

Charles Morris,  
Chair  
Town of Linden

Diane Wheatley,  
Vice-Chair  
Cumberland County

Jami McLaughlin,  
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,  
Carl Manning,  
Lori Epler  
Cumberland County

Benny Pearce,  
Town of Eastover

Patricia Hall,  
Town of Hope Mills

**TENTATIVE AGENDA**

October 18, 2016

7:00 P.M.

- I. INVOCATION AND PLEDGE OF ALLEGIANCE
- II. APPROVAL OF/ADJUSTMENTS TO AGENDA
- III. PUBLIC HEARING DEFERRALS / WITHDRAWALS
- IV. ABSTENTIONS BY BOARD MEMBERS
- V. APPROVAL OF THE MINUTES OF SEPTEMBER 20, 2016
- VI. JOINT PLANNING BOARD DEADLINE/MEETING SCHEDULE
- VII. PUBLIC HEARING CONSENT ITEMS

REZONING CASES

- A. **P16-43.** REZONING OF 1.77+/- ACRES FROM R6A RESIDENTIAL AND C1(P) PLANNED LOCAL BUSINESS TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 3455 CUMBERLAND ROAD, SUBMITTED BY RICHARD A. WHEELER (OWNER).
- B. **P16-47.** REZONING OF 75.00+/- ACRES FROM A1 AGRICULTURAL & R40 RESIDENTIAL TO R20 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 2787 THROWER ROAD, SUBMITTED BY VANCE U. TYSON ON BEHALF OF ASBY HOLDINGS, LLC (OWNER) AND CRAWFORD MCKETHAN (AGENT).

VIII. PUBLIC HEARING WAIVER CASE

**CASE NO. 16-102.** CONSIDERATION OF THE KENNETH MCLAURIN PROPERTY; GROUP DEVELOPMENT REVIEW; REQUEST FOR A WAIVER FROM THE REQUIREMENT TO HAVE A MINIMUM OF TWENTY FEET OF STREET FRONTAGE AND STREET ACCESS OFF OF EITHER A PUBLIC STREET OR AN APPROVED PRIVATE STREET; COUNTY SUBDIVISION ORDINANCE, SECTIONS 2303.C, STREET FRONTAGE & 2401.D, STREET ACCESS; ZONED: RR; TOTAL ACREAGE: 0.96+/-; LOCATED AT 3437 & 3441 NEBULAR DRIVE; SUBMITTED BY HAROLD F LIFE ESTATE & DEHAROLD D MCLAURIN (OWNER) AND KENNETH MCLAURIN (DEVELOPER).

IX. PUBLIC HEARING CONTESTED ITEMS

IX. DISCUSSION

DIRECTOR'S UPDATE

X. ADJOURNMENT

Charles Morris,  
Chair  
Town of Linden

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Vice-Chair  
Cumberland County

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NORTH CAROLINA

*Planning & Inspections Department*

**2017**

*JOINT PLANNING BOARD*

*DEADLINE/MEETING SCHEDULE*

Thomas J. Lloyd,  
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Cecil P. Combs,  
Deputy Director

Vikki Andrews,  
Carl Manning,  
Lori Epler,  
Cumberland County

Benny Pearce,  
Town of Eastover

Patricia Hall,  
Town of Hope Mills

**Application Deadline**

Wednesday, December 7, 2016  
Wednesday, January 18, 2017  
Wednesday, February 15, 2017  
Tuesday, March 14, 2017  
Tuesday, April 11, 2017  
Tuesday, May 16, 2017  
Tuesday, June 13, 2017  
Wednesday, July 12, 2017  
Tuesday, August 15, 2017  
Wednesday, September 13, 2017  
Tuesday, October 17, 2017  
Monday, November 13, 2017  
Thursday, December 7, 2017

**Meeting Date**

January 17, 2017 & February 7, 2017  
February 21, 2017 & March 7, 2017  
March 21, 2017 & April 4, 2017  
April 18, 2017 & May 2, 2017  
May 16, 2017 & June 6, 2017  
June 20, 2017 & **July 4, 2017\***  
July 18, 2017 & August 1, 2017  
August 15, 2017 & September 5, 2017  
September 19, 2017 & October 3, 2017  
October 17, 2017 & November 7, 2017  
November 21, 2017 & December 5, 2017  
December 19, 2017 & January 2, 2018  
January 16, 2018 & February 6, 2018

**NOTE: Generally, deadlines are set 24 working days prior to the Board meeting date.**

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Town of Hope Mills

October 13, 2016

**MEMORANDUM**

**TO:** Cumberland County Joint Planning Board  
**FROM:** Planning and Inspections Staff  
**SUBJECT:** Staff Recommendation for the October 18, 2016 Board Meeting

**P16-43.** REZONING OF 1.77+/- ACRES FROM R6A RESIDENTIAL AND C1(P) PLANNED LOCAL BUSINESS TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 3455 CUMBERLAND ROAD, SUBMITTED BY RICHARD A. WHEELER (OWNER).

**1<sup>st</sup> MOTION**

The Planning and Inspections Staff recommends the board find that approval of the request 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 consistent with the Southwest Cumberland Land Use Plan which calls for “heavy commercial” at this location.

The staff 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: *public water and sewer required*, public sewer is not available; *have minimum direct access to a collector street*; Cumberland Road is a minor arterial street; *not be in a predominantly residential, office & institutional, or light commercial area*; *must be located on a sufficient site that provides adequate area for buffering, screening and landscaping*, subject property is 1.77 acres.

**2<sup>nd</sup> MOTION**

In addition to the above information, the Planning and Inspections Staff recommends the board approve Case No. P16-43 for C(P) Planned Commercial based on the following:

- The district requested will allow for land uses that exist in the general area.

The C1(P) Planned Local Business and C2(P) Planned Service and Retail Districts could also be considered suitable for this location.

Attachments:

1 – Site Profile; 2 – Sketch Map



**P16-43**  
**SITE PROFILE**

**P16-43.** REZONING OF 1.77+/- ACRES FROM R6A RESIDENTIAL AND C1(P) PLANNED LOCAL BUSINESS TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 3455 CUMBERLAND ROAD, SUBMITTED BY RICHARD A. WHEELER (OWNER).

**Site Information:**

**Frontage & Location:** 156.00'+/- on SR 1141 (Cumberland Rd) & 290.00'+/- on SR 3029 (Kim St)

**Depth:** 413'+/-

**Jurisdiction:** County

**Adjacent Property:** No

**Current Use:** Vacant

**Initial Zoning:** C1 & R6A – November 17, 1975 (Area 4)

**Nonconformities:** None

**Zoning Violation(s):** None

**Surrounding Zoning:** North: HI (FAY), C(P)/CUD (motor vehicle repair, body work & other permitted uses), C(P), C3, C2(P), C1(P), C1(P)/CU (car wash) & (construction office & storage building), R10, SF-10 (FAY), SF-6 (FAY), R6A, R6A/CU (sewing business w/ C1 setbacks) & R6; South: M2, R10 & R6A; East: C3, R10 & R6A; West: M2, C3, C1(P), RR, RR/CU (office space & open storage) R10 & R6A

**Surrounding Land Use:** Residential (including manufactured homes), motor vehicle repair (3), trade contractor, substation, daycare (2), manufactured home park (4)

**2030 Growth Vision Plan:** Urban

**South Central Land Use Plan:** Heavy commercial

**School Capacity/Enrolled:** Cumberland Road Elementary: 457/392; Ireland Drive Middle: 340/295; Byrd Middle: 702/705; Byrd High: 1280/1125

**Special Flood Hazard Area (SFHA):** None

**Municipal Influence Area:** Fayetteville

**Fayetteville Planning:** If PWC sewer is provided or expanded, annexation would be required.

**Water/Sewer Availability:** PWC/Septic

**Soil Limitations:** None

**Subdivision/Site Plan:** If approved, site plan review would be required.

**Average Daily Traffic Count (2014):** 14000 on SR 1141 (Cumberland Rd)

**Highway Plan:** Proposed sidewalk project from George Owen Road to Southern Avenue on Cumberland Road. There is no time line for the project; however it should fall within the existing right of way.

