

Amy H. Cannon
County Manager

Tracy Jackson
Assistant County Manager



CUMBERLAND COUNTY

NORTH CAROLINA

Rawls Howard
Director

David Moon
Deputy Director

Cumberland County Joint Planning Board

TENTATIVE AGENDA

July 20, 2021
6:00 P.M.

- I. INVOCATION AND PLEDGE OF ALLEGIANCE
- II. ADJUSTMENTS TO / APPROVAL OF AGENDA
- III. PUBLIC MEETING DEFERRALS / WITHDRAWALS
- IV. ABSTENTIONS BY BOARD MEMBERS
- V. APPROVAL OF THE MINUTES OF JUNE 15, 2021
- VI. CHAIRMAN'S WELCOME AND RULES OF PROCEDURE
- VII. PUBLIC MEETING CONSENT ITEMS

REZONING CASE

- A. **P21-34:** REZONING OF 19.6+/- ACRES FROM A1 AGRICULTURAL DISTRICT TO R30 RESIDENTIAL DISTRICT OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED EAST OF ROCKHILL ROAD, NORTH OF ROCKY RIVER ROAD; SUBMITTED BY BEN STOUT (AGENT) ON BEHALF OF GEORGE TATUM (OWNER).
- B. **P21-36:** REZONING OF 12.36+/- ACRES FROM A1 AGRICULTURAL DISTRICT TO C(P) PLANNED COMMERCIAL DISTRICT OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED EAST OF CEDAR CREEK ROAD, NORTH OF TABOR CHURCH ROAD; SUBMITTED BY BARTLETT ENGINEERING & SURVEYING, PC (AGENT) AND CATHY TATUM VINSON (OWNER).
- C. **P21-40:** REZONING OF 0.92+/- ACRES FROM A1 AGRICULTURAL DISTRICT TO R40 RESIDENTIAL DISTRICT OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 5177 STEWART ROAD, SUBMITTED BY TERRY FAIRCLOTH (SURVEYOR) ON BEHALF OF MICHAEL LONGHANY (OWNER).
- D. **P21-44:** REZONING OF 2.80+/- ACRES FROM M(P) PLANNED INDUSTRIAL DISTRICT TO C(P) PLANNED COMMERCIAL DISTRICT OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 2965 GILLESPIE STREET; SUBMITTED BY CARLA EMMONS AND STEPHEN WHEELER (AGENT) ON BEHALF OF EMMONS & WHEELER, LLC (OWNER).

CONDITIONAL ZONING CASE

- E. **P21-31:** REZONING 25 +/- ACRES FROM RR RURAL RESIDENTIAL DISTRICT TO R7.5 RESIDENTIAL/CZ CONDITIONAL ZONING DISTRICT UP TO 77 LOTS WITH A ZERO LOT LINE SUBDIVISION OR A MORE RESTRICTIVE ZONING DISTRICT; LOCATED SOUTH OF CLINTON ROAD, WEST OF FORTE ROAD, NICHOLAS, BRAD, JOHN, AND DAVID HANCOCK (OWNERS).

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- F. **P21-33:** REZONING 41.98 ARCRES +/- FROM A1 AGRICULTURAL DISTRICT TO R7.5 RESIDENTIAL DISTRICT/CONDITIONAL ZONING DISTRICT UP TO 122 LOTS ZERO LOT LINE SUBDIVISION OR TO A MORE RESTRICTIVE ZONING DISTRICT, OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED EAST OF NC 87 HWY AND SOUTH OF OLABURNS DR., SUBMITTED BY JAMES D. HUBBARD AND NORMA GARCIA; CHERI AND MARTY LASSITER; TOMMY J AND DEBRA WOODELL; TRAVIS ALLEN AND JILL ELIZABETH HUBBARD; PAMELA AND MICHAEL DOMANSKI; MICHAEL S. AND JODI M. DAVIS, CHRISTOPHER L DAVIS, KRISTIN M. DAVIS; BOYD D. PARSONS JR. AND MAE SMITH PARSONS. (OWNERS).

VIII. PUBLIC MEETING CONTESTED ITEMS

- G. **P21-39:** REZONING OF 1.17+/- ACRES FROM INITIAL ZONING TO C(P) PLANNED COMMERCIAL DISTRICT OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED WEST OF I-95, NORTHEAST OF MCCOLLUM LANE; SUBMITTED BY SHIVRAJ K. BANSAL ON BEHALF OF SHIVA REAL ESTATE, LLC (OWNER). (WADE)
- H. **P21-42:** REZONING OF 0.31+/- ACRES FROM C3 COMMERCIAL DISTRICT TO R7.5 RESIDENTIAL DISTRICT OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 3708 SOUTH MAIN STREET; SUBMITTED BY SHARON REEVES (OWNER). (HOPE MILLS)
- I. **P21-43:** REZONING OF 1.42+/- ACRES FROM R40A RESIDENTIAL DISTRICT TO RR RURAL RESIDENTIAL DISTRICT OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 3662 GABE SMITH ROAD; SUBMITTED BY ROSE JONES (OWNER).

IX. DISCUSSION

- NOMINATION COMMITTEE REPORT

X. ADJOURNMENT



CUMBERLAND COUNTY

NORTH CAROLINA

PLANNING & INSPECTIONS

PLANNING STAFF REPORT

REZONING CASE # P21-34

Planning Board Meeting: July 20, 2021

Location: Rockhill Rd/Rocky River Rd

Jurisdiction: County-Unincorporated

REQUEST

Rezoning A1 to R30

Applicant requests a rezoning of two parcels, approximately 19.6 acres located east of Rock Hill Road and north of Rocky River Road from A1 Agricultural District to R30 Residential District. This would increase the allowed density from 1 unit per 2 acres (87,120 sq. ft.) to 1 unit per 30,000 square feet. This request is a conventional rezoning, and no conditions are proposed at this time. Location of the subject property is illustrated in Exhibit "A".

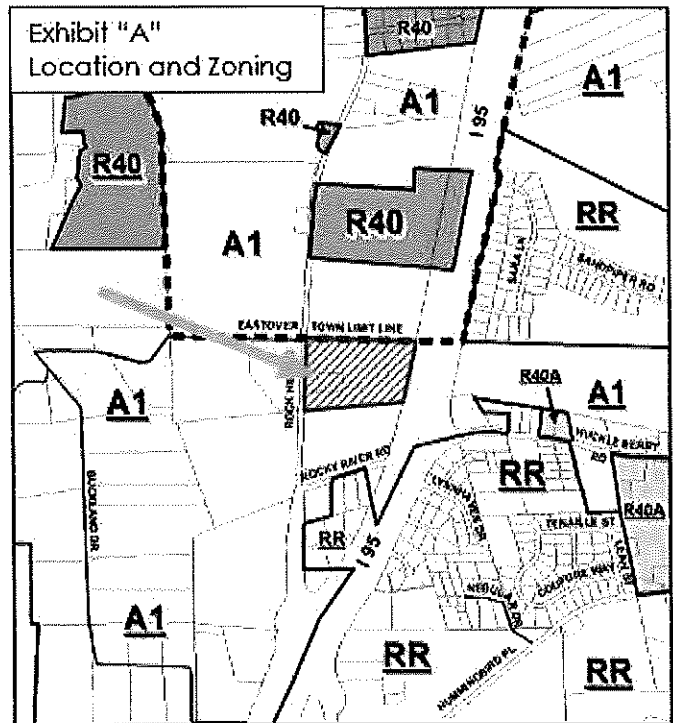
PROPERTY INFORMATION

OWNER/APPLICANT: Ben Stout (agent) on behalf of George Tatum (owner)

ADDRESS/LOCATION: Located east of Rockhill Road and north of Rocky River Road. Refer to Exhibit "A", Site Location. REID number: 0467073312000; 0467077414000

SIZE: 19.6 +/- acres within two parcels. The property has approximately 800+/- feet of street frontage along the east side of Rockhill Road. The property has a depth extending about 1,200 feet.

EXISTING ZONING: The site is zoned A1 Agricultural District. This district is designed to promote and protect agricultural lands, including woodland, within the County. The general intent of the district is to permit all agricultural uses to exist free from most private urban development except for large lot, single-family development. Some public and/or semi-public uses as well as a limited list of convenient commercial uses are permitted to ensure essential services for the residents.



EXISTING LAND USE: The parcel is vacant and wooded. Exhibit "B" shows the existing use of the subject property.

SURROUNDING LAND USE: Exhibit "B" illustrates the following:

North: The property to the north has a single-family residence and agricultural use.

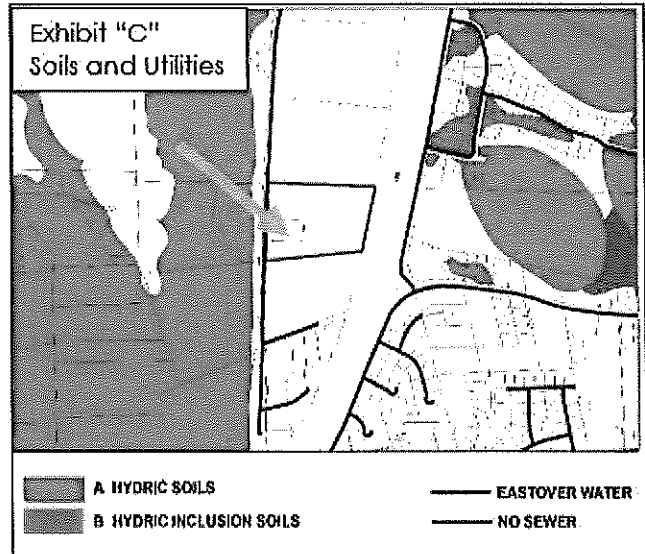
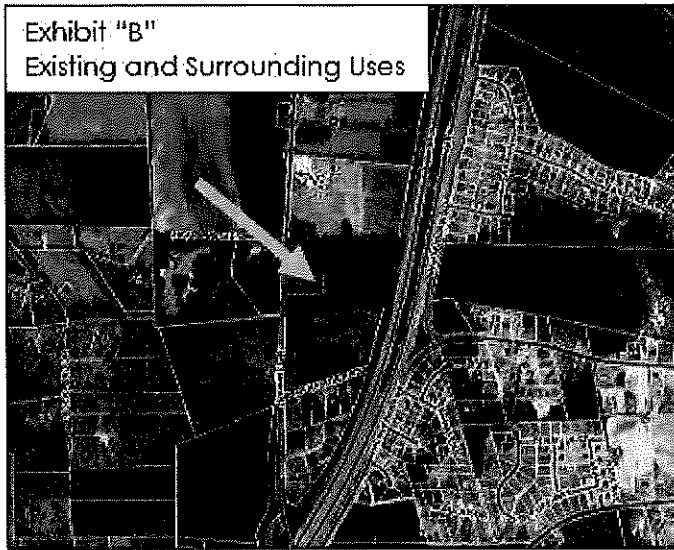
East: I-95 ROW directly abuts the subject property. Beyond the I-95 ROW, the adjacent properties are vacant and wooded.

West: The parcel has a single-family residence but is primarily wooded.

South: Vacant and wooded.

OTHER SITE CHARACTERISTICS: The site is not located in a Watershed or a Special Flood Hazard Area. The subject property, as delineated in Exhibit "C" illustrates no presence of hydric or hydric inclusion soils.

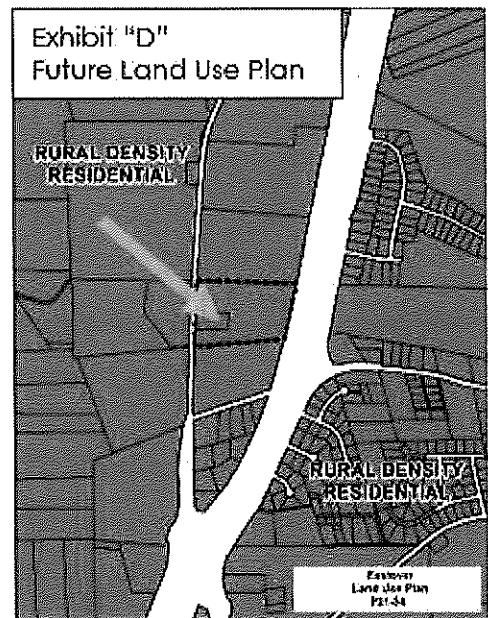
DEVELOPMENT REVIEW: Subdivision review will be required prior to any division of land.



DIMENSIONAL PROVISIONS FOR REQUESTED DISTRICT:

Minimum Standard	A1 (Existing Zoning)	R30 (Proposed)
Front Yard Setback	50 feet	30 feet
Side Yard Setback	20 feet (1 story) 25 feet (2 story)	15 feet
Rear Yard Setback	50 feet	35 feet
Lot Area	2 acres (87,120 sq. ft.)	30,000 sq. ft.
Lot Width	100'	100'

COMPREHENSIVE PLANS: Located in an area subject to the Eastover Area Land Use Plan (adopted in 2018), the subject property is designated as Low Rural Density Residential, (density associated with Rural Density Residential consists of 1-2.2 units per acre), as shown within Exhibit "D". The Rural Density Residential designation, in the Eastover Area Land Use Plan, calls for associated zoning districts of R20, R20A, RR, R30, R30A, R40 and R40A. **Request is consistent with the adopted land use plan.**



APPLICABLE PLAN GOALS/POLICIES:

- Improve and/or add street lighting in residential areas.
- Locate sidewalks and pedestrian facilities, where appropriate, to provide access to schools, recreation areas and commercial centers.
- Use development techniques that preserve the rural character of the area.
- Encourage more than one means of ingress/egress in new residential subdivisions and connectivity to existing subdivisions.

IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES

UTILITIES: Water is accessible as shown on Exhibit "C". The site would have to be served by septic.

TRAFFIC: The subject property is located along Rock Hill Road and is identified as an existing thoroughfare needing improvement in the Metropolitan Transportation Plan. According to Fayetteville MPO, there are no construction projects planned, and the subject property will have no impact on the Transportation Improvement Plan.

SCHOOLS CAPACITY/ENROLLMENT:

School	Capacity	Enrollment
Armstrong Elem	450	361
Mac Williams Mid	1270	1076
Cape Fear High	1425	1400

ECONOMIC DEVELOPMENT: Fayetteville Cumberland County Economic Development Corporation has reviewed the request and has no comment at this time.

EMERGENCY SERVICES: Cumberland County Fire Marshal's office has reviewed the request and stated a scale site plan will have to be provided to ensure that all fire department access roads requirements are met in accordance with section 503 of the NC 2018 Fire Code where required.

SPECIAL DISTRICTS: The property is not located within the Fayetteville Regional Airport Overlay District or within five miles of Fort Bragg Military Base.

CONDITIONS OF APPROVAL: N/A

CODE DEVIATIONS: N/A

STAFF RECOMMENDATION

In Case P21-34, the Planning and Inspections staff **recommends approval** of the rezoning request from A1 Agricultural District to R30 Residential District and find the request is consistent with the Eastover Area Land Use Plan (2018) which calls for Rural Density Residential at this location. Staff further finds that recommending approval of the request is reasonable and in the public interest because the R30 Residential District would allow dwelling types and a density that would be in harmony and character of the area based on compatibility with the surrounding land use activities and zoning.

Attachments:
Notification Mailing List
Zoning Application

ATTACHMENT – NOTIFICATION MAILING LIST

HARRIS, MARK M;& BRIGITTA W
1473 ROCK HILL RD
EASTOVER, NC 28312

LEMASTER, JAMES A;& LINDA M
884 BROAD MUSKEG RD
FAYETTEVILLE, NC 28312

TATUM, GEORGE E
2504 E PELICAN DR
OAK ISLAND, NC 28465

THOMAS, DELBERT LEE II
1136 WHITE PLAINS DR
FAYETTEVILLE, NC 28312

WELD, LOUIS MACKALL TRUSTEE
709 SPLENDID MEADOWS WAY
SPARTANBURG, SC 29307

WILLIAMS, JAMES MCNEILL
7517 MARY HALL RD
ROUGEMONT, NC 27572

STOUT, BEN
1786 METROMEDICAL DR
FAYETTEVILL, NC 28304

FISHER, JOYCE
1542 ROCK HILL RD
EASTOVER, NC 28312

BANKS, GEROME; & KARINA
1300 ROCK HILL RD
FAYETTEVILLE, NC 28312

BARBARO, PAUL; & PEGGY
500 E GRANT ST 201
MINNEAPOLIS, MN 55404

BENNETT, LOU RAYMOND
3254 ROCKY RIVER RD
FAYETTEVILLE, NC 28312

BLACK, KENNETH ALAN
1220 WHITE PLAINS DR
FAYETTEVILLE, NC 28312

BOWERS, BRIAN S
3209 LYNNHAVEN DR
FAYETTEVILLE, NC 28312

BOWYER, ROBERT L.
1600 ROCK HILL RD
EASTOVER, NC 28312

CLANTON, CLIFFORD NEIL
4310 SOUTH RIVER SCHOOL RD
WADE, NC 28395

DIAMOND, CHARLES R
3329 MERCEDES DR
FAYETTEVILLE, NC 28312

EVERHART, GERAN
409 STONECROP DR
FAYETTEVILLE, NC 28312

GAINEY, SYEDA M; & LEWIS D
577 BROYHILL RD
FAYETTEVILLE, NC 28314

GHEE, WAYNE; & CAROL
31 SCRANTON CT
CAMERON, NC 28326

GRAHAM, ERROL C
852 HOLLOW BRIDGE RD
AUTRYVILLE, NC 28318

HYE, RHONDA SPENCER
3219 LYNNHAVEN DR
FAYETTEVILLE, NC 28312

JENKINS, ANGELA D
1025 OAKSTONE DR
FAYETTEVILLE, NC 28314

JOHNSON, BRENDA S
1146 WHITE PLAINS DR
FAYETTEVILLE, NC 28312

JOHNSON, PHIL R; & BARBARA J
3274 ROCKY RIVER RD
FAYETTEVILLE, NC 28312

LOCK, CHRISTY R
000419 STONECROP DR
FAYETTEVILLE, NC 28312

MARTIN, MARYANN
3246 ROCKY RIVER RD
FAYETTEVILLE, NC 28312

MCLAURIN, DAVID E JR
3755 HUCKLEBERRY RD
FAYETTEVILLE, NC 28312

MEREDITH, JOSEPH E
1246 WHITE PLAINS DR
FAYETTEVILLE, NC 28312

PARKS, YVONNE
3314 MERCEDES DR
FAYETTEVILLE, NC 28312

PELUSO, DELPHINA J
3305 SYMPHONY CT
FAYETTEVILLE, NC 28312

PILCHER, RONALD EUGENE; &
KAREN BUDD
1210 WHITE PLAINS DR
FAYETTEVILLE, NC 28312

REIBER, MEGAN LEIGH
813 SARA LN
FAYETTEVILLE, NC 28312

RENDAL & JACKIE H PHILLIPS
REVOCABLE LIVING TRUST
3932 DRAUGHON RD
EASTOVER, NC 28312

SCHULTZ, TINA
420 STONECROP DR
FAYETTEVILLE, NC 28312

SEWARD, JELAN
413 STONECROP DR
FAYETTEVILLE, NC 28301

SIMPSON, MEKESA G; & DARRYL
3760 HUCKLEBERRY RD
FAYETTEVILLE, NC 28312

STRICKLAND, JOSEPH T; & BETTY H
P O BOX 2273
FAYETTEVILLE, NC 28302

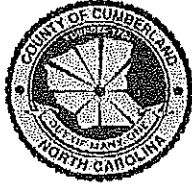
TURNER, BRANDON R; & JACQUELINE
3759 HUCKLEBERRY RD
FAYETTEVILLE, NC 28312

WATKINS, MIKE W
820 WITHERSPOON CT
MCDONOUGH, GA 30253

WELLS, GENE BROWN;
WELLS, SHARON BACHELOR
3213 ELMS THORPE RD
FAYETTEVILLE, NC 28312

ALEXANDER, BENJAMIN HILL; &
CONSTANCE R
3315 MERCEDES DR
FAYETTEVILLE, NC 28312

ZONING APPLICATION



County of Cumberland

Planning & Inspections Department

CASE #: P21-34

PLANNING BOARD
MEETING DATE: _____

DATE APPLICATION
SUBMITTED: 5-10-21

RECEIPT #: 77407

RECEIVED BY: JB

APPLICATION FOR REZONING REQUEST CUMBERLAND COUNTY ZONING ORDINANCE

The following items are to be submitted with the completed application:

1. A copy of the *recorded* deed and/or plat.
2. If a portion(s) of the property is being considered for rezoning, an accurate written legal description of only the area to be considered;
3. A check made payable to "Cumberland County" in the amount of \$_____.
(See attached Fee Schedule).

Rezoning Procedure:

1. Completed application submitted by the applicant.
2. Notification to surrounding property owners.
3. Planning Board hearing.
4. Re-notification of interested parties / public hearing advertisement in the newspaper.
5. County Commissioners' public hearing (approximately four weeks after Planning Board public hearing)
6. If approved by the County Commissioners, rezoning becomes effective immediately.

The Planning & Inspections Staff will advise on zoning options, inform applicants of development requirement and answer questions regarding the application and rezoning process. For further questions, call (910)678-7603 or (910)678-7609. Hours of operation are 8:00 a.m. to 5:00 p.m., Monday through Friday.

NOTE: Any revisions, inaccuracies or errors to the application may cause the case to be delayed and will be scheduled for the next available board meeting according to the board's meeting schedule. Also, the application fee is *nonrefundable*.

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

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

1. Requested Rezoning from A1 to ~~B40~~ R30
2. Address of Property to be Rezoned: Rock Hill Road
3. Location of Property: east side of Rockhill Road on south side of intersection of Rock Hill Road and Broad Muskeg Road
4. Parcel Identification Number (PIN #) of subject property: 0467077414000 & 0467073312000
(also known as Tax ID Number or Property Tax ID)
5. Acreage: 19.6 Frontage: 803' Depth: 1,155'
6. Water Provider: Well: _____ PWC: _____ Other (name): ESD
7. Septage Provider: Septic Tank X PWC _____
8. Deed Book 8115, Page(s) 350, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
9. Existing use of property: wooded
10. Proposed use(s) of the property: single family residential
11. Do you own any property adjacent to or across the street from this property?
Yes _____ No X If yes, where? _____
12. Has a violation been issued on this property? Yes _____ No X

A copy of the recorded deed(s) and/or recorded plat map(s) must be provided. If the area is a portion of a parcel, a written legal description by metes and bounds, showing acreage must accompany the deeds and/or plat. If more than one zoning classification is requested, a correct metes and bounds legal description, including acreage, for each bounded area must be submitted.

The Planning and Inspections Staff is available for advice on completing this application; however, they are not available for completion of the application.

The undersigned hereby acknowledge that the County Planning Staff has conferred with the petitioner or assigns, and the application as submitted is accurate and correct.

Geroge Tatum
NAME OF OWNER(S) (PRINT OR TYPE)

2504 E Pelican Drive, Oak Island, NC 28465
ADDRESS OF OWNER(S)

HOME TELEPHONE # WORK TELEPHONE #

Ben Stout
NAME OF AGENT, ATTORNEY, APPLICANT (PRINT OR TYPE)

1786 Metromedical Drive, Fayetteville, NC 28304
ADDRESS OF AGENT, ATTORNEY, APPLICANT

ben@benstoutconstruction.com
E-MAIL

910-476-4502 HOME TELEPHONE # 910-779-0019 WORK TELEPHONE #

SIGNATURE OF OWNER(S) SIGNATURE OF AGENT, ATTORNEY OR APPLICANT

SIGNATURE OF OWNER(S)

The contents of this application, upon submission, become "public record."

The undersigned hereby acknowledge that the County Planning Staff has conferred with the petitioner or assigns, and the application as submitted is accurate and correct.

George Tatum
NAME OF OWNER(S) (PRINT OR TYPE)

2504 E Pelican Drive, Oak Island, NC 28465
ADDRESS OF OWNER(S)

910 634 6579
HOME TELEPHONE # WORK TELEPHONE #

Ben Stout
NAME OF AGENT, ATTORNEY, APPLICANT (PRINT OR TYPE)

1786 Metromedical Drive, Fayetteville, NC 28304
ADDRESS OF AGENT, ATTORNEY, APPLICANT

ben@brastoutconstruction.com
E-MAIL

910-476-4502
HOME TELEPHONE # 910-779-6019
WORK TELEPHONE #

SIGNATURE OF OWNER(S)

SIGNATURE OF AGENT, ATTORNEY OR APPLICANT

Ben Stout
SIGNATURE OF OWNER(S)

The contents of this application, upon submission, become "public record."

**CUMBERLAND COUNTY
FEE SCHEDULES**

REQUESTED ZONING DISTRICTS ¹	LESS THAN 5 ACRES	5 TO 50 ACRES	50 TO 100 ACRES	100+ ACRES
CD A1 A1A R40 R40A R30 R30A R20 R20A RR R15 R7.5 R6 R6A R5 R5A				
O&I(P) C1(P) C2(P) C(P) M1(P) M(P)				
CONDITIONAL ZONING DISTRICTS ² RESIDENTIAL DD/CZ MODIFICATION OF CONDITIONS				
CONDITIONAL ZONING DISTRICTS ² NONRESIDENTIAL PND/CZ MXD/CZ MODIFICATION OF CONDITIONS				
SUBDIVISION WAIVERS ALL TEXT AMENDMENTS ORDINANCE TEXT				
BOARD OF ADJUSTMENT*				
SPECIAL USE PERMITS VARIANCES WATERSHED ADMINISTRATIVE REVIEW/APPEALS INTERPRETATIONS NONCONFORMING USES				
* Board of Adjustment fee include hearings for the County Flood Ordinance and County Watershed Ordinance				

¹If more than one zoning district is requested in the same applications, 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 County Commissioners, a Conditional Zoning District and Permit application is to be filed; the original application fee will be credited toward the Conditional Zoning District and Permit application fee.

Revised October 26, 2011

8115
0350

BX8115PG0350

FILED
 CUMBERLAND COUNTY NC
 J. LEE WARREN, JR.
 REGISTER OF DEEDS
 FILED Apr 03, 2009
 AT 08:01:00 am
 BOOK 08115
 START PAGE 0350
 END PAGE 0352
 INSTRUMENT # 11820
 RECORDING \$20.00
 EXCISE TAX (None)
 LAS

Excise Tax \$ 0.00 | Recording Time, Book and Page _____
 Tax Lot No. _____ Parcel Identifier No. _____
 Verified by _____ County on the _____ day of _____, 20____
 by _____

Mail after recording to Rand & Gregory, P.A., 405 Barrington Cross, Fayetteville, NC 28303
 This instrument was prepared by RANDY S. GREGORY

Brief Description for the index

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made _____ of April, 2009, by and between _____

GRANTOR	GRANTEE
<p>Robbin Macgregor, (aka Robbin Macgregor Tatum, Robbin Tatum, and Robbin M. Tatum), divorced and single</p>	<p>George E. Tatum, divorced and single 1528 Dunn Road Fayetteville, NC 28312</p>

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g., corporation or partnership.

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 a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated near Cedar Creek Township, Cumberland County, North Carolina and more particularly described as follows:

See attached description of 4 tracts of land, with Tract 3 containing 3 lots, all as described on Exhibit "A", attached hereto and incorporated herein by reference.

This conveyance is pursuant to an equitable distribution judgment entered in Cumberland County Civil case #07 CVD 10791.

Exhibit A

TRACT I

BEGINNING at an existing iron stake and being the Southeastern corner for the original tract as set forth in Deed Book 2864, Page 675 and Map Book 51, Page 40, Cumberland County Registry; said beginning point being located North 03 degrees 03 minutes 10 seconds West 584.65 feet from North Carolina Geodetic Survey Monument "Duck"; runs from said beginning point with the original line South 84 degrees 54 minutes 50 seconds West 1137.95 feet to an existing PK nail set in the centerline of NCSR 1835; runs thence with the centerline of said NCSR 1835 North 02 degrees 06 minutes 17 seconds East 206.48 feet to a set PK nail and being a corner with Faircloth; runs thence with the Faircloth line South 87 degrees 47 minutes 48 seconds East 447.02 feet to a corner with Faircloth; runs thence North 02 degrees 12 minutes 12 seconds East 209.22 feet to a new iron pipe and corner with Faircloth; runs thence with Faircloth North 87 degrees 47 minutes 48 seconds West 447.02 feet to a new PK nail set in the centerline of NCSR 1835; runs thence with said centerline of NCSR 1835 North 03 degrees 32 minutes 46 seconds East 389.98 feet to an existing iron stake set in said centerline; runs thence with the original line South 88 degrees 22 minutes 38 seconds East 1251.82 feet to an existing concrete monument set in the Western right of way for Interstate Highway 95; runs thence with said Western right of way of Interstate Highway 95 South 13 degrees 04 minutes 50 seconds West 348.36 feet to another existing concrete monument; runs thence with said right of way South 13 degrees 27 minutes 47 seconds West a radius of 7459.44 feet, arc distance 338.32 feet and chord distance 338.28 feet with said right of way to the POINT AND PLACE OF BEGINNING, and containing 17.994 acres, including .410 acres contained within in the right of way for NCSR 1835, as shown on that certain map entitled, "Property of Frances C. Cowan and Elizabeth C. Weld", Eastover Township, Cumberland County, North Carolina, dated September 7, 1992, and prepared by Peacock Land Surveying, Benson, North Carolina, and being recorded in Plat Book 81, Page 174, Cumberland County Registry, to which reference is hereby made for a more full and complete description of this parcel of land. Deed Ref: Bk. 59-57, Pg. 339.

TRACT II

BEGINNING at an iron pipe on the East side of Rockhill Road, near Crumpler's Northwest corner and runs as said road margin, North 04 degrees 30 minutes East 209.22 feet to Tommy Crumpler's Southwest corner; thence South 85 degrees 30 minutes East 417.12 feet to a stake; thence as prior Crumpler's East line, South 04 degrees 30 minutes West 209.22 feet to an iron pipe in the middle of a stream; thence North 85 degrees 35 minutes West 417.12 feet to the Beginning, and being the same property conveyed to the grantor herein by Deed in Deed Book 5945, Pg. 562.

TRACT III

BEING all of Lots 1, 2 and 3 of property of R.B. Minges as per plat of same as recorded in Plat Book 70, Page 62, Cumberland County Registry.

Deed Ref: Bk. 4332, Pg. 90.

TRACT IV

Beginning at the Southeast corner of Lot 3 of R. B. Minges property recorded in Plat Book 70, Page 62, Cumberland County Registry, said point is in the Northern right of way margin of SR 2297 (Sophia Bill Road) 60' right of way. Thence with the Eastern line of Lot 3, North 39° 36' 39" E 196.92' feet to the Northeast corner of Lot 3; thence with the Northern line of T. B. Starling property (of which this is a part) 221.42 feet to the Western right of way margin of Cedar Creek Road (NC Hwy. 53); thence with the Western right of way margin of Cedar Creek Road 506° 19' 28" East 141.75 feet more or less to the Northern right of way margin of Sophia Bill Road (SR 2297); thence with the Northern right of way of SR 2297 (60' right of way) North 81° 53' 43" West and being a part of TB Starling property recorded in Deed Book 618, Page 394, Cumberland County Registry. Deed Ref: Bk. 7178, Pg. 823.

8115
0350

BK8115PG0350

FILED
 CUMBERLAND COUNTY NC
 J. LEE WARREN, JR.
 REGISTER OF DEEDS
 FILED Apr 03, 2009
 AT 08:01:00 am
 BOOK 08115
 START PAGE 0350
 END PAGE 0352
 INSTRUMENT # 11820
 RECORDING \$20.00
 EXCISE TAX (None)
 LAS

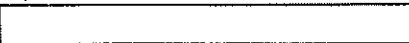
Excise Tax \$ 0.00

Recording Time, Book and Page

Tax Lot No. _____ Parcel Identifier No. _____
 Verified by _____ County on the _____ day of _____, 20____
 by _____

Mail after recording to Rand & Gregory, P.A., 405 Barrington Cross, Fayetteville, NC 28303
 This instrument was prepared by **RANDY S. GREGORY**

Brief Description for the index



NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made of April, 2009, by and between

GRANTOR

GRANTEE

Robbin Macgregor, (aka Robbin Macgregor Tatum, Robbin Tatum, and Robbin M. Tatum), divorced and single

George E. Tatum, divorced and single
1528 Dunn Road
Fayetteville, NC 28312

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g., corporation or partnership.

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 a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated near Cedar Creek Township, Cumberland County, North Carolina and more particularly described as follows:

See attached description of 4 tracts of land, with Tract 3 containing 3 lots, all as described on Exhibit "A", attached hereto and incorporated herein by reference.

This conveyance is pursuant to an equitable distribution judgment entered in Cumberland County Civil case #07 CVD 10791.

Exhibit A

TRACT I

BEGINNING at an existing iron stake and being the Southeastern corner for the original tract as set forth in Deed Book 2864, Page 675 and Map Book 51, Page 40, Cumberland County Registry; said beginning point being located North 03 degrees 03 minutes 10 seconds West 584.65 feet from North Carolina Geodetic Survey Monument "Duck"; runs from said beginning point with the original line South 84 degrees 54 minutes 50 seconds West 1137.95 feet to an existing PK nail set in the centerline of NCSR 1835; runs thence with the centerline of said NCSR 1835 North 02 degrees 06 minutes 17 seconds East 206.48 feet to a set PK nail and being a corner with Faircloth; runs thence with the Faircloth line South 87 degrees 47 minutes 48 seconds East 447.02 feet to a corner with Faircloth; runs thence North 02 degrees 12 minutes 12 seconds East 209.22 feet to a new iron pipe and corner with Faircloth; runs thence with Faircloth North 87 degrees 47 minutes 48 seconds West 447.02 feet to a new PK nail set in the centerline of NCSR 1835; runs thence with said centerline of NCSR 1835 North 03 degrees 32 minutes 46 seconds East 389.98 feet to an existing iron stake set in said centerline; runs thence with the original line South 88 degrees 22 minutes 38 seconds East 1251.82 feet to an existing concrete monument set in the Western right of way for Interstate Highway 95; runs thence with said Western right of way of Interstate Highway 95 South 13 degrees 04 minutes 50 seconds West 348.36 feet to another existing concrete monument; runs thence with said right of way South 13 degrees 27 minutes 47 seconds West a radius of 7459.44 feet, arc distance 338.32 feet and chord distance 338.28 feet with said right of way to the POINT AND PLACE OF BEGINNING, and containing 17.994 acres, including .410 acres contained within in the right of way for NCSR 1835, as shown on that certain map entitled, "Property of Frances C. Cowan and Elizabeth C. Weld", Eastover Township, Cumberland County, North Carolina, dated September 7, 1992, and prepared by Peacock Land Surveying, Benson, North Carolina, and being recorded in Plat Book 81, Page 174, Cumberland County Registry, to which reference is hereby made for a more full and complete description of this parcel of land. Deed Ref: Bk. 5957, Pg. 339.

TRACT II

BEGINNING at an iron pipe on the East side of Rockhill Road, near Crumpler's Northwest corner and runs as said road margin, North 04 degrees 30 minutes East 209.22 feet to Tommy Crumpler's Southwest corner; thence South 85 degrees 30 minutes East 417.12 feet to a stake; thence as prior Crumpler's East line, South 04 degrees 30 minutes West 209.22 feet to an iron pipe in the middle of a stream; thence North 85 degrees 35 minutes West 417.12 feet to the Beginning, and being the same property conveyed to the grantor herein by Deed in Deed Book 5945, Pg. 562.

TRACT III

BEING all of Lots 1, 2 and 3 of property of R. B. Minges as per plat of same as recorded in Plat Book 70, Page 52, Cumberland County Registry.
Deed Ref: Bk. 4332, Pg. 90.

TRACT IV

Beginning at the Southeast corner of Lot 3 of R. B. Minges property recorded in Plat Book 70, Page 62, Cumberland County Registry, said point is in the Northern right of way margin of SR 2297 (Sophia Bill Road) 60' right of way. Thence with the Eastern line of Lot 3, North 39° 36' 39" E 196.92' feet to the Northeast corner of Lot 3; thence with the Northern line of T. B. Starling property (of which this is a part) 221.42 feet to the Western right of way margin of Cedar Creek Road (NC Hwy. 53); thence with the Western right of way margin of Cedar Creek Road 506° 19' 28" East 141.75 feet more or less to the Northern right of way margin of Sophia Bill Road (SR 2297); thence with the Northern right of way of SR 2297 (60' right of way) North 81° 53' 43" West and being a part of T. B. Starling property recorded in Deed Book 618, Page 394, Cumberland County Registry. Deed Ref: Bk. 7178, Pg. 823.



