response:

True “hobbies” are not regulated by zoning; whereas home occupations are. By common definition, “hobbies” are pursued for pleasure; therefore, at the point it becomes an occupation (i.e., generating income) then the standards for “home occupations” would apply (p. 70, Section 902 A).

Question:

- d. What are the advantages of getting zoning?

Response:

Section 101 of the draft ordinance establishes the intent and purpose of zoning (p. 1)

Question:

- e. What are the differences between commercial and industrial?

Response:

For zoning purposes, industrial uses are typically those uses that include: manufacturing, processing, fabrication, assembly, construction, contracting building trades; whereas, commercial is generally sales and/or service type uses. The “Use Matrix” specifies the different uses allowed in commercial and those for industrial (pp.31-36, Section 403).

Question:

- f. What are the steps to initial zoning? After the adoption, what happens next?

Response:

By State statutes, there must be two public hearings, each advertised twice, prior to the Town’s adoption of the zoning text and map. The Town Board has the final word on the zoning map and the Ordinance and all criteria contained within it. Once adopted and finalized, any changes requested to zoning and any new development, other than residential on an existing lot, would require some type of review and approval. One issue which must be decided is if the Town wants the Planning Staff to review the plans for compliance and then present the cases to the Board. (Note: This is how the draft is written.)

Question:

- g. We (The citizens) are concerned about learning additional rules after it has already been adopted – worried about the text of the Ordinance.

Response:

There most likely will be changes up until and including at the final hearing on the text and map by the Town Board. I explained the importance of staying involved and attending the hearings. Also, anyone can petition the Town Board for amendments once the Ordinance is adopted at any time. The Town Board can also initiate amendments to the Ordinance after it is adopted.

Question:

h. Will people lose authority over their land?

Response:

Ordinance and zoning map for the Town and to protect the citizens from what they may see as undesirable for the area. All citizens are encouraged to continue to participate in the adoption process and to inform their elected officials of their concerns and desires. Again, all rules contained within the Ordinance must be adopted by the Town Board and the Ordinance may be amended through the public hearing process.

Question:

i. When is the next citizens' meeting? Will a copy of the draft ordinance be available at the next meeting?

Response:

The final citizens' meeting (with the draft of the text) was held on March 10, 2005.

3. David Raynor (0574-47-9136)

Question:

a. If people lost their home from fire, could they rebuild?

Response:

See response to Ulvestad on page 3, item "c".

Question:

b. What is the significance of zoning my land industrial instead of commercial?

Response:

Different uses would be allowed depending on the district (pp. 31-36) and generally the yard setback requirements are greater for industrial than residential (p. 81, Section 1004).

4. David A. Senter (0574-46-9633/0574-56-6785) (via letter dated Feb 7, 2005)

Question:

a. Notice of citizens' meeting mailed to the "wrong" address.

Response:

All mail outs, including the notices of the citizens' meetings, have been/will be taken from the tax records. State statutes require notices are to be mailed to the

“tax record holder at the tax record address”. Mr. Senter has since given me a “good” mailing address for him.

Question:

- b. In one statement requested R15M but in another requested same zoning as County portion – not clear.

Response:

I spoke to Mr. Senter on the phone and explained that A1 is proposed for his family’s two tracts since the majority of the tracts are outside the town limits and are already zoned A1 (see proposed zoning map).

Question:

- c. Concerned about the impact on low-income and minority groups - no explanation to this statement.

Response:

In a phone conversation, I explained that affordable housing is thoroughly addressed in the zoning text and clearly reflected on the zoning map – R15M allows manufactured homes. I also explained that neither “minorities” nor “race” is a zoning issue and it would not be appropriate to contain language in a zoning ordinance addressing such.

March 10, 2005 Meeting

- 1. Leo Jackson (0574-46-1971/0574-46-6858)

Question:

- a. Wanted to make sure he could put a manufactured home on his rear lot.

Response:

I showed him that “R15A” zoning is being proposed for this lot (see proposed zoning map).

Question:

- b. Wanted assurance that adoption of zoning could not stop what was already in place (“grandfathering”) but could prevent certain uses from starting up.

Response:

See item “a” under Ms. Gainey above.

Question:

- c. Concerned about his hunting dogs – currently has 12, Ordinance restricts more four or more.

Response:

The definition of kennel, as proposed, generally a person to no more than four dogs. As related to “grandfathering”, Mr. Jackson would be okay unless he increased the number; however, the burden would be on Mr. Jackson to show that he owned the dogs prior to the Ordinance becoming effective. Typically, this is accomplished by proof of registration for tax purposes. For obvious reasons, this may cause problems. One solution could be to exclude “pets” from the definition

and only address “kennels” as those that breed, board, etc. for profit. (page 14, kennels)

2. Charles Powers (0574-47-6539) 4682 Linden Rd

Question:

- Wanted to make sure that a Bed and Breakfast was allowed in the residential districts.

Response:

Yes, they are allowed. See page 31, “Bed and Breakfast” uses are allowed in the agricultural, residential and office/institutional districts. There is specific criteria listed in Section 803, page 53.

February 28, 2005 Telephone Conversation

- Judy Raynor (0574-37-6786) 4586 Linden Rd

Question:

- Submitted, per telephone conversation, a verbal request for her property to be initially zoned to allow for manufactured homes, stated that she may want to place a manufactured home on her property for one of her children in the future.

Response:

I told her I would complete a “Request for Change” for her and bring this to the Committee’s attention.

April 10, 2006 Meeting

1. Judy Raynor (0574-37-6786) 4586 Linden Rd

Question:

Ms. Raynor questioned the difference between “manufactured” versus “modular” homes. Stated if she could be assured that she could have a modular home in the zoning district proposed for her property she was okay with the zoning.

Response:

I explained that “manufactured” homes are built to HUD standards and not built to building code standards; “modular” are treated as any other “stick-built” home and are built to state building code standards. I also showed her the use matrix and definitions of both.

(Ms. Raynor withdrew her request for R15A on or about April 24, 2006 per phone conversation.)

2. Keith Raynor (0574-56-2667 & 0574-57-3188) 9360 Woodmaster Dr

Mr. Raynor stated he dropped by to show his support for the proposed zoning map and text.

3. William Palmer (0574-48-9973) 5264 McBryde St

Mr. Palmer questioned the need for zoning in the Town and stated he felt the emphasis focus should be on providing sewer to Town and County residents in the area.

4. Benjamin Inderbitzen (0574-58-7407) 9566 Bobby McLamb Dr

Question:

- a. Mr. Inderbitzen wanted to know the effect of zoning on tax appraised values of properties.

Response:

I told him the proper authority to answer this question is the tax office and I would get him the individual name and phone number at the tax appraiser who works that area. (He stated that wasn't necessary.)

Question:

- b. Mr. Inderbitzen asked for the definition of "lot". He noted a lot adjacent to his property.

Response:

I read and explained the definition to Mr. Inderbitzen.

Question:

- c. Mr. Inderbitzen questioned whether any of the zoning districts on the proposed map would allow for manufactured homes even if there currently was no manufactured home on the property.

Response:

I told him "yes" there were at least a couple. I explained that some property owners had specifically requested a zoning district that would allow for manufactured homes and the Committee voted to propose the zoning district for those properties. I further explained that the vast majority of the properties were being proposed for a zoning district that allowed the current use of the property.

- d. Mr. Inderbitzen stated that he was "okay" with "zoning".

5. Elizabeth "Betsy" Small (0574-68-2225) 4835 Main St

Question:

- a. Ms. Small questioned the difference between "manufactured" versus "modular" home.

