

Rawls Howard
Director

David Moon
Deputy Director



Cumberland County Joint Planning Board

JANUARY 13, 2026

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Rawls Howard, Director of Planning & Inspections

A handwritten signature in blue ink, enclosed in a blue oval. The signature reads "R. Howard".

SUBJECT: JANUARY 20, 2026, Meeting

The next scheduled meeting of the Cumberland County Joint Planning Board will be held on **Tuesday, January 20, 2026, at 6:00 p.m., in Hearing Room #3 of the Historic Courthouse at 130 Gillespie Street**. You will find the following information included in your packet:

1. Tentative Agenda for the January 20, 2026, meeting.
2. Minutes of the December 16, 2025, meeting.
3. Information on cases ZON-25-0059, & DEV -0153-25.

Should you have any questions about the enclosed materials, please call me at 678-7618.



Cumberland County Joint Planning Board

TENTATIVE AGENDA

January 20, 2026
6:00 P.M.

- I. INVOCATION AND PLEDGE OF ALLEGIANCE
- II. ADJUSTMENTS TO / APPROVAL OF AGENDA
- III. PUBLIC MEETING WITHDRAWALS / DEFERRALS
- IV. ABSTENTIONS BY BOARD MEMBERS
- V. APPROVAL OF THE MINUTES OF DECEMBER 16, 2025
- VI. CHAIRMAN'S WELCOME AND RULES OF PROCEDURE
- VII. PUBLIC MEETING CONSENT ITEMS

REZONING CASES

- A. **ZON-25-0059:** Rezoning request from C(P) Planned Commercial District to R7.5 Residential District or to a more restrictive zoning district for the southern 0.79 acres of a lot comprising 1.80 acres; located at the southeastern corner of Dunn Rd and Eastgate St; submitted by Lori Epler (Agent/Applicant) on behalf of Wingate Properties, LLC (Owners). (**Eastover**)

- VIII. PUBLIC MEETING CONTESTED ITEMS

- IX. SUBDIVISION WAIVERS

SUBDIVISION WAIVER

- A. **DEV-0153-25:** Consideration of Subdivision Waiver from Section 2303.D, Access to Certain Classified Streets, Cumberland County Subdivision Ord, to construct five shared driveways in lieu of providing a required private street, more applicably a Class "B" private street for eight lots and a shared driveway for the remaining two lots, that would serve a proposed total ten-lot residential subdivision, on a parcel comprising 31.26 +/- acres located at the intersection of Bushy Lk and Cedar Creek Rd; submitted by Mitchell Averette (Agent) on behalf of Southeastern Construction of Rockfish, LLC (Owner).

- X. ITEMS OF BUSINESS
- XI. DISCUSSION
- XII. ADJOURNMENT



Cumberland County Joint Planning Board

Tentative MINUTES

December 16, 2025

Members Present	Members Absent	Others Present
Mr. James Baker-Vice Chair	Mr. Charles Jones	Mr. Rawls Howard, Director
Ms. Betty Lynd,	Mr. Tom Lloyd-Chair	Mr. David Moon, Deputy Director
Mr. Stan Crumpler	Ms. Jami McLaughlin	Mr. Chris Carr, Asst. County Attorney
Mr. Todd Mobley		Ms. Amanda Ozanich, Snr. Admin. Professional
Mr. Mark Williams		Mr. Matthew Mottinger
Mr. Lyndel Ray Jenkins		
Mr. William Walters		

I. INVOCATION AND PLEDGE OF ALLEGIANCE

In the absence of the Chair, Mr. Baker called the meeting to order at 6:00 PM. Mr. Crumpler delivered the invocation and led those present in the Pledge of Allegiance.

II. ADJUSTMENTS TO / APPROVAL OF AGENDA

Mr. Howard noted Cases ZON-25-0049, ZON-25-0053, and ZON-25-0054 needed to be moved to the contested portion of the agenda as speakers were signed up in opposition.

Mr. Crumpler motioned, seconded by Ms. Lynd, to approve the agenda with the noted adjustments. Unanimous approval.

III. PUBLIC MEETING WITHDRAWAL/DEFERRALS

There were none.

IV. ABSTENTIONS BY BOARD MEMBERS

There were none.

V. APPROVAL OF THE MINUTES OF SEPTEMBER 17, 2024

Mr. Howard stated there was one misspelling of Ms. McLaughlin's first name on the first page of the minutes and needed to be noted for correction.

Ms. Lynd motioned, seconded by Mr. Crumpler, to approve the minutes with the one correction. Unanimous approval.

VI. CHAIRMAN'S WELCOME AND RULES OF PROCEDURE

Mr. Baker read the Chairman's Welcome and the Rules of Procedure.

VII. PUBLIC MEETING CONSENT ITEMS

REZONING CASES

- A. ZNG-013-25:** Rezoning of 0.68 +/- acres from R15 Residential District to R7.5 Residential District, located at 0 Legion Rd. The empty lot at the Southwest Corner of Brower Trail and Legion Rd. REID 0414749173000 Submitted by Maps Surveying (applicant) on behalf of Sewak, LLC (owners). **(Hope Mills)**

The Town of Hope Mills Planning staff recommends approval of the rezoning request from R15 Residential District to R7.5 Residential District, as it is consistent with the 2013 Southwest Cumberland Land Use Plan, which calls for Low-Density Residential. The proposed zoning is a strategic fit with the Town's ongoing and future goals for economic growth and development. It is also appropriate, given the existing and anticipated nearby land uses, making the request both reasonable and beneficial to the public.

In Case ZNG-013-25, Mr. Crumpler made a motion, seconded by Mr. Walters, to recommend approval of the rezoning request from R15 Residential District to R7.5 Residential District, as it is consistent with the 2013 Southwest Cumberland Land Use Plan, which calls for Low-Density Residential. The proposed zoning is a strategic fit with the Town's ongoing and future goals for economic growth and development. It is also appropriate, given the existing and anticipated nearby land uses, making the request both reasonable and beneficial to the public. Unanimous approval.

- B. ZON-25-0047:** Rezoning request from R10 Residential District to R10M Residential District or to a more restrictive zoning district for a parcel comprising .52 +/- acres; located at 210 Hillsboro St; submitted by Clayton Homes (Agent/Applicant) on the behalf of Anna Christine Lee (Owners). **(Stedman)**

In Case ZON-25-0047, Planning and Inspections staff recommends approval of the rezoning request from R10 Residential District to R10M Residential District. Staff finds that the request is consistent with the Stedman Area Land Use Plan which calls for "High Density Residential" at this location. Staff also finds that the request is reasonable and in the public interest as it is compatible to and in harmony with the surrounding land use activities and zoning.

In Case ZON-25-0047, Mr. Crumpler made a motion, seconded by Mr. Walters, to recommend approval of the rezoning request from R10 Residential District to R10M Residential District. The board finds that the request is consistent with the Stedman Area Land Use Plan which calls for "High Density Residential" at this location. The board also finds that the request is reasonable and in the public interest as it is compatible to and in harmony with the surrounding land use activities and zoning. Unanimous approval.

- C. ZON-25-0050:** Rezoning request from C(P) Planned Commercial District to A1 Agricultural District or to a more restrictive zoning district for a parcel comprising 25.78 +/- acres; located

200 feet East of the intersection of Kingfisher Dr. and Loon Dr.; submitted by Lori Epler (Agent/Applicant) on behalf of Riddle Companies Inc. (Owner).

In Case ZON-25-0050, Planning and Inspections staff recommends approval of the rezoning request from C(P) Planned Commercial District to A1 Agricultural District. Staff finds that the request is consistent with the Southwest Cumberland Land Use Plan which calls for "Open Space" at this location. Staff also finds that the request is reasonable and in the public interest as it is compatible to and in harmony with the surrounding land use activities and zoning.

In Case ZON-25-0050, Mr. Crumpler made a motion, seconded by Mr. Walters, to recommend approval of the rezoning request from C(P) Planned Commercial District to A1 Agricultural District. The board finds that the request is consistent with the Southwest Cumberland Land Use Plan which calls for "Open Space" at this location. The board also finds that the request is reasonable and in the public interest as it is compatible to and in harmony with the surrounding land use activities and zoning. Unanimous approval.

- D. ZON-25-0051:** Rezoning request from A1 Agricultural District to C(P) Planned Commercial District or to a more restrictive zoning district for a parcel comprising .91 +/- acres; located northeast of the intersection of NC Hwy 87 and Upton Tyson Road; submitted by Alhubishi Abdurrahman (Agent/Applicant) on the behalf Sherwood Presbyterian Church (Owner).

In Case ZON-25-0051, Planning and Inspections staff recommends approval of the rezoning request from A1 Agricultural District to C(P) Planned Commercial District. Staff finds that the request is consistent with the South-Central Land Use Plan which calls for "Heavy Commercial" at this location. Staff also finds that the request is reasonable and in the public interest as it is compatible to and in harmony with the surrounding land use activities and zoning.

In Case ZON-25-0051, Mr. Crumpler made a motion, seconded by Mr. Walters, to recommend approval of the rezoning request from A1 Agricultural District to C(P) Planned Commercial District. The board finds that the request is consistent with the South-Central Land Use Plan which calls for "Heavy Commercial" at this location. The Board also finds that the request is reasonable and in the public interest as it is compatible to and in harmony with the surrounding land use activities and zoning. Unanimous approval.

- E. ZON-25-0055:** Rezoning request from R30 Residential District to C2(P) Planned Service and Retail District or to a more restrictive zoning district for a parcel comprising 0.88 +/- acres; located at the southwest intersection of Wade Stedman Rd and Maxwell Rd; submitted by George D. Regan, Jr., Esq. (Agent/Applicant) on the behalf of Vu Hung Le (Owner).

In Case ZON-25-0055, Planning and Inspections staff recommends approval of the rezoning request from R30 Residential District to C2(P) Planned Service and Retail District and find that: 1. Approval is an amendment to the adopted, current Eastover Area Land Use Plan and that the Board of Commissioners should not require any additional request or application for amendment to said map for this request. 2. The requested zoning district is located at a four-way street junction with established commercial and institutional uses

occurring at all surrounding street corners and immediate area. 3. Other parcels at this street junction are situated within other adopted land use plans, each finding commercial uses consistent with their respective adopted land use plans and policies. Staff also finds that the request is reasonable and in the public interest as it is compatible to and in harmony with the surrounding land use activities and zoning.

In Case ZON-25-0055, Mr. Crumpler made a motion, seconded by Mr. Walters, to recommend approval of the rezoning request from R30 Residential District to C2(P) Planned Service and Retail District and find that: 1. Approval is an amendment to the adopted, current Eastover Area Land Use Plan and that the Board of Commissioners should not require any additional request or application for amendment to said map for this request. 2. The requested zoning district is located at a four-way street junction with established commercial and institutional uses occurring at all surrounding street corners and immediate area. 3. Other parcels at this street junction are situated within other adopted land use plans, each finding commercial uses consistent with their respective adopted land use plans and policies. The board also finds that the request is reasonable and in the public interest as it is compatible to and in harmony with the surrounding land use activities and zoning. Unanimous approval.

- F. ZON-25-0057:** Rezoning request from RR Rural Residential District to C2(P) Planned Service and Retail District or to a more restrictive zoning district for a parcel comprising 1.37 +/- acres; located at 3883 Clinton Rd; submitted by Bevil Groves (Applicant/Owner).

In Case ZON-25-0057, Planning and Inspections staff recommends approval of the rezoning request from RR Rural Residential District to C2(P) Planned Service and Retail District. Staff finds that the request is consistent with the Vander Area Land Use Plan which calls for "Light Commercial" at this location. Staff also finds that the request is reasonable and in the public interest as it is compatible to and in harmony with the surrounding land use activities and zoning.

In Case ZON-25-0057, Mr. Crumpler made a motion, seconded by Mr. Walters, to recommend approval of the rezoning request from RR Rural Residential District to C2(P) Planned Service and Retail District. The board finds that the request is consistent with the Vander Area Land Use Plan which calls for "Light Commercial" at this location. The board also finds that the request is reasonable and in the public interest as it is compatible to and in harmony with the surrounding land use activities and zoning. Unanimous approval.

- G. ZON-25-0058:** Rezoning request from A1 Agricultural District to A1A Agricultural District or to a more restrictive zoning district for a parcel comprising 2.23 +/- acres; located 7552 Turnbull Road; submitted by Laverne Robinson (Agent/Applicant) on behalf of Key Legacy Group LLC (Owner).

In Case ZON-25-0058, Planning and Inspections staff recommends approval of the rezoning request from A1 Agricultural District to A1A Agricultural District. Staff finds that the request is consistent with the Southeast Cumberland Land Use Plan which calls for "Farmland" at this location. Staff also finds that the request is reasonable and in the public interest as it is compatible to and in harmony with the surrounding land use activities and zoning.

In Case ZON-25-0058, Mr. Crumpler made a motion, seconded by Mr. Walters, to recommend approval of the rezoning request from A1 Agricultural District to A1A Agricultural District. The board finds that the request is consistent with the Southeast Cumberland Land Use Plan which calls for “Farmland” at this location. Staff also finds that the request is reasonable and in the public interest as it is compatible to and in harmony with the surrounding land use activities and zoning. Unanimous approval.

VIII. PUBLIC MEETING CONTESTED ITEMS

REZONING CASES

- A. ZON-25-0049:** Rezoning request from A1 Agricultural District to R7.5 Residential District or to a more restrictive zoning district for two parcels comprising 34.72 +/- acres; located at 1539 & 1543 Tom Starling Rd; submitted by Max and Janet Carter (Applicant/Owner).

In Case ZON-25-0049, Planning and Inspections staff recommends approval of the rezoning request from A1 Agricultural District to R7.5 Residential District. Staff finds that the request is consistent with the South-Central Land Use Plan which calls for “Low Density Residential” and “Open Space” at this location. Staff also finds that the request is reasonable and in the public interest as it is compatible to and in harmony with the surrounding land use activities and zoning.

Sabrina Greer presented staff findings and recommendation.

The board raised questions about sewer requirements since the site is approximately 1,500 feet from existing sewer lines.

Mr. Moon explained that under R7.5 zoning, developers would be required to connect to public utilities, noting that properties with densities under 20,000 square feet typically trigger a sewer connection rather than septic use.

