

Patricia Hall,
Chair
Town of Hope Mills

Charles Morris,
Vice-Chair
Town of Linden

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

Donovan McLaurin,
Wade, Falcon & Godwin



CUMBERLAND
★ **COUNTY** ★
NORTH CAROLINA

Planning & Inspections Department

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

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

Benny Pearce,
Town of Eastover

TENTATIVE AGENDA

September 16, 2014
7:00 P.M.

- I. INVOCATION AND PLEDGE OF ALLEGIANCE
- II. APPROVAL OF/ADJUSTMENTS TO AGENDA
- III. PUBLIC HEARING DEFERRAL/WITHDRAWAL
- IV. ABSTENTIONS BY BOARD MEMBERS
- V. POLICY STATEMENT REGARDING PUBLIC HEARING TIME LIMITS
- VI. APPROVAL OF THE MINUTES OF AUGUST 19, 2014
- VII. PUBLIC HEARING CONSENT ITEMS

INITIAL ZONING CASE

- A. **P14-48.** INITIAL ZONING OF 10.15+/- ACRES TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE SOUTHEAST SIDE OF SR 1860 (GORDON WILLIAMS ROAD), NORTHWEST OF SR 1005 (SMITHFIELD ROAD); OWNED BY DONALD M. MCINTYRE, JR. (FALCON)

REZONING CASE

- B. **P14-49.** REZONING OF 1.69+/- ACRES FROM R10 RESIDENTIAL TO RR RURAL RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 3547 VICTOR HALL LANE, 4108 AND 4114 CAMDEN ROAD; SUBMITTED BY MICKEY G. HUDSON ON BEHALF OF HUDSON ENTERPRISES OF FAY, LLC. (OWNER) AND BESSIE CARTER. (COUNTY)

VIII. PUBLIC HEARING CONTESTED ITEMS

IX. PUBLIC HEARING WAIVER REQUEST

- A. **CASE NO. 14-093.** CONSIDERATION OF THE REBECCA CARR & ARLENA OXENDINE PROPERTY; GROUP DEVELOPMENT REVIEW; REQUEST FOR A WAIVER FROM THE REQUIREMENT TO HAVE 20 FEET OF STREET FRONTAGE TO A PUBLIC OR PRIVATE STREET; COUNTY SUBDIVISION ORDINANCE, SECTION 2401.D, GROUP DEVELOPMENT; ZONED: A1; TOTAL ACREAGE: 10.64+/-; LOCATED AT 5064 SNOWBIRD ROAD; SUBMITTED BY REBECCA CARR & ARLENA OXENDINE (OWNER).

X. DISCUSSION

DIRECTOR'S UPDATE

XI. ADJOURNMENT

Patricia Hall,
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Town of Eastover

September 9, 2014

TO: Cumberland County Joint Planning Board
FROM: Planning & Inspections Staff
SUBJECT: Staff Recommendation for September 16, 2014 Board Meeting

P14-48. INITIAL ZONING OF 10.15+/- ACRES TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE SOUTHEAST SIDE OF SR 1860 (GORDON WILLIAMS ROAD), NORTHWEST OF SR 1005 (SMITHFIELD ROAD); OWNED BY DONALD M. MCINTYRE, JR. (FALCON)

1st MOTION

The Planning and Inspections Staff recommends approval of the initial zoning Case No. P14-48 to C(P) Planned Commercial district based on the following:

1. Approving the C(P) zoning district would ensure that the subject property is zoned the same as adjacent property which was rezoned to C(P) on August 5, 2013; and
2. The request was submitted by the Town of Falcon.

There are no other districts considered suitable for this case.

2nd MOTION

The County Planning Staff also recommends the board find that approval of the initial zoning to C(P) for Case No. P14-48 is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan* because the Plan calls for “community growth area” at this location and supports the commercial goal and objectives of the Vision Northeast Land Use Plan that include *concentrating of commercial activities at I-95 and Godwin-Falcon Road interchange and creating an atmosphere that supports existing and future small businesses*. However the initial zoning of the subject property to C(P) is not consistent with the Vision Northeast Land Use Plan map which calls for “farmland” at this location.

The staff also recommends the board further find that approval of the initial zoning to C(P) is reasonable and in the public interest because the location criteria as listed in the adopted Land Use Policies Plan for C(P) will be met or exceeded with the exception of public sewer which is not available, in that: public water is available, the property has direct access to a local road (Gordon Williams Road), there are other commercial uses in the area, and the initial zoning will allow for adequate buffering, screening and landscaping.