**Notes:**

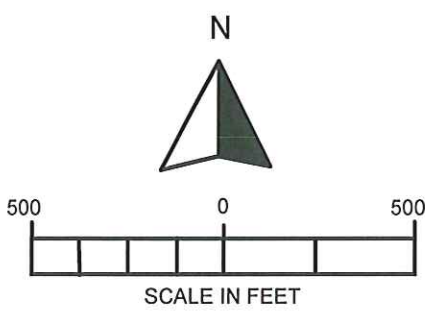
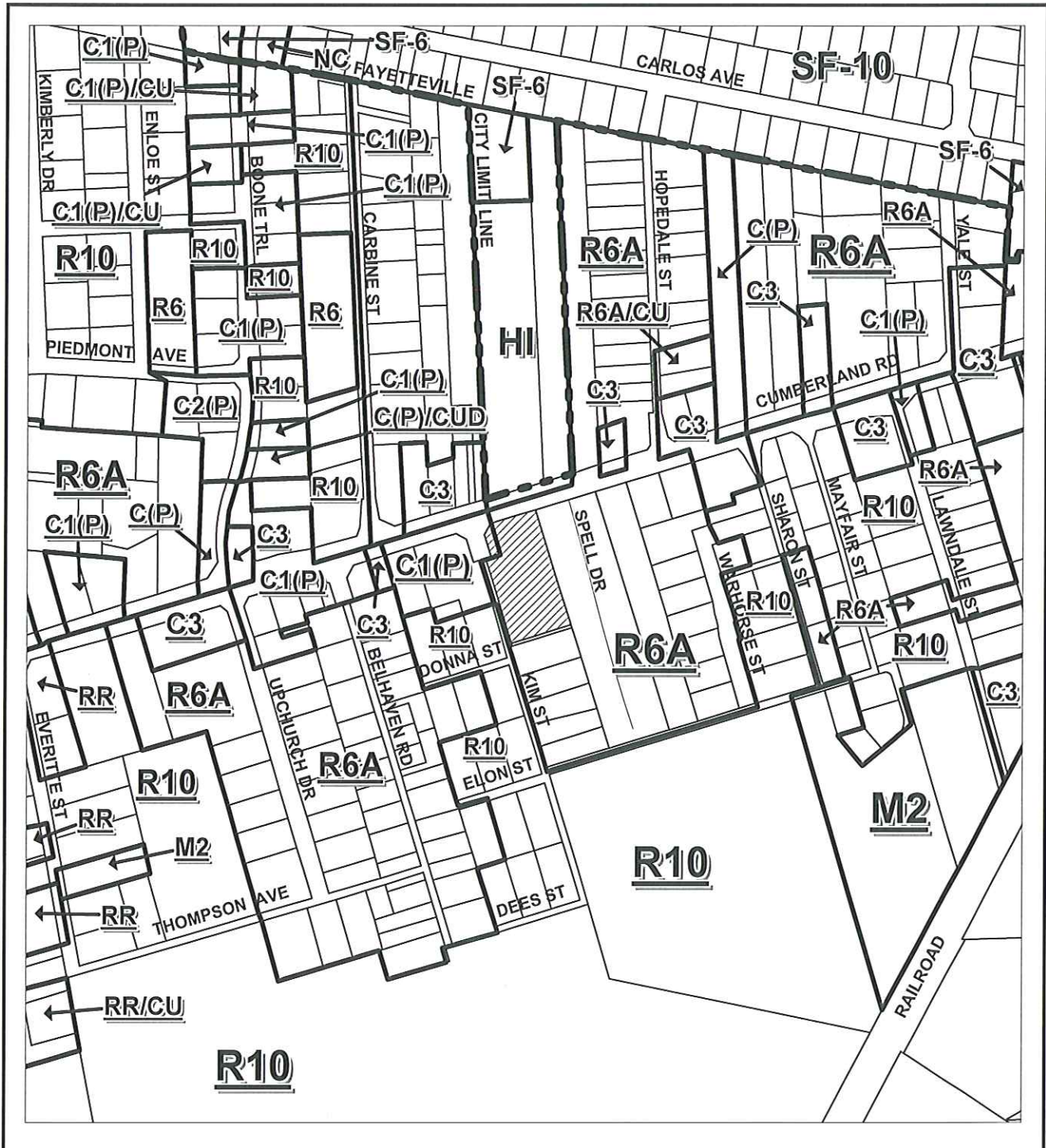
1. Density  
R6 & R6A –12 lots/ 13 units  
MHP (R6A only) – 14 units

2. Minimum Yard Setbacks:

<u>C(P) &amp; C2(P)</u>	<u>C1(P)</u>	<u>R6 &amp; R6A</u>
Front yard: 50'	Front yard: 45'	Front yard: 25'
Side yard: 30'	Side yard: 15'	Side yard: 10'
Rear yard: 30'	Rear yard: 20'	Rear yard: 30' (15' in R6A)

**First Class and Record Owners' Mailed Notice Certification**

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



## REQUESTED REZONING R6A & C1(P) TO C(P)

<b>ACREAGE:</b> 1.77 AC.+/-	<b>HEARING NO:</b> P16-43	
<b>ORDINANCE:</b> COUNTY	<b>HEARING DATE</b>	<b>ACTION</b>
<b>STAFF RECOMMENDATION</b>		
<b>PLANNING BOARD</b>		
<b>GOVERNING BOARD</b>		

PIN: 0426-00-3145



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Cumberland County

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October 13, 2016

**MEMORANDUM**

**TO:** Cumberland County Joint Planning Board  
**FROM:** Planning and Inspections Staff  
**SUBJECT:** Staff Recommendation for the October 18, 2016 Board Meeting

**P16-47.** REZONING OF 75.00+/- ACRES FROM A1 AGRICULTURAL & R40 RESIDENTIAL TO R20 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 2787 THROWER ROAD, SUBMITTED BY VANCE U. TYSON ON BEHALF OF ASBY HOLDINGS, LLC (OWNER) AND CRAWFORD MCKETHAN (AGENT).

**1<sup>st</sup> MOTION**

The Planning and Inspections Staff recommends the board find approval of the request is consistent with the *2030 Growth Vision Plan*, which calls for “rural” at this location and the plan calls for “urban” on adjacent properties across Thrower Road. The request is not consistent with the South Central Land Use Plan which calls for “farmland,” but could be found suitable as the plan calls for “low density residential” on adjacent properties across Thrower Road.

The staff 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 allowed based on soil type, lot size, and distance from public sewer; must have direct access to a public street*, Thrower Road is a public street; *must not be located in any defined critical area as defined by the Fort Bragg Small Area Study*.

