

Amy H. Cannon  
County Manager

Tracy Jackson  
Assistant County Manager



Rawls Howard  
Director

David Moon  
Deputy Director

## Cumberland County Joint Planning Board

### TENTATIVE AGENDA

April 20, 2021  
6:00 P.M.

- I. INVOCATION AND PLEDGE OF ALLEGIANCE
- II. ADJUSTMENTS TO / APPROVAL OF AGENDA
- III. PUBLIC HEARING DEFERRALS / WITHDRAWALS
- IV. ABSTENTIONS BY BOARD MEMBERS
- V. APPROVAL OF THE MINUTES OF MARCH 16, 2021
- VI. CHAIRMAN'S WELCOME AND RULES OF PROCEDURE
- VII. PUBLIC MEETING CONSENT ITEMS

### REZONING CASES

- A. **P21-21.** REZONING OF 1.20+/- ACRES FROM A1 AGRICULTURAL TO RR RURAL RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 6285 AND 6291 BRAXTON ROAD, SUBMITTED BY MARCUS G. MCLEAN (OWNER). (COUNTY)
- B. **P21-22.** REZONING OF 0.71+/- ACRES FROM A1 AGRICULTURAL TO R30 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 3618 GABE SMITH ROAD, SUBMITTED BY LOURETHA K. MCKETHAN (OWNER). (COUNTY)
- C. **P21-24:** REZONING OF 72.60+/- ACRES FROM AL AGRICULTURAL TO R40 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE EAST SIDE OF SR 1609 (W REEVES BRIDGE ROAD) AND NORTH OF US 401 (RAMSEY STREET), SUBMITTED BY MARGARET COLLIER HEIRS (OWNER) AND BEN STOUT (AGENT). (COUNTY)
- D. **P21-25:** REZONING OF 1+/- ACRES FROM AL AGRICULTURAL AND RR RURAL RESIDENTIAL TO RR RURAL RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 2952 AND 2958 BLOSSOM ROAD, SUBMITTED BY WILLIAM D. AND SYLVIA WARREN (OWNERS). (COUNTY)

### CONDITIONAL ZONING CASE

- E. **P21-20:** REZONING OF 12.61+/- ACRES FROM RR RURAL RESIDENTIAL TO R7.5 RESIDENTIAL/CZ CONDITIONAL ZONING FOR A 33 LOT ZERO LOT LINE SUBDIVISION OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE WEST SIDE OF NC HWY 87 S AND NORTH OF TOM STARLING ROAD, SUBMITTED BY ELEANOR YATES J. BUNNELLS, ELEANOR R. BUNNELLS, JOSEPHINE P. LYLE, CHARLES J. PATE AND JESSIE M. PATE (OWNERS) AND BLAYZE DIPASQUALE ON BEHALF OF MEKEE HOMES, INC. (AGENT). (COUNTY)

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## Cumberland County Joint Planning Board

- F. **P21-23:** REZONING OF 1.95+/- ACRES FROM R6A RESIDENTIAL TO C2(P) PLANNED SERVICE AND RETAIL/CZ CONDITIONAL ZONING FOR TRADE CONTRACTING AND RETAIL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE NORTH SIDE OF CUMBERLAND ROAD AND SOUTH OF STERLING DRIVE, SUBMITTED BY GARY DUANE MCGUIRE JR. (OWNER). (COUNTY)

### VIII. PUBLIC MEETING CONTESTED ITEMS

### IX. PUBLIC MEETING ITEM

- G. BETHANY LAND USE PLAN

### X. DISCUSSION

- INTRODUCTION OF NEW PLANNING MANAGER

### XI. ADJOURNMENT

**EXPLANATION OF THE REQUEST**

Change of Zoning: A1 to RR

Applicant requests rezoning of one parcel located at 6285 and 6291 Braxton Road from A1 Agricultural to RR Rural Residential. This request would increase the allowed density from 1 unit/2 acres to 1 unit/20,000 square feet. This is a conventional rezoning, and no conditions are proposed at this time.

**PROPERTY INFORMATION**

**OWNER/APPLICANT:** Marcus G. McLean (owner)

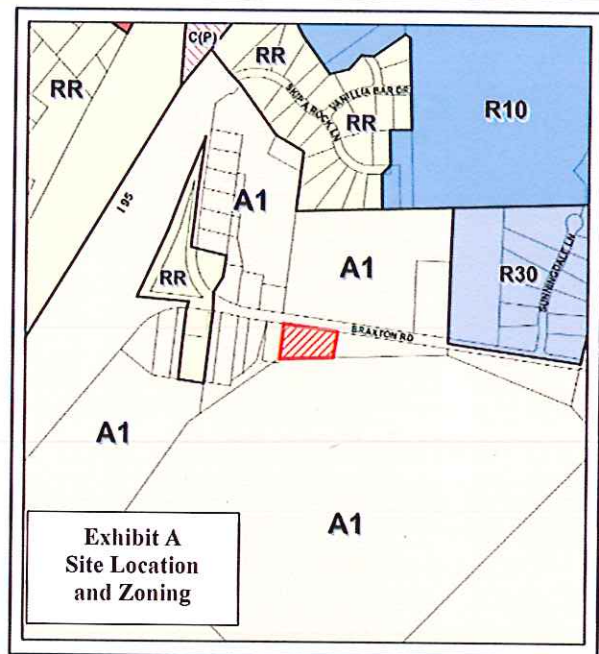
**ADDRESS/LOCATION:** 6285 and 6291 Braxton Road; more specifically REID 0412981233000. Refer to Exhibit "A", Site Location.

**SIZE:** This request includes one parcel totaling approximately 1.20 acres. The property has 318'+/- of street frontage along Braxton Road. The property is 180'+/- in depth.

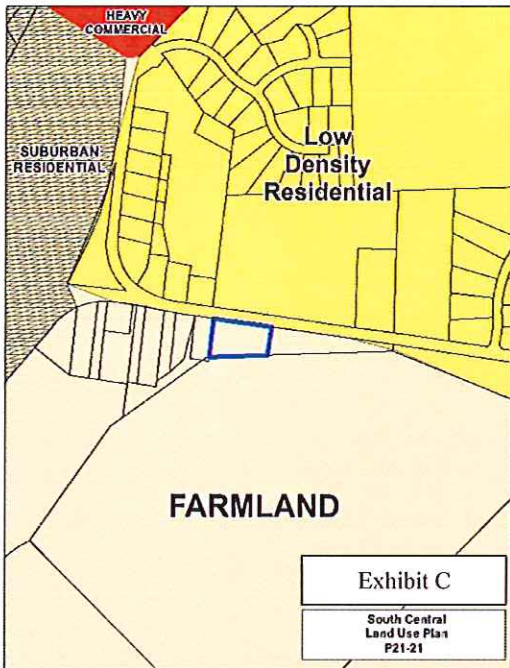
**EXISTING LAND USE:** The parcel is developed with a mobile home trailer.

**OTHER SITE CHARACTERISTICS:** The property is not located within the watershed or the Special Flood Hazard Area. There are no soil limitations to development on the property.

**DEVELOPMENT REVIEW:** This property was created legally by deed in 1979 (Deed Bk. 2695, Pg. 536) and has recently gone through a group development review (Case 21-023). His group development approval is contingent upon the success of this rezoning.



**SURROUNDING LAND USE:** There are residential uses in the surrounding area, including single family homes and mobile homes. Farmlands occur to the south of the property.



**ZONING HISTORY:** The property was initially zoned A1 as part of the Area 13 initial zoning on June 25, 1980.

**UTILITIES:** The property is served by private well and septic. There are no public sewer lines available. The property is located within Gray's Creek Water and Sewer District.

**MINIMUM YARD SETBACKS:** If approved, the parcel would be subject to RR setbacks: Front yard: 30-foot, Side yard: 15-foot, Rear yard: 35 foot.

**COMPREHENSIVE PLANS:** The 2030 Growth Vision Plan designates this area as "Urban Fringe". Located in the South Central Land Use Plan area, a "Farmland" designation is assigned to the property. **Request is not plan compliant.** A Plan amendment will be necessary to create consistency with the proposed zoning category, if the rezoning is approved.

**IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES**

**TRAFFIC:** The subject property sits on Braxton Road and is identified as an existing thoroughfare in the Metropolitan Transportation Plan. There are no construction projects planned, and the subject property will have no impact on the Transportation Improvement Plan. The Average Daily Traffic Count (2016) on Braxton Road is 1,700.

**SCHOOLS CAP/ENROLL:** Gallberry Farm Elementary: 900/853; Gray's Creek Middle: 1200/1096; Gray's Creek High: 1470/1343

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

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

**FAYETTEVILLE REGIONAL AIRPORT:** The property is not located within the Airport Overlay District.

**STAFF RECOMMENDATION**

In Case P21-21, the Planning & Inspections staff **recommends approval** of the rezoning request from **A1 Agriculture to RR Residential**, and finds:

- a. The approval is an amendment to the adopted, current South Central Land Use Plan map; and that the Board of Commissioners should not require any additional request or application for amendment to said map for this request;
- b. The following change in conditions was considered in amending the zoning ordinance (zoning map) to meet the development needs of the community: proximity to other Low Density and Suburban Residential to the north and northwest, transition between residential areas to the north and agriculture uses to the south, and location at the interchange of I-95 and Braxton Road; and
- c. This rezoning approval is reasonable and in the public interest because the district requested is in harmony with surrounding zoning and existing land uses.

Attachments: Notification Mailing List; Zoning Application

ATTACHMENTS – MIALING LIST

OWNER_NAME	ADDRESS	CITYSTATEZIP
HODGES, JIM HEIRS	4904 BARBEE RD	DURHAM, NC 27713
MCMILLAN, ARLETHA HEIRS	601 HAMLE PARK DR	MORRISVILLE, ND 27560
GIBSON, ROSIA LEE	6379 BRAXTON RD	HOPE MILLS, NC 28348
MCGEACHY, KELVIN TROY	22919 S NC 301 HWY	PARKTON, NC 28371
MARTINEZ, DANIEL	1660 OLD TROLLEY RD 121	SUMMERVILLE, SC 29485
SHULER, VINCENT	639 GENESIS ST	HOPE MILLS, NC 28348
MCGEACHY, KELVIN T;MCGEACHY, ANGELIA	22919 S US 301 HWY	PARKTON, NC 28371
STRICKLAND, ROSCOE LEE III;STRICKLAND, JAMIE CHAVIS	3013 LUDGATE TRL	FAYETTEVILLE, NC 28306
MCMILLAN, LUKE	5957 STATE RD	HOPE MILLS, NC 28348
MCMILLAN, SAM;MCMILLAN, GWENDLYN	5935 STATE ST	HOPE MILLS, NC 28348
BUXTON, JOHNNIE JR	5921 STATE RD	HOPE MILLS, NC 28348
MCCOY, DAVID HEIRS;MCCOY, OLIVIA;MCCOY, JOHN D	6330 BRAXTON RD	HOPE MILLS, NC 28348
LILLY, JAMES W	6342 BRAXTON RD	HOPE MILLS, NC 28348
HALE, ROBBIE M;DANIEL, FRED	PO BOX 504	HOPE MILLS, NC 28348
BUXTON, JOHNNIE JR	5921 STATE RD	HOPE MILLS, NC 28348
AGUILAR, ERIX SALVADOR;AGUILAR, CARMEN EMPERATRIZ FLORES	6331 BRAXTON RD	HOPE MILLS, NC 28348
MCCOY, DAVID HEIRS	6330 BRAXTON RD	HOPE MILLS, NC 28348
GARCIA MARADIAGA, JUAN NOEL;GARCIA MARADIAGA, WALDA LORENA	6327 BRAXTON RD	HOPE MILLS, NC 28348
HALL, JOHN MASON JR LIFE ESTATE	3501 BOONE TRL	FAYETTEVILLE, NC 28306
PURDIE, EDDIE HEIRS	2503 7TH AVE 302	TEMPLE HILLS, MD 20748
MCAIR, VINETTA M	5909 STATE RD	HOPE MILLS, NC 28348
FERGUSON, ANNIE MCLEAN	5865 STATE RD	HOPE MILLS, NC 28348
MCLEAN, MARCUS G	6141 BRAXTON RD	HOPE MILLS, NC 28348
LILLY, VIOLA LYNN;LILLY, JEROME NICHOLS	5841 STATE RD	HOPE MILLS, NC 28348
BUXTON, JOHNNIE JR;BUXTON, GLOR	5921 STATE RD	HOPE MILLS, NC 28348
FERGUSON, ANNIE MCLEAN	5865 STATE RD	HOPE MILLS, NC 28348
HALL, DANIEL;HALL, ROSA	108 SKIP A ROCK LN	HOPE MILLS, NC 28348
BARKER GALLBERRY FARMS LLC	5556 BRAXTON RD	HOPE MILLS, NC 28348
MCLEAN, MARCUS G	6141 BRAXTON RD	HOPE MILLS, NC 28348
LAVALLEE, ARIANA GENEVIEVE	6240 BRAXTON RD	HOPE MILLS, NC 28348
MCLEAN, ROBERT GREGORY	6141 BRAXTON RD	HOPE MILLS, NC 28348
SCALIER, BORIS ANTHONY	6222 BRAXTON RD	HOPE MILLS, NC 28348
BILL, TERRY A, WILLIAM D, DARRELL RAY;DEBRA, MCDUFFIE	1821 MCARTHUR RD	FAYETTEVILLE, NC 28311
HOLLINGSWORTH, STEPHEN A	128 SKIP A ROCK LN	HOPE MILLS, NC 28348
RATELY, NEIL JODY	136 SKIP A ROCK LN	HOPE MILLS, NC 28348
HOLLINGSWORTH, STEPHEN A	128 SKIP A ROCK LN	HOPE MILLS, NC 28348
MASON, JEFFREY	8200 MEADOWLARK CT	MANASSAS, VA 20111
CARABEO, GLADIS ELISA ALCANTAR	91 MICHAEL LUCAS LN	DUNN, NC 28334
FOWLKES, FRANCES D	2807 ROSEMEADE DR	FAYETTEVILLE, NC 28306
BARKER, P R JR	5556 BRAXTON RD	HOPE MILLS, NC 28348
TORRES CASTANEDA, WENDY PAMELA	2314 SPELL DR	FAYETTEVILLE, NC 28306
HARVELL, TIMOTHY RAY	154 SKIP A ROCK LN	HOPE MILLS, NC 28348
SMITH, MELISSA MARIE	164 SKIP A ROCK LN	HOPE MILLS, NC 28348
BARKER, P R JR	5556 BRAXTON RD	HOPE MILLS, NC 28348
BRAXTON VILLAGE DEVELOPERS LLC	PO BOX 390	FAYETTEVILLE, NC 28302
BENNION, THOMAS W;BENNION, LINDA F	6212 BRAXTON RD	HOPE MILLS, NC 28348
HAGAN, MATTHEW;HAGAN, RHONDA	5870 SUNNINGDALE LN	HOPE MILLS, NC 28348
MERRILL, GILLIAN A;DENNIS, W PUGH	5860 SUNNINGDALE LN	HOPE MILLS, NC 28348
GARCIA, PAUL A;GARCIA, KELLY A	5850 SUNNINGDALE LN	HOPE MILLS, NC 28348

3<sup>rd</sup> class 1,100' Rad P21-21

DANIELS, MARGIE L  
MCLEAN, ROBERT GREGORY;MCLEAN, JEANETTE  
MILLWARD, JOHN A.;MILLWARD, JACQUELINE K.  
BRAXTON VILLAGE DEVELOPEIS LLC  
SANDERS, WILLIAM T;BARKER, P R

5840 SUNNINGDALE LN	HOPE MILLS, NC 28348
6141 BRAXTON RD	HOPE MILLS, NC 28348
5830 SUNNINGDALE LN	HOPE MILLS, NC 28348
PO BOX 390	FAYETTEVILLE, NC 28302
5556 BRAXTON RD	HOPE MILLS, NC 28348

1,100' Rad

P21-21 3<sup>rd</sup> class

OWNER_NAME	ADDRESS	CITYSTATEZIP
HALL, JOHN MASON JR LIFE ESTATE	3501 BOONE TRL	FAYETTEVILLE, NC 28306
PURDIE, EDDIE HEIRS	2503 7TH AVE 302	TEMPLE HILLS, MD 20748
BARKER GALLBERRY FARMS LLC	5556 BRAXTON RD	HOPE MILLS, NC 28348
MCLEAN, MARCUS G	6141 BRAXTON RD	HOPE MILLS, NC 28348
LAVALLEE, ARIANA GENEVIEVE	6240 BRAXTON RD	HOPE MILLS, NC 28348
MCLEAN, ROBERT GREGORY	6141 BRAXTON RD	HOPE MILLS, NC 28348

P21-21

1<sup>st</sup> Class

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

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

1. Requested Rezoning from   A1   to   RR
2. Address of Property to be Rezoned:   6291 / 6285 Buxton Rd
3. Location of Property:   Grays Creek / Buxton 12E
4. Parcel Identification Number (PIN #) of subject property:   0412981233000    
(also known as Tax ID Number or Property Tax ID)
5. Acreage:   1   Frontage:   320   Depth:   200
6. Water Provider: Well:  PWC: \_\_\_\_\_ Other (name): \_\_\_\_\_
7. Septage Provider: Septic Tank   1500 gallon   PWC \_\_\_\_\_
8. Deed Book   10416  , Page(s)   0579 / 0580  , Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
9. Existing use of property:   Residential
10. Proposed use(s) of the property:   Residential
11. Do you own any property adjacent to or across the street from this property?  
Yes \_\_\_\_\_ No  If yes, where? \_\_\_\_\_
12. Has a violation been issued on this property? Yes \_\_\_\_\_ No

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

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



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

MARCUS Gregory McLEAN  
NAME OF OWNER(S) (PRINT OR TYPE)

6141 Braxton Rd Hope Mills N.C. 28348  
ADDRESS OF OWNER(S)

910 425-8662  
HOME TELEPHONE #

910-309-7755  
WORK TELEPHONE #

MARCUS Gregory McLEAN  
NAME OF AGENT, ATTORNEY, APPLICANT (PRINT OR TYPE)

6141 Braxton Rd Hope Mills N.C. 28348  
ADDRESS OF AGENT, ATTORNEY, APPLICANT

gregMcLean55@gmail.com  
EMAIL

910-425-8662  
HOME TELEPHONE #

910-309-7758  
WORK TELEPHONE #

Marcus Gregory McLean  
SIGNATURE OF OWNER(S)

Marcus Gregory McLean  
SIGNATURE OF AGENT, ATTORNEY OR APPLICANT

\_\_\_\_\_  
SIGNATURE OF OWNER(S)

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

FILED  
 CUMBERLAND COUNTY NC  
 J. LEE WARREN, JR.  
 REGISTER OF DEEDS  
 FILED Dec 07, 2018  
 AT 08:15:29 am  
 BOOK 10416  
 START PAGE 0579  
 END PAGE 0580  
 INSTRUMENT # 35466  
 RECORDING \$26.00  
 EXCISE TAX \$80.00  
 OAS

Mail to: Canady & Canady, Attorneys, P. O. Box 7, St. Pauls, North Carolina, 28384

Prepared by: Paul Truett Canady, II, Attorney

-- TITLE NOT CERTIFIED BY PREPARER --

WARRANTY DEED FORM

Revenue: \$80.00

Parcel Number: 0422-18-0611- and 0412-98-1233-

STATE OF NORTH CAROLINA, CUMBERLAND COUNTY

**THIS DEED**, made this 19th day of June, 2017, by and between  
 GERALD MURPHY MCLEAN and wife, BARBARA P. MCLEAN of 162 Lenox Ave., Milford, NJ, 07646, and  
 hereinafter called Grantors,  
 and  
 MARCUS G. MCLEAN, of 283 Pickett Branch Rd., Cary, NC. 27519, hereinafter called Grantee.

WITNESSETH: That the Grantors, for and in consideration of the sum of Ten Dollars and other good and valuable consideration to them in hand paid by the Grantee, the receipt whereof is hereby acknowledged, have given, granted, bargained, sold and conveyed, and by these presents do give, grant, bargain, sell, convey and confirm unto the Grantee, his heirs and/or assigns, premises in Grey's Creek Township, Cumberland County, North Carolina, described as follows, to-wit:

**TRACT ONE: (Parcel Number 0422-18-0611-)**

Lying and being in Grey's Creek Township, Cumberland County, North Carolina, more particular description as follows:

Being all of lot 4-A-2 as shown on map entitled "Zero Lot Line Subdivision" division of lot 4-A in the Maxine Riddle Smith Estate, surveyed by George T. Paris and Associates, P.A. and recorded in Plat Book 126, Page 144, of the Cumberland County Registry. Total area in said lot is 2.51 acres.

For further history of title, see Deed Book 8560, Page 410, Cumberland County Public Registry.

**TRACT TWO: (Parcel Number 0412-98-1233-)**

A tract of land known as the Shop Tract. This tract is part of a tract owned formerly by Mrs. Ada McLean and reference is hereby made to her will and estate for title history together with deed recorded in Book U #8, Page 179, Cumberland County, North Carolina Registry. This tract lies in the southwest corner of the original tract and is bounded on the west by James Hargrove (See Book 2053, Page 173), on the north by State Road #2242, on the south by P.R. Baker (see Book 1097, Pages 515-516), and on the east by McLean land.

BRAXTON RD

x

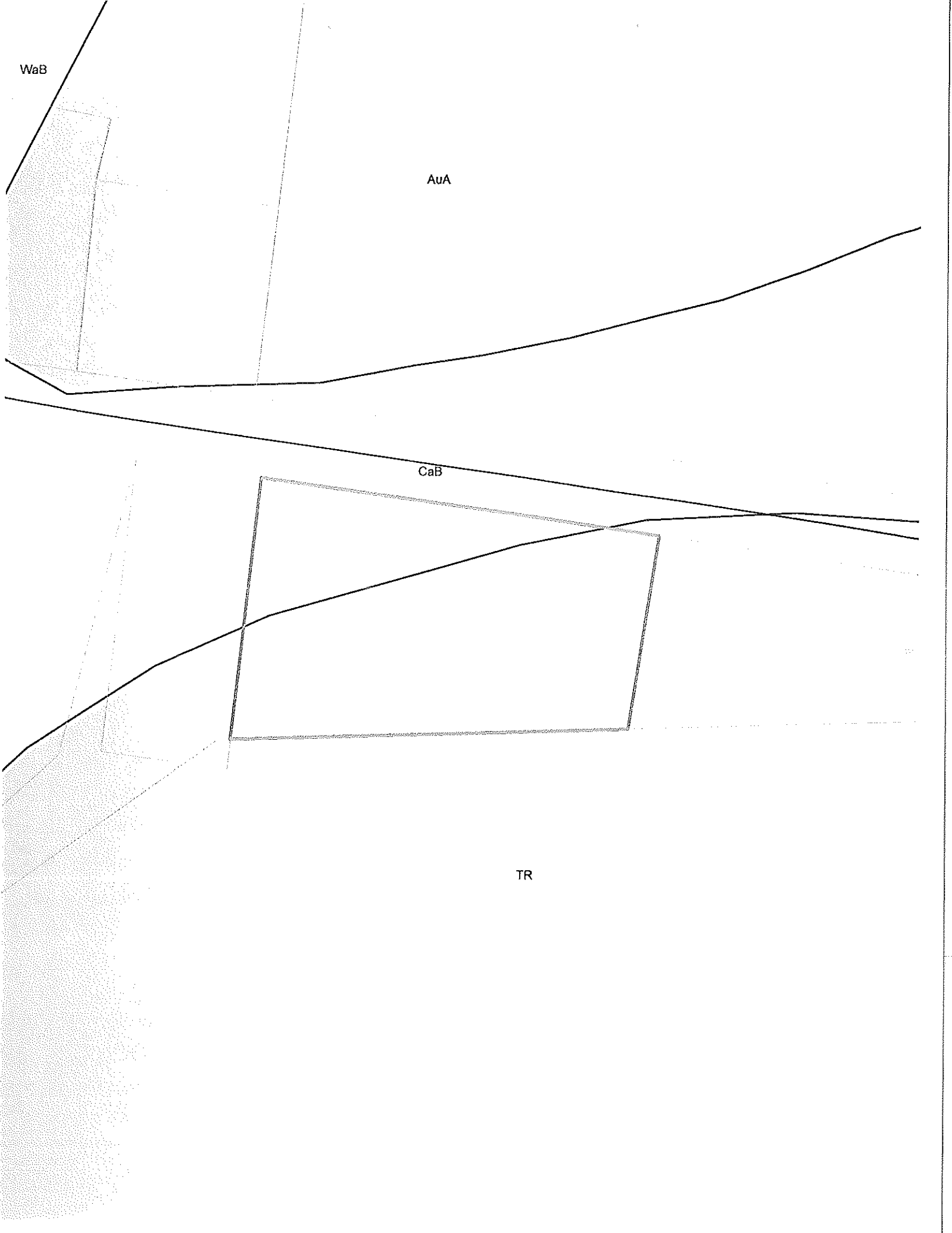
**P21-21**  
**COGO**

WaB

AuA

CaB

TR



**Property Summary**

Data last updated on: 3/7/2021 Ownership current as of: 3/4/2021 Tax Year: 2021

REID 0412981233000  
 Location Address  
 6285 BRAXTON RD

PIN # 0412-98-1233  
 Property Description  
 1.2 ACS ODOM LD SHOP TRACT

[Print Property Info](#) [Search Results](#) [New Search](#)

Property Owner  
 MCLEAN, MARCUS G

Owner's Mailing Address  
 6141 BRAXTON RD  
 HOPE MILLS NC 28348

- [Parcel](#)
- [Buildings](#)
- [Misc Improvements](#)
- [Land](#)
- [Deeds](#)
- [Notes](#)
- [Sales](#)
- [Photos](#)

**Administrative Data**

Plat Book & Page	
Old Map#	
Market Area	4000
Township	NONE
Planning Jurisdiction	COUNTY
City	
Fire District	0011-FIRE-SERV-DIST
Spec District	RECREATION
Land Class	F100-RURAL
History REID 1	
History REID 2	
Acreage	1.2
Permit Date	
Permit #	

**Transfer Information**

Deed Date	12/07/2018
Deed Book	010416
Deed Page	00579
Revenue Stamps	0.00
Package Sale Date	
Package Sale Price	
Land Sale Date	12/07/2018
Land Sale Price	

**Improvement Summary**

Total Buildings	0
Total Units	0
Total Living Area	0
Total Gross Leasable Area	0

**Property Value**

Total Appraised Land Value	\$17,500
Total Appraised Building Value	
Total Appraised Misc Improvements Value	
<b>Other Exemptions</b>	
Exemption Desc	
Use Value Deferred	
Historic Value Deferred	
Total Deferred Value	
Total Taxable Value	\$17,500

**EXPLANATION OF THE REQUEST**

**Change of Zoning: A1 to R30**

Applicant requests to rezone 0.71 +/- acres from A1 Agriculture to R30 Residential for property located at 3618 Gabe Smith Road. This request would increase the allowed density from 1 unit per 2 acres (87,120 sq. ft.) to 1 unit per 30,000 square feet. This is a conventional rezoning, and no conditions are proposed at this time.