Ms. Greer added that PWC had no comment on the rezoning request and did not indicate capacity concerns.

Ms. Lynd asked about the Land Use Plan, which was created in 2013.

Mr. Howard responded that an update is scheduled for mid-to-late this upcoming year.

Mr. Baker opened the floor for public comment.

Mr. Howard noted that five individuals had signed up to speak, with one in favor and four opposed.

Ms. Janet Carter, applicant, spoke in favor of the rezoning. She explained that she and her husband have lived on the property for 35 years, are now retired, and have always planned to sell and downsize. She described the area along Tom Starling Road as largely industrial with scattered residential uses, arguing that it is no longer rural and that the rezoning request aligns with the Land Use Plan. She stated that schools were not over capacity according to staff's research. Also noted that most vehicle accidents occur at night or at the end of the road, and that her home did not flood during hurricanes Florence and

Matthew, though minor flooding occurred at the back of the property. They are requesting R7.5 zoning to make the property more desirable to a developer or builder.

Ms. Meredith Short, first speaker in opposition, introduced herself and stated that she moved to the area to avoid neighborhoods and does not want to see one developed nearby.

Mr. Joey Short, the second speaker in opposition, added that R7.5 zoning does not align with the area's light residential designation and argued that the rezoning is intended to make the property more marketable rather than serve community interests. He expressed concerns about traffic, accidents, and compatibility with the area's character.

Mr. Anthony Kimbrell, the third speaker in opposition, introduced himself stating he owns adjacent property. He operates a tree farm and reports multiple accidents near his property, including cars ending up in his ditch. He noted flood risks, steep terrain near the river, and wildlife habitat preservation. He argued that rezoning for financial gain undermines the agricultural use and stated he would be interested and able to purchase the property if appraised appropriately.

Ms. Stephanie Kimbrell, final speaker in opposition, raised concerns about school capacity, citing that Grey's Creek High is over capacity with 1,450 students compared to its 1,300-student capacity, and Grey's Creek Middle is at capacity with 1,000 students. She warned that adding 200 homes would worsen overcrowding.

With no more speakers, Mr. Baker closed the public comment session.

Ms. Lynd described her experience living in the neighboring development that was severely flooded during a hurricane. She expressed concerns of allowing that much of an increase in density and not having a site plan in place.

Mr. Mobley agreed with the concerns and doesn't feel comfortable opening the property in such a way.

Mr. Howard stated in response to Ms. Lynd suggesting a Conditional zoning, that it would require a buyer lined up to create a plan and that the applicants didn't appear to be at that stage.

The board further discussed concerns regarding sewer requirements, flood potential, and the upcoming land use plan update.

Mr. Walters motioned, seconded by Ms. Lynd, to recommend denial of the rezoning request from A1 Agricultural District to R7.5 Residential District. The board finds that the request provides too many uncertainties and variables with flood potential and the sewer concerns, a significant increase in density for the area, and no developer plan being provided to address these concerns. Unanimous recommendation for denial.

- B. ZON-25-0053:** Rezoning request from A1 Agricultural District to R40 Residential District or to a more restrictive zoning district for a parcel comprising 14.74 +/- acres; located south of the intersection of Sanderosa Rd and Shadowmoss Dr.; submitted by Tim Evans (Agent/Applicant) on behalf of Mary W. Parker and Anna W. Taylor (Owners).

In Case ZON-25-0053, Planning and Inspections staff recommends approval of the rezoning request from A1 Agricultural District to R40 Residential District. Staff finds that the request is consistent with the Eastover Area Land Use Plan which calls for "Rural Density Residential" at this location. Staff also finds that the request is reasonable and in the public interest as it is compatible to and in harmony with the surrounding land use activities and zoning.

Mr. Fagan presented the staff findings and recommendation.

Mr. Baker opened public comment.

Mr. Howard noted that there are four speakers for the case; one in favor and three in opposition.

Tim Evans, speaking in favor of the proposal, addressed the board as a representative of Mary Parker and her sister Anna and as an investor. He explained that Mary Parker's father had long expressed concerns about ensuring the land was handled properly, and that he and his partners were committed to developing it in a way that met the family's expectations. The property in question is 14 acres, and the request is for R40 zoning. Evans emphasized that 60% of the trees would remain, with this requirement written into the covenants, and a 40-foot buffer would be maintained along Shadowmoss.

The plan calls for 5 of the 7 lots being of at least 2 acres each, all with stick-built, high-value homes estimated between \$450,000 and \$600,000. He noted that while additional trees might be removed if homeowners chose to install swimming pools, otherwise the preservation commitment would stand. Evans also reported that the Department of Transportation had approved curb cuts, ensuring that driveways would not be shared. Mary Parker has expressed to Mr. Evans that her father's concerns about the family's properties were central to her position, and she expressed cautious support provided the development was carried out in a manner consistent with her and her sister's wishes. Also, the quality and value of the homes will be of equal or greater value than the surrounding homes. Mr. Evans also expressed that he travels the road to church often and it is not a busy road. Sandersa is not the cut through road.

Ms. Chastidy Rice, the first speaker in opposition, expressed sadness over the development of the small remaining area, noting that the community has limited space left. She raised safety concerns about the curve of the road at Sanderosa and emphasized that Eastover is experiencing rapid growth, which she feels is causing the small community to be lost and leaving wildlife without a place to go. Ms. Rice also stated that residents on Shadowmoss Drive had not received a zoning letter and voiced her opposition to the area becoming like Hope Mills.

Mr. William Rice, the second speaker in opposition, explained that while he has no objection to development or building in general, he and his family would have been interested in purchasing the property for their son had they known it was available, rather than buying in Sampson County. His primary concern centers on the turn coming up from Huckleberry, noting that since living on Shadowmoss Drive since 1998, traffic has steadily increased and a neighbor on the corner has had to rebuild his mailbox twice due to speeding vehicles. Although the posted limit is 55 miles per hour, drivers often exceed it, and the curve makes it difficult to see oncoming traffic. Mr. Rice stated he is more opposed to multiple driveways entering onto Sanderosa than he would be to a single shared

driveway for all the homes. He concluded by expressing appreciation for the buffer that Mr. Evans committed to maintaining.

Mr. Kenneth Eaker, the final speaker in opposition, is retired from law enforcement. He raised concerns about ongoing water pressure issues with Eastover water, noting that despite requests for improvement, the pressure continues to decline. He also described hazardous road conditions in winter, explaining that the curb near Shadowmoss becomes icy and does not melt, creating a dangerous situation. Mr. Eaker stated that the late Mr. Mac Williams, the father connected to the property, had wanted the land to remain natural and that he was unaware of any interest of him having toward development. He further expressed frustration at not having seen any site plans or layouts detailing what is proposed for the property and not being about to reach people at planning to discuss.

Mr. Evans clarified that he frequently travels Sanderosa Rd to attend church and does not consider it to be busy. He explained that Sanderosa is not used as a cut-through road, emphasizing instead that Murphy Rd. serves as the actual cut-through route. Also, noting that the Class C drive for the development will be on the opposite side of Shadowmoss.

Mr. Baker closed the public comment session.

Mr. Walters expressed that the proposal appeared to be a good fit for the area.

Ms. Lynd noted that the request aligns with the land use plan, which is recent, and clarified that the board's role is limited to considering the zoning change itself rather than details such as the number of homes or driveway classifications. She emphasized that the request involves moving from a district that permits mobile homes to one that does not.

Mr. Crumpler added that the development would be consistent with neighboring properties and therefore not intrusive. He remarked that the only way to prevent development is to purchase surrounding land and described the property as a strong candidate for quality development. He concluded by stating that even if the request were denied, the developer could likely still create 6 lots, and he characterized the project as outstanding.

Mr. Crumpler made a motion, seconded by Mr. Walters, to recommend approval of the rezoning request from A1 Agricultural District to R40 Residential District. The board finds that the request is consistent with the Eastover Area Land Use Plan which calls for “Rural Density Residential” at this location. The board also finds that the request is reasonable and in the public interest as it is compatible to and in harmony with the surrounding land use activities and zoning. Unanimous approval.

C. ZON-25-0054: Rezoning request from A1 Agricultural District to A1A Agricultural District or to a more restrictive zoning district for a parcel comprising 2.01 +/- acres; located at 4740 Mastercraft Ct; submitted by Bryan Lopez and Margarita Lopez Archbold (Applicant/Owner).

In Case ZON-25-0054, Planning and Inspections staff recommends approval of the rezoning request from A1 Agricultural District to A1A Agricultural District. Staff finds that the request is consistent with the Northeast Cumberland Land Use Plan which calls for “Rural/Agricultural” at this location. Staff also finds that the request is reasonable and in the public interest as it is compatible to and in harmony with the surrounding land use activities and zoning.

Sabrina Greer presented the staff findings and recommendation.

Mr. Howard addressed questions by the board about group development mobile home requirements in A1A versus A1.

Mr. Baker opened to public Comment.

Mr. Howard noted that there is one speaker in favor and four signed up in opposition.

Mr. Bryan Lopez, applicant, stated that his intent for the rezone is to build an in-law dwelling on the property so that he could care for his aging in-laws that have been living with him for 6 years. This would offer them a little bit of independence and maintain a proximity to them to help his wife to care for when he gets deployed. He would like to put a max of a 15 x 30 ft home separate from there home. Not looking for manufactured. He wants to maintain the character of the home. The builder when going to apply for a permit told them that they need to seek a rezone before they could build.

Chris Curlee, first speaker in opposition, introduced himself. Mr. Curlee's biggest concern in this is that it is a rural area and it would lose some of that character. Another concern is that it would set a precedent for this to continue happening.

Zack Csarnogusky, second speaker in opposition, introduced himself and said he has no problem with the parent's house, but it changes the zoning and sets precedence to others with no restriction of whether it is stick built or manufactured and he doesn't want stacking of houses there.

Anthony Stelluto, third speaker in opposition, lives at the house with the cell tower on it. His concerns are with access to the home. He doesn't want any infringement onto his property to include using his easement as a driveway for access nor to build and bring equipment through. He bought the property to be in rural setting and to hunt.

Ben Cowie, the final speaker in opposition, introduced himself and says that he supports what Mr. Lopez wants to accomplish and to be an active participant in the community. He does have concerns about setting precedence with rezoning for others to do the same in the area. He had a question of whether there is another solution for the Lopez's that wouldn't rezone the property?

Mr. Howard pointed out that we do not have separate standards for In-law suites or accessory dwellings. This was the best option given the code that staff works with.

Mr. Baker closed the public comment session.

The board and Mr. Howard had discussions about the buildable envelop and that A1 and A1A have the same setbacks and the restrictions of where the home can be placed is strict given the lot configuration.

Mr. Mobley made a motion, seconded by Mr. Williams, to recommend approval of the rezoning request from A1 Agricultural District to A1A Agricultural District. The board finds that the request is consistent with the Northeast Cumberland Land Use Plan which calls for "Rural/Agricultural" at this location. The board also finds that the

request is reasonable and in the public interest as it is compatible to and in harmony with the surrounding land use activities and zoning. Unanimous approval.

IX. PUBLIC HEARING ITEMS

WAIVERS

DEV-0140-25: Consideration of Subdivision Waiver(s) from Section 2304.C.3, Upgrading Street Classification and 2304.C.4.c.(4), Class "C" Private Street Specifications, Cumberland County Subdivision Ord, for the subdivision of one lot into two lots on a Class "C" private street without upgrading the street classification, and to allow an additional lot on a Class "C" private street limited to a maximum of four lots, on a parcel comprising 1.00 +/- acres located at 3441 Nebular Drive; submitted by Michael Adams (Agent) on behalf of Harold McLaurin (Owner).

Tim Doersam, the project manager for subdivision waiver DEV-0140-25, was unable to attend the meeting. In his absence, Mr. Moon presented the staff findings and delivered a presentation on his behalf.

Mr. Moon explained that two waivers are being requested. 1. Section 2304.C.3: Owner requests the Joint Planning Board to approve a lot split without improving Nebular Drive to the higher street standard – Class "C" to Class "A" Street Standards. 2. Section 2304.C.4.c.(4): Owner requests the Joint Planning Board to waive this standard and allow an additional lot on a Class "C" private street that is currently limited to a maximum of four lots by the Subdivision Ordinance – Nebular Dr. currently serves eight lots.

Mr. Moon explained the permit history for the subject property is: February 2017—JPB reviews and approves Subdivision Waiver to allow two homes on the same lot on a substandard Class "C" street. Group Development permit was issued the same day. Due to delays, the second home was not constructed prior to the Group Development permit's expiration.

June 5, 2023—New Group Development application was submitted. During the review, the Fire Marshal's Office commented that the travel way conditions must be improved prior to building permit issuance. Applicant complied with gravel and crush and run, which the Fire Marshal's Office accepted. Because the delays were determined outside the applicant's control (such as the COVID-19 shutdown), the previous Group Development Permit approval was extended.

Applicant submitted for a preliminary subdivision review on September 18, 2025 for a two-lot subdivision. Due to the Class "C" travel way serving eight lots, a ninth lot would require an upgrade to at least a Class "A" private street unless a Subdivision Waiver was applied for and granted to waive both street upgrade requirements and the limitation of a four lot maximum on a Class "C" private street.

Mr. Moon explained the Joint Planning Boards authority under Section 2601. Waivers. The Planning Board may waive the requirements of this ordinance where it finds by resolution that: A. Because of the size of the tract to be subdivided or developed, its topography, the condition or nature of adjoining areas, or the existence of other unusual physical conditions, strict compliance with the provisions of this ordinance would cause a special hardship to the property owner and be inequitable, and B. The public purposes of this ordinance and the County Zoning Ordinance would be served to an equal or greater

degree, and C. The property owner would not be afforded a special privilege denied to others.

The board and Mr. Moon discussed the timeline and the intent of the subdivision request.

Mr. Baker opened up to public comment.

Mr. Harold McLaurin, the property owner, explained that the purpose of the subdivision is to honor his 87-year-old mother's wish to leave the house to his two children. He emphasized that all the land on Nebular is family property, which includes a family cemetery, and made clear there is no intention to pass it to any heir who might sell it. The property has been in the family for a century, and their goal is to preserve it as such. Mr. Baker closed the public comment session.

The board discussed history of approving waivers and issues with the lack of new plans.