**2<sup>nd</sup> MOTION**

In addition to the above information, the Planning and Inspections Staff recommends the board approve Case No. P16-47 for R20 Residential based on the following:

- The developer is proposing to extend PWC water to the site, which is critically important for future development in Gray’s Creek.

The R30 Residential zoning district could also be considered suitable at this location.

Attachments: 1 – Site Profile; 2 – Sketch Map

**P16-47**  
**SITE PROFILE**

**P16-47.** REZONING OF 75.00+/- ACRES FROM A1 AGRICULTURAL & R40 RESIDENTIAL TO R20 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 2787 THROWER ROAD, SUBMITTED BY VANCE U. TYSON ON BEHALF OF ASBY HOLDINGS, LLC (OWNER) AND CRAWFORD MCKETHAN (AGENT).

**Site Information:**

**Frontage & Location:** 1,950'+/- on SR 2245 (Thrower Rd) & 150.00'+/- on SR 2245 (Thrower Rd)

**Depth:** 2,100'+/-

**Jurisdiction:** County

**Adjacent Property:** Yes

**Current Use:** Residential & Farmland

**Initial Zoning:** A1 – June 25, 1980 (Area 13)

**Nonconformities:** None

**Zoning Violation(s):** None

**Surrounding Zoning:** North: A1, RR, R20 & R15; South: A1, R40 & RR; East: C1(P), A1, R40 & RR; West: A1, A1A, R40, R40A & RR

**Surrounding Land Use:** Residential (including manufactured homes), farmland and trade contractor

**2030 Growth Vision Plan:** Rural

**South Central Land Use Plan:** Farmland

**School Capacity/Enrolled:** Alderman Road Elementary: 750/731; Gray's Creek Middle: 1100/1025; Gray's Creek High: 1270/1368

**Special Flood Hazard Area (SFHA):** None

**Water/Sewer Availability:** PWC/Septic

**Soil Limitations:** None

**Subdivision/Site Plan:** If approved, subdivision review would be required.

**Average Daily Traffic Count (2014):** 240 on SR 2245 (Thrower Rd)

**Highway Plan:** Thrower Road is a local road with no road improvements/construction planned. No impact on the current Highway Plan or Transportation Improvement Plan.

**Notes:**

1. Density (minus 15% for R/W)  
A1 – 31 lots/32 units  
A1A – 63 lots/ 64 units  
R40/R40A – 69 lots/units  
R30 – 92 lots/ 93 units  
R20 – 138 lots/ 139 units

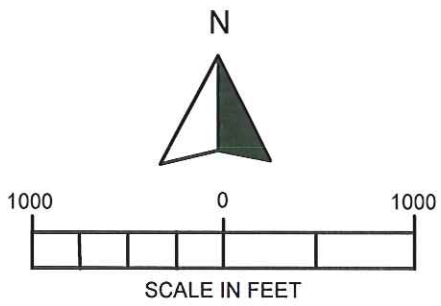
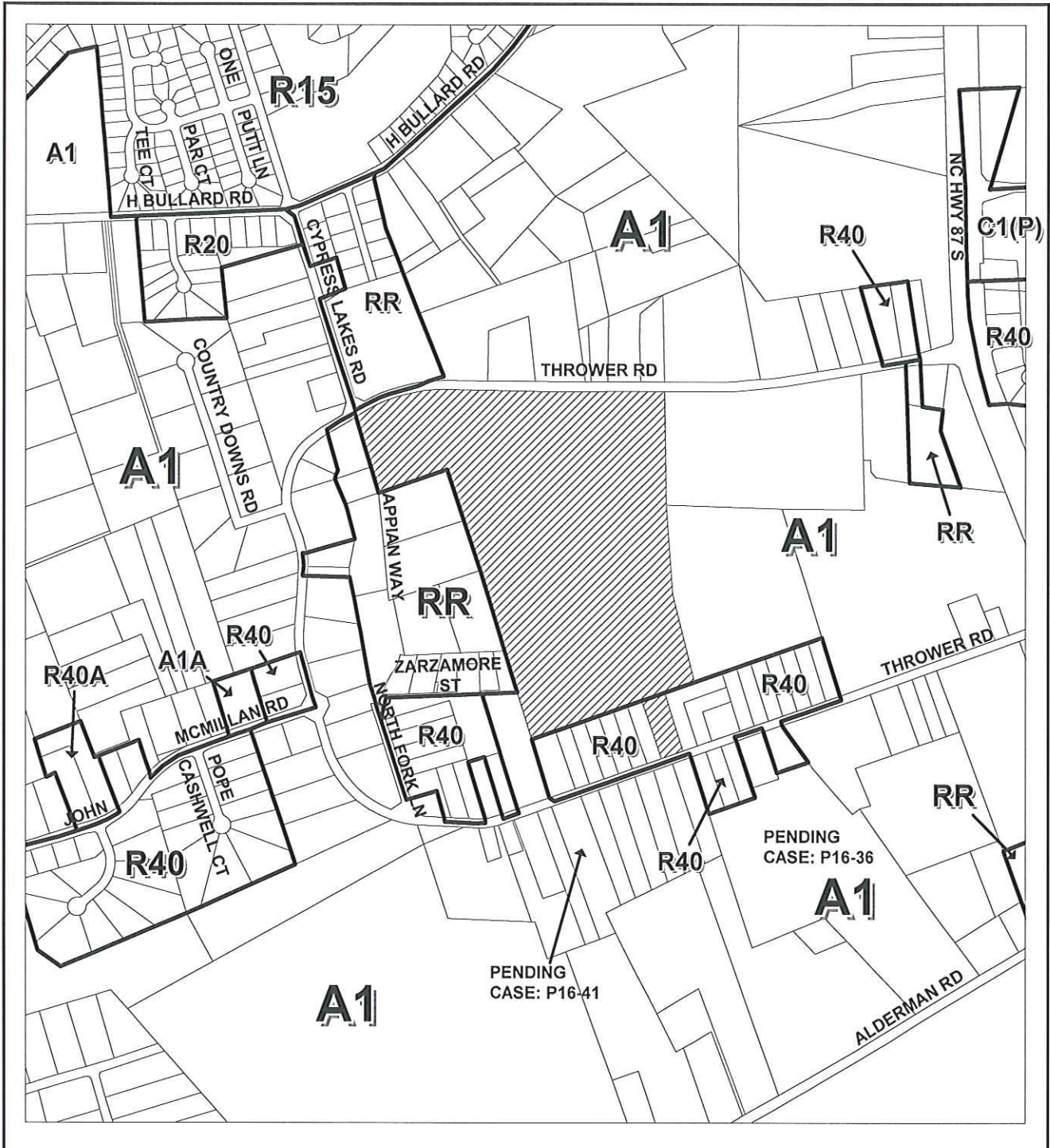
2. Minimum Yard Setbacks:

<u>A1 &amp; A1A</u>	<u>R40, R40A, R30 &amp; R20</u>
Front yard: 50'	Front yard: 30'
Side yard: 20'	Side yard: 15'
Rear yard: 50'	Rear yard: 35'

**First Class and Record Owners' Mailed Notice Certification**

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





PIN: 0442-00-1723

## REQUESTED REZONING A1 & R40 TO R20

<b>ACREAGE: 75.00 AC.+/-</b>		<b>HEARING NO: P16-47</b>	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			