**PROPERTY INFORMATION**

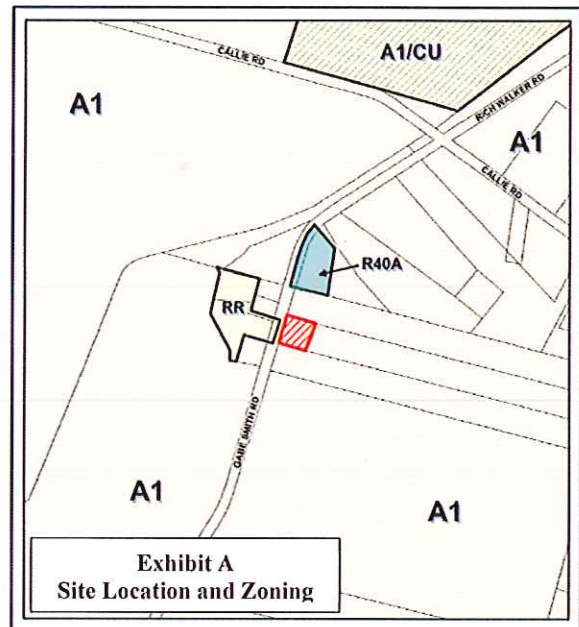
**OWNER/APPLICANT:** Louretha K. McKethan(owner)

**ADDRESS/LOCATION:;** 3618 Gabe Smith Road;  
**REID:.** 0550458316000. Refer to Exhibit "A", Site Location.

**SIZE:** 0.79 +/- acres (34,412 sq. ft.). The property has 169.57 +/- feet of street frontage along Gabe Smith Road. The property has a depth of 167 +/- in feet.

**EXISTING LAND USE:** The parcel is developed with a single-family home.

**OTHER SITE CHARACTERISTICS:** The property is located within the watershed area, but not over an acre; thus, an approval letter may not be required before permits are issued. The site is not located within the Special Flood Hazard Area. The eastern side of the property has presence of hydric soils, as shown in Exhibit "B".



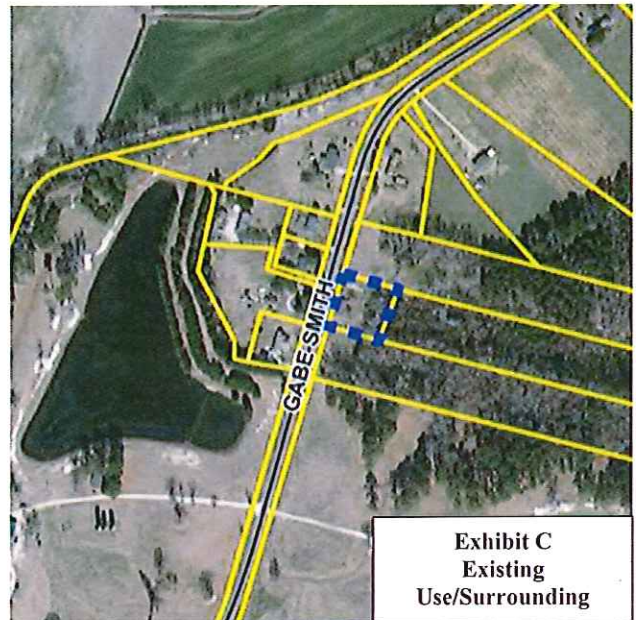
- A HYDRIC SOILS
- B HYDRIC INCLUSION SOILS
- EASTOVER WATER
- NO SEWER

**DEVELOPMENT REVIEW:** This property was created legally by deed in 2001 (Deed Bk. 5503, Pg. 5525), As part of this deed a forty foot wide access easement was reserved along the northern property line grant access to the eastern parcel.

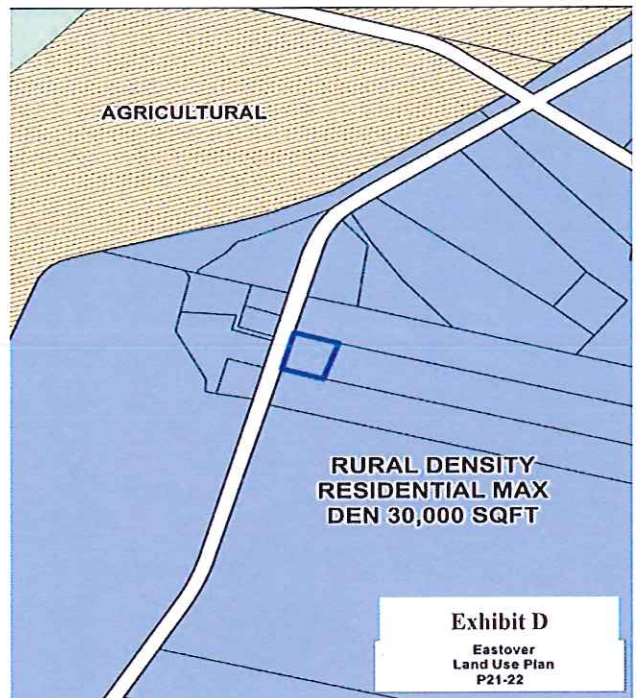
**SURROUNDING LAND USE:** Farmland is the predominate land use occurring in the area surrounding the subject property. Single family homes also occur along Gabe Smith Road. Exhibit "C" illustrates the surrounding uses.

**UTILITIES:** The property is served by septic and Eastover water. There are no public sewer lines available. Exhibit "B" shows the location of adjacent utilities.

**MINIMUM YARD SETBACKS:** If approved, the parcel would be subject to R30 setbacks: Front yard: 30-foot, Side yard: 15-foot, Rear yard: 35 foot.



**COMPREHENSIVE PLANS:** The 2030 Growth Vision Plan designates this area as "Urban". The Eastover Land Use Plan designates this parcel as "Rural" with a 30,000 sq. ft. maximum lot size. Exhibit "D" illustrates the Eastover Land Use Plan. **Request is plan compliant.**



**IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITES**

**TRAFFIC:** The subject property abuts Gabe Smith Road and is identified as an existing thoroughfare in the Metropolitan Transportation Plan. There are no construction projects planned, and the subject property will have no impact on the Transportation Improvement Plan. The Average Daily Traffic Count (2016) on Braxton Road is 1,700.

**SCHOOLS CAP/ENROLL:** Eastover Central Elementary 540/334; Mac Williams Middle 1270/1076; Cape Fear High 1425/1400

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

**EMERGENCY SERVICES:** Cumberland County Fire Marshal's office has no issues at this time.

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

**STAFF RECOMMENDATION**

For Case P21-22, the Planning & Inspections staff **recommends approval** of the rezoning request from **A1 Agriculture to R30 Residential** and finds the request consistent with the Eastover Land Use Plan designation of "Rural" as the R30 zoning category is consistent with this land use designation. Approval of the request is reasonable and in the public interest as the district requested is in harmony with surrounding existing land uses and zoning.

Attachments:  
Notification Mailing List  
Zoning Application



ATTACHMENTS - MIALING LIST

OWNER_NAME	ADDRESS	CITYSTATEZIP
MCARTHUR, ANTHONY NEILL	3633 GABE SMITH RD	WADE, NC 28395
MCARTHUR, ERIC A	3599 GABE SMITH RD	WADE, NC 28395
MCARTHUR, TONYA	3611 GABE SMITH RD	WADE, NC 28395
MCARTHUR, HUBERT	3627 GABE SMITH RD	WADE, NC 28395
HARRIS, LOURETHA K	3618 GABE SMITH RD	WADE, NC 28395
MCALLISTER, EDDIE G HEIRS	2304 VESTAL AVE	FAYETTEVILLE, NC 28301
LAMBERT, RICHMOND P JR;LAMBERT, MARY F	PO BOX 186	WADE, NC 28395
FAIRCLOTH, JAMES M;FAIRCLOTH, SYLVIA W	4632 YADKIN RD	FAYETTEVILLE, NC 28303

OWNER_NAME	ADDRESS	CITYSTATEZIP
BOWYER, SAMUEL W;BOWYER, FRANCE	PO BOX 53186	FAYETTEVILLE, NC 28305
FAIRCLOTH, JAMES M;FAIRCLOTH, SYLVIA W	4632 YADKIN RD	FAYETTEVILLE, NC 28303
FAIRCLOTH, JAMES M;FAIRCLOTH, SYLVIA W	4632 YADKIN RD	FAYETTEVILLE, NC 28303
MCARTHUR, ANTHONY NEILL	3633 GABE SMITH RD	WADE, NC 28395
MCARTHUR, ERIC A	3599 GABE SMITH RD	WADE, NC 28395
MCARTHUR, TONYA	3611 GABE SMITH RD	WADE, NC 28395
MCARTHUR, HUBERT	3627 GABE SMITH RD	WADE, NC 28395
MCARTHUR, ELAZZO MARTIN-DE-PORUS	3637 GABE SMITH RD	WADE, NC 28395
ELLIOTT, HILDA R	3659 GABE SMITH RD	WADE, NC 28395
HARRIS, LOURETHA K	3618 GABE SMITH RD	WADE, NC 28395
BOATWRIGHT, ANNIE LEE	3662 GABE SMITH RD	WADE, NC 28395
MCALLISTER, EDDIE G HEIRS	2304 VESTAL AVE	FAYETTEVILLE, NC 28301
PARKER, FANNIE S;PARKER, RAYMOND JR	8076 E PHIRNE RD	GLEN BURNIE, MD 21061
LAMBERT, RICHMOND P JR;LAMBERT, MARY F	PO BOX 186	WADE, NC 28395
FAIRCLOTH, JAMES M;FAIRCLOTH, SYLVIA W	4632 YADKIN RD	FAYETTEVILLE, NC 28303
UNITED STATES OF AMERICA	0 N/A N/A	WASHINGTON, DC 20410
COPENING, DEMETRIC TERRELL;MELVIN, T'NIKA	117 MULLINS AVE	FAYETTEVILLE, NC 28301
ELLIOTT, DAVID	3694 GABE SMITH RD	WADE, NC 28395
ADAMS, DONELL JUNIOR;ADAMS, TORANIQUE LEINA	1212 JEREENS CREEK RD	FAYETTEVILLE, NC 28312

3<sup>rd</sup> class 1,100' Road

P 2122

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

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

1. Requested Rezoning from A1 to R30
2. Address of Property to be Rezoned: 3618 Gabe Smith Rd
3. Location of Property: Gabe Smith Rd, Wade, NE
4. Parcel Identification Number (PIN #) of subject property: 0550458316000  
(also known as Tax ID Number or Property Tax ID)
5. Acreage: .79 Frontage: 173 Depth: 176
6. Water Provider: Well: \_\_\_\_\_ PWC: \_\_\_\_\_ Other (name): ESD
7. Septage Provider: Septic Tank  PWC \_\_\_\_\_
8. Deed Book 5503, Page(s) 524, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
9. Existing use of property: Residence
10. Proposed use(s) of the property: Residence
11. Do you own any property adjacent to or across the street from this property?  
Yes \_\_\_\_\_ No  If yes, where? \_\_\_\_\_
12. Has a violation been issued on this property? Yes \_\_\_\_\_ No

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

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

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

LOURETHA K. MCKETHAN  
NAME OF OWNER(S) (PRINT OR TYPE)

3618 Gabe Smith Rd, Wade, NC  
ADDRESS OF OWNER(S)

910-483-1428  
HOME TELEPHONE #

cell 920-8461  
WORK TELEPHONE #

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

\_\_\_\_\_  
ADDRESS OF AGENT, ATTORNEY, APPLICANT

Louretta.McK1945@gmail.com  
E-MAIL

\_\_\_\_\_  
HOME TELEPHONE #

\_\_\_\_\_  
WORK TELEPHONE #

\_\_\_\_\_  
SIGNATURE OF OWNER(S)

\_\_\_\_\_  
SIGNATURE OF AGENT, ATTORNEY OR APPLICANT

Louretta K. McKethan  
SIGNATURE OF OWNER(S)

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

27068

DRAFTED BY/RETURN TO: Benner Jones, III, Attorney at Law, P. O. Box 749, Fayetteville, NC 28302  
QUIT CLAIM DEED REVENUE: 0

NORTH CAROLINA, CUMBERLAND COUNTY

THIS DEED, made this 26 day of June, 19 2001, by

EDGAR RUDOLPH HARRIS herein called Grantor,  
to LOURETHA K. HARRIS herein called Grantee,

WITNESSETH THAT: Grantor, for ten dollars and other valuable considerations hereby acknowledged as paid and received, has bargained and sold, and by these presents does grant, bargain, sell and convey to Grantee, his heirs, successors and assigns, certain land described as follows:

EASTOVER Township

SEE SCHEDULE A

TITLE REF: 2544-605 (entire tract); front part: 4596-889, 3942-840

Mail TO: Louretha K. Harris

GRANTEES ADDRESS: 3618 Gabe Smith Road  
Wade, NC 28395

RECEIVED  
6-27-2001 AM 9:39:15  
GEORGE E. TATUM  
REGISTER OF DEEDS  
CUMBERLAND CO., N.C.

TO HAVE AND TO HOLD said land and all privileges and appurtenances thereto belonging, to Grantee, his heirs, successors and assigns, forever.

Wherever used herein, the singular shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders as the context may require.

IN TESTIMONY WHEREOF, Grantor has signed and sealed this deed.



*Edgar R. Harris* (SEAL)  
EDGAR RUDOLPH HARRIS

..... (SEAL)  
..... (SEAL)

NORTH CAROLINA, Cumberland COUNTY  
I, Wendy Teresa Butler, a Notary Public of Said County and State  
do hereby certify that EDGAR RUDOLPH HARRIS

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

WITNESS my hand and Notarial Seal, this the 27<sup>th</sup> day of June, 2001

My commission expires: 09-09-2001

*Wendy Teresa Butler*  
Notary Public

The foregoing Certificate(s) of Wendy Teresa Butler

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 GEORGE E. TATUM REGISTER OF DEEDS FOR CUMBERLAND COUNTY,  
Deputy/Assistant - Register of Deeds

NO REVENUE

SCHEDULE "A"

Eastover Township

BEGINNING at a point located on the Western right-of-way of State Road 1719, which is the common corner of the property owned by Estelle Robinson (formerly Estelle Smith) (See Deed recorded in Book 907, Page 497) and Lovdia Murphy and running thence between the dividing line of said properties South 72 East 180.29 feet to the Northwest corner of the 1.29 acre tract of land conveyed to Glen Nash and running thence with his Western line South 23 degrees 33 minutes East 170.37 feet to a point in the Southern property line of which this is a part and the Southwest corner of the 1.29 acre tract and thence North 72 West 167.26 feet to the Western right-of-way of State Road 1719; which is the Southwest corner of the property of which this is a part; and running thence North 19-10 East 169.57 feet to the point of beginning, and being the Western portion of a tract of land described in Book 907, Page 497.

Excepted from this conveyance is a 40 foot right-of-way to Glen T. Nash along the Northern property line as recorded in Book 2295, Page 245.

"RECORD OF POOR QUALITY  
DUE TO CONDITION OF  
ORIGINAL DOCUMENT"

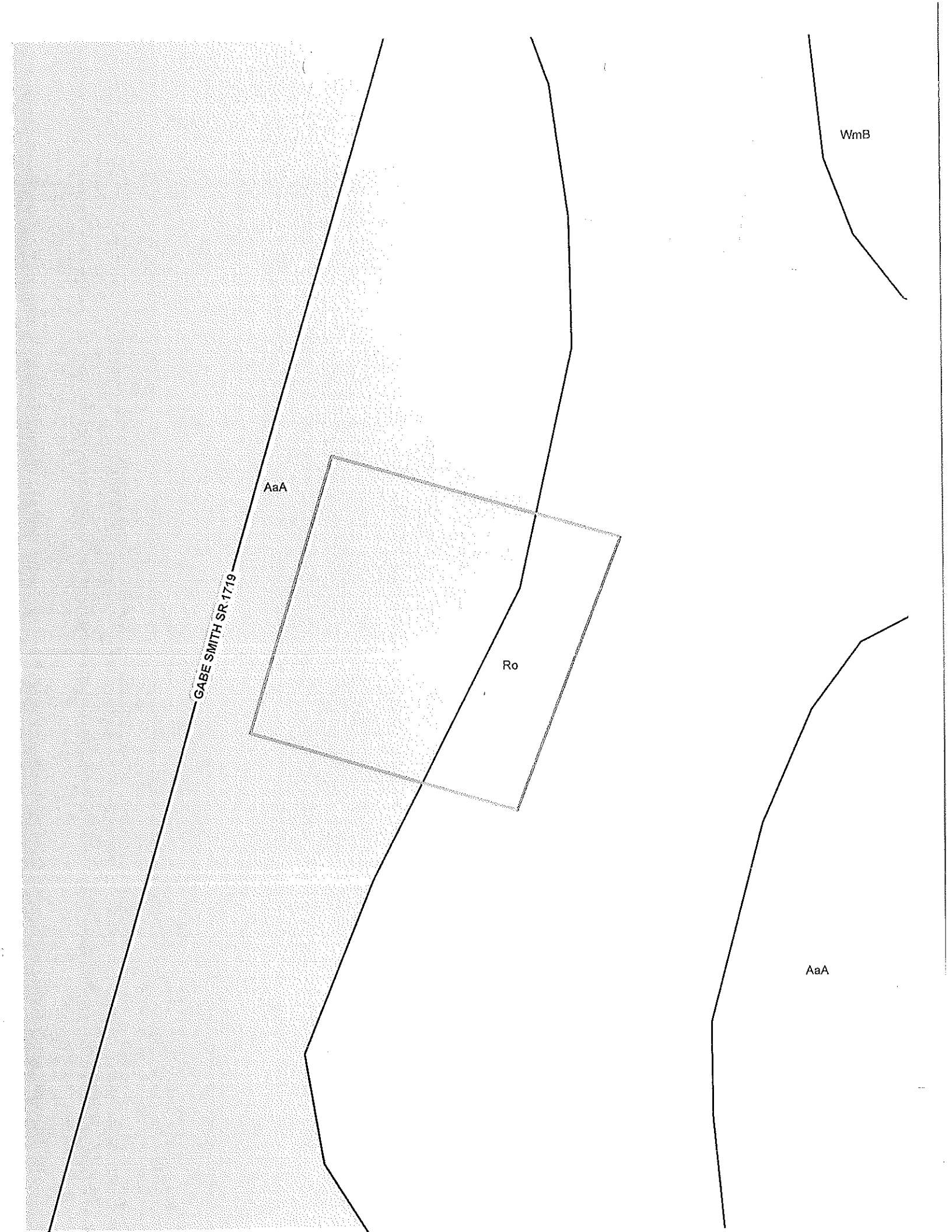
WmB

AaA

GABE SMITH SR 1719

Ro

AaA



**Property Summary**

Data last updated on: 3/8/2021 Ownership current as of: 3/8/2021 Tax Year: 2021

REID 0550458318000  
Location Address  
3818 GABE SMITH RD

PIN # 0550-45-8316  
Property Description  
0.71 AC TAYLOR LD

[Print Property Info](#) [Search Results](#) [New Search](#)

Property Owner  
HARRIS, LOURETHA K

Owner's Mailing Address  
3618 GABE SMITH RD  
WADE NC 28395

- [Parcel](#)
- [Buildings](#)
- [Misc Improvements](#)
- [Land](#)
- [Deeds](#)
- [Notes](#)
- [Sales](#)
- [Sales Comparison](#)
- [Photos](#)

**Administrative Data**

Plat Book & Page  
Old Map#  
Market Area 4080  
Township NONE  
Planning Jurisdiction COUNTY  
City  
Fire District 0161-FIRE-SERV-DIST  
Spec District RECREATION  
Land Class F101-RURAL  
History REID 1  
History REID 2  
Acreage 0.71  
Permit Date  
Permit #

**Transfer Information**

Deed Date 06/27/2001  
Deed Book 005503  
Deed Page 00524  
Revenue Stamps 0.00  
Package Sale Date  
Package Sale Price  
Land Sale Date 06/27/2001  
Land Sale Price

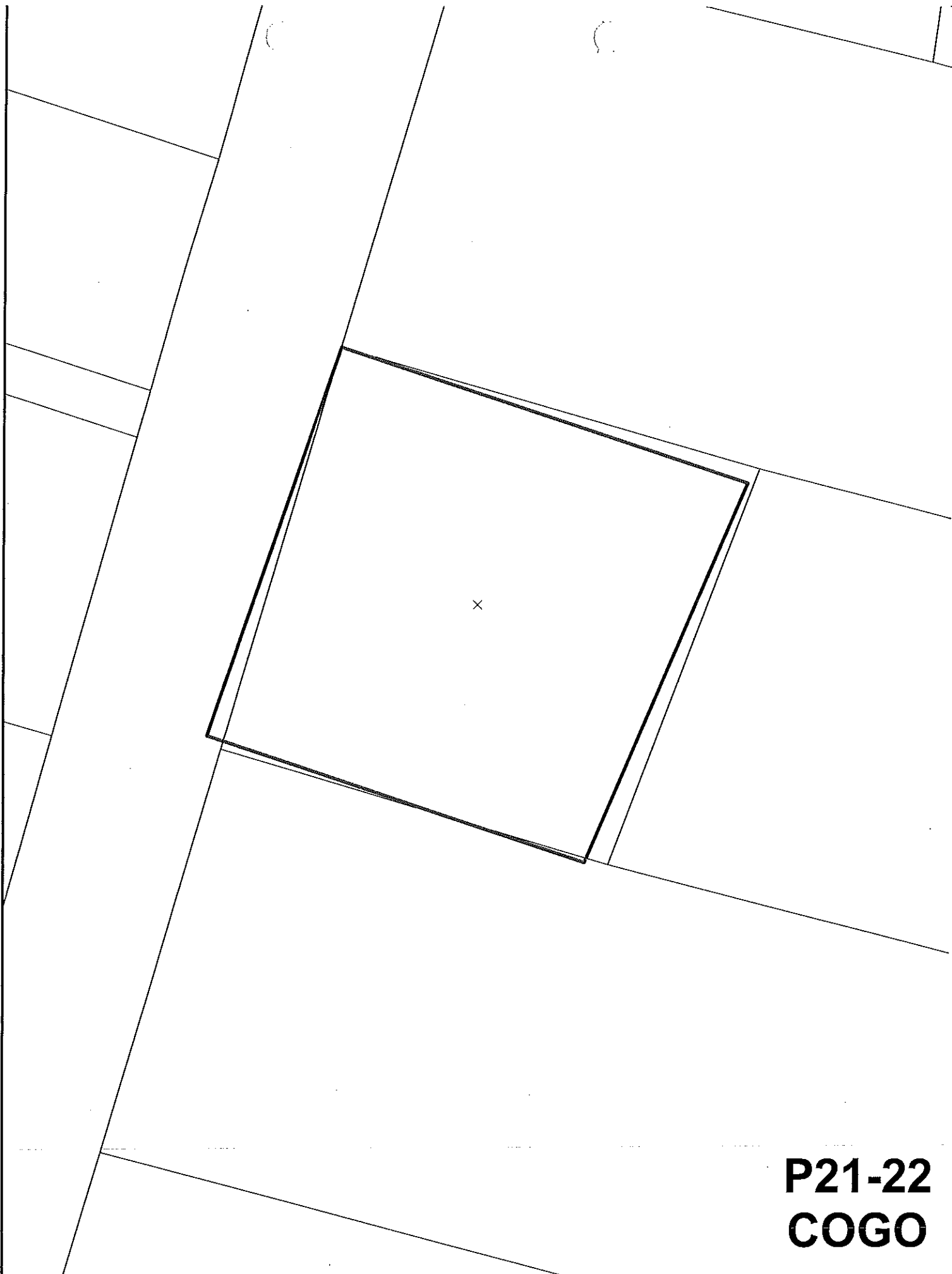
**Improvement Summary**

Total Buildings 1  
Total Units 0  
Total Living Area 976  
Total Gross Leasable Area 0

**Property Value**

Total Appraised Land Value \$12,000  
Total Appraised Building Value \$40,519  
Total Appraised Misc Improvements Value \$53  
Total Cost Value \$52,572  
Total Sales Comp Value \$69,600  
Total Appraised Value - Valued by Sales Comp - \$69,600  
Other Exemptions  
Exemption Desc  
Use Value Deferred  
Historic Value Deferred  
Total Deferred Value  
Total Taxable Value \$69,600





**P21-22**  
**COGO**

**EXPLANATION OF THE REQUEST** **Change of Zoning: A1 to R40**

Applicant requests a rezoning of approximately 72.60 acres from A1 Agriculture to R40 Residential for property located east of SR 1609 (W. Reeves Bridge Road) just south of the Harnett County line. This request would increase the allowed density from 1 unit per 2 acres to 1 unit per 40,000 sq. ft. This is a conventional rezoning, and no conditions are proposed at this time. Location of the subject property is illustrated in Exhibit "A".