Attachments:

1. Site Profile
2. Sketch Map

P14-48
SITE PROFILE

P14-48. INITIAL ZONING OF 10.15+/- ACRES TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE SOUTHEAST SIDE OF SR 1860 (GORDON WILLIAMS ROAD), NORTHWEST OF SR 1005 (SMITHFIELD ROAD); OWNED BY DONALD M. MCINTYRE, JR. (FALCON)

Site Information:

Frontage: 1,585.53'+/- on SR 1860 (Gordon Williams Road)

Depth: 228.21'+/-

Jurisdiction: Town of Falcon (annexation effective September 1, 2014)

Adjacent Property: No

Current Use: Woodlands

Initial Zoning: A1 – November 25, 1980 (Area 14)

Nonconformities: None

Zoning Violation(s): None

Surrounding Zoning: North: CP/CZ (motor vehicle repair), C(P), R40A, RR & A1; South, East & West: A1

Surrounding Land Use: Residential (including manufactured dwellings), billboards (3), farmland & woodlands

2030 Land Use Plan: Community growth area

Vision Northeast Land Use Plan: Farmland

Special Flood Hazard Area (SFHA): None

Water/Sewer Availability: Norcross/Septic

Soil Limitations: Yes, hydric – NA Nahunta loam

School Capacity/Enrolled: District 7 Elementary: 300/263; Mac Williams Middle: 1,270/1,163; Cape Fear High: 1,425/1,570

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

Average Daily Traffic Count (2010): 47,000 on I-95

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

Note:

Minimum Yard Setback Regulations:

C(P)

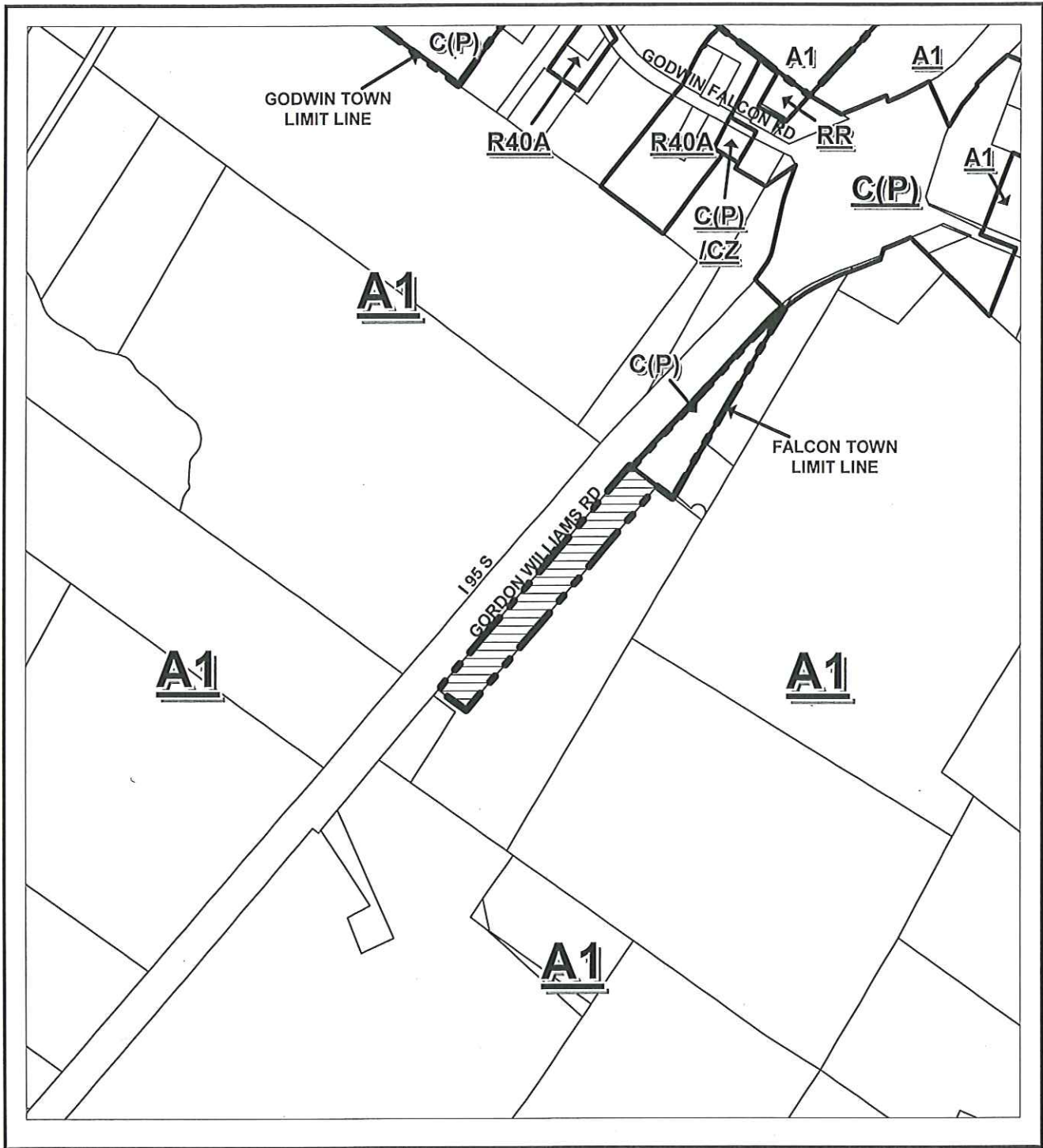
Front yard: 50'