**16-102**  
**SITE PROFILE**

**CASE NO. 16-102.** CONSIDERATION OF THE KENNETH MCLAURIN PROPERTY; GROUP DEVELOPMENT REVIEW; REQUEST FOR A WAIVER FROM THE REQUIREMENT TO HAVE A MINIMUM OF TWENTY FEET OF STREET FRONTAGE AND STREET ACCESS OFF OF EITHER A PUBLIC STREET OR AN APPROVED PRIVATE STREET; COUNTY SUBDIVISION ORDINANCE, SECTIONS 2303.C, STREET FRONTAGE & 2401.D, STREET ACCESS; ZONED: RR; TOTAL ACREAGE: 1.00 +/-; LOCATED AT 3437 & 3441 NEBULAR DRIVE; SUBMITTED BY HAROLD F LIFE ESTATE & DEHAROLD D MCLAURIN (OWNER) AND KENNETH MCLAURIN (DEVELOPER). (COUNTY JURISDICTION)

**Summary of Request**

The developer has submitted a request for waivers from the requirement to have a minimum of twenty feet of street frontage and to have direct access to either a public street or an approved private street. The developer wants to be allowed to place a second dwelling unit on the property using a twenty foot wide access easement. The property is a legal but nonconforming parcel, created by Deed Bk. 2870, Pg. 53 on May 14, 1982.

**Site Information:**

**Frontage & Location:** 0.00' +/- of street frontage along SR 1885 (Hummingbird Place)

**Depth:** 210.00' +/-

**Jurisdiction:** Cumberland County

**Municipal Influence Area (MIA):** N/A

**Sewer Services Area (SSA):** Yes

**Adjacent Property:** No

**Nonconformities:** Yes – access to property is by recorded easement; Nebular Drive was named for E911 purposes in July 1999.

**Water & Sewer:** Well/Septic

**Special Flood Hazard Area (SFHA):** No

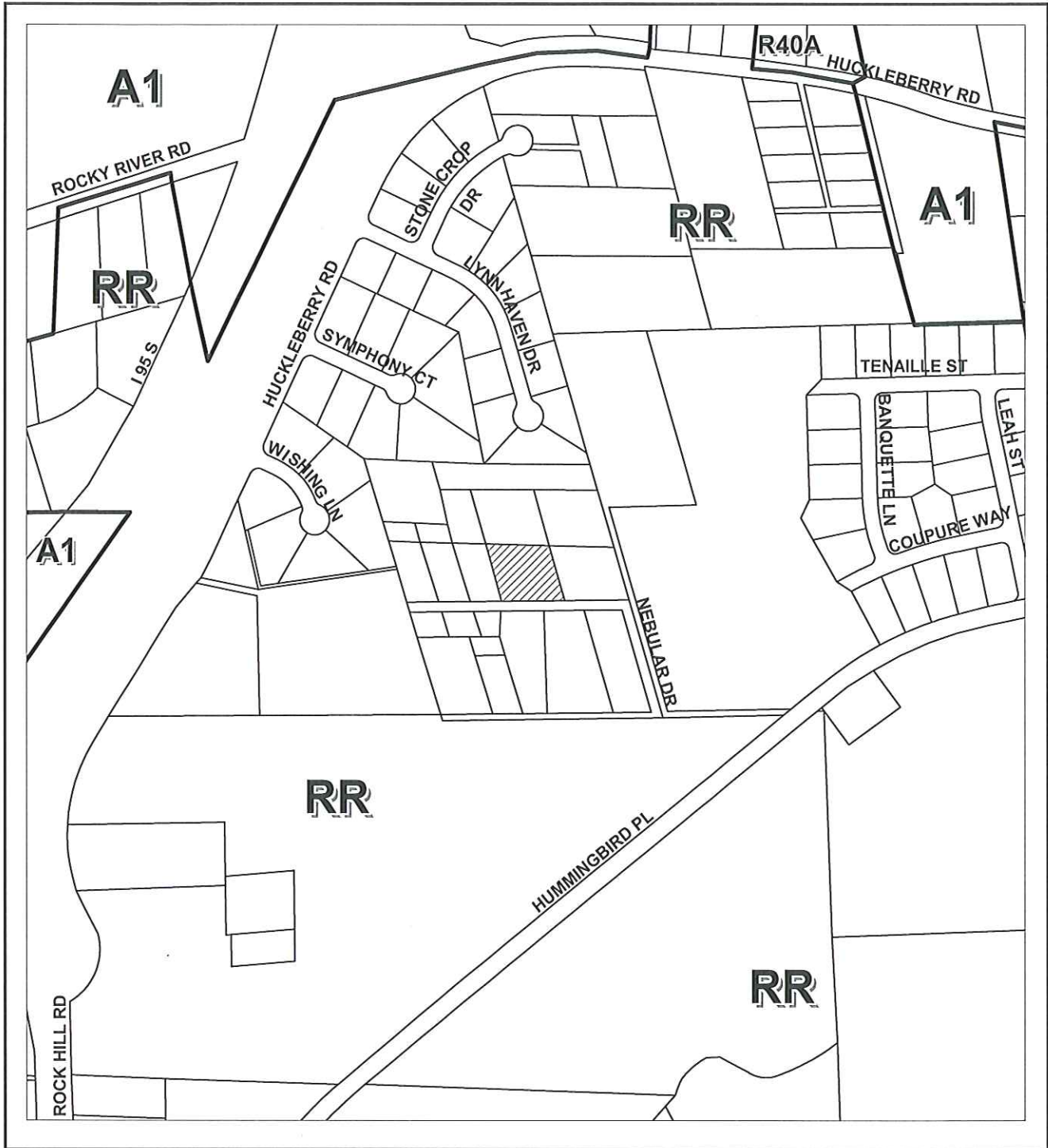
**Applicable County Subdivision Ordinance Provisions**

**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.

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

**Attachments**

- 1 - Sketch Map
- 2 - Group Development Sketch Plan
- 3 - Aerial Photo
- 4 - Application for Waiver
- 5 - Deed of Property
- 6 - Deed Access Easement
- 7 - Draft Conditions of Approval