Response:

(See item 1, response to Ms. Raynor, above)

Question:

- b. Ms. Small questioned how replacement with a modular and/or manufactured home would be handled after a "stick-built" home was burned or damaged.

Response:

I explained the replacement structure would be required to comply with zoning. I also explained that if a damaged structure was nonconforming and was not damaged by more than 50% it could be repaired.

Question:

- c. Ms. Small wanted to know what uses would be allowed under the proposed zoning on the old school property. Hair salons?

Response:

I explained the school property is proposed for O&I(P) zoning and we went over the use matrix. Hair salons and barbers were not listed as a permitted use in the draft ordinance.

Question:

- d. Ms. Small asked who the “County Code Enforcement Coordinator” is.

Response:

I explained that Mr. Ken Sykes is the “County Code Enforcement Coordinator” and that his section would be responsible for enforcement of the Ordinance.

Question:

- e. Ms. Small asked for an explanation of the term “Municipal Influence Area” (MIA).

Response:

I explained MIA using examples of the other small municipalities in the County. I further explained the importance of MIA as related to annexations.

6. Merri Jo Powers (0574-47-6539) 4682 Linden Rd

Mrs. Powers stated she was “pro zoning” and wanted to show her support by attending the meeting.

7. Robin Hough (0574-47-9502) 4703 Long St

Question:

- a. Mrs. Hough questioned the applicability of zoning to storage sheds.

Response:

I explained that basically any accessory building would have to be five feet from the side and rear property lines, and from any other structure and could not be in a front yard.

- b. Mrs. Hough stated she supports the zoning effort.

8. Amberly Hough 4703 Long St

Ms. Hough stated she was in attendance to show her support for the zoning effort.

9. Brian Raynor

Stated he wasn't a citizen of Linden; however, he lives, owns property and has business interest in the area immediately outside of the Town and he supports zoning.

10. Sue Raynor (0574-57-6344 & 7 other parcels) 4834 Long St

Mrs. Raynor emphatically stated her support for zoning for the Town.

11. Pat Winkler, Pastor, Sardis Presbyterian Church (0574-47-1612 & 0574-47-2440) 4654 Linden Rd

- a. Pastor Winkler stated that he was encouraged by the efforts of the Town to make the Town itself more attractive and that "zoning" would assist in those efforts; he stressed the need for the application of the proposed standards, if approved, to be fair and considerate of the means of the landowners.

Question:

- b. Pastor Winkler asked about restrictions on group homes and for clarification of the definition.

Response:

Explanation given was that the only restriction allowed under state statute was the ½ mile separation requirement and explained that the definition was a duplicate of the state definition for "family care home".

Question:

- c. Pastor Winkler requested an explanation of the definition to the term "family".

Response:

I explained to him that "family" included anyone related by blood or marriage with not limit on number of people. However, I also explained that unrelated individuals were limited to five living in the same household.

12. Charles Powers (same as item 6 above)

Reaffirmed his support for zoning

13. David Raynor (same as item 10 above)

Stated his unequivocal support for zoning

14. Frances Collier (0574-68-4299 & 6 other parcels) 9534 Woodrow St

Question:

Ms. Collier questioned the buffer provisions being retroactive and the affected property owners only being given two years to provide a buffer if it is otherwise required. She does not agree with this requirement.

Response:

I explained to Ms. Collier that the same requirements are in the County Ordinance (which was used as a base for the Town's Ordinance).

DRAFT

TOWN OF LINDEN ZONING ORDINANCE
FEE SCHEDULE

REQUESTED ZONING DISTRICTS ¹	LESS THAN 5 ACRES	5 TO 50 ACRES	50 TO 100 ACRES	100+ ACRES
CD A1 R30 R20 R15 R15A	\$130	\$260	\$300	\$400
O&I(P) C(P) M(P)	\$400	\$500	\$600	\$800
CONDITIONAL USE DISTRICTS ² RESIDENTIAL DD/CUD	\$260	\$500	\$500	\$500
CONDITIONAL USE DISTRICTS ² NONRESIDENTIAL	\$700	\$800	\$800	\$800
ALL TEXT AMENDMENTS	\$100			
ZONING ORDINANCE TEXT	\$ 10			
<u>BOARD OF ADJUSTMENT</u>				
SPECIAL USE PERMITS		\$200		
VARIANCES				
ADMINISTRATIVE REVIEW		\$100		
INTERPRETATIONS				
NONCONFORMING USES				

¹If more than one zoning district is requested in the same application, the highest fee for the district requested will apply.

²If a general rezoning is requested and based on recommendations of the Joint Planning Board or Town Board of Commissioners, a Conditional Use District and Permit application is to be filed, the original application fee will be credited toward the Conditional Use District and Permit application fee.

February 28, 2006

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

May 11, 2006

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for May 16, 2006 Board Meeting

P06-38: REZONING OF .42 ACRES FROM C3 TO M(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 164 WILKES ROAD, SUBMITTED BY BOB MEASAMER, OWNED BY TWO ADAMS, INC.

The Planning & Inspections Staff recommends approval of the request even though the request is not consistent with the 2010 Land Use Plan based on the following:

- The request is compatible with the zoning and uses in the area.

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

Attachments:

- 1 - Rezoning Sketch Map
- 2 - Site Profile

SITE PROFILE

P06-38

REZONING OF .42 ACRES FROM C3 TO M(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 164 WILKES ROAD, SUBMITTED BY BOB MEASAMER, OWNED BY TWO ADAMS, INC.

Site Information:

Applicant/Owner: BOB MEASAMER / TWO ADAMS, INC.

Area: .42 acres

Frontage & Location: 100 feet on Wilkes Road

Depth: 399 feet

Jurisdiction: County

Adjacent Property: Yes

Current Use: Light assembling

Initial Zoning: March 15, 1979 (Area 6)

Zoning Violation(s): None

Surrounding Zoning: North-R6, R6A, HS(P), C(P), C3, M(P) and Fayetteville city limits, East-R6A, R6A/CU, C1(P), C(P), M(P), city limits, South-city limits, and West-M(P) and city limits

Surrounding Land Use: North-Hotel, vacant commercial, fast food restaurant (2), no name commercial, international business, auto repair, coliseum complex

