

Harnett County Planning Board

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July 1, 2024

Case Number: PLAN2405-0002

Site Information

Owner: Fernando & Mabel Cubillos
Applicant: Fernando Cubillos
Location: 171 Old Mill Rd. Fuquay-Varina
PIN #: 0644-77-0251.000
Township: Hectors Creek
Total Acres: 4.84 of 9.778 **# of Proposed New Lots:** 2 **Zoning:** RA-30

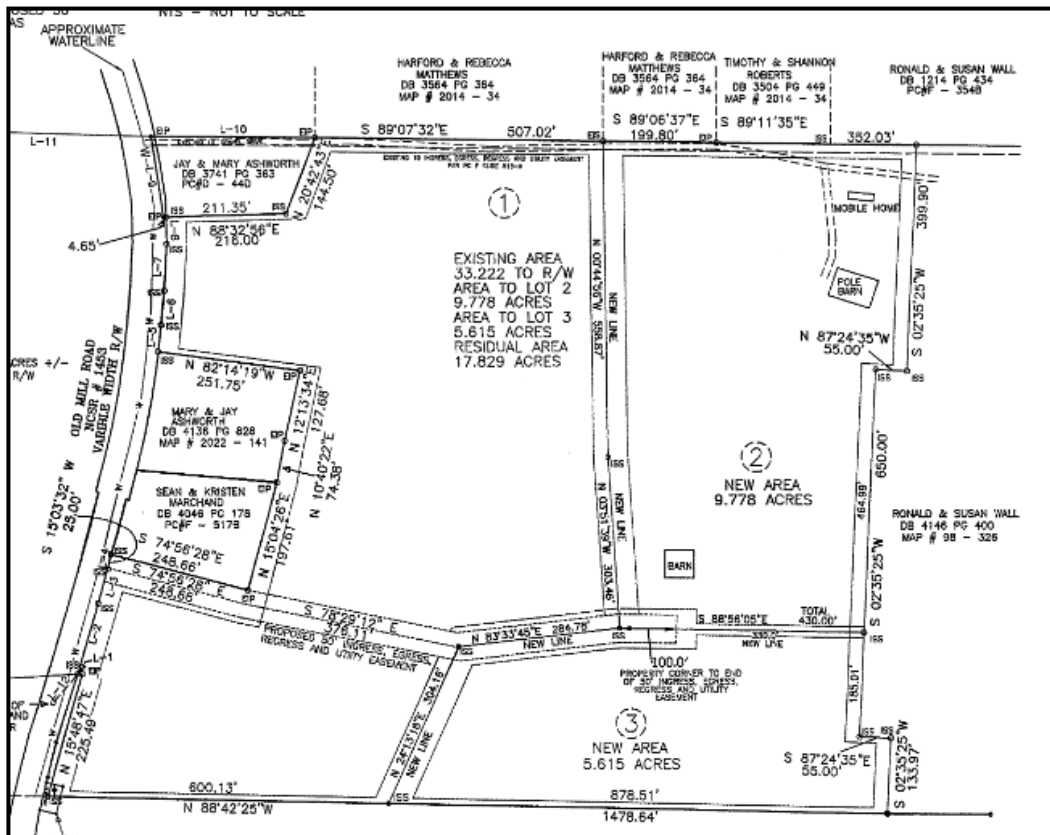
Request and Development Background

The applicant is requesting an exception to the minor subdivision "3 year rule". In February of 2023, the previous owners of the subject property recorded a minor subdivision that subdivided 2 lots out of the 33.22-acre parent tract. Now, the current owner of the property is requesting to subdivide a 9.778 acre lot created by the 2023 subdivision which would result in 2 additional lots. Combined with the previous minor subdivision, the proposed subdivision would create a total of 4 lots on the 50' ingress, egress, regress and utility easement.