Mr. Williams made a motion, seconded by Mr. Walters, to recommend approval for the first waiver. He noted that if the Board did not approve it as presented and it has received prior approvals in the past, the Board would be creating a hardship. Unanimous approval.

Mr. Lynd made a motion, seconded by Mr. Walters, to recommend approval for the second waiver. She noted the home is already there and no additional traffic or impact would be added, if the waiver were approved. Unanimous approval.

A request was made by the board to see the plat for this waiver, once it is received by the Planning Department. The board wished to review it for educational purposes. Mr. Howard mentioned that staff would be happy to provide that once it was available.

Board members also mentioned that they didn't want to allow for anymore waivers on Nebular Dr.

X. ITEMS OF BUSINESS

There were none.

XI. DISCUSSION

A. UPDATE ON UNIFIED DEVELOPMENT ORDINANCE (UDO) PROJECT

Mr. Howard noted that the Codes sub-committee is to meet and have a kickoff with the UDO Consultant on January 6th, 2026.

Mr. Howard also noted that Floodplain Administration has been relocated to the Planning Department from Engineering. Updating these standards would be included in the UDO update.

B. SCHEDULE OF PLANS – 2030 AND POLICIES PLAN

Mr. Howard also mentioned that the Policies Plan is outdated and that the Board had mentioned in the past to update it. He proposed that the update for this plan and the 2030 Growth Vision plan could occur simultaneously once the Southeast Plan comes up

for update in its cycle. Staff would skip over the Southeast Plan for this cycle as there is little to no development occurring in this area and focus on the 2030 and Policies plan update in one document.

Mr. Howard inquired if the Board was amendable to this proposal. The Board mentioned that they believe it to be a sound idea and recommended moving it forward as such.

XII. ADJOURNMENT

There being no further business, the meeting adjourned at 8:30 pm.



PLANNING STAFF REPORT
REZONING CASE # ZON-25-0059
Planning Board Meeting: Jan 20, 2026
Location: Southern Corner of Dunn Rd
and Eastgate St.
Jurisdiction: Town of Eastover

REQUEST

Rezoning C(P) to R7.5

Applicant requests a rezoning from C(P) Planned Commercial District to R7.5 Residential District for 0.79 acres of a 1.40-acre parcel located at the southeastern corner of Dunn Rd and Eastgate St. The parcel is currently undeveloped. The intent of the property owner, pursuant to their application, is to develop the property for single-family residential dwelling units. Based on the updated Commercial Core Overlay District (Exhibit "F"), the requested 0.79 ac portion of the subject parcel requesting to be rezoned appears to be outside of the Commercial Core Overlay District (CCOD). A copy of the CCOD map is provided in the attachments.

PROPERTY INFORMATION

OWNER/APPLICANT: Wingate Properties, LLC (Owner) / Lori S. Epler, Larry King & Associates (Agent/Applicant).

ADDRESS/LOCATION: Located at the southeastern corner of Dunn Rd and Eastgate St. The property is Lot "A" of the East Ridge plat. Refer to Exhibit "A", Location and Zoning Map. REID number: 0468494255000

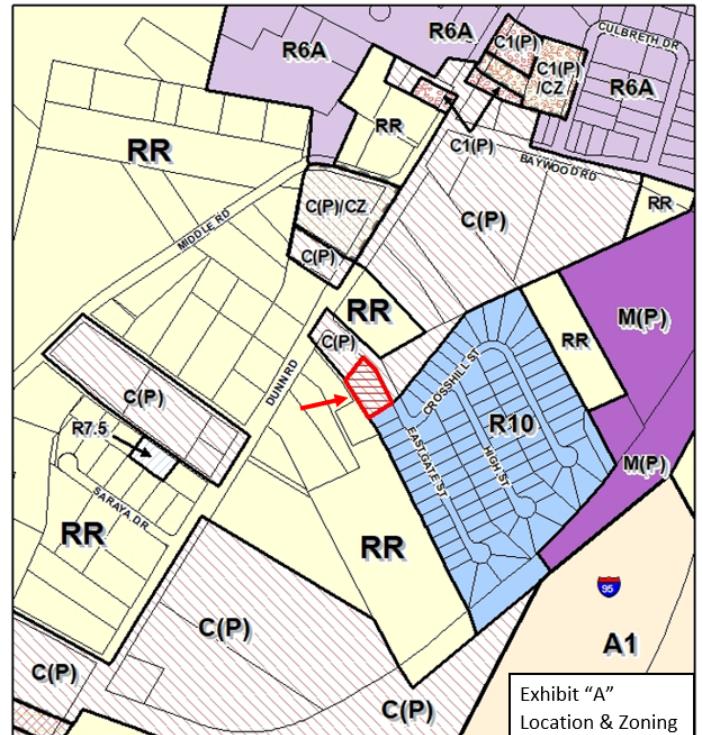
SIZE: 0.79-acres of a parcel containing approximately 1.40-acres. A legal description of the 0.79-acres is provided in the attachments. Road frontage along Eastgate St. approx. 469 feet. Road frontage along Dunn Rd is School St is 69 feet. The property is approximately 150 feet in length at its deepest point from Eastgate St and 464 feet from Dunn Rd.

EXISTING ZONING: The subject property is currently zoned C(P) Planned Commercial District. The C(P) district is designed to assure the grouping of buildings on a parcel of land so as to constitute a harmonious, efficient and convenient retail shopping area. Site plans assure traffic safety and the harmonious and beneficial relations between the commercial area and contiguous land. To promote the essential design features with the C(P) district, plan approval is a requirement.

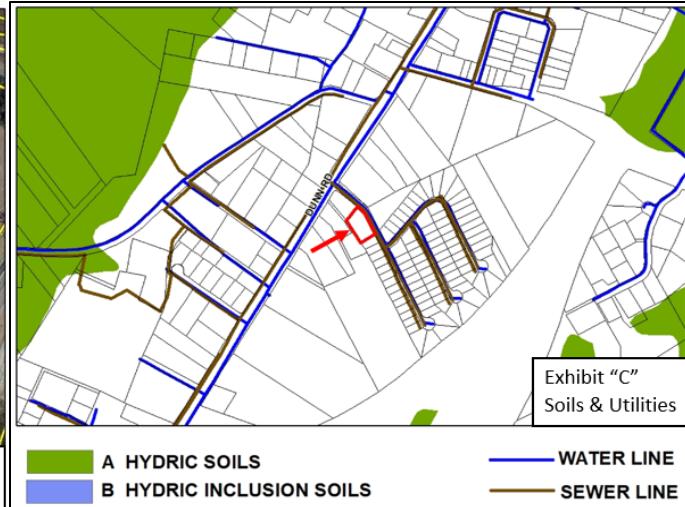
EXISTING LAND USE: The subject parcel is currently undeveloped.

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

- **North:** Eastgate St, Dunn Rd, Single-family Residential, Commercial.
- **East:** Eastgate St, Eastridge Single-family Residential Subdivision.
- **West:** Dunn Rd, Single-family Residential, Commercial.
- **South:** Single-family Residential.



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



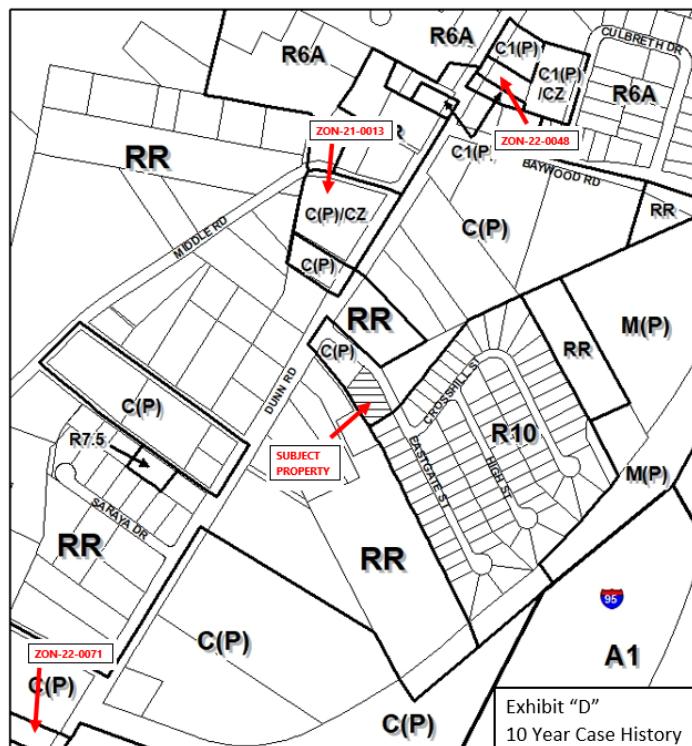
TEN YEAR ZONE CASE HISTORY:

Exhibit "D" denotes the rezoning cases within the past ten years near the subject property.

- ZON-25-0028: Removal of CCOD; Approved
- ZON-22-0071: C1(P) to C(P); Approved
- ZON-22-0048: C1(P) to C1(P)/CZ; Approved
- ZON-21-0013: C(P) to C(P)/CZ; Approved

DEVELOPMENT REVIEW: Prior to commencement of any new subdivision or Group Development, a preliminary plan or site plan must be submitted, reviewed, and approved by the Town of Eastover for compliance with the Subdivision and Zoning Ordinances prior to development activity.

DIMENSIONAL PROVISIONS FOR REQUESTED DISTRICT:



Minimum Standard	C(P) (Existing Zoning)	R7.5 (Proposed)
Front Yard Setback	50 feet	30 feet
Side Yard Setback	30 feet	10 feet
Rear Yard Setback	30 feet	35 feet
Lot Area	N/A	7,500 sq. ft.
Lot Width	N/A	75'

DEVELOPMENT POTENTIAL:

Existing Zoning (C(P))	Proposed Zoning (R7.5)
0 dwelling unit	4 dwelling units

- Lot count may be rounded up when a fraction occurs. When any requirement of this ordinance results in a fraction of a unit, a fraction of one-half or more shall be considered a whole unit, and a fraction of less than one-half shall be disregarded.

COMPREHENSIVE PLANS:

This property is located in the Eastover Area Land Use Plan (2018). The future land use classification of the property is "Mixed Use". The associated zoning districts for Mixed Use are MXD/CZ, C(P), C1(P), C2(P), and O&I(P).

The proposed rezoning request is not Inconsistent with the future land use plan.

Note: The future land use classification of the property is Mixed Use. However, the property is closely neighbored by an area designated by the Future Land Use Map as "Suburban Density Residential" and R7.5 is an associated zoning district. If the request is approved, a map amendment to Suburban Density Residential will be established.

Future Land Use Classification Development Goals, Notes, and Objectives:

- "Provide for a full range of housing types with adequate infrastructure throughout that is in harmony with the surrounding areas and accommodates the future needs of the residents while maintaining the character of the area" (Eastover Area Land Use Plan 2018, p. 49).
- "Use development techniques that preserve the rural character of the area." (Eastover Area Land Use Plan 2018, p. 49).

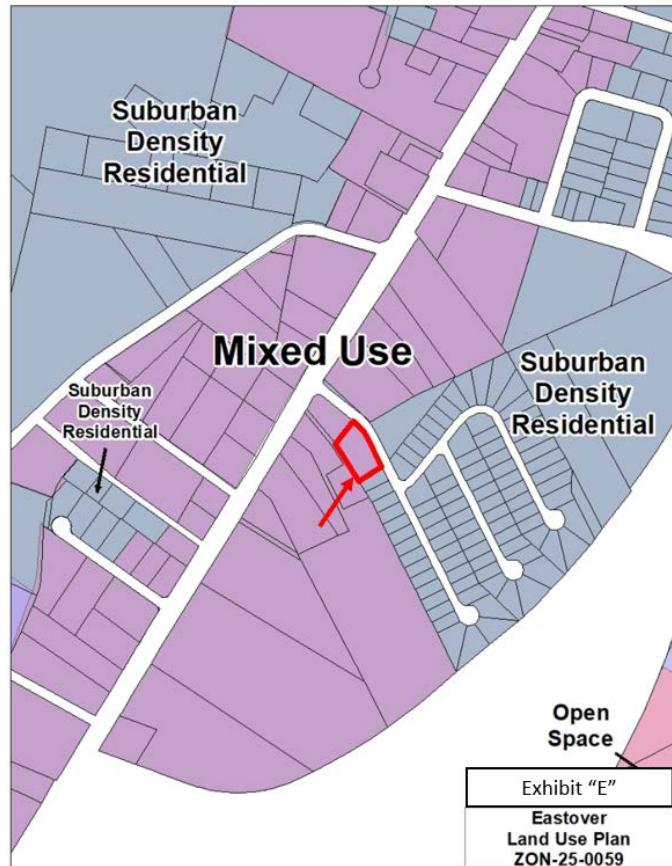


Exhibit "E"
Eastover
Land Use Plan
ZON-25-0059

IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES

UTILITIES: Eastover Sanitary District water and sewer lines are available fronting the subject property along Dunn Rd and Eastgate St. It is the applicant's responsibility to determine if this utility provider will serve their development. Water and sewer lines are shown on Exhibit "C".

TRAFFIC: According to the Fayetteville Area Metropolitan Planning Organization (FAMPO), Dunn Rd is identified as a Minor Arterial in the Metropolitan Transportation Plan. There are no roadway construction improvement projects planned, and the subject property will have no significant impact on the Transportation Improvement Program. In addition, Dunn Rd has a 2021 AADT of 7,100 and a road capacity of 15,800. Due to lack of data and the small scale, the new zoning request does not demand a trip generation and new development should not generate enough traffic to significantly impact Dunn Road.

SCHOOLS CAPACITY/ENROLLMENT:

School	Enrollment	Capacity
Armstrong Elementary	425	441
Mac Williams Middle	1127	1164
Cape Fear High	1500	1476

ECONOMIC DEVELOPMENT: Fayetteville Cumberland County Economic Development Corporation has reviewed the request and has no objection to the proposed rezoning.

EMERGENCY SERVICES: Cumberland County Fire Marshal's office has reviewed the request and has no objections to the rezoning request.