**PROPERTY INFORMATION**

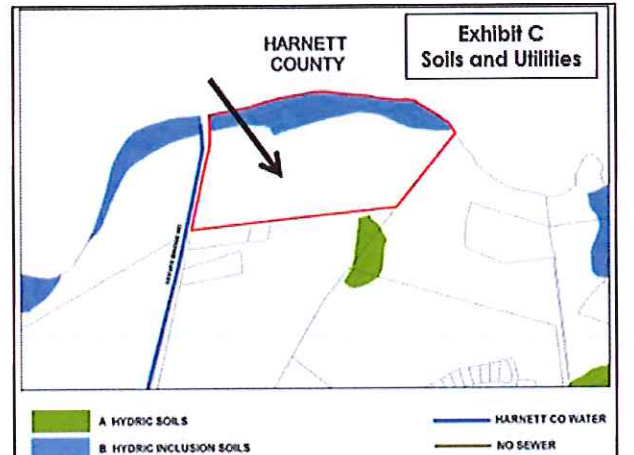
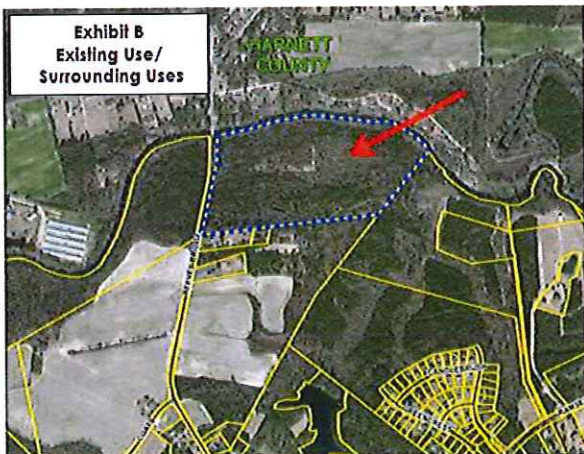
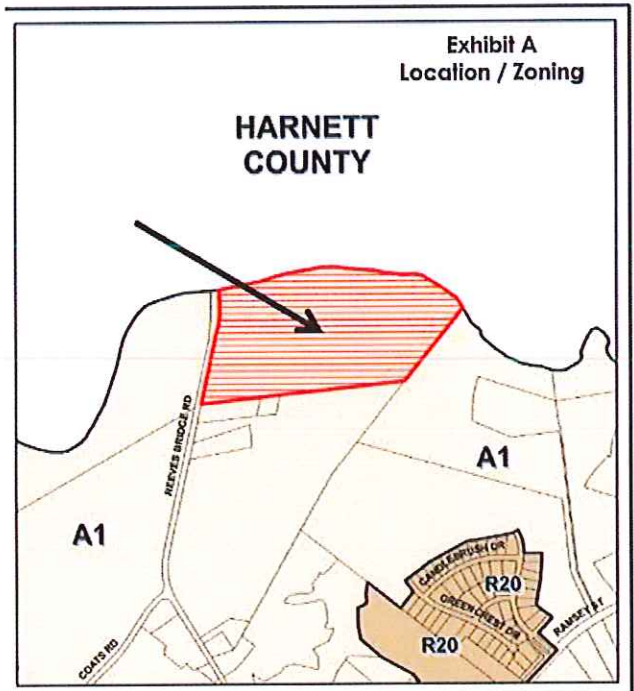
**OWNER/APPLICANT:** Margaret Collier Heirs (owner)/Ben Stout (Agent)

**ADDRESS/LOCATION:** East of SR 1609 (W. Reeves Bridge Road/ REID: 055449004000. Refer to Exhibit "A", Site Location.

**SIZE:** 72.60 +/- acres within one parcel. The property has approximately 1,265 +/- feet of street frontage along W. Reeves Bridge Road. The property has a depth extending about 2,600 feet, or about a half mile in depth from east to west.

**EXISTING LAND USE:** The parcel is currently undeveloped wooded area Exhibit "B" shows the existing use of the subject property.

**SURROUNDING LAND USE:** To the north within Harnett County the land use is predominately single family residential and agriculture. The Little River abuts the northern property line. East and west the properties are undeveloped woodlands. And to the south, the properties are agriculture in use or s.f. residential.



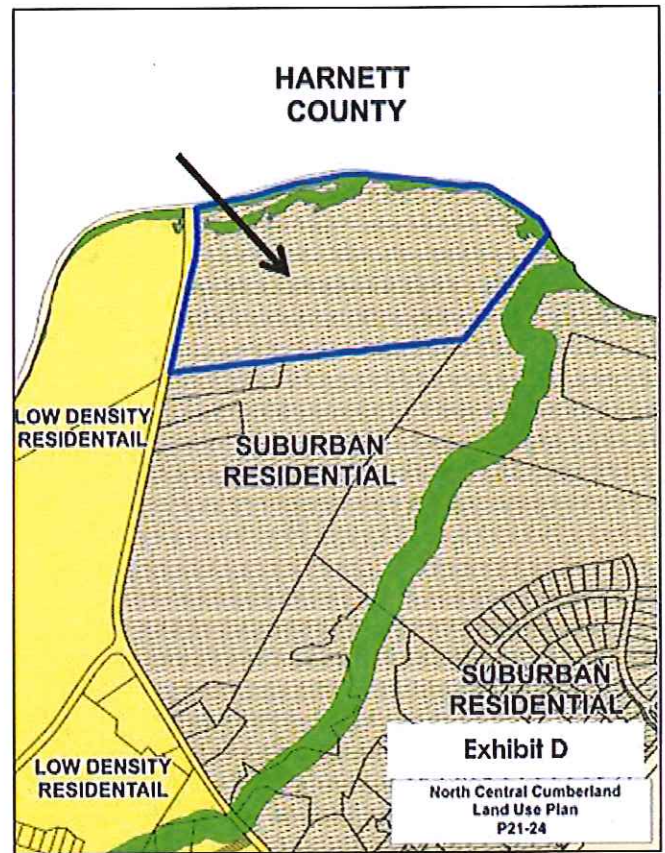
**OTHER SITE CHARACTERISTICS:** Special Flood Hazard Areas occur on the property particularly along the northern side. The northern areas of the subject property, as delineated in Exhibit "C" have the presence of hydric inclusion soils, indicating the potential for the presence of hydric soils and associated characteristics."

**DEVELOPMENT REVIEW:** The parcel was created by deed.

**UTILITIES:** The property can be served by Harnett County Water but no central sewer system lines occur near the property. Exhibit "C" shows the proximity of Harnett County Water lines to the western side of the subject property.

**MINIMUM YARD SETBACKS:** If approved, the parcel would be subject to R40 minimum setbacks standards: Front yard: 30 feet, Side yard: 15 feet, Rear yard: 35 feet. Setback minimum standards for A1 zoning currently assigned to the subject property are: Front yard: 50 feet, Side yard: 20 feet, Rear yard: 50 feet.

**COMPREHENSIVE PLANS:** The 2030 Growth Vision Plan designates this area as "Rural". Located in the North Central Land Use Plan area, the subject properties are designated as "Suburban Density and an Open Space," as shown within Exhibit "D". The Suburban Density designation, in the North Central plan, calls for associated zoning districts of R30, R30A, R20, R20A, and RR. The request for R-40 is a lower density than what the North Central plan promotes. **This request is not plan consistent.** The plan promotes zoning categories that promote a slightly higher development density than that which is allowed in the R40 district.



**IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES**

**TRAFFIC:** The subject property is located outside of FAMPO boundaries.

**SCHOOLS CAP/ENROLL:** Long Hill Elementary: 460/413; Raleigh Rd Elementary: 220/173; Pine Forest Middle 820/791; Pine Forest High: 1750/1483

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

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

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

## STAFF RECOMMENDATION

In Case P21-24, the Planning & Inspections staff **recommends approval** of the rezoning request from **A1 Agriculture to R40 Residential**, and finds:

- a. The approval is an amendment to the adopted current North Central Land Use Plan map; and that the Board of Commissioners should not require any additional request or application for amendment to said map for this request;
- b. The following change in conditions was considered in amending the zoning ordinance (zoning map) to meet the development needs of the community: the request allows a larger lot size than that promote by the North Central Land Use Plan; larger lots promote open space along the Little River than small lot areas promoted by the North Central Land Use Plan; and,
- c. This rezoning approval is reasonable and in the public interest because the district requested is in harmony with surrounding zoning and existing land uses.

Attachments:

Notification Mailing List  
Zoning Application

ATTACHMENTS – MAILING LIST

OWNER_NAME	ADDRESS	CITYSTATEZIP
PEMBERTON, TOM G	426 MEDEARIS DR	CHARLOTTE, NC 28211
PEMBERTON, THOMAS GARY	426 MEDEARIS DR	CHARLOTTE, NC 28211
COLLINS, FRANK A; COLLINS, CANDIS C	10190 W REEVES BRIDGE RD	LINDEN, NC 28356
PEMBERTON, THOMAS GARY	426 MEDEARIS DR	CHARLOTTE, NC 28211
COLLINS, FRANK A; COLLINS, CANDIS C	10190 W REEVES BRIDGE RD	LINDEN, NC 28356
COLLIER, MARGARET HEIRS	102 STAGULL CT	SURF CITY, NC 28445
WILLIAMS, PLATO M JR; BULLARD, EDGAR CLAY; BULLARD, MARSHA TAYLOR	9871 RAMSEY ST	LINDEN, NC 28356

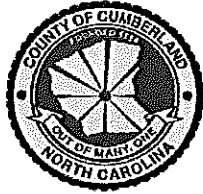
1st class

P21-24

OWNER_NAME	ADDRESS	CITYSTATEZIP
PEMBERTON, TOM G	426 MEDEARIS DR	CHARLOTTE, NC 28211
PEMBERTON, THOMAS GARY	426 MEDEARIS DR	CHARLOTTE, NC 28211
CUMBERLAND UNION F W B CHURCH	PO BOX 238	LINDEN, NC 28356
COLLINS, FRANK A; COLLINS, CANDIS C	10190 W REEVES BRIDGE RD	LINDEN, NC 28356
PEMBERTON, THOMAS GARY	426 MEDEARIS DR	CHARLOTTE, NC 28211
COLLINS, FRANK A; COLLINS, CANDIS C	10190 W REEVES BRIDGE RD	LINDEN, NC 28356
COLLIER, MARGARET HEIRS	102 SEAGULL CT	SURF CITY, NC 28445
WILLIAMS, KELLY TRUELOVE; KELLY, T CULBRETH	4243 CHERRY HILL LN	FAYETTEVILLE, NC 28312
WILLIAMS, PLATO M. JR.	9855 RAMSEY STREET	LINDEN, NC 28356
WILLIAMS, PLATO M JR; BULLARD, EDGAR CLAY; BULLARD, MARSHA TAYLOR	9871 RAMSEY ST	LINDEN, NC 28356

1,100' Rad

P21-24 3<sup>rd</sup> Ch 35



## County of Cumberland

### Planning & Inspections Department

CASE #:	<u>P21-24</u>
PLANNING BOARD MEETING DATE:	<u>4-20-21</u>
DATE APPLICATION SUBMITTED:	<u>3-16-21</u>
RECEIPT #:	<u>76686</u>
RECEIVED BY:	<u>BP</u>

### APPLICATION FOR REZONING REQUEST CUMBERLAND COUNTY ZONING ORDINANCE

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

1. A copy of the *recorded* deed and/or plat.
2. If a portion(s) of the property is being considered for rezoning, an accurate written legal description of only the area to be considered;
3. A check made payable to "Cumberland County" in the amount of \$ 1,610.  
(See attached Fee Schedule).

#### Rezoning Procedure:

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

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

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

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

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

1. Requested Rezoning from   A1   to   R40
2. Address of Property to be Rezoned:   W Reeves Bridg Road
3. Location of Property:   adjacent to county line on east side of W Reeves Bridge Road
4. Parcel Identification Number (PIN #) of subject property:   0554490024000    
(also known as   APN   Number or Property Tax ID)
5. Acreage:   60.0 72.6   Frontage:   1,250'   Depth:   2,480'
6. Water Provider: Well:            PWC:            Other (name):   HRW
7. Septage Provider: Septic Tank   X   PWC
8. Deed Book   4097  , Page(s)   11  , Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
9. Existing use of property:   farm
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.

Margaret Collier heirs  
NAME OF OWNER(S) (PRINT OR TYPE)

102 Seagull Court, Surf City, NC 28445  
ADDRESS OF OWNER(S)

910-619-2391 HOME TELEPHONE # WORK TELEPHONE #

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

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

ben@benstoutconstruction.com  
E-MAIL

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

*Dianne Kurey*  
SIGNATURE OF OWNER(S) SIGNATURE OF AGENT, ATTORNEY OR APPLICANT

*Carl David Collier*  
SIGNATURE OF OWNER(S)

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

## CUMBERLAND COUNTY FEE SCHEDULES

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

<sup>1</sup>If more than one zoning district is requested in the same applications, the highest fee for the district requested will apply.

<sup>2</sup>If a general rezoning is requested and based on recommendations of the Joint Planning Board or County Commissioners, a Conditional Zoning District and Permit application is to be filed; the original application fee will be credited toward the Conditional Zoning District and Permit application fee.

Revised October 26, 2011

2-08  
Revenue

BK4097PG0011 RECEIVED  
003299 94 JAN 20 AM 10:11

NORTH CAROLINA 03348  
Cumberland COUNTY  
TAX LOT NO. \_\_\_\_\_

GEORGE E. TATUM  
I. REGISTER OF DEEDS B-2836  
STATE REGISTERED PROJECT 8-2450801  
P. A. PROJECT BRZ-2031(1)  
PARCEL 18 001

THIS FEE SIMPLE DEED, made and entered into this the 15th day of December, 1993, by and between Chalmers Collier, Jr. and wife, Margaret O'B. Collier

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

WITNESSETH:

That the GRANTORS, for themselves, their heirs, successors, and assigns, for and in consideration of the sum of \$ 550.00 agreed to be paid by the DEPARTMENT TO THE GRANTORS, do hereby give, grant and convey unto the DEPARTMENT, its successors and assigns, in FEE SIMPLE the right of way located in Carver's Creek Township, Cumberland County, North Carolina, which is particularly described as follows:

Beginning at survey station 10 + 50, survey line L Rev.; thence northerly along and with survey line L Rev. to survey station 15 + 16.31, survey line L Rev. LB = survey station 15 + 16.41, survey line L LA; thence northerly along and with survey line L to its intersection with the northern property line, if extended, of the undersigned; thence easterly along and with the northern property line, if extended, and the northern property line of the undersigned to its intersection with the proposed eastern right of way boundary of the project, said point being 50' easterly of and normal to survey line L; thence southerly along and with the proposed eastern right of way boundary of the project in a straight line to a point 50' easterly of normal to survey station 15 + 16.31, survey line L LA = survey station 15 + 16.31, survey line L Rev. LB; thence southerly along and with the proposed eastern right of way boundary of the project at all points being 50' easterly of and normal to survey line L Rev. to a point 50' easterly of and normal to survey station 13 + 16.31, survey line L Rev.; thence southerly along and with the proposed eastern right of way boundary of the project at all points being 50' easterly of and normal to survey line L Rev. to a point 50' easterly of and normal to survey station 12 + 20.72, survey line L Rev.; thence southerly along and with the proposed eastern right of way boundary of the project in a straight line to a point 30' easterly of and normal to survey station 10 + 50, survey line L Rev., said point being on the existing eastern right of way boundary of SR 1609 (Wire Road); thence westerly in a straight line to the point of beginning;

The property hereinabove described was acquired by the GRANTORS by instrument(s) recorded in the Cumberland County Registry in Book 2287 Page 621

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

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

This deed is subject to the following provisions only:

The undersigned owners further request that the Department of Transportation enter upon our lands outside of the hereinabove described right of way to the extent as is necessary to reconnect our driveway and we will have no claim as a result of the reconnection of said driveway.

DRAWN BY: Michael B. Tatum Real Estate  
STATE OF NORTH CAROLINA  
REGISTERED BY: J.P. Hodges  
FEE: 02.00  
RECORDED BY: 10



March 15, 2021

Cumberland County Planning Department  
Attn: Jaimie Walters  
130 Gillespie Street  
Fayetteville, NC 28301

**RE: Rezoning Package, W Reeves Bridge Rd Collier Tract, Cumberland County, North Carolina**

Jaimie,

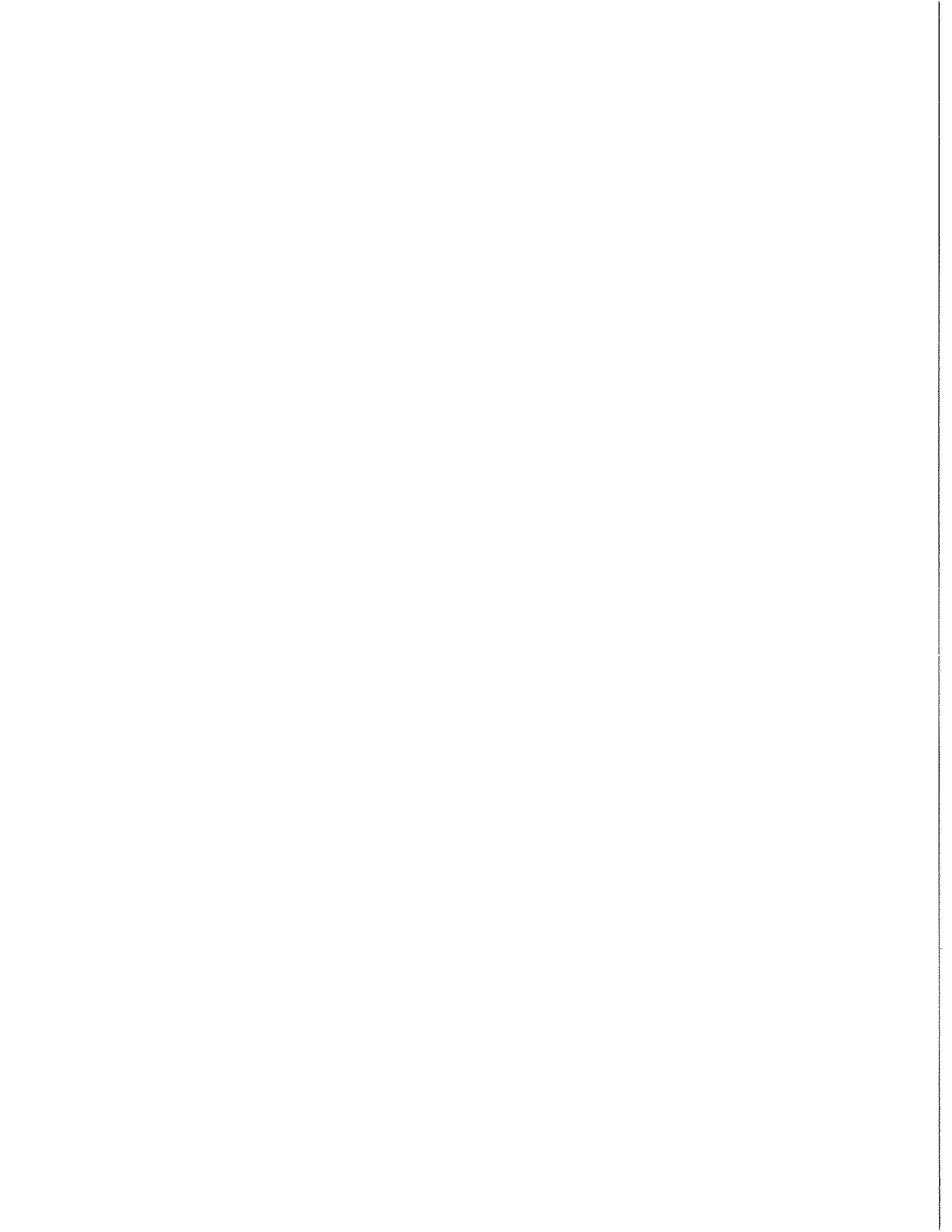
We are submitting rezoning application package for the Collier Tract on W Reeves Bridge Road. We have also enclosed the \$1,610 application review fee for 72.6 acres.

I look forward to working with you on this project. If you have any questions or concerns, please feel free to contact us.

Sincerely,  
4D Site Solutions, Inc.

Scott Brown, PE  
[sbrown@4dsitesolutions.com](mailto:sbrown@4dsitesolutions.com)

Enclosure



**EXPLANATION OF THE REQUEST**

Change of Zoning- From: A1 & RR To: RR

Applicant requests a change of zoning from A1 Agriculture and RR Residential to RR Residential for approximately acre of land that straddles Blossom Road, west of Grays Creek Church Road. The purpose of the request is to assign a single zoning category to the parcel. Currently the property has split zoning categories assigned to it. This request is a conventional rezoning, and no conditions are proposed at this time. Exhibit "A" identifies the location of the property and the zoning currently assigned to it.