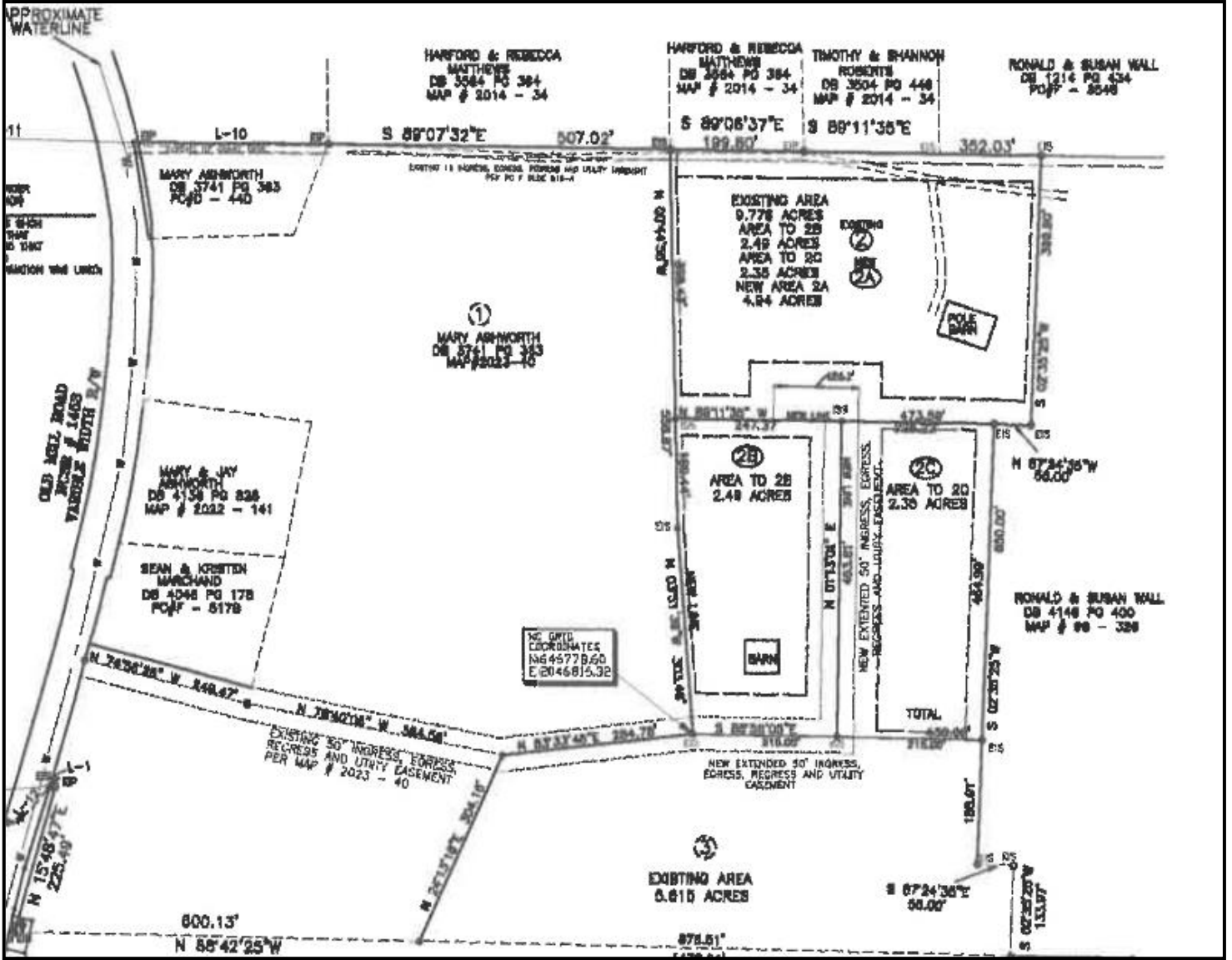
Since the regulation in the ordinance which limits use of the minor subdivision procedure to one time in a 3-year period is applicable to subsequent owners, the request for an exception to the rule must be granted in order for the proposed subdivision to occur.