SPECIAL DISTRICTS/ OVERLAY DISTRICTS: The northwestern portion of the parent parcel abutting the 0.79-acres proposed to be rezoned, is located within the Commercial Core Overlay District, but the subject site was removed from the overlay district in October 2025 by the Eastover Town Council

Special Districts			
Fayetteville Regional Airport Overlay:	n/a	Averasboro Battlefield Corridor:	n/a
Five Mile Distance of Fort Liberty:	n/a	Eastover Commercial Core Overlay District:	n/a
Voluntary Agricultural District (VAD):	n/a	Spring Lake Main Street Overlay District:	n/a
VAD Half Mile Buffer:	n/a	Coliseum Tourism Overlay District	n/a

CONDITIONS OF APPROVAL: This is a conventional rezoning. There are no conditions proposed at this time.

STAFF RECOMMENDATION

In Case ZON-25-0059, Planning and Inspections staff **recommends approval** of the rezoning request from C(P) Planned Commercial District to R7.5 Residential District and find that:

1. Approval is an amendment to the adopted, current Eastover Area Land Use Plan and that the Town Council should not require any additional request or application for amendment to said map for this request.
2. The character of the surrounding area changed with the area-wide amendment to the Commercial Core Overlay District boundaries approved by the Town Council in October 2025.
3. The subject property abuts an existing established residential neighborhood assigned the R7.5 zoning designation and the Suburban Density Residential land use designation.

Staff also finds that the request is reasonable and in the public interest as it is compatible to and in harmony with the surrounding land use activities and zoning.

Attachments:

Commercial Core Overlay Map

Notification Mailing List

Application

Legal Description

Deed

EXHIBIT "F" – UPDATED COMMERCIAL CORE OVERLAY DISTRICT

Eastover Commercial Core Overlay District Boundary

Exhibit "F"



ATTACHMENT - MAILING LIST

ABC STORAGE LLC
5604 SHADY PINE CT
HOPE MILLS, NC 28348

ABE, JEFFREY
3333 EASTGATE ST
EASTOVER, NC 28312

ALLEN, HOWARD F
2304 CROSSHILL ST
EASTOVER, NC 28312

BAGGETT, MARY SUSAN
3602 DUNN RD
EASTOVER, NC 28312

BALLANCE, FRED
PITTMAN;BALLANCE,
BETTY EZZELL
2180 MIDDLE RD
EASTOVER, NC 28312

BALLANCE, PAMELA R
2178 MIDDLE RD
FAYETTEVILLE, NC 28301

BOWDEN, ROBERT C
3322 HIGH ST
EASTOVER, NC 28312

BREWSTER, CYNTHIA Y
2329 CROSSHILL ST
EASTOVER, NC 28312

BRODBECK, KYLE
3317 EASTGATE STREET
EASTOVER, NC 28312

BROKENBOROUGH,
TRACY THOMAS II
3311 HIGH ST
EASTOVER, NC 28312

BRYANT, MICHAEL S;
LEWIS, ANESSA J
3163 CHURCH ST
EASTOVER, NC 28312

BURTONBOY, THOMAS;
MCCARTHY, LORRAINE
2313 CROSSHILL STREET
EASTOVER, NC 28312

CAIN, JOHN A JR
3612 DUNN RD
EASTOVER, NC 28312

CAREY, JANICE G
;CAREY, CHRIS ANTHONY SR
3325 EASTGATE STREET
FAYETTEVILLE, NC 28312

CARLTON, THOMAS
3308 EASTGATE ST
EASTOVER, NC 28312

CEDAR CREEK
INVESTMENTS, L.L.C.
109 HAY ST STE 201
FAYETTEVILLE, NC 28301

COLEMAN, VINCENT A;
COLEMAN, LESHONDA M
3651 DUNN RD
EASTOVER, NC 28312

COLEMAN-HOWELL,
PAMELA C.
3665 DUNN RD
EASTOVER, NC 28312

CRUZ, ALISHA;
CRUZ, BRIAN
2317 CROSSHILL ST
EASTOVER, NC 28312

CRUZ, EDDIE PELLOT;
CRUZ, WANDA RUIZ
3330 HIGH ST
EASTOVER, NC 28312

DANALI PROPERTIES
LLC
517 ROB RD
STEDMAN, NC 28391

DAVIS, JOHNNIE W;
DAVIS, STACEY C
3314 HIGH ST
EASTOVER, NC 28312

EDENFIELD, RONALD;
EDENFIELD, BEVERLY
2341 CROSSHILL ST
EASTOVER, NC 28312

FERGUSON, MARIE
3329 EASTGATE STREET
EASTOVER, NC 28312

FISHBURNE, CHERYL DENISE;
GLOVER, KENITH
3324 EASTGATE STREET
EASTOVER, NC 28312

FOSTER, JOHN T;
FOSTER, TABITHA
3326 HIGH ST
EASTOVER, NC 28312

FOY, MARGIE
3318 HIGH ST
FAYETTEVILLE, NC 28303

GUNN, CAMELIA R;GUNN,
JEFFREY B
3307 HIGH STREET
EASTOVER, NC 28312

HALL, DYLAN MATTHEW CAIN
3652 DUNN RD
EASTOVER, NC 28312

HALL, JEFFREY SCOTT;
HALL, CHRISTY DAVIS
2337 CROSSHILL ST
EASTOVER, NC 28312

HALL, KAREN T
4433 WILLOW MOSS WAY
SOUTHPORT, NC 28461

HARRIS, NATHAN
2321 CROSSHILL STREET
EASTOVER, NC 28312

HERNANDEZ-MENDOZA, ROBERTO;
REGALADO-HERNANDEZ, ELENA
2308 CROSSHILL ST
EASTOVER, NC 28312

HOLMES, JANE GAYLE
3710 DUNN RD
EASTOVER, NC 28312

JACKSON, BRUCE L;
JACKSON, TRACY
3301 HIGH ST
FAYETTEVILLE, NC 28312

JACTION INC
3532 DUNN RD
EASTOVER, NC 28312

JONES, KENYATTA ROCHELLE;
PETTAWAY, JOHNNY ALVIN JR
3319 HIGH STREET
FAYETTEVILLE, NC 28312

JORDAN, GREGORY ALLEN
2174 MIDDLE RD
EASTOVER, NC 28312

KING, RASHAD H
2420 CROSSHILL STREET
EASTOVER, NC 28312

LANGSTON, GARY M;
LANGSTON, MICHAEL P.
3258 EASTGATE ST
EASTOVER, NC 28312

LEECHFORD, MICHAEL E
3304 EASTGATE ST
EASTOVER, NC 28312

LEON, ERIBERTO MACIAS;
ANGEL-ONATE, MARIA DEYSI
3321 EASTGATE STREET
EASTOVER, NC 28312

MADDOX, MICHAEL S;
MADDOX, YUMI
3306 HIGH ST
EASTOVER, NC 28312

MARTINEZ, BRYAN
RODRIGUEZ;GARCIA, GRACIELA
3316 EASTGATE STREET
EASTOVER, NC 28312

MASTERS, KEITH;
MASTERS, TIFFANY
2333 CROSSHILL ST
EASTOVER, NC 28312

MAXWELL, NANCY DELP;
MAXWELL, CARMAN A.
1000 BAYWOOD ROAD
FAYETTEVILLE, NC 28312

MCDANIEL, ROLAND FRED
LIFE ESTATE;MCDANIEL,
RITA SUE LIFE ESTATE
5615 WADE STEDMAN RD
WADE, NC 28395

MERCER, PATIENCE ANNA
2342 CROSSHILL ST
EASTOVER, NC 28312

MITCHELL, DANIEL
2408 CROSSHILL ST
EASTOVER, NC 28312

MOCK, KAYLA;MOCK,
BENJAMIN
3310 HIGH STREET
EASTOVER, NC 28312

MONROE, ROGER D III;TRUSDALE,
SHANAVIA MAHOGANY
3323 HIGH STREET
EASTOVER, NC 28312

MORELAND, QUOJUANTS
DEMETRIS;MORELAND,
TEONTE N THOMAS-MORELAND
7437 STRICKLAND MANOR WAY
WINSTON, GA 30187

MULCAHY, RICHARD T
2400 CROSSHILL ST
EASTOVER, NC 28312

PEREZ, PEDRO;PEREZ, KIMBERLY
3332 EASTGATE STREET
EASTOVER, NC 28312

PIERCE, JAMIRE D
3320 EASTGATE ST
EASTOVER, NC 28312

PLOURDE, BAILEY;
STROMBERG, HANS P
3327 HIGH ST
EASTOVER, NC 28312

POWELL, TERICAM
2325 CROSSHILL ST
EASTOVER, NC 28312

RK3 LLC
222 OLD VANDER ROAD
FAYETTEVILLE, NC 28312

ROSICH, CURRAN SHEA
ROSICH, CAITLIN ELIZABETH
3315 HIGH ST
EASTOVER, NC 28312

SCHOOLCRAFT, KELLY
JR;SCHOOLCRAFT, HEATHER
2345 CROSSHILL ST
EASTOVER, NC 28312

SEAMAN, DANIEL;
SEAMAN, VICKIE FARMER
4001 FINAL APPROACH DR
EASTOVER, NC 28312

SHREE RANG, LLC
4427 FERNCREEK DR
FAYETTEVILLE, NC 28314

SMITH, PHILIP N.;SMITH, JONI L.
PO BOX 156
WADE, NC 28395

STARR, KEVIN WAYNE;
STARR, TINA CHAPMAN
2404 CROSSHILL ST
EASTOVER, NC 28312

STORM, NANCY
2305 CROSSHILL STREET
EASTOVER, NC 28312

TATUM, ROBBIN MACGREGOR
2309 CROSSHILL ST
EASTOVER, NC 28312

THOMPSON, CHRISTOPHER
JAY;THOMPSON, BRITTANY ANN
2416 CROSSHILL STREET
EASTOVER, NC 28312

VELEZ, JAVIER E. ASENCIO
3328 EASTGATE ST
EASTOVER, NC 28312

WILLIAMS, MANGIER;
WILLIAMS, JOYCE A
3615 DUNN RD
EASTOVER, NC 28312

WINGATE PROPERTIES LLC
1203 LONGLEAF DR
FAYETTEVILLE, NC 28305

WRIGHT, JOHN H;
WRIGHT, JANET W
3145 CHURCH ST
EASTOVER, NC 28312

ATTACHMENT: APPLICATION



County of Cumberland
◆
Planning & Inspections Department

CASE #:	_____
PLANNING BOARD MEETING DATE:	_____
DATE APPLICATION SUBMITTED:	_____
RECEIPT #:	_____
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 C(P) to ~~R100~~ R7.5
2. Address of Property to be Rezoned: 0 EASTGATE STREET
3. Location of Property: SOUTHERN CORNER OF DUNN RD AND EASTGATE ST
4. Parcel Identification Number (PIN #) of subject property: 0468494255000
(also known as Tax ID Number or Property Tax ID)
5. Acreage: ~~0.86~~ 0.79 Frontage: ~~2828~~ 276.28 Depth: ~~160~~ 133.58
6. Water Provider: Well: _____ PWC: _____ Other (name): EASTOVER
7. Septage Provider: Septic Tank _____ PWC EASTOVER
8. Deed Book 6906, Page(s) 455, 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: 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.

ROB MCCUALEY, MANAGER OF WINGATE PROPERTIES LLC

NAME OF OWNER(S) (PRINT OR TYPE)

235 GREEN ST, FAYETTEVILLE, NC 28301

ADDRESS OF OWNER(S)

910.401.5900

HOME TELEPHONE #

910.401.5900

WORK TELEPHONE #

LORI S. EPLER c/o LARRY KING & ASSOCIATES RLS, PA

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

1333 MORGANTON RD, STE 201, FAYETTEVILLE NC 28305

ADDRESS OF AGENT, ATTORNEY, APPLICANT

LEPLER@LKANDA.COM

E-MAIL

910.483.4300

HOME TELEPHONE #

910.483.4300

WORK TELEPHONE #

Rob McCualey
Manager of Wingate Properties, Inc

SIGNATURE OF OWNER(S)

SIGNATURE OF AGENT, ATTORNEY OR
APPLICANT

SIGNATURE OF OWNER(S)

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



AFFIDAVIT OF OWNERSHIP/AGENT AUTHORIZATION FORM

PROPERTY OWNER (Company or Individual): WINGATE PROPERTIES LLC

MAILING ADDRESS: 235 GREEN STREET, FAYETTEVILLE, NC 28301

Officer's name and title: ROB MCCUALEY

1. That I am (we are) owner's and record title holder(s) of the following described property legal description, to wit:
2. That this property constitutes the property for which a request for (type of Application Approval Requested: REZONING)
3. That the undersigned has (have) appointed and does (do) appoint LORI S EPLER as agent(s) to execute any petitions or other documents necessary to affect such petition, including development review time extension requests; and request that you accept my agent (s) signature as rep[resenting my agreement of all terms and conditions of the approval process;
4. That this affidavit has been executed to induce Cumberland County, North Carolina and act on the foregoing request;
5. That I, (we) the undersigned authority, hereby certify that the foregoing is true and correct.

Rob McCauley Manager of Wingate Properties, LLC
Owner's Signature

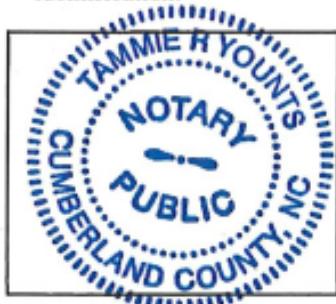
Owner's Signature

Owner's Signature

State of North Carolina

Cumberland County

The foregoing instrument was acknowledged before me by means of physical presence or _____ online notarization, this 12th day of November (month),
2025 (year), by ROB McCUALEY (name of person acknowledging) who is personally known to me or who has produced _____ (type of identification) as identification.