CUMBERLAND COUNTY

NORTH CAROLINA

PLANNING & INSPECTIONS

PLANNING STAFF REPORT

REZONING CASE # P21-36

Planning Board Meeting: July 20, 2021

Location: Cedar Creek Rd/ Tabor Church Rd

Jurisdiction: County-Unincorporated

REQUEST

Rezoning A1 to C(P)

Applicant requests a rezoning of approximately 12.36 acres located east of Cedar Creek Road and north of Tabor Church Road from A1 Agricultural District to C(P) Planned Commercial District. This would allow the property owners to develop the property with a commercial nonresidential use. This request involves a conventional rezoning, and no conditions are proposed at this time. Location of the subject property is illustrated in Exhibit "A".

PROPERTY INFORMATION

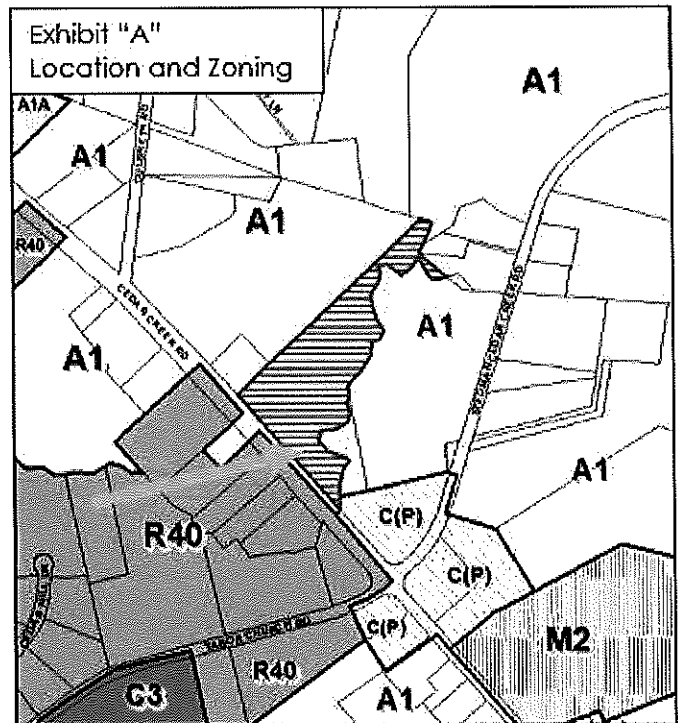
OWNER/APPLICANT:

Bartlett Engineering & Surveying, PC (agent) and Cathy Tatum Vinson (owner)

ADDRESS/LOCATION: Located east of Cedar Creek Road and north of Tabor Church Road. Refer to Exhibit "A", Site Location. REID number: 0473386323000.

SIZE: 12.36 +/- acres within one parcel. The property has approximately 601 +/- feet of street frontage along north side of Cedar Creek Road. The property has a depth extending about 1,076 feet.

EXISTING ZONING: The property is zoned A1 Agricultural District. This district is intended to promote and protect agricultural lands, including woodland, within the County. The general intent of the district is to permit all agricultural uses to exist free from most private urban development except for large lot, single-family development. Some public and/or semi-public uses as well as a limited list of convenient commercial uses are permitted to ensure essential services for the residents.



EXISTING LAND USE: The parcel is vacant and wooded. Exhibit "B" shows the existing use of the subject property.

SURROUNDING LAND USE: Exhibit "B" illustrates the following:

North: Vacant and wooded.

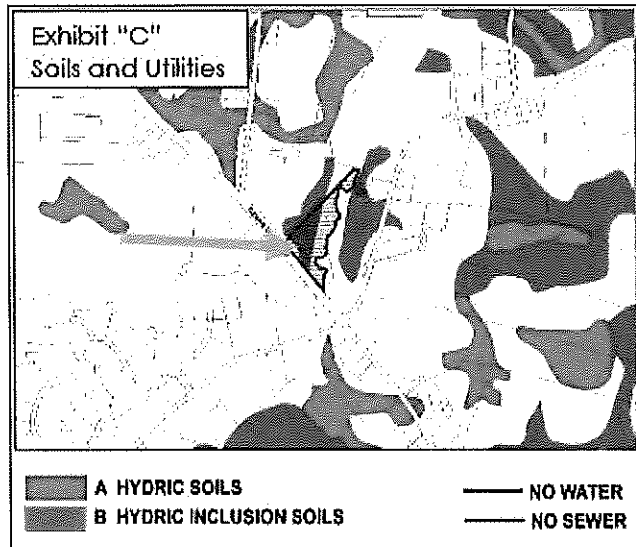
East: One single-family residence. The adjacent parcels are primarily vacant and wooded.

West: One single-family residence.

South: One single-family residence. The adjacent parcels are primarily vacant and wooded. The properties abutting the intersection of Cedar Creek Rd and Tabor

OTHER SITE CHARACTERISTICS: The site is not located in a Watershed or a Special Flood Hazard Area. The subject property, as delineated in Exhibit "C" illustrates no presence of hydric but does include hydric inclusion soils.

DEVELOPMENT REVIEW: Subdivision review will be required prior to any division of land.



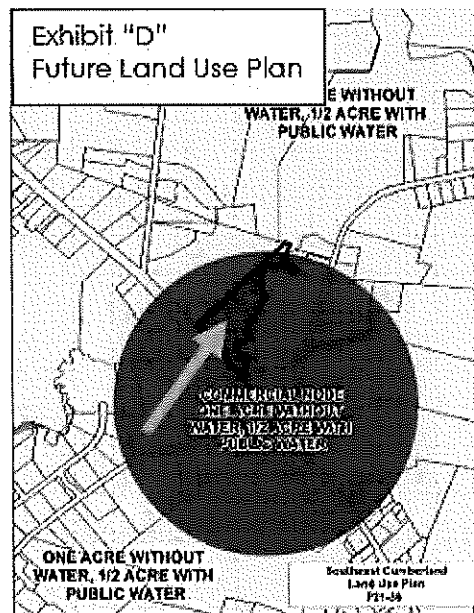
DIMENSIONAL PROVISIONS FOR REQUESTED DISTRICT:

Minimum Standard	A1 (Existing Zoning)	C(P) (Proposed)
Front Yard Setback	50 feet	50 feet (from ROW) 80 feet (from CL)
Side Yard Setback	20 feet (one story) 25 feet (two story)	30 feet
Rear Yard Setback	50 feet	30 feet
Lot Area	2 acres (87,120 sq. ft.)	N/A
Lot Width	100'	N/A

COMPREHENSIVE PLANS: Located in the Southeastern Cumberland Land Use Plan (adopted in 2017), the subject property is designated as within a Commercial Node, Rural Center. The Commercial Node designation, in the Southeastern Cumberland Land Use Plan, calls for associated zoning districts of C-1, C1(P), C2(P). **Request for C(P) is considered consistent with adopted land use plan.** Plan calls for lighter commercial zoning classifications. Planned Commercial may be appropriate based on surrounding area conditions and zoning within the commercial node. Additionally, with the lack of utilities within area, it would further limit the scope of commercial intensification within this node.

APPLICABLE PLAN GOALS/POLICIES:

- Encourage the development of a small commercial "Rural Centers" that would include limited retail activities such as a grocery store, day care, farm related sales and service, eatery, and convenience goods to serve the immediate needs of residents.
- Encourage the re-use of existing vacant commercial structures.



- Ensure that any new or reused commercial structures are aesthetically pleasing and compatible with the rural character of the Study Area.

IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES

UTILITIES: No utilities for water and sewer are shown on Exhibit "C". The site would have to be served by septic and well.

TRAFFIC: The subject property sits on Cedar Creek Road and is identified as an existing thoroughfare in the Metropolitan Transportation Plan. According to the Fayetteville MPO, no construction projects are planned, and the subject property will have no impact on the Transportation Improvement Plan.

SCHOOLS CAPACITY/ENROLLMENT:

School	Capacity	Enrollment
Seabrook Elem	310	249
Mac Williams Mid	1270	1076
Cape Fear High	1425	1400

ECONOMIC DEVELOPMENT: Fayetteville Cumberland County Economic Development Corporation has reviewed the request and had no comment at this time.

EMERGENCY SERVICES: Cumberland County Fire Marshal's office has reviewed the request and stated that to-scale building plans for new construction or renovation must be submitted with any building permit application, must ensure that all fire department access road requirements are met in accordance with section 503 of the NC 2018 Fire Code where required, and ensure emergency responder radio coverage is achieved.

SPECIAL DISTRICTS: The property is not located within the Fayetteville Regional Airport Overlay District or within five miles of Fort Bragg Military Base.

CONDITIONS OF APPROVAL: N/A

CODE DEVIATIONS: N/A

STAFF RECOMMENDATION

In Case P21-36, the Planning and Inspections staff **recommends approval** of the rezoning request from A1 Agricultural District to C(P) Planned Commercial District and find the request is consistent with the Southeastern Cumberland Land Use Plan (2017) which designates the subject site within a Commercial Node at this location. Staff further finds that recommending approval of the request is reasonable and in the public interest because of the following:

- The site falls within a commercial node within close proximity of the existing intersection.
- The proposed use of general retail may fulfill the requirement of use intensity as it is permissible in the lighter C2(P) Commercial District, which is compatible with the Southeastern Cumberland Land Use Plan.
- Due to the lack of water and sewer availability at or near the site, it would limit scope of the developable commercial intensity.

Attachments:
Notification Mailing List
Zoning Application

ATTACHMENT – MAILING LIST

BEAL, BESSIE T
5113 CEDAR CREEK RD
FAYETTEVILLE, NC 28312

BEAL, WILLIAM T
3922 STEDMAN CEDAR CREEK RD
FAYETTEVILLE, NC 28312

CEDAR CREEK BAPTIST CHURCH
4170 TABOR CHURCH RD
FAYETTEVILLE, NC 28312

CULBRETH, DAVID H;& MARTHA M
5170 CEDAR CREEK RD
FAYETTEVILLE, NC 28312

DOWD, DAINESE J;& OSBIN FRANKLIN
12983 W NC 53 HWY
WHITE OAK, NC 28399

DUDLEY, AMY G
3896 STEDMAN CEDAR CREEK RD
FAYETTEVILLE, NC 28312

GRIMES, AMY B
3896 STEDMAN CEDAR CREEK RD
FAYETTEVILLE, NC 28312

LAWRENCE, STEVEN C.;& GEORGIANN
4889 CATERWAUL LANE
FAYETTEVILLE, NC 28301

LITTLEJOHN, RADWAY; & YOLANDA
3114 CESAR AVE
ORLANDO, FL 32833

MCLEOD, JAMES HARVEY
PO BOX 1347
VASS, NC 28394

RAMLONGHORN LLC
2104 ISLAND WOOD RD
AUSTIN, TX 78733

SHATLEY, DEWAINA MAURICE;JEWEL,
DEENE
5194 CEDAR CREEK RD
FAYETTEVILLE, NC 28312

SMITH, JAMES HAYWOOD SR
3927 STEDMAN-CEDAR CREEK RD
FAYETTEVILLE, NC 28312

VINSON, CATHY TATUM
528 BAY TREE DR
HARRELLS, NC 28444

BAXLEY, WENDELL C; & KRISTI N
3990 STEDMAN CEDAR CREEK RD
FAYETTEVILLE, NC 28312

MANNING, KYLE; BARTLETT
ENGINEERING &SURVEYING
1906 NASH ST
WILSON, NC 27893

AKE, HELEN
5029 CEDAR CREEK RD
FAYETTEVILLE, NC 28312

AUTRY, ROBERT EARLY II;HAMRICK,
ANN MARIE HEIRS
8708 BELL GROVE WAY
RALEIGH, NC 27615

BEAL, BESSIE T
5113 CEDAR CREEK RD
FAYETTEVILLE, NC 28312

BEDSOLE, MARCIA BEAL
3325 CULBRETH RD
FAYETTEVILLE, NC 28312

BELL, GRAHAM W II;BELL, MARILUZ C
4245 TABOR CHURCH RD
FAYETTEVILLE, NC 28312

DEVANE, ALICE SMITH
1504 CANE CREEK DR
GARNER, NC 27529

DUDLEY, DANIEL DUKE
PO BOX 137
STEDMAN, NC 28391

FISHER, DEBORAH KAY
1702 MIDDLE RD
EASTOVER, NC 28312

FISHER, WALTER DOUGLAS III
4338 WINDY HEIGHTS DR
N MYRTLE BEACH, SC 29582

FOUR FAMILY FARMS, LLC
680 FAIRFIELD RD
FAYETTEVILLE, NC 28303

GRIMES, AMY B
3896 STEDMAN CEDAR CREEK RD
FAYETTEVILLE, NC 28312

GRIMES, JOHNNY C JR;& BETSY D
2915 CULBRETH RD
FAYETTEVILLE, NC 28312

H B S FARMS INC
1100 CLARENDON ST 305
FAYETTEVILLE, NC 28305

HAIR, MARCUS ALLEN
5114 CEDAR CREEK RD
FAYETTEVILLE, NC 28312

HAMILTON, BERNARD;& JOYCE A
3233 CULBRETH RD
FAYETTEVILLE, NC 28312

JONES, CHRISTINE URSICH
12516 FIVE MILE RD
FREDERICKSBURG, VA 22407

JORDAN, TRACY
3949 STEDMAN CEDAR CREEK RD
FAYETTEVILLE, NC 28312

KAID, MOHAMED NAGI
546 CEDAR CREEK RD
FAYETTEVILLE, NC 28312

MYERS, LINDA S;& JASON W
688 BLAWELL CIR
STEDMAN, NC 28391

POLK, MARK J;POLK, DAWN T
150 BAY RIDGE RD
HARRELLS, NC 28444

REYNAUD, KIMBERLY S
3989 STEDMAN CEDAR CREEK RD
FAYETTEVILLE, NC 28312

RUBIERA, RAUL R;& SAUNDRA S
3506 CEDAR HILL DR
FAYETTEVILLE, NC 28312

SMITH, CATHERINE C
20 SLEEPY CREEK DR
CLAYTON, NC 27520

SWIGERT, CYNTHIA G;BRUCE, A EDGE
5368 CEDAR CREEK RD
FAYETTEVILLE, NC 28312

TYNDALL, JUDITH H;& JOHNNIE R
5356 CEDAR CREEK RD
FAYETTEVILLE, NC 28312

WARREN, JAMISON LEE JR
2443 RIVER RD
FAYETTEVILLE, NC 28312

ADAMS, MARY PATRICIA TRUSTEE
385 BLACKWOCK RD
COLUMBUS, NC 28722

ATTACHMENT -APPLICATION



County of Cumberland
Planning & Inspections Department

CASE #:	<u>P 21-36</u>
PLANNING BOARD MEETING DATE:	_____
DATE APPLICATION SUBMITTED:	<u>5-17-21</u>
RECEIPT #:	<u>77480</u>
RECEIVED BY:	<u>JB</u>

**APPLICATION FOR
REZONING REQUEST
CUMBERLAND COUNTY ZONING ORDINANCE**

The following items are to be submitted with the completed application:

1. A copy of the *recorded* deed and/or plat.
2. If a portion(s) of the property is being considered for rezoning, an accurate written legal description of only the area to be considered;
3. A check made payable to "Cumberland County" in the amount of \$ 625.00.
(See attached Fee Schedule).

Rezoning Procedure:

1. Completed application submitted by the applicant.
2. Notification to surrounding property owners.
3. Planning Board hearing.
4. Re-notification of interested parties / public hearing advertisement in the newspaper.
5. County Commissioners' public hearing (approximately four weeks after Planning Board public hearing)
6. If approved by the County Commissioners, rezoning becomes effective immediately.

The Planning & Inspections Staff will advise on zoning options, inform applicants of development requirement and answer questions regarding the application and rezoning process. For further questions, call (910)678-7603 or (910)678-7609. Hours of operation are 8:00 a.m. to 5:00 p.m., Monday through Friday.

NOTE: Any revisions, inaccuracies or errors to the application may cause the case to be delayed and will be scheduled for the next available board meeting according to the board's meeting schedule. Also, the application fee is *nonrefundable*.

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

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

1. Requested Rezoning from A1 to C(P)
2. Address of Property to be Rezoned: CEDAR CREEK DRIVE
3. Location of Property: APPROXIMATELY 500 FEET NORTHWEST OF THE INTERSECTION OF TABOR CHURCH ROAD AND CEDAR CREEK DRIVE
4. Parcel Identification Number (PIN #) of subject property: 0473-38-6326 (also known as Tax ID Number or Property Tax ID)
5. Acreage: 12.36 AC (PER DEED) Frontage: ~ 601 FT Depth: ~ 1076 FT
6. Water Provider: Well: PWC: _____ Other (name): _____
7. Septage Provider: Septic Tank PWC _____
8. Deed Book 4782, Page(s) 0241, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
9. Existing use of property: VACANT - UNDEVELOPED
10. Proposed use(s) of the property: GENERAL RETAIL BUSINESS
11. Do you own any property adjacent to or across the street from this property?
Yes _____ No If yes, where? _____
12. Has a violation been issued on this property? Yes _____ No

A copy of the recorded deed(s) and/or recorded plat map(s) must be provided. If the area is a portion of a parcel, a written legal description by metes and bounds, showing acreage must accompany the deeds and/or plat. If more than one zoning classification is requested, a correct metes and bounds legal description, including acreage, for each bounded area must be submitted.

The Planning and Inspections Staff is available for advice on completing this application; however, they are not available for completion of the application.

The undersigned hereby acknowledge that the County Planning Staff has conferred with the petitioner or assigns, and the application as submitted is accurate and correct.

CATHY TATUM VINSON
NAME OF OWNER(S) (PRINT OR TYPE)

528 BAY TREE DR., HARRELLS, NC 28444
ADDRESS OF OWNER(S)

HOME TELEPHONE # WORK TELEPHONE #

KYLE MANNING - BARTLETT ENGINEERING & SURVEYING, PC
NAME OF AGENT, ATTORNEY, APPLICANT (PRINT OR TYPE)

1906 NASH STREET NW, WILSON, NC 27893
ADDRESS OF AGENT, ATTORNEY, APPLICANT

KYLE@BARTLETTENG.COM
E-MAIL

HOME TELEPHONE # (252) 399-0704 EXT. 250
WORK TELEPHONE #

DocuSigned by:

7097E78065GE42A
SIGNATURE OF OWNER(S)


SIGNATURE OF AGENT, ATTORNEY OR APPLICANT

SIGNATURE OF OWNER(S)

The contents of this application, upon submission, become "public record."

4782
0241

STAMPED AREA

BK4782PG0241

00100

RECEIVED
1- 2-1998 PM 2:54
GEORGE E. TATUM
REGISTER OF DEEDS
CUMBERLAND CO., N.C.

(11)

TITLE NOT EXAMINED OR CERTIFIED

Excise Tax \$ No Revenue

Recording Time, Book and Page

Tax Lot No. _____ Parcel Identifier No. _____ Verified by _____
County on the _____ day of _____, 19 _____ by _____

Mail after recording to MAXWELL & MELVIN, P. O. Box 2465, Fayetteville, NC 28302
This instrument was prepared by Stephen R. Melvin

Brief Description for the index

[Empty box for brief description]

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 2nd day of January, 1998, by and between

GRANTOR	GRANTEE
Harry A. Tatum and wife, Catherine D. Tatum	Cathy Tatum Vinson 1123 Jimree Avenue Fayetteville, NC 28301

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g., corporation or partnership.

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 a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in or near the City of _____, _____ Township, Cumberland County, North Carolina and more particularly described as follows:

BEGINNING at the intersection of the northern margin of the Fayetteville-Cedar Creek Public Road with the middle of the channel of Cedar Creek and running thence with the northern margin of said public road N 37 degrees 15 minutes West 9 chains and 12 links to a stake in the margin of said road; thence with the margin of said road North 40 degrees 15 minutes West 2 chains and 30 links to a stake in the margin of said road; thence North 50 degrees 45 minutes East 19 chains and 40 links to a stake and pointers; thence South 70 degrees 30 minutes East 1 chain and 32 links to the middle of the channel of Cedar Creek; thence down the various courses of the middle of the channel of Cedar Creek to the beginning, containing twelve and thirty-six one hundredths (12 36/100) acres, more or less and minus any parcels previously conveyed out.

NO REVENUE

The property hereinabove described was acquired by Grantor by instrument recorded in Book _____, Page _____.

A map showing the above described property is recorded in Plat Book _____, Page _____.

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 is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated.

Title to the property hereinabove described is subject to the following exceptions:

Subject to restrictions, easements and rights-of-way as may appear of public record.
Subject to ad valorem taxes of record.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

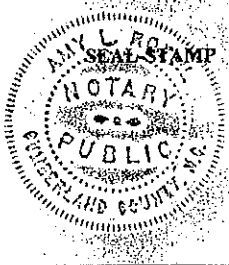
(Corporate Name) Harry A. Tatum (SEAL)
Harry A. Tatum

By: _____

President Catherine D. Tatum (SEAL)
Catherine D. Tatum

ATTEST: _____ (SEAL)

Secretary (Corporate Seal) _____ (SEAL)



NORTH CAROLINA, Cumberland County.
I, Amy L. Roshl, a Notary Public of the County and State aforesaid, certify that **Harry A. Tatum and wife Catherine D. Tatum** Grantor, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 2nd day of January, 1998.

My commission expires: 7/21/2002 Amy Roshl Notary Public

SEAL-STAMP NORTH CAROLINA, Cumberland County.
I, a Notary Public of the County and State aforesaid, certify that personally came before me this day and acknowledged that he/she is _____ Secretary of, a North Carolina corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by it _____ President, sealed with its corporate seal and attested by him/her as its _____ Secretary. Witness my hand and official stamp or seal, this ____ day of _____, 19__.

My commission expires: / / _____ Notary Public

The foregoing Certificate(s) of Amy L. Roshl
is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

GEORGE E. TATUM REGISTER OF DEEDS FOR CUMBERLAND COUNTY
By Stephanie K. Allen Deputy/Assistant-Register of Deeds. **NO REVENUE**



CUMBERLAND COUNTY

NORTH CAROLINA

PLANNING & INSPECTIONS

PLANNING STAFF REPORT

REZONING CASE # P21-40

Planning Board Meeting: July 20, 2021

Location: 5177 Stewart Road

Jurisdiction: County-Unincorporated

REQUEST **Rezoning A1 to R40**

Applicant requests a rezoning of a portion of one parcel, approximately .92 acres located at 5177 Stewart Road from A1 Agricultural District to R40 Residential District. This would increase the maximum density from 1 dwelling unit per 2 acres (or 87,120 sq. ft.) to 1 unit per 40,000 square feet. This application involves a conventional rezoning, and no conditions are proposed at this time. Location of the subject property is illustrated in Exhibit "A".

PROPERTY INFORMATION

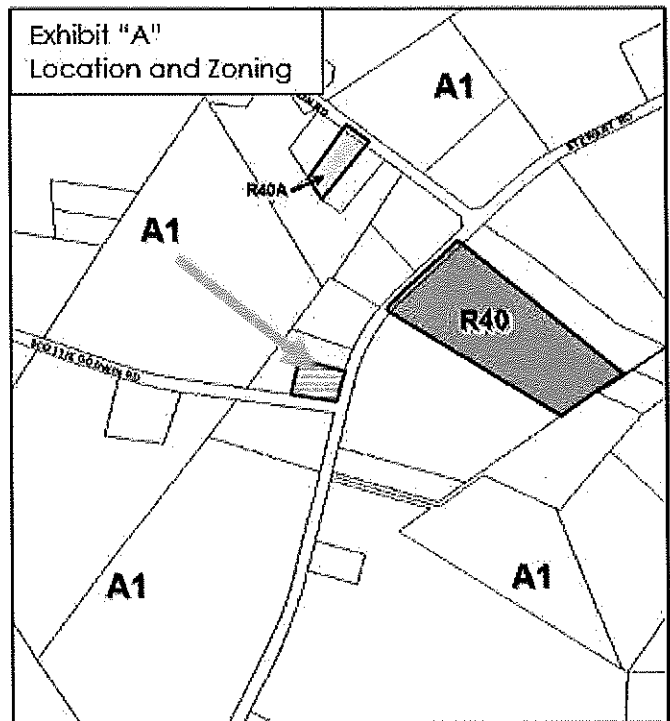
OWNER/APPLICANT:

Terry Faircloth (surveyor) on behalf of Michael Longhany (owner)

ADDRESS/LOCATION: 5177 Stewart Road. Refer to Exhibit "A", Site Location. REID number: 0591604989000.

SIZE: .92 +/- acres within one parcel. The property has approximately 275 +/- feet of street frontage along the west side of Stewart Road. The property has a depth ranging from approximately 456 feet to 325 feet off of Stewart Road.

EXISTING ZONING: The A1 zoning district is intended to promote and protect agricultural lands, including woodland, within the County. The general intent of the district is to permit all agricultural uses to exist free from most private urban development except for large lot, single-family development. Some public and/or semi-public uses as well as a limited list of convenient commercial uses are permitted to ensure essential services for the residents.



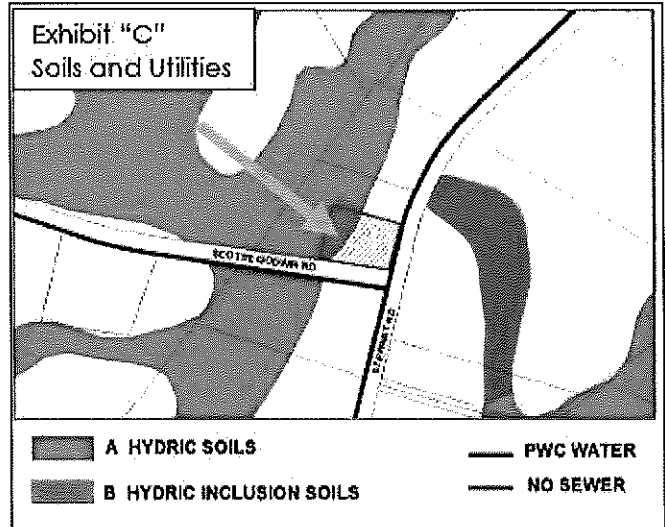
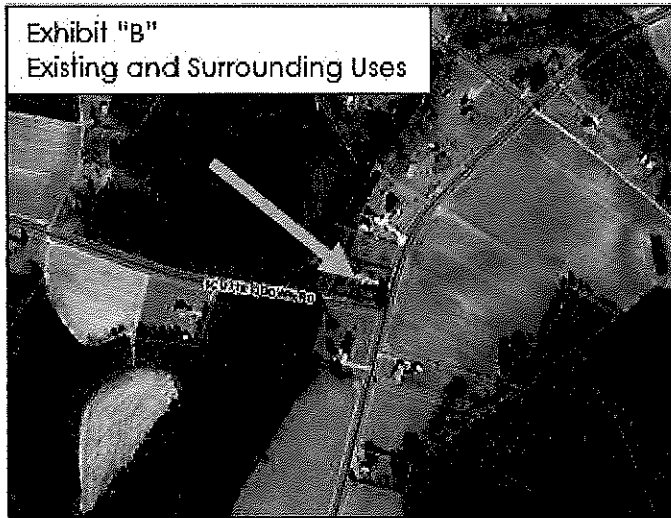
EXISTING LAND USE: The parcel is currently used for a single-family residence. The residence was constructed in 1945, and, therefore, built before the application of zoning. The structure is legal non-conforming due to front setbacks of 18 feet from Stewart Rd and 6 feet from Scottie Godwin Rd. The accessory storage structure is also legal non-conforming for proximity to the frontage of Scottie Godwin Rd. Exhibit "B" shows the existing use of the subject property.

SURROUNDING LAND USE: Exhibit "B" illustrates the following:

- North: Single-family residence.
- East: Agricultural use.
- West: Vacant and wooded.
- South: Single-family residences.

OTHER SITE CHARACTERISTICS: The site is not located in a Watershed. However, the subject property is within a Flood zone Hazard Area. The subject property, as delineated in Exhibit "C" illustrates the presence of hydric but not hydric inclusion soils.

DEVELOPMENT REVIEW: Subdivision review will be required prior to any division of land.



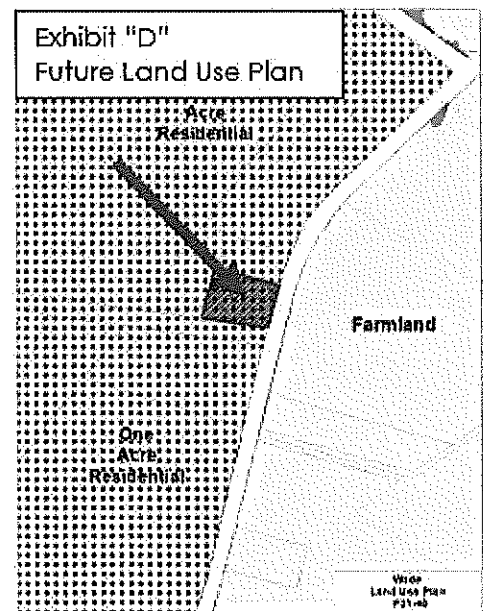
DIMENSIONAL PROVISIONS FOR REQUESTED DISTRICT:

Minimum Standard	A1 (Existing Zoning)	R40 (Proposed)
Front Yard Setback	50 feet	30 feet
Side Yard Setback	20 feet (one story) 25 feet (two story)	15 feet
Rear Yard Setback	50 feet	15 feet
Lot Area	2 acres (87,120 sq. ft.)	40,000 sq. ft.
Lot Width	100'	100'

COMPREHENSIVE PLANS: Located in the Wade Study Area Land Use Plan (adopted in 2003), the subject property is designated as One Acre Residential, as shown within Exhibit "D". The One Acre Residential designation, in the Wade Study Area Land Use Plan, calls for associated zoning districts of R40, R40A, A1, A1A. **Request is consistent with the adopted land use plan.**

APPLICABLE PLAN GOALS/POLICIES:

- Limit the location and amount of Manufactured Housing within the Study Area.
- Develop housing standards for the Study Area.
- Provide an opportunity for the development of an affordable assisted living facility for the elderly.
- Provide an opportunity for residential development that would be compatible with the rural areas of the Study Area.



IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES

UTILITIES: Utilities for water are shown on Exhibit "C". The site would have to be served by septic as sewer lines are not located in the vicinity of the subject property.

TRAFFIC: Mid-Carolina RPO did not have any comments or concerns regarding the impact on transportation infrastructure resulting from this request.

SCHOOLS CAPACITY/ENROLLMENT:

School	Capacity	Enrollment
District 7 Elem	300	225
Mac Williams Mid	740	1076
Cape Fear High	1425	1400

ECONOMIC DEVELOPMENT: Fayetteville Cumberland County Economic Development Corporation has reviewed the request and has no comment at this time.

EMERGENCY SERVICES: Cumberland County Fire Marshal's office has reviewed the request and stated that the developer must ensure that all fire department access roads requirements are met in accordance with section 503 of the NC 2018 Fire Code where required.

SPECIAL DISTRICTS: The property is not located within the Fayetteville Regional Airport Overlay District or within five miles of Fort Bragg Military Base.

CONDITIONS OF APPROVAL: N/A

CODE DEVIATIONS: N/A

STAFF RECOMMENDATION

In Case P21-40, the Planning and Inspections staff **recommends approval** of the rezoning request from A1 Agricultural District to R40 Residential District and find the request is consistent with the Wade Study Area Land Use Plan (2003) which calls for One Acre Residential at this location. Staff further finds that recommending approval of the request is reasonable and in the public interest because the R40 Residential District would allow dwelling types and a density that would be compatible and in harmony with the surrounding land use activities and zoning.

Attachments:
Notification Mailing List
Zoning Application

ATTACHMENT – NOTIFICATION MAILING LIST

LARRY ROGER EASON
REVOCABLE TRUST
4656 LONNIE MATTHEWS RD
WADE, NC 28395

●
LONGHANY, MICHAEL A.
5205 STEWART RD
WADE, NC 28395

MATTHEWS, HUGH S LIFE ESTATE
5417 STEWART RD
WADE, NC 28395

SHIPP, NATHAN E; & LARUE T
5149 STEWART RD
WADE, NC 28395

●
HENDRIX, LEON R; & DEE WALLACE
5144 STEWART RD
WADE, NC 28395

FAIRCLOTH, TERRY C. PLS
6042 LEXINGTON DR
HOPE MILLS, NC 28348

VANN, EARL C;& PEGGY
5698 SAMBO JACKSON RD
WADE, NC 28395

VANN, WILLIAM C;& BARBARA H
5233 STEWART RD
WADE, NC 28395

WALLACE, ANTHONY DAVID
5144 STEWART RD
WADE, NC 28395

EASON, LARRY R; & PATRICIA L
4656 LONNIE MATTHEWS RD
WADE, NC 28395

HALL, JIMMIE ALAN;
HALL, LANA MATTHEWS
5676 SCOTTIE GODWIN RD
WADE, NC 28395

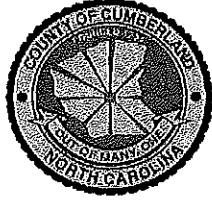
HALL, SAMANTHA MARIE
5265 STEWART RD
WADE, NC 28395

NEWTON, SANDRA
1034 HANFORD RD
GRAHAM, NC 27253

SIDENSTRICKER, JEANETTE L;
& ELLIS G
6022 DUSK DR
PRINCE FREDERICK, MD 20678

VANN, DONALD R; & CONNIE R
5800 SAMBO JACKSON RD
WADE, NC 28395

ZONING PERMIT APPLICATION



County of Cumberland
↓ ↓ ↓ ↓ ↓ ↓ ↓ ↓ ↓ ↓ ↓ ↓ ↓ ↓
Planning & Inspections Department

CASE #: P21-040

PLANNING BOARD
MEETING DATE: _____

DATE APPLICATION
SUBMITTED: 6-4-21

RECEIPT #: 77762

RECEIVED BY: _____

**APPLICATION FOR
REZONING REQUEST
CUMBERLAND COUNTY ZONING ORDINANCE**

The following items are to be submitted with the completed application:

1. A copy of the *recorded* deed and/or plat.
2. If a portion(s) of the property is being considered for rezoning, an accurate written legal description of only the area to be considered.
3. A check made payable to "Cumberland County" in the amount of \$ 250.00.
(See attached Fee Schedule).

Rezoning Procedure:


1. Completed application submitted by the applicant.
2. Notification to surrounding property owners.
3. Planning Board hearing.
4. Re-notification of interested parties / public hearing advertisement in the newspaper.
5. County Commissioners' public hearing (approximately four weeks after Planning Board public hearing)
6. If approved by the County Commissioners, rezoning becomes effective immediately.

The Planning & Inspections Staff will advise on zoning options, inform applicants of development requirement and answer questions regarding the application and rezoning process. For further questions, call (910)678-7603 or (910)678-7609. Hours of operation are 8:00 a.m. to 5:00 p.m., Monday through Friday.

NOTE: Any revisions, inaccuracies or errors to the application may cause the case to be delayed and will be scheduled for the next available board meeting according to the board's meeting schedule. Also, the application fee is *nonrefundable*.

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

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

1. Requested Rezoning from A1 to R40
2. Address of Property to be Rezoned: 5177 Stewart Road, Wade, NC 28395
3. Location of Property: The intersection of Stewart Rd and Scottie Godwin Rd
4. Parcel  Number (PIN #) of subject property: 0591-60-4989
(also known as Parcel ID Number or Property Tax ID)
5. Acreage: 2.86 Acres Frontage: +/- 275'
6. Water Provider: Well: _____ PWC: _____
7. Septage Provider: Septic Tank PWC _____
8. Deed Book 10865, Page(s) 512
Registry. (Attach copy of deed of subject property)
9. Existing use of property: Residential
10. Proposed use(s) of the property: Residential
11. Do you own any property adjacent to or across the street from this property?
Yes No _____ If yes, where? The Tract north of property
12. Has a violation been issued on this property? _____ No

Portion of REED

A copy of the recorded deed(s) and/or recorded plat map(s) must be provided. If the area is a portion of a parcel, a written legal description by metes and bounds, showing acreage must accompany the deeds and/or plat. If more than one zoning classification is requested, a correct metes and bounds legal description, including acreage, for each bounded area must be submitted.

The Planning and Inspections Staff is available for advice on completing this application; however, they are not available for completion of the application.

The undersigned hereby acknowledge that the County Planning Staff has conferred with the petitioner or assigns, and the application as submitted is accurate and correct.