Side yard: 30'

Rear yard: 30'

First Class and Record Owners' Mailed Notice Certification

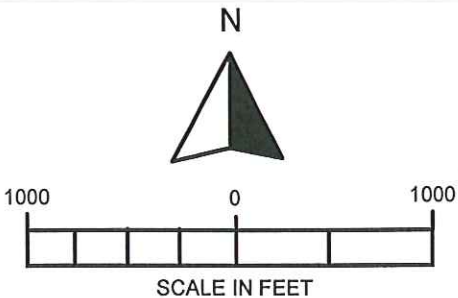
A certified copy of the tax record owner(s) of the subject and adjacent properties and their tax record mailing address is contained within the case file and is incorporated by reference as if delivered herewith.



INITIAL ZONING TO C(P)

EFFECTIVE ANNEXATION SEPT. 1, 2014

ACREAGE: 10.15 AC.+/-		HEARING NO: P14-48	
ORDINANCE: FALCON	HEARING DATE	ACTION	
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			



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Cumberland County

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MEMORANDUM

TO: Cumberland County Joint Planning Board
FROM: Planning and Inspections Staff
SUBJECT: Staff Recommendation for the September 16, 2014 Board Meeting

P14-49. REZONING OF 1.69+/- ACRES FROM R10 RESIDENTIAL TO RR RURAL RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 3547 VICTOR HALL LANE, 4108 AND 4114 CAMDEN ROAD; SUBMITTED BY MICKEY G. HUDSON ON BEHALF OF HUDSON ENTERPRISES OF FAY, LLC. (OWNER) AND BESSIE CARTER.

1st MOTION

The Planning and Inspections Staff recommends the board find that approval of the request for rezoning in Case No. P14-49 is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for “urban” at this location. The request is also not entirely consistent with the Southwest Cumberland Land Use Plan Map, which calls for “mixed use development;” however, the request will allow for various housing types and a limited number of non-residential uses.

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

2nd MOTION

In addition to the above information, the Planning and Inspections Staff recommends the board approve Case No. P14-49 for RR Rural Residential district based on the following:

1. Properties adjacent to and in the immediate area are currently zoned RR Rural Residential;
2. The RR Rural Residential district will allow for land uses and lot sizes that exist in the general area.

There are no other districts considered suitable for this request.

Attachments:

- 1 – Site Profile
- 2 – Sketch Map

P14-49
SITE PROFILE

P14-49. REZONING OF 1.69+/- ACRES FROM R10 RESIDENTIAL TO RR RURAL RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 3547 VICTOR HALL LANE, 4108 AND 4114 CAMDEN ROAD; SUBMITTED BY MICKEY G. HUDSON ON BEHALF OF HUDSON ENTERPRISES OF FAY, LLC. (OWNER) AND BESSIE CARTER.

Site Information:

Frontage: 167.21'+/- on SR 1003 (Camden Road) & 385.00'+/- on Victor Hall Lane

Depth: 485.68'+/-

Jurisdiction: Cumberland County

Adjacent Property: No

Current Use: 3 residential structures

Initial Zoning: R10– November 17, 1975 (Area 4)

Nonconformities: None

Zoning Violation(s): None

Surrounding Zoning: North: R6A/CU (to allow motor vehicle repair & residence), C(P), C1(P), RR, R10 & R6A; South: R10/CU (2) (to allow manufactured home), C(P), C1(P), RR, R10 & R6A; East: C(P), C1(P), RR, R10 & R6A; West: M(P), RR, R10 & R6A

Surrounding Land Use: Residential (including manufactured dwellings & multi-family), motor vehicle repair, dump truck operation, manufactured home park, retailing, towing, religious worship & woodlands