**PROPERTY INFORMATION**

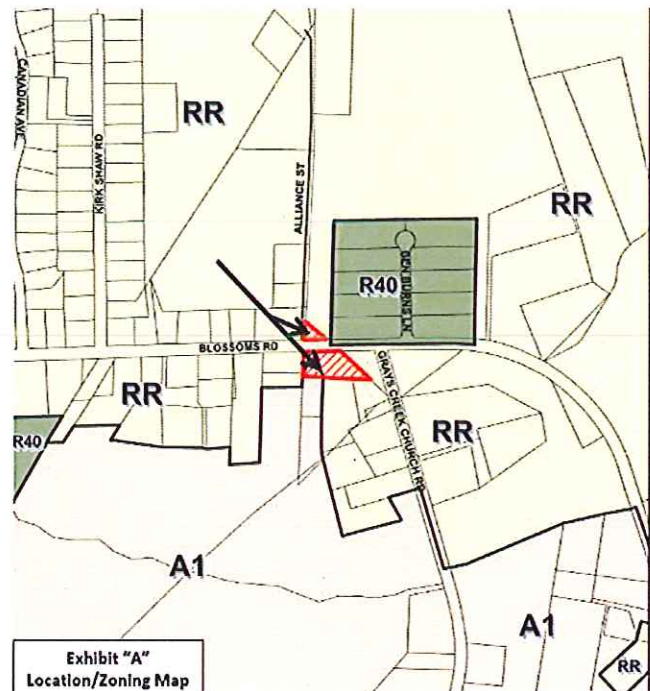
**OWNER/APPLICANT:** William and Sylvia Warren

**ADDRESS/LOCATION:** 2952 and 2958 Blossom Rd, east of Kirk Shaw Road and west of Grays Creek Church Road. Exhibit "A" identifies the location of the subject property. REID: 0442635346000

**SIZE:** One acre. This request includes two parcels straddling Blossom Road.

**Road Frontage:** 198 feet for the south parcel; 110 feet for north parcel, both along Blossom Rd.

**EXISTING LAND USE:** The parcel south of Blossom Road has a single-family home. The north parcel is used as an access road (Alliance Drive) to reach two landlocked parcels. Exhibit "B" provides an aerial photograph showing the current use of the subject properties as well as uses occurring on surrounding properties.



**SURROUNDING LAND USE:** Uses in the surrounding area are predominantly single-family residential and agriculture.

**OTHER SITE CHARACTERISTICS:** The properties are not located within a 100-Year Flood Zone nor situated within a watershed. There are no hydric and hydric inclusion soils on the property, as shown in Exhibit "C".

**DEVELOPMENT REVIEW:** This property has not been platted.

**UTILITIES:** The south parcel is currently served by well and septic. The properties are not located within a water/sewer district.

**MINIMUM YARD SETBACKS:** If approved, each parcel would be subject to the RR minimum setback standards: Front yard: 30-foot, Side yard: 15-foot, Rear yard: 35 foot. Minimum setback standards for A1 zoning are: 50-foot, Side yard: 20-foot, Rear yard: 50-foot.

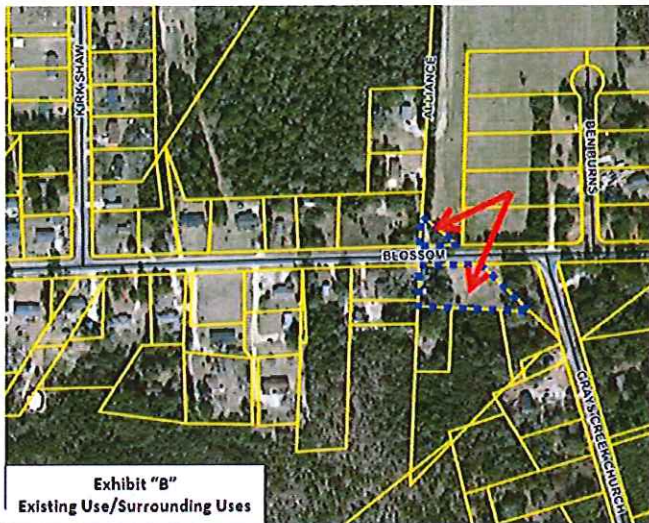
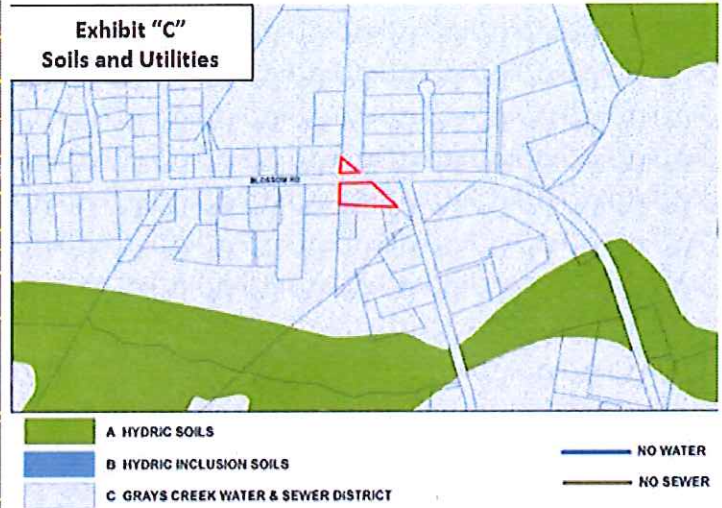


Exhibit "B"  
Existing Use/Surrounding Uses



**COMPREHENSIVE PLANS:** The 2030 Growth Vision Plan designates this area as "Rural". Located in the *South Central Land Use Plan* area, the property lies within the Farmland designation, as shown in Exhibit "D". The long-range plans call for a maximum density of one unit per two acres. **The request is not plan compliant.** An amendment to the Land Use Plan will be necessary.

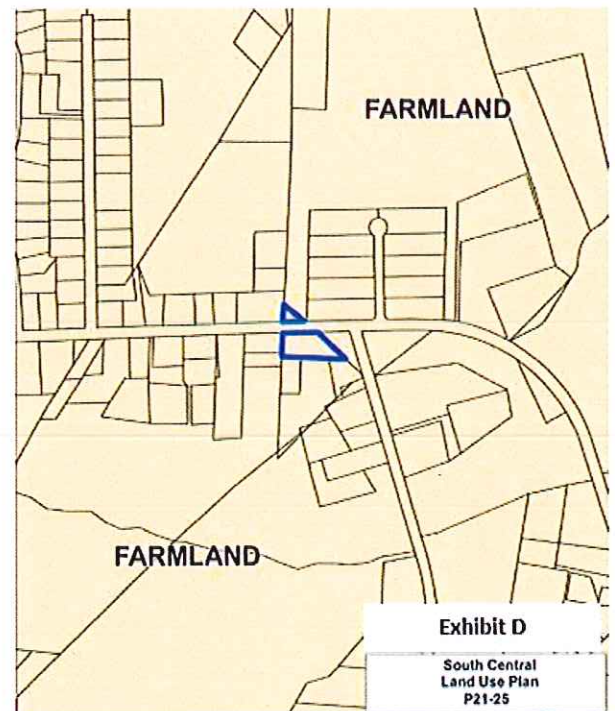


Exhibit D  
South Central  
Land Use Plan  
P21-25

**IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES**

**TRAFFIC:** The subject property fronts Blossom Road, which is identified as an existing thoroughfare in the Metropolitan Transportation Plan. There are no construction projects planned and the subject property will have no impact on the Transportation Improvement Plan.

**SCHOOLS CAP/ENROLL:** Alderman Rd Elementary: 750/601; Gray's Creek Lake Middle: 1200/1096; Gray's Creek High: 1470/1343

**ECONOMIC DEVELOPMENT:** Comment requested via e-mail. None received.

**EMERGENCY SERVICES:** No issues were identified regarding this application.

**SPECIAL DISTRICTS:** The subject properties are not located within five miles of Fort Bragg Military base and are not locate within or near the Fayetteville Regional Airport Overlay District.

## STAFF RECOMMENDATION

For Case P21-25, the Planning & Inspections staff **recommends approval** of the rezoning request from **A1 Agriculture and RR Residential to RR Residential**, and finds:

- a. The approval is an amendment to the adopted, current South Central Land Use Plan map; and that the Board of Commissioners should not require any additional request or application for amendment to said map for this request;
- b. The following change in conditions was considered in amending the zoning ordinance (zoning map) to meet the development needs of the community: assigns a single zoning category to the same small parcel; and
- c. This rezoning approval is reasonable and in the public interest because the district requested is in harmony with surrounding zoning and existing land uses.

### Attachments:

Notification Mailing List  
Zoning Application



ATTACHMENTS - MAILING LIST

OWNER_NAME	ADDRESS	CITYSTATEZIP
MANLEY, RYAN PATRICK;MANLEY, JESSICA SHEPARD	4428 BEN BURNS LN	HOPE MILLS, NC 28348
DREAMWORKS CONSTRUCTION, INC.	2520 MCFAYDEN RD	FAYETTEVILLE, NC 28306
BUTLER, MALLISSA	10242 ARAGON CROWN RD	LAS VEGAS, NV 89135
BRYANT, MARY M	2924 BLOSSOM RD	HOPE MILLS, NC 28348
BRYANT, NEIL A HEIRS;DOROTHY, B MCCOY	2753 BLOSSOM RD	HOPE MILLS, NC 28348
BUTLER, ROBERT GLENN	PSC 3 BOX 6258	APO, AP 96266
WARREN, SYLVIA D;WARREN, WILLIAM	2952 BLOSSOM RD	HOPE MILLS, NC 28348
EDWARDS, GRACE G	4609 GRAYS CREEK CHURCH RD	HOPE MILLS, NC 28348
NELSON, ALICE G HEIRS	6132 RACINE DR	HOPE MILLS, NC 28348
DAWSON, THOMAS EUGENE	5955 MCDONALD RD	PARKTON, NC 28371

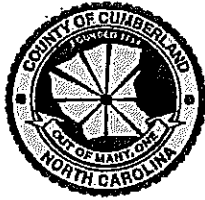
1<sup>st</sup> Class

P21-25

OWNERS_NAME	ADDRESS	CITYSTATEZIP
MANLEY, RYAN PATRICK;MANLEY, JESSICA SHEPARD	4428 BEN BURNS LN	HOPE MILLS, NC 28348
KEEN, ANTOINETTE M.;KEEN, ANTWON P.	4422 BEN BURNS LN	HOPE MILLS, NC 28348
TAYLOR, MICHELLE HATCH	4416 BEN BURNS LN	HOPE MILLS, NC 28348
PEARCE, JAMES MARION JR;PEARCE, NATALIE DIX	4410 BEN BURNS LANE	HOPE MILLS, NC 28348
FERNANDEZ, LUIS EDUARDO;RODRIGUEZ, OLGA	4404 BEN BURNS LN	HOPE MILLS, NC 28348
TYSON, VANCE U JR	4925 S NC 87 HWY	FAYETTEVILLE, NC 28306
LOHSE, KYLE ALLEN;LOHSE, BRITTANY NICOLE	4417 BEN BURNS LN	HOPE MILLS, NC 28348
WASHINGTON, WILLIE LORONZO SR;WASHINGTON, SAKETA TAMEGA	4423 BEN BURNS LANE	HOPE MILLS, NC 28348
BENJAMIN STOUT REAL ESTATE SERVICES, INC.	PO BOX 53798	FAYETTEVILLE, NC 28305
MCKOY, HATTIE MARGARET;MCKOY, SYLVESTER	4804 GRAYS CREEK CHURCH RD	HOPE MILLS, NC 28348
DREAMWORKS CONSTRUCTION, INC.	2520 MCFAYDEN RD	FAYETTEVILLE, NC 28306
BLOSSOM, LACY A HEIRS	2894 BLOSSOM RD	HOPE MILLS, NC 28348
BLOSSOM, BARBARA, COLLEEN, TERESA;CAROL, BASDEN	2884 BLOSSOM RD	HOPE MILLS, NC 28348
MANUEL, AARON LEROY;MANUEL, SHERRY LYNETTE	2888 BLOSSOM RD	HOPE MILLS, NC 28348
MANUEL, AARON I;MANUEL, SHERRY L	2888 BLOSSOM RD	HOPE MILLS, NC 28348
MCCOY, LEANDER;MCCOY, CYNTHIA M	2897 BLOSSOM RD	HOPE MILLS, NC 28348
BLOSSOM, JOE LEWIS;BLOSSOM, WIFE	2894 BLOSSOM RD	HOPE MILLS, NC 28348
RAEFORD, JOHN GAINEY;RAEFORD, LELER MAE	3853 WILMINGTON HWY	FAYETTEVILLE, NC 28306
BUTLER, MALLISSA	10242 ARAGON CROWN RD	LAS VEGAS, NV 89135
LESESNE, REGINALD;LESESNE, BETSY B	7324 HYANNIS DR	FAYETTEVILLE, NC 28304
GILMORE, LETICIA B	7016 POPE CASHWELL CT	HOPE MILLS, NC 28348
GILMORE, LETICIA B	7016 POPE CASHWELL CT	HOPE MILLS, NC 28348
RAEFORD, DOROTHY L	4638 GRAYS CREEK CHURCH RD	HOPE MILLS, NC 28348
JONES, WILLIE;JONES, PATRICIA;DEBRA JONES, WILLIE DEON JR	1520 LINCOLN BLV	WHITING, NJ 08759
RAEFORD, DOROTHY L	4638 GRAYS CREEK CH RD	HOPE MILLS, NC 28348
BROWN, LUCILLE	4654 GRAYS CREEK CHURCH RD	HOPE MILLS, NC 28348
BLOSSOM, RODNEY L	2898 BLOSSOM RD	HOPE MILLS, NC 28348
MCLEOD, CYNTHIA R	2900 BLOSSOM RD	HOPE MILLS, NC 28348
MC COY, LEANDER;CYNTHIA, M	2897 BLOSSOM RD	HOPE MILLS, NC 28348
PONE, EDNA G HEIRS	3400 COUNTY LINE RD	FAYETTEVILLE, NC 28306
BRYANT, MARY M	2924 BLOSSOM RD	HOPE MILLS, NC 28348
BRYANT, NEIL A HEIRS;DOROTHY, B MCCOY	2753 BLOSSOM RD	HOPE MILLS, NC 28348
FORTE, CORNELIA P	6446 ALLIANCE ST	HOPE MILLS, NC 28348
BETHUNE, AUDREY	6438 ALLIANCE ST	HOPE MILLS, NC 28348
BUTLER, ROBERT GLENN	PSC 3 BOX 6258	APO, AP 96266
WARREN, SYLVIA D;WARREN, WILLIAM	2952 BLOSSOM RD	HOPE MILLS, NC 28348
EDWARDS, GRACE G	4609 GRAYS CREEK CHURCH RD	HOPE MILLS, NC 28348
NELSON, ALICE G HEIRS	6132 RACINE DR	HOPE MILLS, NC 28348
GARRIS, ISSAC O JR;W/, GERALD	6306 E HAMPTON CT	FAYETTEVILLE, NC 28314
HAND, ELLA P;WALTER, D	3550 SARGEANT DR	CHARLOTTE, NC 28217
GARRIS, ISSAC O JR;W/, GERALD	6306 E HAMPTON CT	FAYETTEVILLE, NC 28314
MOHAMMED, ASHARD;MOHAMMED, NISA F	1509 BRIDGETON WAY	FAYETTEVILLE, NC 28312
EDWARDS, GRACE G;HUS, ROBERT	4609 GRAYS CREEK CHURCH RD	HOPE MILLS, NC 28348
DAWSON, THOMAS EUGENE	5955 McDONALD RD	PARKTON, NC 28371

600' Rad

P21-25 3<sup>rd</sup> Class



**County of Cumberland**  
◆  
**Planning & Inspections Department**

CASE #: P 21-25  
PLANNING BOARD MEETING DATE: 4-20-21  
DATE APPLICATION SUBMITTED: 3-16-21  
RECEIPT #: 76713  
RECEIVED BY: Bp

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

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

1. A copy of the *recorded* deed and/or plat.
2. If a portion(s) of the property is being considered for rezoning, an accurate written legal description of only the area to be considered;
3. A check made payable to "Cumberland County" in the amount of \$ 250.  
(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 RR A1 to RR
2. Address of Property to be Rezoned: 2952 Blossom Rd
3. Location of Property: Hope Mills North Carolina  
28348
4. Parcel Identification Number (PIN #) of subject property: 0442635346000  
(also known as Tax ID Number or Property Tax ID)
5. Acreage: 1 acre Frontage: \_\_\_\_\_ Depth: \_\_\_\_\_
6. Water Provider: Well:  PWC: \_\_\_\_\_ Other (name): \_\_\_\_\_
7. Septage Provider: Septic Tank  PWC \_\_\_\_\_
8. Deed Book 7121, Page(s) 518, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
9. Existing use of property: Residential
10. Proposed use(s) of the property: Residential
11. Do you own any property adjacent to or across the street from this property?  
Yes \_\_\_\_\_ No  If yes, where? \_\_\_\_\_
12. Has a violation been issued on this property? Yes \_\_\_\_\_ No

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

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

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

William & Sylvia Warren  
NAME OF OWNER(S) (PRINT OR TYPE)

2952 Blossom Rd Hope Mills N.C 28348  
ADDRESS OF OWNER(S)

910-797-5502 HOME TELEPHONE #      910-797-5466 WORK TELEPHONE #

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

\_\_\_\_\_  
ADDRESS OF AGENT, ATTORNEY, APPLICANT

Sylvia Warren 64@gmail.com  
E-MAIL

\_\_\_\_\_  
HOME TELEPHONE #

\_\_\_\_\_  
WORK TELEPHONE #

Will Warren  
SIGNATURE OF OWNER(S)

\_\_\_\_\_  
SIGNATURE OF AGENT, ATTORNEY OR APPLICANT

Sylvia Warren  
SIGNATURE OF OWNER(S)

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

(N.P. SEAL)

002024

17.00 HAP

RECEIVED

1-13-2006 PM 4:13:53

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

Excise Tax: \$ 0.00

Recording: Time, Book & Page

Instrument Prepared By: April Bailey Cole, Attorney at Law, 1409 East Boulevard, Charlotte, NC 28203  
NO TITLE SEARCH PERFORMED NOR OPINION RENDERED IN CONNECTION WITH THIS DEED  
Mail after recording to: Grantee

**NORTH CAROLINA QUITCLAIM DEED**

THIS DEED, made this 13<sup>th</sup> day of January, 2006, by and between **Sylvia D. Hurley, nka Sylvia D. Warren and husband, William Warren, Grantor(s), and Sylvia D. Warren and husband, William Warren, Grantee**, whose address is: 2952 Blossom Road, Hope Mills, NC 28347;

WITNESSETH: That said Grantor(s), for good and valuable consideration paid by the Grantee(s), the receipt of which is hereby acknowledged, has remised and by these presents do remise, release, and forever quitclaim unto the Grantee(s), all right, title, claim and interest of the said Grantor(s) in and to a certain tract or parcel of land further described as follows:

All that certain lot or parcel of land situated in the County of Cumberland, North Carolina and more particularly described as follows:

See Exhibit "A" attached hereto and made a part hereof.

Parcel ID: 04442-63-5346

Property Address: 2952 Blossom Road, Hope Mills, NC 28347

TO HAVE AND TO HOLD, the aforesaid tract or parcel of land and all privileges and rights thereunto belonging to the Grantee(s), in fee simple.

IN TESTIMONY WHEREOF, said Grantor(s) have hereunto set his/her/their hands and seals on the day and year first written above.

Sylvia D. Warren  
Sylvia D. Hurley, nka Sylvia D. Warren

William Warren  
William Warren

STATE OF NORTH CAROLINA  
COUNTY OF Cumberland

I, a Notary Public in and for said state, certify that **Sylvia D. Hurley, nka Sylvia D. Warren, and William Warren**, the Grantor(s), personally came before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official stamp or seal, this 13<sup>th</sup> day of January, 2006.

Dorinda L. Spiegler  
Notary Public Dorinda L. Spiegler  
My Commission Expires: 8-13-06

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

\_\_\_\_\_  
Register of Deeds for Cumberland County

\_\_\_\_\_  
Assistant, Deputy Register of Deeds

This Deed, made this 12th day of April, A.D. 1965 by and between William Butler and his wife, Jennie Novella Butler, parties of the first part, and Robert Glenn Butler, nephew, and Sylvia Harris, neice, parties of the second part.

W I T N E S S E T H

That the said parties of the first part, in consideration of the sum of Ten (\$10.00) Dollars and other good and valuable considerations to them in hand paid by the said parties of the second part, the receipt of which is hereby acknowledged, have bargained and sold, and by these presents do bargain, sell, and convey to the parties of the second part, their heirs and assigns, that certain tract or parcel of land in Grays Creek Township, Cumberland County State of North Carolina, bounded and described as follows:

BEGINNING at an iron pipe at the western corner of the William and Jennie Butler; thence South 44 degrees 30 minutes East 410.7 feet to an iron pipe; thence North 93 degrees 55 minutes West 252.8 feet to an iron pipe; thence North 6 degrees 5 minutes West 290 feet to the beginning; it being 1.2 acres including 0.2 acres for a 60 foot county road and containing a store and dwelling; it being also a part of that parcel of land (containing three acres more or less) transferred from L. A. Blossom and wife, Rhoda Blossom to Melissa Butler on December 8, 1942, and duly registered in the Cumberland County Registry in Book 451 Page 377.

TO HAVE AND TO HOLD, the aforesaid tract or parcel of land and all privileges and appurtenances thereto belonging, to the said parties of the second part, their heirs and assigns, to their only use and behoof forever.

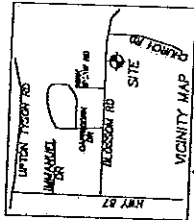
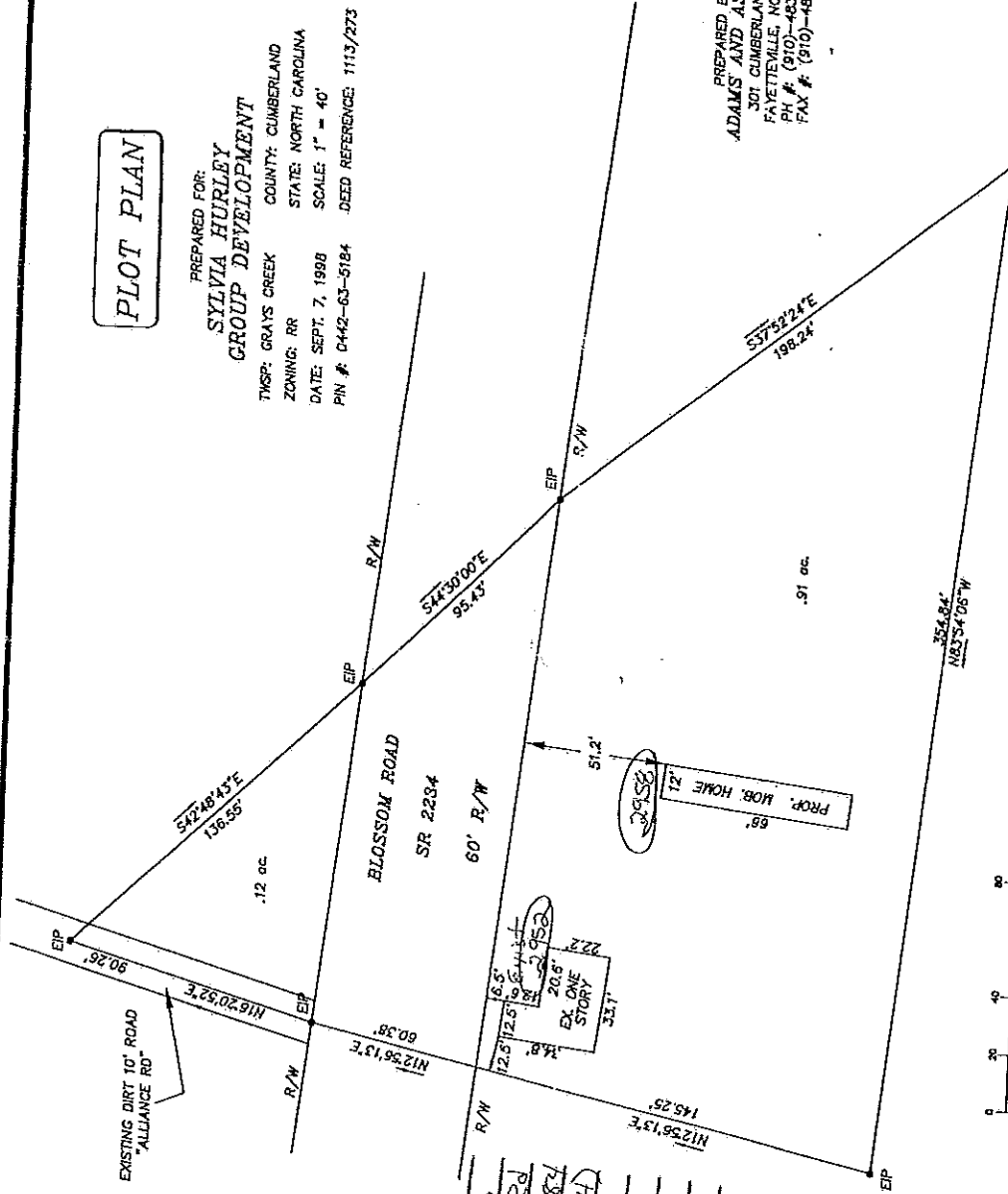
And the said parties of the first part covenants that they have seized of said premises in fee and they have the right to convey the same in fee simple, that the same is free and clear from all encumbrances and that she will warrant and defend the said title to the same against the lawful claims of all persons whomsoever.