Michael Longhany

NAME OF OWNER(S) (PRINT OR TYPE)

5205 Stewart Road, Wade, NC 28395

ADDRESS OF OWNER(S)

(910)-850-1910

HOME TELEPHONE #

WORK TELEPHONE #

Terry C. Faircloth, PLS

NAME OF AGENT, ATTORNEY, APPLICANT (PRINT OR TYPE)

6042 Lexington Drive, Hope Mills, NC 28348

ADDRESS OF AGENT, ATTORNEY, APPLICANT

fairclothsurveying@yahoo.com

E-MAIL

910-494-7444

HOME TELEPHONE #

910-494-7444

WORK TELEPHONE #

SIGNATURE OF OWNER(S)

SIGNATURE OF AGENT, ATTORNEY OR APPLICANT

SIGNATURE OF OWNER(S)

The contents of this application, upon submission, become "public record."

FILED Sep 02, 2020
AT 04:11:47 PM
BOOK 10865
START PAGE 0512
END PAGE 0513
INSTRUMENT # 32014
RECORDING \$26.00
EXCISE TAX \$240.00

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$240.00

Parcel Identifier No. 0591-60-4989 Verified by _____ County on the ____ day of _____, 20____
By: _____

Mail/Box to: William E. Clark PLLC, 2850 Village Drive, Suite 204, Fayetteville, NC 28304

This instrument was prepared by: William E. Clark

Brief description for the Index: Lot 1 Hall Sub. PB 61, PG 36

THIS DEED made this 2nd day of September, 2020, by and between

GRANTOR	GRANTEE
CALVIN E. SMITH and wife, FRANCES L. SMITH 6146 Kennel Road Wade, NC 28395	MICHAEL A. LONGHANY Mailing Address: 5205 Stewart Road Wade, NC 28395

Enter in appropriate block for each Grantor and Grantee: name, mailing address, and, if appropriate, character of entity, e.g. corporation or partnership.

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 a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of Wade, Cumberland County, North Carolina and more particularly described as follows:

PIN: 0591-60-4989

BEING all of Lot 1, as shown on a plat entitled "W. R. Hall", and duly recorded in Plat Book 61, Page 36, Cumberland County Registry, North Carolina.

LESS and EXCEPT the property as shown on the Right of Way Agreement, recorded in Book 5111, Page 676, Cumberland County Registry, North Carolina.

Property Address: 5177 Stewart Road, Wade, NC 28395.

submitted electronically by "William E. Clark PLLC"
in compliance with North Carolina statutes governing recordable documents
and the terms of the submitter agreement with the Cumberland County Register of Deeds.

Mary J C Smith died in 2008. See Estate File 08 E 1327.

The property hereinabove described was acquired by Grantor by instrument recorded in Book 3873, Page 878, Cumberland County. All or a portion of the property herein conveyed ___ includes or X does not include the primary residence of a Grantor.


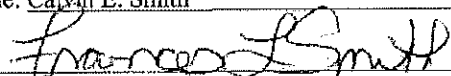
A map showing the above described property is recorded in Plat Book 61, Page 36, Cumberland County.

Frances L. Smith joins in this conveyance solely for the purpose of releasing any interest she now has or may hereafter acquire by virtue of her marriage to Calvin E. Smith.

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 is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions:

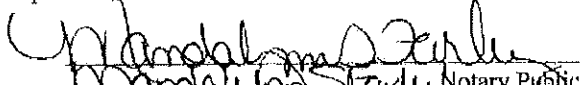
IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

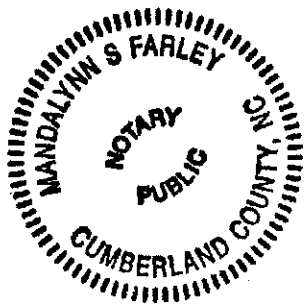
_____		(SEAL)
(Entity Name)	Name: Calvin E. Smith	
By: _____		(SEAL)
Print/Type Name & Title: _____	Name: Frances L. Smith	
By: _____	_____	(SEAL)
Print/Type Name & Title: _____	Name: _____	
By: _____	_____	(SEAL)
Print/Type Name & Title: _____	Name: _____	

State of North Carolina - County of Cumberland

I, the undersigned Notary Public of the County of Cumberland and State aforesaid, certify that Calvin E. Smith and Frances L. Smith personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this 2 day of September, 2020.

My Commission Expires: 9-9-2022
(Affix Seal)


Mandalynn S Farley Notary Public
Notary's Printed or Typed Name







CUMBERLAND COUNTY

NORTH CAROLINA

PLANNING & INSPECTIONS

PLANNING STAFF REPORT
REZONING CASE # P21-44
Planning Board Meeting: July 20, 2021

Location: 2965 Gillespie St
Jurisdiction: County-Unincorporated

REQUEST **Rezoning M(P) to C(P)**

Applicant requests a rezoning of approximately 2.80 acres located at 2965 Gillespie Street from M(P) Planned Industrial District to C(P) Planned Commercial District. This change of zoning will allow the property owners to develop the property with heavy commercial uses. This is a conventional rezoning, and no conditions are proposed at this time. Location of the subject property is illustrated in Exhibit "A".

PROPERTY INFORMATION

OWNER/APPLICANT: Carla Emmons and Stephen Wheeler (agent) on behalf of Emmons & Wheeler, LLC (owner)

ADDRESS/LOCATION: Located at 2965 Gillespie Street. Refer to Exhibit "A", Site Location. REID number: 0435040172000.

SIZE: 2.80 +/- acres within one parcel. The property has approximately 445+/- feet of street frontage along the east side of Gillespie Street. The property has a depth at or extending 273 feet.

EXISTING ZONING: The property currently is zoned M(P) Planned Industrial District. This district is designed primarily for basic manufacturing and processing industries, all of which normally create a high degree of nuisance and are not generally compatible with surrounding or abutting residential or commercial areas.

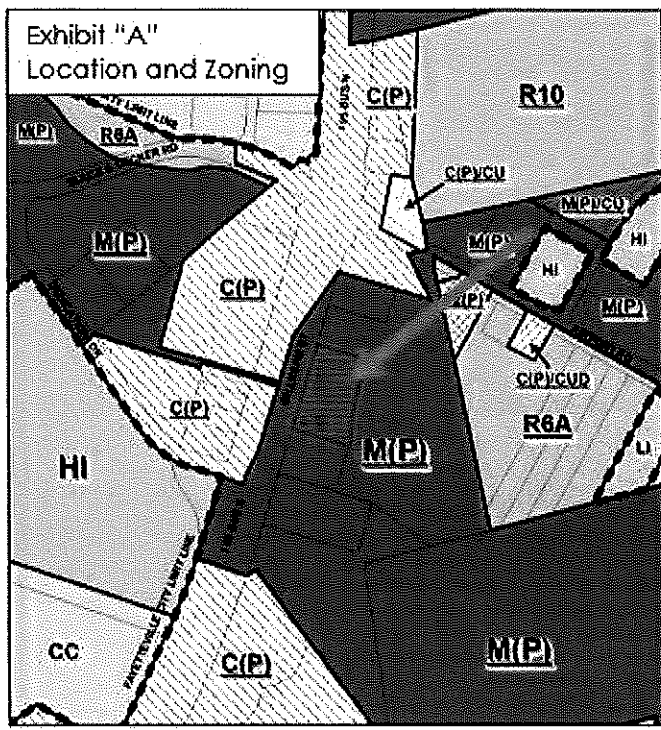
EXISTING LAND USE: The parcel is used for manufactured homes sales, a commercial use. The existing commercial use is within one permanent structure totaling 7,500 sq. ft. Gross Leasable Floor Area. Exhibit "B" shows the existing use of the subject property.

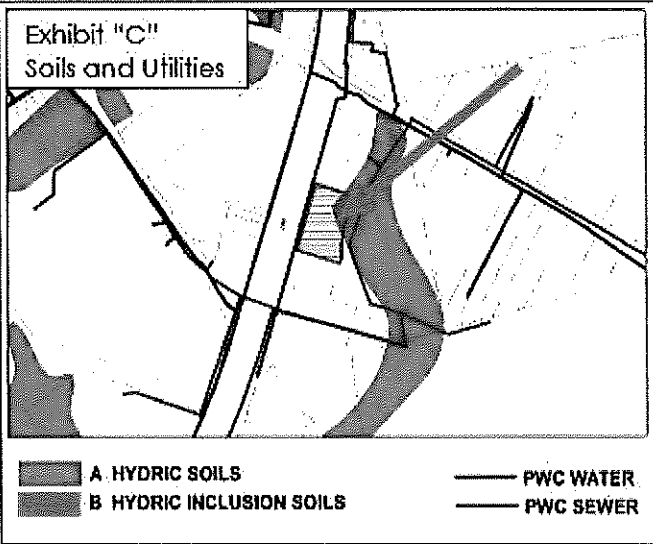
SURROUNDING LAND USE: Exhibit "B" illustrates the following:

- North: Vacant and wooded.
- East: The parcel is vacant and wooded, with the exception of one communication tower.
- West: I-95 and Gillespie Street ROW's.
- South: used for access to the communication tower to the east.

OTHER SITE CHARACTERISTICS: The site is not located in a Watershed or a Special Flood Hazard Area. The subject property, as delineated in Exhibit "C", illustrates presence of hydric but no presence of hydric inclusion soils.

DEVELOPMENT REVIEW: Site plan revision will be required before any change in use.





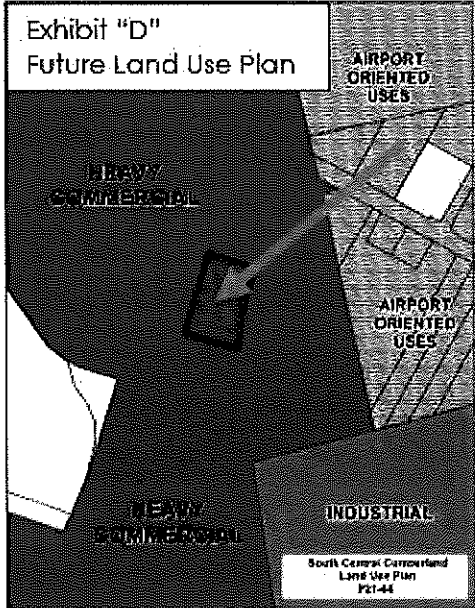
DIMENSIONAL PROVISIONS FOR REQUESTED DISTRICT:

Minimum Standard	M(P) (Existing Zoning)	C(P) (Proposed)
Front Yard Setback	100 feet (from ROW) 80 feet (from CL)	50 feet (from ROW) 80 feet (from CL)
Side Yard Setback	50 feet	30 feet
Rear Yard Setback	50 feet	30 feet
Lot Area	N/A	N/A
Lot Width	N/A	N/A

COMPREHENSIVE PLANS: Located in the South-Central Cumberland Land Use Plan (adopted in 2016), the subject property is designated Heavy Commercial. The Heavy Commercial designation, in the South-Central Cumberland Land Use Plan, the calls for associated zoning districts of C-3, C(P) and CBD. **Request is consistent with the adopted land use plan.**

APPLICABLE PLAN GOALS/POLICIES:

- Strengthen existing landscape standards for commercial developments.
- Encourage reuse of vacant commercial structures.
- Promote the concentration of intense commercial development in the nodes at the intersections of major thoroughfares, interchanges, and other designated areas along US Highway 301 South with public water and sewer.



IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES

UTILITIES: PWC water is available along the road frontage of Gillespie Street. PWC sewer is available along the back of property. It is the applicant's responsibility to coordinate with PWC to determine if these utilities can properly serve their development. Utilities for water and sewer are shown on Exhibit "C".

TRAFFIC: The subject property abuts Gillespie Street and is identified as a local road in the Metropolitan Transportation Plan. According to Fayetteville MPO, no construction projects are planned, and the subject property will have no impact on the Transportation Improvement Plan.

SCHOOLS CAPACITY/ENROLLMENT:

School	Capacity	Enrollment
Elizabeth Cashwell Elem	800	515
South View Mid	900	648
South View High	1800	1400

ECONOMIC DEVELOPMENT: Fayetteville Cumberland County Economic Development Corporation has reviewed the request and has no comment at this time.

EMERGENCY SERVICES: Cumberland County Fire Marshal's office has reviewed the request and stated that the applicant must ensure that all fire department access roads requirements are met in accordance with section 503 of the NC 2018 Fire Code where required; submit building plans to scale for new construction and building renovation; ensure emergency responder radio coverage is achieved.

SPECIAL DISTRICTS: The property is not located within the Fayetteville Regional Airport Overlay District or within five miles of Fort Bragg Military Base.

CONDITIONS OF APPROVAL: N/A

CODE DEVIATIONS: N/A

STAFF RECOMMENDATION

In Case P21-44, the Planning and Inspections staff **recommends approval** of the rezoning request from M(P) Planned Industrial District to C(P) Planned Commercial District and finds the request is consistent with the South-Central Cumberland Land Use Plan (2016), which calls for Heavy Commercial at this location. Staff further finds that recommending approval of the request is reasonable and in the public interest because commercial development is compatible with the surrounding area and uses.

Attachments:
Notification Mailing List
Zoning Application

ATTACHMENT – NOTIFICATION MAILING LIST

BOOKER, JAMES F; & LYNDA G
PO BOX 351
WILLOW SPRING, NC 27592

CEDAR CREEK CROSSING WEST LLC
23 MARKET SQ
FAYETTEVILLE, NC 28301

CLINGER, LYNDA FAYE;
KAREN LEIGH CHAPPELL
6614 HILLBRIAR DR
DALLAS, TX 75248

●
EMMONS & WHEELER LLC
2965 GILLESPIE ST
FAYETTEVILLE, NC 28306

MCCAULEY & MCDONALD INV INC
PO BOX 361
FAYETTEVILLE, NC 28302

ALLEN FAMILY COMMERCIALS LLC
PO BOX 65059
FAYETTEVILLE, NC 28306

ADVANCED WATER SYSTEMS OF
COASTAL CAROLINA, LLC
14821 US HIGHWAY 17 NORTH
HAMPSTEAD, NC 28443

ASEMOTA, OSAZE LOVE-EFOSA;
LILY, EFOSA IGUNBOR
1946 FOREST HILL DR
FAYETTEVILLE, NC 28303

CMH HOMES INC
PO BOX 9790
MARYVILLE, TN 37802

EATON CORP
PO BOX 80615
INDIANAPOLIS, IN 46280

FOUNDATION OF THE UNIVERSITY OF
NC WILMINGTON INC
601 S COLLEGE RD
WILMINGTON, NC 28412

MCDONALD, VADIS
2923 ORBIE CIR
FAYETTEVILLE, NC 28306

PEARCES, MILL VOLUNTEER FIRE DE
2998 GILLESPIE ST
FAYETTEVILLE, NC 28306

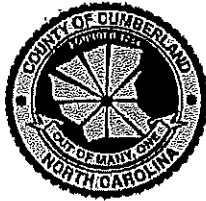
SMITH, IZZIE H HEIRS;
MCDONALD, VADIS S
2923 ORBIE CIR
FAYETTEVILLE, NC 28306

TOP OF THE HILL INVESTMENTS LLC;
AIRPARK INVESTMENTS LLC
1131-B MILITARY CUTOFF RD
WILMINGTON, NC 28405

TRISELL INVESTMENTS LLC
1515 ROCKTREE CT
FAYETTEVILLE, NC 28306

PEARCES MILL VOL FIRE DEPT INC
2998 A GILLESPIE ST
FAYETTEVILLE, NC 28306

ZONING APPLICATION



County of Cumberland
Planning & Inspections Department

CASE #: P21-44

PLANNING BOARD
MEETING DATE: 07/20/2021

DATE APPLICATION
SUBMITTED: 06/15/2021

RECEIPT #: 77879

RECEIVED BY: _____

**APPLICATION FOR
REZONING REQUEST
CUMBERLAND COUNTY ZONING ORDINANCE**

The following items are to be submitted with the completed application:

1. A copy of the *recorded* deed and/or plat.
2. If a portion(s) of the property is being considered for rezoning, an accurate written legal description of only the area to be considered;
3. A check made payable to "Cumberland County" in the amount of \$ _____.
(See attached Fee Schedule).

Rezoning Procedure:

1. Completed application submitted by the applicant.
2. Notification to surrounding property owners.
3. Planning Board hearing.
4. Re-notification of interested parties / public hearing advertisement in the newspaper.
5. County Commissioners' public hearing (approximately four weeks after Planning Board public hearing)
6. If approved by the County Commissioners, rezoning becomes effective immediately.

The Planning & Inspections Staff will advise on zoning options, inform applicants of development requirement and answer questions regarding the application and rezoning process. For further questions, call (910)678-7603 or (910)678-7609. Hours of operation are 8:00 a.m. to 5:00 p.m., Monday through Friday.

NOTE: Any revisions, inaccuracies or errors to the application may cause the case to be delayed and will be scheduled for the next available board meeting according to the board's meeting schedule. Also, the application fee is *nonrefundable*.

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

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

1. Requested Rezoning from MP to CP
2. Address of Property to be Rezoned: 2965 Gillespie St Fayetteville
3. Location of Property: US 301/I95 Business between Airport Rd and Black n Decker Rd
4. Parcel Identification Number (PIN #) of subject property: 0435-04-0172
(also known as Tax ID Number or Property Tax ID)
5. Acreage: 2.799 Frontage: 445' Depth: 273'
6. Water Provider: Well: _____ PWC: X Other (name): _____
7. Septage Provider: Septic Tank _____ PWC X
8. Deed Book 7384, Page(s) 307-308, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
9. Existing use of property: Manufactured Home Sales
10. Proposed use(s) of the property: TRUE VALUE HARDWARE STORE
12,000 sq ft metal building for Retail Sales
11. Do you own any property adjacent to or across the street from this property?
Yes _____ No X If yes, where? _____
12. Has a violation been issued on this property? Yes _____ No X

A copy of the recorded deed(s) and/or recorded plat map(s) must be provided. If the area is a portion of a parcel, a written legal description by metes and bounds, showing acreage must accompany the deeds and/or plat. If more than one zoning classification is requested, a correct metes and bounds legal description, including acreage, for each bounded area must be submitted.

The Planning and Inspections Staff is available for advice on completing this application; however, they are not available for completion of the application.

The undersigned hereby acknowledge that the County Planning Staff has conferred with the petitioner or assigns, and the application as submitted is accurate and correct.

Emmons & Wheeler, LLC
NAME OF OWNER(S) (PRINT OR TYPE)

2965 Gillespie St Fayetteville, NC 28306
ADDRESS OF OWNER(S)

910-273-6588
HOME TELEPHONE #

910-424-2148
WORK TELEPHONE #


Carla Emmons and Stephen Wheeler
NAME OF AGENT, ATTORNEY, APPLICANT (PRINT OR TYPE)

2965 Gillespie St Fayetteville, NC 28306
ADDRESS OF AGENT, ATTORNEY, APPLICANT

visionhomes01@aol.com
E-MAIL

910-797-8157
HOME TELEPHONE #

910-424-2148
WORK TELEPHONE #


SIGNATURE OF OWNER(S)


SIGNATURE OF AGENT, ATTORNEY OR APPLICANT


SIGNATURE OF OWNER(S)

The contents of this application, upon submission, become "public record."

7384
0307

BK 7384 PG 307

049056

(N.P SEAL)

17 RA

RECEIVED

CUMBERLAND COUNTY NC 10/06/2006

10-6-2006 AM 10:06:57

\$1022.00

J. LEE WARREN JR.
REGISTER OF DEEDS
CUMBERLAND CO., N.C.



Real Estate
Excise Tax

Excise Tax \$1022.00

Recording Time, Book and Page

Tax Lot No. _____ Parcel Identifier No. 0435-04-0172
Verified by _____ County on the _____ day of _____, 20____
by _____

RETURN TO: THE BARFIELD LAW FIRM, 2929 BREEZEWOOD AVE, SUITE 200
Mail after recording to Emmons & Wheeler, LLC, 2965 Gillespie Street, Fayetteville, NC 28306 FAYETTEVILLE, NC
This instrument was prepared by Cedar Creek Crossing West, LLC 28303

Brief Description for the
index

Lot 3, US Hwy 301 & Airport Road

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made the _____ day of September, 2006, by and between

GRANTOR

CEDAR CREEK CROSSING WEST, LLC, a
North Carolina Limited Liability Company
101 Hay Street, Suite 2
Fayetteville, North Carolina 28301

GRANTEE

EMMONS & WHEELER, LLC, a North Carolina
Limited Liability Company
2965 Gillespie Street
Fayetteville, North Carolina 28306

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g., corporation or partnership.

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 a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in/near the Pearces Mill Township, Cumberland County, North Carolina:

Being all of Lot 3 as shown and described in that certain Plat recorded at Plat Book 118, Page 54, Cumberland County Registry prepared by Moorman, Kizer & Reitzel, dated September 2006. For a history of title see Deed Book 3099, Page 171, Deed Book 3211, Page 226, Deed Book 4447, Page 719, Deed Book 4629, Page 506, Deed Book 6652, Page 473, and Deed Book 6942, Page 51; and Plat Book 97, Page 57 and Plat Book 114, Page 96, Cumberland County Registry

The property hereinabove described was acquired by Grantor by instrument recorded in Book 6652, Page 473 and Book 6942 Page 51.

A map showing the above described property is recorded in Book 97, Page 57, Plat Book 114, Page 96, and Book _____, Page _____.

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 is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated.

Title to the property hereinabove described is subject to the following exceptions:

All easements, restrictions and rights of way of record

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

CEDAR CREEK CROSSING WEST, L.L.C., a North Carolina Limited Liability Company

By: John M. Tyson, member (SEAL)
JOHN M. TYSON, Member/Manager

STATE OF NORTH CAROLINA, COUNTY OF WAKE.

SEAL-
STAMP

I, DEANA W. WALKER, the undersigned, a Notary Public of the County and State aforesaid, certify that JOHN M. TYSON, personally appeared before me this day and acknowledged that they are Members/Mangers of CEDAR CREEK CROSSING WEST, L.L.C., a North Carolina Limited Liability Company, Grantor, and further acknowledges the due execution of the foregoing instrument on behalf of the limited liability company.

Witness my hand and official stamp or seal, this 13th day of September, 2006.

Deana W. Walker
Notary Public

My Commission Expires: March 28, 2009





CUMBERLAND COUNTY

NORTH CAROLINA

PLANNING & INSPECTIONS

PLANNING STAFF REPORT
REZONING CASE # P21-31
Planning Board Meeting: July 20, 2021

Location: Clinton Rd/ Forte Rd
Jurisdiction: County-Unincorporated

REQUEST

Rezoning RR to R7.5/CZ

Applicant requests a rezoning of approximately 25.00 +/- acres located south of Clinton Road and west of Forte Road from RR Rural Residential District to R7.5 Residential/CZ Conditional Zoning District for up to 77 lots Zero Lot Line Subdivision. This would increase the allowed density from 1 unit per 20,000 square feet to 1 unit per 7,500 square feet. This is a conditional rezoning with conditions proposed and a conditional use subdivision plan required. (The required subdivision plan is shown in Exhibit "E" of the Staff Report and the conditions of approval are in Exhibit "F".)

PROPERTY INFORMATION

OWNER/APPLICANT: Nicholas Hancock, Brad Hancock, Johnny Hancock, and David Hancock (owners)

ADDRESS/LOCATION: Located south of Clinton Road, west of Forte Road. Refer to Exhibit "A", Site Location. REID number: 0486704439000.

SIZE: 25+/- acres within one parcel. The property has approximately 62+/- feet of street frontage along south side of Clinton Road. The property has a depth of about 1,250 feet at its furthest extent.

EXISTING ZONING: The property is zoned RR Rural Residential District. This district is intended for traditional rural use with lots of 20,000 square feet or above. The principal use of the land is for suburban density residential, including manufactured housing units, and agricultural purposes. These districts are intended to ensure that residential development not having access to public water supplies and dependent upon septic tanks for sewage disposal will occur at a sufficiently low density to provide for a healthful environment.

EXISTING LAND USE: The parcel is vacant and wooded. Exhibit "B" shows the existing use of the subject property.

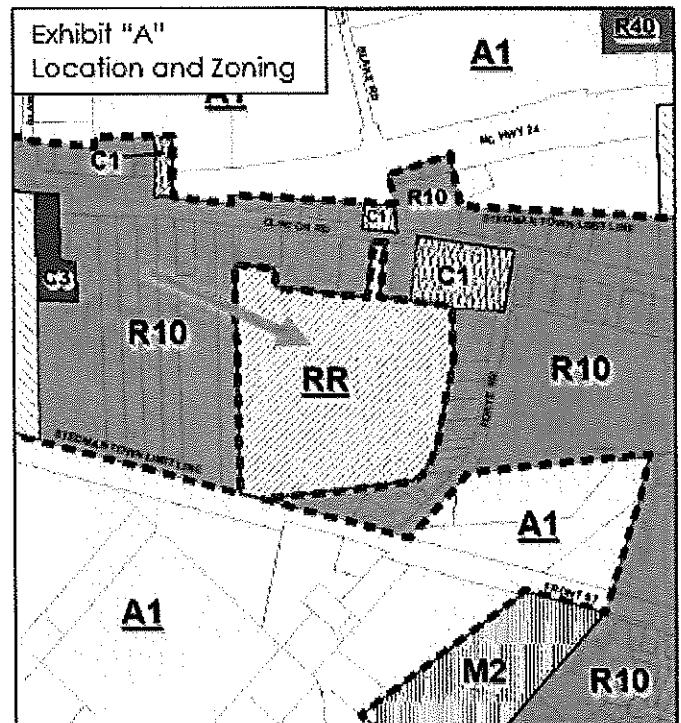
SURROUNDING LAND USE: Exhibit "B" illustrates the following:

North: Single family and multifamily residences. Across Clinton Road is a church.

East: Single family residences.

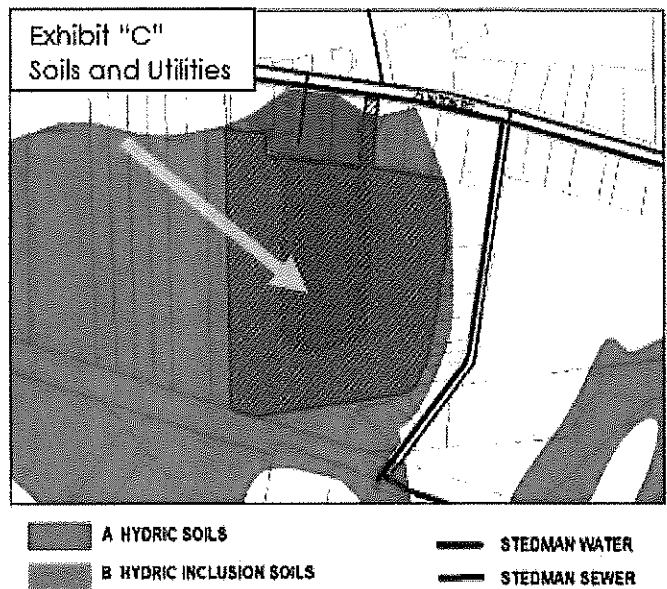
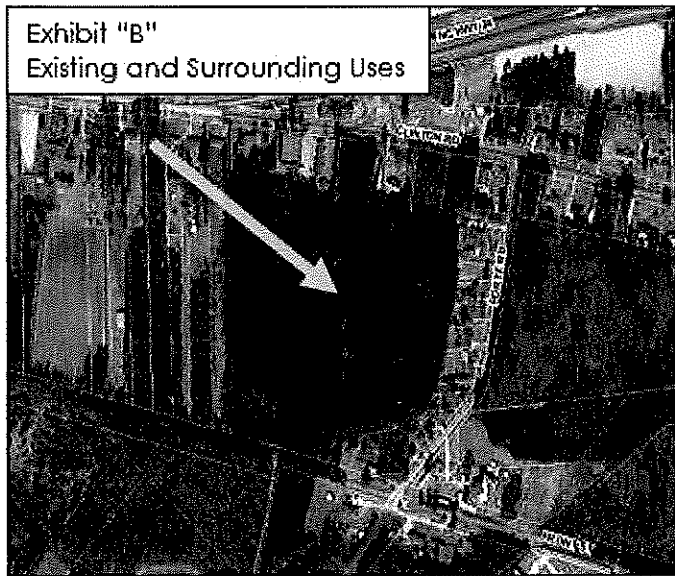
West: A single family residence is developed on the north side of the parcel. Most of the parcel is vacant and semi-wooded.

South: Vacant and wooded parcel.



OTHER SITE CHARACTERISTICS: The site is not located in a Watershed or a Special Flood Hazard Area. The subject property, as delineated in Exhibit "C" illustrates the presence of hydric or hydric inclusion soils.

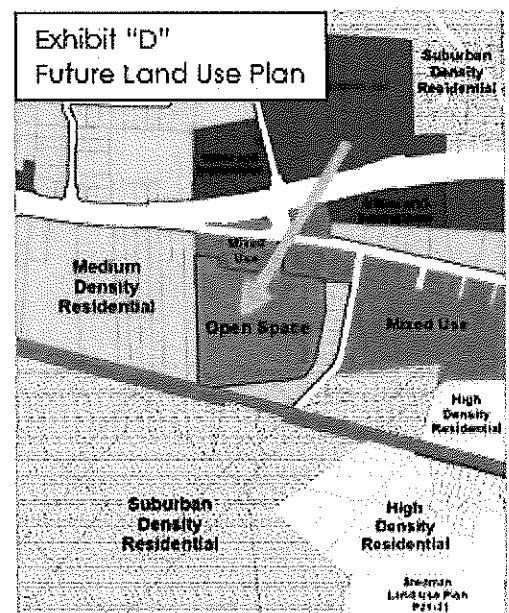
DEVELOPMENT REVIEW: Subdivision review will be required prior to any division of land.



DIMENSIONAL PROVISIONS FOR REQUESTED DISTRICT:

Minimum Standard	RR (Existing Zoning)	R7.5 (Proposed)
Front Yard Setback	30 feet	30 feet
Side Yard Setback	15 feet	5 feet (Zero Lot Line)
Rear Yard Setback	35 feet	35 feet/ 5 feet on interiors
Lot Area	20,000 sq. ft.	7,5 00 sq. ft.
Lot Width	100'	75'

COMPREHENSIVE PLANS: Located in the Steadman Area Land Use Plan Area (adopted in 2020), the subject property is designated as Open Space, (defined as land used for recreation, natural resource protection and buffer areas.), as shown within Exhibit "D". The Open Space designation, in the Steadman Area Land Use Plan Area, calls for associated zoning district CD Conservancy District. **Request is not consistent with the adopted land use plan.** However, this request is consistent with the surrounding development, high densities, and uses, particularly within proximity to the Town of Steadman.



IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES

UTILITIES: PWC water and sewer utilities are available. It is the applicant's responsibility to determine if these utilities will serve their development. Applicant must contact Town of Stedman. Utilities for water and sewer are shown on Exhibit "C".

TRAFFIC: The subject property sits on Gabe Smith Road and is identified as a local road in the Metropolitan Transportation Plan. According to Fayetteville MPO, no construction projects are planned, and the subject property will have no impact on the Transportation Improvement Plan.

SCHOOLS CAPACITY/ENROLLMENT:

School	Capacity	Enrollment
Steadman Prim	200	102
Steadman Elem	300	275
Mac Williams Mid	1270	1076
Cape Fear High	1425	1400

ECONOMIC DEVELOPMENT: Fayetteville Cumberland County Economic Development Corporation has reviewed the request and had no comment at this time.

EMERGENCY SERVICES: Cumberland County Fire Marshal's office has reviewed the request and stated ensure that all fire department access roads requirements are met in accordance with the NC 2018 Fire Code, where required.

SPECIAL DISTRICTS: The property is not located within the Fayetteville Regional Airport Overlay District or within five miles of Fort Bragg Military Base.

CONDITIONS OF APPROVAL: As the rezoning request is for Conditional Zoning, Exhibit "F" includes conditions that the property must meet through an approved site plan, site development, and use of the property should this request be approved.

CODE DEVIATIONS: The applicant has requested that the proposed subdivision to be allowed to deviate from the districts side setback requirements with zero lot line development. The Applicant is proposing 57,295 sq. ft. combination common area/ storm water pond. Per the lot-to-common area ratio found in Section 2308 (A) of the Cumberland County Subdivision Ordinance, the proposed development would require 61,600 sq. ft. to meet minimum requirements.

STAFF RECOMMENDATION

In Case P21-31, the Planning and Inspections staff **recommends approval** of the rezoning request from RR Rural Residential District to R7.5 Residential District/Conditional Zoning for up to 77 Lots Zero Lot Line Subdivision and finds:

- a. The approval is an amendment to the adopted, current Steadman Area Land Use Plan (2020); and that the Board of Commissioners should not require any additional request or application for amendment to said map for this request.
- b. The R7.5 Residential District/ Conditional Zoning Zero Lot Line subdivision conceptual plan proposal would allow a density and lot size that would be comparable to high density suburban residential and compatible to the surrounding area and zoning.
- c. Furthermore, the requested conditional zoning will ensure a subdivision plan proposal with recommended conditions that will be in harmony with surrounding existing land uses and zoning.

Attachments:
Notification Mailing List
Zoning Application

EXHIBIT "E" SUBDIVISION PLAN

(Full scale subdivision plan is available in the office of the Current Planning Division of the Planning & Inspections Department.)

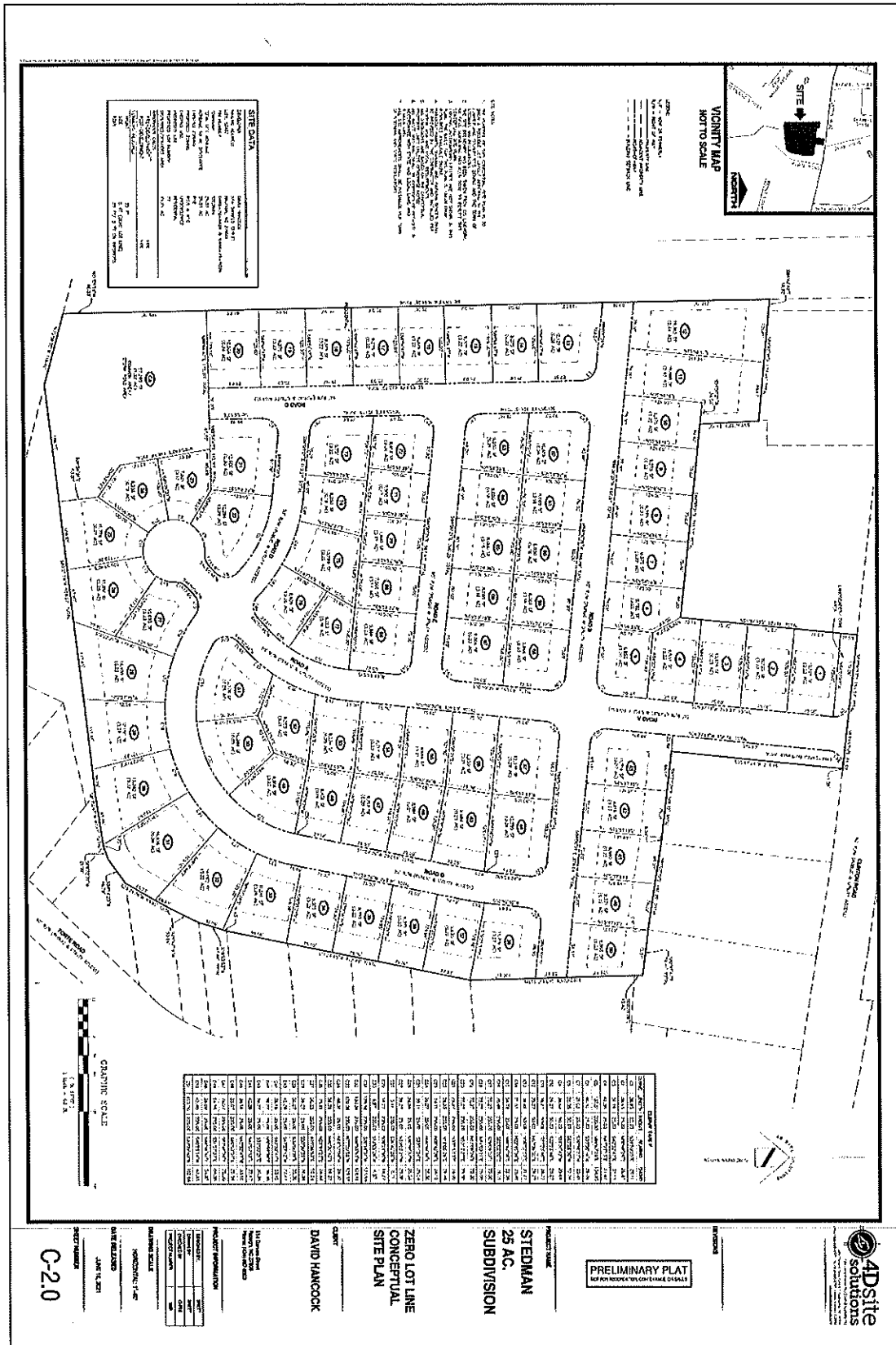


EXHIBIT "F"
DRAFT CONDITIONS OF APPROVAL

R7.5 RESIDENTIAL/CZ CONDITIONAL ZONING DISTRICT

CASE P21-31

Ordinance Related Conditions Up to 77 Lot Zero Lot Line Subdivision

Pre- Permit Related:

1. A recorded plat is required prior to permit application, see Plat-Related conditions below. [Sec. 4-8(b)(7), County Code]
2. The Current Planning Section must approve the individual plot plan for each lot prior to permit application. (Sec. 2402, County Subdivision Ord.)
3. Prior to permit application, the developer must provide to the Code Enforcement Section documentation of NC Department of Environmental Quality Division of Energy, Mineral and Land Resources' (NCDEQ DEMLR) approval of the Sedimentation and Erosion control plan for this project. NCDEQ DEMLR requires a Sedimentation and Erosion control plan be submitted and approved 30 days prior to land disturbing activities if said land disturbing activity will exceed one acre.