## COUNTY SUBDIVISION ORDINANCE WAIVER

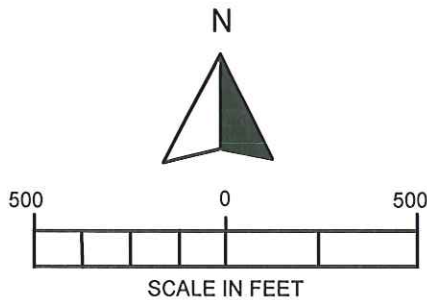
**ACREAGE: 1.00 AC.+/-**

**HEARING NO: 16-102**

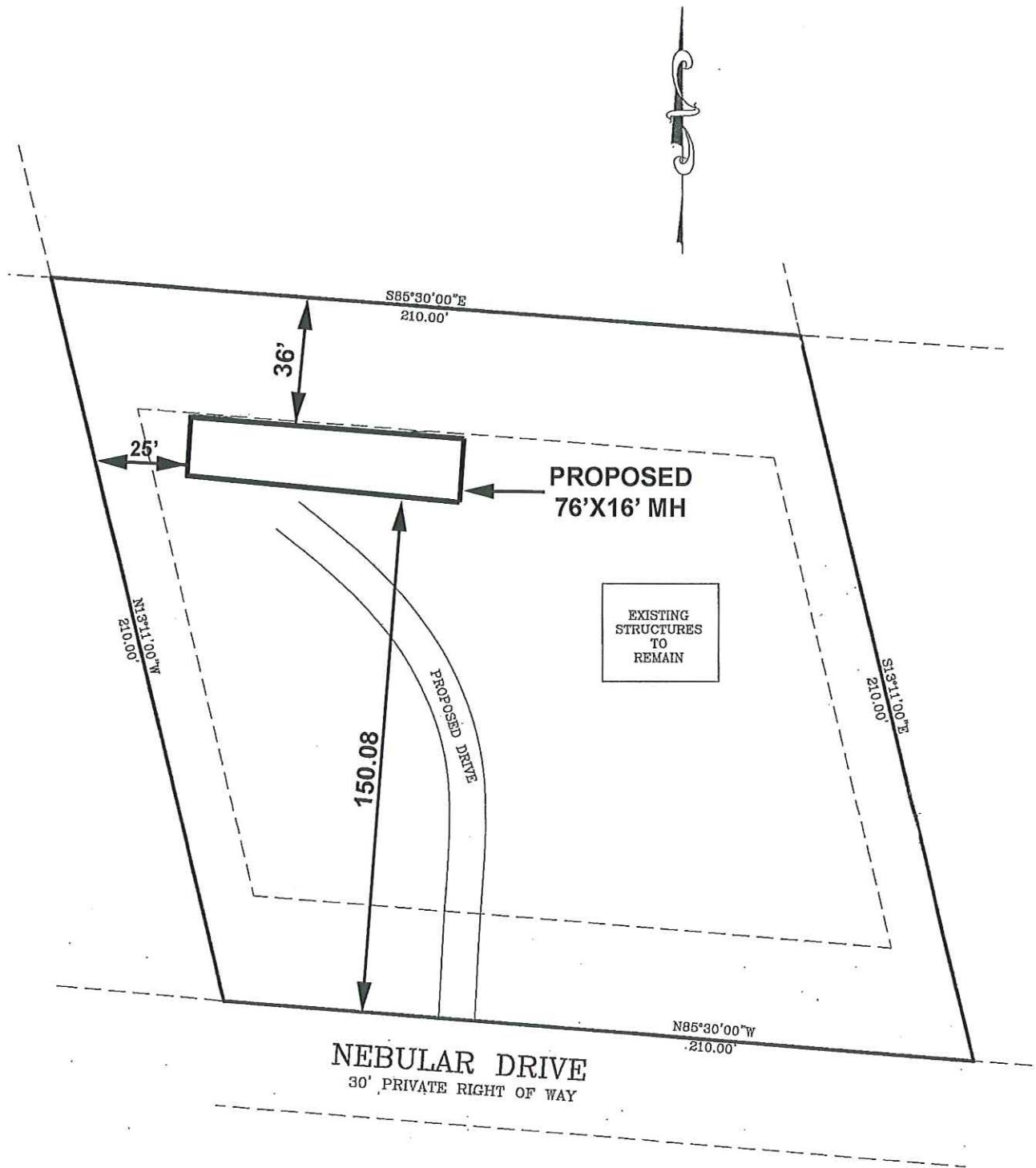
ORDINANCE: COUNTY  
GOVERNING BOARD

HEARING DATE

ACTION







**KENNETH MCLAURIN PROPERTY  
GROUP DEVELOPMENT REVIEW**

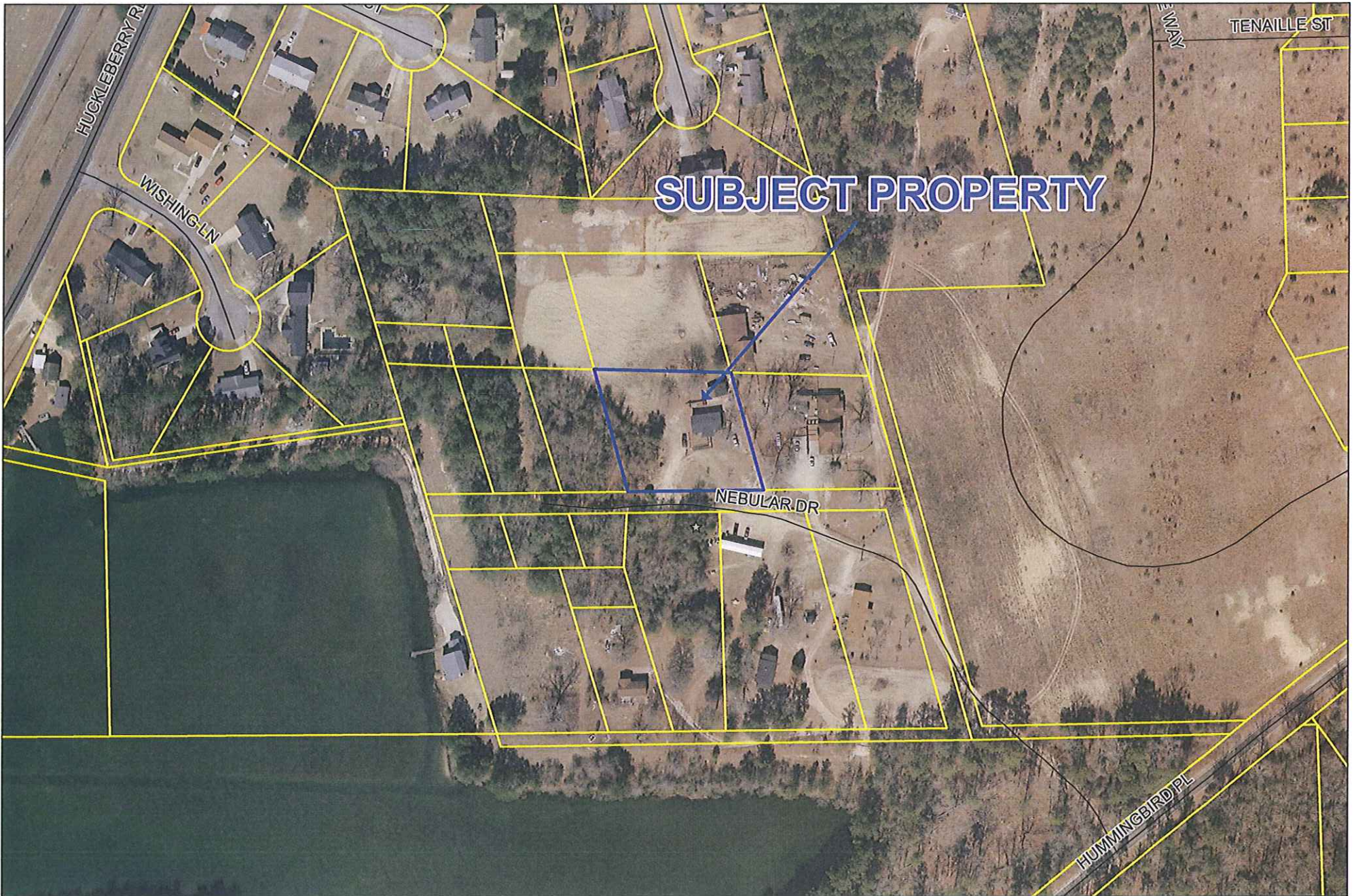
**REQUEST: A WAIVER FROM SECTIONS 2303.C STREET FRONT AND 2401.D STREET ACCESS**