**PLOT PLAN**

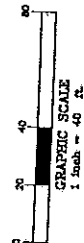
PREPARED FOR:  
**SYLVIA HURLEY**  
**GROUP DEVELOPMENT**  
 TWP#: GRAYS CREEK COUNTY: CUMBERLAND  
 ZONING: RR STATE: NORTH CAROLINA  
 DATE: SEPT. 7, 1998 SCALE: 1" = 40'  
 PIN #: D-442-63-5184 DEED REFERENCE: 1113/273

PREPARED BY:  
**ADAMS' AND ASSOCIATES**  
 301 CUMBERLAND ST.  
 FAYETTEVILLE, NC 28301  
 PH #: (910)-483-1201  
 FAX #: (910)-484-1272



CASE NUMBER: 98-281  
 SUBDIVISION NAME: Hurley Sylvia  
 APPROVED STREET NAME: Blossom Rd  
 PARKING DESIGNATION: 0442-63-5184  
 MAP SHEET NUMBER: 0442 (04)  
 STATE ROAD NUMBER: 0091  
 TAX DISTRICT NUMBER: 0091  
 LOW ADDRESS RANGE: \_\_\_\_\_  
 HIGH ADDRESS RANGE: \_\_\_\_\_

SEP 22 2008  
*[Signature]*



CCJPB E911  
 To Be Used For Referencing  
 11 Address Assignments Only  
 Scanned on 11:19 AM, 12/15/2006

**SOHI**

**EXPLANATION OF THE REQUEST** Change of Zoning: RR to R7.5/CZ

Applicant requests a rezoning of four parcels, totaling approximately 12.61 acres, from RR Rural Residential to R7.5 Residential/CZ Conditional Zoning and located west of the intersection of NC Hwy 87 and Butler Nursery Road. This request would increase the allowed density from 1 unit per 2 acres to 1 unit per 7,500 sq. ft. This is a conventional rezoning, and no conditions are proposed at this time. Location of the subject property is illustrated in Exhibit "A".

Applicant proposes a single-family residential subdivision with up to 33 residential lots having a typical minimum lot size of 7,500 sq. ft. and a minimum lot width of sixty (60) feet. Zero-Lot Line Development is requested with a minimum side yard setback of 5 feet and a minimum lot width of 60 feet. The R7.5 conventional zoning requires a minimum lot width of 75 feet and a minimum side-yard setback of 10 feet. The proposed deviations are allowed under the Zero Lot Line Development Standards. Illustration of the proposed subdivision plan is presented in Exhibit "B" with the Ordinance Conditions (attached).

**PROPERTY INFORMATION**

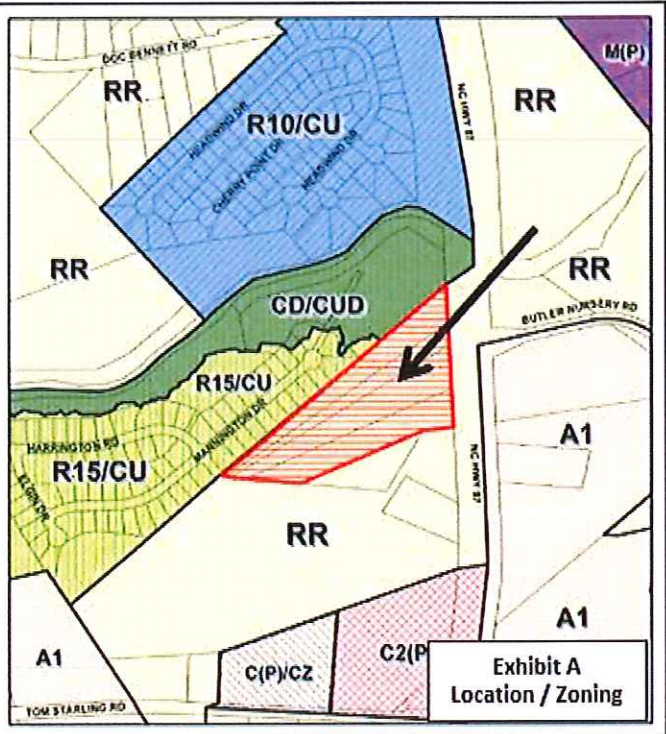
**OWNER/APPLICANT:** Eleanor Yates J. Bunnells, Eleanor R. Bunnells, Josephine P. Lyle, Charles J. Pate and Jessie M. Pate (owners) / Blayze DiPasquale on behalf of Mekee Homes, Inc.

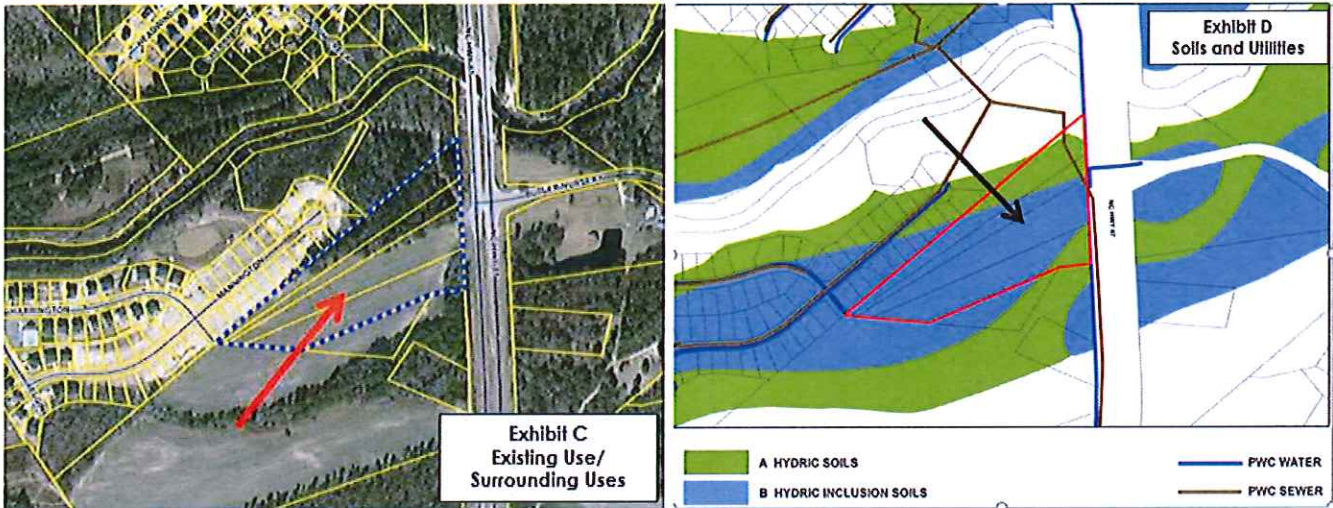
**ADDRESS/LOCATION:** The subject property is located at the westside of the intersection of NC Hwy 87 and Butler Nursery Road. REID: 0443680495000, 0443680097000, 0443680292000. Refer to Exhibit "A", Site Location. Exhibit "A" shows the location of the subject property.

**SIZE:** 12.61 +/- acres within four parcels. The property has approximately 742' +/- of street frontage along NC Hwy 87. The property has a depth extending as from 842 feet +/- to 1,522 feet +/- in depth.

**EXISTING LAND USE:** The parcel is currently used for agriculture with undeveloped wooded areas at its northeast corner. Exhibit "C" shows the existing use of the subject property.

**SURROUNDING LAND USE:** Abutting the north and northwest side of the subject property is the Village at Rockfish residential subdivision with typical minimum lots at 70-foot width and 130 depth. Further to the north of the Village at Rock Fish is the Grays Creek Villas residential subdivision with typical minimum lot size at 70-foot wide and 105-foot deep, approximately. To the south and southwest are agriculture lands while to the east on the opposite side of NC Hwy 87 are undeveloped lands. Character of the surrounding area is single-family residential neighborhoods. Exhibit "C" shows the use and character of the surrounding area.





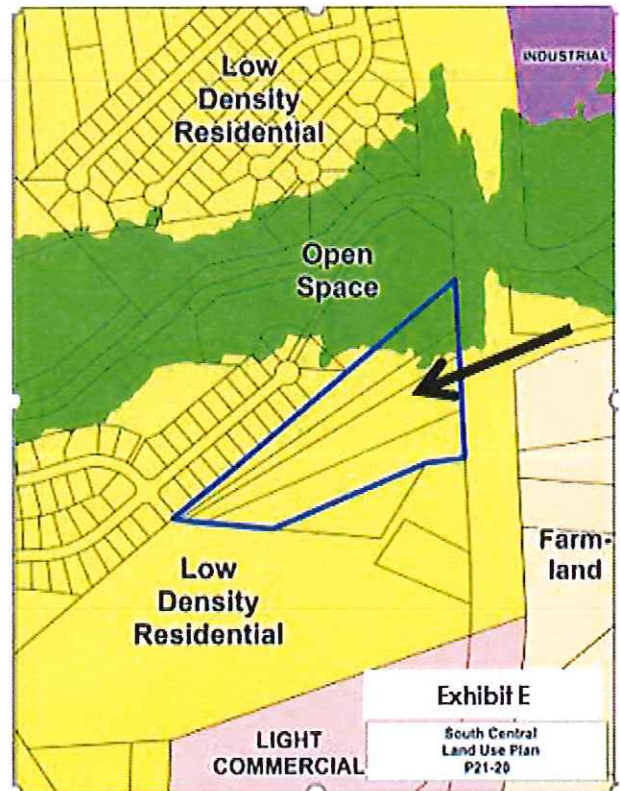
**OTHER SITE CHARACTERISTICS:** The property is not located within the watershed but a Special Flood Hazard Area and 100-Year Flood Plain does occur at the northeast corner of the property. The Site Plan directs development away from the flood plain area. All areas of the subject property have soil limitations with hydric or hydric inclusion soils, as illustrated in Exhibit "D".

**DEVELOPMENT REVIEW:** The four parcels were created by deed.

**UTILITIES:** The property has PWC central water and sewer lines adjacent to the property and will have to connect to this utility system. Exhibit "D" shows the proximity of PWC water and sewer lines to the eastern side of the subject property.

**MINIMUM YARD SETBACKS:** If approved, the Conditional Use Zoning with Zero Lot Line Development, based on the applicant's request, will have a minimum five-foot side yard setback and a minimum lot width of 60 feet. The front and rear setbacks standards will remain as the R7.5 requirements. Setback minimum standards for RR zoning are: Front yard: 30 feet, Side yard: 15 feet, Rear yard: 35 feet.

**COMPREHENSIVE PLANS:** The 2030 Growth Vision Plan designates this area as "Urban/Conservation". Located in the South Central Land Use Plan area, the subject properties are designated as "Low Density Residential", as shown within Exhibit "E". The R7.5 zoning category is consistent with this LDR designation. **Request is compliant with the plans.**



## IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES

**TRAFFIC:** The subject property is located at the intersection of Highway 87 and Harrington Road. Highway 87 is identified as a thoroughfare needing improvement in the Metropolitan Transportation Plan, and Harrington road is identified as a local road in the Metropolitan Transportation Plan. There are no construction projects planned, and the subject property will have no impact on the Transportation Improvement Plan.

**SCHOOLS CAP/ENROLL:** Alderman Rd Elementary: 750/601; Gray's Creek Middle: 1200/1096; Gray's Creek High: 1470/1343

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

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

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

**CONDITIONS OF APPROVAL:** As the rezoning request is for Conditional Zoning, Exhibit "B" includes the Conditions that the property owner must meet through an approved site plan, site development and use of the property.

### Code Deviations:

1. Lot Width. For the R7.5 zoning category, a minimum lot width of 75 feet is required. The applicant proposes a typical minimum lot width of 60 feet by proposing a Zero lot line development. If the Conditional Zoning is approved, the minimum lot width will be sixty feet or as shown on the Conditional Zoning Subdivision Plan.
2. Setbacks. For the R7.5 district, minimum setbacks on residential lots are: Front: 30 feet; Side: 10 feet; and Rear: 35 feet. The applicant is proposing the following site-relate setback standards: Front: 30 feet; Side: 5 feet; and Rear: 35 feet.

## STAFF RECOMMENDATION

For Case P21-20, the Planning & Inspections staff **recommends approval** of the rezoning request from **RR Rural Residential to R7.5 Residential/CZ Conditional Zoning**, subject to the conditions of approval and conceptual subdivision plan, and finds the request consistent with the South Central Land Use Plan designation of "Low Density Residential" as the R7.5 zoning category is consistent with this land use designation. Approval of the request is reasonable and in the public interest as the district requested is in harmony with surrounding, existing land uses and zoning.

Attachments:  
Notification Mailing List  
Zoning Application

EXHIBIT B  
ORDINANCE CONDITIONS AND SUBDIVISION PLAN

Case: P21-20  
April 20, 2021

**R40 RESIDENTIAL/CZ CONDITIONAL ZONING DISTRICT**

**DRAFT**

**Ordinance Related Conditions**  
*For a maximum 33-lot residential subdivision*

**Pre- Permit Related:**

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

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

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

**Permit-Related:**

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

Change of use of subject properties shall require an approved Driveway Permit. Permits MUST be secured prior to the change or alteration of existing or proposed property use. Failure to secure required permits prior to construction or change in property usage may result in the removal of the driveway or street connections at the property owner's expense. For additional information contact the Division 6/District 2 office.

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

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

**Note: The property owner most likely will be required to provide a copy of a recorded plat and deed conveying to the NCDOT that portion of the subject property located within or to be located within the right-of-way at the time of driveway permit application.**  
[§ 136-18(29), NCGS]

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

**Site-Related:**

13. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Development Ordinance, and County Zoning Ordinance for the R7.5 Residential/CZ Conditional Zoning for up to a33 lot Zero Lot Line subdivision zoning district must be complied with, as applicable, and as appearing with the conceptual subdivision plan appearing in Exhibit "A". Any conditions set forth herein this ordinance, including Exhibit "A", shall supersede the Zoning and Subdivision Code. If not specifically addressed within this Ordinance, all requirements of the Zoning and Subdivision Codes shall be met.
14. All corner lots and lots fronting more than one street must provide front yard setbacks from each street. (Secs. 1101.G & 1102.B, County Zoning Ord.)
15. This conditional approval is not approval of any freestanding signs. If a freestanding sign is desired, re-submittal of the site plan is required prior to application for any freestanding sign permits. Attached signage for this development must be in accordance with the applicable sign regulations as set forth in Article XIII of the County Zoning Ordinance and that the proper permit(s) must be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is not approval of the size, shape, or location of any signs.) (Art. XIII, County Zoning Ord.)
16. For any new development, an adequate drainage system must be installed by the developer in accordance with the NC Department of Environmental Quality (NCDEQ) *Manual on Best Management Practices* and all drainage ways must be kept clean and free of debris. (Section 2307.A, County Subdivision Ord.)
17. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306.C, County Subdivision Ord.)

18. In the event a stormwater utility structure is required by the NC Department of Environmental Quality (NCDEQ), the owner/developer must secure the structure with a four foot high fence with a lockable gate, and is required to maintain the detention/retention basin, keeping it clear of debris and taking measures for the prevention of insect and rodent infestation. (Sec. 1102.O, County Zoning Ord.)
19. This review does not constitute a “subdivision” approval by NC Department of Transportation (NCDOT). A separate submittal to NCDOT will be required prior to consideration for addition to the system of any street within this development. (Sec. 2304B, County Subdivision Ord.)
20. The NC Department of Transportation’s (NCDOT) approval of the street plans is required and the street(s) are required to be constructed to the NCDOT standards for secondary roads. (Sec. 2304B, County Subdivision Ord. & NCGS §136-102.6). If buildings permits are issued by Cumberland County prior to NCDOT acceptance of the streets, the developer is responsible that roads shall meet conditions suitable for safe passage for vehicles used by County inspection personnel. The County Building Official may delay inspections if determined that road conditions do not provide safe passage for vehicles used by County inspectors.
21. Turn lanes may be required by the NC Department of Transportation (NCDOT). [Art. XIV, County Zoning Ord. & NCGS §136-18(5) & §136-93]

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

22. All lots within this development are required to be served by an internal street system. (Sec. 2001, County Subdivision Ord. & Sec. 101, County Zoning Ord.)
23. All lighting is required to be directed internally within this development and comply with the provisions of Section 1102 M, Outdoor Lighting, County Zoning Ordinance.
26. The subdivision plan must provide an internal access tract to the stormwater tract at the northeast portion of the subdivision, allowed the HOA the ability to access the stormwater facility.

**Plat-Related:**

24. The developer is required to submit to the Current Planning Section either one set of a hard copy or one set of a pdf email copy to the County’s Current Planning Manager of the following documents :
  - a. One copy of proposed covenants, by-laws and articles of incorporation for the proposed development designating responsibility for the common area by the owners’ association for the development;
  - b. One copy of the deeds proposed for recordation conveying all common area to the proposed owners association;
  - c. One copy of any proposed supplemental covenants if the proposed development is to be submitted for final approval in phases; and
  - d. One copy of each proposed final plat prior to the submission for final approval – can be a phase of the approved development or the complete development as approved.

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

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

25. “Street A” and “Street B” will require approved street names prior to approval of the final plat. Please contact Diane Shelton with Location Services for the process of obtaining an approved street name.
26. The street name signs, in compliance with the County Street Sign Specifications, must be installed prior to final plat approval. The developer should contact Location Services for inquiries regarding the County’s policy for street sign installation or, if the sign is commissioned from a private source, to schedule an inspection of the street sign(s). The

Current Planning Section must receive notice of agreement with the Location Services Section for sign installation or of satisfactory inspection prior to the approval of the final plat. Sec. 4-171, County Code)

27. The developer is opting to provide park, recreation or open space area (common area) on-site; therefore, when phasing a development all common area must be recorded prior to the recording of the first phase or section of the development or the common area must be recorded incrementally, ensuring that a minimum of 800 square feet of land area is recorded as common area for each lot included, on the final plat.
28. The builder/developer must provide the buildable envelopes on the final plat: providing a five-foot maintenance easement along each side of all common internal lines with all other applicable setbacks being provided for; or at the time of permit application, the individual plot plans must be approved by the Current Planning Section prior to issuance of any permits.
29. Any/All easements must be reflected on the final plat and labeled as to type of easement, reference number for document creating the easement, and the name of the agency, individual, etc. who holds the easement.
30. All lots within this development must be served by an internal street system and a "no access" easement must be reflected on the final plat along NC Hwy 87 for all lots or common areas abutting the highway.
31. A minimum 10' x 70' sight distance easement is required at the intersection of all and must be reflected on the final plat, unless another standard is required by NCDOT.
32. A 25' right-of-way radius is required at all intersections and must be reflected on the final plat. (Section 2304.10.c, Street Design, County Subdivision and Development Ordinance)

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

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

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

34. The notarized signature(s) of all current tax record owner(s) and notary certifications appear on the final plat when submitted for final approval. (Section 2503 D, Certificate of Ownership and Dedication, County Subdivision and Development Ordinance)
35. The developer is reminded that the improvements must be in place or that final plat approval will only be granted in accordance with Section 2502 B, C, or D, Final Plat – Guarantees of Improvements, County Subdivision and Development Ordinance. (Note: Once the improvements are in place, the developer is responsible for contacting Jeff Barnhill to schedule an inspection of the improvements.)
36. The final plat must be submitted to the Current Planning Section for review and approval for recording with the County Register of Deeds, and the plat must be recorded prior to any permit application for any structure and/or prior to the sale of any lot or unit within this development.
37. The developer should be aware that any addition and/or revision to this plat may require an additional review and approval by the Planning & Inspections Department prior to submission for final plat approval of any portion of this development.
38. Property owner shall include in the final plat the dedication of a portion of the open space tract at the western end of the project as public road right-way to accommodate the future continuation of Harrington Road, as shown in Exhibit "A".

**Plat-Required Statements:**

39. All structures shall be shown on the final plat or the final plat shall reflect the following statement (Section 2504 D, County Subdivision and Development Ordinance):



“Nonconforming structures have not been created by this subdivision plat.”

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

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

**Advisories:**

41. The applicant is advised to consult an expert on wetlands before proceeding with any development.
42. Any revision or addition to this plan necessitates re-submission for review and approval prior to the commencement of the change.
43. The owner/developer is responsible for ensuring easements which may exist on the subject property are accounted for, not encumbered and that no part of this development is violating the rights of the easement holder.
44. The US Postal Service most likely will require this development to have centralized cluster boxes for postal service to each lot or unit. The developer is advised contact the US Postal Growth Coordinator for the Mid-Carolinas District to determine the appropriate location for the cluster boxes. If the cluster box location requires changes to the subdivision or site plan, a revised preliminary/plan must be submitted to the Planning & Inspections Department for review and approval.
45. This conditional approval is not to be construed as all encompassing of the applicable rules, regulations, etc. which must be complied with for any development. Other regulations, such as building, environmental, health and so forth, may govern the specific development. The developer is the responsible party to ensure full compliance with all applicable Federal, State, and local regulations.
46. The developer(s) and any future lot owners are responsible for the maintenance and upkeep of the streets until such time the streets are added to the State system by the NC Department of Transportation (NCDOT) for maintenance purposes. The developer is advised to give notice of the street status to any future lot owners in the event the lots are conveyed prior to the NCDOT’s acceptance.
47. The subject property is located at the intersection of Highway 87 and Harrington Road. Highway 87 is identified as a thoroughfare needing improvement in the Metropolitan Transportation Plan, and Harrington road is identified as a local road in the Metropolitan Transportation Plan. There are no construction projects planned, and the subject property will have no impact on the Transportation Improvement Plan. For questions related to this comment, please contact Transportation Planning.
48. The HOA covenants should include a disclosure statement that road termini will be connected to other roads.