If a plan is not required, per 15ANCAC 04B.0105 "Person conducting land disturbing activity shall take all reasonable measures to protect public and private property from damage cause by such activities." Sedimentation and erosion control measures will need to be installed to protect adjacent properties. [Sec. 4-8(b)(6), County Code; originally under County jurisdiction relinquished to NCDEQ around 2000]

4. The development shall connect to the central water and sewer systems available to it. No certificate of occupancy shall be issued until central water and sewer area available. On-site septic tanks are not allowed.

Permit-Related:

5. The owner/developer(s) of these lots must obtain detailed instructions from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street on provisions of the County Zoning Ordinance and any permits that may be required to place any structure within this development or to commence any use of the subject property. For additional information, the developer should contact a County Code Enforcement Officer. (Chpt. 4, County Code & Sec. 107, County Zoning Ord.)
6. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application. [Sec. 4-8(b)(2), County Code]
7. **Driveway Permit Required.** Construction of any new connection or alteration of any existing connection may require an approved Driveway Permit. For additional information contact the NC Department of Transportation's (NCDOT) Division 6/District 2 office.

Change of use of subject properties shall require an approved Driveway Permit. 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.

In the event that a structure (house) is built by a contractor for commercial gain and/or if property changes ownership from existing owner to builder, an approved Driveway Permit must be secured.

Note: In the event the NCDOT driveway permit process alters the site plan in any manner, three copies of a revised site plan (and \$25.00 revision fee) must be submitted for staff review and approved prior to permit application.

Note: The property owner most likely will be required to provide a copy of a recorded plat and deed conveying to the NCDOT that portion of the subject property located within or to be located within the right-of-way at the time of driveway permit application.

[§ 136-18(29), NCGS]

8. The developer must formally notify the NC Department of Transportation once construction of the public streets is complete and initiate the process of transferring the responsibility of road maintenance to the NCDOT. If application to the NCDOT District Engineer has not been formally submitted by the time building permits have been issued for 80% of the lots shown on the preliminary plan, no additional building permits can be issued until the NCDOT District Engineer notifies this department of the receipt of the application. (Sec. 2304.B.2, County Subdivision Ordinance & Sec. 107, County Zoning Ord.)
9. 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 Department of Energy, Minerals and Land Resources, NC Department of Environmental Quality (DEMLR NCDEQ). If one acre or more of land is to be disturbed, a copy of the State's *Post-Construction Permit* must be provided to County Code Enforcement prior to the issuance of the Certificate of Occupancy. (Note: If any retention/detention basins are required for state approval of this plan, three copies of a revised plan (and \$25/\$50 revision fee) must be submitted and approved by Planning & Inspections.) (Sec. 2306.D, County Subdivision Ord. & 2006-246, NC Session Law)
10. The County Health Department must approve water plans. Lots not served by public water system is required to be large enough and of such physical character to comply with the Health Department's minimum standards. A copy of the Health Department approval must be provided to Code Enforcement. (Note: All Health Department requirements must be met prior to issuance of final permits.) (Sec. 2306 A, County Subdivision Ord. & Sec. 1101.E, County Zoning Ord.)
11. Prior to application for the Certificate of Occupancy for the building or site, a Watershed Occupancy Permit must be issued for each lot/tract within this development. (Section 31A-29, County Watershed Ord.)
12. 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. (Sec. 107.B, County Zoning Ord.; & Secs. 2005 & 2007 County Subdivision Ord.)

Site-Related:

13. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Development Ordinance, and County Zoning Ordinance for the R7.5 Residential/CZ Conditional Zoning must be complied with, as applicable, and as appearing with the conceptual subdivision plan appearing in Exhibit "A". Any conditions set forth herein this ordinance shall supersede the Zoning and Subdivision Code. If not specifically addressed within this Ordinance, all requirements of the Zoning and Subdivision Codes shall be met.
14. Stub out between lots 38 and 39 for future tie shall be eliminated and pulled into lot area for abutting lots.
15. All corner lots and lots fronting more than one street must provide front yard setbacks from each street. (Secs. 1101.G & 1102.B, County Zoning Ord.)

16. This conditional approval is not approval of any freestanding signs. If a freestanding sign is desired, re-submittal of the site plan is required prior to application for any freestanding sign permits. Attached signage for this development must 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.) (Art. XIII, County Zoning Ord.)
17. 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 2307.A, County Subdivision Ord.)
18. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306.C, County Subdivision Ord.)
19. In the event a stormwater utility structure is required by the NC Department of Environmental Quality (NCDEQ), the owner/developer must secure the structure with a four foot high fence with a lockable gate, and is required to maintain the detention/retention basin, keeping it clear of debris and taking measures for the prevention of insect and rodent infestation. (Sec. 1102.O, County Zoning Ord.)
20. 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. (Sec. 2304B, County Subdivision Ord.)
21. The NC Department of Transportation's (NCDOT) approval of the street plans is required and the street(s) are required to be constructed to the NCDOT standards for secondary roads. (Sec. 2304B, County Subdivision Ord. & NCGS §136-102.6). If buildings permits are issued by Cumberland County prior to NCDOT acceptance of the streets, the developer is responsible that roads shall meet conditions suitable for safe passage for vehicles used by County inspection personnel. The County Building Official may delay inspections if determined that road conditions do not provide safe passage for vehicles used by County inspectors.
22. Turn lanes may be required by the NC Department of Transportation (NCDOT). [Art. XIV, County Zoning Ord. & NCGS §136-18(5) & §136-93]

Note: The property owner most likely will be required to provide a copy of a recorded plat and deed conveying to the NCDOT that portion of the subject property located within or to be located within the right-of-way at the time of driveway permit application.

23. All lots within this development are required to be served by an internal street system. (Sec. 2001, County Subdivision Ord. & Sec. 101, County Zoning Ord.)
24. 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.
26. The subdivision plan must provide an internal access tract to the stormwater tract at the northeast portion of the subdivision, allowed the HOA the ability to access the stormwater facility.
27. Site-Specific Development Standards. List or include in Exhibit "B"

Plat-Related:

25. The developer is required to submit to the Current Planning Section either one set of a hard copy or one set of a pdf email copy to the County's Current Planning Manager the following documents:

- a. One copy of proposed covenants, by-laws and articles of incorporation for the proposed development designating responsibility for the common area by the owners' association for the development;
- b. One copy of the deeds proposed for recordation conveying all common area to the proposed owners association;
- c. One copy of any proposed supplemental covenants if the proposed development is to be submitted for final approval in phases; and
- d. One copy of each proposed final plat prior to the submission for final approval – can be a phase of the approved development or the complete development as approved.

These documents must be approved by the County Attorney prior to the sale of or submission for final plat approval of any lot or unit within this development. (Sec. 2402.G., County Subdivision Ord.)

Note: A copy of the recorded deed or deeds conveying all common area to the owners' association as shown on each plat must be provided to the Current Planning prior to submission for approval for recordation of the next succeeding phase/section of this development.

26. All internal streets will require approved street names prior to approval of the final plat. Please contact County Location Services for the process of obtaining an approved street name.
27. The street name signs, in compliance with the County Street Sign Specifications, must be installed prior to final plat approval. The developer should contact Location Services 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). The Current Planning Section must receive notice of agreement with the Location Services Section for sign installation or of satisfactory inspection prior to the approval of the final plat. Sec. 4-171, County Code)
28. The developer is opting to provide park, recreation or open space area (common area) on-site; therefore, when phasing a development all common area must be recorded prior to the recording of the first phase or section of the development or the common area must be recorded incrementally, ensuring that a minimum of 800 square feet of land area is recorded as common area for each lot included, on the final plat.
29. The builder/developer must provide the buildable envelopes on the final plat. At the time of permit application, the individual plot plans must demonstrate a minimum five-foot side yard setback.
30. Any/All easements must 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.
31. 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 Clinton Road for all lots or common areas abutting the highway.
32. A minimum 10' x 70' sight distance easement is required at the intersection of all internal streets and abutting streets and must be reflected on the final plat unless another standard is required by NCDOT.
33. A 25' right-of-way radius is required at all intersections and must be reflected on the final plat. (Section 2304.10.c, Street Design, County Subdivision and Development Ordinance)

Note: The property owner most likely will be required to provide a copy of a recorded plat and deed conveying to the NCDOT that portion of the subject property located within or to be located within the right-of-way at the time of driveway permit application.

34. The NC Department of Transportation (NCDOT) stamp must be affixed to the final plat prior to submission for final plat approval by the Current Planning Section.

Note: The property owner most likely will be required to provide a copy of a recorded plat and deed conveying to the NCDOT that portion of the subject property located within or to be located within the right-of-way at the time of driveway permit application.

35. The notarized signature(s) of all current tax record owner(s) and notary certifications appear on the final plat when submitted for final approval. (Section 2503 D, Certificate of Ownership and Dedication, County Subdivision and Development Ordinance)
36. The developer is reminded that the improvements must be in place or that final plat approval will only be granted in accordance with Section 2502 B, C, or D, Final Plat – Guarantees of Improvements, County Subdivision and Development Ordinance. (Note: Once the improvements are in place, the developer is responsible for contacting Jeff Barnhill to schedule an inspection of the improvements.)
37. The final plat must be submitted to the Current Planning Section 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.
38. The developer should 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:

39. Because the streets in this development have been approved as "public" streets and the streets do not yet qualify for acceptance by the NC Department of Transportation to the State system for maintenance purposes, the following statement is required to be included on the final plat (Section 2504 E, County Subdivision and Development Ordinance):

"The streets shown on this plat though labeled as "public" – unless otherwise noted – have not been accepted by the NC Department of Transportation as of the date of this recording. Until such time that the streets are accepted and formally added to the State system, maintenance and liability of the streets are the responsibility of the developer and any future lot owner(s)."

Advisories:

40. The applicant is advised to consult an expert on wetlands before proceeding with any development.
41. Any revision or addition to this plan necessitates re-submission for review and approval prior to the commencement of the change.
42. 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.
43. 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.

44. This conditional approval is not to be construed to encompass all the applicable rules, regulations, etc. which must apply to this 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.
45. The developer(s) and any future lot owners are responsible for the maintenance and upkeep of the streets until such time the streets are added to the State system by the NC Department of Transportation (NCDOT) for maintenance purposes. The developer is advised to give notice of the street status to any future lot owners in the event the lots are conveyed prior to the NCDOT's acceptance.
46. The HOA covenants should include a disclosure statement that road termini will be connected to other roads.

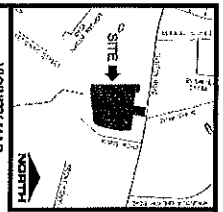
Other Relevant Conditions:

47. This conditional approval is contingent upon continued compliance with the County's Subdivision and Development Ordinance and Zoning Ordinance.

Stedman MIA

48. The subject site falls within the Stedman MIA. This conditional approval is contingent upon continued compliance with the Town of Stedman MIA applicable Subdivision development regulatory requirements.

EXHIBIT "A"
Case P21-31 Conditional Use Subdivision Plan

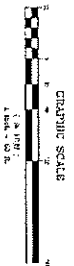
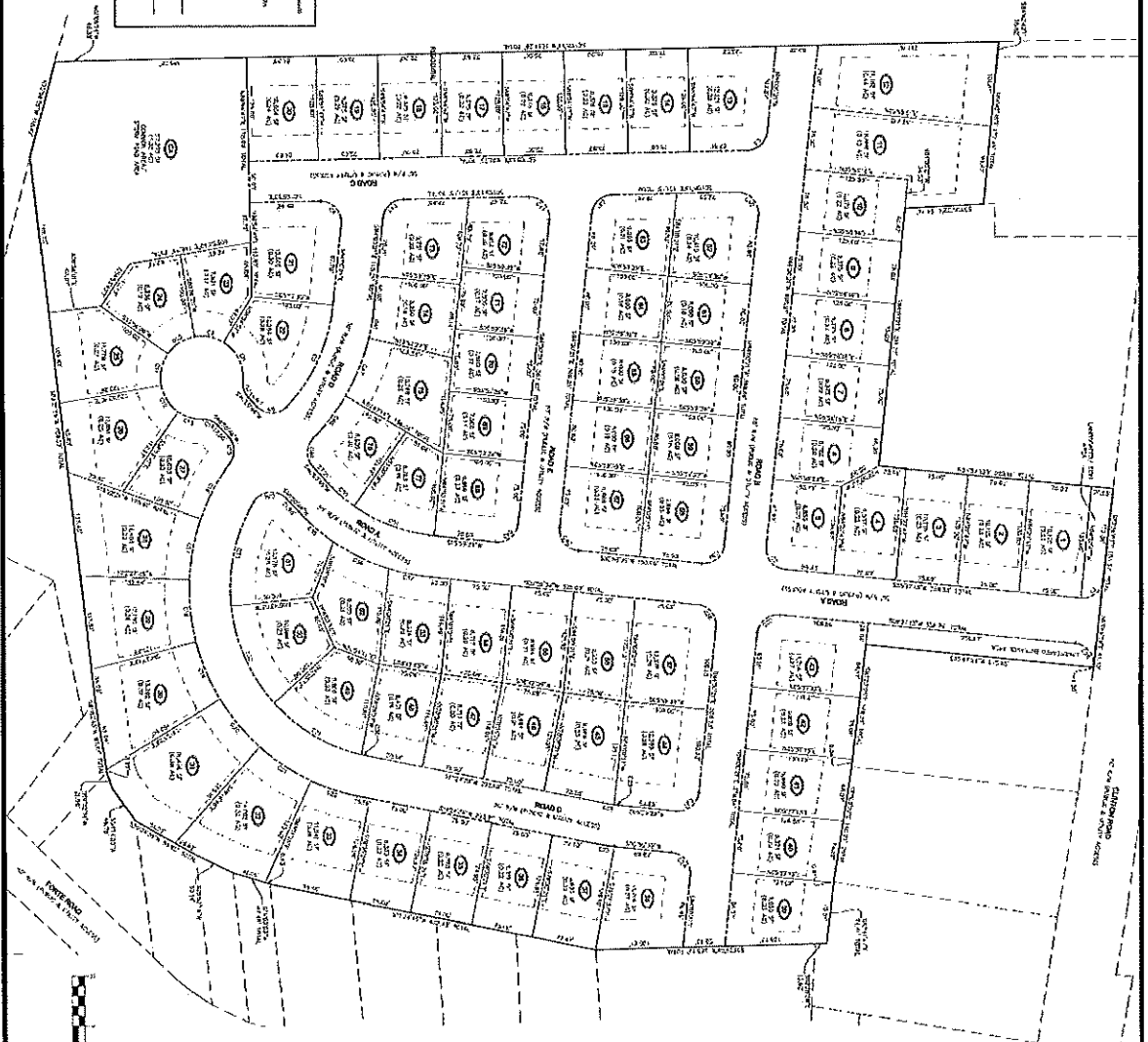


VICINITY MAP
NOT TO SCALE

1. THE PURPOSE OF THIS CONCEPTUAL SITE PLAN IS TO ILLUSTRATE THE GENERAL LAYOUT AND CHARACTER OF THE PROPOSED DEVELOPMENT.
2. THIS CONCEPTUAL SITE PLAN IS NOT A FINAL SITE PLAN AND DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OF THE INFORMATION HEREON.
3. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
4. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY EASEMENTS AND RIGHTS-OF-WAY FROM THE ADJACENT PROPERTY OWNERS.
5. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY UTILITIES AND SERVICES FROM THE APPROPRIATE UTILITIES PROVIDERS.
6. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INSURANCE AND BONDING FOR THE PROJECT.
7. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY LEGAL COUNSEL AND TITLE INSURANCE FOR THE PROJECT.
8. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY FINANCIAL ASSISTANCE AND FUNDING FOR THE PROJECT.
9. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY MARKETING AND SALES PROMOTION FOR THE PROJECT.
10. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY COMMUNITY RELATIONS AND PUBLIC AFFAIRS FOR THE PROJECT.

SITE DATA

DATE: 06/14/2021	PROJECT: 25 AC. STEDMAN SUBDIVISION
CLIENT: DAVID HANCOCK	DESIGNER: 4D SITE SOLUTIONS
LOCATION: 130 GILLESPIE STREET, FAYETTEVILLE, NC	SCALE: 1" = 40' (PLAN)
OWNER: DAVID HANCOCK	SCALE: 1" = 40' (SECTION)
DESIGNER: 4D SITE SOLUTIONS	SCALE: 1" = 40' (SECTION)
DATE: 06/14/2021	SCALE: 1" = 40' (SECTION)



BLK	LOT	AREA (SQ FT)	AREA (AC)	TYPE
01	001	10,000	0.23	RES
01	002	10,000	0.23	RES
01	003	10,000	0.23	RES
01	004	10,000	0.23	RES
01	005	10,000	0.23	RES
01	006	10,000	0.23	RES
01	007	10,000	0.23	RES
01	008	10,000	0.23	RES
01	009	10,000	0.23	RES
01	010	10,000	0.23	RES
01	011	10,000	0.23	RES
01	012	10,000	0.23	RES
01	013	10,000	0.23	RES
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01	036	10,000	0.23	RES
01	037	10,000	0.23	RES
01	038	10,000	0.23	RES
01	039	10,000	0.23	RES
01	040	10,000	0.23	RES
01	041	10,000	0.23	RES
01	042	10,000	0.23	RES
01	043	10,000	0.23	RES
01	044	10,000	0.23	RES
01	045	10,000	0.23	RES
01	046	10,000	0.23	RES
01	047	10,000	0.23	RES
01	048	10,000	0.23	RES
01	049	10,000	0.23	RES
01	050	10,000	0.23	RES
01	051	10,000	0.23	RES
01	052	10,000	0.23	RES
01	053	10,000	0.23	RES
01	054	10,000	0.23	RES
01	055	10,000	0.23	RES
01	056	10,000	0.23	RES
01	057	10,000	0.23	RES
01	058	10,000	0.23	RES
01	059	10,000	0.23	RES
01	060	10,000	0.23	RES
01	061	10,000	0.23	RES
01	062	10,000	0.23	RES
01	063	10,000	0.23	RES
01	064	10,000	0.23	RES
01	065	10,000	0.23	RES
01	066	10,000	0.23	RES
01	067	10,000	0.23	RES
01	068	10,000	0.23	RES
01	069	10,000	0.23	RES
01	070	10,000	0.23	RES
01	071	10,000	0.23	RES
01	072	10,000	0.23	RES
01	073	10,000	0.23	RES
01	074	10,000	0.23	RES
01	075	10,000	0.23	RES
01	076	10,000	0.23	RES
01	077	10,000	0.23	RES
01	078	10,000	0.23	RES
01	079	10,000	0.23	RES
01	080	10,000	0.23	RES
01	081	10,000	0.23	RES
01	082	10,000	0.23	RES
01	083	10,000	0.23	RES
01	084	10,000	0.23	RES
01	085	10,000	0.23	RES
01	086	10,000	0.23	RES
01	087	10,000	0.23	RES
01	088	10,000	0.23	RES
01	089	10,000	0.23	RES
01	090	10,000	0.23	RES
01	091	10,000	0.23	RES
01	092	10,000	0.23	RES
01	093	10,000	0.23	RES
01	094	10,000	0.23	RES
01	095	10,000	0.23	RES
01	096	10,000	0.23	RES
01	097	10,000	0.23	RES
01	098	10,000	0.23	RES
01	099	10,000	0.23	RES
01	100	10,000	0.23	RES

4D Site solutions

PRELIMINARY PLAT
FOR THE 25 AC. STEDMAN SUBDIVISION

PROJECT NAME: STEDMAN 25 AC. SUBDIVISION

CLIENT: DAVID HANCOCK

DATE: 06/14/2021

SCALE: 1" = 40'

DATE RELEASED: 06/14/2021

PROJECT NO: C-2.0

ATTACHMENT – NOTIFICATION MAILING LIST

BLUE, CLARIS T
248 FORTE RD
STEDMAN, NC 28391

BROOKS, RAMELLE;BROOKS,
JASMINE D FORT
230 FORTE DR
STEDMAN, NC 28391

CASTRO, CALIXTO;CASTRO, CARMEN
238 FORTE RD
STEDMAN, NC 28391

CURRIE, MICHELLE R
190 FORTE RD
STEDMAN, NC 28391

DO, BRYAN;NGUYEN, LAN
905 MESCAL CT
FAYETTEVILLE, NC 28303

FORT, CHARLOTTE L
PO BOX 181
STEDMAN, NC 28391

FORT, MAVIS, JAMES;AUBREY, D
MCGILBERRY LIFE EST
1540 UNION PORT RD 2C
BRONX, NY 10462

FORT, PRENTIS S;FORT, WILLIE
PO BOX 181
STEDMAN, NC 29391

GRILLO, JOHN A
6814 CLINTON RD
STEDMAN, NC 28391

HORTON, WILLIAM D
6800 CLINTON RD
STEDMAN, NC 28391

JOHNSON, ADEL B
PO BOX 146
STEDMAN, NC 28391

KIRK, RAYMOND J
7209 FILLYAW RD
FAYETTEVILLE, NC 28303

MCGILBERRY, JO BELLE
1540 UNION PORT RD 2C
BRONX, NY 10462

MELLENDEZ, CARLOS TORRES
178 FORTE RD
STEDMAN, NC 28391

O K RENTALS LLC
4702 CEDAR CREEK RD
FAYETTEVILLE, NC 28312

RESTORATION VILLAGE LLC,
HOWARD;AND IVA ATKINSON
1046 JORDAN RD
AUTRYVILLE, NC 28318

SMART, KATIE M
160 FORTE RD
STEDMAN, NC 28391

SPELL, OTIS M;SPELL, PEGGY A
130 FORTE RD
STEDMAN, NC 28391

WHITE, JUSTIN S
6904 CLINTON RD
STEDMAN, NC 28391

HANCOCK, NICHOLAS
935 KEN HANCOCK LN
STEDMAN, NC 28391

HANCOCK, NICHOLAS;
BRAD;JOHN;AND DAVID
935 KEN HANCOCK LN
STEDMAN, NC 28391

1st class

AYERS, ELEANOR HALL
PO BOX 61
STEDMAN, NC 28391

BRYANT, CHARLES DOUGLAS
SR;BRYANT, VIRGINIA W
114 DUNEDIN CT
CARY, NC 27511

BUNCE, DAVID BRIAN
6255 BLAKE RD
STEDMAN, NC 28391

CAIN, HARVEY JR
PO BOX 524
STEDMAN, NC 28391

CARTER, OSCAR M;CARTER, VIVIAN F
270 FORTE RD
STEDMAN, NC 28391

CEDAR CREEK MEDICAL SERVICES LLC
ATTN: CONTROLLER
PO BOX 2000
FAYETTEVILLE, NC 28302

CSX TRANSPORTATION INC TAX DEPT
500 WATER ST C910
JACKSONVILLE, FL 32202

ENTIN, AUDREY BUNCE;BUNCE, PAUL
ALEXANDER;HAROLD LEE;DONALD
STEPHEN;AND DAVID BRIAN
PO BOX 53943
FAYETTEVILLE, NC 28305

FAIRCLOTH, ODDIS;FAIRCLOTH,
VIRGINIA
PO BOX 485
STEDMAN, NC 28391

FIRST MISSIONARY BAPTIST CHURCH
INC
PO BOX 679
STEDMAN, NC 28391

FORT, DANIEL J HEIRS
275 FORTE RD
STEDMAN, NC 28391

FORT, LEWIS J;FORT, ANNIE O
740 ISAAC WEEKS RD
CLINTON, NC 28328

HAIRR, WILBERT W;HAIRR, ELEANOR
AYERS
6750 CLINTON RD
STEDMAN, NC 28391

JOHNSON, CALLIE
919 REXDALE ST
FAYETTEVILLE, NC 28301

JOHNSON, ELBERT L HEIRS
231 FORTE RD
STEDMAN, NC 28391

JOHNSON, JANICE BUNCE
PO BOX 146
STEDMAN, NC 28391

JONES, ANGELA JEANETTE
PO BOX 59
STEDMAN, NC 28391

JONES, MARTIN L JR;AND EMILY
JOHNSON
PO BOX 676
STEDMAN, NC 28391

KEETON, DAYMON L;AND JENNIFER L
6760 CLINTON RD
STEDMAN, NC 28391

KIRK, JAMES;AND SHIRLEY
4606 RUBY RD
FAYETTEVILLE, NC 28311

KIRK, LARRY;AND LORI ERWIN;WILLIE,
MAE WEST
1211 W HAMPTON DR
GREENSBORO, NC 27405

N C DEPT OF TRANSPORTATION
1546 MAIL SERVICE CTR
RALEIGH, NC 27699

PALMER, NELLIE EARLE
STRICKLAND;TAYLOR, RETTA
STRICKLAND;GILLIS, ELAINE SURLES;HILL,
RHONDA SURLES
PO BOX 293
STEDMAN, NC 28391

SCHROEDER, DEANNA LYNN;AND
STEVEN LEE
6770 CLINTON RD
STEDMAN, NC 28391

SECORD, JAMES R;SECORD, JAMESHA
6780 CLINTON RD
STEDMAN, NC 28391

WEST, WILLIE MAE;LARRY, KIRK
PO BOX 205
STEDMAN, NC 28391

3rd class

ZONING APPLICATION



County of Cumberland

Planning & Inspections Department

CASE n. P21-31

PLANNING BOARD

MEETING DATE: June 15th 2021

DATE APPLICATION

SUBMITTED: MAY 10, 2021

RECEIPT #: 77371

RECEIVED BY: JB

APPLICATION FOR CONDITIONAL ZONING DISTRICT REZONING REQUEST CUMBERLAND COUNTY ZONING ORDINANCE

Upon receipt of this application (petition), the Planning and Inspections Staff will present to the Planning Board the application at a hearing. In accordance with state law and board's policy, a notice of the hearing will be mailed to the owners of the adjacent and surrounding properties, which may be affected by the proposed Conditional Zoning. In addition, a sign will be posted on the property.

The Planning Board will make a recommendation to the Cumberland County Board of Commissioners concerning the request. The Board of Commissioners will schedule a public hearing and issue a final decision on the matter. Generally, the Commissioners will hold the public hearing four weeks following the Planning Board meeting. The Conditional Zoning District is not effective until the request is heard and approval granted by the Board of Commissioners.

The following items are to be submitted with the completed application:

1. A copy of the recorded deed and/or plat,
2. If a portion of an existing tract is/are being submitted for rezoning, an accurate written legal description of only the area to be considered;
3. A copy of a detailed site plan drawn to an engineering scale, showing the location of all buildings, yard dimensions, driveways, fencing, lighting parking areas, landscaping, and all other pertinent data to the case; and
4. A check made payable to the "Cumberland County" in the amount of \$_____ (See attached Fee Schedule)

NOTE: Any revisions, inaccuracies or errors to the application or site plan may cause the case to be delayed and will be scheduled for the next available Board meeting according to the Board's meeting schedule. Also, the application fee is *nonrefundable*.

The Planning and Inspections Staff is available for advice on completing this application; however, they are not available for completion of the application or preparation of the site plan. For questions call (910)678-7603 or (910) 678-7602. Hours of operation are 8:00 a.m. to 5:00 p.m., Monday through Friday.

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

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

1. Applicant/Agent Nicholas Hancock
2. Address: 935 Ken Hancock Ln Zip Code 28391
3. Telephone: (Home) _____ (Work) 910-237-7892
4. Location of Property: In front of First baptist Church off of Old Hwy 24
5. Parcel Identification Number (PIN #) of subject property: 0486-70-4439
(also known as Tax ID Number or Property Tax ID)
6. Acreage: 25 Frontage: _____ Depth: _____
7. Water Provider: PWC Septage Provider: PWC
8. Deed Book 0065, Page(s) 0020, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
9. Existing use of property: One Trees
10. Proposed use(s) of the property: Residential Subdivision

NOTE: Be specific and list all intended uses.

11. Do you own any property adjacent to, including across the street from, the property being submitted for rezoning? Yes _____ No
12. Has a violation been issued on this property? Yes _____ No
13. It is requested that the foregoing property be rezoned FROM: RR-~~R-10~~ R-7.5

TO: (Select one)

- _____ Conditional Zoning District, with an underlying zoning district of _____
(Article V)
- _____ Mixed Use District/Conditional Zoning District (Article VI)
- Planned Neighborhood District/Conditional Zoning District (Article VII)
- _____ Density Development/Conditional Zoning District, at the _____ Density
(Article VIII)

APPLICATION FOR
CONDITIONAL ZONING

1. PROPOSED USE(S):

- A. List the use(s) proposed for the Conditional Zoning. (Use of the underlying district will be restricted only to the use(s) specified in this application if approved.)

Subdivision

- B. Density: List the amount of acreage that will be residential, commercial, and/or open space, and the number of lots and/or dwelling units proposed, and the square footage of the non-residential units.

25 acres - 69 lots at 10,000sqft

2. DIMENSIONAL REQUIREMENTS:

- A. Reference either the dimensional requirements of the district, Sec. 1104 or list the proposed setbacks.

- B. Off-street parking and loading, Sec. 1202 & 1203: List the number of spaces, type of surfacing material and any other pertinent information.

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.

4. LANDSCAPE AND BUFFER REQUIREMENTS:

- A. For all new non-residential and mixed use development abutting a public street, indicate the number and type of large or small ornamental trees used in the streetscape, yard space, and/or parking areas, plus the number and type of shrubs. (Sec. 1102N). **NOTE: All required landscaping must be included on the site plan.**
- B. Indicate the type of buffering and approximate location, width and setback from the property lines. (Sec. 1102G). **NOTE: All required buffers must be included on the site plan.**

5. MISCELLANEOUS:

List any information not set forth above, such as the days and hours of the operation, number of employees, exterior lighting, noise, odor and smoke, emission controls, etc.

6. SITE PLAN REQUIREMENTS:

The application must include a site plan drawn to the specifications of Sec. 1402. If the proposed uses involve development subject to the County Subdivision Ordinance, the site plan required may be general in nature, showing a generalized street pattern, if applicable, and the location of proposed uses. If the proposed uses include development not subject to the Subdivision Ordinance, the site plan must be of sufficient detail to allow the Planning and Inspections Staff, Planning Board and County Commissioners to analyze the proposed uses and arrangement of uses on the site. It also must include the footprints of all buildings (proposed and existing), the proposed number of stories, location and number of off-street parking and loading spaces, proposed points of access to existing streets and internal circulation patterns. In addition, the location of all proposed buffers and fences and landscaping shall be included on the site plan.

7. STATEMENT OF ACKNOWLEDGMENT:

It is understood by the undersigned that the official zoning map, as originally adopted and subsequently amended, is presumed to be appropriate to the property involved and that the burden of proof for a zoning amendment (rezoning) rest with the petitioner.

It is the responsibility of the petitioner (personally or by agent) to submit to the Planning and Inspections Department a valid request within a complete application.

I further understand I must voluntarily agree to all ordinance related conditions prior to the first hearing on the case or any disagreement may be cause for an unfavorable recommendation. The undersigned hereby acknowledge that the Planning and Inspections Staff has conferred with the petitioner or assigns, and the application as submitted is accurate and correct.

Nicholas Hancock, Brad Hancock, Johnny Hancock, David Hancock

NAME OF OWNER(S) (PRINT OR TYPE)

935 Ken Hancock Ln Stedman NC

ADDRESS OF OWNER(S)

nchancock86@gmail.com

E-MAIL

HOME TELEPHONE

910-237-7892

WORK TELEPHONE

Nicholas Hancock

SIGNATURE OF OWNER(S)

SIGNATURE OF OWNER(S)

NAME OF AGENT, ATTORNEY, APPLICANT (by assign) (PRINT OR TYPE)

ADDRESS OF AGENT, ATTORNEY, APPLICANT

HOME TELEPHONE

WORK TELEPHONE

E-MAIL ADDRESS

FAX NUMBER

SIGNATURE OF AGENT, ATTORNEY, OR APPLICANT

- * **ALL record property owners must sign this petition.**
- * **The contents of this application, upon submission, becomes "public record."**

**CUMBERLAND COUNTY ZONING ORDINANCE
FEE SCHEDULE**

REQUESTED ZONING DISTRICTS ¹	LESS THAN 5 ACRES	5 TO 50 ACRES	50 TO 100 ACRES	100+ ACRES
CONDITIONAL ZONING DISTRICTS² <hr/> RESIDENTIAL DD/CZ	\$500	\$500	\$500	\$500
CONDITIONAL ZONING DISTRICTS² <hr/> NONRESIDENTIAL PND/CZ MXD/CZ	\$700	\$800	\$800	\$800

- 1 If more than one zoning district is requested in the same application, the highest fee for the district requested will apply.
- 2 If a general rezoning is requested and based on recommendations of the Planning Board or County Commissioners, the applicant desires to submit a Conditional Zoning District application; the original application fee will be credited towards the Conditional Zoning application fee.

REQUIREMENTS FOR SITE PLAN REVIEW

1. Drawing done to engineering scale

2. Drawing will reflect:

- metes and bounds of entire site with adjoining street right-of-way shown and name or state road number of that street or road;
- foot print of all existing and/or proposed buildings or additions with dimensions and square footage indicated;
- location and size of all existing and/or proposed curbcuts and indicate such on the plan;
- parking plan to include the location of all proposed spaces (standard size is 9' by 20'), parking isle width and traffic circulation scheme;
- existing or proposed location and drain field area of wells and/or septic tanks;
- existing or proposed fencing;
- setbacks of all existing and/or proposed buildings or additions from all other building and from all property lines-
Note: If setbacks shown are not in accordance with the minimum setbacks of the zoning district of the property, and if appropriate, attach a letter requesting an alternate yard with a reasonable explanation or justification as to why the alternate yard is necessary and logical in order to develop the site;
- Any easements which may exist on the subject property are accounted for and shown on the plan, not encumbered and that no part of the development is violating the rights of the easement holder;
- Location, type and size of all freestanding signs;
- Location of buffer with the type and size indicated;
- Location of landscaping and type of plantings.

3. Vicinity map to show location of property or site within the County

4. Correct north arrow

5. Data block to reflect the following:

- name of development
- owner
- zoning of property
- acreage of site
- scale of drawing
- proposed building or addition square footage
- number of off-street parking spaces (to include handicapped spaces)

6. If the subject property contains split zoning, zoning lines must be shown on the site plan.

BK09870 PG0606

FILED
CUMBERLAND COUNTY NC
J. LEE WARREN, JR.
REGISTER OF DEEDS
FILED May 31, 2016
AT 09:45:48 am
BOOK 09870
START PAGE 0606
END PAGE 0610
INSTRUMENT # 16077
RECORDING \$26.00
EXCISE TAX (None)
RA

REVENUE: -0-

mail
THIS INSTRUMENT PREPARED BY P. TILGHMAN POPE, ATTORNEY
POST OFFICE BOX 928, DUNN, NORTH CAROLINA 28335

The attorney preparing this instrument has made no record search or title examination of the property described herein and expresses no opinions as to title or tax consequences, unless contained in a separate written certificate.