2010 Land Use Plan: Heavy Commercial

Urban Services Area: Yes

Water/Sewer Availability: PWC / Septic Tank

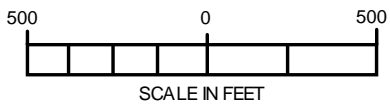
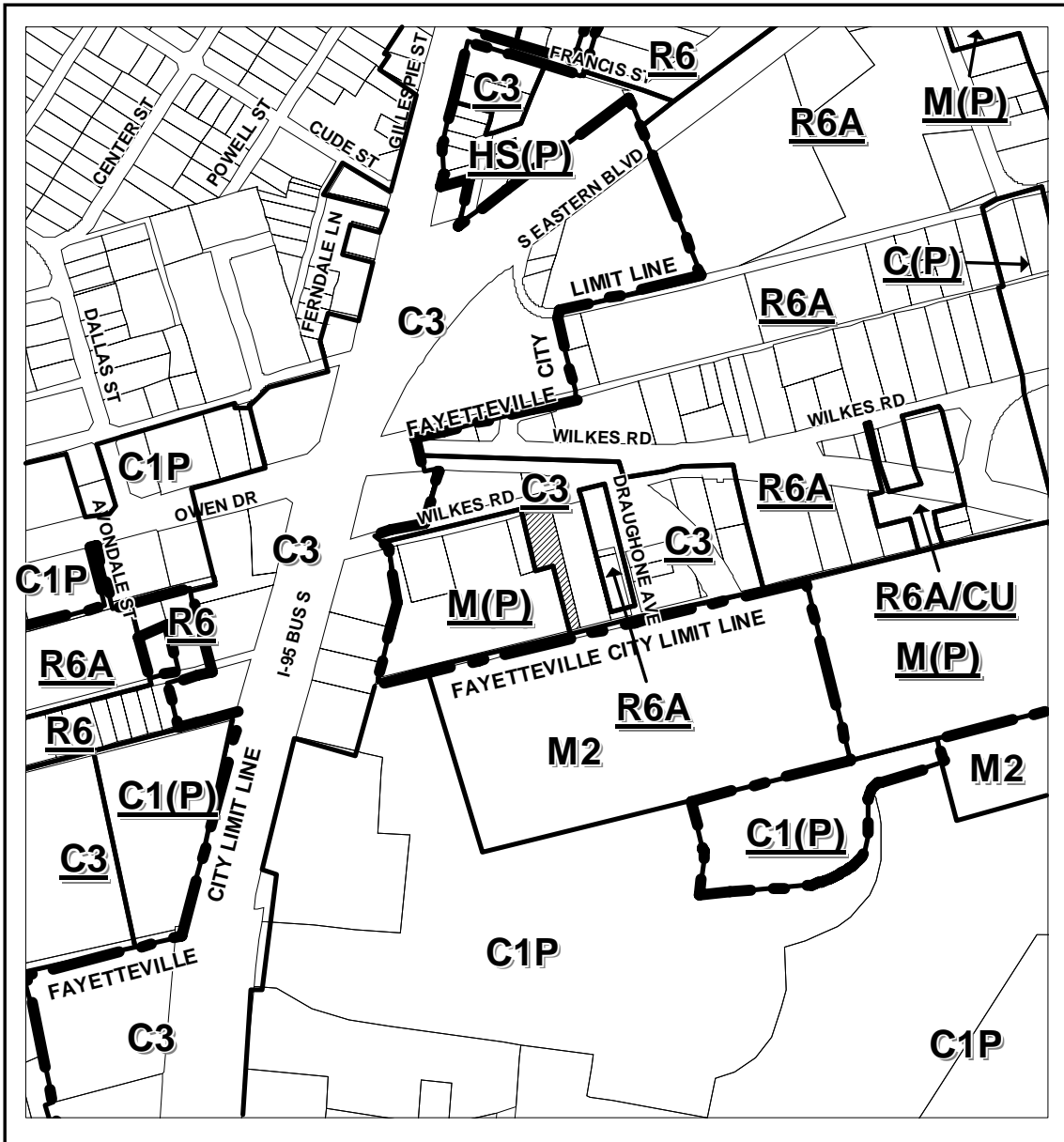
Subdivisions: This property was created 6/20/86. The rezoning will add to the "nonconformity" of the existing structure. If approved, site plan approval will be required.

Military Impact Area: None

Highway Plan: No road improvements or new constructions specified for this area.

Average Daily Traffic Count (2004): 3,300 on Wilkes Road

Notes:



REQUESTED REZONING: C3 TO M(P)

ACREAGE: 0.42 AC.+/-	HEARING NO: P06-38	
ORDINANCE: COUNTY	HEARING DATE	ACTION
PLANNING BOARD		
GOVERNING BOARD		

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

May 11, 2006

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for May 16, 2006 Board Meeting

P06-19: REZONING OF .61 ACRES FROM RR TO C1(P)/CONDITIONAL USE DISTRICT AND PERMIT TO ALLOW A CONVENIENCE STORE, AT 6630 WALDOS BEACH ROAD, OWNED BY MARVIN C. AND LILLIE M. WILKINS.

The Planning & Inspections Staff recommends approval of C1(P)/Conditional Use District and Permit, even though the request is not consistent with the Land Use Plan, based on the following:

1. The applicant is restricting the use to “convenience store” on the subject property;
2. The request is reasonable and if developed in accordance with the application, site plan and ordinance-related conditions, this development will cater to the immediate neighborhood for the convenient shopping needs of the residents in the area.

The applicant has been given a copy of this recommendation and the site profile.

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

Attachments:

- 1 - Rezoning Sketch Map
- 2 - Site Profile

SITE PROFILE

P06-19

REZONING OF .61 ACRES FROM RR TO C1(P)/CONDITIONAL USE DISTRICT AND PERMIT TO ALLOW A CONVENIENCE STORE, AT 6630 WALDOS BEACH ROAD, OWNED BY MARVIN C. AND LILLIE M. WILKINS.

Site Information:

Applicant/Owner: MARVIN C. AND LILLIE M. WILKINS

Area: .61 acres

Frontage & Location: 105 feet on Waldos Beach Road

Depth: 223 feet

Jurisdiction: County

Adjacent Property: Yes

Current Use: Vacant church

Initial Zoning: February 3, 1977 (Area 7)

Zoning Violation(s): None

Nonconformities: Rezoning will cause the structure to become nonconforming due to dimensional requirements (built in 1975)

Surrounding Zoning: Primarily RR and CD

Surrounding Land Use: Church, single family residential and recreation vehicle park/campground

2010 Land Use Plan: Low Density Residential

Urban Services Area: Yes

Water/Sewer Availability: Well / Septic Tank

Military Impact Area: No

Highway Plan: No road improvements or new construction specified for this area.

Notes:

Application Information

1. Mini mart to serve the needs of the community.
2. Hours of operation: 6:00 am to 10:00 pm, 7 days a week
3. Number of employees: 2
4. Parking: 5 spaces

Ordinance-Related Conditions

The applicant will be required to submit a "Zero Lot Line" subdivision including the adjacent lot for review and approval by Staff or seek approval of an "alternate yard" of 10 feet rather than 15 feet, from the Planning Board for the side yard setback on the eastern side of the subject property. Either of these options would negate the creation of a nonconforming structure with the rezoning.

Permit-Related:

1. The owner/applicant(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 applicant should contact a Code Enforcement Officer.
2. The County Health Department must approve water and sewer plans prior to application for any permits.
3. 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.)
4. The NC Department of Transportation (NCDOT) approve the proposed curb-cut(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 commencement of the proposed mini mart on this tract.
6. The applicant must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
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.

Site-Related:

8. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Zoning Ordinances for the C1(P)/CUD zoning district must be complied with, as applicable.
9. 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.)
10. Off-street parking shall be provided as noted on the site plan - meeting all applicable provisions of Section 1202, County Zoning Ordinance - and all parking spaces, measuring 9' x 20', shall be surfaced, with a permanent material such as asphalt or

concrete, and striped prior to application for the *Certificate of Occupancy* for each individual structure and/or phase of the development.

11. 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.
12. A solid buffer must be provided and maintained in accordance with the provisions of Section 1102 G, County Zoning Ordinance.
13. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.
14. The applicant will be required to submit a landscape plan to Code Enforcement at the time of permit application. The following are the minimum standards for required for landscaping this site:
 - a. Seven large shade trees or fifteen small ornamental trees are required within the front yard setback area;
 - b. One large shade tree and four shrubs are required across the front of the building and two shrubs are required at each end of the building;
 - c. All required plant materials shall be maintained by the property owners, including replacing dead or unhealthy trees and shrubs. Trees shall be maintained in a vertical position at all times;
 - d. All planting areas shall be kept free of weeds and debris;
 - e. Healthy existing trees may be used to meet the landscaping requirements; and;
 - f. Trees may be clustered.
15. The owner/applicant 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.