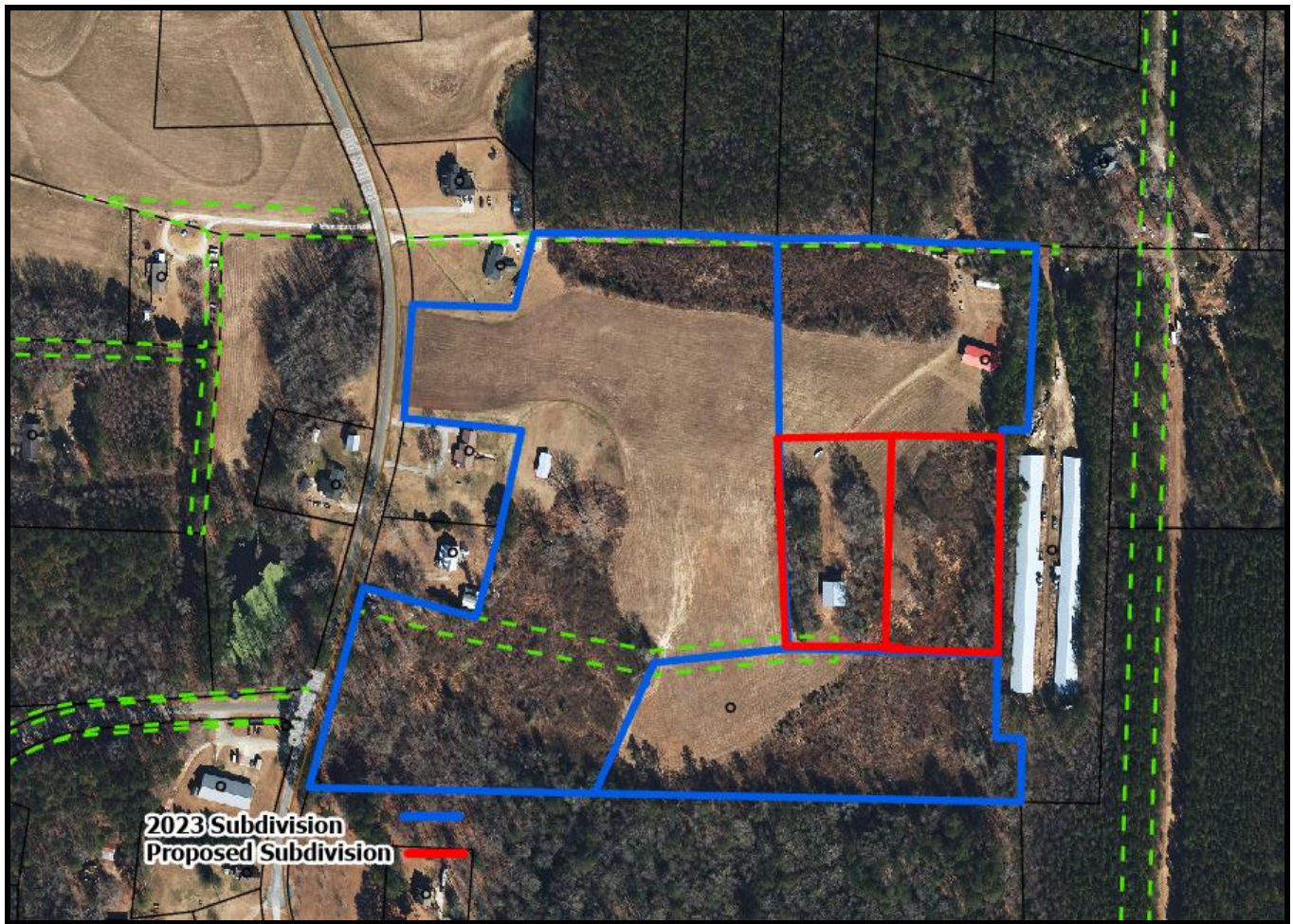
Map

Minor Subdivision Recorded 2023



Proposed Minor Subdivision





Article III, Sect. 8.2.1 D of the Harnett County Unified Development Ordinance

This procedure may not be used a second time within three (3) years on any property less than 1,500 feet from the original property boundaries by anyone who owned, had an option on, or held any legal interest in the original subdivision at the time the subdivision received preliminary or final plat approval or by any subsequent owner, individual having an option on, or individual having any legal interest in the original subdivision at the time the subdivision received preliminary or final plat approval.

However, the Planning Director or Designee may at any time refer the application to the Harnett County Planning Board for consideration to allow a second minor subdivision to occur within the allotted three (3) years if deemed necessary and appropriate. Subsequent to Planning Board approval, the application shall then be reviewed in accordance with the major subdivision review and approval process by the Development Review Board. **In no case shall utilization of this process allow for the number of new lots created, combined with the number of lots created by the initial minor subdivision to exceed the maximum number of lots permitted by the minor subdivision process.** No other requirements set forth by the minor subdivision process shall be circumvented.

Purpose of the 3 Year Rule

The purpose of the minor subdivision 3-year rule is to prevent successive use of the minor subdivision process as an alternative to the major subdivision review process. Due to the impact on the community, and for the health, safety, and general welfare of the residents, major subdivisions require substantially more improvements and review time than minor subdivisions.

Successive use of the minor subdivision review process in the place of the major subdivision review process results in developments without stormwater management, paved roads, streetlights, water line improvements, fire hydrants, or other important infrastructure, which is not in accordance with sound planning practices.