**CASE: 16-102 ACREAGE: 1.00 AC +/-**

**ZONED: RR SCALE: NTS**

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





**AERIAL PHOTO  
CASE NO: 16-102**





**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: Kenneth McLaughlin  
OWNER: Kenneth McLaughlin  
ADDRESS: 3437 Nebular Dr, ZIP CODE: 28312  
TELEPHONE: HOME 910-916-5433 WORK \_\_\_\_\_  
AGENT: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
TELEPHONE: HOME \_\_\_\_\_ WORK \_\_\_\_\_

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

A. Parcel Identification Number (PIN #) of subject property: 0467-15-9042  
(also known as Tax ID Number or Property Tax ID)  
B. Acreage: 1 Frontage: 0 Depth: 210  
C. Water Provider: Well  
D. Septage Provider: Septaga  
E. Deed Book 9427, Page(s) 842, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).  
F. Existing and/or proposed use of property: Med. Residential

G. Section and provision of the Cumberland County Subdivision Ordinance from which a waiver [variance] is requested: 2303-C 2401-D  
Does NOT HAVE 20' OF ROAD FRONTAGE

H. Nature and extent of hardship involved in strict application of the County Subdivision Ordinance – attach additional sheet if necessary:  
WANTS SECOND DWELLING HAS NO ACCESS JUST AN EASEMENT.

Richard McLaughlin  
Agent, attorney, or applicant's signature (other than property owner)

Richard McLaughlin  
Agent, attorney, or applicant (other than property owner) (print or type)

3441 nebular dr. Fayetteville, NC 28312  
Complete mailing address of agent, attorney, or applicant

910-674-7354  
Telephone number

Alternative telephone number

\_\_\_\_\_  
Email address

\_\_\_\_\_  
FAX number

**Upon submission, the contents of this application becomes "public record" and is available for review and/or copies upon request.**



**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.

Harold McHaurin  
Property owner(s)' signature(s)

Harold McHaurin  
Property owner(s)' name (print or type)

3441 Nebular Dr. Fayetteville, NC 28312  
Complete mailing address of property owner(s)

678-664-2345                      910-484-7737  
Telephone number                      Alternative telephone number

\_\_\_\_\_  
Email address                      FAX number

## 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;
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- 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.

Kenneth A. McLaughlin

Property owner(s)' signature(s)

Kenneth A. McLaughlin

Property owner(s)' name (print or type)

3437 Nebular Dr. Fayetteville N.C. 28312

Complete mailing address of property owner(s)

910-916-5433

Telephone number

910-484-7737

Alternative telephone number

\_\_\_\_\_  
Email address

\_\_\_\_\_  
FAX number



BK09727 PG0842

FILED  
CUMBERLAND COUNTY NC  
J. LEE WARREN, JR.  
REGISTER OF DEEDS

FILED Sep 24, 2015  
AT 11:05:58 am  
BOOK 09727  
START PAGE 0842  
END PAGE 0843  
INSTRUMENT # 28790  
RECORDING \$26.00  
EXCISE TAX (None)  
SMD

**NORTH CAROLINA QUITCLAIM DEED**

Parcel ID Number: 0467-15-9042-

Revenue Stamps: \$0.00

Prepared By: John G. Briggs III of Lewis, Deese, Nance & Briggs, L.L.P. (Box)  
& Return To: Ct. House Box in Reg of Deeds

Brief Description for Index: 1 Acre Albert Culbreth land  
This Deed made this the 24<sup>th</sup> day of September, 2015, by and between:

GRANTORS	GRANTEE
<b>KENNETH A. MCLAURIN</b> , a Single Man  3441 Nebular Drive Fayetteville, NC 28312	<b>DEHAROLD D. MCLAURIN</b> , a Single Man  <u>Situs &amp; Mailing Address:</u> 3441 Nebular Drive Fayetteville, NC 28312

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

**WITNESSETH**, that the Grantor, for valuable and good consideration of One Dollar paid by the Grantee, the receipt of which is hereby acknowledged, has remised and

released and by these presents do remise, release and forever quitclaim unto the Grantee and his or her heirs and assigns all right, title, claim and any life estate interest of said Grantor whatsoever in and to that certain lot or parcel of land situated in or near the City of Fayetteville, Cumberland County, State of North Carolina and more particularly described as follows:

**BEING the one and the same One (1) acre tract of land described in that Special Warranty Deed dated September 11, 2015 and recorded on September 17, 2015 at 02:20:34 pm in Book 9724 at Page 266, Cumberland County Registry, NC.**

Subject to all property taxes, encumbrances, liens of record, easements, permits, restrictions, rights of way, and other matters of record, if any, Cumberland County Registry, North Carolina. Not the primary residence of Grantor.  
*The purpose of this Deed is to release and transfer Grantor's Life Estate to Grantee.*

**TO HAVE AND TO HOLD** the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee and his or her heirs and assigns free and discharged from any right, title, claim or interest of the said Grantor or anyone claiming by, through or under Grantor.

**IN WITNESS WHEREOF**, the Grantors have hereunto set their hands and seals, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officer by authority of its Board of Directors, effective the date first written above.

Kenneth A. McLaurin (SEAL)  
Kenneth A. McLaurin

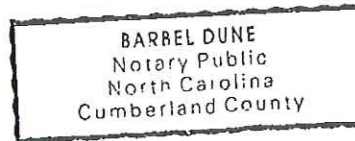
STATE OF NORTH CAROLINA  
COUNTY OF CUMBERLAND

I, BARBEL DUNE, a notary public of the aforesaid County and State, hereby certify that the following person(s) personally appeared before me this day and acknowledged to me that he or she voluntarily signed the foregoing document(s) for the purposes stated therein and in the capacity indicated:

Name of Principals: **Kenneth A. McLaurin**

Date: 9-24-2015 Barbel Dune  
Notary Public

My Comm. Expires: 9-14-2018  
BARBEL DUNE  
Typed Name of Notary Public



(N.P. SEAL)



BK09724 PG0266

FILED  
CUMBERLAND COUNTY NC  
J. LEE WARREN, JR.  
REGISTER OF DEEDS

FILED Sep 17, 2015  
AT 02:20:34 pm  
BOOK 09724  
START PAGE 0266  
END PAGE 0268  
INSTRUMENT # 28075  
RECORDING \$26.00  
EXCISE TAX \$2.00

CL

**NORTH CAROLINA SPECIAL WARRANTY DEED**

Parcel ID Number: 0467-15-9042- Revenue Stamps: \$2.00  
Prepared By: John G. Briggs III of Lewis, Deese, Nance & Briggs, L.L.P.  
Return To: Atty Box at Reg of Deeds  
Brief Descrip. For Index: 1 Acre Albert Culbreth Land  
\*\*\* PREPARED WITHOUT BENEFIT OF TITLE EXAMINATION \*\*\*

This Deed made this the 11<sup>th</sup> day of September, 2015, by and between:

GRANTOR	GRANTEE
<p>MAGALINE M. LOCK, a Widow</p>     <p>3441 Nebular Drive Fayetteville, NC 28312</p>	<p>DEHAROLD D. MCLAURIN, a Single Man, with a <i>LIFE ESTATE RESERVED</i> for HAROLD F. MCLAURIN and KENNETH A. MCLAURIN</p> <p><u>Situs &amp; Mailing Address:</u> 3441 Nebular Drive Fayetteville, NC 28312</p>

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantors, for valuable and good consideration paid by the Grantees, the receipt of which is hereby acknowledged, has and by these presents does

grant, bargain, sell and convey unto the Grantees, with Deharold D. McLaurin as the Remainderman, with a LIFE ESTATE reserved for Harold F. McLaurin for the life of Harold F. McLaurin, and with a LIFE ESTATE reserved for Kenneth A. McLaurin for the life of Kenneth A. McLaurin, all that certain lot or parcel of land situated in or near the City of **Fayetteville**, County of **Cumberland**, State of **North Carolina** and more particularly described as follows in Two Tracts:

BEING the one and the same One (1) acre, more or less, tract of land and improvements situated thereon as described in that deed to W. H. Lock dated April 12, 2006 and recorded on April 13, 2006 at 10:02:46 am in Book 7204, at Page 814, Cumberland County Registry, State of North Carolina; to which deed reference is hereby made for a more particular description of same.