STATE OF NORTH CAROLINA

COUNTY OF CUMBERLAND

WARRANTY DEED

THIS DEED made this 17th day of May 2016, by and between **Kenneth E. Hancock, Sr.**, by and through his Attorney-in-Fact, **Phillip R. Strickland**, Post Office Box 815, Steadman, North Carolina 28391-0815 hereinafter referred to as Grantor and **Restoration Village, LLC**, a North Carolina Limited Liability Company, 1046 Jordan Road, Autryville, North Carolina 28318, hereinafter referred to as Grantee;

WITNESSETH:

That the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in Cedar Creek Township, Cumberland County, North Carolina and more particularly described as follows:

Tract One: (Parcel ID #0486-70-4439-)

BEGINNING at a concrete monument located in the edge of the Southerly right of way of North Carolina Highway No. 24 the same being a corner of Etta Sloan and runs thence with

the Etta Sloan line South 01 degrees 56 minutes East 154.71 feet to an iron pipe; thence again with the Etta Sloan line North 83 degrees 22 minutes West 40.25 feet to an iron pipe in the Frank K. Melvin line; thence along the Frank K. Melvin line South 01 degrees 56 minutes West 16.10 feet to an iron pipe, a corner with Frank K. Melvin; thence along the Frank K. Melvin line North 83 degrees 18 minutes West 202.09 feet to a concrete monument, another corner with Frank K. Melvin and A. W. and Estelle Maxwell Estate line; thence along the A. W. and Estelle Maxwell Estate line South 00 degrees 11 minutes East 1159.13 feet to a concrete monument in the edge of the right of way of Seaboard Coastline Railroad; thence along the right of way of Seaboard Coastline Railroad in an Easterly direction 118.89 feet to a concrete monument, a corner with Gordan Johnson; thence along the Gordan Johnson line North 84 degrees 02 minutes East 789.76 feet to an iron pipe; thence North 41 degrees 55 minutes East 50.0 feet to an iron pipe; thence again North 41 degrees 55 minutes East 47.68 feet to an iron pipe; thence North 36 degrees 28 minutes East 47.79 feet to an iron pipe; thence North 26 degrees 48 minutes East 48.36 feet to an iron pipe; thence North 13 degrees 22 minutes East 50.15 feet to an iron pipe; thence North 09 degrees 57 minutes East 99.64 feet to an iron pipe; thence North 09 degrees 46 minutes East 99.45 feet to an iron pipe; thence North 09 degrees 46 minutes East 200.67 feet to an iron pipe; thence North 83 degrees 55 minutes East 179.48 feet to an iron pipe in the edge of the Westerly right of way of State Road No. 2021; thence along the Westerly edge of the right of way of State Road No. 2021 North 10 degrees 18 minutes West 508.05 feet to an iron pipe located in the intersection of the edge of the right of way of State Road No. 2021 and N.C. Highway No. 24; thence along the edge of the Southerly right of way of N.C. Highway No. 24 North 83 degrees 18 minutes West 979.22 feet to the beginning corner, **containing 30.006 acres** and being Tract No. 1 as shown on a map entitled, "Property of Mary Elva Bryant Estate", prepared by Piedmont Surveying Company, dated September 7, 1974 and recorded in Map Book 41, Page 78 in the Office of the Register of Deeds of Cumberland County, reference to which is hereby made for a more accurate description of said land.

Being the same property being designated as **Lot 9 containing 25.02 acres** as shown on map entitled, "Boundary Survey – Atkinson and Hancock Tract prepared by Kenneth L. Harris and recorded in Map Book 65, Page 20, Cumberland County Registry.

Less and except any and all out conveyances of record.

For further reference see Deed recorded in Book 3056 at Page 162, Cumberland County Registry.

Tract Two: (Parcel ID #0486-41-4587-)

BEGINNING at a point near the center of N.C. Highway 24 in the sixth line of that 15.15 acre tract described in Book 876, Page 139, Cumberland County Registry at a point South 59 degrees 49 minutes East 241.00 feet from the first corner of said 15.15 acre tract and runs thence along the said sixth line (reversed) South 59 degrees 49 minutes East 236.85 feet to the sixth corner of said 15.15 acre tract, being near the center of N.C. Highway 24; thence along the fifth line of said tract (reversed) South 66 degrees 49 minutes East 156.12 feet a point in said line; thence a new line South 19 degrees 24 minutes West 52.26 feet to a ¼ inch iron pipe, the Northwest corner of the Stedman-Wade Health Services, Inc. lot described in Book 2844, Page 145, Cumberland County Registry; thence along the

Westernmost line of said lot South 19 degrees 24 minutes West 512.41 feet to a ¼ inch stake, the Southwest corner of said lot; thence along the West line of C. D. Maxwell, Sr.'s lot described in Book 2580, Page 899, Cumberland County Registry South 19 degrees 24 minutes West 184.72 feet to an iron stake in the center of a canal, the Southwest corner of said lot; thence North 29 degrees 43 minutes West along the second line of that Fourth Tract described in Book 851, Page 169, Cumberland County Registry and also along the center of said canal and beyond 620.59 feet to a 1 ¼ inch iron pipe, the Southeast corner of A. R. Maulsby's 0.77 acre tract described in Book 2564, Page 265, Cumberland County Registry; thence along the Easternmost line of said tract North 30 degrees 52 minutes East 372.46 feet to a #6 rebar, the Northeast corner of said A. R. Maulsby tract; thence North 30 degrees 52 minutes East 33.52 feet to the POINT OF BEGINNING, **containing 5.81 acres**, and being a portion of the E. L. Maxwell and Geneva Maxwell property as recorded in Book 876, Page 139 and Book 851, Page 169, Cumberland County Registry according to a survey prepared by Michael Tate, Registered Land Surveyor on November 12, 1982.

There is excepted from the above described tract that portion that lies within the right of way of North Carolina Highway 24.

LESS AND EXCEPT ANY AND ALL OUT CONVEYANCES OF RECORD.

For further reference see Deed recorded in Book 4440, Page 691, Cumberland County Registry.

Tract Three: (Parcel ID #0486-71-5028-):

BEGINNING at a point in the Southern right of way (60 degrees r/w) margin of NC Highway 24, said point being South 82 degrees 48 minutes East 216.74 feet from the Northwest corner of a tract recorded in Deed Book 3132, Page 131 and runs thence along said margin South 83 degrees 04 minutes East 116.53 feet to the beginning of a curve that is concave to the Southwest having a radius of 25 feet; thence in a Southeasterly direction 39.27 feet along the arc to the end of said curve subtended by a chord which bears South 38 degrees 07 minutes East 35.36 feet; thence South 06 degrees 53 minutes West 260.00 feet to a corner; thence North 83 degrees 06 minutes West 174.26 feet to a corner; thence North 13 degrees 26 minutes East 286.87 feet to the point of beginning, **containing 1.02 acres**, and being a portion of that 30.006 acre tract conveyed to Kenneth Hancock and wife Della Hancock and Bussie Howard Atkinson and wife Iva Atkinson by deed recorded in Deed Book 3056, Page 162 of the Cumberland County Registry.

Being the same property being designated as **Lot 3 containing 1 acre** as shown on map entitled, "Boundary Survey – Atkinson and Hancock Tract prepared by Kenneth L. Harris and recorded in Map Book 65, Page 20, Cumberland County Registry.

For further reference see Deed recorded in Book 4105, Page 556, Cumberland County Registry.

Tract Four: (Parcel ID #0497-65-8030- & 0497-65-0091)

Parcel A: Beginning at a stake and runs East 39 chains to a stake on Fisher's line; thence his old line South 4 West 14 chains to a stake, his corner; thence South 28 West 11

chains and 50 links to a stake; thence North 77 West 35 chains to a stake and a stump thence North 5 East 15 ½ chains to the beginning, containing 83 acres of land, more or less. Being the same tract of land conveyed by deed from R. B. Strickland and wife, M. L. Strickland to the said David J. Lewis and recorded in the Registrar's Office of Cumberland County in Book W No. 4, Page 533. And being the first tract described in a deed dated October 4, 1943 to Carrie Ann Lewis for her life with the remainder to Perry A. Lewis. Said deed being recorded in Book 475, Page 547, Cumberland County Registry to which reference is made for full and complete description as if fully set out herein.

Parcel B: Beginning at a pine, Mary Malloy's corner of 100 acre tract in the West edge of a small branch a little East from her field and runs the line South 2 West 26 chains and 20 links to a stake, the corner; thence South 88 East 18 chains and 10 links to a stake on or near Mrs. Campbell's line near the Panther Branch; thence North 7 East crossing two prongs of said branch 19 chains and 35 links to a stake, Mary Malloy's corner or said Wright's line; thence as it runs West 9 chains to a poplar in said branch, the corner; thence the other line North 15 chains and 25 links to a pine, the corner; thence South 78 West 9 chains and 15 links to a stake on Phar's line; thence his line South 6 West 5 chains and 60 links; thence to the beginning containing 50 acres which is to be his share of D. J. Lewis land. Being that tract of land described in a deed dated October 4, 1943 as the second tract to Carrie Ann Lewis for life with remainder to Perry A. Lewis in fee simple. Said deed being recorded in Book 475, Page 547, Cumberland County Registry to which reference is made for full and complete description as if fully set out herein.

Excepting however a 2.3 acre tract of land conveyed by Anderson Lewis to Morris Fisher by deed dated December 31, 1903 and recorded in Book 140-34; and a 1 acre tract conveyed by Anderson Lewis to Board of Education March 1910, Book 157-38; 5 acre tract conveyed by A. Lewis to Lina Belle Hall November 21, 1924, Book 475-43.

For further title reference see deed from Perry A. Lewis and wife, Clyde Tart Lewis to James Walker Feltman and wife Katherine Edge Feltman, dated January 29, 1963 and recorded January 29, 1963 in Book 971, Page 165, Cumberland County Registry.

For further reference see deed recorded in Book 1058, Page 190, Cumberland County Registry.

LESS AND EXCEPT ANY AND ALL OUT CONVEYANCES OF RECORD.

The property conveyed by this instrument is NOT the primary residence of the Grantor.

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

And the Grantor covenants with the Grantee that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated. Title to the property hereinabove described is subject to the following exceptions:

1. General utility easements of record.

- 2. Roadways and rights-of-way of record and those visible by inspection of the premises.
- 3. Such facts as an environmental study on the subject property by an environmental engineer would reveal.
- 4. Such facts that would be revealed by a recent as-built survey on the subject tract by a registered land surveyor.

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.

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

Kenneth E. Hancock Sr. *by Phillip R. Strickland*
 (SEAL)
 Kenneth E. Hancock, Sr., by and through his
 Attorney-In-Fact, Phillip R. Strickland

STATE OF NORTH CAROLINA

COUNTY OF HARNETT

I, a Notary Public, do hereby certify that **Phillip R. Strickland**, Attorney-in-Fact for **Kenneth E. Hancock, Sr.** personally appeared before me this day and being by me duly sworn, says that he executed the foregoing annexed instrument for and in behalf of **Kenneth E. Hancock, Sr.**, and that authority to execute and acknowledge said instrument is contained in an instrument duly executed, acknowledged, and recorded in the Office of the Register of Deeds of Cumberland County on September 4, 2014, in Book 9501 at Page 236 and that this instrument was executed under and by virtue of the authority given by said instrument granting him power of attorney; that the said **Phillip R. Strickland** acknowledged due execution of the foregoing annexed instrument for the purposes therein expressed for and in behalf of the said **Kenneth E. Hancock, Sr.**.

Witness my hand and official seal, this 24 day of May 2016

 Notary Public
 My Commission Expires: 12-29-2017



(N.P. SEAL)



CUMBERLAND COUNTY

NORTH CAROLINA

PLANNING & INSPECTIONS

PLANNING STAFF REPORT
REZONING CASE # P21-33
Planning Board Meeting: July 20, 2021

Location: REID: # 0443449314000
Jurisdiction: County-Unincorporated

(Deferred from the JPB Meeting, June 15, 2021)

REQUEST

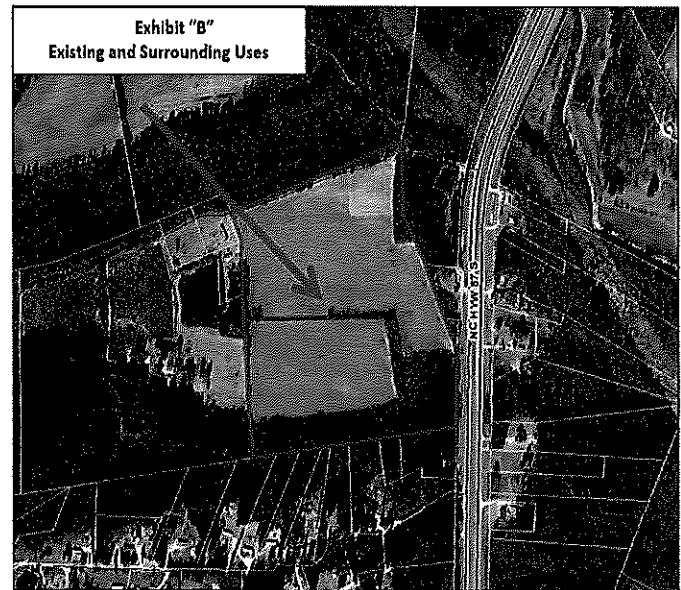
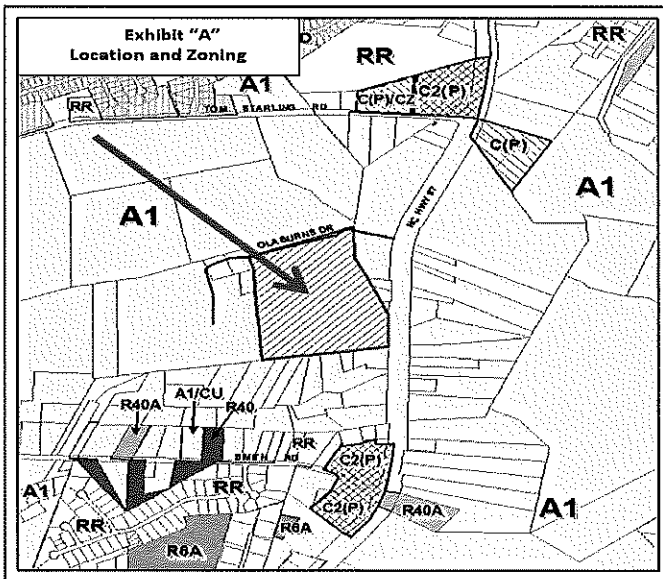
Rezoning A1 to R7.5/CZ

Applicant requests to rezone 41.48 +/- acres from A1 Agriculture to R7.5 Residential District Zoning District/Conditional Zoning for up to a 122 lots Zero Lot Line Subdivision for property located west of NC HWY 87, and south of Ola Burns Dr. This request would increase the allowed density from 1 unit per 2 acres (87,120 sq. ft.) to 1 unit per 7,500 square feet. This is a conditional rezoning with conditions proposed and a conditional use subdivision plan required. (The required subdivision plan is shown in Exhibit "E" of the Staff Report and the Conditions of Approval are provided in Exhibit "F".)

PROPERTY INFORMATION

OWNER/APPLICANT: Multiple owner(s) James D. Hubbard and Norma Garcia; Cheri and Marty Lassiter; Tommy J Woodell and Debra H. Woodell; Travis Allen Hubbard and Jill Elizabeth Hubbard; Pamela and Michael Domanski.

ADDRESS/LOCATION: Located west of NC HWY 87 with a REID: # 0443449314000). Refer to Exhibit "A", Site Location.



SIZE: One parcel of 41.48 +/- acres). The property has 350+/-linear feet of street frontage along NC HWY 87, and Ola Burns Drive runs through the northern perimeter of the property within the project site. The property has a depth of 1,040+/- in feet.

EXISTING ZONING: The parcel is zoned A1 (refer to Exhibit A). The A1 Agricultural District is a district designed to promote and protect agricultural lands, including woodland, within the County. The general intent of the district is to permit all agricultural uses to exist free from most private urban development, except for large lot, single-family development. Some public and/or semi-public uses as well as a limited

list of convenient commercial uses are permitted to ensure essential services for the residents. The density associated with A1 zoning consists of one dwelling units per two acres, with a minimum lot width of 100'. Additionally, required setbacks for A1 zoning district: Front: 50', Side: 20' (one story) 25' (2 story) and Rear: 50'.

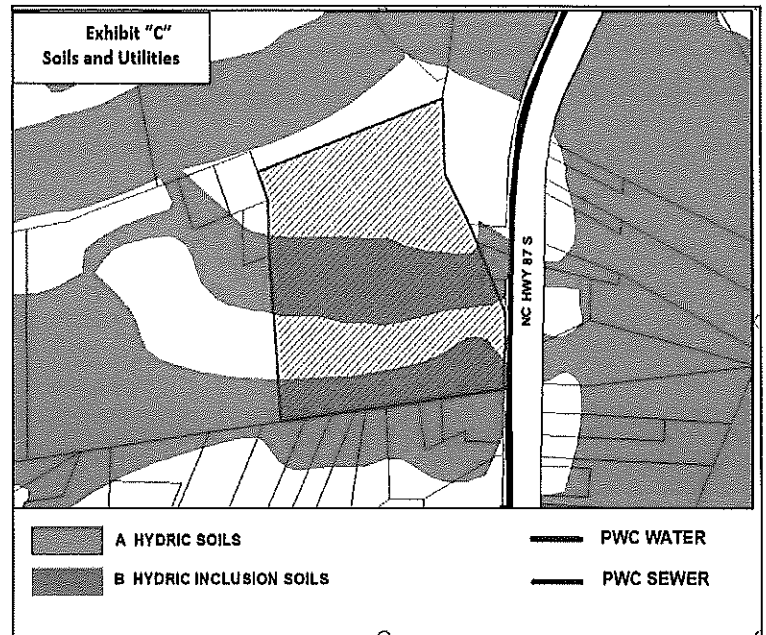
EXISTING LAND USE: The site is vacant (Refer to Exhibit "B"). The southern portion of the site is wooded in nature, and the majority of the site appears to be used for farmland.

SURROUNDING LAND USE: Farmland is the predominate land use occurring in the area surrounding the subject property, including single family residential homes occurring along both sides NC HYW 87 on larger acreages. To the north of the site, it is wooded in nature. To the south, residential residences consist of both single and double wide manufactured homes are found on larger acreages off Swallow Tail Court on both sides. Exhibit "B" illustrates the surrounding uses referenced above.

OTHER SITE CHARACTERISTICS: The property is not located within the watershed area or within the Special Flood Hazard Area. The central and southern portions of the site have the presence of hydric soils. No hydric inclusion soils are found on the site (refer to Exhibit "C").

DEVELOPMENT REVIEW: Subdivision review requirement is being fulfilled by the conditional zoning application. Code required open space is 2.24 acres in lieu of fee, and applicant is proposing 6.26 acres of open space.

DIMINSIONAL PROVISIONS FOR REQUESTED DISTRICT: If approved, the parcel would be subject to following setbacks:

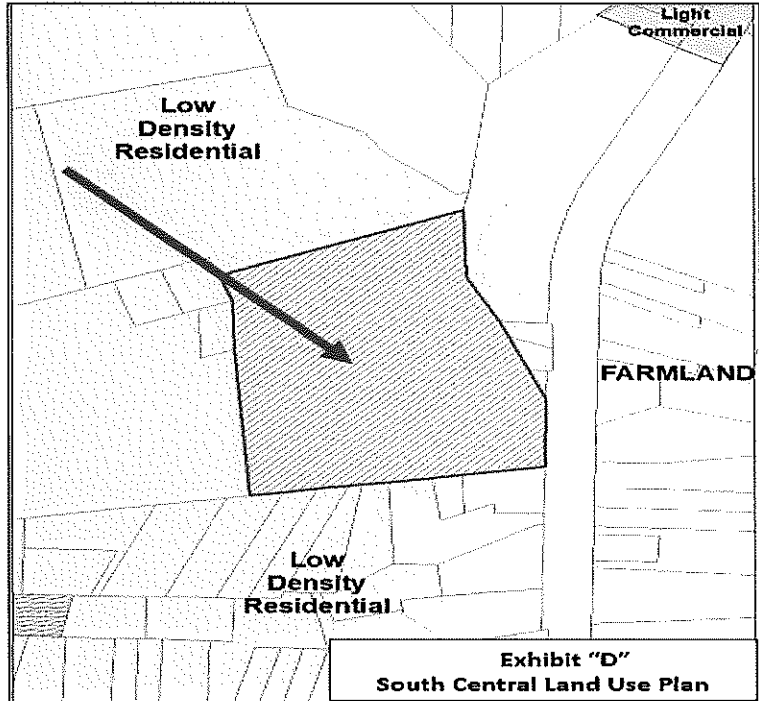


Minimum Standard	A1 (Existing Zoning)	R7.5	R7.5/CZ(Proposed)*
Front Yard Setback	30 feet	30 feet	30 feet
Side Yard Setback	15 feet (one story) and (two story)	10 feet	5 feet
Rear Yard Setback	35 feet	35 feet	35 feet
Lot Area	20,000 sq. ft.	7,500 sq. ft.	7,500 sq. ft.
Lot Width	100 feet	75 feet	60 feet

(*) As requested by the applicant

COMPREHENSIVE PLANS: Subject site is located in the South Central Land Use Plan (Adopted in 2015) as shown in Exhibit "D". The site is designated Low Density Residential.

Low Density Residential allows a residential development with a density of 2.2 to 6 units/acre. Applicant proposing on the subdivision plan a density of 3.24 dwelling units per acre. Public or community water and sewer is required. Both PWC water and sewer is available to the area. **Request is consistent with the adopted land use plan.**



APPLICABLE PLAN POLICIES:

- Promote sidewalks and pedestrian facilities, where appropriate to provide access to facilities such as schools, commercial areas, and recreation facilities.
- Provide and preserve natural vegetative buffer areas between single and multistory residential development and non-residential uses.
- Encourage the use of solar powered streetlights on all new streets and roads.
- It is imperative that driveways be limited, and conflict points reduced. All existing State maintained roads should require all subdivisions with more than three adjacent lots to back to the road.
- The recorded plats should contain a "no access easement" clause to these roads corresponding subdivision entrances on opposite sides of the street should align directly with each other whenever possible.

IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES

UTILITIES: PWC water and sewer utilities are both available along frontage of NC HWY 87 per updated comments provided (refer to Exhibit C).

TRAFFIC: The subject property sits on Ola Burns Drive and is identified as a local road in the Metropolitan Transportation Plan. There are no construction projects planned, and the subject property will have no impact on the Transportation Improvement Plan.

Proposed subdivision plan shows two future possible potential inter-neighborhood ties. One stub out, is proposed to the north, where intersects with Ola Burns Dr. and another inter-neighborhood tie is proposed to the west property line.

SCHOOLS CAPACITY/ENROLLMENT:

School	Capacity	Enrollment
Alderman Rd Elem	750	601
Gray's Creek Mid	1200	1096
Gray's Creek High	1470	1343

ECONOMIC DEVELOPMENT: Fayetteville Cumberland County Economic Development Corporation has reviewed the request and has no comment at this time.

EMERGENCY SERVICES: Ensure all applicable fire department access requirements are met.

SPECIAL DISTRICTS: The property is not located within the Fayetteville Regional Airport: Airport Overlay District and is not within five miles of Fort Bragg Military Base.

CONDITIONS OF APPROVAL: As the rezoning request is for Conditional Zoning, the Conditional Use Term Sheet, Exhibit "F", includes conditions that the development must meet through an approved site plan, site development and use of the property should this request be approved. Exhibit "F" at the end of the Staff Report presents the Conditions of Approval.

CODE DEVIATIONS: To the best of the staff and engineer of record knowledge, there are no requested deviations to the zoning or subdivision codes.

STAFF RECOMMENDATION

For Case P21-33, the Planning & Inspections staff **recommends approval** of the rezoning request from A1 Agriculture to R7.5 Residential District/Conditional Zoning up to 122 lot Zero Lot Line Subdivision and finds the request consistent with the South Central Land Use Plan designation of "Low Density Residential". The request to rezone to R7.5 zoning with Conditional Zoning District is consistent with this land use designation. Approval of the request is reasonable and in the public interest as the district requested with the conditional zoning will ensure a subdivision plan proposal with recommended conditions be in harmony with surrounding existing land uses and zoning.

Attachments:
Notification Mailing List
Zoning Application

EXHIBIT "E" (SK-03)

SUBDIVISION PLAN

(Full scale subdivision plan is available in the office of the Current Planning Division of the Planning & Inspections Department.)

DATE	DESCRIPTION

GENERAL NOTES:

1. THIS SKETCH IS INTENDED TO ILLUSTRATE THE GENERAL LAYOUT OF THE DEVELOPMENT WITH A PRELIMINARY INDICATION OF THE SIZES AND PLACEMENTS OF THE STRUCTURES TO BE LOCATED ON THE SITES.
2. ALL DIMENSIONS ARE IN FEET AND INCHES UNLESS OTHERWISE NOTED.
3. THE SITES ARE TO BE DEVELOPED IN ACCORDANCE WITH THE ZONING REGULATIONS OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA.
4. ALL UTILITIES ARE INDICATED AS SHOWN ON THE RECORD DRAWINGS AND THE DEVELOPER SHALL VERIFY THE DEPTH AND LOCATION OF ALL UTILITIES PRIOR TO CONSTRUCTION.
5. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF FAYETTEVILLE, NORTH CAROLINA.
6. THE DEVELOPER SHALL BE RESPONSIBLE FOR PROVIDING ALL NECESSARY UTILITY SERVICE TO THE SITES.
7. THE DEVELOPER SHALL BE RESPONSIBLE FOR PROVIDING ALL NECESSARY PAVEMENT AND CURBSIDE AND GUTTER CONSTRUCTION.
8. THE DEVELOPER SHALL BE RESPONSIBLE FOR PROVIDING ALL NECESSARY LIGHTING AND SIGNALIZATION.
9. THE DEVELOPER SHALL BE RESPONSIBLE FOR PROVIDING ALL NECESSARY LANDSCAPING AND PLANTING.
10. THE DEVELOPER SHALL BE RESPONSIBLE FOR PROVIDING ALL NECESSARY SIGNAGE.
11. THE DEVELOPER SHALL BE RESPONSIBLE FOR PROVIDING ALL NECESSARY SECURITY AND ACCESS CONTROL.
12. THE DEVELOPER SHALL BE RESPONSIBLE FOR PROVIDING ALL NECESSARY SAFETY FEATURES.
13. THE DEVELOPER SHALL BE RESPONSIBLE FOR PROVIDING ALL NECESSARY CONSTRUCTION DETAILS AND SPECIFICATIONS.
14. THE DEVELOPER SHALL BE RESPONSIBLE FOR PROVIDING ALL NECESSARY CONSTRUCTION SCHEDULES AND TIMELINES.
15. THE DEVELOPER SHALL BE RESPONSIBLE FOR PROVIDING ALL NECESSARY CONSTRUCTION REPORTS AND DOCUMENTATION.
16. THE DEVELOPER SHALL BE RESPONSIBLE FOR PROVIDING ALL NECESSARY CONSTRUCTION RECORDS AND AS-BUILT DRAWINGS.
17. THE DEVELOPER SHALL BE RESPONSIBLE FOR PROVIDING ALL NECESSARY CONSTRUCTION CLOSEOUT AND FINAL INSPECTION REPORTS.
18. THE DEVELOPER SHALL BE RESPONSIBLE FOR PROVIDING ALL NECESSARY CONSTRUCTION PHOTOS AND VIDEOS.
19. THE DEVELOPER SHALL BE RESPONSIBLE FOR PROVIDING ALL NECESSARY CONSTRUCTION MEETING MINUTES AND RECORDS.
20. THE DEVELOPER SHALL BE RESPONSIBLE FOR PROVIDING ALL NECESSARY CONSTRUCTION CORRECTIONS AND RETEWERS.
21. THE DEVELOPER SHALL BE RESPONSIBLE FOR PROVIDING ALL NECESSARY CONSTRUCTION CHANGE ORDERS AND NOTICES.
22. THE DEVELOPER SHALL BE RESPONSIBLE FOR PROVIDING ALL NECESSARY CONSTRUCTION CORRESPONDENCE AND DOCUMENTATION.
23. THE DEVELOPER SHALL BE RESPONSIBLE FOR PROVIDING ALL NECESSARY CONSTRUCTION DELAY NOTICES AND REPORTS.
24. THE DEVELOPER SHALL BE RESPONSIBLE FOR PROVIDING ALL NECESSARY CONSTRUCTION CANCELLATION AND RESCINDMENT DOCUMENTATION.
25. THE DEVELOPER SHALL BE RESPONSIBLE FOR PROVIDING ALL NECESSARY CONSTRUCTION ABANDONMENT AND REDEMPTION DOCUMENTATION.

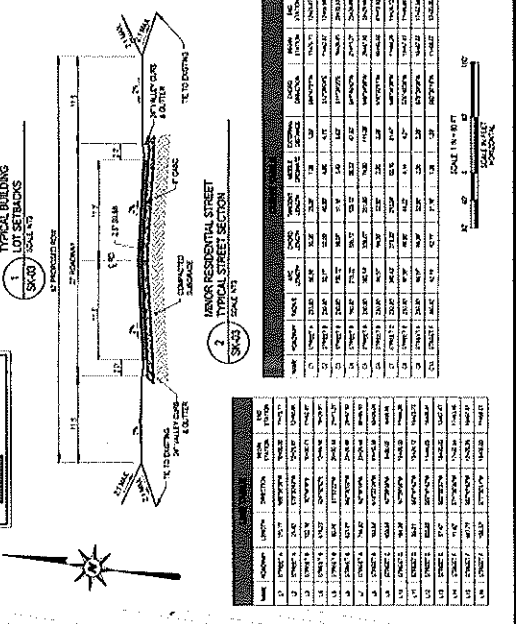
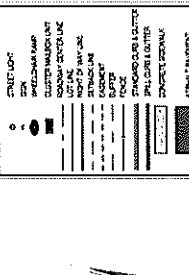
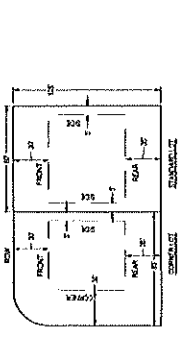
SITE INFORMATION
 SUBMITTER: [Name]
 LOCATION: [Address]
 COUNTY: [County]
 ZONING: [Zoning Code]
 PROJECT NO.: [Project Number]
 DATE: [Date]

LOT DATA

LOT NO.	AREA (SQ FT)	AREA (AC)

STREET DATA

STREET NAME	WIDTH (FEET)	CURB TO CURB



ITEM	DESCRIPTION	AMOUNT

LEGEND

- STREET LIGHT
- OPEN PAVEMENT
- ▨ ASPHALT DRIVE
- ▧ ASPHALT DRIVE
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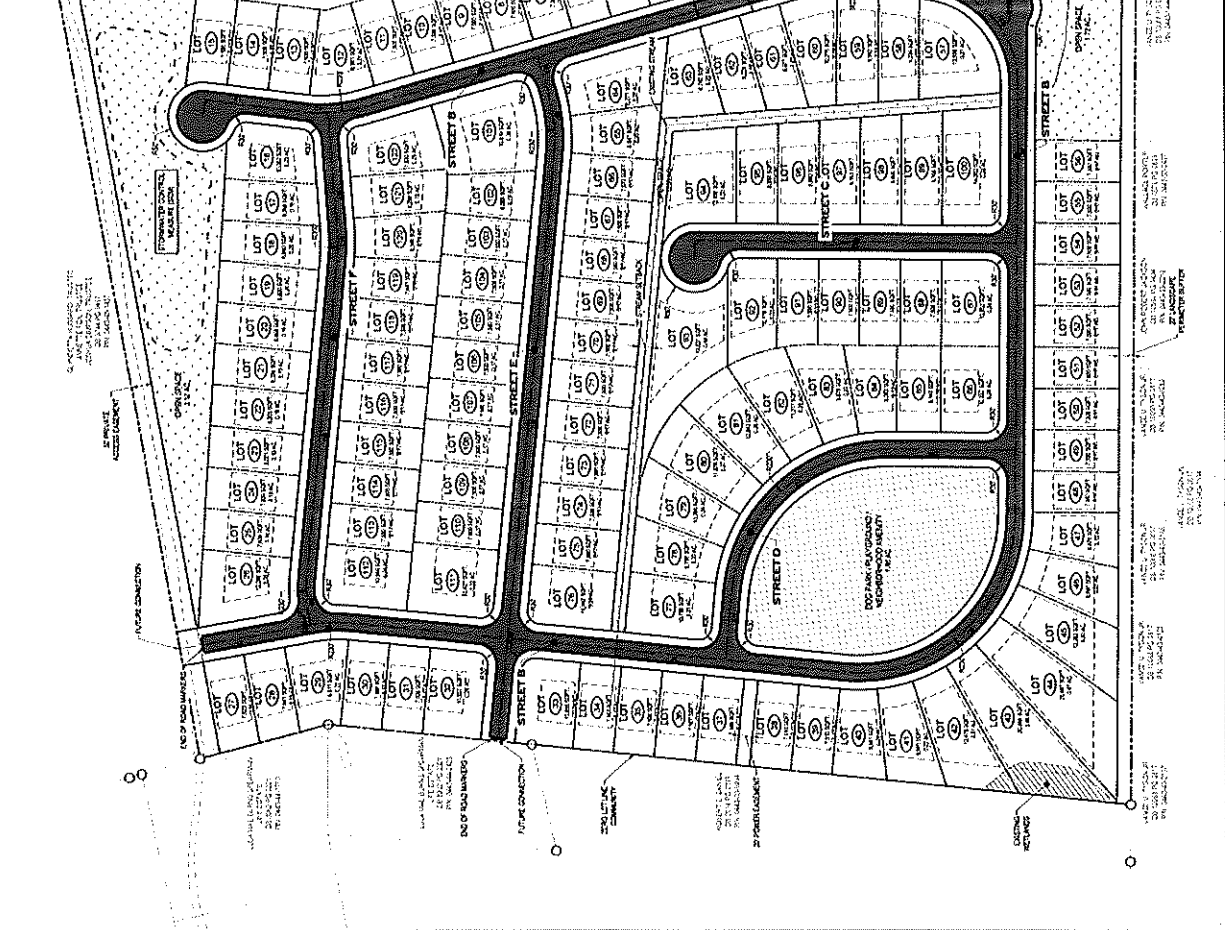


EXHIBIT "F"
DRAFT CONDITIONS OF APPROVAL

**EXHIBIT F
CONDITIONAL ZONING TERMS
CASE P21-33**

R7.5/CZ RESIDENTIAL/CONDITIONAL ZONING DISTRICT

**Ordinance Related Conditions
For up to a 122 Lot Zero Lot Line Subdivision**

Pre- Permit Related:

1. A recorded plat is required prior to permit application, see Plat-Related conditions below. [Sec. 4-8(b)(7), County Code]
2. The Current Planning Section must approve the individual plot plan for each lot prior to permit application. (Sec. 2402, County Subdivision Ord.)
3. Prior to permit application, the developer must provide to the Code Enforcement Section documentation of NC Department of Environmental Quality Division of Energy, Mineral and Land Resources' (NCDEQ DEMLR) approval of the Sedimentation and Erosion control plan for this project. NCDEQ DEMLR requires a Sedimentation and Erosion control plan be submitted and approved 30 days prior to land disturbing activities if said land disturbing activity will exceed one acre.

If a plan is not required, per 15ANCAC 04B.0105 "Person conducting land disturbing activity shall take all reasonable measures to protect public and private property from damage cause by such activities." Sedimentation and erosion control measures will need to be installed to protect adjacent properties.
[Sec. 4-8(b)(6), County Code; originally under County jurisdiction relinquished to NCDEQ around 2000]

4. The development shall connect to the central water and sewer systems available to it. No certificate of occupancy shall be issued until central water and sewer is available. On-site septic tanks are not allowed.

Pre- Permit Related:

5. The owner/developer(s) of this site must obtain detailed instructions from the County Current Planning Section in the Historic Courthouse at 130 Gillespie Street on provisions of the County Zoning and Subdivision Ordinances or any other county applicable development regulatory requirements regarding the preliminary plat or subdivision plan submittal requirements.
6. If any right-of-way dedication is required by NCDOT, a recorded plat referenced above shall identify any such right-of-way dedication and sight distance easements. (Sec. 2402, County Subdivision Ord.)

7. Prior to permit application, the developer must provide to the Code Enforcement Section documentation of NC Department of Environmental Quality Division of Energy, Mineral and Land Resources' (NCDEQ DEMLR) approval of the Sedimentation and Erosion control plan for this project. NCDEQ DEMLR requires a Sedimentation and Erosion control plan be submitted and approved 30 days prior to land disturbing activities if said land disturbing activity will exceed one acre.