Tammie R Younts

Signature of Notary Public – State of North Carolina
(Print, Type or Stamp Commissioned Name of Notary Public to the Left of Signature)

My commission expires: July 5, 2030

ATTACHMENT – LEGAL DESCRIPTION

LARRY KING & ASSOCIATES, R.L.S., P.A.
1333 MORGANTON ROAD, SUITE 201
FAYETTEVILLE, NC 28305
PHONE: (910) 483-4300 FAX: (910) 483-4052
N.C. Firm Lic. C-0887

December 15, 2025

LEGAL DESCRIPTION

0.79 ACRES

EAST RIDGE REZONING

LYING in Eastover Township, Cumberland County, Eastover, North Carolina, bounded on the west by the eastern boundary line of Lot 4, Karen T. Hall as described and recorded in Plat Book 124, Page 34, Cumberland County Registry; bounded on the north by the a portion of the tract of which this is a part, being Commercial Lot A, East Ridge, as described and recorded in Plat Book 117, Page 104, Cumberland County Registry ; bounded on the east by the western right of way margin of Eastgate Street (50 feet right of way); bounded on the south by the northern boundary line of Lot 1 East Ridge as described and recorded in Plat Book 117, Page 104, Cumberland County Registry; and being more particularly described as follows:

COMMENCING from a point in the aforementioned margin of Eastgate Street, said point being the easternmost property corner of Lot 1 East Ridge as described and recorded in the aforementioned plat, thence and with said margin of Eastgate Street North 26 degrees 30 minutes 12 seconds West for a distance of 75.21 feet to a point, the northernmost property corner of said Lot 1 and the **TRUE POINT AND PLACE OF BEGINNING**.

THENCE and with the southern boundary of said Commercial Lot A and the northern boundary of said Lot 1, South 57 degrees 50 minutes 41 seconds West for a distance of 133.58 feet to a point, said point being the lying in the eastern boundary line of the aforementioned Lot 4, being the westernmost boundary corner of said Lot 1 and the southernmost boundary corner of said Commercial Lot A;

THENCE and with the western boundary of said Commercial Lot A and the eastern boundary of said Lot 4, North 32 degrees 09 minutes 19 seconds West for a distance of 215.00 feet to a point;

THENCE with a new line North 38 degrees 42 minutes 27 seconds East for a distance of 146.89 feet to a point in the said western right of way margin of Eastgate Street;

THENCE and with the western right of way margin of Eastgate Street, South 51 degrees 17 minutes 33 seconds East for a distance of 11.62 feet to a point;

THENCE continuing with the western right of way margin of Eastgate Street feet with a curve to the right being subtended by a chord bearing of South 38 degrees 33 minutes 54 seconds East for a distance of 99.30 feet and having a radius of 205.00 feet and an arc length of 100.31 feet to a point;

THENCE and with the said margin of Eastgate Street, South 26 degrees 30 minutes 12 seconds East for a distance of 165.28 feet to a point. Said point being the **TRUE POINT AND PLACE OF BEGINNING**.

Together with and subject to all covenants, restrictions and easements of record.
Said property contains 0.79 acres (34,616 square feet), more or less.

This description was prepared by Larry King and Associates, R.L.S., P.A., under the direct supervision of W. Larry King, P.L.S., L-1339, on this the 15th day of December, 2025 for the purpose of rezoning only. This is not intended to create a subdivision.

W. Larry King PLS 1339
W. Larry King, P.L.S., L-1339



ATTACHMENT: DEED

6986
8455

BK6906PG455

026621

RECEIVED

6- 9-2005 PM 2:52:27

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

CUMBERLAND COUNTY NC 06/09/2005
\$730.00

STATE OF
NORTH
CAROLINA
Real Estate
Excise Tax

NORTH CAROLINA GENERAL WARRANTY DEED

Title Not Certified

Excise Tax \$730.00

RLDNP File #05RE-209A

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

Prepared by/Mail after recording to: Rebecca F. Person, P.O. Drawer 1358, Fayetteville, NC 28302

Brief Description for the Index: Lots 1, 2, 3 & 4, Linda Cain Brown SD & 12.93 Acres, Eastover Twp.

THIS DEED made this 7th day of June, 2005 by and between:

GRANTOR	GRANTEE
GENE F. WILLIFORD, SR., unmarried	WINGATE PROPERTIES, LLC Mailing Address: 111 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 in or near the City of Fayetteville, Eastover Township, Cumberland County, North Carolina and more particularly described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY THIS REFERENCE.

20

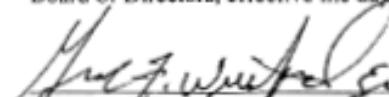
The property hereinabove described was acquired by instrument recorded in Book 6777, Page 597, Book 6777, Page 599, and Book 6764, Page 583, Cumberland County, North Carolina, Registry.

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, and utility easements, permits, and rights of way as the same may appear 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, effective the day and year first above written.


[SEAL.]
GENE F. WILLIFORD, SR.

NORTH CAROLINA
CUMBERLAND COUNTY

I, a Notary Public of the County and State aforesaid, certify that GENE F. WILLIFORD, SR., unmarried, personally came before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial seal, this the 8th day of June, 2005.

My commission expires: 11-18-08



The foregoing Certificate of Elizabeth A. Smith

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.

By J. Lee Warren, Jr. REGISTER OF DEEDS FOR CUMBERLAND COUNTY
Regina Mazzel Deputy/Assistant - Register of Deeds

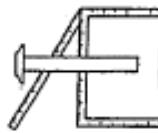
6986
8457

Averette Engineering Co., P. A.

EXHIBIT "A"

Cumberland County:
1717 Swann Street
Fayetteville, NC 28303

Hoke County:
712 E. Lake Ridge Road
Raeford, NC 28376



CIVIL ENGINEERING
LAND SURVEYING
PLANNING

Phone: (910) 488-5656
Fax: (910) 488-0181
Web: www.averette-eng.com

BK6906PC457

January 12, 2005

TRACT I:

Gene Williford & O.B. Knowles
12.93 Acre Tract
A Portion of Deed Book 6002, Page 191
Eastover Township
Cumberland County, North Carolina

BEGINNING at an existing 2-inch iron pipe, said 2-inch iron pipe being located South 64 degrees 41 minutes 26 seconds West 207.70 feet from the northeast corner of the overall tract of land as described and recorded in Deed Book 6002, Page 191, said corner also being the northeast corner of the tract of land as described and recorded in Deed Book 2822, Page 566 of the Cumberland County Registry, North Carolina; thence with the western line of the tract of land as described and recorded in said Deed Book 2822, Page 566 South 28 degrees 38 minutes 01 seconds East 663.19 feet to an iron stake set; thence a new line South 03 degrees 12 minutes 55 seconds West 106.45 feet to an iron stake set; thence a new line South 27 degrees 15 minutes 36 seconds East 260.58 feet to an iron stake set, said iron stake set being located in the northern right-of-way margin of I-95; thence with the northern right-of-way margin of I-95 the following courses and distances: South 30 degrees 17 minutes 53 seconds West 31.01 feet to an iron stake set; thence South 40 degrees 52 minutes 45 seconds West 180.40 feet to an iron stake set; thence South 42 degrees 47 minutes 51 seconds West 117.41 feet to an iron stake set; thence South 44 degrees 12 minutes 53 seconds West 101.12 feet to an iron stake set; thence South 44 degrees 45 minutes 11 seconds West 82.21 feet to an existing $\frac{1}{2}$ -inch rebar, said rebar being the southeast corner of Lot 3 as shown on a plat entitled "Subdivision of the Property of Linda Cain Brown" and recorded in Plat Book 102, Page 131 of the said Cumberland County Registry; thence with an eastern line of said Lot 3 North 26 degrees 43 minutes 50 seconds West 359.92 feet to an existing $\frac{1}{2}$ -inch rebar, said rebar being the southeast corner of Lot 4 as shown on said Plat Book 102, Page 131; thence with an eastern line of said Lot 4 North 26 degrees 45 minutes 12 seconds West 849.81 feet to an existing iron pipe, said iron pipe being the northwest corner of the overall tract of land as described and recorded in said Deed Book 6002, Page 191; thence with the northern line of said Deed Book 6002, Page 191 North 64 degrees 41 minutes 26 seconds East 507.86 feet to the point and place of BEGINNING and containing 12.93 acres more or less and being a Portion of Deed Book 6002, Page 191 of the Cumberland County Registry, North Carolina.

The above description was prepared by Charles D. Averette, L-1560 of Averette Engineering Co., P.A. Fayetteville, N.C. from a survey and deeds and a plat of record.



Charles D. Averette

TRACT II:

Being all of Lots 1, 2, 3 & 4, as shown on a plat entitled "SUBDIVISION OF THE PROPERTY OF LINDA CAIN BROWN" duly recorded in Book of Plats 102, Page 131, Cumberland County, North Carolina Registry.



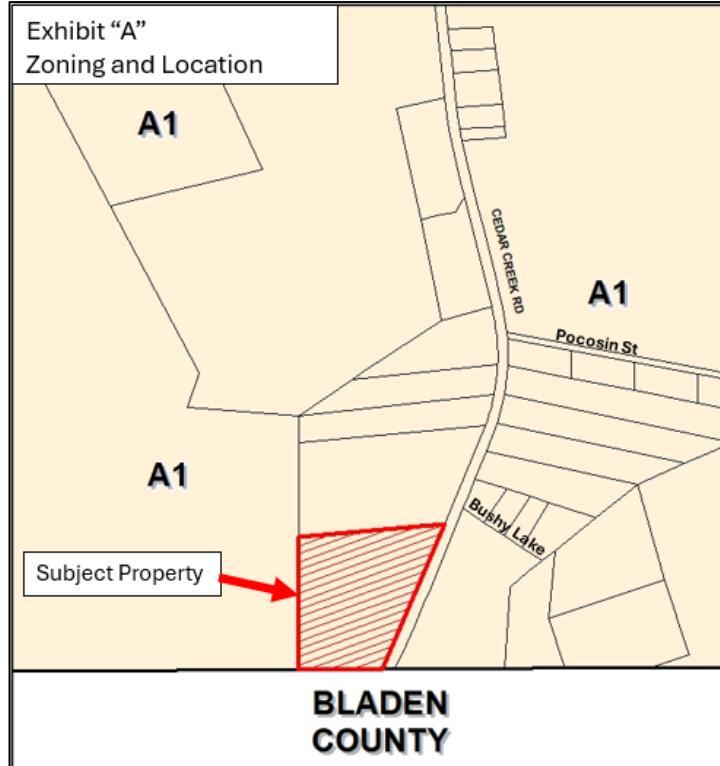
PLANNING STAFF REPORT
SUBDIVISION WAIVER # DEV-0153-25
 Planning Board Meeting: Jan. 20, 2026

Location: West side of Cedar Creek Rd,
 South of the intersection of
 Bushy Lk. And Cedar Creek Rd.

Jurisdiction: County-Unincorporated

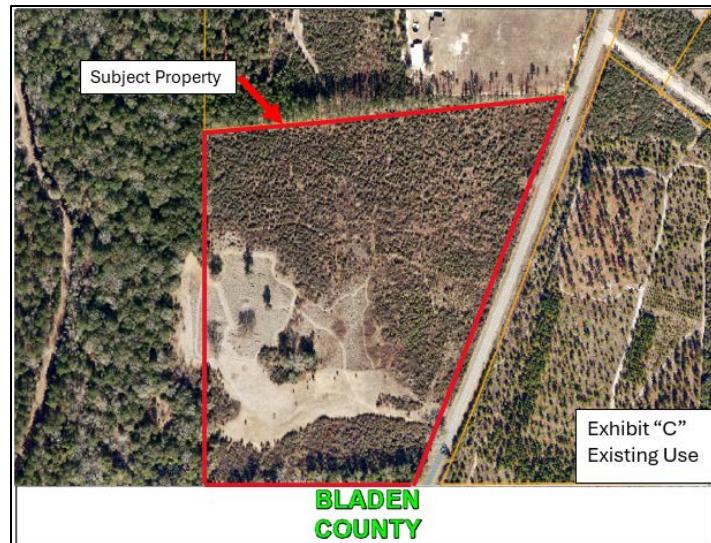
REQUEST	Subdivision Waiver from Section 2303.D Access to Certain Classified Streets
<p>Applicant requests a Subdivision Waiver from Section 2303.D, County Subdivision Ordinance, to construct five shared driveways in lieu of providing a required private street, either a Class "A" paved private street or two Class "B" gravel private streets, to provide access to Cedar Creek Rd. for a proposed subdivision with ten residential lots. Cedar Creek Road is designated a major collector road. Containing approximately 31.26 acres, the property is located at the west side of Cedar Creek Rd, south of the intersection of Bushy Lk. And Cedar Creek Rd., as shown in Exhibit "A". The proposed preliminary subdivision plan is illustrated in Exhibit "B".</p>	<p>Exhibits</p> <p>A. Location & Zoning B. DEV-0153-25 Proposed Preliminary Subdivision Plan C. Existing Use D (1-3). Additional Property Information E. Section 2303.D. Waiver Request F. Section 2304.C Private Streets, Sub. Ord. G. E. Section 2601 Waivers Attachment: DEV-0089-25 Proposed Preliminary Subdivision Plan Subdivision Waiver Application, Affidavit of Authorization Notification Mailing List</p>

PROPERTY INFORMATION
<p>Owner/Applicant: Southeastern Construction Of Rockfish LLC (Owner); Mitchell Averette (Applicant)</p>
<p>Address/Location West side of Cedar Creek Rd, South of the intersection of Bushy Lk. And Cedar Creek Rd. Refer to Exhibit "A", Location and Zoning Map. REID number: 0470919336000.</p>
<p>Size: 31.26 +\/- acres. Road frontage along Cedar Creek Rd. is approximately 1,456 feet linear feet. The property is 1,373 feet in length at its deepest point.</p>
<p>Property Access: Cedar Creek (major collector) is currently the only means of access to the subject site.</p>
<p>Existing Zoning: The subject property is currently zoned A1 Agricultural District. The minimum lot size for this district is two acres. 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.</p>



Existing Use: The property is currently wooded land with some portions cleared, as illustrated in Exhibit "C".

Additional Property Information: Refer to Exhibit "D" for other site-related information.



CASE HISTORY

The Applicant submitted an application to the Current Planning Division desiring to create a ten-lot subdivision on July 29, 2025 as DEV-0089-25. The proposal preliminary subdivision plan, attached, depicted ten lots with the intent for individual driveways to serve each. For this type of proposed subdivision along a right-of-way classified as a major collector or higher per the NCDOT Road Classification System, the County Subdivision Ordinance, under Sections 2303.D, Exhibit "E", attached, requires a private street to serve the proposed lots internally and not have direct access to Cedar Creek Road.

With the requirement of a private street, the applicant was informed that either:

- a. A Class "A" private street be proposed and installed for all ten lots adhering to all Class "A" private street requirements within the County Subdivision Ordinance, or
- b. Two Class "B" private streets to serve five lots each be proposed and installed adhering to all Class "B" private street requirements within the County Subdivision Ordinance.