**Other Relevant Conditions:**

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



**If you need clarification of any conditions, please contact Billy Prutzman at 910-678-7603 or Betty Lynd at 910-678-7605 with the Current Planning Section; otherwise, contact the appropriate agency at the contact numbers below.**

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

Watershed Officer/Improvements: <a href="mailto:jbarnhill@co.cumberland.nc.us">jbarnhill@co.cumberland.nc.us</a>	Jeff Barnhill	678-7765	
Current Planning Manager: <a href="mailto:blynd@co.cumberland.nc.us">blynd@co.cumberland.nc.us</a>	Betty Lynd	678-7605	
Subdivision/Site Plan/Plat <a href="mailto:jbarnhill@co.cumberland.nc.us">jbarnhill@co.cumberland.nc.us</a>	Jeff Barnhill	678-7765	
Code Enforcement (Permits): <a href="mailto:swalters@co.cumberland.nc.us">swalters@co.cumberland.nc.us</a>	Scott Walters	321-6654	
County Building Inspections: <a href="mailto:mnaylo@co.cumberland.nc.us">mnaylo@co.cumberland.nc.us</a>	Michael Naylor	321-6657	
Fire Marshal – Emergency Services <a href="mailto:klowther@co.cumberland.nc.us">klowther@co.cumberland.nc.us</a>	Kevin Lowther	321-6625	
<a href="mailto:wbooth@co.cumberland.nc.us">wbooth@co.cumberland.nc.us</a>	Gene Booth	678-7641	
County Engineer’s Office: <a href="mailto:wdudley@co.cumberland.nc.us">wdudley@co.cumberland.nc.us</a>	Wayne Dudley	678-7636	
County Health Department: <a href="mailto:fthomas@co.cumberland.nc.us">fthomas@co.cumberland.nc.us</a>	Fred Thomas	433-3692	
US Postal Service <a href="mailto:jonathan.r.wallace@usps.gov">jonathan.r.wallace@usps.gov</a>	Jonathan R. Wallace	(704) 393-4412	
Corp of Engineers (wetlands):	Liz Hair	(910) 251-4049	<a href="mailto:hair@usacr.army.mil">hair@usacr.army.mil</a>
NCDEQ (E&S):	Leland Cottrell	(910) 433-3393	<a href="mailto:leland.cottrell@ncdenr.gov">leland.cottrell@ncdenr.gov</a>
US Fish & Wildlife Services	Susan Ladd Miller	(910) 695-3323	<a href="mailto:susan_miller@fws.gov">susan_miller@fws.gov</a>
Location Services: Site-Specific Address: <a href="mailto:wphippis@co.cumberland.nc.us">wphippis@co.cumberland.nc.us</a>	Will Phipps	678-7666	
Street Naming/Signs: <a href="mailto:dshelton@co.cumberland.nc.us">dshelton@co.cumberland.nc.us</a>	Diane Shelton	678-7665	
Tax Parcel Numbers:		678-7549	
NCDOT (driveways/curb-cuts):	Troy Baker	364-0601	<a href="mailto:tlbaker@ncdot.gov">tlbaker@ncdot.gov</a>
NCDOT (subdivision roads):	Earl C. Locklear	364-0601	<a href="mailto:elocklear@ncdot.gov">elocklear@ncdot.gov</a>
Transportation Planning: <a href="mailto:jwyche@co.cumberland.nc.us">jwyche@co.cumberland.nc.us</a>	Irvin Wyche	678-7615	
N.C. Division of Water Quality:	Annette Lucas	(919) 807-6381	<a href="mailto:annette.lucas@ncdenr.gov">annette.lucas@ncdenr.gov</a>

ATTACHMENTS - MAILING LIST

OWNER_NAME	ADDRESS	CITYSTATEZIP
WILLAGES AT ROCKFISH LLC	3400 WALSH PKWY	FAYETTEVILLE, NC 28311
AMES, SHAHRON LOUIS; JAMES, NATALIE MARIE	2148 MANNINGTON DR	FAYETTEVILLE, NC 28306
PEREZ RIVERA, MANUEL E; PEREZ RIVERA, TAMARA ROSA	2204 MANNINGTON DR	FAYETTEVILLE, NC 28304
MATTHEWS, ANNIE P	3274 BUTLER NURSERY RD	FAYETTEVILLE, NC 28306
AILEY, LISA	2208 MANNINGTON DR	FAYETTEVILLE, NC 28306
ALDWELL, TOWANIA L	2212 MANNINGTON DR	FAYETTEVILLE, NC 28306
HURTLEFF, ANGELA M; SHURTLEFF, MATTHEW S	2216 MANNINGTON DR	FAYETTEVILLE, NC 28306
ALMER, SHAQUANA TAMISHA; PALMER, JONATHAN TIMOTHY	2220 MANNINGTON DR	FAYETTEVILLE, NC 28306
ING, JOSEF	2224 MANNINGTON DR	FAYETTEVILLE, NC 28306
AVIS, STACY; DAVIS, JEFFREY	2228 MANNINGTON DR	FAYETTEVILLE, NC 28306
ANDERSON, PHILLIP D; ANDERSON, GALINA	2232 MANNINGTON DR	FAYETTEVILLE, NC 28306
EIS, RYAN LEE	2236 MANNINGTON DR	FAYETTEVILLE, NC 28306
MCCENTIRE, RASHAD; MCCENTIRE, ASHLEY C	2240 MANNINGTON DR	FAYETTEVILLE, NC 28306
TERLING, CONSTANCE LAWANDA	2246 MANNINGTON DR	FAYETTEVILLE, NC 28306
BUTLER, JOHN H III; BUTLER, CYRSTAL K	2248 MANNINGTON DR	FAYETTEVILLE, NC 28306
MATTHEWS, ANNE P	3274 BUTLER NURSERY RD	FAYETTEVILLE, NC 28306
PATE, CHARLES J JR; PATE, JESSIE M	PO BOX 142	LAKE PLACID, FL 33862
WILE, JOSEPHINE P	PO BOX 367	MCKENNEY, VA 23872
UNNELLS, ELEANOR YATES J	3014 THROWER RD	HOPE MILLS, NC 28348
UNNELLS, ELEANOR R	3014 THROWER RD	HOPE MILLS, NC 28348
WILLAGES AT ROCKFISH HOMEOWNERS ASSOC INC	PO BOX 87209	FAYETTEVILLE, NC 28304
MATTHEWS, ANNIE PEARL; MATTHEWS, DONALD JOSHUA	3274 BUTLER NURSERY RD	FAYETTEVILLE, NC 28306
PATE, WILLIAM JR V; PATE, PATRICIA MAYHEW	4045 S NC 87 HWY	FAYETTEVILLE, NC 28306

1<sup>st</sup> Class

P21-20

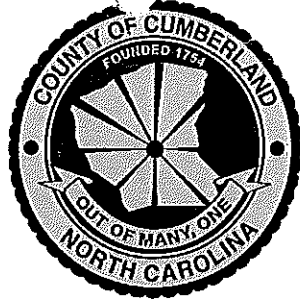
PEREZ RIVERA, MANUEL E; PEREZ RIVERA, TAMARA ROSA  
 MATTHEWS, ANNIE P  
 FRINK, CHARLENE D  
 MANNING, GEORGE R  
 SMITH, GLORIA; SHANUNDETTA, DIXON  
 BENNETT, OQUINDLE J; VIOLENE, K WILKERSON  
 ZAYAS, JANCARLOS LOPEZ; ZAYAS, DADMARY P BONILLA  
 BACK, JOSEPH JR; VALERIE, PETERSON  
 GRAYS CREEK VILLAS HOMEOWNERS ASSOC INC  
 BAILEY, LISA  
 CALDWELL, TOWANIA L  
 NESS, BRIAN  
 MAZURE, DAVID A; MAZURE, SYBIL S  
 SHURTLEFF, ANGELA M; SHURTLEFF, MATTHEW S  
 PALMER, SHAQUANA TAMISHA; PALMER, JONATHAN TIMOTHY  
 BRADSHER, GEORGE WILLIAM; BRADSHER, SHERRY K  
 FLETCHER, RUDOLPH; FLETCHER, BROOK  
 KING, JOSEF  
 DAVIS, STACY; DAVIS, JEFFREY  
 SMITH, MALAIKA A; SMITH, DARIUS  
 SMITH, BARRY; SMITH, GWENDOLYN R  
 ANDERSON, PHILLIP D; ANDERSON, GALINA  
 REIS, RYAN LEE  
 MEHMI, JAGHIT  
 MEHMI, JAGHIT  
 MCENTIRE, RASHAD; MCENTIRE, ASHLEY C  
 STERLING, CONSTANCE LAWANDA  
 BUTLER, JOHN H III; BUTLER, CRYSTAL K  
 THE VILLAGE AT ROCKFISH HOMEOWNERS ASSOCIATION, INC.  
 WILLIAMS, RASHINE A; WILLIAMS, SHANTAEVA T  
 SMITH, ANELA; ROGERS, BRANDON  
 BARNES, KIMBERLY A  
 HUGER, MARQUISE T; HUGER, AMAZIAH BROWN  
 CARROLL, LAWRENCE D; CARROLL, STEPHANIE D  
 GAGE, JESSICA D'NEA  
 ZEGARRA, ELISABETH  
 HICKS, MICHAEL TAYLOR; HICKS, EMILEE TAYLOR  
 BROWN, KELLY J; BROWN, LESLIE Q  
 ALHASSAN, YUSIF; ALHASSAN, AYEISHA  
 MACE, BRIAN  
 SCOTT, JOHN D; SCOTT, ZARIAH NILSA  
 ELLIS, SAMUEL J  
 UNDERWOOD, STARLING B; PHELISA, R  
 BOWMAN, BRANDI ANNE  
 JSJ BUILDERS, INC.  
 SOLORZANO, AREADIO JR; SOLORZANO, CHENI VAZQUEZ  
 HAWLEY, TYLER AARON MARK; HANNAH, MARIE GODBOLO  
 TURNER, CHRISTOPHER J; TURNER, MEAGAN N  
 SPELL, MONICA K L; SPELL, WALTER WIDEMAN  
 JOHNSON, MAKISHA; JOHNSON, LEAH NICOLE LEWIS  
 COFFEY, JAMES W; COFFEY, FERNAVEL E  
 KBR 2 INVESTMENTS, LLC; O'BRIEN, NELSON T. II  
 MATTHEWS, ANNE P  
 MATTHEWS, DONALD L; MATTHEWS, CHRISTINA G  
 PATE, CHARLES J JR; PATE, JESSIE M  
 LYLE, JOSEPHINE P

2204 MANNINGTON DR FAYETTEVILLE, NC 28304  
 3274 BUTLER NURSERY RD FAYETTEVILLE, NC 28306  
 2146 HARRINGTON RD FAYETTEVILLE, NC 28306  
 2141 HARRINGTON RD FAYETTEVILLE, NC 28306  
 2145 HARRINGTON RD FAYETTEVILLE, NC 28306  
 2205 MANNINGTON DR FAYETTEVILLE, NC 28306  
 2209 MANNINGTON DR FAYETTEVILLE, NC 28306  
 2213 MANNINGTON DR FAYETTEVILLE, NC 28306  
 PO BOX 87209 FAYETTEVILLE, NC 28304  
 2208 MANNINGTON DR FAYETTEVILLE, NC 28306  
 2212 MANNINGTON DR FAYETTEVILLE, NC 28306  
 2217 MANNINGTON DR FAYETTEVILLE, NC 28306  
 2221 MANNINGTON DR FAYETTEVILLE, NC 28306  
 2216 MANNINGTON DR FAYETTEVILLE, NC 28306  
 2220 MANNINGTON DR FAYETTEVILLE, NC 28306  
 2225 MANNINGTON DR FAYETTEVILLE, NC 28306  
 2229 MANNINGTON DR FAYETTEVILLE, NC 28314  
 2224 MANNINGTON DR FAYETTEVILLE, NC 28306  
 2228 MANNINGTON DR FAYETTEVILLE, NC 28306  
 2233 MANNINGTON DR FAYETTEVILLE, NC 28306  
 2237 MANNINGTON DR FAYETTEVILLE, NC 28306  
 2232 MANNINGTON DR FAYETTEVILLE, NC 28306  
 2236 MANNINGTON DR FAYETTEVILLE, NC 28306  
 4812 ADDIE LN FAYETTEVILLE, NC 28306  
 4812 ADDIE LN FAYETTEVILLE, NC 28306  
 2240 MANNINGTON DR FAYETTEVILLE, NC 28306  
 2246 MANNINGTON DR FAYETTEVILLE, NC 28306  
 2248 MANNINGTON DR FAYETTEVILLE, NC 28306  
 3400 WALSH PKWY FAYETTEVILLE, NC 28311  
 4569 HEADWIND DR FAYETTEVILLE, NC 28306  
 1706 CHERRY POINT DR FAYETTEVILLE, NC 28306  
 1711 CHERRY POINT DR FAYETTEVILLE, NC 28306  
 1717 CHERRY POINT DR FAYETTEVILLE, NC 28306  
 1721 CHERRY POINT DR FAYETTEVILLE, NC 28306  
 1712 CHERRY POINT FAYETTEVILLE, NC 28306  
 1725 CHERRY POINT DR FAYETTEVILLE, NC 28306  
 1718 CHERRY POINT DR FAYETTEVILLE, NC 28306  
 1722 CHERRY POINT DR FAYETTEVILLE, NC 28306  
 1726 CHERRY POINT DR FAYETTEVILLE, NC 28306  
 1730 CHERRY POINT DR FAYETTEVILLE, NC 28306  
 1734 CHERRY POINT DR FAYETTEVILLE, NC 28306  
 1738 CHERRY POINT DR FAYETTEVILLE, NC 28306  
 1742 CHERRY POINT DR FAYETTEVILLE, NC 28306  
 1746 CHERRY POINT DR FAYETTEVILLE, NC 28306  
 1135 ROBESON ST FAYETTEVILLE, NC 28303  
 4813 HEADWIND DR FAYETTEVILLE, NC 28306  
 1750 CHERRY POINT DR FAYETTEVILLE, NC 28306  
 1754 CHERRY POINT DRIVE FAYETTEVILLE, NC 28306  
 4817 HEADWIND DR FAYETTEVILLE, NC 28306  
 4821 HEADWIND DR FAYETTEVILLE, NC 28306  
 PO BOX 72610 FORT BRAGG, NC 28307  
 7397 RIDDLE RD ST PAULS, NC 28384  
 3274 BUTLER NURSERY RD FAYETTEVILLE, NC 28306  
 690 EUGENIA RD VERO BEACH, FL 32963  
 PO BOX 142 LAKE PLACID, FL 33862  
 PO BOX 367 MCKENNEY, VA 23872

1,100' FLA

021-20 3<sup>rd</sup> class





## County of Cumberland

### Planning & Inspections Department

CASE #: P 21-20  
PLANNING BOARD MEETING DATE: 4-20-21  
DATE APPLICATION SUBMITTED: 2-17-21  
RECEIPT #: \_\_\_\_\_  
RECEIVED BY: BP

### APPLICATION FOR CONDITIONAL ZONING DISTRICT REZONING REQUEST CUMBERLAND COUNTY ZONING ORDINANCE

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

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

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

1. A copy of the recorded deed and/or plat,
2. If a portion of an existing tract is/are being submitted for rezoning, an accurate written legal description of only the area to be considered;
3. A copy of a detailed site plan drawn to an engineering scale, showing the location of all buildings, yard dimensions, driveways, fencing, lighting parking areas, landscaping, and all other pertinent data to the case; and
4. A check made payable to the "Cumberland County" in the amount of \$ 540.00 (See attached Fee Schedule)

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

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

*AOA: Portion of property  
MTA: N/A  
Smiles: N/A  
SSA: Yes*

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

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

1. Applicant/Agent McKee Homes, Inc. - Blayze DiPasquale
2. Address: 109 Hay St, Ste 301, Fayetteville, NC Zip Code 28301
3. Telephone: (Home) 919-909-9632 (Work) 919-909-9632
4. Location of Property: Highway 87 and Harington Road
5. Parcel Identification Number (PIN #) of subject property: 0443-68-0495  
(also known as Tax ID Number or Property Tax ID)
6. Acreage: 3.09ac Frontage: 218' Depth: 1522'
7. Water Provider: N/A Septage Provider: N/A
8. Deed Book 4602, Page(s) 232-233, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
9. Existing use of property: vacant
10. Proposed use(s) of the property: Residential - Single Family

**NOTE: Be specific and list all intended uses.**

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

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



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

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

1. Applicant/Agent McKee Homes, Inc. - Blayze DiPasquale
2. Address: 109 Hay St, Ste 301, Fayetteville, NC Zip Code 28301
3. Telephone: (Home) 919-909-9632 (Work) 919-909-9632
4. Location of Property: Highway 87 and Harington Road
5. Parcel Identification Number (PIN #) of subject property: 0443-68-0383  
(also known as Tax ID Number or Property Tax ID)
6. Acreage: 1.85ac Frontage: 115' Depth: 1378'
7. Water Provider: N/A Septage Provider: N/A
8. Deed Book 2981, Page(s) 7-9, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
9. Existing use of property: vacant
10. Proposed use(s) of the property: Residential - Single Family

**NOTE: Be specific and list all intended uses.**

11. Do you own any property adjacent to, including across the street from, the property being submitted for rezoning? Yes \_\_\_\_\_ No
12. Has a violation been issued on this property? Yes \_\_\_\_\_ No
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- Mixed Use District/Conditional Zoning District (Article VI)
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(Article VIII)

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

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

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2. Address: 109 Hay St, Ste 301, Fayetteville, NC Zip Code 28301
3. Telephone: (Home) 919-909-9632 (Work) 919-909-9632
4. Location of Property: Highway 87 and Harington Road
5. Parcel Identification Number (PIN #) of subject property: 0443-68-0292  
(also known as Tax ID Number or Property Tax ID)
6. Acreage: 3.25ac Frontage: 210' Depth: 1295'
7. Water Provider: N/A Septage Provider: N/A
8. Deed Book 2981, Page(s) 10-12, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
9. Existing use of property: vacant
10. Proposed use(s) of the property: Residential - Single Family

**NOTE: Be specific and list all intended uses.**

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

TO: (Select one)

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

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

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2. Address: 109 Hay St, Ste 301, Fayetteville, NC Zip Code 28301
3. Telephone: (Home) 919-909-9632 (Work) 919-909-9632
4. Location of Property: Highway 87 and Harington Road
5. Parcel Identification Number (PIN #) of subject property: 0443-68-0097  
(also known as Tax ID Number or Property Tax ID)
6. Acreage: 3.24ac Frontage: 199' Depth: 1140'
7. Water Provider: N/A Septage Provider: N/A
8. Deed Book 5540, Page(s) 727-729, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
9. Existing use of property: vacant
10. Proposed use(s) of the property: Residential - Single Family

**NOTE: Be specific and list all intended uses.**

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

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(Article V)
- \_\_\_\_\_ Mixed Use District/Conditional Zoning District (Article VI)
- \_\_\_\_\_ Planned Neighborhood District/Conditional Zoning District (Article VII)
- \_\_\_\_\_ Density Development/Conditional Zoning District, at the \_\_\_\_\_ Density  
(Article VIII)

APPLICATION FOR  
CONDITIONAL ZONING

1. PROPOSED USE(S):

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

- Accessory Uses
- Dwelling-Single Family
- Zero Lot Line Community

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

Residential=11.43ac  
Total Residential Units Proposed=33 Units  
Non-Residential Units=0 Units

2. DIMENSIONAL REQUIREMENTS:

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

Front=30'  
Side=5'  
Rear=35'  
Corner=20'

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

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

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.

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

4. LANDSCAPE AND BUFFER REQUIREMENTS:

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

N/A

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

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

5. MISCELLANEOUS:

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

N/A

6. SITE PLAN REQUIREMENTS:

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

7. STATEMENT OF ACKNOWLEDGMENT:

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

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

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

Charles J. Pate, Jr. & Jessie M. Pate  
NAME OF OWNER(S) (PRINT OR TYPE)

PO Box 142, Lake Placid, FL 33862  
ADDRESS OF OWNER(S)

CP 114 of COMCAST, NET  
E-MAIL

863 699-5657  
HOME TELEPHONE

WORK TELEPHONE

Charles J. Pate, Jr.  
SIGNATURE OF OWNER(S)

Jessie M Pate  
SIGNATURE OF OWNER(S)

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


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

919-909-9632  
HOME TELEPHONE

919-909-9632  
WORK TELEPHONE

bdipasquale@mckeehomesnc.com  
E-MAIL ADDRESS

N/A  
FAX NUMBER

  
SIGNATURE OF AGENT, ATTORNEY, OR APPLICANT

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Josephine P. Lyle Power of Attorney to Joseph w. Lyle  
NAME OF OWNER(S) (PRINT OR TYPE)

PO Box 342 Dinwiddie, VA 23841  
ADDRESS OF OWNER(S)

JELYLE@97@AOL.COM  
E-MAIL

804-469-3940  
HOME TELEPHONE WORK TELEPHONE

Joseph W. Lyle  
SIGNATURE OF OWNER(S) SIGNATURE OF OWNER(S)

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

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

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

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

[Signature]  
SIGNATURE OF AGENT, ATTORNEY, OR APPLICANT

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Eleanor Yates J Bunnells  
NAME OF OWNER(S) (PRINT OR TYPE)

3014 Thrower Road, Hope Mills, NC 28348  
ADDRESS OF OWNER(S)

\_\_\_\_\_  
E-MAIL

\_\_\_\_\_  
HOME TELEPHONE

\_\_\_\_\_  
WORK TELEPHONE

Eleanor Yates J Bunnells  
SIGNATURE OF OWNER(S)

\_\_\_\_\_  
SIGNATURE OF OWNER(S)

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

109 Hay Street, Suite 301, Fayetteville, NC 28301  
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919-909-9632  
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919-909-9632  
WORK TELEPHONE

bdipasquale@mckeehomesnc.com  
E-MAIL ADDRESS

N/A  
FAX NUMBER

[Signature]  
SIGNATURE OF AGENT, ATTORNEY, OR APPLICANT



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Eleanor Bunnells  
NAME OF OWNER(S) (PRINT OR TYPE)

3014 Thrower Road, Hope Mills, NC 28348  
ADDRESS OF OWNER(S)

\_\_\_\_\_  
E-MAIL

_____ HOME TELEPHONE	_____ WORK TELEPHONE
<u>Eleanor Bunnells</u> SIGNATURE OF OWNER(S)	_____ SIGNATURE OF OWNER(S)

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

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

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

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

  
SIGNATURE OF AGENT, ATTORNEY, OR APPLICANT

TITLE NOT EXAMINED OR CERTIFIED

BK 4602 PG 0232

02146

002135

RECEIVED

97 JAN 16 AM 11:05

GEORGE E. TATUM  
REGISTER OF DEEDS  
CUMBERLAND CO., N.C.

Excise Tax \$ 0.00

Recording Time, Book and Page

Tax Lot No. \_\_\_\_\_ Parcel Identifier No. 0443-58-9385  
Verified by \_\_\_\_\_ County on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_  
by \_\_\_\_\_

Mail after recording to RAND & GREGORY, P.A., 1333 MORGANTON ROAD, SUITE 101, FAYETTEVILLE, NC 28305  
This instrument was prepared by RANDY S. GREGORY

Brief Description for the index 3.48 ACRES NUNNALEE LAND

### NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made January 15, 1997, by and between

GRANTOR	GRANTEE
ELEANOR PATE YATES, WIDOW	ELEANOR R. BUNNELLS

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 subject to a life estate reserved herein by the Grantor, fee simple, all that certain lot or parcel of land situated in the City of, GRAY'S CREEK Township, Cumberland County, North Carolina and more particularly described as follows:

BEGINNING at a stake in the western right-of-way margin of State Road 2221, said stake being North 85 degrees 33 minutes East 229.78 feet; thence North 00 degrees 03 minutes West 767.60 feet from the beginning corner of a 1.64 acre tract described in Deed recorded in Book 2471, Page 751, Cumberland County Registry, and running thence with said western right of way margin South 00 degrees 03 minutes East 216.68 feet to a stake; thence South 59 degrees 01 minutes West 1467.53 feet to a stake; thence North 82 degrees 23 minutes West 26.77 feet to a stake; thence North 52 degrees 46 minutes East 1603.12 feet to the beginning, containing 3.59 acres more or less.

THIS CONVEYANCE IS MADE SUBJECT TO A LIFE ESTATE WHICH IS RESERVED BY THE GRANTOR HEREIN.

BK 4602 PG 0233

The property hereinabove described was acquired by Grantor by Instrument recorded in Book 2981, Page 01.

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

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple subject to a life estate reserved by the Grantor herein.

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:

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

\_\_\_\_\_  
(Corporate Name)

By: \_\_\_\_\_

\_\_\_\_\_  
President

ATTEST: \_\_\_\_\_

\_\_\_\_\_  
Secretary (Corporate Seal)

USE BLACK INK ONLY

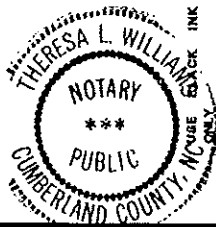
*Eleanor Pate Yates* (SEAL)  
ELEANOR PATE YATES

\_\_\_\_\_  
(SEAL)

\_\_\_\_\_  
(SEAL)

\_\_\_\_\_  
(SEAL)

SEAL-STAMP



NORTH CAROLINA, Cumberland County.

I, a Notary Public of the County and State aforesaid, certify that ELEANOR PATE YATES, WIDOW Grantor, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 2 day of January, 1977.

My commission expires: 11/08/1998

*Theresa L. Williams*  
Notary Public

SEAL-STAMP

USE BLACK INK ONLY

NORTH CAROLINA, Cumberland County.

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

My commission expires: 11/08/1998

\_\_\_\_\_  
Notary Public

The foregoing Certificate(s) of *Theresa L. Williams*

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 *George E. Tatum* REGISTER OF DEEDS FOR CUMBERLAND COUNTY,  
*Cheryl C. Hudson* Deputy/Assistant - Register of Deeds

NO REVENUE

8062981 <sup>FALL</sup> 7

Excise Tax *N/A*

Recording Time, Book and Page

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

Mail after recording to Eleanor Bunnells  
500 Rodie Avenue, Fayetteville, NC 28304

This instrument was prepared by Blackwell, Swearingen, Thompson, P.A.