Advisories: (The following conditions may not specifically apply to this development but are offered as cautionary statements.)

16. The applicant is advised to consult an expert on wetlands before proceeding with any development.
17. The applicant shall be aware that any addition and/or revision to this plat may require an additional review and approval by the County Commissioners and/or the Planning

& Inspections Staff prior to submission for permits for any structure and/or final plat approval of any portion of this development.

18. The applicant 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.
19. The applicant'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.
20. 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 applicant is the responsible party to ensure full compliance with all applicable Federal, State, and local regulations.

Other Relevant Conditions:

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

If you need clarification and/or negotiation of conditions, please contact Bonny Collins at 910-678-7603 or Patti Speicher at 910-678-7605.

Contact Information (all calls are local unless otherwise stated):

Site Plan	Bonny Collins	678-7603
Code Enforcement:	Ken Sykes	321-6654
County Engineer's Office:	Wayne Dudley	678-7636
Corp of Engineers (wetlands):	Lynette Grenade	(910)251-4829
County Health Department:	Jane Stevens	433-3660
NCDENR (S&E)	Wendy Dunaway	486-1541
E911 Site-Specific Address:	Ron Gonzales	678-7616
Tax Parcel Numbers:	David Ivey	678-7647
NCDOT (driveways/curb-cuts)	Gary Burton	486-1496

TO THE CUMBERLAND COUNTY JOINT PLANNING BOARD AND THE BOARD OF COUNTY COMMISSIONERS OF CUMBERLAND COUNTY, NC:

I (We), the undersigned, hereby submit application and petition the County Commissioners to amend and to change the zoning map of the County of Cumberland as provided for by Section 12.5 of the Zoning Ordinance. In support of this petition, as hereinafter requested, the following facts are submitted:

The property sought for Conditional Use Overlay is located:

Address 6630 Waldo's Beach Rd
(Street address or Route and Box #, and Zip Code)

Located on Waldo's Beach Rd
(Name of Street/ Road, or General Directions to Site)

Parcel Identification Number 9494-40-0481
(obtain from Tax Receipt or from Office of the Tax Administrator 678-7567)

Lot(s) # 2 Frontage 104.90 feet Depth 254.26 Containing .61 acres +/-.

The applicant(s) must furnish a copy of the recorded deed(s) and/or recorded plat map of the area considered for Conditional Use Overlay. If area to be considered for Conditional use Overlay is a portion of a parcel, a written legal description by metes and bounds must accompany the deed and/or plat. (Attach a copy of each, as they apply, to this petition.)

The property sought for Conditional Use is owned by: MARVIN C & LILLIE M. WILK
as evidenced by deed from _____

as recorded in Deed Book _____, Page(s) _____, Cumberland County Registry.

It is requested that the foregoing property be rezoned as Conditional Use Overlay District from RR to _____ Conditional Use.

* Proposed use of property requested for Conditional Use: mini Mart
Note: This information shall not be used in the consideration of the Conditional Use request by the Planning Staff, Planning Board or the County Commissioners but to ensure that the proposed or intended use of the property is not otherwise allowed as a Specified Conditional Use in the zoning district in which it is located. Planning Staff will assist in determining the proper classification(s)

Existing use of the property (Residential, commercial and specify any structures and respective uses): _____

Water Provider (Existing or Proposed):

Well PWC _____ Community Water _____ (Name)

Septage Disposal Provided by: Septic Tank PWC _____

APPLICATION FOR
CONDITIONAL USE OVERLAY DISTRICT

1. Proposed uses(s):

- A. List the uses proposed for the Conditional Use Overlay District. (Use of the underlying district will continue to be legal, unless otherwise restricted.)

see attached

- B. Justification in terms of need and benefit to the community. Include a statement regarding how the uses will be compatible.

Small mini mart will serve community needs for quick items such as milk, bread, soda, picnic items, etc. nearest store 3 miles, our family would like to serve community.

- C. Density: (If the project is to include residential units, state the number of dwelling units proposed for the project and the gross number of acres to be used.)

n/a

2. Dimensional Requirements:

- A. Reference either the dimensional requirements of district as shown in Section 7.3 or list proposed setbacks.

see site plan

- B. Off-street parking and loading.

see site plan

3. Sign Requirements:

A. Reference district sign regulations proposed from Section 9.4.

B. List any variance proposed from those regulations.

4. Miscellaneous:

* Set forth other information regarding the proposed use(s), such as days and hours of operation, number of employees, exterior lighting, and noise, odor and smoke emission controls, etc., which are considered to determine whether the proposed use of the property will be compatible with surrounding areas and uses allowed therein.

6:00 AM - 10:00 P.M.

2 employees 7 days week

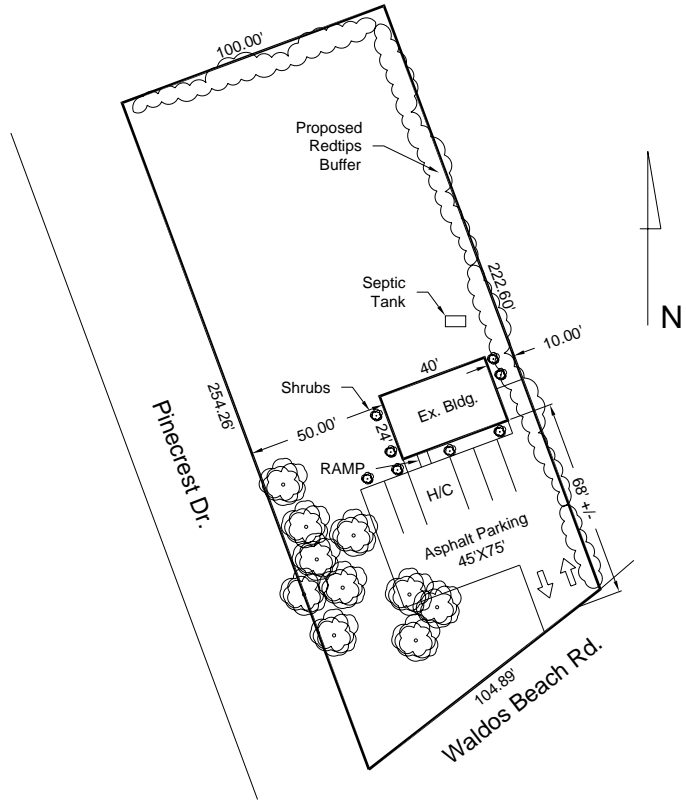
5.