Standards for all private street types are provided in Exhibit "F", attached.

Applicant met with staff to advise on how to proceed further while adhering to all County Zoning and Subdivision Ordinance standards. The applicant did provide a sketch to Current Planning depicting two Class "B" streets serving five lots each. The sketch plan with the two Class "B" streets is attached.

Following the two Class "B" streets proposed, the developer decided to pursue the configuration that depicted the five shared driveways in lieu of the Class "A" or Class "B" private streets as shown in Exhibit "B".

As County Planning staff does not have the authority to waive the street requirements or specifications, the property owner filed a subdivision waiver application on November 19, 2025, attached. Pursuant to Section 2601(Exhibit "G") of the Subdivision Ordinance, to request that the Planning Board grant said waiver request.

LAND USE PLAN CONSISTENCY

Comprehensive Plans: Exhibit "D3" illustrates that This property is located in the Southeast Cumberland Land Use Plan (2016). The future land use classification of the property is Farmland. The associated zoning districts for Farmland are A1 and A1A. The subdivision waiver request is not consistent with the Southeast Cumberland Land Use Plan:

- Residential Goals

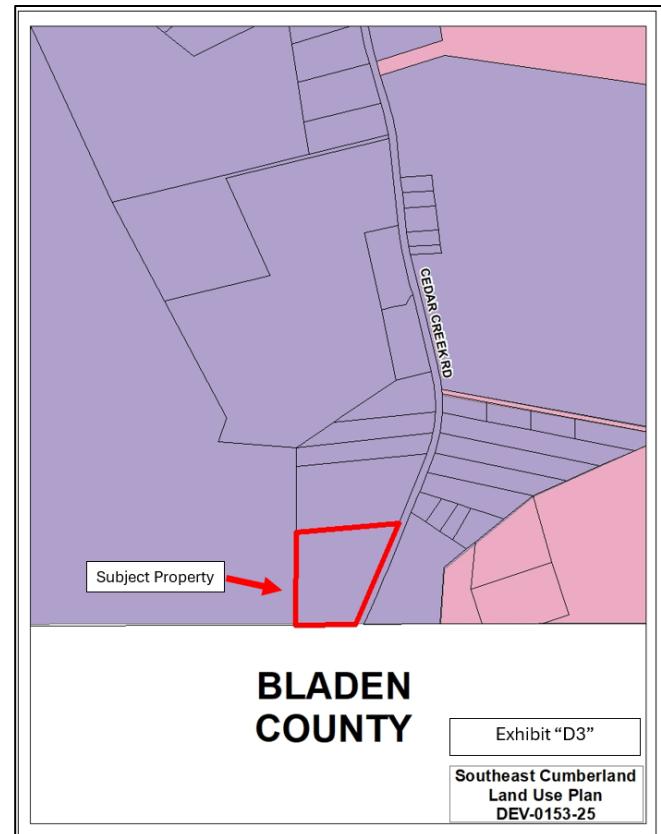
"Subdivisions with more than three adjacent lots are required to provide a 10-foot-wide natural buffer along the road frontage and the lots shall not have direct access to an existing State maintained road" (p. 94).

"Provide for residential development that protects and maintains the rural residential character; does not conflict with farming and forestry operations; is not detrimental to open space, environmentally sensitive areas and recreation; and improves the quality of life for residents in the Area" (p. 93).

- Transportation Goal

"Provide for safe, adequate and multi-model transportation system that meets the present and future needs of the residents and the traveling public in the Area." (p. 95)

Intent of the Southeast Land Use Plan is to promote a "rural" character and provide for safe and adequate roads.



FINDINGS OF FACT

1. Fact: Southeast Cumberland Land Use Plan: The applicant's request is not consistent with the policies and recommendations of the Southeast Cumberland Land Use Plan. The Subdivision Ordinance requirement for a Class "B" street meets and supports the intent of policies and recommendations of the Southeast Cumberland Land Use Plan while the applicant's request for five shared driveways does not.

Finding No. 1: Southeast Cumberland LUP, Recommendations, Residential Goals, p. 94. "Subdivisions with more than three adjacent lots are required to provide a 10-foot-wide natural buffer along the road frontage and the lots shall not have direct access to an existing State maintained road. [emphasis added]

Finding No. 2: Southeast Cumberland LUP, Recommendations, Transportation Goal, p. 95. "Provide for safe, adequate and multi-model transportation system that meets the present and future needs of the residents and the traveling public in the Area. [emphasis added]

2. Fact: Sec. 2303.D, Sub. Ord.: "Direct access shall not be allowed for any single-family residential lot located along any street as defined or classified by the Highway Plan or locally adopted Collector/Feeder Street Plan as major or minor thoroughfare, arterial, collector or feeder street, where feasible and sufficient land depth exists allowing for the proposed lots to be served internally." Applicant proposes five shared driveways, to serve ten lots, as demonstrated in Exhibit "B".

Finding: Cedar Creek Rd. (S.R. 531) is classified as a major collector road per NCDOT Road Classification System, attached. Lot depth and land area are sufficient to accommodate a private or public street designed per the Subdivision Ordinance.

3. Fact: Sec.2304.A., Private streets shall be developed in accordance with the terms of this ordinance (Exhibit "D")

Finding: Other developments have installed private Class "B" or Class "C" streets along Cedar Creek Rd. in accordance with the County Subdivision Ordinance. Such as the nearby developments to the north containing Pocosin St. and Bushy Lk.

4. Fact: Applicant has provided a correspondence between the property owner and NCDOT, indicating that shared driveways with a 200-foot separation between driveways would meet NDCOT standards.

Finding: As proposed on the preliminary subdivision plan, there appears to be sufficient space between the shared driveways to adhere to the 200-foot minimum separation requirement between the driveways per NCDOT standards. The NCDOT email is present in the attachments.

PLANNING BOARD AUTHORITY AND WAIVER CRITERIA

Section 2601. Waivers.

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

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

Burden of proof is placed on the applicant to demonstrate compliance with each of these criteria.

PLANNING BOARD ACTION

The Planning Board has the authority to approve, deny, or approved with conditions a subdivision waiver. In granting waivers through a quasi-judicial hearing and decision, any condition approved by the Planning Board must be reasonable and practical. Any waiver, thus granted, is required to be entered in writing in the minutes of the Planning Board and the reasoning upon which departure was justified set forth.

Attachments:

Exhibits B, D-G

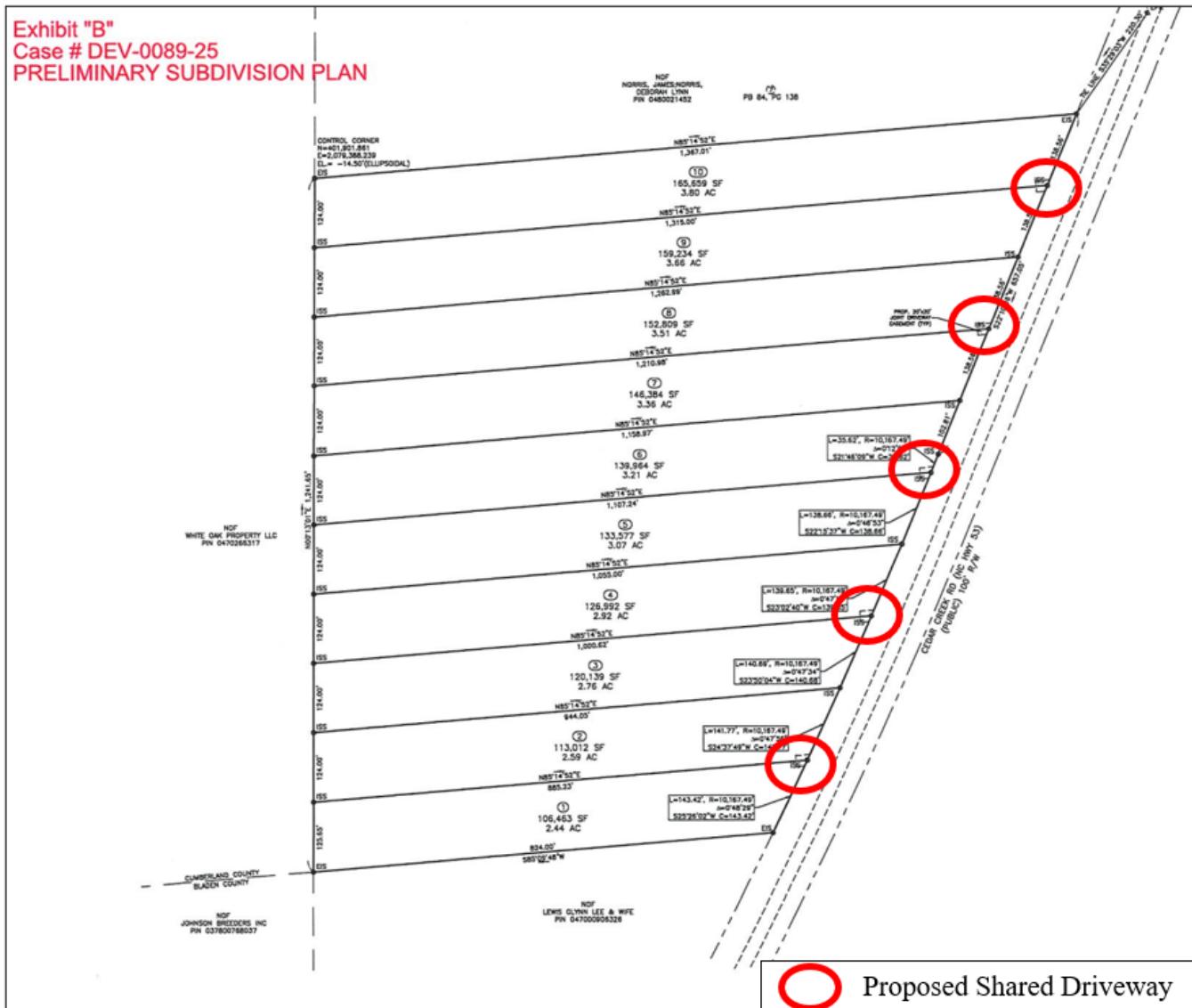
NCDOT Email Allowing Shared Driveways

Subdivision Waiver Application

Notification Mailing List

EXHIBIT "B"
DEV-0153-25 Proposed Preliminary Subdivision Plan

Exhibit "B"
Case # DEV-0089-25
PRELIMINARY SUBDIVISION PLAN

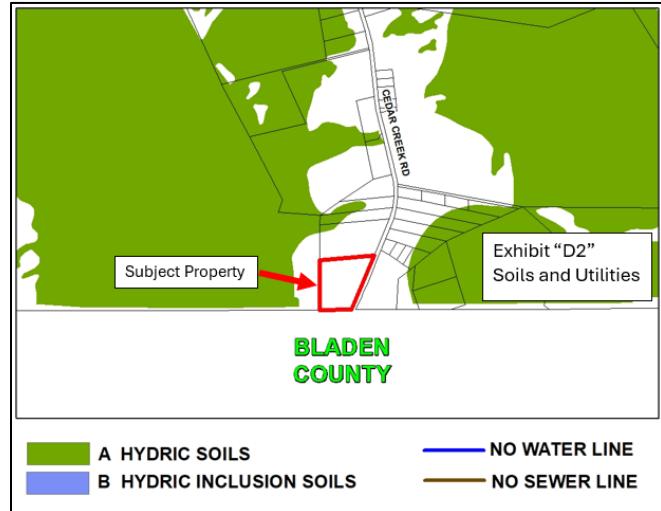
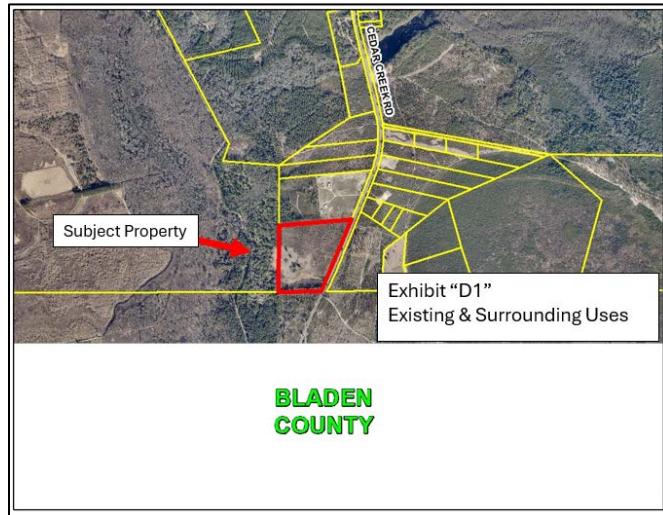


Proposed Shared Driveway

EXHIBIT "D"
Additional Property Information

Existing Land Use: The subject property is wooded undeveloped land.

Surrounding Land Use: Exhibit "D1" illustrates the following:



North: Single-family homes and wooded lands.

East: Wooded lands

West: Wooded lands

South: Wooded lands.

Other Site Characteristics: The site is not located in a Watershed nor within a Flood Zone Hazard Area. The subject property, as delineated in Exhibit "D2", also illustrates that no hydric or hydric inclusion soils are present.

Transportation: Ceder Creek Road is designated as a "major collector road" on the NCDOT Street Classification System. In 2025, vehicle traffic on this road experienced 1,000 average annual trips per day (AADT). NCDOT does not currently have plans to expand the Cedar Creek Road right-of-way, and there are no roadway maintenance projects planned.

Development Review: Subdivision review and approval by the Planning & Inspections Department will be required prior to any division of land.

Utilities: Public water and sewer lines are not available to the subject property. Well and septic system permits will be required and must be obtained from the County Environmental Health department.

EXHIBIT "E"

Section Excerpts from 2303. Minimum Lot Standards, Subsection D. Access to Certain Classified Streets, County Subdivision Ordinance

D. Access to certain classified streets. Direct access shall not be allowed for any single-family residential lot located along any street as defined or classified by the Highway Plan or locally adopted Collector/Feeder Street Plan as major or minor thoroughfare, arterial, collector or feeder street, where feasible and sufficient land depth exists allowing for the proposed lots to be served internally.