Subject to all 2015 property taxes, assessments, liens, encumbrances, restrictions, obligations, covenants and easements of record, Cumberland County Registry, NC. For history of title, please see Book 7204, at Page 814, Book 3756 at Page 44, Book 3712 at Page 331 and Book 2870 at Page 53, Cumberland County. Reg., NC. This property is the primary residence of Grantor.

**TO HAVE AND TO HOLD** the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor has done nothing to impair such title as Grantor received, and Grantor will warrant and defend the title against the lawful claims of all persons claiming by, under or through Grantor, except for the following exceptions hereinafter stated. Title to the property herein described is subject to the following exceptions: as set forth herein above.

**IN WITNESS WHEREOF**, the Grantors have hereunto set their hands and seals, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officer by authority of its Board of Directors, effective the date first written above.

  
\_\_\_\_\_ (SEAL)  
Magaline M. Lock

*Notary Page to Follow:*



STATE OF NORTH CAROLINA  
COUNTY OF CUMBERLAND

I, Arlene R Johnson, a notary public of aforesaid State and County, hereby certify that the following person(s) personally appeared before me this day and acknowledged to me that he or she voluntarily signed the foregoing document(s) for the purposes stated therein and in the capacity indicated:

Name of Principals: Magaline M. Lock

Date: 9-11-2015

Arlene R. Johnson  
Notary Public

My Comm. Expires:  
10-2-2015

Arlene R. Johnson  
Printed Name of Notary Public



(N.P. SEAL)

FILED Sep 01, 2016  
AT 10:49:06 am  
BOOK 09935  
START PAGE 0853  
END PAGE 0856  
INSTRUMENT # 27147  
RECORDING \$26.00  
EXCISE TAX (None)

SJB

ACCESS EASEMENT

REV. \$0.00

Prepared By & Return To: John G. Briggs III, Attorney at Law of Lewis, Deese, Nance & Briggs, LLP  
Post Office Drawer 1358, Fayetteville, North Carolina 28302

Box

This EASEMENT, made this the 30 day of August, 2016, by and between ) HELEN MCLAURIN SMITH and ELSIE MCARTHUR MCLAURIN (Hereinafter referred to as "Grantors"), and DEHAROLD D. MCLAURIN (hereinafter referred to as "Grantee");

WITNESSETH:

That Grantors are the owners of that certain tract of real property on which exists a certain a dirt road known as Nebular Drive, Fayetteville, Cumberland County, State of North Carolina and more particularly described as follows:

Tract One: BEING that 1.35 acre tract of land as described in that deed recorded in Book 2710 at Page 221, Cumb. Cnty. Reg., NC; having a PIN of 0467-24-0771- and known as 3450 Nebular Drive, Fayetteville, NC. Owned by Helen McLaurin Smith, Grantor.

Tract Two: Being that 1 acre tract of land as described in that deed recorded in Book 2768 at Page 745, Cumb. Cnty. Reg., NC; having a PIN of 0467-24-2722- and known as 3510 Nebular Drive, Fay., NC; Owned by Elsie Mearthur McLaurin, Grantor.

[The Easement Property- SERVIENT TRACTS]

That Grantees are the owners of that certain tract of real property located in the Town of Fayetteville, Cumberland County, State of North Carolina and more particularly described by as follows:



BEING that one and the same tract of land consisting of One (1) acre, more or less, of land as described in that deed recorded in Book 9724 at Page 266, Cumb. Cnty. Reg., NC, to which deed reference is hereby made for a more particular description of same.

[MASTER TRACT]

That Grantors desire to grant to Grantees and their heirs, successors and assigns, as the case may be, an appurtenant easement for ingress, regress and egress over and above the Easement Property- Servient Tract as described above as owned by Grantors; WITH SAID EASEMENT RIGHTS BEING ALONG AND WITH THE ROAD BED AS IT LAYS AND BEING KNOWN AS NEBULAR DRIVE. THIS EASEMENT AREA ONLY COVERS THE PORTION OF LAND ON WHICH NEBULAR DRIVE IS SITUATED. This easement shall run with the land in perpetuity until otherwise expressly released by a competent writing recorded with the County Register of Deeds. This appurtenant access easement shall be binding on all successors and assigns in perpetuity until a release is recorded, if any, as set forth below.

NOW, THEREFORE, for good and valuable consideration, receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

1) *Grant of Easement Appurtenant* : Grantors hereby grant unto Grantees an Easement Appurtenant subject to the terms of this Agreement for the purpose of accessing the driveway to their real property.

2) *No Obstructions* : Each party hereto agrees that either party shall not obstruct or allow to be obstructed, except temporarily for the purposes of maintenance and repair, any portion of the Easement Property. In the event that the Easement Property is obstructed by any means, the non-obstructing party shall be allowed to remove any obstruction, without prior notice, by any lawful means available, including, but not limited to, the towing of vehicles. In the event that the non-obstructing party removes any obstruction on the Easement Property, said party shall not be liable for any damages to or costs of the removed object or other property, and each party hereto hereby indemnifies and saves and holds harmless the other from and against any and all claims, demands and actions arising out of the removal of any and all obstruction(s) by the non-obstructing party, and from and against any and every suit, action, or proceeding to enforce any such demand, claim and action, and from any and all loss, costs, damages, and reasonable attorney fees and expenses which it may at anytime suffer or incur as a result thereof.

3) *Notices*: All notices, communications, requests, approvals, consents and demands herein required to be given or made shall be in writing and shall be deemed served when deposited in the United States mail, first class, postage pre-paid, and addressed as follows: *all notices shall be sent to the respective addresses on file for each tract with the County Tax Collector's office as based on the PINs set forth above.*

4) *Successors and Assigns*: This easement shall be binding on the successors and assigns of the

current owners, and this easement shall run with the land until terminated by a writing executed by the then current owners of said tracts and recorded of record.

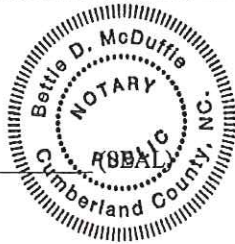
5) *No Waiver*: The failure of any party to this Agreement in any one or more instances to insist upon compliance with any provision or covenant herein or to exercise any right or privilege herein shall not constitute or be construed as a waiver of such or any similar provision or covenant, including the right to cure a breach or default, but the same shall continue and remain in full force and affect, as if no such forbearance has occurred.

6) *Remedies*: It is hereby declared that irreparable harm will result to the parties by reason of any breach or any default of the provisions or covenants herein and, therefore, each party or other beneficiary shall be entitled to relief by way of injunction or specific performance.