If a plan is not required, per 15ANCAC 04B.0105 "Person conducting land disturbing activity shall take all reasonable measures to protect public and private property from damage cause by such activities." Sedimentation and erosion control measures will need to be installed to protect adjacent properties.

[Sec. 4-8(b)(6), County Code; originally under County jurisdiction relinquished to NCDEQ around 2000]

8. Authorization for wastewater system construction required before other permits to be issued. The County Health Department must approve sewer plans.

Permit-Related:

9. The owner/developer(s) of this property must obtain detailed instructions from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street on provisions of the County Zoning Ordinance and any permits that may be required to place any structure within this development or to commence any use of the subject property. For additional information, the developer should contact a Code Enforcement Officer. (Chpt. 4, County Code & Sec. 107, County Zoning Ord.)
10. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application. [Sec. 4-8(b)(2), County Code]
11. **Driveway Permit Required.** Construction of any new connection or alteration of any existing connection may require an approved Driveway Permit. For additional information contact the NC Department of Transportation's (NCDOT) Division 6/District 2 office.

Change of use of subject properties shall require an approved Driveway Permit. 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.

In the event that a structure (house) is built by a contractor for commercial gain and/or if property changes ownership from existing owner to builder, an approved Driveway Permit must be secured.

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

Note: The property owner most likely will be required to provide a copy of a recorded plat and deed conveying to the NCDOT that portion of the subject property located within or to be located within the right-of-way at the time of driveway permit application.

[§ 136-18(29), NCGS]

12. 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 Department of Energy, Minerals and Land Resources, NC Department of Environmental Quality (DEMLR NCDEQ). If one acre or more of land is to be disturbed, a copy of the State's *Post-Construction Permit* must be provided to County Code Enforcement prior to the issuance of the Certificate of Occupancy. (Note: If any retention/detention basins are required for state approval of this plan, three copies of a revised plan (and \$25/\$50 revision fee) must be submitted and approved by Planning & Inspections.) (Sec. 2306.D, County Subdivision Ord. & 2006-246, NC Session Law)
13. The County Health Department must approve water plans if not connected to central water system. Property not served by public water system is required to be large enough and of such physical character to comply with the Health Department's minimum standards. A copy of the Health Department approval must be provided to Code Enforcement. (Note: All Health Department requirements must be met prior to issuance of final permits.) (Sec. 2306 A, County Subdivision Ord. & Sec. 1101.E, County Zoning Ord.)

Site-Related:

14. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Development Ordinance, and County Zoning Ordinance for the R7.5 Residential/CZ Conditional Zoning must be complied with, as applicable, and as appearing with the conceptual subdivision plan appearing in Exhibit "A". Any conditions set forth herein this ordinance shall supersede the Zoning and Subdivision Code. If not specifically addressed within this Ordinance, all requirements of the Zoning and Subdivision Codes shall be met.
15. This conditional approval is not approval of any freestanding signs. Attached signage for this development must 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.) (Art. XIII, County Zoning Ord.)
16. 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 2307.A, County Subdivision Ord.)
17. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306.C, County Subdivision Ord.)
18. In the event a stormwater utility structure is required by the NC Department of Environmental Quality (NCDEQ), the owner/developer must secure the structure with a four-foot high fence with a lockable gate, and is required to maintain the detention/retention basin, keeping it clear of debris and taking measures for the prevention of insect and rodent infestation. (Sec. 1102.O, County Zoning Ord.)
19. This review does not constitute a "subdivision" approval by NC Department of Transportation (NCDOT). The NC Department of Transportation's (NCDOT) approval of the driveway plans is required and any street improvements are required to be constructed to

the NCDOT standards for secondary roads. (Sec. 2304B, County Subdivision Ord. & NCGS §136-102.6). If buildings permits are issued by Cumberland County prior to NCDOT acceptance of the streets, the developer is responsible that roads shall meet conditions suitable for safe passage for vehicles used by County inspection personnel. The County Building Official may delay inspections if determined that road conditions do not provide safe passage for vehicles used by County inspectors.

20. Turn lanes may be required by the NC Department of Transportation (NCDOT). [Art. XIV, County Zoning Ord. & NCGS §136-18(5) & §136-93]

Note: The property owner most likely will be required to provide a copy of a recorded plat and deed conveying to the NCDOT that portion of the subject property located within or to be located within the right-of-way at the time of driveway permit application.

21. The subdivision plan must provide an internal access any the stormwater facility serving the site, to allow the HOA to have the ability to access the stormwater facility.

Plat-Related:

22. The developer is required to submit to the Current Planning Section either one set of a hard copy or one set of a pdf email copy to Telly Shinas, tshinas@co.cumberland.nc.us of the following documents :

- a. One copy of proposed covenants, by-laws and articles of incorporation for the proposed development designating responsibility for _____ by the owners' association for the development;
- b. One copy of the deeds proposed for recordation conveying all common area to the proposed owners association;
- c. One copy of any proposed supplemental covenants if the proposed development is to be submitted for final approval in phases; and
- d. One copy of each proposed final plat prior to the submission for final approval – can be a phase of the approved development or the complete development as approved.

These documents must be approved by the County Attorney prior to the sale of or submission for final plat approval of any lot or unit within this development. (Sec. 2402.G., County Subdivision Ord.)

Note: A copy of the recorded deed or deeds conveying all common area to the owners' association as shown on each plat must be provided to the Current Planning prior to submission for approval for recordation of the next succeeding phase/section of this development.

23. The street name signs, in compliance with the County Street Sign Specifications, must be installed prior to final plat approval. The developer should contact Location Services 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). The Current Planning Section must receive notice of agreement with the Location Services Section for sign installation or of satisfactory inspection prior to the approval of the final plat. Sec. 4-171, County Code)

24. The developer is required to provide an inspection of the private street(s) by a registered engineer or registered surveyor upon completion of construction of the private street(s) and related facilities, including drainage ways. A statement, affixed with the engineer/surveyor's seal, certifying that all private street(s) and related facilities are designed and constructed in accordance with the requirements of Section 2304 C, Private Street, County Subdivision Ordinance, and that all such facilities are adequate to serve the development, must be submitted to the Current Planning Section prior to final plat approval or release of any construction guarantees as allowed under Section 2502, Final Plat – Guarantees of Improvements, County Subdivision and Development Ordinance.
25. The builder/developer must provide the buildable envelopes on the final plat: the individual plot plans must be approved by the Current Planning Section prior to issuance of any permits.
26. Any/All easements must 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.
27. **A 10' x 70' sight distance easement is required at the intersection of entrance road and NC HWY 87.** This easement shall be illustrated on the final plat, unless otherwise required by NCDOT.
28. A 25' right-of-way radius is required at all intersections and must be reflected on the final plat. (Section 2304.10.c, Street Design, County Subdivision and Development Ordinance)

Note: The property owner most likely will be required to provide a copy of a recorded plat and deed conveying to the NCDOT that portion of the subject property located within or to be located within the right-of-way at the time of driveway permit application.
29. The NC Department of Transportation (NCDOT) stamp must be affixed to the final plat prior to submission for final plat approval by the Current Planning Section.

Note: The property owner most likely will be required to provide a copy of a recorded plat and deed conveying to the NCDOT that portion of the subject property located within or to be located within the right-of-way at the time of driveway permit application.
30. The notarized signature(s) of all current tax record owner(s) and notary certifications appear on the final plat when submitted for final approval. (Section 2503 D, Certificate of Ownership and Dedication, County Subdivision and Development Ordinance).
31. The developer is reminded that the improvements must be in place or that final plat approval will only be granted in accordance with Section 2502 B, C, or D, Final Plat – Guarantees of Improvements, County Subdivision and Development Ordinance. (Note: Once the improvements are in place, the developer is responsible for contacting Jeff Barnhill to schedule an inspection of the improvements.)
32. The developer's engineer must submit to Cumberland County Planning and Inspection Department a sealed document certifying that the streets have been constructed to the NC Department of Transportation (NCDOT) standards for secondary roads.

33. The final plat must be submitted to the Current Planning Section 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.
34. The developer should 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:

35. If/Since this development does not have public water/sewer, the following disclosure statement is required to be provided on the final plat. (Section 2504 C, On-Site Water and/or Sewer Disclosure, County Subdivision and Development Ordinance):

"The individual lots in this development do not have public sewer and/or water services available, and no lots have been approved by the Health Department for on-site sewer services or been deemed acceptable for private wells at the date of this recording."

36. The final plat must reflect the following statements required for the private street(s) (Section 2504 A, Disclosure of Private Street Status, County Subdivision and Development Ordinance):

- a. "Cumberland County and other public agencies have no enforcement responsibility regarding maintenance or encroachments into the private street right-of-way as shown on this plat. Private streets are for the use of all owners of property within this subdivision/development and their guests; and any governmental agency or personnel or equipment thereof who shall be granted perpetual access over all such private streets to accomplish or fulfill any service or function for which the agency is responsible, and that any agency or organization designated by a governmental agency to perform a designated function shall also retain access the same as any government agency. Any governmental agency exercising its access rights shall have the same rights and only such liabilities as it would have on any public lands, rights-of-way, or easements."
- b. "All current and future owners of these tract be aware that maintenance for the Class "C" private street(s) shown on this plat are the responsibility of the owners of the tracts served by and having access to the Class "C" private street(s)."
- c. "All current and future owners of these tracts be aware that future division of these properties shall not be permitted under current standards without the upgrading of the Class "B" / "C" private street(s)."

37. Because the streets in this development have been approved as "public" streets and the streets do not yet qualify for acceptance by the NC Department of Transportation to the State system for maintenance purposes, the following statement is required to be included on the final plat (Section 2504 E, County Subdivision and Development Ordinance):

"The streets shown on this plat though labeled as "public" – unless otherwise noted – have not been accepted by the NC Department of

Transportation as of the date of this recording. Until such time that the streets are accepted and formally added to the State system, maintenance and liability of the streets are the responsibility of the developer and any future lot owner(s)."

Advisories:

38. The applicant is advised to consult an expert on wetlands before proceeding with any development.
39. 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.
40. Any revision or addition to this plan necessitates re-submission for review and approval prior to the commencement of the change.
41. 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.
42. 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.
43. 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.
44. The developer(s) and any future lot owners are responsible for the maintenance and upkeep of the streets until such time the streets are added to the State system by the NC Department of Transportation (NCDOT) for maintenance purposes. The developer is advised to give notice of the street status to any future lot owners in the event the lots are conveyed prior to the NCDOT's acceptance.

Other Relevant Conditions:

45. This conditional approval is contingent upon continued compliance with the County's Zoning and Subdivision Ordinance Subdivision the conditions set forth herein.

EXHIBIT "A"
Case 21-33 Conditional Use Subdivision Plan

NOTIFICATION MAILING LIST

BROWN, JOSEPH
3536 SPRING GARDEN DR
HOPE MILLS, NC 28348

HALL, SIMEON B
230 SOUTHEASTERN BLV
FAYETTEVILLE, NC 28301

MCMILLAN, DAVID;MCMILLAN,
LYNDIA U
691 STOCKBRIDGE CT
FAYETTEVILLE, NC 28311

PORTER, WALLACE
3060 ROSEWAY CT
HOPE MILLS, NC 28348

TYSON, VANCE U JR
4925 S NC 87 HWY
FAYETTEVILLE, NC 28306

PARSONS, MAE SMITH;HODGES,
PAMELA WOODEL
3942 W BENT GRASS DR
FAYETTEVILLE, NC 28312

HUBBARD, JAMES
1113 FOREST CROWN
LIVE OAK, TX 78233M

BROWN, SANDRA
4465 S NC 87 HWY
FAYETTEVILLE, NC 28306

HUBBARD, GLYNDETTA
TRUSTEE;FOX, ANNETTE
TRUSTEE;SIMPSON, JOSHUA TRUSTEE
1896 TOM STARLING RD
FAYETTEVILLE, NC 28306

MCMILLAN, DAVID;MCMILLAN,
LYNDIA U
691 STOCKBRIDGE CT
FAYETTEVILLE, NC 28311

RAEFORD, FRANCES E
4455 S NC 87 HWY
FAYETTEVILLE, NC 28306

WOODELL, TOMMY J JR;JOHNSON,
LINDA S
3942 W BENT GRASS DR
FAYETTEVILLE, NC 28312

MCKEE HOMES, INC; BLAZE
DIPASQUALE
109 HAY ST, STE 301
FAYETTEVILLE, NC 28301

HUBBARD, TRAVIS AND JILL
801 SOUTHWOOD DR
SHIPPENBURG, PA 17257

DANIEL, ROBERT E
2190 OLA BURNS DR
FAYETTEVILLE, NC 28306

JACKSON, JOHN ROBERT
8300 STATION VILLAGE 5
SAN DIEGO, CA 92102

MCMILLAN, FLORA K HEIRS
4185 BUTLER NURSERY RD
FAYETTEVILLE, NC 28306

SPEARMAN, LULA MAE BURNS LIFE
ESTATE
2240 OLA BURNS DR
FAYETTEVILLE, NC 28306

LASSITER, CHERI ;DAVIS, MICHAEL
SCOTT;& CHRISTOPHER LEWIS;
3942 W BENT GRASS DR
FAYETTEVILLE, NC 28312

DAVIS, KRISTIN
317 VICTORY FALLS DR
APEX, NC 27539

DOMANSKI, PAMELA AND MICHAEL
21 BIRKDALE WAY
PINEHURST, NC 28374

1st class

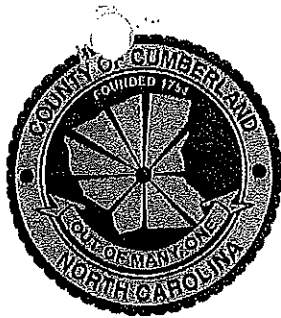
DANIEL, ROBERT E
2190 OLA BURNS DR
FAYETTEVILLE, NC 28306

MCCAULEY LIMITED LIABILITY CO
PO BOX 361
FAYETTEVILLE, NC 28302

MCMILLAN, JAMES A; &
PATRICIA ANN
4369 S NC 87 HWY
FAYETTEVILLE, NC 28306

3rd class

ZONING APPLICATION



County of Cumberland

Planning & Inspections Department

CASE ... P21-33

PLANNING BOARD
MEETING DATE: _____

DATE APPLICATION
SUBMITTED: 5-10-21

RECEIPT #: 77404

RECEIVED BY: _____

APPLICATION FOR CONDITIONAL ZONING DISTRICT REZONING REQUEST CUMBERLAND COUNTY ZONING ORDINANCE

Upon receipt of this application (petition), the Planning and Inspections Staff will present to the Planning Board the application at a hearing. In accordance with state law and board's policy, a notice of the hearing will be mailed to the owners of the adjacent and surrounding properties, which may be affected by the proposed Conditional Zoning. In addition, a sign will be posted on the property.

The Planning Board will make a recommendation to the Cumberland County Board of Commissioners concerning the request. The Board of Commissioners will schedule a public hearing and issue a final decision on the matter. Generally, the Commissioners will hold the public hearing four weeks following the Planning Board meeting. The Conditional Zoning District is not effective until the request is heard and approval granted by the Board of Commissioners.

The following items are to be submitted with the completed application:

1. A copy of the recorded deed and/or plat,
2. If a portion of an existing tract is/are being submitted for rezoning, an accurate written legal description of only the area to be considered;
3. A copy of a detailed site plan drawn to an engineering scale, showing the location of all buildings, yard dimensions, driveways, fencing, lighting parking areas, landscaping, and all other pertinent data to the case; and
4. A check made payable to the "Cumberland County" in the amount of \$ 1260.00 (See attached Fee Schedule)

NOTE: Any revisions, inaccuracies or errors to the application or site plan may cause the case to be delayed and will be scheduled for the next available Board meeting according to the Board's meeting schedule. Also, the application fee is *nonrefundable*.

The Planning and Inspections Staff is available for advice on completing this application; however, they are not available for completion of the application or preparation of the site plan. For questions call (910)678-7603 or (910) 678-7602. Hours of operation are 8:00 a.m. to 5:00 p.m., Monday through Friday.

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

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

1. Applicant/Agent McKee Homes, Inc. - Blayze DiPasquale
2. Address: 109 Hay St, Ste 301, Fayetteville, NC Zip Code 28301
3. Telephone: (Home) 919-909-9632 (Work) 919-909-9632
4. Location of Property: Highway 87 and Harington Road
5. Parcel Identification Number (PIN #) of subject property: 0443-44-9314
(also known as Tax ID Number or Property Tax ID)
6. Acreage: 41.48 ac Frontage: 446' Depth: 1327'
7. Water Provider: N/A Septage Provider: N/A
8. Deed Book 603, Page(s) 93, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
9. Existing use of property: vacant
10. Proposed use(s) of the property: Residential - Single Family

NOTE: Be specific and list all intended uses.

11. Do you own any property adjacent to, including across the street from, the property being submitted for rezoning? Yes _____ No ✓
12. Has a violation been issued on this property? Yes _____ No ✓
13. It is requested that the foregoing property be rezoned FROM: A1
TO: (Select one)

- Conditional Zoning District, with an underlying zoning district of R7.5
(Article V)
- Mixed Use District/Conditional Zoning District (Article VI)
- Planned Neighborhood District/Conditional Zoning District (Article VII)
- Density Development/Conditional Zoning District, at the _____ Density
(Article VIII)

APPLICATION FOR
CONDITIONAL ZONING

1. PROPOSED USE(S):

A. List the use(s) proposed for the Conditional Zoning. (Use of the underlying district will be restricted only to the use(s) specified in this application if approved.)

- Accessory Uses
- Dwelling-Single Family

B. Density: List the amount of acreage that will be residential, commercial, and/or open space, and the number of lots and/or dwelling units proposed, and the square footage of the non-residential units.

Residential=41.48 ac
Total Residential Units Proposed=122 Units
Non-Residential Units=0 Units

2. DIMENSIONAL REQUIREMENTS:

A. Reference either the dimensional requirements of the district, Sec. 1104 or list the proposed setbacks.

Front=30'
Side=5'
Rear=30'
Corner=30'

B. Off-street parking and loading, Sec.1202 & 1203: List the number of spaces, type of surfacing material and any other pertinent information.

2 Parking Parallel On-Street Spaces for Mailbox Kiosk
to be constructed of same surface materials as street.

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.

All regulations from Article XIII shall be applicable to this rezoning.

4. LANDSCAPE AND BUFFER REQUIREMENTS:

- A. For all new non-residential and mixed use development abutting a public street, indicate the number and type of large or small ornamental trees used in the streetscape, yard space, and/or parking areas, plus the number and type of shrubs. (Sec. 1102N). **NOTE: All required landscaping must be included on the site plan.**

N/A

- B. Indicate the type of buffering and approximate location, width and setback from the property lines. (Sec. 1102G). **NOTE: All required buffers must be included on the site plan.**

20' Landscape Buffer along Hwy 87 outside of driveway/
street connection to Hwy 87 as approved by NCDOT.

5. MISCELLANEOUS:

List any information not set forth above, such as the days and hours of the operation, number of employees, exterior lighting, noise, odor and smoke, emission controls, etc.

N/A

6. SITE PLAN REQUIREMENTS:

The application must include a site plan drawn to the specifications of Sec. 1402. If the proposed uses involve development subject to the County Subdivision Ordinance, the site plan required may be general in nature, showing a generalized street pattern, if applicable, and the location of proposed uses. If the proposed uses include development not subject to the Subdivision Ordinance, the site plan must be of sufficient detail to allow the Planning and Inspections Staff, Planning Board and County Commissioners to analyze the proposed uses and arrangement of uses on the site. It also must include the footprints of all buildings (proposed and existing), the proposed number of stories, location and number of off-street parking and loading spaces, proposed points of access to existing streets and internal circulation patterns. In addition, the location of all proposed buffers and fences and landscaping shall be included on the site plan.

7. STATEMENT OF ACKNOWLEDGMENT:

It is understood by the undersigned that the official zoning map, as originally adopted and subsequently amended, is presumed to be appropriate to the property involved and that the burden of proof for a zoning amendment (rezoning) rest with the petitioner.

It is the responsibility of the petitioner (personally or by agent) to submit to the Planning and Inspections Department a valid request within a complete application.

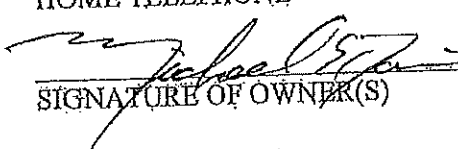
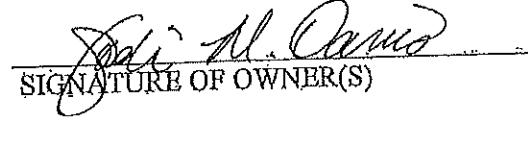
I further understand I must voluntarily agree to all ordinance related conditions prior to the first hearing on the case or any disagreement may be cause for an unfavorable recommendation. The undersigned hereby acknowledge that the Planning and Inspections Staff has conferred with the petitioner or assigns, and the application as submitted is accurate and correct.

MICHAEL S. DAVIS JODI M. DAVIS
NAME OF OWNER(S) (PRINT OR TYPE)

106 LOOKOUT CANE NEW BERN, NC 28562
ADDRESS OF OWNER(S)

MSDAVIS.1997@GMAIL.COM JODIMDAVIS@GMAIL.COM
E-MAIL

252-571-6667 _____
HOME TELEPHONE WORK TELEPHONE

 
SIGNATURE OF OWNER(S) SIGNATURE OF OWNER(S)

McKee Homes, Inc. - Blayze DiPasquale
NAME OF AGENT, ATTORNEY, APPLICANT (by assign) (PRINT OR TYPE)

109 Hay Street, Suite 301, Fayetteville, NC 28301
ADDRESS OF AGENT, ATTORNEY, APPLICANT

919-909-9632 919-909-9632
HOME TELEPHONE WORK TELEPHONE

bdipasquale@mckeehomesnc.com N/A
E-MAIL ADDRESS FAX NUMBER


SIGNATURE OF AGENT, ATTORNEY, OR APPLICANT

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Kristin M Davis
NAME OF OWNER(S) (PRINT OR TYPE)

317 Victory Falls Dr. Apex, NC 27539
ADDRESS OF OWNER(S)

ksunderd@gmail.com
E-MAIL

425 367 3016
HOME TELEPHONE

WORK TELEPHONE

Kristin M Davis
SIGNATURE OF OWNER(S)

SIGNATURE OF OWNER(S)

McKee Homes, Inc. - Blayze DiPasquale
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bdipasquale@mckeehomesnc.com
E-MAIL ADDRESS

N/A
FAX NUMBER

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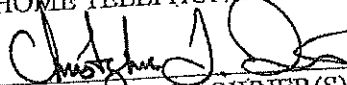
Christopher L. Davis
NAME OF OWNER(S) (PRINT OR TYPE)

317 Victory Falls Dr. Apex, NC 27539
ADDRESS OF OWNER(S)

chrislewis.davis@gmail.com
E-MAIL

425 367 3015
HOME TELEPHONE

WORK TELEPHONE


SIGNATURE OF OWNER(S)

SIGNATURE OF OWNER(S)

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Boyd D. PARSONS JR + Mae Smith Parsons
NAME OF OWNER(S) (PRINT OR TYPE)

1821 Tom Starling Rd. Fayetteville NC 28306
ADDRESS OF OWNER(S)

orion2049@gmail.com
E-MAIL

910-~~484~~-9280
HOME TELEPHONE

910-261-5157
WORK TELEPHONE

Boyd D. Parsons Jr.
SIGNATURE OF OWNER(S)

Mae Smith Parsons
SIGNATURE OF OWNER(S)

McKee Homes, Inc. - Blayze DiPasquale
NAME OF AGENT, ATTORNEY, APPLICANT (by assign) (PRINT OR TYPE)

109 Hay Street, Suite 301, Fayetteville, NC 28301
ADDRESS OF AGENT, ATTORNEY, APPLICANT

919-909-9632
HOME TELEPHONE

919-909-9632
WORK TELEPHONE

bdipasquale@mckeehomesnc.com
E-MAIL ADDRESS

N/A
FAX NUMBER

[Signature]
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Cheri + Marty (Glenn) Lassiter

NAME OF OWNER(S) (PRINT OR TYPE)

18726 Avery Park Dr., Cornelius, NC 28031

ADDRESS OF OWNER(S)

Cheridlass@gmail.com

E-MAIL

704-895-5140

HOME TELEPHONE

980-721-8618

WORK TELEPHONE

Cheri Lassiter

SIGNATURE OF OWNER(S)

Glenn Martin Lassiter II

SIGNATURE OF OWNER(S)

McKee Homes, Inc. - Blayze DiPasquale
NAME OF AGENT, ATTORNEY, APPLICANT (by assign) (PRINT OR TYPE)

109 Hay Street, Suite 301, Fayetteville, NC 28301
ADDRESS OF AGENT, ATTORNEY, APPLICANT

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HOME TELEPHONE

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WORK TELEPHONE

bdipasquale@mckeehomesnc.com
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Tommy J. Woodell Debra H. Woodell
NAME OF OWNER(S) (PRINT OR TYPE)

3942 W. Bent Grass Dr. Fayetteville NC 28312
ADDRESS OF OWNER(S)

The marlboroman12@gmail.com
E-MAIL

910 483 9277
HOME TELEPHONE

910 818 4017
WORK TELEPHONE

Tommy J. Woodell
SIGNATURE OF OWNER(S)

Debra H. Woodell
SIGNATURE OF OWNER(S)

McKee Homes, Inc. - Blayze DiPasquale
NAME OF AGENT, ATTORNEY, APPLICANT (by assign) (PRINT OR TYPE)

109 Hay Street, Suite 301, Fayetteville, NC 28301
ADDRESS OF AGENT, ATTORNEY, APPLICANT

919-909-9632
HOME TELEPHONE

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WORK TELEPHONE

bdipasquale@mckeehomesnc.com
E-MAIL ADDRESS

N/A
FAX NUMBER

[Signature]
SIGNATURE OF AGENT, ATTORNEY, OR APPLICANT

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TRAVIS ALLEN HUBBARD Jill Elisabeth Hubbard
NAME OF OWNER(S) (PRINT OR TYPE)

801 South Wood DR SHIPPENSBURG PA 17257
ADDRESS OF OWNER(S)

travis.hubbard@vonvo.com
E-MAIL

828-275-3529
HOME TELEPHONE

717-530-6181
WORK TELEPHONE

Travis A Hubbard
SIGNATURE OF OWNER(S)

Jill Elisabeth Hubbard
SIGNATURE OF OWNER(S)

McKee Homes, Inc. - Blayne DiPasquale
NAME OF AGENT, ATTORNEY, APPLICANT (by assign) (PRINT OR TYPE)

199 Hay Street, Suite 301, Fayetteville, NC 28301
ADDRESS OF AGENT, ATTORNEY, APPLICANT

919-909-9632
HOME TELEPHONE

919-909-9632
WORK TELEPHONE

bdipasquale@mckeehomesinc.com
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FAX NUMBER

[Signature]
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PAMELA & MICHAEL DOMANSKI
NAME OF OWNER(S) (PRINT OR TYPE)

21 BIRKDALE WAY PINEHURST NC 28374
ADDRESS OF OWNER(S)

MIKE PAM 68 @ YAHOO.COM
E-MAIL

(919) 356-5813 - PAM CELL (919) 888-0420 MIKE CELL
HOME TELEPHONE WORK TELEPHONE

Pamela Domanski Michael Domanski
SIGNATURE OF OWNER(S) SIGNATURE OF OWNER(S)

McKee Homes, Inc. - Blayze DiPasquale
NAME OF AGENT, ATTORNEY, APPLICANT (by assign) (PRINT OR TYPE)

109 Hay Street, Suite 301, Fayetteville, NC 28301
ADDRESS OF AGENT, ATTORNEY, APPLICANT

919-909-9632 919-909-9632
HOME TELEPHONE WORK TELEPHONE

bdipasquale@mckeehomesnc.com N/A
E-MAIL ADDRESS FAX NUMBER

[Signature]
SIGNATURE OF AGENT, ATTORNEY, OR APPLICANT

- * ALL record property owners must sign this petition.
- * The contents of this application, upon submission, becomes "public record."

6518
0018

BK6510PG010

20782

RECEIVED

5-3-2004 PM 3:36:18

J. LEE WARREN JR.
REGISTER OF DEEDS
CUMBERLAND CO., N.C.

PREPARED BY: George D. Regan, PO Box 478, St. Pauls, NC 28384
MAIL TO: GEORGE D. REGAN, P.O. BOX 478, ST. PAULS, NC 28384

Revenue: 0
NORTH CAROLINA

ROBESON COUNTY

mail: Linda Johnson (Starling)
1925 Tom Hodges Rd.
Way. DE 28306
DEED

THIS DEED, made by this the 16th day of February, 2004 by, Linda S. Johnson, widow, Barbara J. Smith, divorced, (formerly Barbara Jean S. Davis), Mae S. Parsons and husband Boyd Parsons, Tommy Woodell, Jr. and wife Debra Woodell, all of Cumberland County, North Carolina and Pamela Hodges and husband Derrick Hodge, of Lee County, North Carolina, parties of the first part, to Linda S. Johnson, Barbara Jean Smith, Mae Smith Parsons, Tommy J. Woodell, Jr., all of Cumberland County, North Carolina and Pamela Woodell Hodges, of Lee County, North Carolina parties of the second part.

WITNESSETH:

That the party of the first part, for and in consideration of the sum of TEN DOLLARS (\$10.00) AND OTHER GOOD AND VALUABLE CONSIDERATION, to them in hand paid have bargained and sold and by these presents do bargain, sell, and convey to Linda S. Johnson, a one-fourth (1/4) undivided interest, to Barbara J. Smith, a one-fourth (1/4) undivided interest, to Mae Smith Parsons a one-fourth(1/4) undivided interest, to Tommy J. Woodell, Jr., a one-eighth(1/8) undivided interest and to Pamela Woodell Hodges a one-eighth (1/8) undivided interest and into a certain tract or parcel of land lying and being in the County of Cumberland and State of North Carolina, in Gray's Creek Township and more particularly described as follows:

SEE ATTACHED SCHEDULE "A"

TO THEM the said parties of the second part and their heirs and assigns the undivided interest as set out hereinabove in fee simple.

The designation of the party of the first part and the party of the second part 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.

IN TESTIMONY WHEREOF, the said party of the first part have hereunto set her hand and seal the day and year first above written.

26

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0811

BK6510PG011

Linda S. Johnson (SEAL)
LINDA S. JOHNSON

Mae S. Parsons (SEAL)
MAE S. PARSONS

Tommy Woodell, Jr. (SEAL)
TOMMY WOODELL, JR.

Pamela Hodges (SEAL)
PAMELA HODGES

Barbara Jean Smith (SEAL)
BARBARA JEAN SMITH

Boyd Parsons (SEAL)
BOYD PARSONS

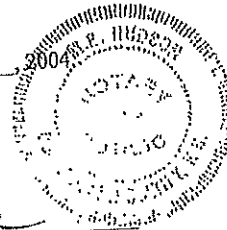
Debra Woodell (SEAL)
DEBRA WOODELL

Derrick Hodges (SEAL)
DERRICK HODGES

NORTH CAROLINA
ROBBSON COUNTY

I, M. B. Hudson, a Notary Public do hereby certify that LINDA S. JOHNSON, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and seal, this the 14 day of APRIL, 2004.



M. B. Hudson
NOTARY PUBLIC

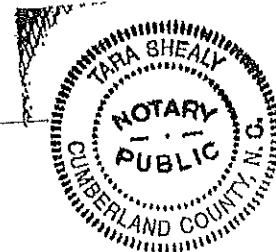
My Commission expires: 12-8-2005

NORTH CAROLINA
ROBBSON COUNTY

I, Tara Shealy, a Notary Public do hereby certify that BARBARA JEAN SMITH, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and seal, this the 22nd day of April, 2004.

Tara Shealy
NOTARY PUBLIC



My Commission Expires November 22, 2006

12/8/05

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0012

BK6510PG012

NORTH CAROLINA

ROBESON COUNTY

I, Margaret B Wright, a Notary Public do hereby certify that MAE S. PARSONS And husband BOYD PARSONS, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and seal, this the 29 day of APRIL, 2004.



Margaret B Wright
NOTARY PUBLIC

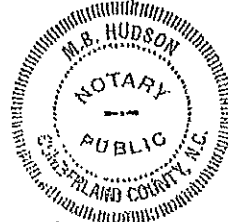
My Commission expires: 7 March 2006

NORTH CAROLINA

ROBESON COUNTY

I, M.B. Hudson, a Notary Public do hereby certify that TOMMY WOODELL, JR., and wife DEBRA WOODELL, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and seal, this the 14 day of APRIL, 2004.



M.B. Hudson
NOTARY PUBLIC

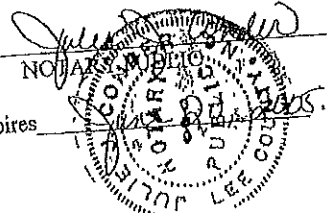
My Commission expires: 12-8-05

NORTH CAROLINA

LEE COUNTY

I, Julie J. Conder, a Notary Public do hereby certify that PAMELA HODGES and husband DERICK HODGES, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and seal, this the 4th day of March, 2004.



My Commission Expires 12-8-05

6510
0013

BK 6510 PG 013

NORTH CAROLINA

CUMBERLAND COUNTY

The foregoing Certificate(s) of M B Hudson, Tara Shealy
Margaret B Wright, Julie J Comder
 is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page
 hereof. J. LEE WARREN, JR. REGISTER OF DEEDS FOR CUMBERLAND COUNTY,
 By Retama Archolt Deputy/Assistant - Register of Deeds

REGISTER OF DEEDS
CUMBERLAND COUNTY, NORTH CAROLINA

BY: _____
ASSISTANT/DEPUTY

SCHEDULE "A"

Lying in Grays Creek Township, Cumberland County, North Carolina, and described as follows, to-wit:

LOT NUMBER ONE: Lying on the west side of the Wilmington Road: BEGINNING at a sweet gum, McLemore's corner, and runs south 6 west with the big ditch 27 chains to a stake at the fork of the ditch; thence south 82 west 9 chains to Miss Lill Hall's corner in the north edge of the branch; thence with her line north 29 chains to McLemore and Paul Nichols' corner in the south edge of the branch; thence with McLemore's and Paul Nichols' line to the beginning, containing 26½ acres, more or less.

LOT NUMBER TWO: BEGINNING at a stake in Robert McLaughlin's line and runs east in edge of a branch 6 chains and 36 links to a stake and pointers in the edge of a branch; thence north 23 chains to a stake in Paul Nichols' line; thence with Paul Nichols' line 7 chains and 60 links to Jacob Autrey's corner; Thence Autrey's line to his other corner; thence with Robert McLaughlin's line to the beginning, containing 16 acres, more or less.

LOT NUMBER THREE: Located on the west side of the Wilmington Road, adjoining the lands of the said L. M. Hall and William Smith and others; Beginning at a long straw pine on the east edge of a ditch in William Smith's line, thence with said Smith's line north 79 east 6 chains and 51 links to a stake in the Wilmington Road in the center of a branch; thence with the Wilmington Road north 24 west 18 chains to a stake; thence north 2 east 7 chains and 84 links to a stake in the west margin of the Wilmington Road, Mrs. Dorin Murphrey's corner; thence with Louise M. Hall's line to the beginning with a big ditch, containing 7 ½ acres, more or less.

LOT NUMBER FOUR: BEGINNING at a stake on the south bank of Rockfish Creek, formerly Clarissa Carver's corner, and running thence south 35 degrees east 18 chains to a stake on the north side of the road; thence with the road south 81 degrees east 9 chains 80 links to a turn in said road; thence north 83 degrees east 13 chains, with the road to a corner; thence a continuation of said road north 85 degrees east 13 chains to a stake in the road; thence north 40 degrees west 10 chains to a stake; thence north 73 degrees east 4 chains 50 links to a small pine, the corner; thence north 50 degrees east 35 chains to Rockfish Creek, about 150 yards above the bridge on the Elizabethtown Road; thence up the various courses of said creek to the BEGINNING, containing 101 acres, more or less.

LOT NUMBER FIVE: BEGINNING at Plummer's, now W. J. Evans' upper corner, on the south bank of Rockfish Creek, and running with said Evans line south 35 degrees east 18 chains 75 links to Carver's and Clark's corner; thence with Carver's line south 70 degrees west 28 chains 50 links to a corner at the canal; thence north 13 degrees west 17 chains 9 links to a corner on the north side of the Carver Spring tract; thence direct to the BEGINNING, containing 45 acres, more or less.