EXHIBIT "F"
SECTION 2304.C.4 PRIVATE STREET SPECIFICATIONS

C. Private streets. Private streets will be permitted to serve as access within subdivisions or other developments; however, dedication of public streets and other rights-of-way or easements may be required if such are indicated on the official plans as adopted by the County Board of Commissioners, a governing body of a municipality in Cumberland County or the Planning Board. Public streets and/or other rights-of-way or easements or public access over private streets will be required where the Planning Board, the NCDOT, or public utility agency determines that such are necessary in order to promote the continuity of existing streets or utility systems or otherwise protect and promote the public health, safety and welfare.

1. *NCDOT specifications.* Unless otherwise approved, the developer shall reserve enough area along all private streets to meet NCDOT specifications for right-of-way width requirements on secondary roads. Except for Class "C" private streets, the land area within the private street right-of-way as is required to be reserved may not be used toward lot area requirements. The area within any private street right-of-way, regardless of class or type of street shall not be included in any required yard space.

(Amd. 10-15-12)

2. *Access to government agency.* In any subdivision or other development where private streets are provided, the developer shall prepare for Planning and Inspections Department approval and record in the County Register of Deeds, a plat of such development indicating all private streets. It shall be indicated on such plat that any governmental agency or personnel or equipment thereof 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 governmental agency. It shall be indicated on such plat that any 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.

3. *Upgrading street classification.* If a division of the same or adjacent lands previously approved under this section occurs which could change the status of the street to A, B or public street classifications, the entire street must be upgraded to the applicable higher standard. The individual desiring to create the additional divisions of land shall be responsible for the upgrading of the streets to the higher classification after giving notice to and receiving agreement from the affected property owners.

4. *Minimum design specifications.* The following specifications shall be the minimum accepted for private streets and must be completed or guaranteed to be completed in accordance with Section 2502, prior to submission for final plat approval. In all subdivisions or other developments, minimum asphalt paving and/or base construction is required at least to the minimum standards of the NCDOT for residential streets.

a. *Class "A" private street specifications:*

- (1) All street construction, surfacing and drainage standards shall meet or exceed the NCDOT's design specifications for residential streets;
- (2) No area of any lot shall be included in the right-of-way easement;
- (3) Street(s) shall be maintained by an established owners' association, as approved by the County Attorney and supported by recorded legal documentation addressing a street maintenance agreement;
- (4) There is no limit to the number of lots to be served by this street classification;
- (5) Clearing and grubbing shall be completed five feet of each edge of the surfaced travel way; and
- (6) When curb and gutter sections are omitted, 45-foot right-of-way must

be provided.

b. *Class "B" private street specifications:*

- (1) All street construction and drainage standards shall meet or exceed the design specifications of the NCDOT for residential streets with a rural cross-section and with the appropriate amount of either "crusher run" or gravel as certified by a professional engineer and shall provide a minimum of a 45-foot right-of-way;
- (2) Street(s) shall be maintained by an established owners' association, as approved by the County Attorney and supported by recorded legal documentation addressing a street maintenance agreement;
- (3) All such private streets shall connect to a state-maintained road or an approved Class A private street;
- (4) Clearing and grubbing shall be completed five feet of each edge of the travel way;
- (5) May serve a maximum of eight lots; and
- (6) Group developments as approved under the terms of this ordinance shall be limited to a maximum of two units per lot. *(Amd. 12-19-11)*

c. *Class "C" private street specifications:*

- (1) A minimum passable travel way 20 feet wide shall be provided within a 30-foot easement;
- (2) An adequate drainage system shall be constructed in accordance with the storm drainage plan designed by the registered engineer/surveyor;
- (3) All such private streets must directly connect to a paved state-maintained road or a Class "A" private street;
- (4) May serve a maximum of four lots;
- (5) Group developments as approved under the terms of this ordinance shall be limited to a maximum of two units per lot;
- (6) Property lines shall be included in the street easement;
- (7) Clearing and grubbing will be completed five feet of each edge of the

travel way;

(8) *Repealed*; and

(9) Private streets approved under this classification shall be terminated with either a cul-de-sac or hammerhead (t-type) of sufficient size to afford emergency and other public vehicles adequate maneuvering area for turning around. (Amd. 12-19-11)

5. *Repealed*.

6. *Flag lots*. For Class "B" and "C" private streets, flag lots into the street right-of-way to the public street shall count as a lot being served for access purposes by such private street.

7. *Private street certification of construction*. Upon completion of construction of any private street and the related facilities including drainage ways, the developer shall provide for an inspection of all such facilities by a registered surveyor or engineer, who shall provide in writing a statement that all private streets and related facilities are constructed in accordance with the provisions of this ordinance and that all such facilities are adequate to serve the development. Such statement shall be affixed with the engineer's or surveyor's seal and submitted to the Planning and Inspections Department prior to the recording of the final plat or release of any construction guarantees as required under Section 2502. Upon receipt of the certification of construction and after the initial approval for recording of the final plat, the County has no enforcement responsibility as related to maintenance and encroachments within the right-of-way of any private street.

8. *Private street deed disclosure*. Every deed created for a lot served by a private street within the jurisdiction of this ordinance and to be filed with the County Register of Deeds shall include the following disclosure: "It is hereby acknowledged that a *Subdivision Streets Disclosure Statement* has been executed in accordance with N. C. GEN. STAT. § 136-102.6."

EXHIBIT "G"
SECTION 2601

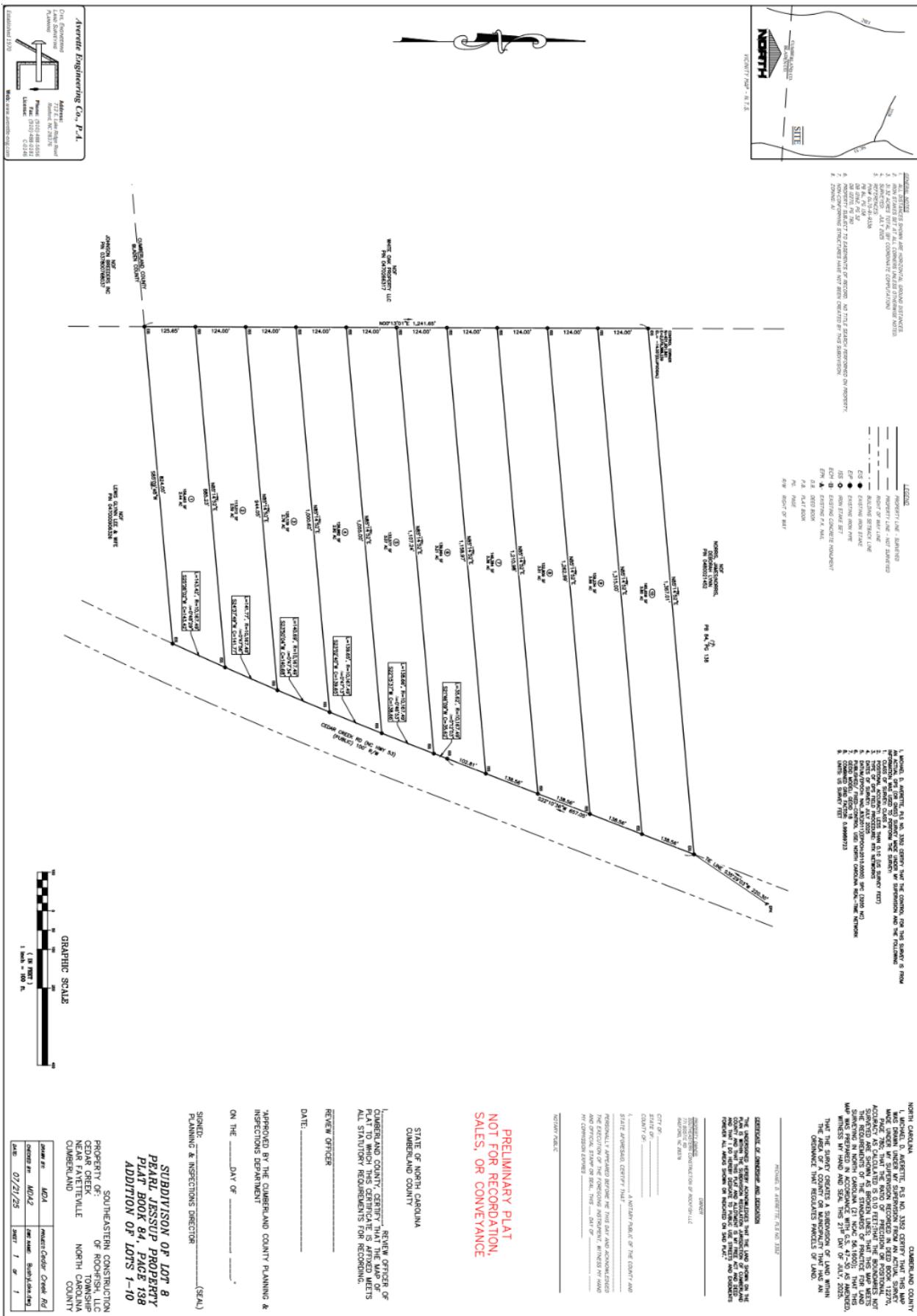
SECTION 2601. WAIVERS.

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

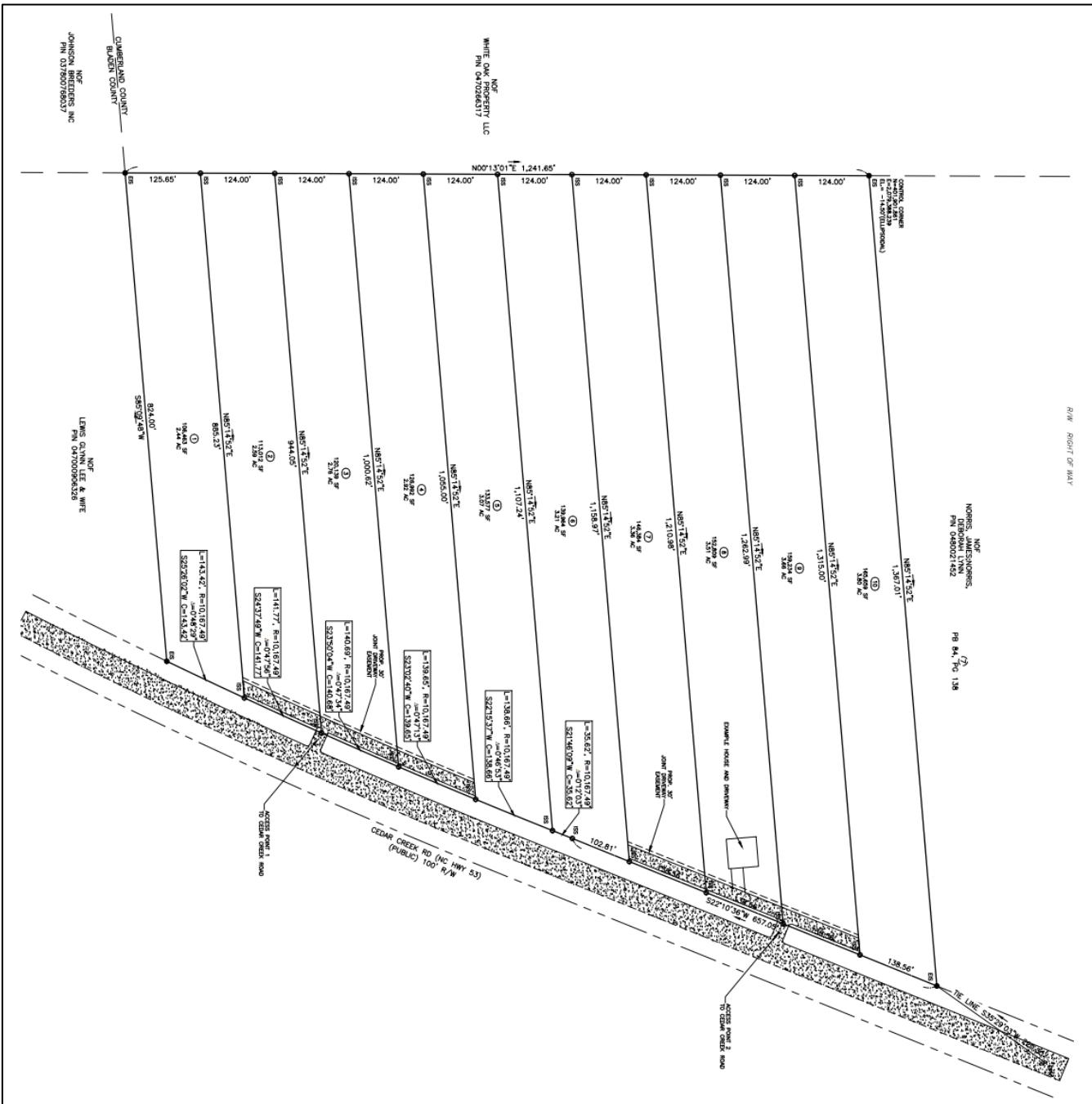
- A. Because of the size of the tract to be subdivided or developed, its topography, the condition or nature of adjoining areas, or the existence of other unusual physical conditions, strict compliance with the provisions of this ordinance would cause a special hardship to the property owner and be inequitable,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

In granting waivers through a quasi-judicial hearing and decision, the Planning Board may require such conditions as will secure, in so far as practicable, the objectives of the requirements waived. Any waiver, thus granted, is required to be entered in writing in the minutes of the Planning Board and the reasoning upon which departure was justified set forth. *(Amd. 6-21-21)*