2030 Land Use Plan: Urban

Southwest Cumberland Land Use Plan: Mixed use development

Special Flood Hazard Area (SFHA): None

Water/Sewer Availability: Well/Septic

Soil Limitations: None

School Capacity/Enrolled: Elizabeth Cashwell Elementary: 800/707; Ireland Drive Middle (6): 340/364; Douglas Byrd Middle (7-8): 702/743; Douglas Byrd High: 1,280/1,225

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

Municipal Influence Area: Town of Hope Mills

Average Daily Traffic Count (2010): 14,000 on SR 1003 (Camden Road)

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

Notes:

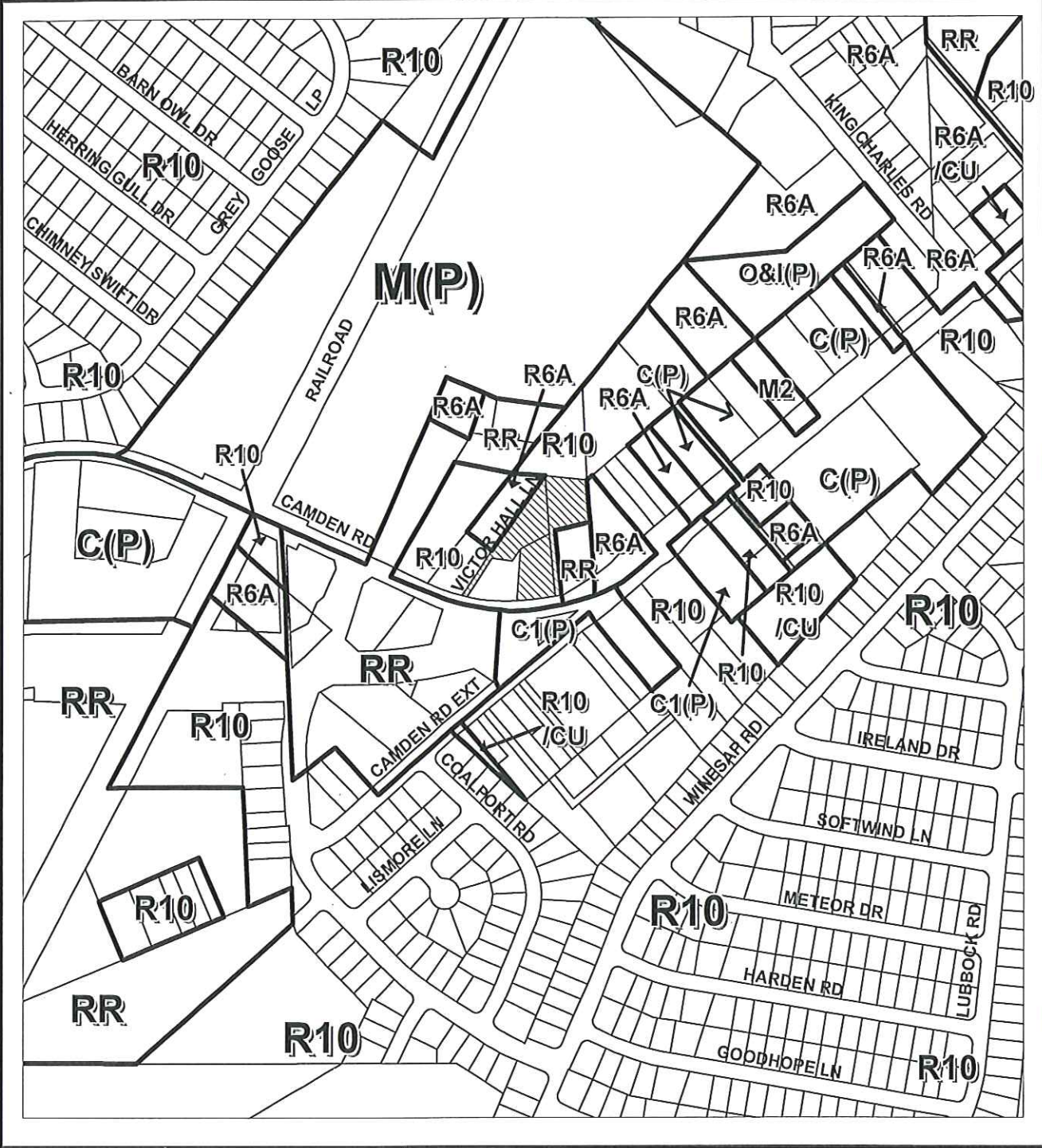
1. Density (minus 15% for R/W):
R7.5 – 9 lots/10 units (8 lots/units)
RR – 3 lots/4 units (3 lots/units)