LOT NUMBER SIX: Being all of that property described in that Deed dated October 17, 1972 from Barbara Jean S. Davis et als to Rubell H. Smith, widow and recorded in the Cumberland County Registry in Book 2354, Page 691.

Excepting therefrom that property conveyed to Rufus S. Johnson by Deed dated December 29, 1994 and recorded in Book 4261, on Page 840, Cumberland County Public Registry.

This remaining tract being those two unnumbered lots labeled future development and located on SR 2237 (Smith Road) on that map entitled "Zero Lot Line Sandy Ridge Section I" and recorded in Map Book 89, Page 103, Cumberland County Registry.

STATE OF NORTH CAROLINA,
CUMBERLAND COUNTY. }

THIS DEED, Made this 21 day of July AD, 1952, by
Ruby Edith Melvin (single) and Annie Mae Cox, and her husband E.R. Cox,

of Bladen County and State of North Carolina, parties
of the first part, and James W. Melvin,

of Robeson County and State of North Carolina, party of the second part,

WITNESSETH, That said party of the first part, in consideration of Ten (\$10.00) Dollars and other good and valuable considerations Dollars to them paid by said party of the second part the receipt of which is hereby acknowledged, have bargained and sold and by these presents do bargain, sell and convey to said party of the second part, and his heirs and assigns, all these certain tract or parcels of land in Grays Creek Township, Cumberland County, State of North Carolina, adjoining the lands of _____ and others, bounded as follows, viz:

Lot No. 1. Lying on the West side of the Wilmington Road; Beginning at a sweet gum, McLemore's corner, and runs South 6 West with the Big Ditch 27 chains to a stake at the Fork of the ditch; thence South 32 West 9 chains to Miss Lill Hall's corner in the North edge of the Branch; thence with her line North 29 chains to McLemore and Paul Nichol's corner in the South edge of the Branch; thence with McLemore's and Paul Nichol's line to the beginning, containing 26 1/2 acres.

Lot No. 2. BEGINNING at a stake in Robert McLaughlin's line and runs East in edge of a Branch 6 chains and 36 links to a stake and pointers in the edge of a branch; thence North 23 chains to a stake in Paul Nichol's line; thence with Paul Nichol's line 7 chains and 60 links to Jacob Autry's corner; thence with Autry's line to his other corner; thence with Robert McLaughlin's line to the beginning, containing 16 acres. It is further agreed between parties of the first part and second parts that a public cart-way shall be kept open across the said McLemore's and Eliza M. Hall's land from the Elizabeth Road to Robert McLaughlin's land.

Lot No. 3. Located on the west side of the Wilmington Road, adjoining the lands of the said L.M. Hall and William Smith, and others, Beginning at a long straw pine on the east edge of a ditch in William Smith's line, thence with said Smith's line North 79 East 6 chains and 51 links to a stake in the Wilmington Road, in the center of a branch; thence with the Wilmington Road, North 24 West 18 chains to a stake; thence North 2 East 7 chains and 84 links to a stake in the West margin of the Wilmington Road, Mrs. Dorin Murphrey's corner; thence with Louise M. Hall's line to the beginning, with a big ditch, containing 7 1/2 acres.

The foregoing described three tracts of land being the same lands and premises described in a deed dated the -- day of --- 1911, from Eliza M. Hall to James N. Melvin, et ux (James N. Melvir is now deceased, having died intestate on the 5th day of July, 1951, leaving as his heirs at law, James W. Melvin, Ruby Edith Melvin, and Annie Mae Melvin Cox and of record in Book 263, page 366, Registry of Cumberland County.

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0451 06290

THIS INSTRUMENT DRAWN BY M. D. Skew CHECKED BY L. P. Hodges

Return to: MR. L. P. HODGES, DIVISION RW AGENT
NCDOT - P.O. BOX 1150
FAYETTEVILLE, NC 28302

NORTH CAROLINA
COUNTY OF Cumberland
TAX MAP AND LOT _____

STATE HIGHWAY PROJECT 6.449003T
F.A. PROJECT N/A
I.D. NUMBER R-2562 AA
PARCEL NUMBER 021

RL4802P60451

THIS FEE SIMPLE DEED, made and entered into this the 8th day of January 19 XX 98 by and between Rebelle S. Harris, widow

hereinafter referred to as the GRANTORS, and the Department of Transportation, an agency of the State of North Carolina, hereinafter referred to as the DEPARTMENT:

WITNESSETH

That the GRANTORS, for themselves, their heirs, successors, and assigns, for and in consideration of the sum of \$ 1,775.00 R.S.H. agreed to be paid by the DEPARTMENT to the GRANTORS, do hereby give, grant and convey unto the DEPARTMENT, its successors and assigns, in FEE SIMPLE the right of way located in Grays Creek Township, Cumberland County, North Carolina, which is particularly described as follows:

Beginning at the intersection of survey line L with the extended southeastern property line of Grantors; thence southwesterly along and with the extended southeastern property line and the southeastern property line of Grantors to a point located 35 meters (114.83 feet) westerly of and normal to survey line L Rev; thence northerly in a straight line to a point on the northeastern property line of Grantors located 35 meters (114.83 feet) westerly of and normal to survey line L Rev; thence southeasterly along and with the northeastern property line and the extended northeastern property line of Grantors to the intersection with survey line L; thence southerly along and with survey line L to the point of beginning.

RECEIVED
2-9-1998 PM 2:35
GEORGE E. TATUM
REGISTER OF DEEDS
CUMBERLAND CO., N.C.

TO HAVE AND TO HOLD the aforesaid right of way and all privileges and appurtenances thereunto belonging to the DEPARTMENT in FEE SIMPLE.

The property hereinabove described was acquired by the GRANTORS by instrument(s) recorded in the Cumberland County Registry in Deed Book 625, Page 209

The final right of way plans showing the above described right of way are to be certified and recorded in the Office of the Register of Deeds for said County pursuant to N.C.G.S. 136-19.4, reference to which plans is hereby made for purposes of further description.

This deed is subject to the following provisions only:

None

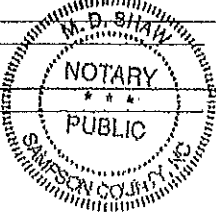
CUMBERLAND COUNTY NC 02/09/98
\$4.00
STATE OF NORTH CAROLINA Real Estate Excise Tax

The GRANTORS by the execution of this Instrument, acknowledge that the plans for the aforesaid project as they affect their property have been fully explained to them or their authorized representative.

And the GRANTORS covenant with the DEPARTMENT, that the GRANTORS are seized of the premises in fee simple, have the right to convey the same in fee simple, that the title thereto is marketable and free and clear of all encumbrances, and that the GRANTORS will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated. Title to the property hereinabove described is hereby conveyed subject to the following exceptions: NONE

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 officers and its seal to be hereunto affixed by authority of its Board of Directors) the day and year first above written.

(Corporate Name) Rubell S. Harris (SEAL)
Rubell S. Harris (SEAL)
BY: _____ (President) _____ (SEAL)
ATTEST: _____ (Secretary) _____ (SEAL)



ACCEPTED FOR THE DEPARTMENT OF TRANSPORTATION
BY: [Signature] FEB 4 1998

NORTH CAROLINA, Cumberland COUNTY

I, a Notary Public of the County and State aforesaid, certify that Rubell S. Harris, widow

GRANTORS personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official stamp or seal, this the 8 day of January, 19 98

My Commission expires: 4-24-2000
M. D. Shaw
Notary Public

NORTH CAROLINA, _____ COUNTY

I, a Notary Public of the County and State aforesaid certify that _____

personally came before me this day and acknowledged that _____ he is _____ Secretary of _____
a North Carolina corporation, and that by authority duly given
and as the act of the corporation, the foregoing instrument was signed in its name by its _____ President, sealed
with its corporate seal and attested by _____ as its _____ Secretary. Witness my
hand and official stamp or seal, this the _____ day of _____, 19 _____.

My Commission expires: _____
Notary Public

The foregoing Certificate(s) of M. D. Shaw

is/are certified to be correct. This instrument and this certificate are duly registered on the date and time and in the Book and Page shown on the first page hereof.

By George E. Tatnm REGISTER OF DEEDS FOR CUMBERLAND COUNTY,
Robin M. Jones Deputy / Assistant - Register of Deeds



MEMORANDUM			
Project:	Woodell Tract Rezoning	Date:	June 3, 2021
Applicant:	McKee Homes, Inc	Subject:	Letter on Code Compliance
Contact Information:	Andrew Petty / andy@curryeng.com / 919.552.0849	To:	Telly Shinas, MCRP
		CC:	David Moon, AICP

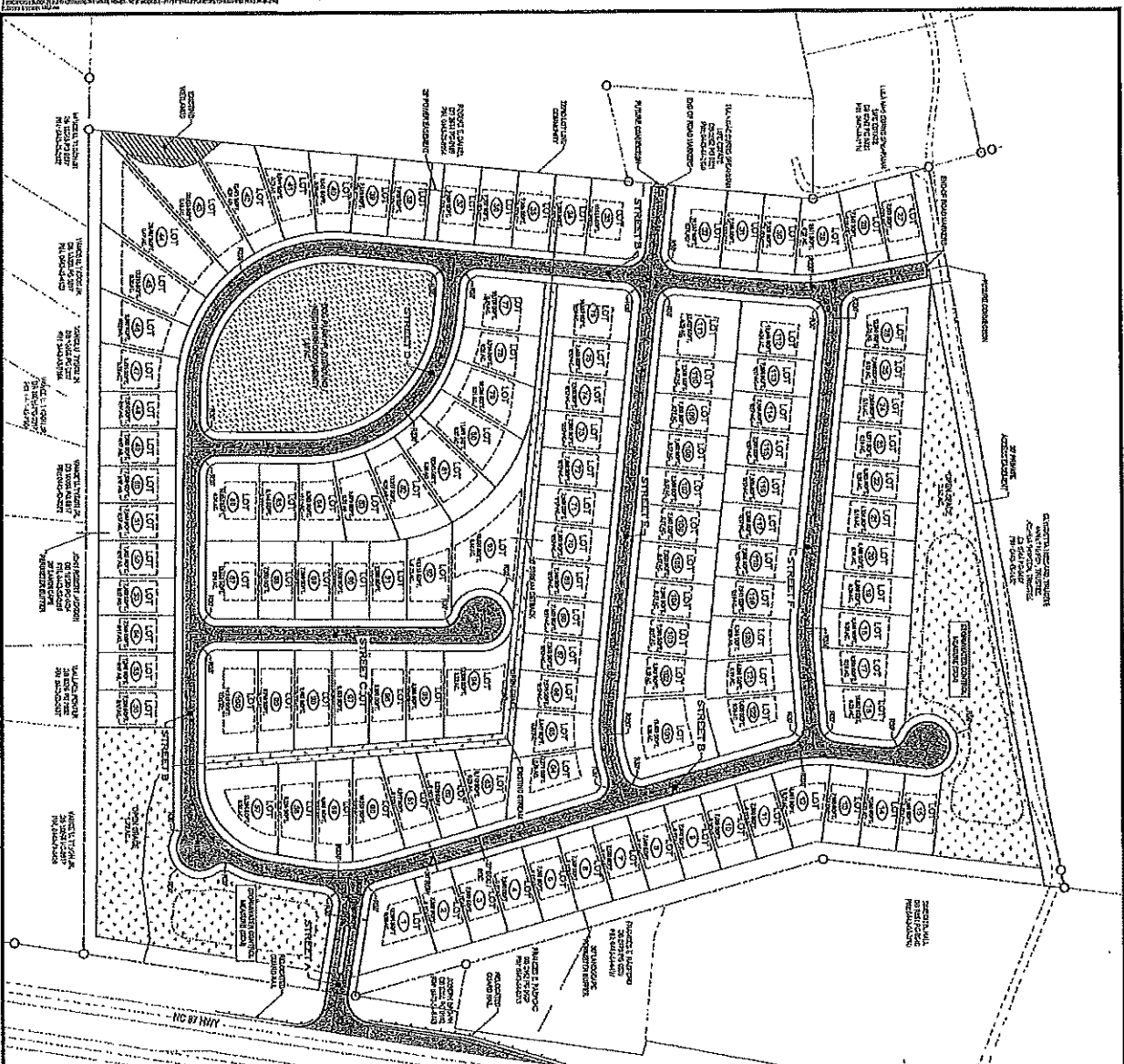
To the best of our knowledge after review of the Cumberland County Zoning and Subdivision codes, we believe the conditional rezoning application with subsequent subdivision plan submitted on May 11, 2021 on behalf of McKee Homes, Inc. for the property with PIN 0443-44-9314 is compliant with these applicable codes without deviation.

Additionally, it is our understanding based on information provided by the Fayetteville Public Works Commission (PWC) that this property can be served by both potable water and sanitary sewer via a sixteen (16) inch water main and an eighteen (18) inch sanitary sewer main along Highway 87. PWC has provided both GIS information and as-built information illustrating that these lines are there and available for connection.

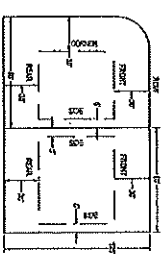
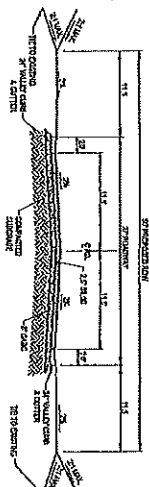
Should there be any additional materials needed for the review and approval of this variance, please let our office know.

Sincerely,
The Curry Engineering Group, PLLC

Andrew S Petty, PE
Vice President / Senior Engineer



Lot #	Area (sq ft)	Notes
1	1,200	...
2	1,200	...
3	1,200	...
4	1,200	...
5	1,200	...
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99	1,200	...
100	1,200	...



SITE INFORMATION

1. PROJECT NAME: NC 87 MCKEE HOMES - FAYETTEVILLE, NC

2. CLIENT: CURRY ENGINEERING

3. DATE: 2011.09.17

4. SCALE: AS SHOWN

5. SHEET NO: P21-33

6. TOTAL SHEETS: 33

7. PROJECT LOCATION: 87 MCKEE DRIVE, FAYETTEVILLE, NC 28404

8. PROJECT DESCRIPTION: RESIDENTIAL DEVELOPMENT

9. DESIGNER: CURRY ENGINEERING, 1000 W. 10TH STREET, FAYETTEVILLE, NC 28404

10. ARCHITECT: CURRY ENGINEERING, 1000 W. 10TH STREET, FAYETTEVILLE, NC 28404

11. ENGINEER: CURRY ENGINEERING, 1000 W. 10TH STREET, FAYETTEVILLE, NC 28404

12. CONTRACTOR: [BLANK]

13. PERMIT NO: [BLANK]

14. EXPIRES: [BLANK]

15. DESIGNER'S SIGNATURE: [BLANK]

16. ARCHITECT'S SIGNATURE: [BLANK]

17. ENGINEER'S SIGNATURE: [BLANK]

18. CONTRACTOR'S SIGNATURE: [BLANK]

19. DATE OF ISSUE: 2011.09.17

20. DATE OF REVISION: [BLANK]

- ### GENERAL NOTES
1. THE DESIGNER HAS CONDUCTED VISUAL SURVEYS AND HAS OBSERVED THE SITE AND HAS FOUND NO OBVIOUS OBSTACLES TO THE PROPOSED DEVELOPMENT.
 2. ALL UTILITIES SHOWN ON THIS PLAN ARE BASED ON RECORD DRAWINGS AND FIELD SURVEY. THE DESIGNER HAS CONDUCTED VISUAL SURVEYS AND HAS OBSERVED THE SITE AND HAS FOUND NO OBVIOUS OBSTACLES TO THE PROPOSED DEVELOPMENT.
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 19. THE DESIGNER HAS CONDUCTED VISUAL SURVEYS AND HAS OBSERVED THE SITE AND HAS FOUND NO OBVIOUS OBSTACLES TO THE PROPOSED DEVELOPMENT.
 20. THE DESIGNER HAS CONDUCTED VISUAL SURVEYS AND HAS OBSERVED THE SITE AND HAS FOUND NO OBVIOUS OBSTACLES TO THE PROPOSED DEVELOPMENT.

P21-33





CUMBERLAND COUNTY

NORTH CAROLINA

PLANNING & INSPECTIONS

PLANNING STAFF REPORT
REZONING CASE # P21-39
Planning Board Meeting: July 20, 2021

Location: I-95/McCollum Ln
Jurisdiction: Town of Wade

REQUEST **Rezoning Initial to C(P)**

The Town of Wade requests a rezoning of a portion of one parcel, approximately 1.17 acres located west of I-95 and northeast of McCollum Lane from Initial zoning to C(P) Planned Commercial. This request was initiated after the subject property was annexed into the town limits of Wade. This request involves a conventional rezoning, and no conditions are proposed at this time. Location of the subject property is illustrated in Exhibit "A".

PROPERTY INFORMATION

OWNER/APPLICANT:
Shiva Real Estate (owner)/ Town of Wade (applicant)

ADDRESS/LOCATION: West of I-95 and northeast of McCollum Lane. Refer to Exhibit "A", Site Location.

SIZE: 1.17 +/- acres within one parcel. The property has approximately 327 +/- feet of street frontage along west side of I-95. The property has a depth extending about 135 feet. REID number: 0592225130000.

EXISTING ZONING: Prior to annexation, the property was zoned A1 Agricultural District. This district is intended to promote and protect agricultural lands, including woodland, within the County. The general intent of the district is to permit all agricultural uses to exist free from most private urban development except for large lot, single-family development. Some public and/or semi-public uses as well as a limited list of convenient commercial uses are permitted to ensure essential services for the residents.

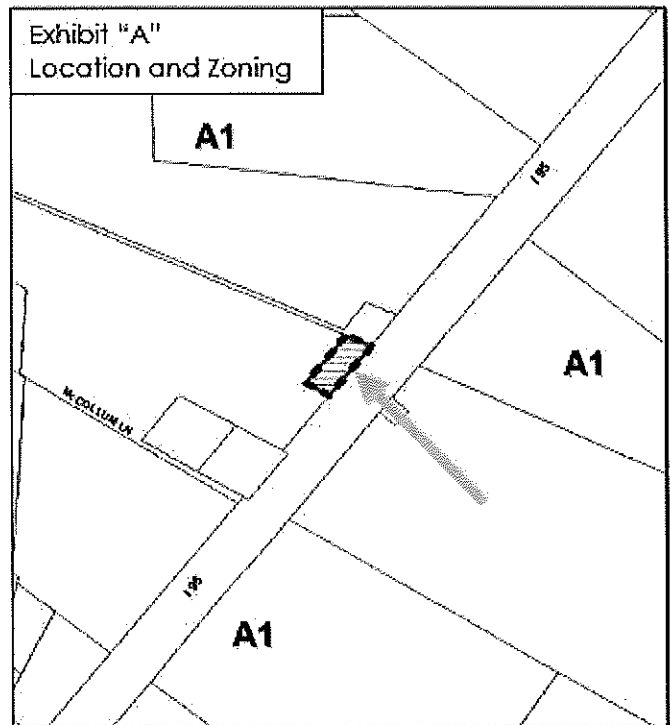
EXISTING LAND USE: The parcel is vacant with exception of an existing billboard. Exhibit "B" shows the existing use of the subject property.

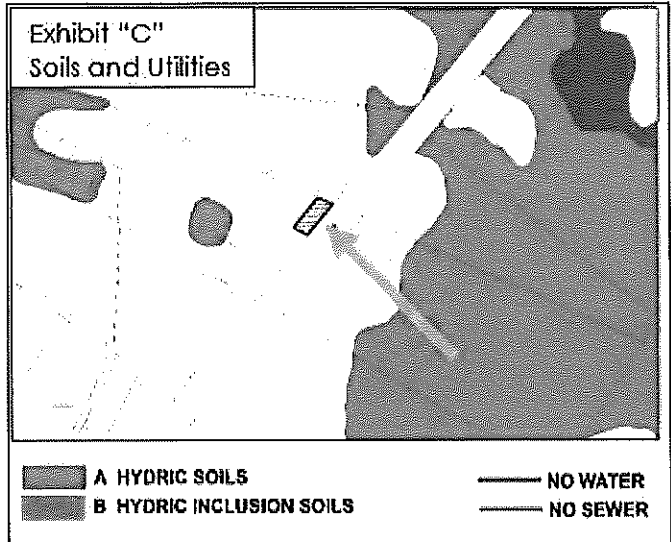
SURROUNDING LAND USE: Exhibit "B" illustrates the following:

- North: Vacant and wooded.
- East: I-95 ROW
- West: Multiple single-family residences.
- South: Multiple residences.

OTHER SITE CHARACTERISTICS: The site is not located in a Watershed or a Special Flood Hazard Area. The subject property, as delineated in Exhibit "C", illustrates no presence of hydric or hydric inclusion soils.

DEVELOPMENT REVIEW: Subdivision review will be required prior to any division of land.





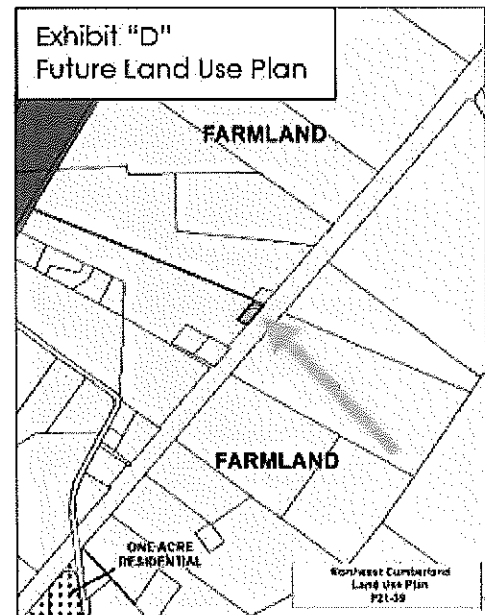
DIMENSIONAL PROVISIONS FOR REQUESTED DISTRICT:

Minimum Standard	A1 (Prior Zoning)	C(P) (Proposed)
Front Yard Setback	50 feet	50 feet (from ROW) 80 feet (from CL)
Side Yard Setback	20 feet (one story) 25 feet (two story)	30 feet
Rear Yard Setback	50 feet	30 feet
Lot Area	2 acres (87,120 sq. ft.)	N/A
Lot Width	100'	N/A

COMPREHENSIVE PLANS: Located in the Vision Northeast Plan (adopted in 2010), the subject property is designated as Farmland, (used for farming and forestry purposes), as shown within Exhibit "D". The Farmland designation, in the Northeast Cumberland Land Use Plan, calls for associated zoning districts of A1 and A1A. **Request is not consistent with the adopted land use plan.**

APPLICABLE PLAN GOALS/POLICIES:

- Protect classified Prime, State and Locally Important farmland soils.
- Implement and promote the Cumberland County Voluntary Agricultural Program.
- Protect farmland and farming operations from urban encroachment. Local governments should consult with the Cumberland County Farm Advisory Board on all planning related matters affecting farmland.
- Protect agri-businesses that are vital to farming operations in the region.
- Promote efforts that protect rural family homesteads.
- Provide incentives that encourage farming and farmland protection.



IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES

UTILITIES: No utilities for water and sewer are shown on Exhibit "C". The site would have to be served by septic and well.

TRAFFIC: Mid-Carolina RPO did not have any comments or concerns regarding the impact on transportation infrastructure resulting from this request.

SCHOOLS CAPACITY/ENROLLMENT:

The proposed zoning request of C(P) will not generate additional impacts on student enrollment.

School	Capacity	Enrollment
District 7 Elem	300	225
Mac Williams High	1270	1076
Cape Fear High	1425	1400

ECONOMIC DEVELOPMENT: Fayetteville Cumberland County Economic Development Corporation has reviewed the request and had no comment at this time.

EMERGENCY SERVICES: Cumberland County Fire Marshal's office has reviewed the request and stated ensure that all fire department access roads requirements are met in accordance with section 503 of the NC 2018 Fire Code where required.

SPECIAL DISTRICTS: The property is not located within the Fayetteville Regional Airport Overlay District or within five miles of Fort Bragg Military Base.

CONDITIONS OF APPROVAL: N/A

CODE DEVIATIONS: N/A

STAFF RECOMMENDATION

In Case P21-39, the Planning and Inspections staff **recommends denial** of the rezoning request from Initial zoning to C(P) Planned Commercial District and find the request is not consistent with the Vision Northeast Plan (2010) which calls for Farmland at this location. Staff further recommends this request is not reasonable or in the public interest because:

1. The C(P) Planned Commercial District would not be compatible or in harmony with the surrounding uses or zoning.
2. The inadequate access to a paved public roadway from the subject site.
3. Lack of available utilities to the site.

Attachments:
Notification Mailing List
Zoning Application

ATTACHMENT – NOTIFICATION MAILING LIST

COOPER, MARIAN J LIFE ESTATE
6124 ALLIE COOPER RD
GODWIN, NC 28344

FOUNDATION FOR FEEDING
HUNGRY CHILDREN
5953 MCCOLLUM LN
GODWIN, NC 28344

NORTH CAROLINA DIVISION SONS OF
CONFEDERATE VETERANS
805 COOL SPRINGS RD
SANFORD, NC 27330

●
SHIVA REAL ESTATE LLC
6569 WADE STEDMAN RD
WADE, NC 28395

BELL, MARIE W
6263 PERCY STRICKLAND RD
GODWIN, NC 28344

WILLIAMS, ROBERT KEVIN;&
TAMMY P
5980 GORDON WILLIAMS RD
GODWIN, NC 28344

ZONING APPLICATION

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

I (We), the undersigned, hereby submit this application, and petition the Wade Board of Commissioners to amend and to change the zoning map of the Town of Wade as provided for under the provisions of the Wade Zoning Ordinance. In support of this petition, the following facts are submitted:

1. Requested Rezoning from Initial to C(P)
2. Address of Property to be Rezoned: _____
3. Location of Property: West of I-95 and northeast of McCollum
4. Parcel Identification Number (PIN #) of subject property: 0592225130
(also known as Tax ID Number or Property Tax ID)
5. Acreage: 1.17 Frontage: 327 Depth: 135
6. Water Provider: N/A
7. Sewer Provider: N/A
8. Deed Book 10113, Page(s) 0561, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
9. Existing use of property: Billboard
10. Proposed use(s) of the property: Billboard
11. Do you own any property adjacent to or across the street from the subject property?
Yes _____ No If yes, where? _____
12. Has a violation been issued on this property? Yes _____ No

The Planning and Inspections Staff is available for advice on completing this application; however, they are not available for completion of the application.

The undersigned hereby acknowledge that the County Planning & Inspections Staff has conferred with the petitioner or assigns, and the application as submitted is accurate and correct.

Shiva Real Estate LLC

Name of Owner(s) (Print or Type)

6569 Wade Stedman Rd, Wade, NC 28395

Address of Owner(s)

910-644-5155

Home Telephone #

Work Telephone #

RAJ BANSAL 227 @ GMAIL.COM

E-Mail

Town of Wade

Name of Agent, Attorney, Applicant (Print or Type)

PO Box 127 Wade NC 28395

Address of Agent, Attorney, Applicant

townofwade@nc.tn.com

E-Mail

910-485-3502

Home Telephone #

Work Telephone #

Signature of Owner(s)

Joseph Divo
Signature of Agent, Attorney or Applicant

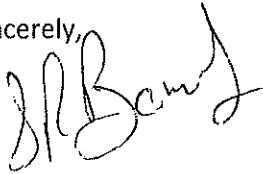
Signature of Owner(s)

The contents of this application, upon submission, become "public record."

To Cumberland County Staff and Officials,

I, Shivraj Bansal, representative of Shiva Real Estate LLC, consent to the requested zone change of 1.17 acres of property located west of I-95 and northeast McCollum Lane from initial to C(P), Planned Commercial District on behalf of the Town of Wade, NC.

Sincerely,

A handwritten signature in black ink, appearing to read "Shivraj Bansal". The signature is written in a cursive style with a large, stylized initial "S".

Shivraj Bansal

FILED ELECTRONICALLY
CUMBERLAND COUNTY NC
J. LEE WARREN, JR.

FILED	Jun 19, 2017
AT	01:12:10 PM
BOOK	10113
START PAGE	0561
END PAGE	0564
INSTRUMENT #	19125
RECORDING	\$26.00
EXCISE TAX	\$0.00

GENERAL WARRANTY DEED

REVENUE: No Revenue

PARCEL ID: **0592-22-5130**

PREPARED BY AND RETURN TO:
Hutchens Law Firm
PO Box 2505, Fayetteville, NC 28302
File No. 1206427

This instrument prepared by: Chris Salyer, licensed North Carolina attorney. Delinquent taxes, if any, to be paid by the closing attorney to the county tax collector upon disbursement of closing proceeds.

Brief Legal Description: Lot I Foundation For Feeding Hungry Children Recombination

NORTH CAROLINA

COUNTY OF CUMBERLAND

THIS DEED made this 24th day of April, 2017, by and between

Shivraj Kumar Bansal and wife, Ketki Hari Bansal, whose address is
6569 Wade Stedman Road, Wade, NC 28395,
hereinafter called Grantor,

and

Shiva Real Estate, LLC, whose address is
6569 Wade Stedman Rd., Wade, NC 28395
hereinafter called Grantee;

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 a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in or near the City of , **Cumberland** County, North Carolina and more particularly described as follows:

See Exhibit "A" attached hereto and incorporated herein.

The property hereinabove described was acquired by Grantor by instrument recorded in **Book 10050, Page 0303, Cumberland** County Registry, North Carolina.

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 is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated.

Title to the property hereinabove described is subject to the following exceptions: Restrictive covenants, easements and rights of way as may appear of record in the aforesaid registry as well as current year ad valorem taxes.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or :
corporate, has caused this instrument to be signed in the corporate name by its duly authorize
officers and its seal to be hereunto affixed by authority of its Board of Directors.

The property being conveyed herein ___ is X is not the principal residence of th
Grantors.

Shivraj Kumar Bansal (SEAL)
Shivraj Kumar Bansal

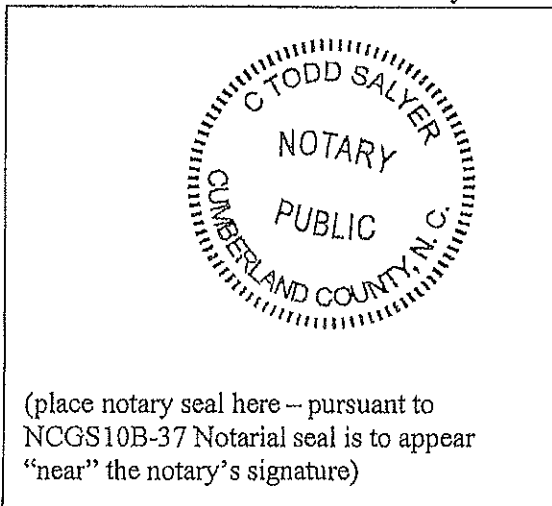
Ketki Hari Bansal (SEAL)
Ketki Hari Bansal

STATE OF NORTH CAROLINA
CUMBERLAND COUNTY

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

Shivraj Kumar Bansal and wife, Ketki Hari Bansal

This the 24 day of April, 2017.



C Todd Salyer
Notary
My Commission expires: 9/25/17

EXHIBIT A

That certain 1.00 acre parcel of land labeled as Parcel "I" as shown on that map and survey entitled, "**Recombination Survey For: Foundation For Feeding Hungry Children, Inc.**" prepared by Joyner Piedmont Surveying, Dunn, North Carolina dated March 11, 2016 and revised March 21, 2016 and April 12, 2016 and recorded in Map Book 137, Page 110, Cumberland County Registry which map is incorporated herein and to which reference is hereby made for a more full and complete description of said parcel of land by metes and bounds.

Easement Granted:

There is hereby granted with this parcel of land a non-exclusive easement for ingress and egress from U.S. Highway 301 to the property conveyed herein as follows:

Commencing at the intersection of the eastern right of way of US Hwy 301 (100' R/W) and the Northern right of way of McCollum Lane (60'R/W) and running with said northern right of way South 60 degrees 37 minutes 46 seconds East 1416.14 feet to the POINT OF BEGINNING; thence North 07 degrees 30 minutes 27 seconds East 362.30 feet to a found rebar; thence South 64 degrees 02 minutes 00 seconds East 1726.45 feet to set rebar, being the Northwest corner of 0.915 acre lot set forth as Lot "K" on that map recorded in Book 137, Page 110 and incorporated herein by reference; thence with said Western line of 0.915 acre lot South 44 degrees 20 minutes 00 seconds West 1700.44 feet to a point; thence South 07 degrees 30 minutes 37 seconds West 332.70 feet to a point located in the Northern right of way of McCollum Lane; thence with said right of way South 60 degrees 37 minutes 46 seconds West 32.32 feet to the point of beginning and continuing with McCollum Lane to its intersection with US Hwy 301.

Said Ingress-Egress easement is as set forth on map recorded in Book 137, Page 110 as "Proposed 30' Ingress-Egress Easement as described previously in Deed Book 9216, Page 286 and Deed Book 3895, Page 436, Cumberland County Registry.

Said map referred to herein (Map Book 137, Page 110, Cumberland County Registry) combines the property conveyed by this deed set forth as Parcel "K" and being 0.915 acres more or less with the adjacent property set forth as Parcel "J" and being 0.085 acres, more or less, which is set forth as Tract Seven (Parcel # 0592-22-5130) in that prior deed to Grantors herein recorded in Book 8461, Page 841, Cumberland County Registry. The recombination of Parcel "J" and Parcel "K" is shown as Parcel "I" and being 1.00 acres more or less as set forth on Map Book 137, Page 110 of the Cumberland County Registry. For deed reference see Deed Book 8461, Page 841, and Deed Book 9849, Page 187, Cumberland County Registry, said deeds being incorporated herein.





CUMBERLAND COUNTY

NORTH CAROLINA

PLANNING & INSPECTIONS

PLANNING STAFF REPORT
REZONING CASE # P21-42
Planning Board Meeting: July 20, 2021

Location: 3708 South Main St
Jurisdiction: Hope Mills

REQUEST **Rezoning C3 to R7.5**

Applicant requests a rezoning of approximately .31 acres located at 3708 South Main Street from C3 Commercial District to R7.5 Residential District. This request would assign a zoning district which would conform to the existing residential use of the property. This is a conventional rezoning, and no conditions are proposed at this time. Location of the subject property is illustrated in Exhibit "A".

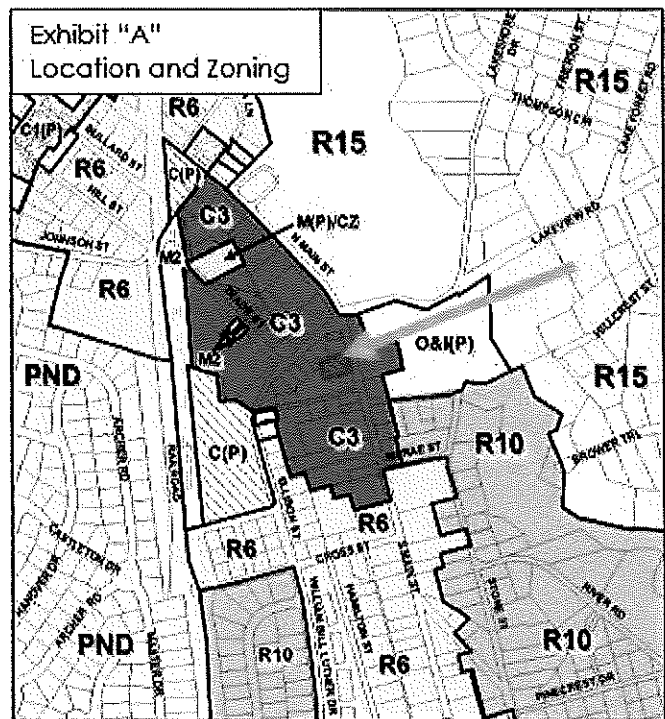
PROPERTY INFORMATION

OWNER/APPLICANT:
Sharon Reeves (owner).

ADDRESS/LOCATION: 3708 South Main Street. Refer to Exhibit "A", Site Location. REID number: 0414641545000.

SIZE: 0.31 +/- acres within one parcel. The property has approximately 100.52 +/- feet of street frontage along west side of South Main Street. The property has a depth of about 141 feet.

EXISTING ZONING: The property is zoned C3 Heavy Commercial District, which follows the C(P) Planned Commercial District. The intent of the C(P) district is to assure the grouping of buildings on a parcel of land to constitute a harmonious, efficient and convenient retail shopping area. To promote the essential design features within this district, site plan approval is required. Any site plan design layout shall assure traffic safety and the harmonious and beneficial relations between the commercial area and contiguous land.