ATTACHMENT: ORIGINAL TEN LOT PRELIMINARY PLAN PROPOSAL



ATTACHMENT: PRELIMINARY PLAN DEPICTING TWO CLASS "B" STREETS



ATTACHMENT: NCDOT EMAIL ALLOWING SHARED DRIVEWAYS

NC 53 (Cedar Creek Road) - Subdivision

7 messages

Baker, Troy L <tlbaker2@ncdot.gov>
To: Jeff Wright <southeasternconst@gmail.com>

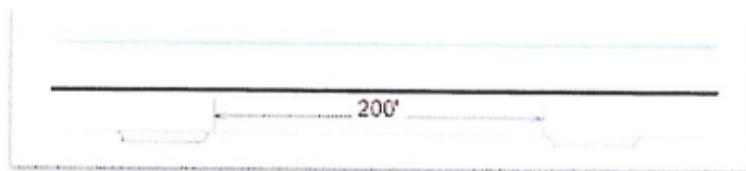
Tue, Sep 9, 2025 at 7:41 AM

Jeff,

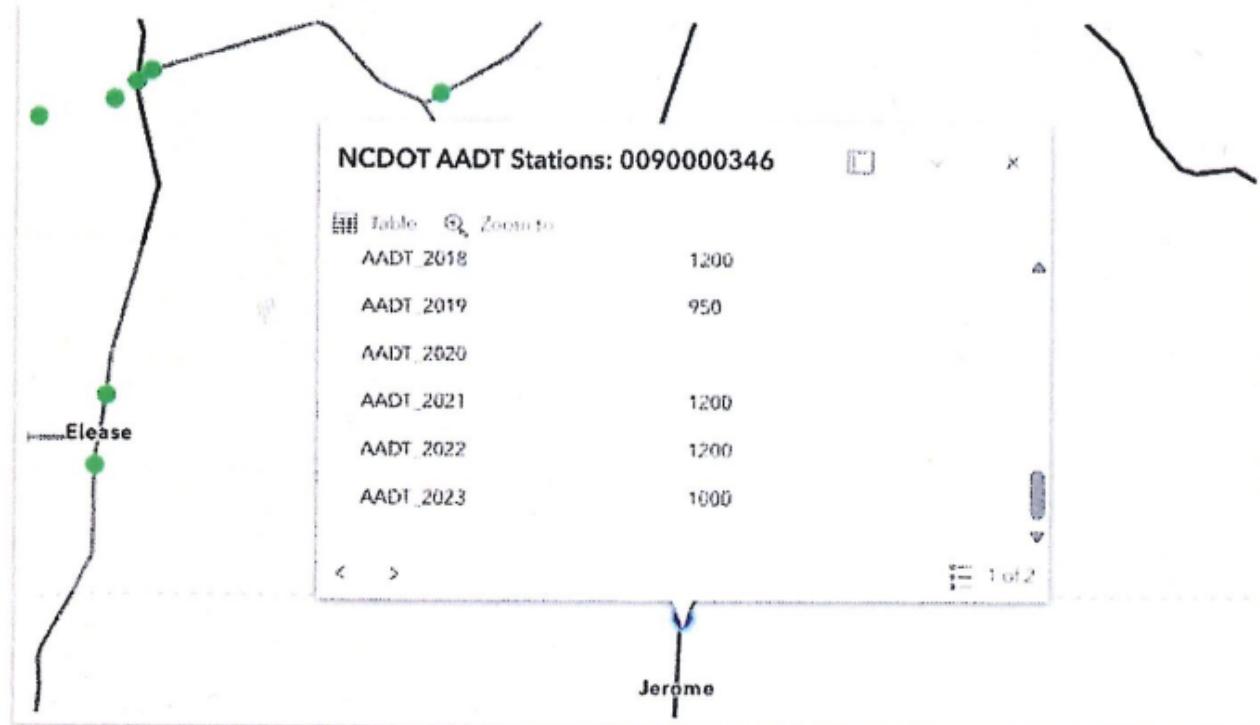
The Department would grant individual driveways along the section of NC Highway 53 providing that the required 200' spacing could be achieved. This number is based upon the roadway classification (primary) and the latest average annual daily traffic data available. The most recent data indicated that 1000 vehicles traveled this route in 2023 which was a decrease from 1200 the previous year,

With the specified lot frontage of 130', individual driveways would not be permitted per our guidelines.

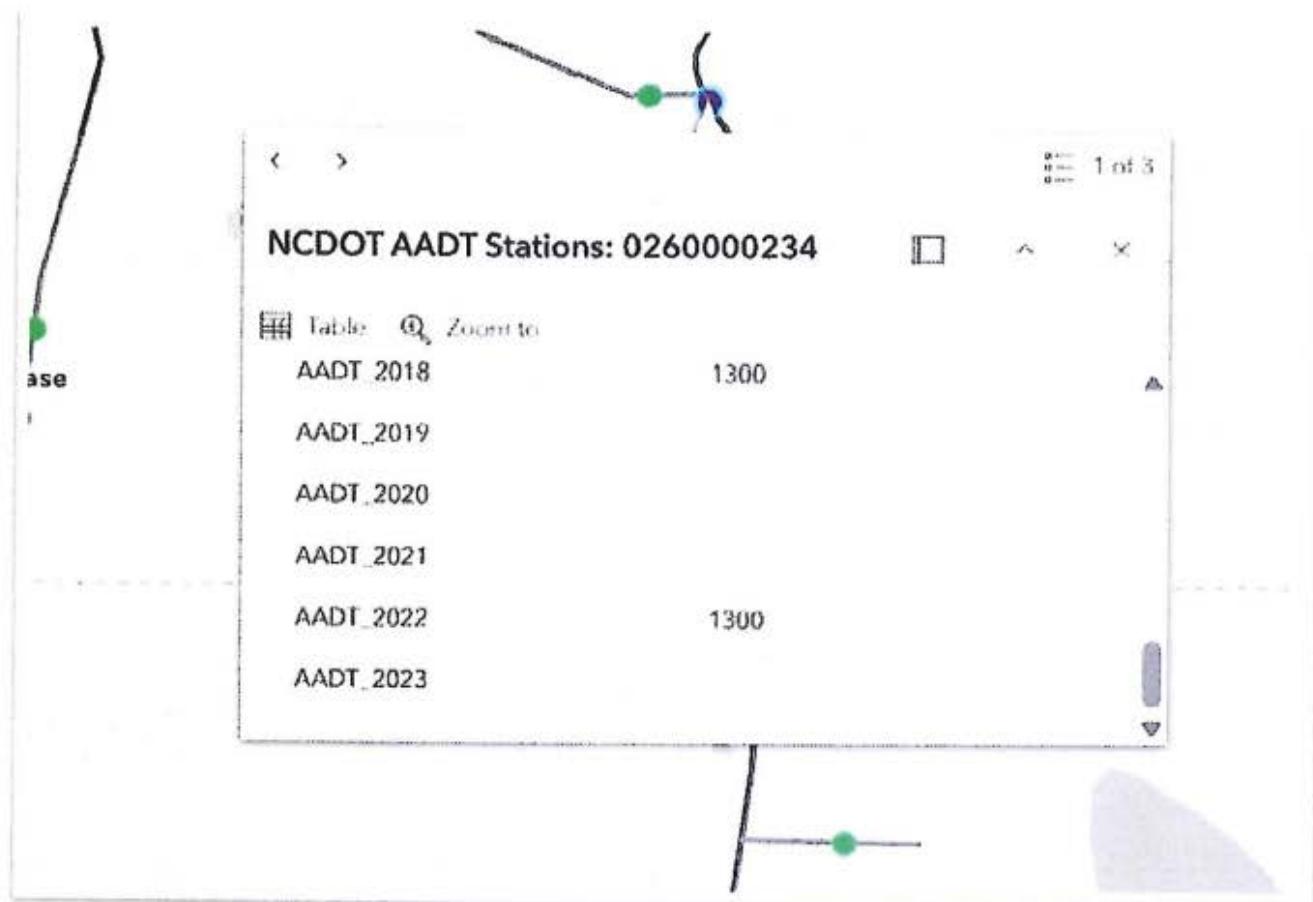
Ten (10) lots could be served with five (5) driveways (shared) with the necessary 200' driveway spacing (see image below):



Just south of 0470919336000 (Bladen County):



North of 0470919336000 (Cumberland County):



If additional information is needed, please advise.

Troy

Troy Baker

Senior Assistant District Engineer

North Carolina Department of Transportation

Division of Highways

Division Six / District Two



(910) 364-0601 office

(910) 437-2529 fax

tlbaker2@ncdot.gov

600 Southern Avenue

ATTACHMENT: SUBDIVISION WAIVER APPLICATION



COUNTY of CUMBERLAND
Planning & Inspections Department

CASE #:	_____
PLANNING BOARD MEETING DATE:	_____
DATE APPLICATION SUBMITTED:	_____
RECEIPT #:	_____
RECEIVED BY:	_____

APPLICATION FOR WAIVER (VARIANCE)
FROM
CUMBERLAND COUNTY SUBDIVISION ORDINANCE PROVISION(S)

The Cumberland County Joint Planning Board meetings are held in the second floor hearing room of the Historic Courthouse at 130 Gillespie Street, Fayetteville, unless otherwise specified. The Joint Planning Board will advertise the public hearing and a notice will be mailed or delivered to surrounding residents or property owners that may be affected by the proposed waiver [variance] request, giving notice of date and time of the meeting.

The Joint Planning Board will conduct a quasi-judicial hearing on this request and all persons wishing to appear before the board should be prepared to give sworn testimony on relevant facts. Applicants for waivers [variances] are encouraged to read Section 2601, currently entitled *Waivers* of the County's Subdivision Ordinance to establish whether or not their case merits further consideration by the Board (see next page).

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

1. A copy of the recorded deed and/or plat,
2. If a portion of an existing tract, 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 – see attached for site plan specifications; and
4. Cash or check payable to "Cumberland County" in the amount of \$200 .

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 Joint Planning Board meeting according to the board's meeting/deadline schedule. Also, the application fee is *nonrefundable*.

**EXCERPT FROM
CUMBERLAND COUNTY SUBDIVISION ORDINANCE**

SECTION 2601. WAIVERS [VARIANCES].

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

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

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

Related State Statute: N. C. GEN. STAT. § 153A-336

Any waiver [variance] granted becomes null and void if not exercised within the time specified in such approvals, or if no date is specified, within two calendar years from the date of such approval. If the board denies the waiver [variance] request, it shall enter the reason for its action in the minutes of the meeting at which the action is taken. In the event of a denial, the Joint Planning Board shall not consider resubmission of the application for the same waiver [variance] request on the same property without a substantial material change concerning the property and the application.

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

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

LOCATION OF PROPERTY: CEDAR CREEK RD FAYETTEVILLE NC
OWNER: SOUTHEASTERN CONSTRUCTION OF POLKMAN 28312
ADDRESS: 445 BOSWIC RD ZIP CODE: 28376
TELEPHONE: HOME 910 308 1534 WORK 910 308 1534
AGENT: JEFFREY WEIGHT
ADDRESS: 445 BOSWIC RD
TELEPHONE: HOME 910 308 1534 WORK 910 308 1534

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

- A. Parcel Identification Number (PIN #) of subject property: 0470919336000
(also known as Tax ID Number or Property Tax ID)
- B. Acreage: 31.26 Frontage: 1456 Depth: 1273 - 1st SIDE
- C. Water Provider: WELL 785 - 2nd SIDE
- D. Septage Provider: SEPTIC
- E. Deed Book 12270, Page(s) 0780 - 0782, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
- F. Existing and/or proposed use of property: RESIDENTIAL HOMES
PROPOSED / CURRENTLY FARMLAND
- G. Section and provision of the Cumberland County Subdivision Ordinance from which a waiver [variance] is requested:
- _____

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

STATEMENT OF ACKNOWLEDGEMENT

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

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

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

Property owner(s)' signature(s)

JEFFREY WEIGHT / SOUTHEASTERN CONSTRUCTION
Property owner(s)' name (print or type)

445 BOSTIC RD RALEIGH NC 27376

Complete mailing address of property owner(s)

910 308 1634

Telephone number

718 607 7460

Alternative telephone number

southeasternconst2@gmail.com

Email address

FAX number

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

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

Complete mailing address of agent, attorney, or applicant

Telephone number

Alternative telephone number

Email address

FAX number

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



AFFIDAVIT OF OWNERSHIP/AGENT AUTHORIZATION FORM

PROPERTY OWNER (Company or Individual): SOUTHEASTERN CONSTRUCTION OF ROCKFISH LLC

MAILING ADDRESS: 445 BOSTIC RD RAEFORD NC 28376

Officer's name and title: JEFFREY WRIGHT/ OWNER

1. That I am (we are) owner's and record title holder(s) of the following described property legal description, to with:
2. That this property constitutes the property for which a request for (type of Application Approval Requested: waiver for drieways)
3. That the undersigned has (have) appointed and does (do) appoint KAT TAPIA as agent(s) to execute any petitions or other documents necessary to affect such petition, including development review time extension requests; and request that you accept my agent (s) signature as rep[resenting my agreement of all terms and conditions of the approval process;
4. That this affidavit has been executed to induce Cumberland County, North Carolina and act on the foregoing request;
5. That I, (we) the undersigned authority, hereby certify that the foregoing is true and correct.


Owner's Signature


Owner's Signature


Owner's Signature

State of North Carolina

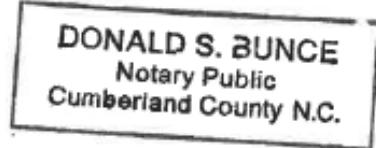
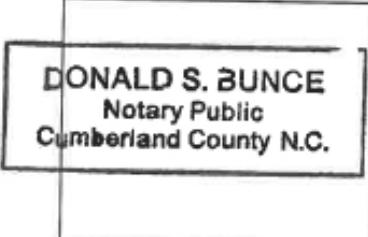
Cumberland County

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 23 day of December (month),
2025 (year), by Jeffrey Wright (name of person acknowledging) who is personally known to me or who has produced Driver (type of identification) as identification.


Donald S. Bunce

Signature of Notary Public – State of North Carolina
(Print, Type or Stamp Commissioned Name of Notary Public to the Left of Signature)


My Comm Expir 11/28/2027



ATTACHMENT – MAILING LIST

DOUGHERTY, PHILLIP
MERLE;DOUGHERTY,
VICKI SUSAN
P O BOX 381
COLBERT, GA 30628

SOUTHEASTERN
CONSTRUCTION OF ROCKFISH
LLC
771 BOSTIC RD
RAEFORD, NC 28376

CASSINO, JOHANNES JACK
GONZALEZ;GONZALEZ,
CHRISTINA MARIE
6915 BUSHY LAKE
FAYETTEVILLE, NC 28312

WHITE OAK PROPERTY
LLC
P.O BOX 699
ROSE HILL, NC 28458

NORRIS, JAMES;
NORRIS, DEBORAH LYNN
9276 CEDAR CREEK RD
FAYETTEVILLE, NC 28312