2. Minimum Yard Setback Regulations:

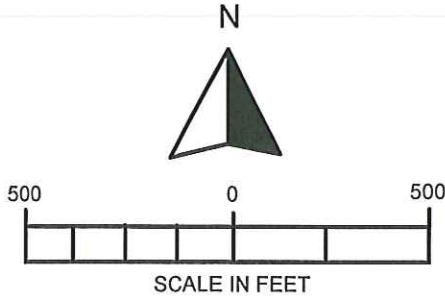
<u>R7.5</u>	<u>RR</u>
Front yard: 30'	Front yard: 30'
Side yard: 10'	Side yard: 15'
Rear yard: 35'	Rear yard: 35'

First Class and Record Owners' Mailed Notice Certification

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



REQUESTED REZONING R10 TO RR



ACREAGE: 1.69 AC.+/-	HEARING NO: P14-49	
ORDINANCE: COUNTY	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

PIN: 0425-04-5605
 0425-04-6817
 0425-04-4870

14-093
SITE PROFILE

CASE NO. 14-093. CONSIDERATION OF THE REBECCA CARR & ARLENA OXENDINE PROPERTY; GROUP DEVELOPMENT REVIEW; REQUEST FOR A WAIVER FROM THE REQUIREMENT TO HAVE 20 FEET OF STREET FRONTAGE TO A PUBLIC OR PRIVATE STREET; COUNTY SUBDIVISION ORDINANCE, SECTION 2401.D, GROUP DEVELOPMENT; ZONED: A1; TOTAL ACREAGE: 10.64+/-; LOCATED AT 5064 SNOWBIRD ROAD; SUBMITTED BY REBECCA CARR & ARLENA OXENDINE (OWNER).

Summary of Request

The developer is requesting a waiver from the requirement to have 20 feet of direct street frontage/access to a public or approved private street to place two proposed manufactured homes on the subject property. The 10.64 acre lot takes its access from a recorded 60 foot wide road easement that is approximately 1,990 feet from SR 2023 (Tabor Church Road). The 60 foot easement is named Snowbird Road for E-911 purposes and is recorded in Plat Bk. 67, Pg. 58 at the County Register of Deeds. Ten acre lots are exempt from the subdivision regulations requiring the minimum 20 feet of street frontage for the creation of the lot.

Site Information:

Frontage & Location: 0.00' feet of frontage along SR 2023 (Tabor Church Road), 827 feet along easement named Snowbird Road