Site Plan Requirements:

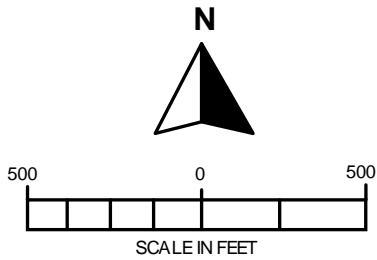
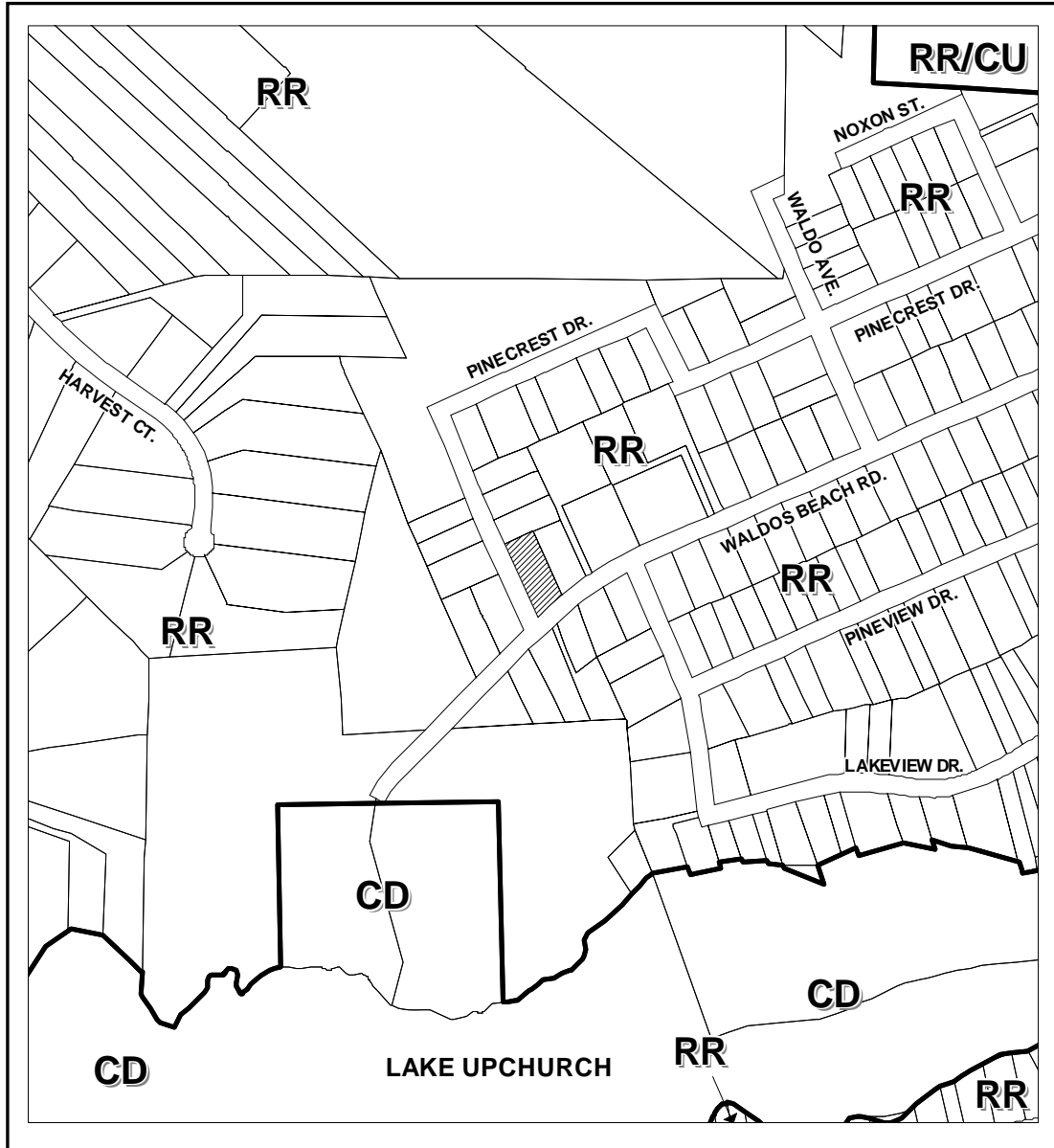
Attach a site plan drawn to scale. If the proposed uses involve development subject to Cumberland County subdivision regulations, the site plan required hereunder may be general in nature, showing a generalized street pattern, if applicable and the location of proposed structures. If the proposed uses involve development not subject to subdivision regulations, the site plan shall include sufficient detail to allow the Planning Department and Planning Board to analyze the proposed use(s) and arrangement of use(s) on the site. Outline all buildings to be placed on the site, the proposed number of stories, the location and number of off-street parking spaces, proposed points of access to existing streets and internal circulation patterns, and the location of all proposed buffers and fences.

6. Acknowledgement:

It is understood and agreed that upon review by the Planning Board and action by the Board of Commissioners, the uses proposed in the petition may be modified and conditions and limitations placed upon them to insure compatibility of the uses with land use plans, studies or policies and/or existing uses in the surrounding area or community.



CONDITIONAL USE DISTRICT
REQUEST: REZONING OF 0.61 AC FROM RR TO
C1(P)/CONDITIONAL USE DISTRICT & PERMIT TO
ALLOW A CONVENIENCE STORE
CASE NO: P06-19 SCALE: 1"=40'
PARKING: AS SHOWN



**REQUESTED REZONING:
RR TO C1(P)/CUD**

ACREAGE: 0.61 AC.+/-		HEARING NO: P06-19	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
PLANNING BOARD			
GOVERNING BOARD			

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

May 11, 2006

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for May 16, 2006 Board Meeting

P06-37: REZONING OF THREE PARCELS TOTALING 45.61 ACRES FROM A1 TO R15 OR TO A MORE RESTRICTIVE ZONING DISTRICT, SOUTH OF SAND HILL ROAD, WEST OF TOWER ROAD, SUBMITTED BY CHRISTOPHER ROBERTS, OWNED BY JAMES BUXTON, ANNIE M. FREEMAN, AND THELMA BATTLE.

The Planning & Inspections Staff recommends denial of the R15 and approval of R20 zoning district even though the recommendation is not consistent with the 2010 Land Use Plan based on the following:

1. The R20 district is consistent with the current land use and development in the area;
and
2. The R20 district is consistent with previous rezoning classifications in the area.

The other suitable districts to be considered for this site are A1A, R40, R40A, R30, R30A, R20, and RR

Attachments:

- 1 - Rezoning Sketch Map
- 2 - Site Profile

SITE PROFILE

P06-37

REZONING OF THREE PARCELS TOTALING 45.61 ACRES FROM A1 TO R15 OR TO A MORE RESTRICTIVE ZONING DISTRICT, SOUTH OF SAND HILL ROAD, WEST OF TOWER ROAD, SUBMITTED BY CHRISTOPHER ROBERTS, OWNED BY JAMES BUXTON, ANNIE M. FREEMAN, AND THELMA BATTLE.

Site Information:

Applicant/Owner: CHRISTOPHER G. ROBERTS / JAMES BUXTON, ANNIE M. FREEMAN, AND THELMA BATTLE

Area: 46.94 acres

Frontage & Location: 670 feet on Sand Hill Road

Depth: 2,210 feet

Jurisdiction: County

Adjacent Property: No

Current Use: Residential and Vacant

Initial Zoning: June 25, 1980 (Area 13)

Zoning Violation(s): None

Surrounding Zoning: North-A1, R40, R40A, RR, R20/DD/CUD, R6A, M(P), East-A1, A1/CU, RR, R20, R6A, South-A1, RR, R15, C(P), West-A1, R40, RR, R20, R15, R10, C1(P)

Surrounding Land Use: Baseball field, welding shop, sub station, and residential

2010 Land Use Plan: Low Density Residential

Urban Services Area: Yes

Water/Sewer Availability: PWC / Septic Tank – (Not enough capacity in mains at South Forty to provide fire protection.) The developer will be required to extend a 24” line from Walmart Distribution with possible cost-share by PWC. No sewer is available.

School Capacity/Enrolled: Gray’s Creek Elementary 764/731, Gray’s Creek Middle 495/561, Gray’s Creek High 1270/1020

Subdivisions: The portion of the one property and the land-locked property will need to be recombined with the property with road frontage prior to development. A subdivision or group development review will be required prior to any development of these properties.