7) *Applicable Law*: This Agreement shall be governed and construed pursuant to the laws of the State of North Carolina without regard to principles of conflict of laws.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals as of the day and date first written above.

*Helen McLaurin Smith*  
Helen McLaurin Smith



*Elsie McArthur McLaurin*  
Elsie McArthur McLaurin





STATE OF North Carolina  
COUNTY OF Cumberland

I certify that the following person(s) personally appeared before me this day and acknowledged to me that he or she voluntarily signed the foregoing document(s) for the purposes stated therein and in the capacity indicated:

Name of Principals: Helen McLaurin Smith

Date: 8-30-16

Bettie D. McDuffie  
Notary Public

My Comm. Expires: 11-4-2016

Bettie D. McDuffie  
Printed Name of Notary Public



(N.P. SEAL)

STATE OF North Carolina  
COUNTY OF Cumberland

I certify that the following person(s) personally appeared before me this day and acknowledged to me that he or she voluntarily signed the foregoing document(s) for the purposes stated therein and in the capacity indicated:

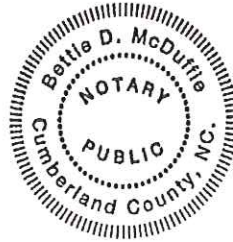
Name of Principals: Elsie McArthur McLaurin

Date: 8-30-16

Bettie D. McDuffie  
Notary Public

My Comm. Expires: 11-4-2016

Bettie D. McDuffie  
Printed Name of Notary Public



(N.P. SEAL)

Charles Morris,  
Chair  
Town of Linden

Diane Wheatley,  
Vice-Chair  
Cumberland County

Jami McLaughlin,  
Town of Spring Lake  
Harvey Cain, Jr.,  
Town of Stedman

Donovan McLaurin  
Wade, Falcon & Godwin



# CUMBERLAND COUNTY NORTH CAROLINA

## Planning & Inspections Department DRAFT

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

Vikki Andrews,  
Carl Manning,  
Lori Epler,  
Cumberland County

Benny Pearce,  
Town of Eastover

Patricia Hall,  
Town of Hope Mills

STAFF REVIEW: 09-15-16 PLANNING BOARD DECISION: 10-18-16

CASE NO: 16-102 NAME OF DEVELOPMENT: KENNETH MCLAURIN PROPERTY

MIA: N/A (FAY SSA) GROUP DEVELOPMENT REVIEW

LOCATION: 3437 NEBULAR DRIVE ZONING: RR

PIN: 0467-15-9042

OWNERS / DEVELOPER: KENNETH MCLAURIN ENGINEER OR DESIGNER: N/A

PLANNING & INSPECTIONS DEPARTMENT ACTION:

- 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:

**Pre- Permit Related:**

1. The owner/developer(s) must provide a recorded copy of the ingress/egress access easement with a minimum width of 20 feet to Code Enforcement at the time of permit application.

**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 Environmental Quality. 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 Environmental Quality (NCDEQ) 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 NCDEQ 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.
8. If driveways are changed or added, the developer must obtain a driveway permit from the NC Department of Transportation (NCDOT). If required, a copy of the approved driveway permit must be provided to Code Enforcement at the time of application for building/zoning permits. **Permits MUST be secured prior to the change or alteration of existing or proposed property use. Failure to secure required permits prior to construction or change in property usage may result in the removal of the driveway or street connections at the property owner's expense.** For additional information contact the Division 6 / District 2 office at the number listed on the bottom of this conditional approval.

**Note: In the event the NCDOT driveway permit process alters the site plan in any manner, the copies of a revised site plan must be submitted for staff review and approved prior to permit application.**

**Site-Related:**

9. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Development Ordinance and Zoning Ordinances for the RR zoning district must be complied with, as applicable.
10. For any new development, an adequate drainage system must be installed by the developer in accordance with the NC Department of Environmental Quality (NCDEQ) *Manual on Best Management Practices* and all drainage ways must be kept clean and free of debris. (Section 2306 D, County Subdivision and Development Ordinance)
11. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision and Development Ordinance)

**Other Relevant Conditions:**

12. The applicant is advised to consult an expert on wetlands before proceeding with any development.
13. The owner/developer is responsible for ensuring easements which may exist on the subject property are accounted for, not encumbered and that no part of this development is violating the rights of the easement holder.
14. The US Postal Service most likely will require this development to have centralized cluster boxes for postal service to each lot or unit. The developer is advised contact the US Postal Growth Coordinator for the Mid-Carolinas District to determine the appropriate location for the cluster boxes. If the cluster box location requires changes to the subdivision or site plan, a revised preliminary/plan must be submitted to the Planning & Inspections Department for review and approval.
15. The developer has requested waivers from the requirements for street frontage and access Sections 2303.C & 2401.D. This case will be heard by the Cumberland land County Joint Planning Board on October 18, 2016. In the event the Planning Board approves the waiver request, the conditional approval pertains to the current request only and does not apply to any future development and/or division of the subject property.

*Thank you for making Cumberland County your home!*

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

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

Subdivision/Site Plan/Plat	Ed Byrne	678-7609	<a href="mailto:ebyrne@co.cumberland.nc.us">ebyrne@co.cumberland.nc.us</a>
Code Enforcement (Permits):	Scott Walters	321-6654	<a href="mailto:swalters@co.cumberland.nc.us">swalters@co.cumberland.nc.us</a>
County Building Inspections:	Gary Faulkner	321-6648	<a href="mailto:gfaulkner@co.cumberland.nc.us">gfaulkner@co.cumberland.nc.us</a>
County Health Department:	Daniel Ortiz	433-3680	<a href="mailto:dortiz@co.cumberland.nc.us">dortiz@co.cumberland.nc.us</a>
Ground Water Issues:	Matt Rooney	678-7625	<a href="mailto:mrooney@co.cumberland.nc.us">mrooney@co.cumberland.nc.us</a>
County Public Utilities:	Amy Hall	678-7637	<a href="mailto:ahall@co.cumberland.nc.us">ahall@co.cumberland.nc.us</a>
US Postal Service	Laricia McIver	(704) 393-4481	<a href="mailto:laricia.mciver@usps.gov">laricia.mciver@usps.gov</a>
Corp of Engineers (wetlands):	Liz Hair	(910) 251-4049	<a href="mailto:hair@usacr.army.mil">hair@usacr.army.mil</a>
NCDEQ (E&S):	Leland Cottrell	(910) 433-3393	<a href="mailto:leland.cottrell@ncdenr.gov">leland.cottrell@ncdenr.gov</a>
US Fish & Wildlife Services	Susan Ladd Miller	(910) 695-3323	<a href="mailto:susan_miller@fws.gov">susan_miller@fws.gov</a>
Location Services:			
Site-Specific Address:	Ron Gonzales	678-7616	<a href="mailto:rgonzalez@co.cumberland.nc.us">rgonzalez@co.cumberland.nc.us</a>
Tax Parcel Numbers:		678-7549	
NCDOT (driveways/curb-cuts):	Troy Baker	486-1496	<a href="mailto:tlbaker@ncdot.gov">tlbaker@ncdot.gov</a>
N.C. Division of Water Quality:	Mike Randall	(919) 807-6374	<a href="mailto:mike.randall@ncdenr.gov">mike.randall@ncdenr.gov</a>

cc: Marsha Bryant, City of Fayetteville (SSA purposes only)