Depth: 555.84'+/-

Jurisdiction: Cumberland County

Municipal Influence Area (MIA): N/A

Sewer Services Area (SSA): No

Adjacent Property: No

Nonconformities: None

Water & Sewer: Well/Septic

Special Flood Hazard Area (SFHA): No

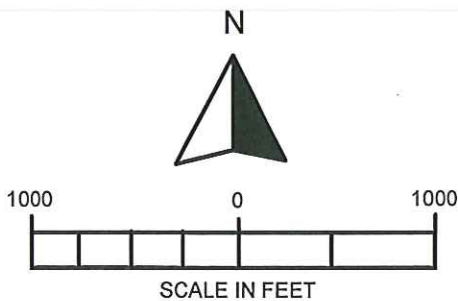
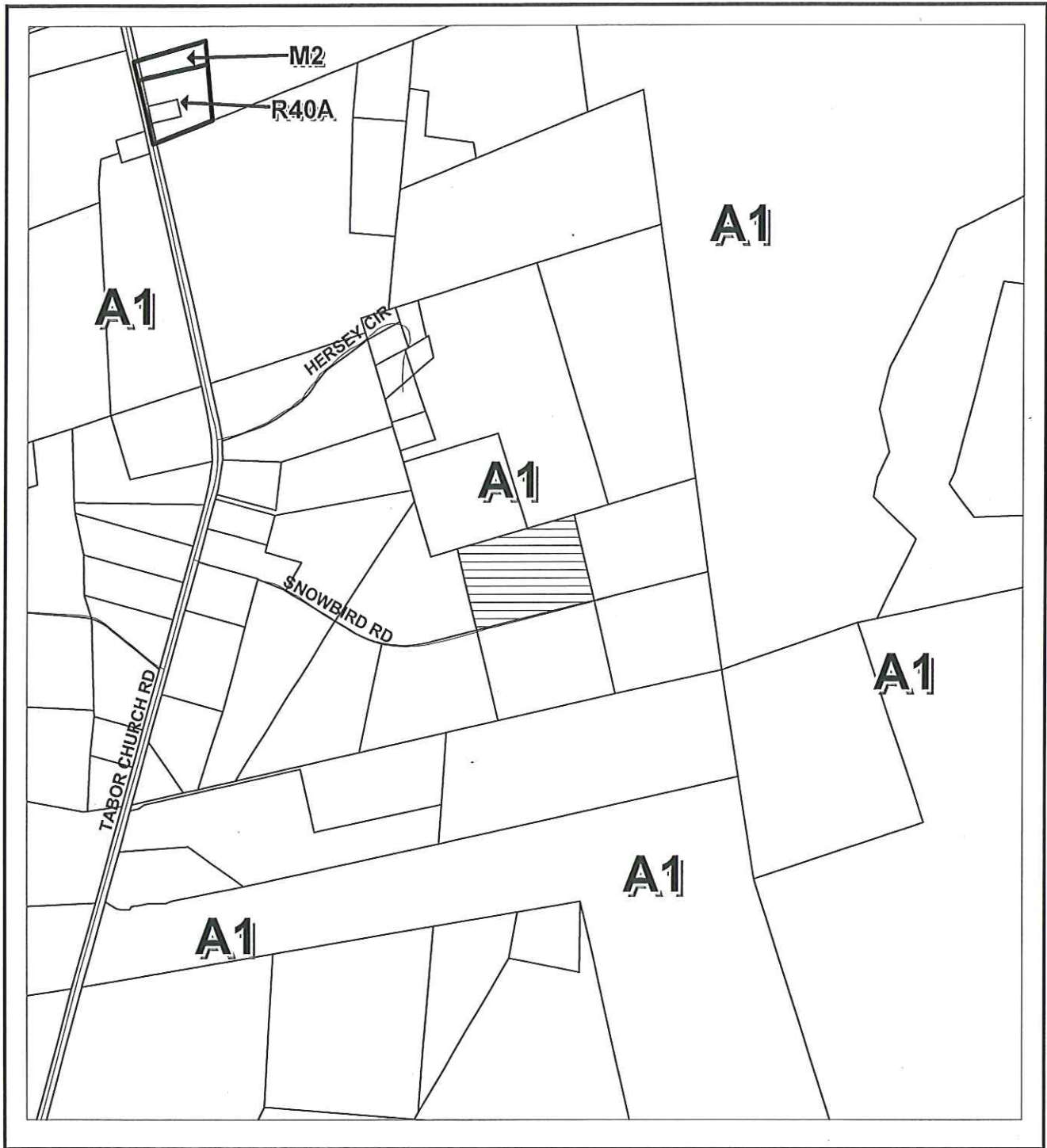
Applicable County Subdivision Ordinance Provisions

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

Section 2303 MINIMUM LOT STANDARDS, C, *Street frontage.* Except as otherwise provided for in Section 2401, every lot shall abut a public street or private street approved under the terms of this ordinance for at least 20 feet; such frontage (abutting) to be continuous from the property line to building setback line.