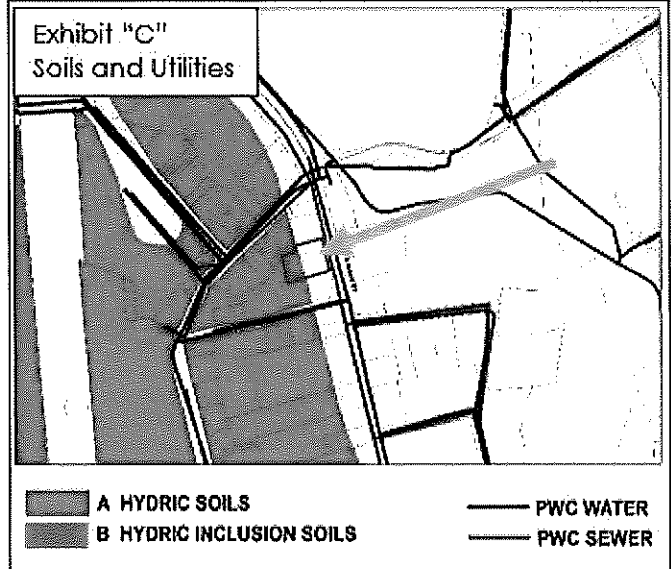
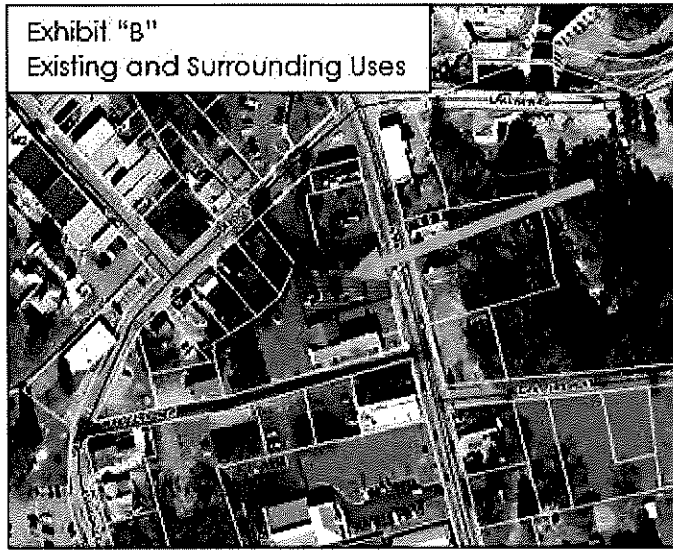
EXISTING LAND USE: The parcel is used as a single-family residence. Exhibit "B" shows the existing use of the subject property.

SURROUNDING LAND USE: Exhibit "B" illustrates the following:

- North: Commercial Use
- East: Across S. Main St. are a professional office and a church. Further east is a subdivision zoned R10 and R15 Residential District.
- West: Commercial uses.
- South: A single-family residence and a church are abutting the property. Residential development in districts zoned R6 and R10 are within 500 feet to the south.

OTHER SITE CHARACTERISTICS: The site is not located in a Watershed or a Special Flood Hazard Area. The subject property, as delineated in Exhibit "C" illustrates the presence of hydric but not hydric inclusion soils.

DEVELOPMENT REVIEW: Existing building is legal non-conforming and will not meet the R7.5 side yard setback on the southern property line. This is not a concern from a development perspective as the structure is even more non-conforming with the current zoning district.



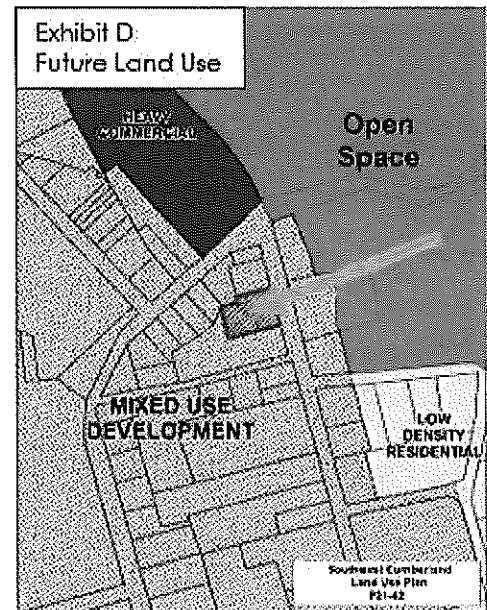
DIMENSIONAL PROVISIONS FOR REQUESTED DISTRICT:

Minimum Standard	C3 (Existing Zoning)	R7.5 (Proposed)
Front Yard Setback	50 feet (ROW) 80 feet (Centerline)	30 feet
Side Yard Setback	30 feet	10 feet (1 story) and 15 feet (2 story)
Rear Yard Setback	30 feet	35 feet
Lot Area	N/A	7,500 sq. ft.
Lot Width	N/A	75'

COMPREHENSIVE PLANS: Located in Southwest Cumberland Detailed Land Use Plan (Adopted 2013), the subject property is designated as Mixed-Use Development, (combining of retail/commercial and/or service uses with residential or office use in the same building or on the same site), as shown within Exhibit "D". The Mixed-Use designation, in the Southwest Cumberland Detailed Land Use Plan, calls for associated zoning district of R5 (High Density Residential). **Request is not consistent with adopted land use plan.** A request for higher residential density would be more aligned with the definition of Mixed-Use Development referenced in the adopted land use plan.

APPLICABLE PLAN GOALS/POLICIES:

- Concentrate high intensity retail, high density residential, office and institutional, vertical mixed uses, social, recreational, cultural facilities and commercial land uses near the Downtown Area.



IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES

UTILITIES: PWC water and sewer utilities are available along the road frontage of South Main Street. It is the applicant's responsibility to determine if these utilities can adequately serve the property. Utilities for water and sewer are shown on Exhibit "C".

TRAFFIC: The subject property sits on South Main Street and is identified as a thoroughfare needing improvement in the Metropolitan Transportation Plan. According to Fayetteville MPO, there are no construction projects planned, and the subject property will have no impact on the Transportation Improvement Plan.

SCHOOLS CAPACITY/ENROLLMENT:

School	Capacity	Enrollment
Eastover Center Elem	540	334
Mac Williams Mid	1270	1076
Cape Fear High	1425	1400

ECONOMIC DEVELOPMENT: Fayetteville Cumberland County Economic Development Corporation has reviewed the request and had no comment at this time.

EMERGENCY SERVICES: Staff had reached out to Hope Mills Fire Marshall but has received no comment.

SPECIAL DISTRICTS: The property is not located within the Fayetteville Regional Airport Overlay District or within five miles of Fort Bragg Military Base.

CONDITIONS OF APPROVAL: N/A

CODE DEVIATIONS: N/A

STAFF RECOMMENDATION

In Case P21-42, the Planning and Inspections staff **recommends denial** of the rezoning request from C3 Commercial District to R7.5 Residential District and find the request is not consistent with the Southwest Cumberland Detailed Land Use Plan (2013) which calls for Mixed-Use Development at this location. Staff further finds that recommending denying the request is reasonable and in the public interest due to the R7.5 Residential District would not be compatible or in harmony with the existing commercial uses or zoning in the surrounding area.

Attachments:
Notification Mailing List
Zoning Application

ATTACHMENT – NOTIFICATION MAILING LIST

COVE DEVELOPMENT INC
222 FRANKLIN ST
FAYETTEVILL, NC 28301

HOPE MILLS PRESBYTERIAN
CHURCH INC
PO BOX 298
HOPE MILLS, NC 28348

JOHNSON, GLENN B
4454 CAMERON RD
HOPE MILLS, NC 28348

RAYNOR PROPERTIES OF
HOPE MILLS LLC
3701 S MAIN ST
HOPE MILLS, NC 28348

●
REEVES, SHARON F
3708 S MAIN ST
HOPE MILLS, NC 28348

TOWN OF HOPE MILLS
5554 TRADE ST
HOPE MILLS, NC 28348

TOWN OF HOPE MILLS
5770 ROCKFISH RD
HOPE MILLS, NC 28348

ALLIANCE ESTATE, LLC
2831 ROSEHILL RD
FAYETTEVILLE, NC 28301

ALMS HOUSE INC
PO BOX 65
HOPE MILLS, NC 28348

ANDERSON, ROBERT C;& MARY JO
511 ARGYLL RD
FAYETTEVILLE, NC 28303

AUTRY, JOEL E;& LOUISE M
3800 S MAIN ST
HOPE MILLS, NC 28348

BRANCH BANKING & TRUST CO
PROPERTY TAX COMPLIANCE
PO BOX 167
WINSTON-SALEM, NC 27102

CE PROPERTIES, LLC;BEARSKIN
HOLDINGS, LLC
PO BOX 715
HOPE MILLS, NC 28348

COMMUNICATIONS,
WORKERS OF AMERICA
5511 W PATTERSON ST
HOPE MILLS, NC 28348

DAMAC PROPERTIES LLC
470 TREEBARK LN
CAMERON, NC 28326

DAVIS, WILLIAM R;& PATRICIA J
P O BOX 566
HOPE MILLS, NC 28348

DEES, BILLY E
5555 TRADE ST
HOPE MILLS, NC 28348

FIRST CITIZENS BK & TRUST CO
PO BOX 27131
RALEIGH, NC 27611

GARDNER, CHARLES T;& JANET K
PO BOX 64076
FAYETTEVILLE, NC 28306

GODWIN, JANICE FORBES
108 PINECREST DR
FAYETTEVILLE, NC 28305

GRACE PLACE CHRISTIAN CHURCH INC
3784 S MAIN ST
HOPE MILLS, NC 28348

GRAM, JEFFREY B
222 FRANKLIN ST
FAYETTEVILLE, NC 28301

HALL, JIMMY;& EMMA JEAN
5529 TRADE ST
HOPE MILLS, NC 28348

HALL, MCKINLEY F JR
125 SANDRA CT
ANGIER, NC 27501

HAYNE HENS FARM INC
PO BOX 715
HOPE MILLS, NC 28348

HOPE HOUSE OF HOPE MILLS INC
3100 HERON LAKE CT
FAYETTEVILLE, NC 28306

HOPE MILLS CONSTRUCTORS INC
5555 TRADE ST
HOPE MILLS, NC 28348

INDOOR WAREHOUSE STORAGE
LLC;BEARSKIN HOLDINGS, LLC
PO BOX 715
HOPE MILLS, NC 28348

JOHNSON, PEGGY J
PO BOX 198
ERWIN, NC 28339

KOVASCKITZ, MARLENE E
3811 S MAIN ST
HOPE MILLS, NC 28348

LOWRY, ROBERT A JR;& DANIELLE M
PO BOX 293
HOPE MILLS, NC 28348

MCLEAN, HELEN F
3647 LAKESHORE DR
HOPE MILLS, NC 28348

MILL LAKE LLC
5016 WYNNFORD WAY
RALEIGH, NC 27614

NC PROPERTY NETWORK
PO BOX 1713
FUQUAY VARINA, NC 27526

OKONS, JUSTIN OBIE
3758 S MAIN ST
HOPE MILLS, NC 28348

PORTER, KENNETH W;& EVELYN
PO BOX 884
HOPE MILLS, NC 28348

RICHARDSON &
SONS INVESTMENTS
922 CASTLE HAYNE DR
FAYETTEVILLE, NC 28303

RRH PROPERTIES LLC
3736 S MAIN ST
HOPE MILLS, NC 28348

SARBAUGH, TED M
3709 STONE ST
HOPE MILLS, NC 28348

SMBS PROPERTIES LLC
3360 DOC BENNETT RD
FAYETTEVILLE, NC 28306

STEELE, LOWELL MASON;STEELE,
CARLA P WELSH
3626 LAKE FOREST RD
HOPE MILLS, NC 28348

VENDITTI, AUGUSTINE;& ROXIE R
106 OAKRIDGE DRIVE
HAVELOCK, NC 28532

WARNER, EDWARD ALEXANDER JR;&
JACQUELYN SMITH
3778 S MAIN ST
HOPE MILLS, NC 28348

ALLEYNE, SYBIL L HEIRS
2405 ROBESON ST
FAYETTEVILLE, NC 28305

APPLICATION



Town of Hope Mills
County Planning Department

CASE NO.:	<u>P21-42</u>
ZONING BOARD MEETING DATE:	<u>07/20/21</u>
DATE APPLICATION SUBMITTED:	<u>06/11/2021</u>
RECEIPT NO.:	<u>77862</u>
RECEIVED BY:	_____

**APPLICATION FOR
REZONING
HOPE MILLS ZONING ORDINANCE**

The following items are to be submitted with this completed application:

1. A copy of the *recorded* deed and/or plat;
2. If portion(s) of an existing tract is/are being submitted for rezoning, an accurate written legal description of only the area to be considered for the rezoning; and
3. A check made payable to "Cumberland County" in the amount of \$ _____.
(See attached Fee Schedule).

Rezoning Procedure:

1. Complete application submitted by the applicant.
2. Notification to surrounding property owners.
3. Zoning Board hearing.
4. Re-notification of interested parties and adjacent property owners; public hearing advertisement in the newspaper.
5. Hope Mills Commissioners' public hearing (approximately two to four weeks after Planning Board public hearing)
6. If approved by the Hope Mills Commissioners, rezoning becomes effective immediately.

The County Planning Staff may advise on zoning options, inform applicants of development requirements and answer questions regarding the application and rezoning process. For questions, call (910)678-7603 or (910)678-7609. Hours of operation are 8:00 a.m. to 5:00 p.m., Monday through Friday.

NOTE: Any revisions, inaccuracies or errors to/on the application may cause the case to be delayed and re-scheduled for the next available Board meeting according to the Board's meeting schedule. Also, the application fee is nonrefundable once processing of the application has begun.

TO THE ZONING BOARD AND THE TOWN OF HOPE MILLS BOARD OF COMMISSIONERS, HOPE MILLS, NORTH CAROLINA:

I (We), the undersigned, hereby submit this application, and petition the Hope Mills Board of Commissioners to amend and to change the zoning map of the Town of Hope Mills as provided for under the provisions of the Hope Mills Zoning Ordinance. In support of this petition, the following facts are submitted:

1. Requested Rezoning from ~~R-1-3~~ to R-7.5

If the area is a portion of an existing parcel, a written metes and bounds description of only that portion to be considered for rezoning, including the exact acreage must accompany this application along with a copy of the recorded deed and/or plat. If more than one zoning classification is requested, a correct metes and bounds legal description, including acreage, for each bounded area must be submitted.

2. Address/location of property to be Rezoned: 3708 South Main Street

3. Parcel Identification Number (PIN #) of property: 0414641545
(also known as Tax ID Number or Property Tax ID)

4. Acreage: 0.31 Frontage: 100.52 Depth: 141.48

5. Water Provider: Well: _____ PWC: X

6. Septage Provider: Septic Tank _____ PWC X Other (name) _____

7. Deed Book 09614, Page(s) 0059-0060 Cumberland County Register of Deeds. (Attach copy of deed of subject property as it appears in Registry).

8. Existing use(s) of property: single family dwelling

9. Proposed use(s) of the property: single family dwelling

10. Do you own any property adjacent to, including across the street from, the property being submitted for rezoning? Yes _____ No X
If yes, where? _____

11. Has a violation been issued on this property? Yes _____ No X

The County Planning Staff is available for advice on completing this application; however, they are not available for completion of the application.

The undersigned hereby acknowledge that the County Planning Staff has conferred with the petitioner or assigns, and the application as submitted is accurate and correct.

Sharon F. REEVES

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

3708 South Main Street, Hope Mills, NC 28348

Complete mailing address of property owner(s)

910-578-5258

Telephone number

N/A

Alternative telephone number

sfreeves59@gmail.com

E-mail address

N/A

Fax number

N/A

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

N/A

Complete mailing address of agent, attorney, or applicant

N/A

Telephone number

Alternative telephone number

N/A

E-mail address

Fax number

Sharon F. Reeves

Owner's signature

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

Sharon F. Reeves

Owner's signature

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

BK 09614 PG 0059

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

FILED Mar 19, 2015
AT 04:10:28 pm
BOOK 09614
START PAGE 0059
END PAGE 0060
INSTRUMENT # 08008
RECORDING \$26.00
EXCISE TAX (None)
LC

Prepared By and Return To: Attorney Steve Bunce

File #24831-08

Without Title Examination

Revenue: \$ None

Pin Number: 0414-64-1545

NORTH CAROLINA

NON-WARRANTY DEED

CUMBERLAND COUNTY

THIS DEED made and entered into this day ^{19th of March, 2015} ~~12th of November, 2008~~, by and between **James L. Reeves, also known as James L. Reeves, IV, husband of, Sharon F. Reeves,** hereinafter called "**Grantor,**" and **Sharon F. Reeves,** whose mailing address is, 3708 South Main Street, Hope Mills, NC 28348, hereinafter called "**Grantee**".

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

WITNESSETH:

The Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple all the certain tract or parcel of land situated in Rockfish Township, Cumberland County, North Carolina, and more particularly described as follows:

BEGINNING at an iron pin in the western margin of South Main Street (Highway 59) and being North 17 degrees 00 minutes West 60 feet from the north margin of West Patterson Street, said point also being the northeast corner of the Presbyterian Church lot; thence South 72 degrees 26 minutes West 141.48 feet along the northern line of said church to an iron pin; thence North 16 degrees 57 minutes West 84.84 feet to an iron pin; thence North 73 degrees 20 minutes East 46.14 feet to an iron pin; thence North 16 degrees 37 minutes West 16.4 feet to an iron pin; thence North 72 degrees 26 minutes East 95.17 feet to an iron pin on the western margin of South Main Street; thence with the western margin of said street South 17 degrees 00 minutes East 100.52 feet to the point of **BEGINNING**, and containing 13,476 square feet, more or less and being the same property conveyed to James L. Reeves and wife, Sharon F. Reeves by Deed recorded in Book 5988, Page 566, Cumberland County Registry, North Carolina. James L. Reeves and James L. Reeves, IV are one and the same person. It is the intention and purpose of this deed to convey full ownership to Sharon F. Reeves.

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

The Grantor makes no warranty, express or implied, as to title to the property hereinabove described.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, the day and year first above written.

James L. Reeves AKA James L. Reeves IV (SEAL)
James L. Reeves also known as James L. Reeves, IV

STATE OF NORTH CAROLINA

COUNTY OF CUMBERLAND

I, certify that the following person(s) appeared before me this day, each acknowledging to me that he or she signed the foregoing document for the purpose stated therein and in the capacity indicated: James L. Reeves also known as James L. Reeves, IV.

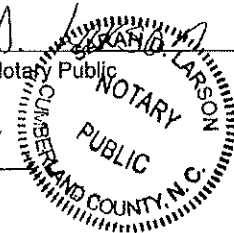
Date: 3/19/15

Sarah A. Larson
Signature of Notary Public

(N.P. SEAL)

Sarah A. Larson
Printed Name of Notary Public

My Commission Expires: Oct. 23, 2015





CUMBERLAND COUNTY

NORTH CAROLINA

PLANNING & INSPECTIONS

PLANNING STAFF REPORT

REZONING CASE # P21-43

Planning Board Meeting: July 20, 2021

Location: 3662 Gabe Smith Road

Jurisdiction: County-Unincorporated

REQUEST

Rezoning R40A to RR

Applicant requests a rezoning of one parcel, approximately 1.42 acres located at 3662 Gabe Smith Road, from R40A Residential District to RR Residential District. The change of zoning would increase the allowed density from 1 unit per 40,000 sq. ft. to 1 unit per 20,000 sq. ft. This is a conventional rezoning, and no conditions are proposed at this time. Location of the subject property is illustrated in Exhibit "A".

PROPERTY INFORMATION

OWNER/APPLICANT:

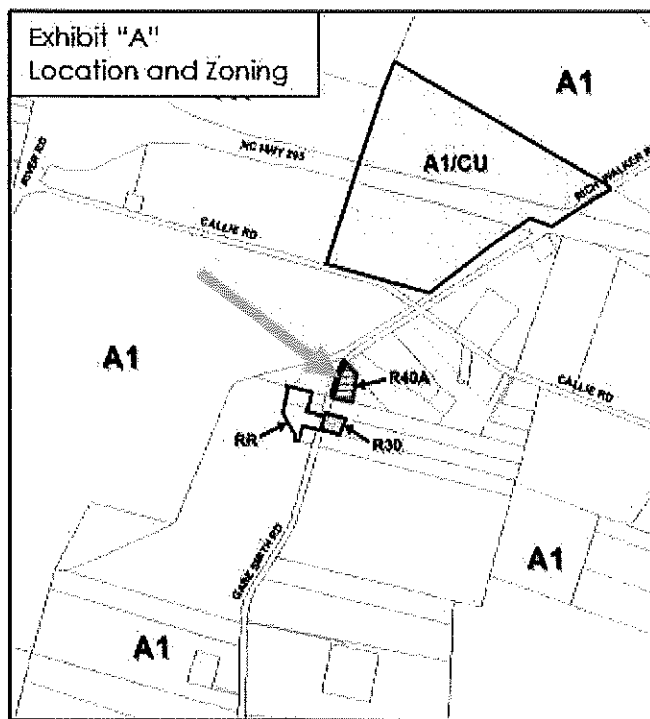
Rose Jones (owner)

ADDRESS/LOCATION: 3662 Gabe Smith Road. Refer to Exhibit "A", Site Location. REID number: 0550459785000.

SIZE: 1.42 +/- acres within one parcel. The property has approximately 380 +/- feet of street frontage along the east side of Gabe Smith Road. The property has a depth ranging from approximately 156 feet to 200 feet.

EXISTING ZONING: The subject site is zoned R40A Residential District. This district is intended primarily for single-family dwelling units including the use of manufactured homes on individual lots with a lot area of 40,000 square feet or larger.

EXISTING LAND USE: The parcel is currently residential in use. Exhibit "B" shows the existing use of the subject property.



SURROUNDING LAND USE: Exhibit "B" illustrates the following:

North: Agricultural.

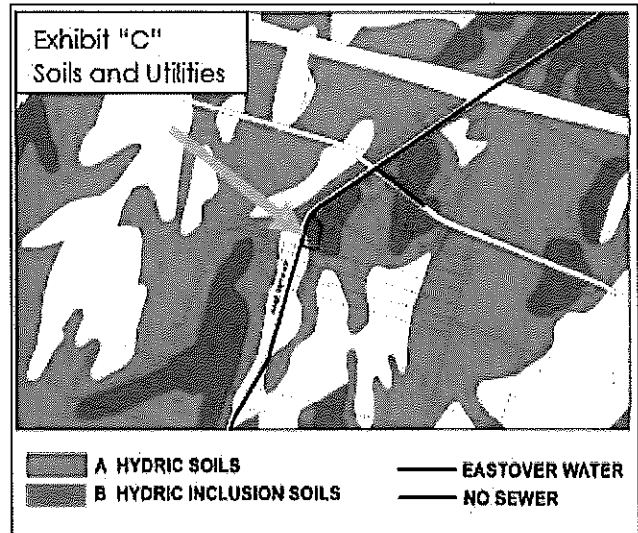
East: A single-family residence is directly abutting the subject site. However, the properties to the east are primarily vacant and wooded.

West: Single-family residences are built on parcels across Gabe Smith Rd with a wide variety of lot sizes. Two of the adjacent residential properties are zoned RR Rural Residential District.

South: The abutting property is vacant and wooded. Further south are lots with residential development within largely wooded areas.

OTHER SITE CHARACTERISTICS: The subject site is in a Watershed, but not within a Flood Zone Hazard Area. The subject property, as delineated in Exhibit "C" illustrates the presence of hydric but not hydric inclusion soils.

DEVELOPMENT REVIEW: Subdivision review will be required prior to any division of land.



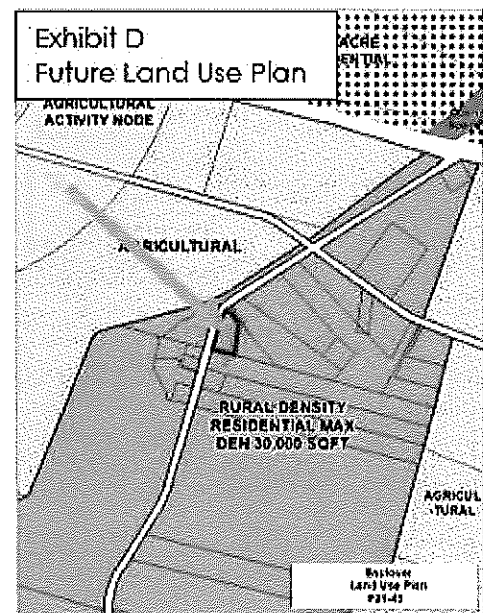
DIMENSIONAL PROVISIONS FOR REQUESTED DISTRICT:

Minimum Standard	R40A (Existing Zoning)	RR (Proposed)
Front Yard Setback	30 feet	30 feet
Side Yard Setback	15 feet	15 feet
Rear Yard Setback	35 feet	15 feet
Lot Area	40,000 sq. ft.	20,000 sq. ft.
Lot Width	100'	100'

COMPREHENSIVE PLANS: Located in the Eastover Area Land Use Plan Area (Adopted 2018), the subject property is designated as Rural Density Residential Maximum Density 30,000 sq. ft. (density allowed by the designation is 1-1.45 units per acre). The Rural Density Residential Maximum Density, in the Eastover Area Land Use Plan, calls for associated zoning districts of R30, R30A, R40, R40A. **Request is not consistent with the adopted land use plan.**

APPLICABLE PLAN GOALS/POLICIES:

- Encourage the use of low impact developments techniques.
- Promote sidewalks and pedestrian facilities, where appropriate to provide access to facilities such as schools, commercial areas, and recreation facilities.
- Provide and preserve natural vegetative buffer areas between single and multifamily residential development and non-residential uses.



IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES

UTILITIES: Eastover Water is available along the Gabe Smith Road frontage. Utilities for water are shown on Exhibit "C". The site would have to be served by septic.

TRAFFIC: The subject property sits on Gabe Smith Road and is identified as a local road in the Metropolitan Transportation Plan. According to Fayetteville MPO, there are no construction projects planned, and the subject property will have no impact on the Transportation Improvement Plan.

SCHOOL CAPACITY/ENROLLMENT:

School	Capacity	Enrollment
Elizabeth Cashwell Elem	800	515
Mac Williams Mid	1270	1076
Cape Fear High	1425	1400

ECONOMIC DEVELOPMENT: Fayetteville Cumberland County Economic Development Corporation has reviewed the request and has no comment at this time.

EMERGENCY SERVICES: Cumberland County Fire Marshal's office has reviewed the request and stated that the applicant needs to ensure that all fire department access roads requirements are met in accordance with section 503 of the NC 2018 Fire Code where required.

SPECIAL DISTRICTS: The property is not located within the Fayetteville Regional Airport Overlay District or within five miles of Fort Bragg Military Base.

CONDITIONS OF APPROVAL: N/A

CODE DEVIATIONS: N/A

STAFF RECOMMENDATION

In Case P21-43, the Planning and Inspections staff **recommends denial** of the rezoning request from R40A Residential District to RR Residential District and finds the request inconsistent with the Eastover Area Land Use Plan (2018), which calls for Rural Density Residential Maximum Density at this location. Staff further finds that recommending denying of the request is reasonable and in the public interest because the RR Residential District would allow one residential dwelling unit per 20,000 sq. ft. and a density that would not be compatible or harmony with the surrounding land uses or zoning in the area.

Attachments:
Notification Mailing List
Zoning Application

ATTACHMENT – NOTIFICATION MAILING LIST

ELLIOTT, HILDA R
3659 GABE SMITH RD
WADE, NC 28395

FAIRCLOTH, JAMES M; & SYLVIA W
4632 YADKIN RD
FAYETTEVILLE, NC 28303

●
JONES, ROSE BOATWRIGHT
3662 GABE SMITH RD
WADE, NC 28395

MCARTHUR, ELAZZOA MARTIN-DE-
PORUS
3637 GABE SMITH RD
WADE, NC 28395

ADAMS, DONELL JUNIOR; &
TORANIQUE LEINA
1212 JEREENS CREEK RD
FAYETTEVILLE, NC 28312

COOPER, ROBERT E
2699 RIVER RD
FAYETTEVILLE, NC 28312

COPENING, DEMETRIC TERRELL;
MELVIN, T'NIKA
117 MULLINS AVE
FAYETTEVILLE, NC 28301

ELLIOTT, BERTHA KING
2140 RICH WALKER RD
WADE, NC 28395

ELLIOTT, DAVID
3694 GABE SMITH RD
WADE, NC 28395

ELLIOTT, HILDA R
3659 GABE SMITH RD
WADE, NC 28395

LAMBERT, RICHMOND P JR; & MARY F
PO BOX 186
WADE, NC 28395

MCALLISTER, EDDIE G HEIRS
2304 VESTAL AVE
FAYETTEVILLE, NC 28301

MCARTHUR, ANTHONY NEILL
3633 GABE SMITH RD
WADE, NC 28395

MCARTHUR, ERIC A
3599 GABE SMITH RD
WADE, NC 28395

MCARTHUR, HUBERT
3627 GABE SMITH RD
WADE, NC 28395

MCARTHUR, TONYA
3611 GABE SMITH RD
WADE, NC 28395

MCLAURIN, ESTHER S
6009 KINGSLAND DR
FAYETTEVILLE, NC 28306

PARKER, FANNIE S; & RAYMOND JR
8076 E PHIRNE RD
GLEN BURNIE, MD 21061

BOWYER SAMUELW; & FRANCE
PO BOX 53186
FAYETTEVILLE, NC 28305

ZONING PERMIT APPLICATION



County of Cumberland

Planning & Inspections Department

CASE #: P21-43

PLANNING BOARD
MEETING DATE: 7/20/2021

DATE APPLICATION
SUBMITTED: 06/14/2021

RECEIPT #: 77866

RECEIVED BY: _____

APPLICATION FOR REZONING REQUEST CUMBERLAND COUNTY ZONING ORDINANCE

The following items are to be submitted with the completed application:

1. A copy of the *recorded* deed and/or plat.
2. If a portion(s) of the property is being considered for rezoning, an accurate written legal description of only the area to be considered;
3. A check made payable to "Cumberland County" in the amount of \$ 250.00.
(See attached Fee Schedule).

Rezoning Procedure:

1. Completed application submitted by the applicant.
2. Notification to surrounding property owners.
3. Planning Board hearing.
4. Re-notification of interested parties / public hearing advertisement in the newspaper.
5. County Commissioners' public hearing (approximately four weeks after Planning Board public hearing)
6. If approved by the County Commissioners, rezoning becomes effective immediately.

The Planning & Inspections Staff will advise on zoning options, inform applicants of development requirement and answer questions regarding the application and rezoning process. For further questions, call (910)678-7603 or (910)678-7609. Hours of operation are 8:00 a.m. to 5:00 p.m., Monday through Friday.

NOTE: Any revisions, inaccuracies or errors to the application may cause the case to be delayed and will be scheduled for the next available board meeting according to the board's meeting schedule. Also, the application fee is *nonrefundable*.

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

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

1. Requested Rezoning from R40A to ~~R-30~~ RR
2. Address of Property to be Rezoned: 3662 Gabe Smith Rd
3. Location of Property: SR 1719 - Gabe Smith Road
4. Parcel Identification Number (PIN #) of subject property: MB 0550-45-9785-
(also known as Tax ID Number or Property Tax ID)
5. Acreage: 1.42 Frontage: 380+ Depth: 210+
6. Water Provider: Well: _____ PWC: _____ Other (name): Eastover Water
7. Septage Provider: Septic Tank PWC _____
8. Deed Book 11,104, Page(s) 84, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
9. Existing use of property: Residential
10. Proposed use(s) of the property: Residential
11. Do you own any property adjacent to or across the street from this property?
Yes _____ No If yes, where? _____
12. Has a violation been issued on this property? Yes _____ No

A copy of the recorded deed(s) and/or recorded plat map(s) must be provided. If the area is a portion of a parcel, a written legal description by metes and bounds, showing acreage must accompany the deeds and/or plat. If more than one zoning classification is requested, a correct metes and bounds legal description, including acreage, for each bounded area must be submitted.

The Planning and Inspections Staff is available for advice on completing this application; however, they are not available for completion of the application.

The undersigned hereby acknowledge that the County Planning Staff has conferred with the petitioner or assigns, and the application as submitted is accurate and correct.

Rose B. Jones
NAME OF OWNER(S) (PRINT OR TYPE)

3662 Gabe Smith Rd. Wade, NC 28395
ADDRESS OF OWNER(S)

706-495-1188 HOME TELEPHONE # WORK TELEPHONE #

NAME OF AGENT, ATTORNEY, APPLICANT (PRINT OR TYPE)

ADDRESS OF AGENT, ATTORNEY, APPLICANT

Rosemarie031760@gmail.com
E-MAIL

HOME TELEPHONE # WORK TELEPHONE #

Rose B. Jones
SIGNATURE OF OWNER(S) SIGNATURE OF AGENT, ATTORNEY OR APPLICANT

SIGNATURE OF OWNER(S)

The contents of this application, upon submission, become "public record."

FILED	Apr 27, 2021
AT	11:59:03 AM
BOOK	11104
START PAGE	0084
END PAGE	0086
INSTRUMENT #	19485
RECORDING	\$26.00
EXCISE TAX	\$0.00

Excise Tax: 00.00

NORTH CAROLINA QUITCLAIM DEED

This instrument prepared by: Jennifer Kirby Fincher, PLLC, PO Box 53674, Fayetteville, NC 28305
Brief description for the Index: 1 LT TAYLOR LD VAC (1.5 AC) **WITHOUT TITLE EXAMINATION **

This Deed made this 10th day of April, 2021, by and between Grantor and Grantee
The designation Grantor and Grantee as used herein shall include all parties, their heirs, successors and assigns and shall include singular, plural, masculine, feminine or neuter as required by context.

Grantor: Annie Lee Boatwright, widowed	Grantee: Rose Boatwright Jones, widowed 3662 Gabe Smith Road Wade, NC 28395
--	---

Transfer of Ownership: Grantor, for a valuable consideration paid by Grantee, the receipt of which is hereby acknowledged, has remised and released and does hereby remise, release and forever quitclaim to Grantee, the property described below:
Parcel ID No.: 0550-45-9785

The legal description of the Property:

See attached Exhibit A.

*History of title: Annie Lee Boatright took title with husband Thadius Boatright on August 17, 1971. Thadius Boatright died on August 10, 2011 (Cumberland County Estate No. 11-E-1379).

Title to the property hereinabove described is subject to the following exceptions:

- County and/or Municipal Zoning Ordinances, Rules and Regulations.
- Restrictions, Easements and Rights of way of record
- Current year Cumberland County Ad Valorem Taxes

Grantor makes no warranty, express or implied, as to title to the Property.

TO HAVE AND TO HOLD the said property and all privileges and appurtenances (rights) belonging to the Grantee.

Signatures: In witness whereof, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

Annie Lee Boatwright
Annie Lee Boatwright

Seal
KATHARINE B ELLIS
NOTARY PUBLIC
JOHNSTON COUNTY, NC
My Commission Expires 4-29-2023

State of North Carolina, County of Johnston
I, Katharine B Ellis, a Notary Public of the County of Johnston and State aforesaid, certify Annie Lee Boatwright, Grantor, personally came before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official stamp or seal, this 10th day of April, 2021.

My Commission Expires: 4-29-23

Kath B Ellis
Notary Public

The foregoing Certificate(s) of

_____ is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the page hereof.

_____ Register of Deeds for _____ County

By _____ Deputy/Assistant – Register of Deeds.

EXHIBIT "A"

BEGINNING at an iron stake in the intersection of the Southern line of the original tract of which this is a part with the Eastern margin of State Road #1719, and runs thence as said Southern line, South 67 degrees 00 minutes East 198.00 feet to a stake; thence North 14 degrees 08 minutes East 259.00 feet to a stake; thence North 55 degrees 19 minutes West 156.25 feet to an iron stake in the Eastern margin of State Road # 1719; thence as said Eastern margin, South 25 degrees 04 minutes West 331.18 feet to the point of beginning. Being a part of the 35.1 acre tract conveyed to Seth Smith as per deed recorded in Book 643, Page 75, Cumberland County Registry. And being the same land described in deed dated November 3, 1967 from Seth Smith, widower, to Becker T. Mulder, recorded in Book 2064, Page 197, Cumberland County Registry.