Military Impact Area: No

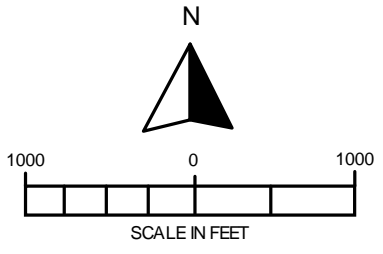
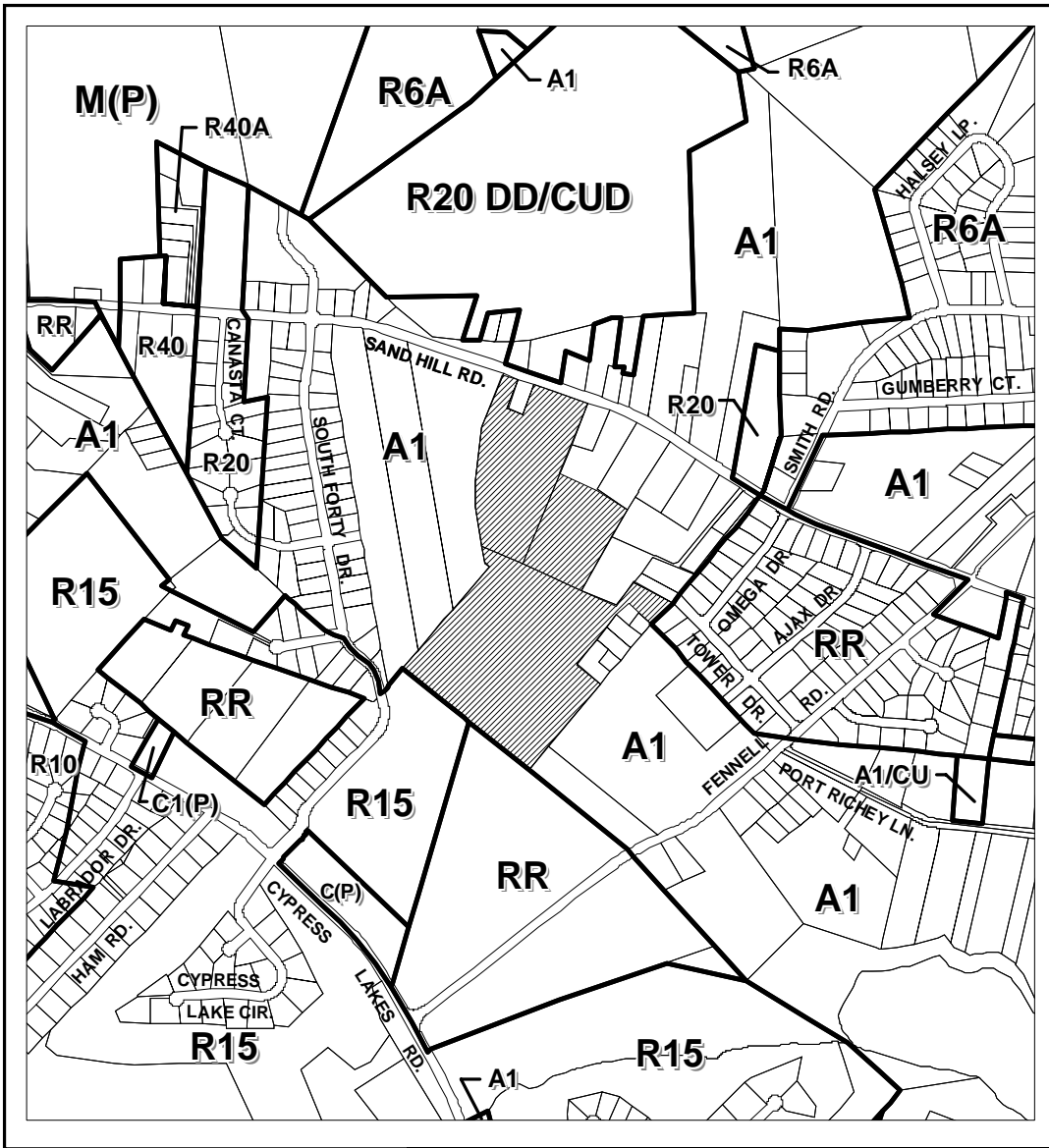
Highway Plan: Sand Hill Road is identified as a Major Thoroughfare. The Plan calls for a center turning lane to this road (Priority 2).

Average Daily Traffic Count (2004): 5,400 on Sand Hill Road

Notes:

Density minus 20% for roads:

A1 – 18 lots
R40 – 39 lots
R30 – 52 lots
R20 – 79 lots
R15 – 105 lots



REQUESTED REZONING A1 TO R15		
ACREAGE: 45.61 AC.+/-		HEARING NO: P06-37
ORDINANCE: COUNTY	HEARING DATE	ACTION
PLANNING BOARD		
GOVERNING BOARD		

PIN: 0433-71-2264,70-2060
 PORT. OF PIN: 0433-70-6954

AF

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

May 11, 2006

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for May 16, 2006 Board Meeting

P06-33: REVISION AND AMENDMENT TO THE CUMBERLAND COUNTY ZONING ORDINANCE, BY AMENDING ARTICLE IV. PERMITTED, CONDITIONAL, AND SPECIAL USES, SECTION 403 USE MATRIX, TO ALLOW SINGLE FAMILY DWELLING TO BE PERMITTED ON THE SECOND FLOOR AND ABOVE FOR COMMERCIAL, RETAIL AND OFFICE SPACE IN THE C(P) DISTRICT, SUBMITTED BY BRADLEY W. YOUNG.

The Planning & Inspections Staff recommends denial of the proposed amendment as submitted. The Staff does agree that with some minimum standards in place in the Ordinance, allowing residential dwellings on the second floor or above could be a viable use of properties in the commercial districts.

Some issues that need to be addressed in the Ordinance prior to consideration of this amendment are parking; parks, recreation and open space; density calculations; ratio of building area for residential versus nonresidential use; and appropriate review and approval method, i.e., Staff approval, Planning Board, or Board of Adjustment.

Attachment:
- Amendment

P06-33

REVISION AND AMENDMENT TO THE CUMBERLAND COUNTY ZONING ORDINANCE, BY AMENDING ARTICLE IV. PERMITTED, CONDITIONAL, AND SPECIAL USES, SECTION 403 USE MATRIX, TO ALLOW SINGLE FAMILY DWELLING TO BE PERMITTED ON THE SECOND FLOOR AND ABOVE FOR COMMERCIAL, RETAIL AND OFFICE SPACE.

AMEND Article IV, Permitted, Conditional, and Special Uses, Section 403, Use Matrix, by INSERTING “P” in the C(P) column to allow Single Family Dwelling to be permitted on the second floor and above for commercial, retail, and office space.

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

May 9, 2006

TO: County Joint Planning Board

FROM: Edward M. Byrne, Planner II

SUBJECT: Case No. 06-074
Scottsdale Subdivision
(Zero Lot Line Subdivision Review)

The developer has submitted a request for a waiver from Sections 3.17.c "Street Design", County Subdivision Ordinance, regarding the length of the proposed cul-de-sac. The Subdivision Ordinance establishes a maximum length of 800 feet for cul-de-sacs. The proposed length of the cul-de-sac is 2,075 feet +/- . The subdivision contains 20.31 ac. +/-, is zoned RR, and has 39 proposed lots. The property to the east has an existing subdivision (Baywood South) and the property to the west is vacant land (Autry Property) 67.38 ac. +/- .