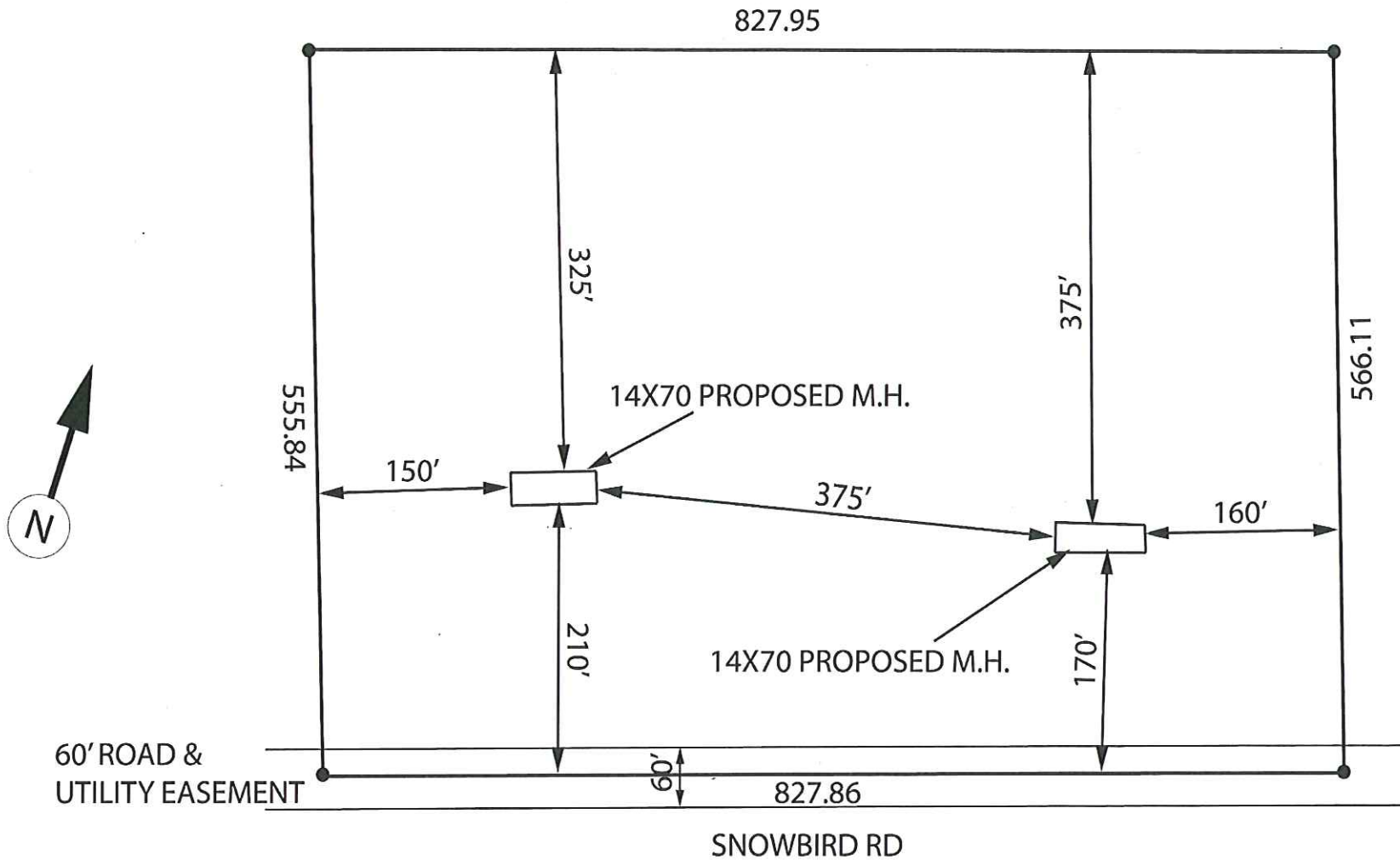
Attachments

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



COUNTY SUBDIVISION ORDINANCE WAIVER

ACREAGE: 10.64 AC.+/-		HEARING NO: 14-093	
ORDINANCE: COUNTY		HEARING DATE	ACTION
GOVERNING BOARD			



REBECCA CARR & ARLENA OXENDINE PROPERTY
 GROUP DEVELOPMENT REVIEW
 REQUEST: A WAIVER FROM SECTION 2401.D
 CASE: 14-093 ACREAGE: 10.64 AC.+/-
 ZONING: A1 SCALE: NTS

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



**SUBJECT
PROPERTY**

TAVOR CHURCH RD

SR 2023

60' ROAD & UTILITY
EASEMENT

1990' +/- TO SR 2023

SNOWBIRD RD

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

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

LOCATION OF PROPERTY: 5065 SNOWBIRD RA
CEDAR CREEK, NC
OWNER: REBECCA CARR & ARLENA OXENDINE
ADDRESS: 1901 Gillespie St. Fayetteville NC ZIP CODE: 28306
TELEPHONE: HOME 910 366 8226 WORK 910 366-8226
AGENT: _____
ADDRESS: _____
TELEPHONE: HOME _____ WORK _____

APPLICATION FOR A WAIVER [VARIANCE]

As required by the Subdivision Ordinance

- A. Parcel Identification Number (PIN #) of subject property: 19
(also known as Tax ID Number or Property Tax ID)
- B. Acreage: 10.64 Frontage: 827.68 Depth: 555.84
- C. Water Provider: WELL - TO BE INSTALLED
- D. Septage Provider: SEPTIC TANK - TO BE INSTALLED
- E. Deed Book 7099 Page(s) 557 Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
- F. Existing and/or proposed use of property: HOME PLACE / RESIDENCE
- G. Section and provision of the Cumberland County Subdivision Ordinance from which a waiver [variance] is requested: SECTION 2303 - C

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

10+ ACRE TRACT WITH EASEMENT
WANTS TWO RESIDENCES ON LOT
FOR FAMILY

STATEMENT OF ACKNOWLEDGEMENT

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

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

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

Rebecca Carr Ariana Oxendine
Property owner(s)' signature(s)

REBECCA CARR ARIANA OXENDINE
Property owner(s)' name (print or type)