Brief description for the Index



### NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 16th day of January, 1984, by and between

GRANTOR

Wilbert W. Yates and wife,  
Eleanor Pate Yates  
  
Charles Judson Pate and wife,  
Carrie Pate  
  
Dean W. Lyle and wife,  
Josephine Pate Lyde

GRANTEE

Eleanor Yates J. Bunnells

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

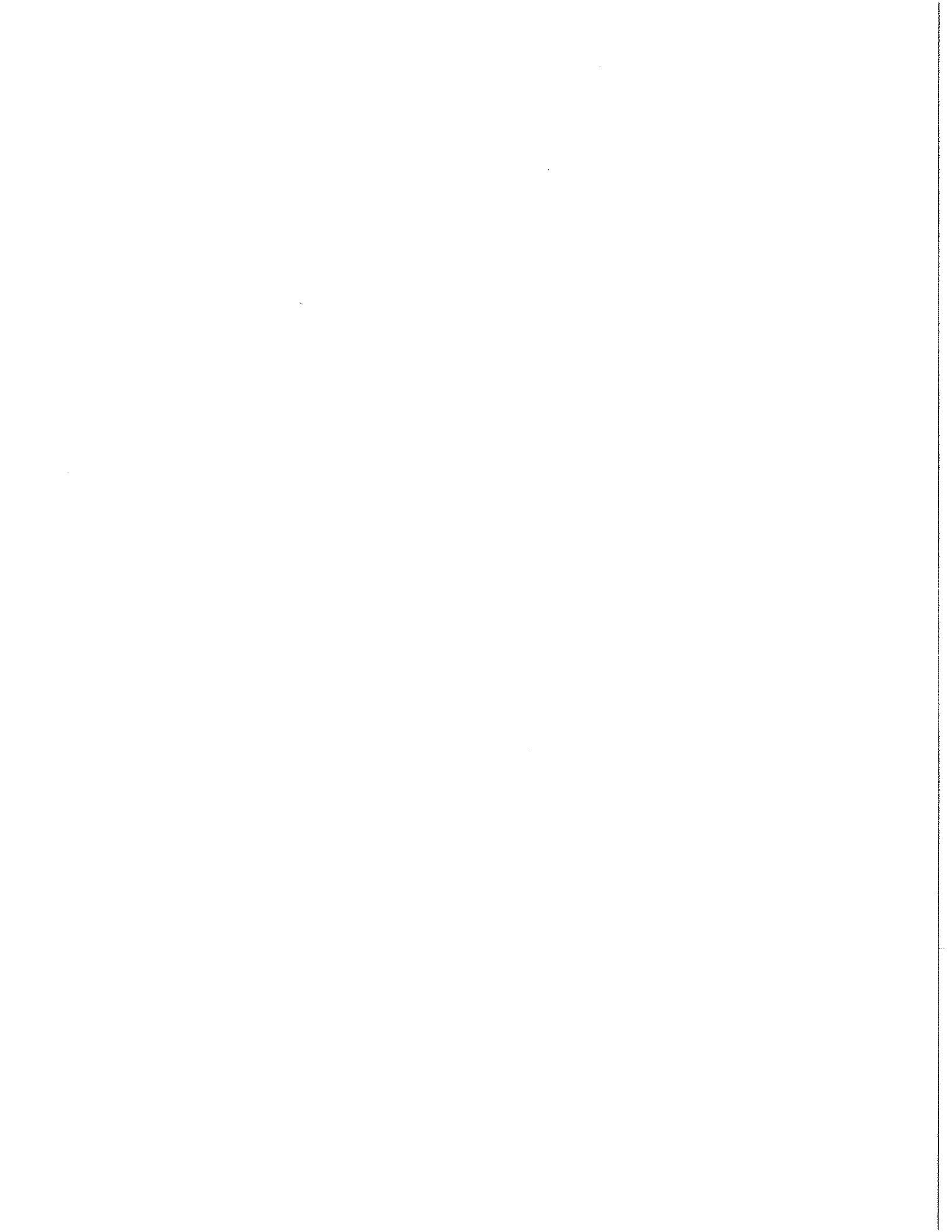
The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

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 the City of ....., Gray's Creek Township,

Cumberland County, North Carolina and more particularly described as follows:

BEGINNING at a stake in the western right-of-way margin of State Road 2221, said stake being North 85 degrees 33 minutes East 229.68 feet; thence North 00 degrees 03 minutes West 550.92 feet from the beginning corner of a 1.64 acre tract described in Deed recorded in Book 2471, Page 751, Cumberland County Registry, and running thence with said western right of way margin South 00 degrees 03 minutes East 117.56 feet to a stake; thence South 62 degrees 29 minutes West 1388.64 feet to a stake; thence North 82 degrees 34 minutes West 26.87 feet to a stake; thence North 59 degrees 01 minutes East 1467.53 feet to the beginning, containing 1.95 acres, more or less.

See estate of Pearl Nunalee, Estate File Number 68 E 73, Cumberland County Registry.



Jurisdiction: County-Unincorporated

**EXPLANATION OF THE REQUEST**

Change of Zoning- From: R6A To C2(P)/CZ

Applicant requests a change of zoning from R6A Residential to C2(P)Planned Service and Retail/CZ Conditional Zoning for approximately 1.95 acres of land on the north side of Cumberland Road, east of Wavetree Road and west of Ireland Road. The purpose of the request is to assign a commercial zoning that can accommodate a landscape retail and service business with outdoor storage. This request is a conditional zoning and conditions are proposed at this time. Exhibit "A" identifies the location of the property and the zoning currently assigned to it. Exhibit "B" (attached) includes the zoning conditions while Exhibit "C" provides the conditional use site plan.

**PROPERTY INFORMATION**

**OWNER/APPLICANT:** Gary Duane McGuire, Jr.

**ADDRESS/LOCATION:** 3934-3953 Cumberland Road  
REID: 0415694469/4455/5477

**SIZE:** 1.95 acres among three contiguous parcels. This request includes three parcels along Cumberland Road, all owned by the applicant.

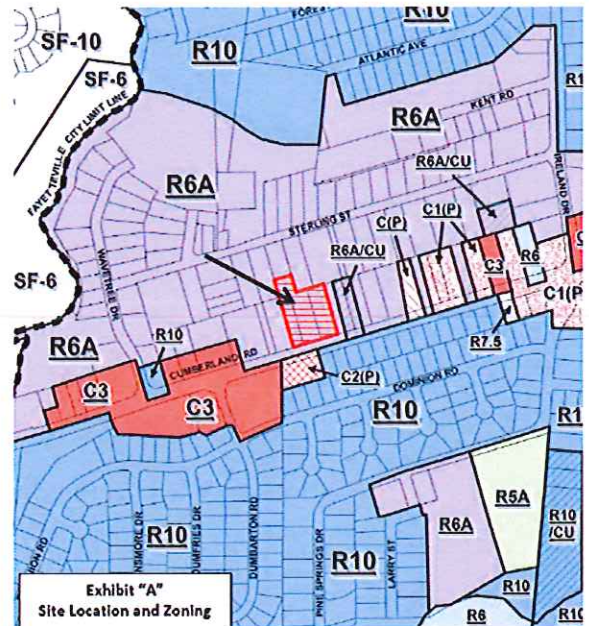
**Road Frontage:** Approximately 250 feet along north side of Cumberland Road.

**EXISTING LAND USE:** The property currently includes a single-family home and a storage. Exhibit "B" provides an aerial photograph showing the current use of the subject properties as well as uses occurring on surrounding properties. Exhibit "D" shows the existing use of the property.

**SURROUNDING LAND USE:** Uses in the surrounding area are a mix of single-family residential neighborhoods, mobile home parks, and commercial service businesses. Surrounding uses are shown within Exhibit "D".

**OTHER SITE CHARACTERISTICS:** The properties are not located within a 100-Year Flood Zone nor situated within a watershed. There are no hydric and hydric inclusion soils on the property, as shown in Exhibit "E".

**DEVELOPMENT REVIEW:** This property is part of the Charles Walker Farm Plan, recorded in June 1941, Plat Book 10, Page 14.

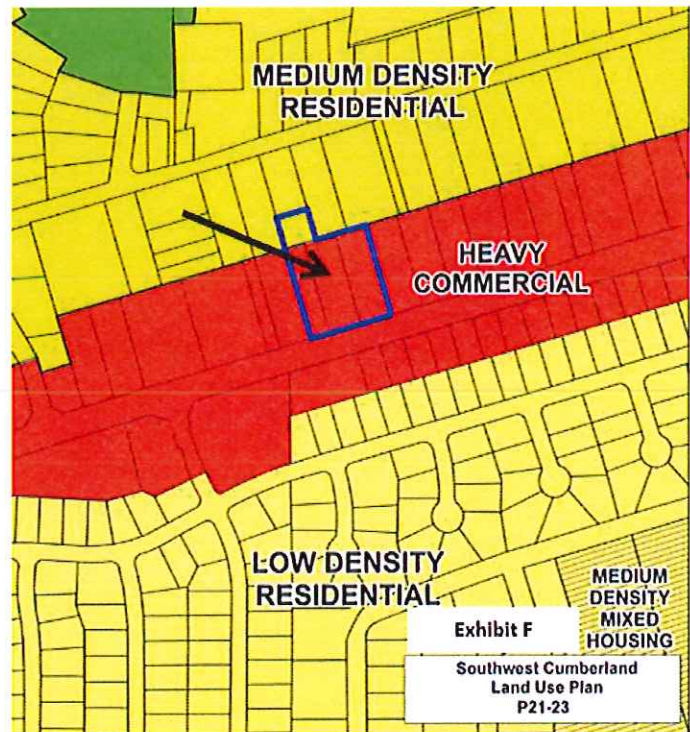
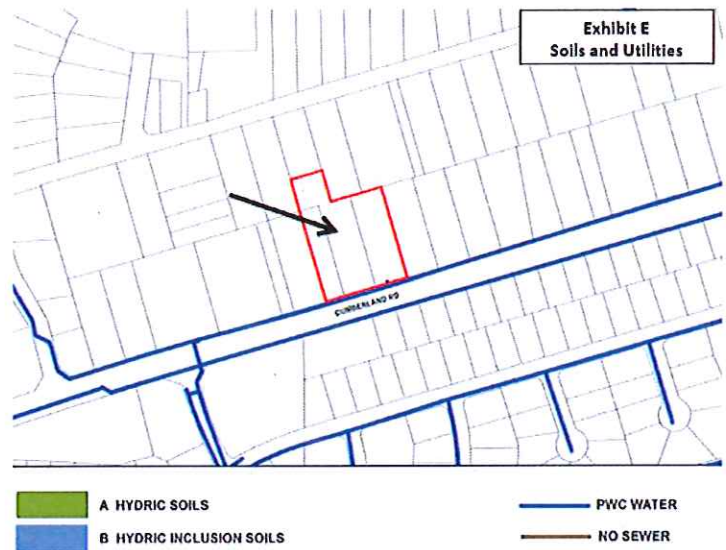


**UTILITIES:** Water is available from PWC utilities, but not central sewer is available to the site. Sewer will be addressed through on-site septic tank. The properties are not located within a water/sewer district. This area is currently served by PWC Electric. Exhibit "E" provides information on utilities available to the subject property.

**MINIMUM YARD SETBACKS:** If approved, each parcel would be subject to the C2 Commercial minimum setback standards: Front yard: 50-foot, Side yard: 30-foot, Rear yard: 30 foot.

**COMPREHENSIVE PLANS:** The 2030 Growth Vision Plan designates this area as "Urban". Located in the *Southwest Land Use Plan* area, the subject property is designated as "Heavy Commercial" with exception to the northern part of the middle parcel, which is assigned a Medium Density Residential designation. The Land Use designations are illustrated in Exhibit "F". As most of the subject property is located in the "Heavy Commercial" designation. The request is plan compliant.

The subject property is also located in the Cumberland Road Study. This request is also consistent with the policies in this plan because the request is for commercial and is a conditional zoning request.



**IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES**

**TRAFFIC:** The subject property fronts Cumberland Road and is identified as an existing thoroughfare in the Metropolitan Transportation Plan. There are no construction projects planned, and the subject properties will have no impact on the Transportation Improvement Plan.

**SCHOOLS CAP/ENROLL:** The change of zoning to C2(P) Commercial will not generate additional school-age children. Mary McArthur Elementary: 465/381; Douglas Byrd Middle: 600/595; Douglas Byrd High: 1280/899

**ECONOMIC DEVELOPMENT:** Comment requested via e-mail. None received.

**EMERGENCY SERVICES:** No issues were identified at this time by Emergency Services.

**SPECIAL DISTRICTS:** The subject property is not located within five miles of Fort Bragg Military base and is not located within or near the Fayetteville Regional Airport Overlay District.

**STAFF RECOMMENDATION**

For Case P21-23, the Planning & Inspections staff **recommends approval** of the rezoning request from **R6A to C2(P)/CZ Conditional Zoning**, subject to the conditions of approval and conditional use site plan and finds the request consistent with the Southwest Cumberland Land Use Plan designation of "Heavy Commercial" and the zoning category is consistent with this land use designation. Approval of the request is reasonable and in the public interest as the district requested is in harmony with surrounding existing land uses and zoning.

Attachments:  
Notification Mailing List  
Zoning Application

**EXHIBIT B  
CONDITIONAL ZONING TERMS**



## EXHIBIT B

### CONDITIONAL ZONING TERMS

#### C2P)/CZ RESIDENTIAL/CZ CONDITIONAL ZONING DISTRICT

**DRAFT**

#### **Ordinance Related Conditions** *For a landscape retail and service business*

##### **Pre- Permit Related:**

1. The owner/developer(s) of this property lots must obtain detailed instructions from the County Current Planning Section in the Historic Courthouse at 130 Gillespie Street on provisions of the County Zoning Ordinance regarding the final site plan submittal requirements.
2. Prior to applicant for any permits, the recombination plat must be recorded.
3. If any right-of-way dedication is required by NCDOT, a recorded plat referenced above shall identify any such right-of-way dedication and sight distance easements. (Sec. 2402, County Subdivision Ord.)
4. Prior to permit application, the developer must provide to the Code Enforcement Section documentation of NC Department of Environmental Quality Division of Energy, Mineral and Land Resources' (NCDEQ DEMLR) approval of the Sedimentation and Erosion control plan for this project. NCDEQ DEMLR requires a Sedimentation and Erosion control plan be submitted and approved 30 days prior to land disturbing activities if said land disturbing activity will exceed one acre.

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

5. The development shall connect to the central water system that is available to it. Authorization for wastewater system construction required before other permits to be issued. The County Health Department must approve sewer plans. Lots not served by public sewer systems are required to be large enough and of such physical character to comply with the Health Department's minimum standards. Site and soil evaluations must be conducted on the property by the County Environmental Health Department. A copy of the Health Department approval must be provided to Code Enforcement. (Note: All Health Department requirements must be met prior to issuance of final permits.) (NCGS § 130A-338 & Sec. 2306 A, County Subdivision Ord. & Sec. 1101.E, County Zoning Ord.)

##### **Permit-Related:**

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

Change of use of subject properties shall require an approved Driveway Permit. Permits MUST be secured prior to the change or alteration of existing or proposed property use. Failure to secure required permits prior to construction or change in property usage may result in the removal of the driveway or street connections at the property owner's expense. For additional information contact the Division 6/District 2 office.

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

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

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

[§ 136-18(29), NCGS]

9. New development where the developer will disturb or intends to disturb more than one acre of land is subject to the Post-Construction Stormwater Management Permitting Program (Phase II Stormwater Management Requirements) administered by the Department of Energy, Minerals and Land Resources, NC Department of Environmental Quality (DEMLR NCDEQ). If one acre or more of land is to be disturbed, a copy of the State's *Post-Construction Permit* must be provided to County Code Enforcement prior to the issuance of the Certificate of Occupancy. (Note: If any retention/detention basins are required for state approval of this plan, three copies of a revised plan (and \$25/\$50 revision fee) must be submitted and approved by Planning & Inspections.) (Sec. 2306.D, County Subdivision Ord. & 2006-246, NC Session Law)
10. The County Health Department must approve water plans if not connected to central water system. Property not served by public water system is required to be large enough and of such physical character to comply with the Health Department's minimum standards. A copy of the Health Department approval must be provided to Code Enforcement. (Note: All Health Department requirements must be met prior to issuance of final permits.) (Sec. 2306 A, County Subdivision Ord. & Sec. 1101.E, County Zoning Ord.)
11. The building final inspection cannot be accomplished until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved final site plans and zoning conditions. (Sec. 107.B, County Zoning Ord.; & Secs. 2005 & 2007 County Subdivision Ord.)
12. Landscaping must be provided in accordance with Section 1102.N. County Zoning Code and shall at minimum include:
  - a. Minimum of one large shade tree or two small ornamental trees per 50 linear feet of street frontage. Calculation for the required number of trees shall be the total length of street frontage divided by 50.
  - b. Trees shall be planted within the front yard setback, not within the right-of-way, and may be clustered.
  - c. The size of the trees to be planted shall be a minimum of two inch caliper for large shade trees and a minimum of six feet in height for small ornamental trees as specified by the latest edition of American Standard for Nursery Stock published by the American Association of Nurserymen.
  - d. Required plant materials shall be maintained by the property owner, including replacing dead or unhealthy trees and shrubs, and all landscape buffers adjacent to residential areas shall be maintained in a manner to screen the non-residential use from residential homes; and
  - e. All yard and planting areas shall be maintained in a neat, orderly, and presentable manner and kept free of weeds and debris.

**Site-Related:**

13. At the final site plan, a solid buffer shall be installed: when a non-residential use abuts a residentially-zoned property along the side and/or rear property lines; when any commercial off-street parking or loading space abuts a residential district along the side or rear property lines. The final site plan shall show the buffer screen type that is provided adjacent to residential areas. The existing vegetative buffer appearing in the site plan, as shown in Exhibit "A", shall not be disturbed, and the property owner will replace dead trees and understory trees to maintain the buffer with residential areas.
14. All uses, dimensions, setbacks and other related provisions of the County Zoning Ordinance for the C2(P)/CZ Conditional Zoning must be complied with, as applicable, and as appearing with the site plan appearing in Exhibit "A". Any conditions set forth herein this ordinance, including Exhibit "A", shall supersede the Zoning Code. If not specifically addressed within this Ordinance, all requirements of the Zoning and Subdivision Codes shall be met.
15. This conditional approval is not approval of any freestanding signs. If a freestanding sign is desired, re-submittal of the site plan is required prior to application for any freestanding sign permits. Attached signage for this development must be in accordance with the applicable sign regulations as set forth in Article XIII of the County Zoning Ordinance and

that the proper permit(s) must be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is not approval of the size, shape, or location of any signs.) (Art. XIII, County Zoning Ord.)

16. For any new development, an adequate drainage system must be installed by the developer in accordance with the NC Department of Environmental Quality (NCDEQ) *Manual on Best Management Practices* and all drainage ways must be kept clean and free of debris. (Section 2307.A, County Subdivision Ord.)
17. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306.C, County Subdivision Ord.)
18. In the event a stormwater utility structure is required by the NC Department of Environmental Quality (NCDEQ), the owner/developer must secure the structure with a four-foot high fence with a lockable gate, and is required to maintain the detention/retention basin, keeping it clear of debris and taking measures for the prevention of insect and rodent infestation. (Sec. 1102.O, County Zoning Ord.)
19. This review does not constitute a "site plan" approval by NC Department of Transportation (NCDOT). The NC Department of Transportation's (NCDOT) approval of the driveway plans is required and any street improvements are required to be constructed to the NCDOT standards for secondary roads. (Sec. 2304B, County Subdivision Ord. & NCGS §136-102.6). If buildings permits are issued by Cumberland County prior to NCDOT acceptance of the streets, the developer is responsible that roads shall meet conditions suitable for safe passage for vehicles used by County inspection personnel. The County Building Official may delay inspections if determined that road conditions do not provide safe passage for vehicles used by County inspectors.
20. Turn lanes may be required by the NC Department of Transportation (NCDOT). [Art. XIV, County Zoning Ord. & NCGS §136-18(5) & §136-93]

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

21. All lighting is required to be directed internally within this development and comply with the provisions of Section 1102 M, Outdoor Lighting, County Zoning Ordinance.
22. The subdivision plan must provide an internal access any the stormwater facility serving the site.
23. The final site plan shall provide a minimum of on off-street loading space(s) designed per the standards set forth in the Zoning Code.
24. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides
25. All required oof-street parking spaces shall be a minimum of 9' x20' and shall be surfaced, with a permanent material such as asphalt or concrete, and striped prior to application for the building final inspection. The minimum number of parking spaces shall be meet standards set forth in the Zoning Code and determined at the time of the final site plan.
26. Noise levels shall not exceed 60 dB(A) between the hours of 10:00 pm and 7:00 am. In any event, the noise level, regardless of the time of day, shall not become a nuisance to neighboring properties and strict compliance with the County's Noise Ordinance is required.

**Plat-Related:**

27. Any and all easements must be reflect on the final plat and labeled as to the type of easement, reference number for document creating the easement, and the name of the agency, individual, etc. who holds the easement.
28. The NC Department of Transportation (NCDOT) stamp must be affixed to the final plat prior to submission for final plat approval by Current Planning.

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

29. The notarized signature(s) of all current tax record owner(s) and notary certifications appear on the final plat when submitted for final approval.

30. The final plat must be submitted to the Current Planning Section for review and approval for recording with the County Register of Deeds, and the plat must be recorded prior to any permit application for any structure and/or prior to the sale of any lot or unit within this development.
31. The developer should be aware that any addition and/or revision to this plat may require an additional review and approval by the Planning & Inspections Department prior to submission for final plat approval of any portion of this development.

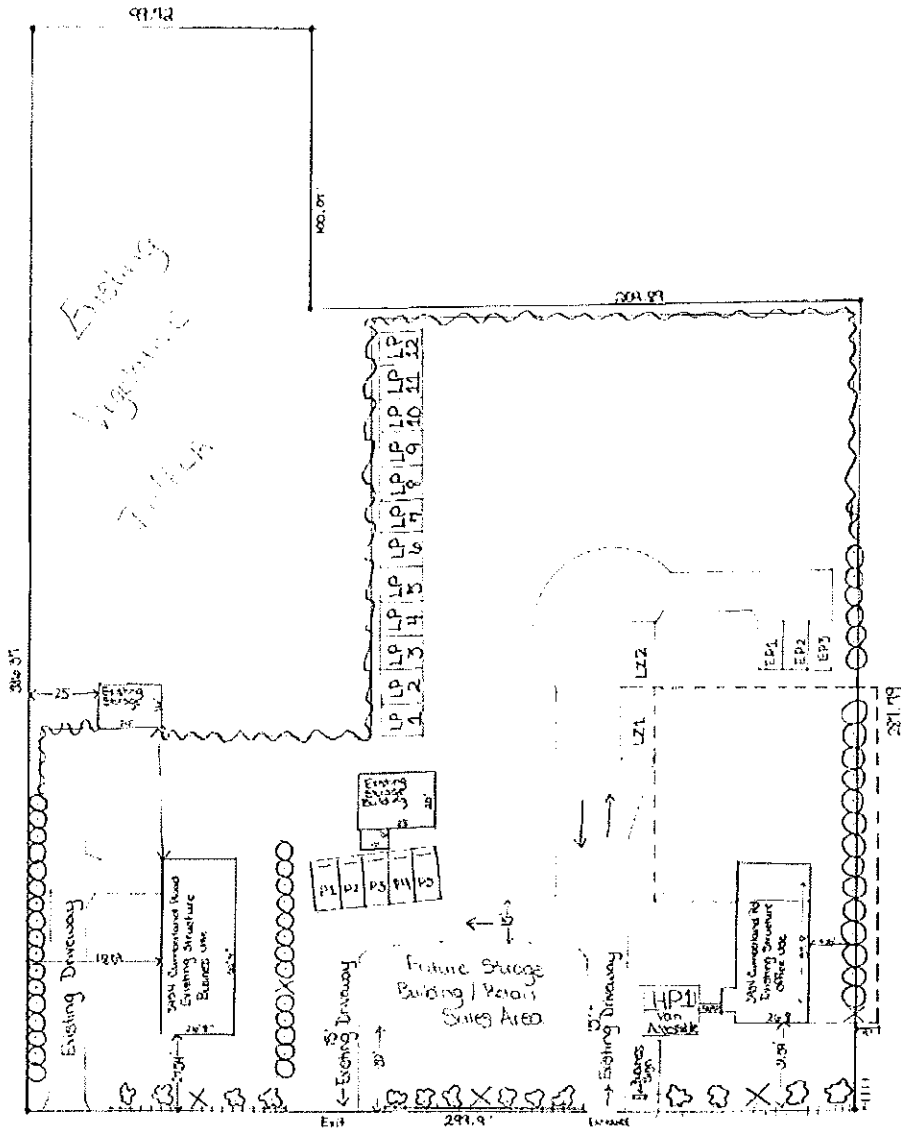
**Advisories:**

32. The applicant is advised to consult an expert on wetlands before proceeding with any development.
33. Any revision or addition to this plan necessitates re-submission for review and approval prior to the commencement of the change.
34. The owner/developer is responsible for ensuring easements which may exist on the subject property are accounted for, not encumbered and that no part of this development is violating the rights of the easement holder.
35. The US Postal Service most likely will require this development to have centralized cluster boxes for postal service to each lot or unit. The developer is advised contact the US Postal Growth Coordinator for the Mid-Carolinas District to determine the appropriate location for the cluster boxes. If the cluster box location requires changes to the subdivision or site plan, a revised preliminary/plan must be submitted to the Planning & Inspections Department for review and approval.
36. This conditional approval is not to be construed as all-encompassing of the applicable rules, regulations, etc. which must be complied with for any development. Other regulations, such as building, environmental, health and so forth, may govern the specific development. The developer is the responsible party to ensure full compliance with all applicable Federal, State, and local regulations.
37. The developer(s) and any future lot owners are responsible for the maintenance and upkeep of the streets until such time the streets are added to the State system by the NC Department of Transportation (NCDOT) for maintenance purposes. The developer is advised to give notice of the street status to any future lot owners in the event the lots are conveyed prior to the NCDOT's acceptance.
38. The subject property is located at the intersection of Highway 87 and Harrington Road. Highway 87 is identified as a thoroughfare needing improvement in the Metropolitan Transportation Plan, and Harrington road is identified as a local road in the Metropolitan Transportation Plan. There are no construction projects planned, and the subject property will have no impact on the Transportation Improvement Plan. For questions related to this comment, please contact Transportation Planning.