The developer has stated in his request that the design of the cul-de-sac is needed because the tract is long and narrow, which does not allow for more than one street down the middle with lots on either side meeting the RR zoning density. The request also states that similar developments like Baywood South is designed in the same fashion.

The Planning Staff approved the block length of 2,600 feet for Baywood South which had an existing golf course and developed lots on the east side, this would not allow for a road stub to break the block length. The golf course has access points which can be used by emergency vehicles within the Baywood development. The developer of Baywood South created cul-de-sacs along the western property line which allows for emergency turn-around. The five cul-de-sacs in Baywood South do not exceed the 800 foot maximum length. The Baywood South subdivision is a part of a private golf course community.

The Planning Staff recommends approval of the request for the cul-de-sac length along the existing Baywood South subdivision but recommends denial of the request for the cul-de-sac length along the western property line. A road stub to the property to the west (Autry Property) would provide connectivity to the un-subdivided vacant property. This will allow for future emergency vehicle access and a turn-around until the stub is further developed and extended onto the Autry property. The Autry property contains 67.38 ac. +/- of land located on both sides of SR 1834 (Hummingbird Place).

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 and approval of the request as follows:

Recommend denial for the cul-de-sac length along the western property line.

- To provide access to the Autry property which could be developed at a future date, the road stub would allow for connectivity between developments for emergency access, turn-around and a more logically developed subdivision plan.

Recommend approval the cul-de-sac length along the eastern property line.

- The layout of the existing Baywood South subdivision would prevent the connection and the subdivision is a private golf course community, which inherently provides emergency access across the grounds of the course if it becomes necessary.

Attachments: Request for Waiver
Sketch Map
Aerial Photo
Parcel Map,
Conditions of Approval
Vicinity Map

cc: Michael Williams, Developer
Averette Engineering, Surveyor
Grainger Barrett, County Attorney
Patti Speicher, Planner III



Date Request Submitted: 4-26-86
Planning Board Meeting Date: 5-16-86
Received by: EMB

Cumberland County Subdivision Ordinance

Request for Waiver

Case No.: 06-074 Case Name: Scotsdale Subdivision
Related Ordinance Section Number(s): 3:17 Street Design
Summary of Request: Request a variance from (c) "A cut-de-sac shall not be larger than 800 feet..."

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

Section 6.1. Waivers

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

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

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

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

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

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

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

The overall property size is 2000' x 480' (which varies to only 310').

The only way to design lots in RR Zoning with a public R/W would be to place the road down the center, extending to a cul-de-sac.

Lots in accordance with RR zoning are located on both sides of the street.

2. The public purposes of the County Subdivision and County Zoning Ordinances would be served to an equal or greater degree and the applicant agrees to:

Oversee the orderly development of this parcel, dedicate the public street,

insure the proper installation of streets + public utilities + insure proper recording of the subdivision properties by plat.

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

Similar developments in the area have been designed this way, for example, Baywood

South, is just east of this property. In order to subdivide this ^{narrow} property that is

zoned RR with 39 allowable lots, 1 long street had to be designed in the middle in order to serve the lots. If the cul-de-sac was only 300' long, over half of the property could not be utilized as a residential subdivision as it

By signing this request, the applicant is signifying that all statements contained within this request are accurate and true to the best of their knowledge.

Michael Williams / Castle Hayne Homes
Printed Name of Applicant/Agent

Michael Williams / Castle Hayne Homes
Signature of Applicant/Agent

910-237-4962
Daytime Phone Number

4/24/06
Date Signed

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,
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Sara E. Piland
Cumberland County

PLANNING STAFF DECISION: 4-20-06 PLANNING BOARD DECISION: 05-16-06 COUNTY OR COUNCIL MEETING: N/A

CASE NO: 06-074 NAME OF DEVELOPMENT: SCOTSDALE
(ZERO LOT LINE SUBDIVISION REVIEW)

LOCATION: ON THE EAST SIDE OF SR 1831 (BAYWOOD ROAD), ZONING: RR

NORTH OF SR 1834 (HUMMINGBIRD ROAD), PIN: 0477-24-3064-

OWNER OR DEVELOPER: MIKE WILLIAMS ENGINEER OR DESIGNER: AVERETTE ENGINEERING CO.

COUNTY ORDINANCE GODWIN ORDINANCE STEDMAN ORDINANCE SPRING LAKE ORDINANCE FALCON ORDINANCE

PLANNING DEPARTMENT ACTION

PRELIMINARY
 EXTENSION REVISION
 APPROVED CONDITIONALLY
 DENIED

PLANNING BOARD ACTION

PRELIMINARY
 EXTENSION REVISION
 APPROVED CONDITIONALLY
 DENIED

TOWN BOARD

PRELIMINARY FINAL
 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 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 must approve water and sewer plans prior to application for any permits.
3. 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.
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.
7. 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.
8. 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:

9. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Zoning Ordinances for the RR zoning district must be complied with, as applicable.
10. If applicable, 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.)
11. All applicable provisions of Section 3.21, "Group Developments", County Subdivision Ordinance, must be complied with.

12. 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.
13. 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.
14. Turn lanes may be required by the NC Department of Transportation (NCDOT).

Plat-Related:

15. 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.
16. 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 \$1,373.46 payable to "Cumberland County". This condition is in accordance with Section 3.13.1, Parks, Open Space, Recreation Provisions, County Subdivision Ordinance, which requires every residential dwelling unit to provide a portion of land, in certain instances, or pay a fee in lieu of dedication, for the purposes of providing park, recreation and open space areas. (Park District #1)
17. 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.
18. 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.
19. 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 SR 1834 (Hummingbird Place).
20. A 10' x 70' sight distance easement shall be required at the intersection of Satinwood Court with SR 1834 (Hummingbird Place) and must be reflected on the final plat.
21. A 25' right-of-way radius is required at all intersections and must be reflected on the final plat.
22. 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.
23. The notarized signature(s) of all current tax record owner(s) and notary certifications appear on the final plat when submitted for final approval.
24. 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.)
25. 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.
26. 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:

27. 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:

28. The applicant is advised to consult an expert on wetlands before proceeding with any development.
29. 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.
30. 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:

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

32. The owner/developer be aware that every deed created for a lot being served by an on-site water and/or sewer system must contain the following disclosure when filed with the County Register of Deeds:

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

33. The developer has submitted a request for a waiver from Section 3.17.c “Street Design”. This case will be heard by the Cumberland County Joint Planning Board on May 16, 2006.