1901 Gillespie St
Fayetteville, NC 28306
Complete mailing address of property owner(s)

910-364-8331 910-366-8226
Telephone number Alternative telephone number

Email address FAX number



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Town of Hope Mills

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Vice-Chair
Town of Linden

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Cumberland County

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Town of Eastover

CUMBERLAND COUNTY NORTH CAROLINA

Planning & Inspections Department

DRAFT

STAFF REVIEW: 08-21-14 PLANNING BOARD DECISION: 09-16-14

CASE NO: 14-093 NAME OF DEVELOPMENT: HENRY MCDONALD HEIRS PROPERTY

MIA: N/A GROUP DEVELOPMENT REVIEW

LOCATION: 5065 SNOWBIRD ROAD ZONING: A1

PIN: 0461-43-8058-

OWNERS / DEVELOPER: REBECCA CARR & ARLENA ENGINEER OR DESIGNER: N/A
OXENDINE AND JIMMIE LEWIS

STAFF RECOMMENDATION:

- PRELIMINARY
- EXTENSION REVISION
- CONDITIONAL APPROVAL
- DENIED

PLANNING BOARD DECISION:

- PRELIMINARY
- EXTENSION REVISION
- APPROVED CONDITIONALLY
- DENIED

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

Watershed-Related:

1. An application for a Watershed "No Approval Required" development must be submitted to the Watershed Review Officer (WRO) and plans must be approved by the WRO prior to final plat approval and/or prior to application for any building/zoning permits, site plan approval is required. A copy of the WRO's approval of this plat/plan must be submitted to Code Enforcement at the time of application for any permits.

Permit-Related:

2. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the County Zoning Ordinance and permits required to place any structure within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. For additional information, the developer should contact a Code Enforcement Officer.
3. The County Health Department must approve water and sewer plans prior to application for any permits. Site and soil evaluations must be conducted on the property by the County Environmental Health Department prior to application for permits. A copy of the Health Department approval must be provided to Code Enforcement at the time of application for any building/zoning

permits. (Note: All Health Department requirements must be met prior to issuance of final permits.) (Section 2306 A, Water and Sewer, County Subdivision and Development Ordinance)

4. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
5. New development where the developer will disturb or intends to disturb more than one acre of land is subject to the Post-Construction Stormwater Management Permitting Program (Phase II Stormwater Management Requirements) administered by the Division of Water Quality, North Carolina Department of Environment and Natural Resources. If one acre or more of land is to be disturbed, prior to the issuance of any building/zoning permits for this site, a copy of the State's *Post-Construction Permit* must be provided to County Code Enforcement.
6. For any new development where the developer disturbs or intends to disturb more than one acre of land, the developer must provide the Code Enforcement Section with an approved NC Department of Environment and Natural Resources (NCDENR) sedimentation and erosion control plan (S&E) prior to any application for permits. (Note: If any retention/detention basins are required for state approval of this plan, then three copies of a revised plan must be submitted and approved by Planning & Inspections prior to application for any building/zoning permits.) A copy of the NCDENR approval must be provided to Code Enforcement at the time of application for any building/zoning permits.
7. The building final inspection cannot be accomplished until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans.

Site-Related:

8. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Development Ordinance and Zoning Ordinances for the A1 zoning district must be complied with, as applicable. Note: Ingress/egress easement is recorded in Plat Book 67, page 58.
9. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision and Development Ordinance)

Other Relevant Conditions:

10. The applicant is advised to consult an expert on wetlands before proceeding with any development. There may be wetlands located in the project area that are subject to the permit requirements of Section 404 of the Clean Water Act. To avoid a violation of federal and/or state law, it is recommended the developer contact the Office of the Army Corp of Engineers or hire an environmental consultant to identify and delineate any wetlands in the project area prior to construction. A Section 404 permit will be required if the applicant needs to fill wetlands and the permit must be obtained prior to any construction on this site.
11. Under current standards, no more than two manufactured homes can be placed on the subject property.
12. The owner/developer is responsible for ensuring easements which may exist on the subject property are accounted for, not encumbered and that no part of this development is violating the rights of the easement holder.
13. The developer has requested a waiver from Section 2401.D, County Subdivision Ordinance. This case will be heard by the Cumberland County Joint Planning Board on September 16, 2014.

Thank you for making Cumberland County your home!

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

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

Watershed Review Officer:	Jeff Barnhill	678-7765
Subdivision/Site Plan/Plat	Ed Byrne	678-7609
Code Enforcement (Permits):	Ken Sykes	321-6654
County Health Department:	Daniel Ortiz	433-3680
Ground Water Issues:	Matt Rooney	678-7625

County Public Utilities:	Amy Hall	678-7637
Corp of Engineers (wetlands):	Liz Hair	(910) 251-4049
NC DENR (E&S):	Brad Cole	433-3300
Location Services:		
Site-Specific Address:	Ron Gonzales	678-7616
Tax Parcel Numbers:		678-7549
N.C. Division of Water Quality:	Mike Randall	(919) 733-5083 ext. 545