**Other Relevant Conditions:**

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

**EXHIBIT C (aka Exhibit "A" of the Condition Ordinance)  
SITE PLAN**



Zoning R16A  
 1"=20' LEGEND

-----	Chain Link Fence
+++++	Split Mail Fence
~~~~~	Existing Buffer Line
—	Parking Strip
P1-P5	Customer Parking
H1	Handicap Parking
E1-E3	Employee Parking
LZ1-LZ2	Loading Zone
X	Maturing Tree
O	Autumn Conelia
⊗	Loro Ruby
LP1-12	Landscaping, Piles 12'x13'

SR1411 Cumberland Rd  
 82.67' POW

- Amy D. Duggan  
 08-14-2021

## ATTACHMENTS

## NOTIFICATION LIST

OWNER_NAME	ADDRESS	CITYSTATEZIP
EDGE, JERRY L;BRENDA, J I 2000 LS LLC	4001 CUMBERLAND RD PO BOX 1389	FAYETTEVILLE, NC 28306 DUNN, NC 28335
CHRISTINE SMITH ESTATE LANDS LLC MILLER, KIRK	7099 E CRANBERRY CT 2530 PARKRIDGE DR	FAYETTEVILLE, NC 28306 FAYETTEVILLE, NC 28306
CHRISTINE SMITH ESTATE LANDS LLC 2000 LS, LLC	7099 E CRANBERRY CT PO BOX 1389	FAYETTEVILLE, NC 28306 DUNN, NC 28335
TAYLOR, PAMELA RUTH 2000 LS LLC	1510 BERKLEY PL PO BOX 1389	FAYETTEVILLE, NC 28304 DUNN, NC 28335
NOWELL, JAMES B;NOWELL, WENDY J	5516 LAFAYETTE ST	HOPE MILLS, NC 28348
WILFONG, JEFFREY BOYD;WILFONG, TAMARA LEE	2 N 240 VIRGINIA ST	GLEN ELLYN, IL 60137
MICHEL, DOMINIQUE	3705 SUNCHASE DR	FAYETTEVILLE, NC 28306
WILLIAMS, KATHY REGINA	1349 SALTWELL PL	FAYETTEVILLE, NC 28314
ROGERS, STEPHEN P;ROGERS, SUKANYA W	2603 DUMBARTON RD	FAYETTEVILLE, NC 28306
GIBBS, THOMAS VANCE;GIBBS, LINDA J	4623 DOMINION RD	FAYETTEVILLE, NC 28306
SULLIVAN, PAUL J;SULLIVAN, MURIEL	2608 BRENTFORD DR	FAYETTEVILLE, NC 28305
CHUNJI, HEIDI	2604 BRENTFORD DR	FAYETTEVILLE, NC 28305
HAYES, RONALD E;HAYES, TERRI E	4621 DOMINION RD	FAYETTEVILLE, NC 28306
BRIDGES, LENNON JR	4620 DOMINION RD	FAYETTEVILLE, NC 28306
PAIGE, MICHAEL JAMES;PAIGE, KELLY ANN	P O BOX 253	ROSEBORO, NC 28382
DREW, CARL H;DREW, MARIA T	2601 BRENTFORD DR	FAYETTEVILLE, NC 28306
GOODMAN, RONALD I;GOODMAN, SABINE	2608 DOWNS PL	FAYETTEVILLE, NC 28306
RATLEY, KENNETH WAYNE;RATLEY, SUSANNE JANE	4611 DOMINION RD	FAYETTEVILLE, NC 28306
RAMIREZ, DUNIA ZALDIVAR;RAMIREZ, RAMON CABALLERO PAJARO	2604 DOWNS PL	FAYETTEVILLE, NC 28306
FERRERA, MARLENE	2605 DOWNS PL	FAYETTEVILLE, NC 28306
SIMPSON, SHAWN D;SIMPSON, VANDELLA L	2609 DOWNS PL	FAYETTEVILLE, NC 28306
BPDM PROPERTIES 2018-1 LLC	11246 ALUMNI WAY	JACKSONVILLE, FL 32246
WILFONG, TAMARA;WILFONG, JEFFREY	2N240 VIRGINIA	GLEN ELLYN, IL 60137
MACIAS, JOEL	3988 CUMBERLAND RD	FAYETTEVILLE, NC 28306
WILFONG, JEFFREY BOYD;WILFONG, TAMARA L	2N240N VIRGINIA AVE	GLEN ELLYN, IL 60137
WILFONG, JEFFREY BOYD;WILFONG, TAMARA L	2N240N VIRGINIA AVE	GLEN ELLYN, IL 60137
WILFONG, JEFFREY BOYD;WILFONG, TAMARA L	2N240N VIRGINIA AVE	GLEN ELLYN, IL 60137
TAYLOR, PAMELA RUTH	1510 BERKLEY PL	FAYETTEVILLE, NC 28304
PACE, DAN;PACE, SARAH CAPPS	4625 STERLING ST	FAYETTEVILLE, NC 28306
CHURCH, PAUL;CHURCH, BOONLONG	3981 CUMBERLAND RD	FAYETTEVILLE, NC 28306
TAYLOR, PAMELA RUTH	1510 BERKLEY PL	FAYETTEVILLE, NC 28304
MASSALINE, MARVIN S;MASSALINE, TRACY M	3968 CUMBERLAND RD	FAYETTEVILLE, NC 28306
QUIGLEY, ROBERT E	4623 STERLING ST	FAYETTEVILLE, NC 28306
FORD, ANTHONY;FORD, MINNIE	4617 STERLING RD	FAYETTEVILLE, NC 28306
MCGUIRE, GARY DUANE JR	9520 MCDUGALD RD	BROADWAY, NC 27505
MCGUIRE, GARY DUANE JR	9520 MCDUGALD RD	BROADWAY, NC 27505
EDWARDS, CATIA L, WILLIE J RAY;EDWARDS, GERALDINE	4613 STERLING ST	FAYETTEVILLE, NC 28306
D RAYMER PROPERTIES LLC	7445 RYAN ST	FAYETTEVILLE, NC 28314
JESSIE, RICKEY L;JESSIE, WANDA	4616 DOMINION RD	FAYETTEVILLE, NC 28306
TOLBERT, STEVEN R;IRMGARD, S	502 YORK RD	FAYETTEVILLE, NC 28303
MCGUIRE, GARY DUANE JR	9520 MCDUGALD RD	BROADWAY, NC 27505
HAMOUDI, MUNTHER;HAMOUDI, TAMI J	4839 OLD FIELD RD	FAYETTEVILLE, NC 28304
TORRES, WANDA	PO BOX 48307	CUMBERLAND, NC 28331
MCGUIRE, GARY DUANE JR	9520 MCDUGALD RD	BROADWAY, NC 27505
BARWICK, BARBARA LEE	4609 STERLING ST	FAYETTEVILLE, NC 28306
SAVILLE PROPERTY MANAGEMENT INC	912 A HOPE MILLS RD	FAYETTEVILLE, NC 28304

WOLFE, VINCENT F;WOLFE, ALICE  
ANDINO, LAURI  
CASH, RACHEL M  
CASH, RACHEL M  
BETHUNE, GEORGE;BETHUNE, CARLINE  
ENOCHS WALK PROPERTIES LLC  
BECERRA, ROCIO GONZALEZ  
VALASCO, JAMES J  
GARCIA RAMOS, LUIS A  
PEERLESS INVESTMENTS LLC  
LESSANE, LEZLIE  
VALASCO, JAMES J  
HURT, JOHN MELCHER;HURT, SANDRA TEW  
HUNT, JAMES F  
D & D CONSTRUCTION & REALTY LLC  
SMITH, CURTIS H  
UNDERWOOD, JAMES;ROBIN U CAMPBELL  
MCNAIR, GWENDOLYN  
CASTELLANOS, EDIN RAUL  
HORTON, MARK ALLEN  
VALASCO, JAMES JUNIOR  
MILDRUM, MICHAEL L  
SHORTSLEEVES HOME BUYER, LLC  
LAMPLEY, JUANITA  
NANTES, ERIC A;NANTES, LESLIE C BOSWELL  
HURT, JOHN MELCHER  
NORTHROP, BRUCE A;NORTHROP, SU O  
IVEY, FLOSSIE SUE  
OSBORNE, ROBERT I;OSBORNE, BARBA  
HATCHER, C B  
LANCASTER, KENDRA PAIGE BRIGHT;LANCASTER, JAMES M  
FRANGAKIS, THOMAS J  
THIBODEAUX, JERAMY T;THIBODEAUX, YONG U  
ALEMANY, HENRY  
COLE, VERMADEL HEIRS;COLE, FREDERICK TRUSTEE;COLE, PATRICIA TRUSTEE  
CITY OF FAYETTEVILLE  
MEFFAN, MARILYN WEST  
WILFONG, JEFFREY BOYD;WILFONG, TAMARA L  
COOPER, RICKY LEON  
IBEL DESIGN, LLC  
AMAZING LIFE, LLC  
BRESWITZ, DELORES B  
WALTERS, NICKOLAS STEVEN  
WALTERS, NICKOLAS STEVEN  
CORTES, SUEDNA L.  
MCLEAN, FREDDIE J  
BRITT, CATHERINE YOUNG  
NAS PROPERTIES INC  
WANG, ZHIHENG;WANG, YURONG LIU  
NAS PROPERTIES INC

4610 DOMINION RD FAYETTEVILLE, NC 28306  
PO BOX 48063 CUMBERLAND, NC 28331  
4605 STERLING ST FAYETTEVILLE, NC 28306  
4605 STERLING ST FAYETTEVILLE, NC 28306  
4608 DOMINION RD FAYETTEVILLE, NC 28306  
PO BOX 322 HOPE MILLS, NC 28348  
3917 CUMBERLAND RD FAYETTEVILLE, NC 28306  
933 LITTLE BAY AVE NORFOLK, VA 23503  
4601 STERLING ST FAYETTEVILLE, NC 28306  
PO BOX 71 CLINTON, NC 28329  
1022 WOOD CREEK DR 1 FAYETTEVILLE, NC 28314  
933 LITTLE BAY AVE NORFOLK, VA 23503  
4525 STERLING ST FAYETTEVILLE, NC 28306  
2608 ADEN PL FAYETTEVILLE, NC 28306  
2604 ADEN ST FAYETTEVILLE, NC 28306  
4414 BLUE BUSH DR FAYETTEVILLE, NC 28312  
4600 DOMINION RD FAYETTEVILLE, NC 28306  
3442 CORNELL DR FAYETTEVILLE, NC 28306  
481 MCDUFFIE RD CAMERON, NC 28326  
3893 CUMBERLAND RD FAYETTEVILLE, NC 28306  
933 LITTLE BAY AVE NORFOLK, VA 23503  
4523 STERLING ST FAYETTEVILLE, NC 28306  
4514 DOMINION RD FAYETTEVILLE, NC 28306  
3887 CUMBERLAND RD FAYETTEVILLE, NC 28306  
PO BOX 58171 FAYETTEVILLE, NC 28305  
4525 STERLING ST FAYETTEVILLE, NC 28306  
4513 DOMINION RD FAYETTEVILLE, NC 28306  
4512 DOMINION RD FAYETTEVILLE, NC 28306  
4510 DOMINION RD FAYETTEVILLE, NC 28306  
3442 CORNELL DR FAYETTEVILLE, NC 28306  
354 VALLEY RD FAYETTEVILLE, NC 28305  
502 LENNOX DR FAYETTEVILLE, NC 28304  
4506 DOMINION RD FAYETTEVILLE, NC 28306  
3873 CUMBERLAND RD FAYETTEVILLE, NC 28306  
764 ONEIL CT TRACY, CA 95376  
433 HAY ST FAYETTEVILLE, NC 28301  
2327 PARKRIDGE DR FAYETTEVILLE, NC 28306  
2N240N VIRGINIA AVE GLEN ELLYN, IL 60137  
4624 STERLING ST FAYETTEVILLE, NC 28306  
1210 FERNBRIDGE DR SANFORD, NC 27330  
3510 ASTON ST ANNANDALE, VA 22003  
1808 LAKESHORE DR FAYETTEVILLE, NC 28305  
4606 STERLING ST FAYETTEVILLE, NC 28306  
4606 STERLING ST FAYETTEVILLE, NC 28306  
4604 STERLING ST FAYETTEVILLE, NC 28306  
PO BOX 58375 FAYETTEVILLE, NC 28305  
4526 STERLING ST FAYETTEVILLE, NC 28306  
817 MURRAY HILL RD FAYETTEVILLE, NC 28314  
304 SYLVAN WAY CHAPEL HILL, NC 27516  
817 MURRAY HILL RD FAYETTEVILLE, NC 28314



OWNER_NAME	ADDRESS	CITYSTATEZIP
MASSALINE, MARVIN S;MASSALINE, TRACY M	3968 CUMBERLAND RD	FAYETTEVILLE, NC 28306
QUIGLEY, ROBERT E	4623 STERLING ST	FAYETTEVILLE, NC 28306
FORD, ANTHONY;FORD, MINNIE	4617 STERLING RD	FAYETTEVILLE, NC 28306
MCGUIRE, GARY DUANE JR	9520 MCDUGALD RD	BROADWAY, NC 27505
MCGUIRE, GARY DUANE JR	9520 MCDUGALD RD	BROADWAY, NC 27505
EDWARDS, CATHA L, WILLIE J RAY;EDWARDS, GERALDINE	4613 STERLING ST	FAYETTEVILLE, NC 28306
TOLBERT, STEVEN R;IRMGARD, S	502 YORK RD	FAYETTEVILLE, NC 28303
MCGUIRE, GARY DUANE JR	9520 MCDUGALD RD	BROADWAY, NC 27505
TORRES, WANDA	PO BOX 48307	CUMBERLAND, NC 28331
MCGUIRE, GARY DUANE JR	9520 MCDUGALD RD	BROADWAY, NC 27505
BARWICK, BARBARA LEE	4609 STERLING ST	FAYETTEVILLE, NC 28306
ANDINO, LAURI	PO BOX 48063	CUMBERLAND, NC 28331
ENOCHS WALK PROPERTIES LLC	PO BOX 322	HOPE MILLS, NC 28348

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

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

1. Applicant/Agent Gary Duane McGuire Jr.
2. Address: 9520 McDougald Road, Broadway, NC Zip Code 27505
3. Telephone: (Home) 910-964-3825 (Work) 910-964-3825
4. Location of Property: 3934-3954 Cumberland Road SR 1141
5. Parcel Identification Number (PIN #) of subject property: 0415 - 69 - 4469  
(also known as Tax ID Number or Property Tax ID) 0415 - 09 - 4455  
0415 - 69 - 5477
6. Acreage: 1.95 Frontage: 299.9 Depth: L: 386.37, R: 287.79
7. Water Provider: Cumberland County Septage Provider: Septic Tank
8. Deed Book 10439, Page(s) 732, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
9. Existing use of property: Vacant/Residential
10. Proposed use(s) of the property: Trade Contracting & Retail for Landscaping Business.  
Future Outdoor Storage Building Sales/Retail

**NOTE: Be specific and list all intended uses.**

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

TO: (Select one)

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

APPLICATION FOR  
CONDITIONAL ZONING

1. PROPOSED USE(S):

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

Trade Contracting & Retail. Landscaping Business offering landscaping services and supplies. Main work is provided off-site, although some landscaping materials will be stored and offered on-site. Existing Structure will be used for Office Space. Outdoor area shown on site plan for future outdoor storage building sales/retail.

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

Total acreage will be used for commercial. No new structures will be placed on the property at this time. A portion of one existing structure will be used for office space. The total sq footage of these structures is less than 2,178 sq ft. Less than 400 sq ft of that will be available to the public.

2. DIMENSIONAL REQUIREMENTS:

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

C2P District: 50 front, 30 side & rear. Any new or future structures will meet C2P setbacks, although I am requesting the existing structures (proposed business use/office space) be approved at current setbacks.

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

(1) 12X25 Loading Space, gravel  
Room for an additional 12x25 loading space if desired.

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.

(1) Free standing sign allowed. Minimum setback of 5' from the ROW. 100 sq ft or less.

4. LANDSCAPE AND BUFFER REQUIREMENTS:

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

For the requested use in C2P District, streetscape & parking area is not required to be buffered. Only side and rear property lines abutting residential parcels are required to have screening. There is an existing split rail fence along with 14 Lorna Doone Plants and 3 Maturing Dogwood Trees.

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

Site plan shows existing Buffering. Added buffering Includes 20 Camellias around the right side property line and 16 Camellias along the left side property line to supplement existing vegetative buffers.

5. MISCELLANEOUS:

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

The existing shed will be used for storage of business materials and equipment. No current Plans for additional exterior lighting, noise, odor, smoke or emission controls, etc. Days And Hours of operation will be as follows:

6. SITE PLAN REQUIREMENTS:

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

7. STATEMENT OF ACKNOWLEDGMENT:

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

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

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

Gary Duane McGuire Jr.

NAME OF OWNER(S) (PRINT OR TYPE)

9520 McDougald Road, Broadway, NC 27505

ADDRESS OF OWNER(S)

mcguireduane0@gmail.com

E-MAIL

1-910-964-3825

1-910-964-3825

HOME TELEPHONE

WORK TELEPHONE

*Gary D. McGuire Jr.*

SIGNATURE OF OWNER(S)

SIGNATURE OF OWNER(S)

N/A

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

N/A

ADDRESS OF AGENT, ATTORNEY, APPLICANT

N/A

HOME TELEPHONE

WORK TELEPHONE

N/A

E-MAIL ADDRESS

FAX NUMBER

N/A

SIGNATURE OF AGENT, ATTORNEY, OR APPLICANT

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

FILED Jan 30, 2019  
AT 01:16:18 PM  
BOOK 10439  
START PAGE 0732  
END PAGE 0735  
INSTRUMENT # 02514  
RECORDING \$26.00  
EXCISE TAX \$140.00

**NORTH CAROLINA GENERAL WARRANTY DEED**

Excise Tax: \$ 140.00

Parcel Identifier No. \_\_\_\_\_ Verified by \_\_\_\_\_ County on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_  
By: \_\_\_\_\_

Mail/Box to: Jennifer Kirby Fincher PLLC, 5509 Yadkin Road, Fayetteville, NC 28303

This instrument was prepared by: Jennifer Kirby Fincher PLLC, 5509 Yadkin Road, Fayetteville, NC 28303

Brief description for the Index: \_\_\_\_\_

THIS DEED made this 30th day of January, 2019, by and between

**GRANTOR**

Brian Lambert, a unmarried man  
211 Ridge Ave  
Salisbury, NC 28144

**GRANTEE**

Gary Duane McGuire, Jr.  
3934 Cumberland Rd.  
Fayetteville, NC 28306

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

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

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

See attached Exhibit A

Brian Lambert is the sole heir of Robert W. Lambert who died a resident of Marion County, Florida on 3/26/2015. Cumberland County Estate file 15-E-674.

The property hereinabove described was acquired by Grantor by instrument recorded in Book 3434 page 652. All or a portion of the property herein conveyed    includes or X does not include the primary residence of a Grantor.

A map showing the above described property is recorded in Plat Book    10    page    14   .

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

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

Subject to all restrictions, easements and rights-of-way of record. Current year ad valorem taxes.

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

By: \_\_\_\_\_ (Entity Name) Brian K Lambert (SEAL) Print/Type Name: Brian Lambert

By: \_\_\_\_\_ (SEAL) Print/Type Name & Title: \_\_\_\_\_ Print/Type Name: \_\_\_\_\_

By: \_\_\_\_\_ (SEAL) Print/Type Name & Title: \_\_\_\_\_ Print/Type Name: \_\_\_\_\_

By: \_\_\_\_\_ (SEAL) Print/Type Name & Title: \_\_\_\_\_ Print/Type Name: \_\_\_\_\_

State of North Carolina - County or City of Cumberland

I, the undersigned Notary Public of the County or City of Cumberland and State aforesaid, certify that Brian Lambert personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this 30th day of January, 20 19.

My Commission Expires: 4/17/21 (Affix Seal) JENNIFER K FINCHER Notary Public North Carolina Cumberland County Jennifer K Fincher Notary Public Notary's Printed or Typed Name

State of \_\_\_\_\_ - County or City of \_\_\_\_\_

I, the undersigned Notary Public of the County or City of \_\_\_\_\_ and State aforesaid, certify that \_\_\_\_\_ personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

My Commission Expires: \_\_\_\_\_ (Affix Seal) \_\_\_\_\_ Notary Public Notary's Printed or Typed Name

State of \_\_\_\_\_ - County or City of \_\_\_\_\_

I, the undersigned Notary Public of the County or City of \_\_\_\_\_ and State aforesaid, certify that \_\_\_\_\_ personally came before me this day and acknowledged that \_\_\_\_\_ he is the \_\_\_\_\_ of \_\_\_\_\_, a North Carolina or \_\_\_\_\_ corporation/limited liability company/general partnership/limited partnership (strike through the inapplicable), and that by authority duly given and as the act of such entity, \_\_\_\_\_ he signed the foregoing instrument in its name on its behalf as its act and deed. Witness my hand and Notarial stamp or seal, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

My Commission Expires: \_\_\_\_\_ (Affix Seal) \_\_\_\_\_ Notary Public Notary's Printed or Typed Name



**EXHIBIT A**

Tract 1:

Property Address: 3934 Cumberland Road

Pin #: 0415-69-6570

Legal Description: BENG all of Lot No 23 according to the plat and map of the Charles Walker Farm, as per plat and survey made by S.M. Credle, C.E. dated June, 1941 and duly recorded in the office of the Register of Deeds for Cumberland County, North Carolina, in Plat Book 10, Page 14.

Tract 2:

Property Address: 3954 Cumberland Road

Pin #: 0415-69-4469

Legal Description: BEGINNING at an iron stake in the northern margin of Cumberland Road, the Southwest corner of Lot 25 of the Charles Walker Farm as shown in Plat Book 10, Page 14, and runs thence with the western line of Lot 25, North 13 degrees 37 minutes 30 seconds West 399.92 feet to an iron pipe on the west side of a fence the northwest corner of Lot 5 of the Norvelle L. Robinson property as shown in Plat Book 30, Page 37; thence as the northern line of Lot 5, North 76 degrees 25 minutes 45 seconds East 100.00 feet to an iron pipe the northeast corner of said Lot 5, thence with the eastern lines of said Lot 5 and said Lot 25, South 13 degrees 37 minutes 30 seconds East 400.04 feet to an iron pipe in the northern margin of Cumberland Road said point being the Southeast corner of Lot 25; thence with said margin of Cumberland Road South 76 degrees 30 minutes West 100.00 feet to the Beginning, containing 0.92 acres more or less and being all of Lot 25 as shown on a plat entitled "Charles Walker Farm" as recorded in Plat Book 10, Page 14, and all of Lot 5 as shown on a plat entitled "Survey of Property of Norvelle L. Robinson" as recorded in Plat Book 30, Page 37. And being a portion of that property conveyed to James Bundy and wife, Muriel Bundy as recorded in Deed Book 526, Page 122. And being all of the property conveyed to James Bundy and wife, Muriel Bundy by Deed recorded in Book 485. Muriel Bundy died on 12/24/1986 and the property passed to James Bundy as the surviving tenant by entirety. See estate file 87E2.

Tract 3:

Property Address: 2335 Banram Street

Pin #: 0415-69-5477

Legal Description: Being all of Lot No. 24, Charles Walker Farm, per plat of the same duly recorded in Book of Plats 10, page 14, Cumberland County, North Carolina Registry and being the same property described in Deed recorded in Book 2586, Page 690, Cumberland County, North Carolina Registry.

This Deed is made subject to Restrictive Covenants, Easements and Rights-of-Way as appear of record in the Cumberland County, North Carolina, Registry.

Tract 4:

Property Address: Cumberland

Pin #: 0415-69-4455

Legal Description: BEING all of Lots 26 of the Charles Walker Farm, according to a plat of the same duly recorded in Plat Book 10, Page 14, Cumberland County, North Carolina, Registry.

This property was acquired by grantors in Book 3040, Page 251, and was formerly Lot 27, this deed is correcting lot number as requested by Cumberland County Mapping Dept.