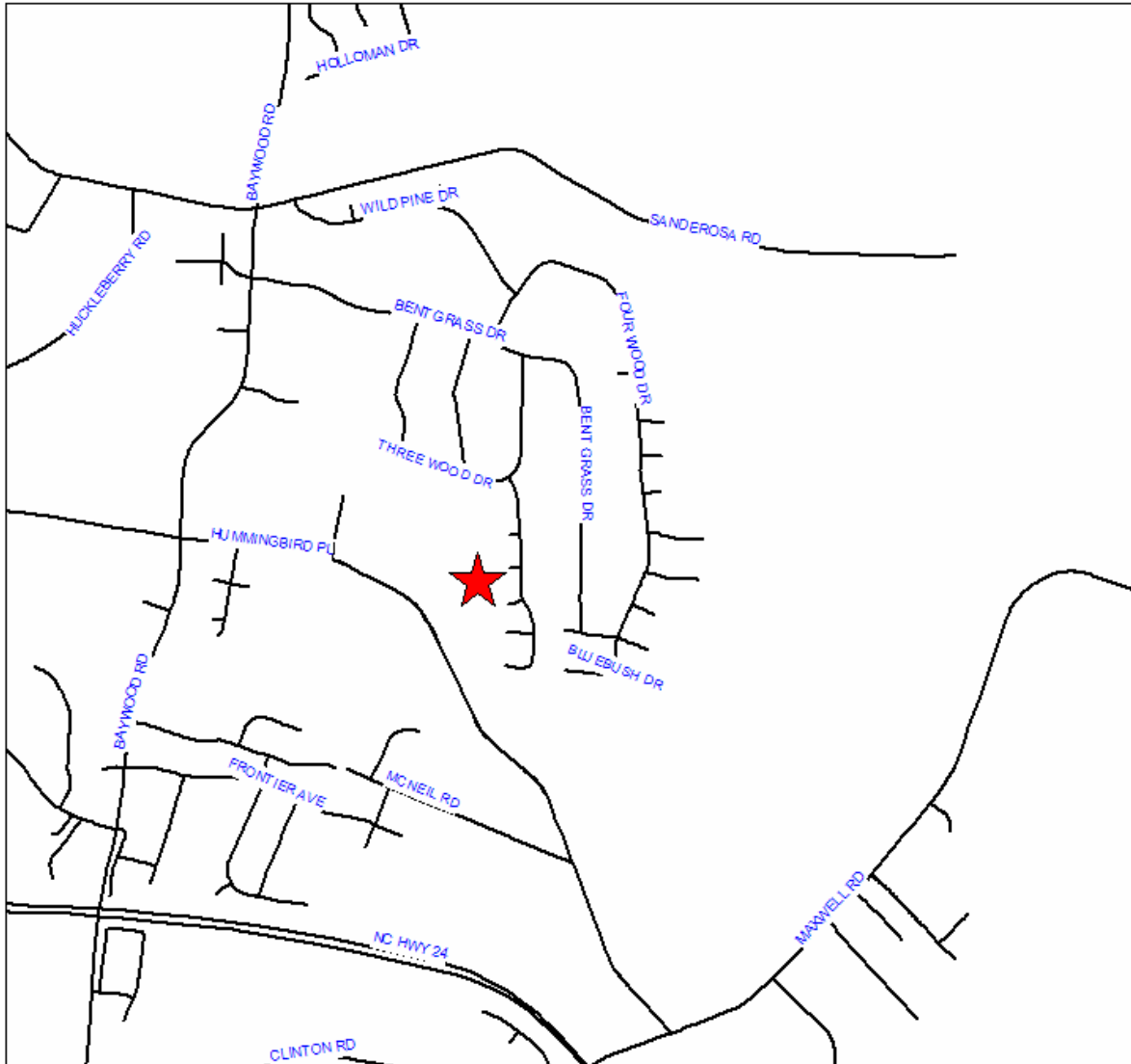
34. The Planning Staff recommends approval of the waiver for the cul-de-sac length on the eastern side of the proposed road, due to the existing subdivision. The Planning Staff recommends denial of the waiver for the cul-de-sac length on the western side of the proposed road, due to the ability to create a road stub to the adjacent property to break the cul-de-sac length and to provide a turn-around area for emergency vehicles.

If you need clarification and/or negotiation of conditions, please contact Ed Byrne at 910-678-7609 or Patti Speicher at 910-678-7605.

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

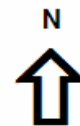
Improvements:	Mary Ann Steinmetz	678-7626
Subdivision/Site Plan/Plat	Ed Byrne	678-7609
Code Enforcement:	Ken Sykes	321-6654
PWC:	Heidi Maly	483-1401
Eastover Sanitary District:	Morgan Johnson	323-3973
Corp of Engineers (wetlands):	Lynette Grenade	(910) 251-4829
NCDENR (E&S)	Wendy Dunaway	486-1541
E911 Site-Specific Address:	Ron Gonzales	678-7616
E911 Street Naming/Signs:	Diane Shelton	678-7665
Tax Parcel Numbers:	David Ivey	678-7647
NCDOT (driveways/curb-cuts)	Gary Burton	486-1496
NCDOT (subdivision roads)	Bill Hammond	486-1496

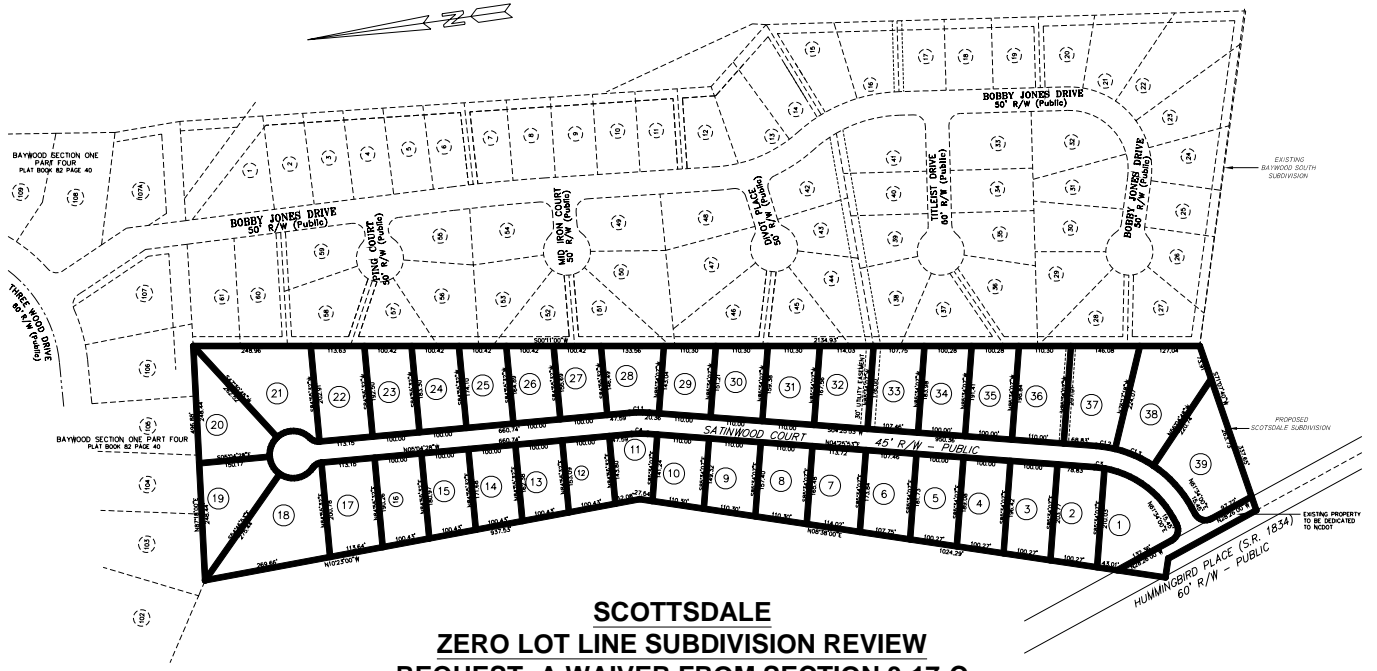
**SCOTSDALE
ZLL SUBDIVISION REVIEW
CASE NO. 06-074**



PIN(S): 0477-24-3064-
PREPARED BY MAS - CCJPB
APRIL 10, 2006

Map not to scale





SCOTTSDALE
ZERO LOT LINE SUBDIVISION REVIEW
REQUEST: A WAIVER FROM SECTION 3-17-C
CASE: 06-074 ACREAGE: 20.31 ±
ZONED: RR SCALE: 1"=250'

